

Approved

**April 29, 2009** Mason Planning Board

**In attendance:** Pam Lassen (chair), Chris Guiry (ex-o; leaves at 9:30), Dotsie Millbrandt, Linda Cotter-Cranston, Mark McDonald (8:00 – 9:00)

**Absent:** Joe McGuire (alternate), Bruce Mann

**Call to order:** 7:50 pm

**Next Meetings:** Special Short Meeting - May 13, 2009  
Regular Meeting – May 27, 2009

**Old Business:**

**New Business:**

**Public Hearings:**

**06-12 David and Teri Parker, 4 lot subdivision, Brookline Road.**

Principals present: Dave Parker.

Abutters present: None.

Parties of interest:

Silas Little, Esq., attorney for the Town of Mason.

John Griffin, Esq., attorney for Mortgage Centrix Bank.

Tobin Farwell, Project Engineer.

Ken Wilson, Town of Mason Building Inspector.

Town Atty Silas Little summarizes the reason for this hearing. Dave Parker is unable to convey the deed for the property with the terms stated on the subdivision plat. The plat contains a note stating that Mason Tax Map Lot K-44 will be deeded over to the Town of Mason to fulfill the planning board's request for an open space conservation easement. It turns out that his title to the land is not clear. The land was acquired at tax sale in 1982, but the land had been taxed to "owners unknown". Mr. Parker did not file the tax sale deed with the Registry of Deeds.

The subdivision plat was signed and filed with the Registry of Deeds by the Town without the deed, by oversight. The plat as it stands is invalid. Now there is a potential buyer for this subdivision. Mr. Parker would like the note removed from the plat.

The board states that the intent of the conveyance was to meet the 15% open space conservation land that the board asked for as per subdivision regulations.

Toby Farwell, representing Mr. Parker, presents the case that Dave Parker bought the land at tax sale and has paid taxes on the land. However, no deed was filed. Dave Parker holds a tax sale record, but not a warranty deed or title.

There is a purchaser waiting to purchase the 3 subdivided lots. Atty John Griffin of Mortgage Centrix Bank and Trust represents the bank's interest in that purchase. The bank would like to see the open space requirement waived and the note removed from the plat.

The board explains that the open space requirement can be met by a conservation easement on a portion of the subdivided land. The easement restricts building on the reserved open space, but does not restrict other activities including logging. The easement does not grant public access to the open space. Mr. Farwell will discuss with creating an open space conservation easement on the subdivided property with his client.

The board is willing to continue this hearing to a special meeting on May 13, 2009. Mr. Farwell should bring a mylar and 5 copies of the top page of the plan, containing a revision number and the proposed easement.

Chris makes a motion to continue this hearing to May 13, 2009, at 7:45 pm, noting that the PB is willing to accept a conservation easement on 15% of the subdivided parcel of land, in according with the subdivision regulations. Dotsie seconds. Vote: Mark – aye, Chris – aye, Linda – aye, Pam – aye, Dotsie – aye.

**09-03 Mason School District, Mason Congregational Church, George and Catherine Schwenk, Lot Line Adjustment, Meetinghouse Hill Road, Merriam Hill Road and Darling Hill Road, Tax Map Lots E-5, E-6 and E-7.**

Principals present:

Catherine Schwenk and George Schwenk, owners of lot E-7  
Bettie Goen, Trustee of the Mason Congregational Church.  
Darryl Scott, Trustee of the Mason Congregational Church.  
Mary McDonald, Member of the Mason School District Board

Abutters:

John Diefenbach, Rachel Petersen, Shiela Dunn

Interested parties:

Martin Risley, Project Engineer.  
Ken Wilson, Town of Mason Building Inspector.  
School Building Committee members: Robert Bergeron, Bernie O'Grady, Fred Greenwood.

The goal is to expand the Mason Elementary School east toward Meetinghouse Hill Road. To do so will require moving the Mason Congregational Church Parsonage, located on lot E-6. Two acres of land are being donated by George Schwenk at the southern portion of lot E-7 for the new location of the Parsonage.

This will be accomplished by consolidation of lot E-5, containing the Mason Elementary School, and lot E-6 to become a larger lot E-5 for the school, and subdivision of lot E-7 to create a new lot E-6 for the parsonage. No additional lots are created in these transactions: there are 3 lots now, and there will be 3 lots when this consolidation and subdivision is complete.

These minutes note that governmental bodies are not bound by local land use regulations. The school district has the right to take these actions without approval of the town planning board. However, holding this hearing provides an independent review of plans, facilitates approvals, and provides abutters and interested citizens opportunity to comment on the proposal.

Issue: Mason School District does not yet own the school property. The Mascenic School District still owns it. The planning board will accept a notarized copy of the Mason School District Withdrawal Certificate, granted by the Department of Education of the State of New Hampshire,

as evidence of future ownership. Dr. Guiry will produce this document and the board chair will place it in the files

Comments on the proposal:

3 Granite bounds will be placed along the boundaries that intersect at town roads. Four rebar bounds will be placed on backland boundaries

Lot E-7 is in current use. This needs to be noted on the plat.

