

Minutes - Planning Board (PB) Meeting of 06/26/2024

Call To Order 7:00 P.M.

Roll Call: Present initialed: Deb Johnson __✓ Ray Blake __✓ David Madden __✓
Dave LaBar ____✓ John Rescigno absent, Russ Carruth absent_, Jon Beliveau __✓

Alternate: Eric Jones ____✓

Listing of Residents & others speaking during meeting: Robert Ellis on McCarty, Pam Hamel on PB Email

Quorum

If a quorum is lacking the Chair will appoint an Alternate if present to sit as a voting member.

A quorum consists of four (4) members

PB vote _Following Deb J motion, seconded by Dave M, to have alternate sit as voting member,
VOTE : all in favor.

Minutes

Deb moves to approve the 05-29-2024 minutes as presented and Dave L seconded the motion.
PB Vote 5 yes approved one abstention.

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)

Email/Letters/ Inquiries

In May the PB recommended to the Select Board to issue a building permit to Jeremy Haney for his property on Snoburk Lane, Map 6 Lot 76, for a 30x45 garage with attached 30x30 barn. This structure was asserted by Mr Haney to be used for Agricultural purposes which the Town encourages.

Subsequent, the PB received the following resident complaint, see also Sara's response:

I have been a part time resident in Groton since 2011, I am at the end of Snoburk (# 130), these are my concerns for development of said lot:

Since this lot has taken new ownership 99 percent of the 17 acres of land has been stripped of its trees, the town is aware, this is not the problem.

The problem is the disregard for the two residents at end of the road (130 & 151 Snoburk Lane). While this lot was being stripped, I lost my access to the road on three different occasions, yes, I could not get to my property. On two occasions I had to clear the debris blocking the road myself, on the third I had to wait for the skidder to clear debris from the road. My neighbor has had his access restricted as well. The section of the road before the powerlines, where the

skidder crossed to access the parcel across the road is damaged from this activity. There is currently no drainage now and this section is rutted badly. This doesn't concern the land owner because it is after his point of access (driveway).

So, in closing, my concerns going forward are:

I am a taxpayer too, why is my access getting restricted? What is my recourse the next time this happens?

Once construction starts, what kind of access problems am I going to have.?

This is a one lane road once you get into the tree line, how is this going to be kept clear for my access?

How many form and form support trucks are going to be kept on this property?

This is a beautiful natural area, what is the towns commitment for sustainment of conservation ?

Thank you,

Respectfully,

Joe & Karen Sampson 130 Snoburk Lane

Jim & Janice Desrosiers 151 Snoburk Lane

Thank you for your email and making us aware of your concerns. I will be sure to send this along for all Selectmen to review.

One question I can answer is your question of "what is the towns commitment for sustainment of conservation?". Any time a building permit is submitted for a private road, this has to go before the Planning Board for review and then they send their recommendations to the Select Board. The Planning Board and the Select Board review all deeds, plans and any restrictive covenants that may be on the property. This property does have restrictive covenants so the building permit was approved contingent on the landowner following the restrictive covenants.

As far as the other questions, these are more of a civil issue. Municipalities regulate public highway rights of way for Class IV, V, and VI highways, so municipalities would be the agency to determine what is permissible for those types of roads. Private roads rights of way are controlled by their respective owner(s). These situations you are asking about are private property rights disputes, which municipal officials have no jurisdiction to settle. Sometimes there are road agreements in place on private roads. The Town does not have access to these and is not involved in creating or enforcing these. The Town also wouldn't know which private road has them or not. If your road has one, you should reference what the agreement states and make sure the new landowner is aware of the agreement. If your road does not have one, the Hard Road To Travel Books states "*Statutory Repair Duty to Maintain Private Roads. Where there is no express agreement or requirement governing the maintenance of a private road, RSA 231:81-a now provides that where more than one residential owner enjoys a common benefit from a private road, each residential owner shall contribute equitably to the reasonable cost of maintaining the*

private road. The statute also affords the right to bring a civil action to enforce these reciprocal private road maintenance obligations and makes an abutting property who damages a private road liable for its repair and restoration."

As you can see, since it is a private road it would be civil issue that the town has no jurisdiction to settle. We always recommend reaching out to the land owner and try to discuss your concerns. More times than not, they are willing to listen to your concerns and work out an agreement amongst the landowners on the road.

I hope this helps. Please feel free to reach out if you have any other questions or concerns.

I see that you included the Planning Board and the Police Department on this email as well so I am sure they will respond if they have more to add.

Thank you and we hope you are able to resolve these concerns.

Sara Smith
Town Administrator
Town of Groton
603-744-9190
603-744-3382 (fax)
www.grotonnh.org

All PB Members agreed that Sara adequately covered the matter and Deb said she would confirm that to both:

Joe & Karen Sampson 130 Snoburk Lane
Jim & Janice Desrosiers 151 Snoburk Lane

Announcements and Communications:

None

Planning Board Work session - Planning Board Procedures- Application, Submission & Review Procedures. Deb asks the PB members to review draft materials she will email and reminds them not to discuss these materials with one another until next PB meeting

There being no other business on the Agenda, Deb motions and Jon B. seconds to adjourn.
Adjournment 7:30 P.M.

Minutes submitted by Planning Board