

Approved

September 26, 2007 Mason Planning Board

In attendance: Mark McDonald (chair), Chris Guiry (ex-o), Dotsie Millbrandt, Bruce Mann, Pam Lassen, Jo Anne Carr (SWRPC)

Absent: Linda Cotter-Cranston (alternate), Joe McGuire (alternate)

Call to order: 7:55 pm

Next Meetings: Regular meeting, October 31, 2007.

Old Business: Approved minutes:
August 29, 2007 – Approved

New Business:

Public Hearings:

07-05 Carl Chandler, Douglas and Monica Maillett, 3 lot subdivision, Campbell Mill Road, Tax Map H-45. Mike Ploof of Meridian Land Services is presenting.

The applicants wish it subdivide Carl's lot into 3 lots, resulting in lot H-45 with 53.8 acres, lot H-45-1 with 5.550 acres, lot H-45-2 with 3.052 acres.

No abutters are present.

The abutter notification that was misaddressed last month has been successfully delivered, and a receipt has been returned.

Impact studies have been received. The police chief has no comments. The road agent has no comments.

The floodplain area is now delineated by hatching on the plat.

Bruce makes a motion to vote this as a Completed Application. Chris seconds. Vote: Chris – approve, Dotsie – approve, Mark – approve, Bruce – approve, Pam – approve.

Bruce makes a motion to open this hearing. Chris seconds. Vote: Chris – approve, Dotsie – approve, Mark – approve, Bruce – approve, Pam – approve.

The applicant has a written request for a waiver to allow the survey precision of the back line of the main lot to be at the precision of a tape and compass survey. Note 7 has been added to the plat stating that if the property is further subdivided, a survey at the precision required by the Town's Subdivision Regulations will be required.

Chris makes a motion to accept the request for the waiver. Pam seconds. Vote: Chris – approve, Dotsie – approve, Mark – approve, Bruce – approve, Pam – approve.

The applicant does not wish to designate 15% open space, but points out that the side and back of the lot is 13 acres of wetland, in a designated floodplain, and cannot be built upon whether or

not it is designated as open space. The applicant states he can maintain this land better than the town can.

Chris makes a motion to waive the open space designation requirement, given that the specific character of the 13 acres of wetland does not lend itself to any development. Mark seconds. Vote: Chris – approve, Dotsie – approve, Mark – approve, Bruce – approve, Pam – approve.

Bruce makes a motion to accept the application, conditionally upon settlement of remaining fees, if any. Conditions must be met by January 1, 2007. Chris seconds. Vote: Chris – approve, Dotsie – approve, Mark – approve, Bruce – approve, Pam – approve. Conditional approval has been granted.

07-06 Peter and Sharon Swart, Valley Road, Lot Line Adjustment, Tax Map H-39-1 and 39-5. Randy Haight of Meridian Land Service is presenting.

Peter Swart is present. No abutters are present.

The abutter notification that was misaddressed last month has been successfully delivered, and a receipt returned.

Bruce makes a motion to vote this as a Completed Application. Mark seconds. Vote: Chris – approve, Dotsie – approve, Mark – approve, Bruce – approve, Pam – approve.

Mark makes a motion to open this hearing. Chris seconds. Vote: Chris – approve, Dotsie – approve, Mark – approve, Bruce – approve, Pam – approve.

Bruce makes a motion to accept the application, conditionally upon settlement of remaining fees, if any. Conditions must be met by January 1, 2007. Chris seconds. Vote: Chris – approve, Dotsie – approve, Mark – approve, Bruce – approve, Pam – approve. Conditional approval has been granted.

07-07 Robert Lipin and Evelyn Ellis, Scripps Lane, 9 Lot Subdivision and Lot Line Adjustment, Tax Map E-30, E-31, E-36. Randy Haight of Meridian Land Services presenting.

Robert Lipin and Evelyn are present.

Abutters present: Fred Andersen

Bruce Mann recuses himself from this hearing.

This plan shows 9 lots all together, comprised of 6 new lots and 3 reconfigured lots.

Portions of the Scripps Lane, which provides the frontage for this subdivision, were previously Class VI. Last spring the applicant received approval from the Selectmen to upgrade the road. The Selectmen and the Town Engineer have overseen the road work.

The Scripps Lane work has now been completed and accepted by the Selectmen. Scripps Lane is now a Class V road through to a bend in the road, indicated by a turnaround.

The road edge riprap and catch basins have withstood the recent rains with little movement of sediment. An oversized hammerhead turnaround has been constructed, and easements for town

maintenance of the turnaround and for drainage have already been recorded. The stone walls were preserved during the road work.

A note has been added to the plan indicating that Scripps Lane is a Scenic Highway, as defined by State RSA. The town voted Scripps Lane as a Scenic Highway in the 1970s.

The proposed fire cistern is not located on the parcel being subdivided. The fire chief has approved the design. The owner of the lot where the cistern will be located is Fred Andersen. An easement with Mr. Andersen has been drawn up; the board will have Town Counsel review it. The board would also like to see written approval from the fire chief.

An iron pin to witness the boundary marker drill hole is needed at the southeast corner of lot E-31.

At the next meeting, the board would like to discuss utilities, such as a possible requirement to bury utility lines.

State subdivision approvals for the two lots under 5 acres have not yet been received.

The applicant has met with the Conservation Commission to discuss lot configuration and the open space easement.

For the open space requirement, the applicant proposes an easement on an area across the former railroad bed from the property being subdivided. It is not part of the parcel, but is owned by the same applicant. The applicant wishes to designate 13.2 acres of lot E-36 as a conservation easement.