Lot E-7 is 70.9 acres, not 90 acres, per an unfiled survey from 1973. For the larger part of lot E-7, the board will consider waiving the requirement to have a perimeter survey. The portion of the lot being subdivided is fully surveyed.

Correct the errant lot line between E-42 and E-43. It should be shown to wrap around the building instead of running parallel to the building.

State Approval for Construction for a septic system for the new lot E-6 has been granted, approval number CA2009096649. The school septic system will be officially inspected. A stamped copy of the septic design plan will be included with the plat.

For recording purposes, the Registry of Deeds wants only one page if possible. On this plan, the notes are on introductory page, not the main page. Move them to the main page.

Chris makes a motion to vote the application complete. Pam seconds. Vote: Chris – aye, Linda – aye, Pam – aye, Dotsie – aye.

Pam opens the hearing.

Chris makes a motion to waive the requirement for perimeter survey of the portion of Lot E-7 that is not being subdivided. Pam seconds. Vote: Chris – aye, Linda – aye, Pam – aye, Dotsie – aye.

Chris makes a motion to waive the requirement to show offsite water supply / waste disposal facilities on the adjacent parcels. Pam seconds. Vote: Chris – aye, Linda – aye, Pam – aye, Dotsie – aye.

One mylar copy and 5 paper copies of the complete set of plans will be needed for signoff.

Conditions of Approval if conditionally approved:

- Provide a notarized copy of the Mason School District Certificate of Withdrawal.
- Change the sizes listed for lot E-7 to 70.9 acres before subdivision and 68.9 acres after.
- Add note on plat stating that lot E-7 is in current use.
- Attach an updated stamped copy of the septic design plan to the plat.
- Move plat notes to the page to be recorded with the Registry of Deeds.
- Revise note 2 to list correct owner names.
- Correct the errant lot line for abutting properties E-42 and E-43 as described above.
- Placement of granite bounds and rebar bounds.
- Fees paid.

Dotsie makes motion to grant conditional approval to application 09-03, subject to the conditions listed above. Linda seconds, Vote: Chris – aye, Linda – aye, Pam – aye, Dotsie – aye.

Site Plan Presentation for the Mason Elementary School Expansion proposal. Martin Risley of Chough Harbour and Associates, LLP, presents the site plan for the Mason School renovation and expansion. This is being presented for public comment and board comment. The Mason School District, as a governmental body, is not officially subject to local town zoning requirements.

The Mason School is within 35' of a public road, and is thus a non-conforming structure, grandfathered per Planning Ordinance. It is also within the Town of Mason Historic District.

Issues:

1. Does the expansion constitute a change in use as described in the Planning Ordinance?
2. A part of the new construction will extend into the 35' setback from Meetinghouse Hill Road. However, it will extend into the setback less than the parsonage currently there does. (The parsonage is being moved to a conforming lot.)
3. Does the plan meet the spirit of the historic district architecture?

Board response:

1. The board members find that the expansion of the school is not a change in use. The building is and will continue to be a public school.
2. The proposed setback of the expanded Mason School is less non-conforming than the current setback of the parsonage. Also, a non-conforming setback is in keeping with the character of the town center, where the school, town hall, church, parsonage and several houses extend into the 35' setback. Therefore, the board finds that the proposal, considering both the school and parsonage, does not increase the non-conformance.
3. The board finds the school renovation and expansion to be in keeping with the historic character of the town center.

#### **09-04 Eric and Kimberly Anderson, Merriam Hill Road, Tax Map Lot E-63.**

Eric Anderson is present.

The board makes a motion to hold this hearing even though it is after 10 pm, the time at which the board can refuse to open new or continued hearings, according to the Mason Planning Board Rules of Procedure.

The board has reviewed the checklist and finds the submission materials substantially complete. Pam makes a motion to accept the application as a completed application. Linda seconds. Vote: Linda – aye, Pam – aye, Dotsie – aye.

Pam opens the hearing.

Pam makes a motion to grant conditional approval of the application, subject to the following conditions, with conditions to be met by May 29, 2009.

- Fees paid. (Paid so far \$190)

Linda seconds. Vote: Linda – aye, Pam – aye, Dotsie – aye.

**Old Business:**

Minutes of Feb, 25, 2009:

Change date on top where it says 2008.

{Note: Ask Kerrie to set up a public hearing for removing the section in the Subdivision Regulations about land divided by right of way.}

{Note: Read change for Rules of Procedure again, then vote on change.}

Vote to accept 2/25 minutes.

Minutes of Feb, 25, 2009:

Change date on top where it says 2008.

Vote to accept 3/25 minutes.

**Adjourn:** Pam makes a motion to adjourn. Linda seconds. Meeting is adjourned at 10:45.