

**PLANNING BOARD
RINDGE, NEW HAMPSHIRE
April 2, 2013**

DATE: April 2, 2013 **TYPE:** Planning Board Meeting **APPROVED:** 4-16-13
TIME: 7:00 pm – 10:15 pm
CALL TO ORDER: 7:00 pm
ROLL CALL MEMBERS: Phil Simeone, Hank Whitney, Chairman Kirk Stenersen, Charlie Eicher, Bruce Donati, Kim McCummings
ROLL CALL ALTERNATES:
EX OFFICIO: Roberta Oeser
PLANNING DIRECTOR:
PLANNING SECRETARY: Susan Hoyland
APPOINTMENT OF ALTERNATES
OTHERS PRESENT: Richard Drew, Sharon Rasku, Holly B. Koski, Betty Commerford, David Drouin, Alan Harvey, Mike DiPasquale, Steve Verrecchia, Jo Verrecchia, Pat Martin, Craig Fraley, Randy Burt, Paul Grasewicz

CALL TO ORDER:

Chairman Stenersen called the meeting to order at 7:00pm.

ANNOUNCEMENTS

APPROVAL OF MINUTES

MOTION: Roberta Oeser moved to approve the minutes of March 5, 2013 as written. Phil Simeone seconded the motion. **Vote: 4-0-2** Kirk Stenersen and Bruce Donati abstained.

MOTION: Phil Simeone moved to approve the minutes of March 21, 2013 as written. Roberta Oeser seconded the motion. **Vote: 6-0-0**

NEW BUSINESS

CONSIDERATION OF an application for a Technical Subdivision submitted by William and Barbara Hughes and Terry and Sandra Files. The property is located at Tax Map 7, Lot 15-3-1 and Tax Map 34, Lot 2 located on Red Gate Lane and Emerson Lane in Rindge, NH. The applicant is seeking approval for a technical subdivision.

MOTION: Phil Simeone moved to accept the application as complete. Roberta Oeser seconded the motion. **Vote: 6-0-0**

Chairman Stenersen opened the Public Hearing.

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Richard Drew presented the proposed technical subdivision to the Board. A parcel of land of approximately 1/10 of an acre would be involved, transferring ownership of it from Mr. and Mrs. Files to Mr. and Mrs. Hughes. It is referred to on the plan as Parcel A.

Chairman Stenersen asked for clarification from Mr. Drew and it was determined that this parcel of land is a separate deed from Map 34 Lot 2 and that the town tax map does not show this as a separate lot. Mr. Drew believes that Mr. and Mrs. Files have an interest in this strip of land which they intend to convey to Mr. and Mrs. Hughes.

Planning Board members questioned Mr. Drew for: more detail of ownership and easements; location of trails, walking paths; roads and road names, both old and new; as well as other details of this plan.

Chairman Stenersen invited the audience to ask questions and offer testimony.

Steve Verrichio, Jo Verrichio, Holly Koski, Betty Commerford , Alan Harvey and other neighbors spoke passionately to the history of this piece of land and the surrounding walking paths, trails and private roads. A long-standing neighborhood dispute involving deeded easements and individual rights to pass and repass remains unresolved. According to several neighbors, this road was to be made available for use as an emergency egress for the Town of Rindge Fire Dept. to connect Red Gate Road to Emerson Lane and a culvert was built for that purpose. (Refer to ZBA Case # 523 dated 6/21/88). Neighbors expressed concern that a change of ownership at this time would adversely impact their fight to protect their rights to pass and repass and asked the Board to consider not acting on this application until this summer. Chairman Stenersen called the Board's attention to file documents showing correspondence dating back to 2008 on this unresolved dispute.

Chairman Stenersen said that a transfer of title from one land owner to another does not erase easements and any and all easements that exist now will continue to exist should this technical subdivision be approved. He said that the case before the Board this evening is about a lot line adjustment leading to a transfer of ownership and it is outside of the authority of the Planning Board to enforce their deeded rights to pass and repass. That would be a civil matter for the neighborhood to pursue privately.

After deliberation and hearing considerable public testimony, the planning board determined that additional plan detail would be required prior to making a final decision on this case. They requested that Mr. Drew return with a corrected survey, showing the location of all deeded easements and rights of way on the plan.

