

GROTON PLANNING BOARD  
February 23, 2011

Present: Celine Richer, Deb Johnson, Jenny Burnett, Russ Carruth, Sharon Nelson, Select Board liaison Miles Sinclair, Chairman Steve "Slim" Spafford

Also in attendance: Victoria Collins and her attorney Quentin Blaine

Minutes of Jan. 26, 2011 read and approved. Miles and Deb abstained as they were absent in January

First business was Victoria Collins' Lot Merger. At January's meeting Chair found that only two of the three deeds were in both Victoria and her husband's names. The third deed for land involved in the proposed merger was in Victoria's name only. So tonight she brought that noncontractual deed to the board with her husband's name on it. Now all three deeds are in both names as required by law. Chair determined that deeds matched tax map and showed on that map which three lots Victoria wanted merged, for the benefit of Miles and Deb who were not present last meeting. Chair then read letter from Mary Brown, property owner on SW side of Victoria Way, not in favor of Victoria merging three lots. She wanted to see the road kept as separate identity. Slim read letter from Howes, on opposite side of Victoria Way from Browns, opposing Victoria's application to merge three lots as it would cloud access issue. Third letter read by Chair was from Steve Lindsey who believes that Fletcher Mine Rd, aka Victoria's Way, should be a Class VI road. He wrote that as subdivisions occurred along Fletcher Mine Rd. Victoria Collins never objected to inclusion of access via said road for subdividers. Sharon feels that due to concerns expressed in letters board should not vote on this merger until Town Counsel consulted. Miles had to leave but said he felt same way as Sharon. Deb questioned Attorney Blaine about the language in the RSA regarding Lot Mergers, specifically "pre-existing contiguous lots", then asked the attorney if he knew of any case law or other regulatory policy that would preclude us from granting lot merger. His answer was "No". Deb then said the best possible air tight action by the Planning Board would be to award the lot merger. Ms. Collin's lawyer asked the board to approve the lot merger, contingent on our legal counsel's opinion. Att. Blaine explained that subdivisions on both sides of Victoria's Way have not been developed in four years and are therefore nonconforming lots. Deb moved that we approve Ms. Collin's application for merger, contingent upon legal counsel's opinion that Planning Board has authority under Statute RSA 674:39-a. Seconded by Celine then approved by Jen, Slim, Celine and Deb. Sharon was opposed and Russ abstained. Chair reviewed application details and asked Att. Blaine to review as well. Att. Blaine said that he didn't believe that he or Victoria had to attend another meeting. Chair will notify both as to legal counsel's opinion.

Chair read alteration of terrain permit that was granted to Maxam LLC.

Adjournment agreed to at 8:45 pm.

Sharon Nelson

Clerk