

GROTON PLANNING BOARD

July 27, 2016

Meeting Called to Order: 7:05 pm

Present: Chair Deborah Johnson, Ray Blake, Russ Carruth, Elizabeth Jespersen, Bob Ferriere (Select Board Liaison)

Audience Member Present: Tom Hahn, Chuck Braxton, Chester Savage, Dave Leone, Dave Madden

Motion made by Ray to table the reading of the previous meetings. 2nd by Bob. Passed Unanimously.

Continuation of the Public Hearing began at 7:05 pm for Green Acre Woodlands Lot Line Adjustment application.

Deb asked the board if they had any additional questions or comments regarding the Lot Line Adjustment. There were no additional comments.

Glen Hansen called to Deb's attention that the Road Maintenance Agreement, Section 19, might be revised to eliminate the "*to the Town of Groton's satisfaction*" but state that it would provide 24/7, 365 days a year access for Emergency Vehicles. This wording is because the Town of Groton does not control plowing of Private roads. Tom did not see an issue with revising the wording.

Again it was asked if all the lots being merged into one lot are in fact in Conservation Easement. Tom confirmed this was true. Tom also confirmed that the property owner of the 33ac lot would also own Victoria's Lane. Bob asked for clarification in the road agreement that in fact *Groton's Road Agent* would not be responsible for the road and that in fact the Owner of the 33ac lot would be the person in charge of the road. Tom will have the word *Road Agent* revised.

Subject of Mike Tkahuk signing the Road Maintenance agreement was discussed. Tom informed the board that Green Acres mailed a letter to Mike and has spoken with him on the phone. At this time he is not willing to sign the agreement as he wants to keep his options open. The line of communication is clearly open between the two parties.

The select board has taken under advisement the 674:41 Waiver for future building on Victoria's Lane.

Motion to accept the Plan as submitted was made by Deb. Bob 2nd. Passed Unanimously. All members then signed the two copies of the Lot Line Adjustment Plan.

Motion to close the Public hearing at 7:27 was made by Elizabeth. 2nd by Ray. Passed Unanimously.

A reminder that meetings are recorded for purposes of completing the minutes only.

Under old business Dave Madden came forward regarding the application for the garage. Because of the confusion over this matter it was asked that Dave wait until the end of the meeting to review his application.

Tom Hahn then presented the Ken Glose application for 177 Brock Lane Map 3 Lot 6-4. Because this is not a public hearing the board is limited in the information it can provide at this time. This will be an informational discussion only. Tom then described that Ken Glose owns 30ac on Brock Lane as part of the 2006 approved Hershberger subdivision. He is proposing subdividing out 5ac. Deb stated that because of the subdividing the Groton Subdivision Regs would need to meet which also requires that a Road Agreement be in place. Deb stated the Road Agreement would only apply to the two lots being subdivided. Also, a gate across the road would not be allowed. The parties of the Road Maintenance Agreement would only be responsible for maintaining the frontage of their property on Brock Lane and they are responsible for maintaining the entire road.

Dave Leone read a Superior Court Order 215-2013-CV-00153 dated 9/13/2013 after giving a brief summary of what necessitated a court hearing. Dave had the road surveyed to prove where the original road was laid out and where the right of ways is. Dave will provide the town with a copy of the survey. Dave questioned how the Town of Groton could require a Road Agreement when the Superior Court ordered that one cannot be required on Brock Lane. Deb stated that according to the Town Attorney and Town Regulations new subdivisions must have a Road Maintenance Agreement. Prior to the Subdivision Regs being enacted an agreement is not needed. Deb would hope that all the residents on Brock Lane would enter into an agreement to maintain the road.

Dave suggested that the board work on a Steep Grade Agreement. Deb pointed out that for Subdivision Regs it would be difficult to have Steep Grade Language in the Regs. It would need to be part of the Zoning Board Regs. Dave is concerned with steep grades for driveways. He also feels that the Planning Board should be responsible for driveway permits rather than the Select Board. This is an issue the board will look at in the future. No further issues were discussed.

For transparency reasons it is noted that member Elizabeth Jespersen lives on Brock Lane

Chester Savage was then given the floor to present a proposed subdivision on the 72 ac property, Map 1 Lot 53, that he just purchased on July 21, 2016. This is an informational session only. He states that the property has 2500 ft of road frontage. He would like to create a 7 lot subdivision of 5ac lots. He presented a hand drawn map to which he was informed that he would need to consult the Subdivision Regs before presenting us with a plan. He would need to hire someone to do perc test, map of the lots and all details. Questions only can be asked tonight. The last time the property was surveyed was 1960. He will be having it surveyed again tomorrow. Perc test requirements are in the Subdivision Regs. It also appears that the lots as drawn do not meet the Aspect Ratios laid out in the Regs. The surveyor would need to have the Regs to lay out the lots. He would also need to provide the contours of the lots. Chester asked about who provided the needed driveway permits. The planning board would provide that. Chester stated that he has met with Glen Hansen. Glen feels that culverts would not be needed for the driveways on N Groton Rd because of existing culverts. The Town follows the State regs as far as sight distances. Deb pointed out that not one member of the planning board makes the decision as to what is needed for the subdivision. Deb explained that the application for the

subdivision preferably would need to be presented to the Planning Board at a regular meeting or turned into Sara Smith. Timelines for notifying the public were explained and noted they are on the Town website.

Dave Madden then came forward to discuss his application. He states that he himself sent out the letters to abutters as he thought that what the board asked of him. He would like written steps as to how to complete the required information. Deb said she will pull the information off the website and drop it off at his garage. It is imperative that this Site Plan Review Application be submitted as soon as possible. Deb pointed out that the original Zoning Variance Application was for Mike and Dale Madden, not Dave Madden. Mike and Dale would need to be on the application. Dave stated he is now the property owner. Dave was under the impression that Deb had told Mike he would not need to go through the ZBA if the property was deeded to Dave. Deb stated that she had a conversation with Mike she would NOT give him legal advice and that he would need to consult with an attorney and the ZBA. Deb offered to consult with the NHMA to see if the Special Exception travels between property owners. Dave said the property has been deeded to him from Dale and Mike and that it was recorded about 20 days ago. Having his questions answered Dave left the meeting.

Dave Leone then asked the Planning Board would look into the driveway issue. He has researched the books *A Hard Road to Travel* and *Know Your territory* and he believes that unless the Planning Board has the authority to issue Driveway Permits unless they have relinquished that authority. Deb said that the issue has been researched in the past. Someone reported that at Town Meeting authority was given to the Road Agent. The Planning Board will research this issue further pending a new RSA.

Discussion regarding the roads for the Master Plan was brought up. Dave said that he has a list of roads that he and Eben Beber drew up a few years ago. He will see what he has and give it to the Planning Board. Deb also encouraged Dave to become active in the Town again. Deb assured Dave we will look into the driveway permit issue for clarification.

Dave asked to be on the Agenda for our next meeting to discuss driveway regulations.

Minutes, mail and co-occurrence issues were tabled until the next meeting.

The board has decided to have a work session on August 17, 2016 at 7 pm to continue work on the Master Plan.

Russ moved to adjourn the meeting at 8:35 pm. 2nd by Bob. Passed Unanimously.

Respectfully submitted,

Elizabeth Jespersen