Impact studies: No comment from the police. The road agent has no comments beyond his consultation with the upgrade of Scripps Lane. The conservation commission requests that the open space be along the railroad.

Mark makes a motion to vote this as a Completed Application. Chris seconds. Vote: Chris – approve, Dotsie – approve, Mark – approve, Pam – approve.

Mark makes a motion to open the hearing. Chris seconds. Vote: Chris – approve, Dotsie – approve, Mark – approve, Pam – approve.

The site walk is scheduled for 7 am on Saturday, October 13.

Chris makes a motion to continue this hearing to October 31, 2007 at 8:00 pm. Mark seconds. Vote: Chris – approve, Dotsie – approve, Mark – approve. The hearing is continued.

07-08 Howard M. Turner, 9 Lot Subdivision and Lot Line Adjustment, Brookline Road, Tax Map F-38, F-38-1, F-38-2. Randy Haight of Meridian Land Services presenting.

Abutters: Doug Whitbeck, Kirk Farrell, Shawn Jodoin.

The Conservation Commission organized a site walk with a hydrologist, which happened at 8 am on Sunday, September 16. Hydrologist Don Cedarquist will be preparing a report.

On the plat, a dashed line has been added to the diagram of the hammerhead, to better indicate how the lot frontage is calculated. Corner points for the boundary of the open space have been added. These bounds are placed using 1" rebar.

Fees so far: The applicant is overpaid at this time, carried over from the previous hearing.

A performance bond will be needed for road construction. The board will also ask for a penalty for non-performance in case the builder abandons the road.

Mark makes a motion to vote this as a Completed Application. Chris seconds. Vote: Chris – approve, Dotsie – approve, Mark – approve, Bruce – approve, Pam – approve.

Mark makes a motion to open the hearing. Chris seconds. Vote: Chris – approve, Dotsie – approve, Mark – approve, Bruce – approve, Pam – approve.

Impact reports: Police chief – no comment. Fire chief – requested a change in the fittings on the fire cistern; this has now been addressed. Road agent – no comment on this new application; the road agent had worked with the applicant on the road design in the previous application.

The board received a letter from Kirk Farrell regarding the angle of intersection of the lots with the road. He states the lots still do not meet the requirements of the subdivision regulations. Chris, Bruce and Randy discuss the shapes of the lots.

The Conservation Commission report contains many recommendations. It can be viewed in the planning board file for this case.

Shawn Jodoin suggests the driveway cuts for the lots abutting Brookline Road be made off of Tom Pasture Road instead of Brookline Road.

Bruce says that in Massachusetts a town asked for wells to be drilled before a subdivision was completed, to assure sufficient water. He asks if it is possible to do that here.

Chris asks when the hydrology report will be ready. Randy says it will be ready before next month. Chris requests that it be made available as soon as its received, so that the board can study it.

Chris makes a motion to continue this hearing to October 31, 2007 at 8:15 pm. Bruce seconds. Vote: Chris – approve, Dotsie – approve, Mark – approve, Bruce – approve, Pam – approve. The hearing is continued.

07-09 Peterman Realty Trust, James and Bette Connolly, 2 Lot Subdivision and Lot Line Adjustment, Brookline Road and Depot Road, Tax Map G-31, G-32, G-33. Attorney Charles Moser presenting. David O'Hara of O'Hara Associates is present.

Parties present:

For Lot G-31: Jim & Bette Connolly, Trustees of Peterman Realty Trust II, represented by Charles Moser, Esq. Jim, Bette and Charlie are present.

For Lot G-32: Bank of NY, trustee, represented by Andrew Piela, Esq. Attorney Piela was present. Bank of NY is the successor in interest (by foreclosure) to Richard and Kim Patterson.

For Lot G-33: William Doonan, managing member of Doonan Family, LLC, represented by Morgan Hollis, Esq. Mr. Doonan and Mr. Hollis are present.

A variance has been granted by the ZOA for 100' of frontage for lot G-31-1. The boundary on the western side of lot G-31-1 has been in dispute. This has been resolved by an agreement in court between James and Bette Connolly (Peterman Realty Trust) and The Bank of New York. This agreement depends on a subdivision being granted for Lot G-31-1, owned by the Doonan Family Trust LLC.

Bruce Mann recuses himself.

Abutters present: None

Checklist:

- Need legible copies of the plat
- State subdivision approval

Impact reports: Road agent - no comments. Conservation commission – report received. Fire chief – no report. Road agent – no report.

Conservation commission report protests that the lots that do not meet the town frontage requirements. Applicants state that the ZBA granted a variance for this specific case, the Selectman brought suit, and the State Superior Court found in favor of the ZBA. As a consequence, this application is not bound by the frontage requirements in the Town of Mason Planning Ordinance.

There is only one copy of the plat present, and it is sun-faded and is difficult to read. Seven copies of the plan have been sent to SWRPC, but Jo Anne has left and did not leave copies. The board asks Mr. Moser if it would be acceptable for the board to ask for a continuation.

Mr. O'Hara states that, "You people are fucking unbelievable."

Mr. Moser agrees to the continuation.

Mark makes a motion to continue this hearing to October 31, 2007 at 8:15 pm. Chris seconds. Vote: Chris – approve, Dotsie – approve, Mark – approve, Pam – approve. The hearing is continued.

Master Plan Hearing scheduled for Wednesday, October 17, 7:30 pm, in the Town Hall.

Adjourn: Mark makes a motion to adjourn. Chris seconds. Meeting is adjourned at 10:36.