

Planning Board Meeting 2/27/2019

Members Present: David Madden, Dave LaBar, Deb Johnson, Ray Blake, Kristina Brodie, John Rescigno, Russ Carruth

Members Absent: none

Meeting Opens at 7:10 PM

The board reviewed the minutes from the last meeting and the work sessions. Deb Johnson motions to approve the minutes; Ray seconds this motion with all in favor.

Public business on the Agenda consists of:

1. Postcard mailing
2. Building Permit
3. NH RSA 674:41 erection of buildings – Appeals (Sara’s email re reconsideration by BOS)

POSTCARD MAILING

Deb explained that the PB secured additional grant funding to mail a postcard to Town residents encouraging them to vote yes – to Protect What We Have, To secures current rights, further explaining that the proposed zoning provides the ZBA the ability to grant a variance from many of the zoning terms for current residents.

The design of the Card was reviewed, with no revisions suggested by PB members.

BUILDING PERMIT

Deb provided each member a copy of the revised Building Permit for review. Following discussion, there weren’t any revisions requested.

NH RSA 674:41 ERECTION OF BUILDINGS - SARA’S EMAIL RE RECONSIDERATION BY BOS

FACTS

The subject property, Map 5 Lot 46, has access to North Groton Road by Right-of-Way only. Due to lack of frontage, and only having a right of way access to the property, the BOS denied the building application and told Mr. Kuplin he would need a waiver from the Zoning Board (ZBA).

In late January, Sara asks Laura Spector-Morgan - if the State has granted Mr. Kuplin a Driveway Permit, is his ROW now considered a road. In early February, the Town Attorney stated:

“The fact that the state issued a driveway permit for the private ROW to access the state road does not resolve the town’s issues. The lot still lacks frontage on a Class V or better road. Therefore, he still requires ZBA relief under RSA 674:41, II to get a building permit. “

Sara then asks the Town Attorney what she recommends the Select Board do.

The Town Attorney advised the BOS as follows: “RSA 674:41 provides 2 mechanisms by which a building permit for a lot without frontage can be approved.

Paragraph I allows the BOS to grant the building permit under certain conditions. The only one that would apply here is paragraph 674:42, I(d). That paragraph allows the BOS to vote to grant building permits **on a lot served by a private road**, after review and comment by the Planning Board, as long as the town assumes no liability for the road.

My understanding is that the BOS has already voted to deny the building permit for this lot back in December. Therefore, the applicant is forced to paragraph II—going to the ZBA for a waiver.

The selectmen can certainly reconsider their decision, get the input from the planning board and grant the building permit; but they can also stand by their earlier decision and remind the applicant that his only avenue at this point is to seek ZBA approval under Paragraph II. “

PB FINDING

1. It remains unclear what the BOS relied on as the basis of reconsideration.
2. To preserve a transparent public record and avoid future issues if/when Mr. Kuplin wants to build out-buildings or an Accessory Dwelling Unit, the PB finds the best course of action for Mr. Kuplin is to receive a waiver from the ZBA. Under the issue that the lot lacks frontage on a Class V or better road, an exception is possible from the ZBA.

To grant the Waiver/exception and allow the building to be erected, the ZBA must find all of the following:

- That the enforcement of the minimum frontage requirements in RSA 674:41 would “entail practical difficulty or unnecessary hardship;” and
- That the circumstances of the case do not require the building, structure or part thereof to be related to existing or proposed streets; and
- That the erection of the building will not tend to distort the official map or increase the difficulty of carrying out the master plan; and
- That erection of the building will not cause hardship to future purchasers or undue financial impact on the municipality.

With no additional public business on the agenda Deb closes the meeting at 9:00 PM.

Submitted,

Deb Johnson