

GROTON PLANNING BOARD

July 27, 2011

Meeting convened at 7:10 pm.

Present: Russ Carruth, Jenny Burnett, Deb Johnson, Sharon Nelson, Miles Sinclair –
Select Board Liaison

Absent: Chair Steve (Slim) Spafford

Minutes of June 29 meeting and work session of July 14 were read and unanimously approved.

OLD BUSINESS

Sewell/Friend Property

Town counsel had determined that PLBD was not responsible for answering Attorney Ray's letter. Miles, Chair of Select Board, described letter sent by his board to Attorney Ray regarding Sewell/Friend property where Robertie had erected metal framed building without getting a building permit. Letter told Attorney Ray that if property was cleared of junk by September 1, 2011, the roofless building could remain on the property. If deadline not met, then building as well as junk on property must be cleaned out.

Ethier Excavation

Next, PLBD members read copies of letter from Town Counsel, Laura Spector, giving legal advice as to how to proceed with Mr. Ethier if he did not get an excavation permit from PLBD. Celine spoke of environmental consequences of Ethier's excavation. She also believes that we set a dangerous precedent by allowing him to continue excavating without a permit. In her letter to our board Laura spoke of the cost of taking Ethier's case to court. Miles said that since Laura expects a year to pass before the case against Ethier goes to court, the PLBD would be able to budget more money for next year. Ethier's excavation is deemed abandoned because he has not demonstrated that either he or his predecessor in interest filed a report of an existing excavation by August 14, 1991. Att. Spector has told Ethier's lawyer, Mr. McGrath, that. Because that report was not filed, he is in need of a permit from the PLBD. Deb wonders what role the state has in this. Is the town losing revenue by his operating without a permit? Miles informed us that Ethier has paid taxes to the town for gravel. He also reminded us that Lewis Albert, at ZBA hearing, confirmed existence of Ethier's gravel pit before the Aug.14, 1991 date. Deb asked to see a timeline of all interactions of Mr. Ethier with PLBD, Select Board and ZBA. "Was the ZBA's grandfathering revoked?" asked Deb. The secretary agreed to research and create the timeline. After examining the timeline and exchanging opinions next meeting we will vote on whether or not to take legal action. Russ expressed his opinion that it is up to Mr. Ethier to prove he does not need a permit. If Ethier cannot, then Russ wants us to have the backbone to go forward with legal action.

Victoria's Mtn. Way Subdivisions

Victoria Collins, through her attorney Quentin Blaine, wants PLBD to negate two subdivisions which abut her private road. Our town counsel, Laura Spector, advises us that PLBD has authority to revoke the subdivision approvals if facts presented by Att. Blaine are accurate, revocation is a discretionary act, and the PLBD is not required to revoke the approvals. In letter to us, Laura quoted RSAs for us to better understand our role. We would like Laura's help to articulate reasons why we choose NOT to revoke PLBD approval of the Tkachuck and Brown subdivisions. Chair will determine costs of in-person and phone conferences and bring those rates to our next meeting for decision making. Deb said she would not consider negating the subdivisions because some lots have been surveyed and sold.

Continuing Revision of Subdivision Regulations

Miles spoke in favor of heeding Steve Whitman's advice to put lot size, lot shape formula, setbacks and other dimensional specifics in an ordinance to be voted on by town in March. Deb thinks Laura Spector could help us create a means to allow townspeople to vote on separate issues – like minimum lot size, lot shape formula, etc, with each having a YES, NO beside it. Perhaps in the ordinance we could differentiate areas of town to have differing minimal lot size, depending on amount of development already in existence in area. Other suggestions from Steve W. were suitable for inset in our Subdivision and Site Plan Review regs. How we proceed, whether ordinance and revision or just revision of regulations, will be decided at next meeting when all members are present. Miles suggested that we stay away from the issue of riparian buffers this year as it would be overload for our townspeople.

For next meeting members should have studied non-dimensional issues suggested by Steve Whitman to decide which ones they want to insert (in our regs) and where.

Unanimous agreement to adjournment at 8:35 pm.

Sharon Nelson
Clerk