

Westmoreland Planning Board
July 18th, 2016
Meeting Minutes

A. Call to Order, Seating Members

Present: Lauren Bressett, Mark Hayward, Dawn Lincoln, Steve Houle, Bruce Smith, Jim Starkey, Clayton Stalker, alternate Tim Thompson.

Lauren Bressett called the meeting to order at 6:30pm.

Review of Minutes 6/20/16

Dawn Lincoln moved to accept the minutes as read, with the deletion of the word "to" on page 2 fourth line down, Steve Houle seconded, motion passed unanimously.

B. Application/Hearing

1. Continuation of Cheshire County R9 Lot 32 minor subdivision application.

Attorney John Rab had submitted an updated plan, driveway permit and cover letter. Board members reviewed the material submitted. Lauren Bressett reiterated the county was asking for a waiver of item numbers 4 5 6 of the checklist. After speaking with town counsel she relayed back to the board that it was his opinion the board could consider this waiver as a one shot deal with anything in else in the future requiring detailed boundaries via surveying.

Bruce Smith stated he has concerns with not knowing the boundaries of the original lot to begin with. The board will be creating two lots, one we know the boundaries, the second we still do not know the boundaries. He also stated that the lots brought to the board's attention by Attorney Rab for comparison, the deeds stated their sizes, the county's, does not match the acreage noted on the plat.

Lauren Bressett stated she has concerns that the county does not know actually where their boundaries are. The plat submitted does not match their current use map or the town's tax map. She also questioned how did they come up with what is on the plat before the board without doing a complete survey? How do we know the smaller lot actually comes from the Blood farm lot if there is no boundary description or survey? She also noted they had stated the property is not in current use but it actually is, they have 21 acres total on all county land not in current use that includes the nursing home, jail, farm, etc. That will be a Select Board issue.

Jim Starkey questioned the status of the request for unmerging the county lots, Lauren Bressett stated she has not heard anything and this is part of the problem still, this lot, as it is now on the tax map is 117 acres not 30. Clayton Stalker verified the Selectmen still have not received any info or a reply to the Select Board's request in reference to the unmerging of county land.

Lauren Bressett asked Attorney Rab if he would like to speak to any of the board's questions. Attorney Rab stated the county is asking for waivers on the remaining lot; the commissioner's priority is to sell this property; it would be very expensive to survey the entire property. He affirmed with the board that a condition of any further subdivision of the Blood farm lot will

need to have a detailed survey prior to any other subdivision. At this time the county is working on a long term lease, for agricultural purposes with the remaining land. Attorney Rab stated that Dave Mann had used several maps in his estimations for the current plat and is confident in his work and estimations given. Attorney Rab shared with the board a 1944 map of the county property, which does delineate certain parcels within the county property, he gave his copy to the board for the record. Attorney Rab reiterated he is only asking to not have the full survey on the plat of the Blood farm lot.

Dawn Lincoln and Tim Thompson both felt by accepting the application, the board could be setting precedence for future subdivisions.

Lauren Bressett reiterated to the board that the town's regulations require delineations. Previous approved subdivisions were brought to the board's attention by Attorney Rab with similar circumstances as a basis for the requested waiver. Lauren Bressett pointed out they had delineations in their deed and/or did have a previous survey done, but was not included on their new plat, whereas the county's deeds do not have any meets and bounds or delineations or coordinates referenced at all. While it is clear the county owns significant acreage with frontage on this side of River Road, it just isn't clear what the parent parcel is.

Jim Starkey questioned to what standards does the surveyor need to comply with? Lauren Bressett stated that town counsel Si little, had referred the applicant to the NH Board of Land Surveyors Administration Rules, Lan 503.09, and noted that the plat did not meet these for the parent lot.

Some discussion ensued in reference to any future subdivision of any county land, Lauren Bressett stated the minutes should reflect the concerns of some members, if approved, with allowing this one time waiver of not having the entire parent lot surveyed and feels it should have been done prior to subdivision.

Lauren Bressett asked Attorney Rab if the board would be bound by this entire plat pertaining to the remaining lot, as this new plat shows the Moore lot of the county land having road frontage, but the town's tax map, the county's current use map and the 1944 map submitted does not show road frontage for the Moore lot and lot sizes do not match, one map states 29 acres at the Blood farm lot, the new plat of the Blood farm lot states 30 acres remaining after removing the 5 acres .

Attorney Rab replied, the board would not be bound to the remaining land areas on the plat those areas of concern have not been surveyed.

Mark Hayward made a motion to accept the application as complete enough, Jim Starkey second. Jim Starkey made a motion to amend the first motion to include the acceptance of requesting waivers for Section V A, 4, 5, 6 of the subdivision regulations, Mark Hayward second, motion to amend passed unanimously. Amended motion to accept the application as complete enough, accepting waivers for Section V A, 4, 5, 6 of the subdivision regulations, passed 5 to 2 with Bruce Smith and Lauren Bressett voting against.

Hearing for minor subdivision R9 Lot 32

The hearing for the requested county subdivision was opened. Lauren Bressett asked why the county is still asking for the ROW access that will bisect the property, now that they have an approved driveway permit that gives access to the same field. She noted that town counsel

also questioned this ROW and noted that in calculating the area it is likely that the remaining lot with the ROW would not contain 5 acres.

Jim Starkey also had concerns with keeping the ROW easement on the 5 acre lot, especially after receiving the approved driveway permit.

Attorney Rab stated the commissioners feel it is very important to keep the current access to the fields via the easement.

Jim Starkey and Clayton Stalker both agreed that this is buyer beware issue, with having a large 40 foot wide row on the property they are purchasing. Hearing was closed.

Jim Starkey made a motion to accept the proposed minor subdivision with the condition of any future request for subdivision of the remaining parent lot will be required to have a detailed survey. Mark Hayward second. Motion passed 5-2, with Lauren Bressett and Bruce Smith voting no.

2. Boundary line adjustment map R10 15B

Board members reviewed the application. Dawn Lincoln made a motion to accept the application as complete, Clayton Stalker second, motion passed unanimously.

Wendy Pelletier, surveyor presented to the board a plat of the boundary line adjustment, she was representing both parties. It was noted that there was no change in frontage and only a minor change to acreage with both lots exceeding the minimum. Dawn Lincoln made a motion to approve the boundary line adjustment, Clayton Stalker second, motion passed unanimously.

C. Old Business

1. The planning board had received the late annual report from Cersosimo, Lauren Bressett read the report aloud. Cersosimo's permit expires this fall.
2. Discussion on finding replacement clerk for the board, for the agenda next month, work on pay increase possibly for the position and review duties of the clerk
3. The Derjue's have reapplied to Zoning for variances, possibly be coming to the Planning Board after that. Members looked for zoning application in file, not available.

Bruce Smith made a motion to adjourn, Clay Stalker seconded, motion passed unanimously, meeting adjourned at 8:30 pm.

Respectfully Submitted,
Alison Fissette
WPB Clerk