

Minutes for the Planning Board (PB) Meeting of 08/30/2023

Call To Order 7:02 P.M.

Roll Call: Members Present: Deb Johnson, Ray Blake, David Madden, Russ Carruth, John Rescigno

Absent: Dave LaBar, Kristina Madden

Alternates: Eric Jones

Listing of Residents & others speaking during meeting

Alan Barnard, surveyor for Crosby

Minutes

Deb moves to waive reading the minutes aloud and set-aside review following public business time permitting. Dave Madden seconded the motion with unanimous agreement by the members present.

Public Business – Hearings, Applications/Building Permits, Inquiries, Informational session.
(Interested residents or others should request to see the [meeting file](#) to read all materials reviewed by the PB)

Public Hearing opened by Board Chair at 7:08

1) Site Plan Review Amendment required by FEMA, follows -

Section VIII - Special Flood Hazard Areas

A. The Planning Board shall review the proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

B. The Board shall require that all subdivision/plat plan proposals and other proposed new developments greater than 50 lots or 5 acres, whichever is lesser, include within such proposals base flood elevation data. Sufficient evidence (construction drawings, grading and land treatment plans) shall be submitted so as to allow determination that:

1. all such proposals are consistent with the need to minimize flood damage; ~~and~~
2. adequate drainage is provided so as to reduce exposure to flood hazards; ~~and~~
3. all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage

Deb moves to amend the Site Review Regulations to include the edits and new language (highlighted above). Seconded by John R. Vote is unanimous by the PB.

Public Hearing closed at 7:20 pm

2) Lot-Line Adjustment -Non-Binding advisory review by the PB, Megan Dudley, lot-line of Map 1 Lots 53 & 54-1

Deb opens the discussion by reviewing for the PB the issues at hand – see Feb 22, 2023 PB meeting- the Dudley’s wants to subdivide a lot that is part of Wildlife Acres subdivision. The subdivision contains a covenant stating “no further subdivision” and other Restrictive Covenants.(recorded 4248-0925 Grafton

County) These Restrictions were required by the PB in 2016, finalized 2020 in order to approve the subdivision to protect all lots from erosion if the steep slopes were further subdivided. Septic issues would have possibly occurred as well. The Dudleys were aware of these Restrictive Covenants when they purchased the property.

The PB had previously suggested to the Dudley's their legal right to construct an Accessory Dwelling Unit (see Groton's Zoning) but they declined to follow that solution. Now the PB suggests that they complete a Lot-Line Adjusted using the five acre lot they own adjacent to Map 1 Lot 53. This procedure could possibly produce two to three lots, one for each of their children. The lot is not a part of Wildlife Acres subdivision so it would not be under the same restrictions.

Mrs. Dudley declines this solution.

3) Subdivision of Map 2 Lot 51, request from Timothy & Pamela Crosby

Deb re-caps for the PB: The Crosby's request to subdivide their property was heard at a public hearing on 7/27/2022 PB meeting . (see the file and Minutes of the 7/27/2022 mtg.)

Re-cap of Undisputed Facts

The proposed lots will be 5.19 acres where the principle house is and 5.007 where the second house sits. These lots are long and do not achieve the 3:1 depth * width ratio, while the frontage is just short of the subdivision 200 foot requirement on the newly created second lot. Both houses have dug wells, the principle house has an approved septic system and the second house only an outhouse. When the building permit (1-19-2017) for the now full year second house was submitted, it was for a seasonal camp & storage with no heating or approved septic design. For several years now, that seasonal camp has been converted to a full year house without the submission of another building permit and DES approved septic plan. When asked why the Crosbys are sub-dividing they told the PB that they needed to sell and move and they were complying with a selectman letter dated July 28 2020.

Taking up the Waiver first, Deb indicates she is not opposed to granting the waiver. The PB deliberates considering these reasons:

Each lot is balanced out and generally meets the frontage requirement

While the property could have been sub-divided to meet the ratio, the proposed plan protects the integrity of the well and septic for the principle house as required by DES site ratios

Both lots will have access to Hog Hill Road and the conservation area

A new driveway location and septic design can be appropriately placed meeting all DES site ratios and Town driveway requirements..

The Board deliberated on the facts relating to the failure of the Crosby's to:

- submit a building permit before the conversion and use of the camp to a full-year house
- provide a DES approved septic design for the now full-year house
- submit a driveway permit

Deb motions to approve the Waiver and sub-division plan conditionally subject to the Crosby's complying with the following:

1. the Crosby's contract for a septic design and installation.
2. submit an updated building permit which reflects the DES approved Septic design that consists of a tank and leach field system
3. submit an updated sub-division plan reflecting lot points, plot sizes, location of septic and driveways
4. submit a driveway permit

5. escrowed with the Town the money to pay for the septic installation, plus 10%, at the sale closing of the principle house
6. before the sale of the second house, while the Crosby's are still the owners, fully complete the septic installation

Subject to PB review and approval of the Conditions during the continued Hearing, John seconds Deb's motion with the PB approving.

Deb motions and Ray seconds to continue the Public Hearing at future PB meetings. The Board approves.

Present situation and Crosby's request -

The Crosby's have complied with items 1 – 4 above listed. However, they cannot, meet items 5 and 6 until they sell the principle or secondary house. Without a PB subdivision approval and recordation of the Plan no realtor can list and sell these houses. The concern expressed by John R is that providing subdivision approval the town loses its advantage to force implementing the septic design. Following much debate and examination of the PB 's authority, Deb motions and Dave M seconds to re-consider the issues and modify the 7/27/2022 order to finalize the subdivision. Voted approved.

4) **Building Permits**

- Building permit from Steven and James Coolidge at 64 Dodge Road, Map 6 Lot 69
Deliberations
Deb Motions and John seconds: After review and comment, the planning board recommends that the local governing body (Select Board) vote to authorize the issuance of the building permit, subject to any Covenants, Road Maintenance obligations and the signing of the Municipal Release. Vote is unanimous by the PB
- Building permit from Ben Oakley at 22 Crosby Lane, Map 6 Lot 9, for a 2 bedroom 2 bath manufactured home. This is to be an ADU
- 2nd building permit from B. Oakley for Deck
Deliberations
Deb Motions and Ray seconds : : After review and comment, the planning board recommends that the local governing body (Select Board) vote to authorize the issuance of the building permit, subject to any Covenants, Road Maintenance obligations and the signing of the Municipal Release. Vote is unanimous by the PB

There being no other business on the Agenda, Deb motions and Dave M seconds to adjourn.
Adjournment 9:05 P.M.

Minutes submitted by Planning Board