MOTION: Roberta Oeser moved to continue this public hearing to May 7, 2013 at 7:00PM. Kim McCummings seconded the motion. Vote 7-0-0

CONTINUATION OF PUBLIC MEETING/ HEARING FROM FEBRUARY 19, 2013: CONSIDERATION OF an Application for a Minor Subdivision of land located at NH Route 119 West in Rindge, NH known as Map 9 Lot 13-2. Owner is Randolph P. Burt, 40 Bean Hill Road, Rindge, NH 03461. This application is for a 3 lot subdivision and is requesting Waivers to Sections V, 2.B.2 and V, 3.C.

MOTION: Phil Simeone moved to accept the application as complete and grant the following waiver:

Section V, 2.B.2-requiring 2 foot contour intervals for the entire site.

Roberta Oeser seconded the motion. **Vote 7-0-0**

Paul Grasewicz, GRAZ Engineering presented the case before the board tonight on behalf of the applicant, Randy Burt. Since our last meeting on February 19, 2013, Mr. Burt agreed to move the lot line on Map 13 Lot 2-3 some thirty odd feet to allow for a larger building envelope. Mr. Grasewicz supplied the board with an additional soil evaluation sheet to add to the file.

Vice Chair Kim McCummings said that she would like to make a site visit before finalizing her decision. After a straw vote and with a recommendation based on the Conservation Commission, the Board determined that they did not need to visit the site at this time

Roberta Oeser suggested that, due to the Class VI road, a condition be set that no further subdivision of Lot 13-2-2 may be made without making an application to the Planning Board.

MOTION: Phil Simeone moved to approve this application for a Minor Subdivision with the following 13 conditions. Hank Whitney seconded the motion. Vote 6-0-1 Kim McCummings abstained.

Regarding Class VI Roads (Elm Road):

- 1) Approval of this subdivision in no way constitutes an approval of any portion of Class VI roadway as a Class V roadway, nor does it obligate the Town to maintain any portion of the Class VI roadway, including snow plowing, grading, or drainage nor does the Town assume any liability for any damages resulting from the use of said road(s).
- 2) In accordance with Vachon V. Town of New Durham, approval of this subdivision in no way guarantees the issuance of a building permit for Map 9 Lot 13-2-1 or Map 9 Lot 13-2-2 if accessed via the Class VI road.
- 3) Prior to the issuance of a building permit for homes accessed via Class VI roadways, it may be necessary for Elm Road, or a portion thereof, to be reconstructed to Town specifications. This shall be a decision of the Board of Selectmen at the time the building

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permit is issued. Any expense therefore shall be the responsibility of the sub divider or any successor(s) in title for said lots.

- 4) In accordance with RSA 674:41 I (C), prior to the issuance of a Building Permit to develop Map 9 Lot 13-2-1 and Map 9 Lot 13-2-2, the applicant shall:
 - a. Be issued a class VI road waiver from the Board of Selectmen. Such a waiver shall state that future owners shall be responsible for maintaining respective sections of road, including winter plowing, grading, and drainage.
 - b. Submit as part of the Building Permit application, a notarized letter stating that the municipality assumes no responsibility for road maintenance, nor liability for any damages arising out of road use.
 - c. Record with the Cheshire County Registry of Deeds a notice that limits responsibility & liability on behalf of the municipality. This document shall be reviewed & approved by the town attorney prior to being registered and costs associated with review shall be borne to the applicant.

Regarding general intentions and governmental requirements:

- 5) It shall be the duty of every seller of this land to so inform the potential buyer of any lot of these conditions prior to the buyer making any binding commitment to purchase said lot.
- 6) Prior, during, and after recording the final plat, the applicant shall be made aware that any conditions placed on this subdivision through other governmental or permitting agencies are hereby included as a component of this approval.
- 7) Prior to recording the final plat, the property corners of all lots shall be set.
- 8) Prior to recording the final plat, the applicant shall obtain all applicable governmental permits which may include, but is not limited to the following:
 - a. NHDES approval of septic system (s) or subdivision approval
 - b. NHDES approval for Site Specific, wetlands or other applicable permits
 - c. NHDOT approval of access to a state road.
 - d. USEPA – NPDES construction permit as may be applicable.
- 9) This subdivision is subject to the Town of Rindge Impact Fee Ordinance. Impact Fees shall be collected prior to the issuance of a Certificate of Occupancy.
- 10) This subdivision is subject to the Town of Rindge Phased Development Ordinance.

Regarding the shared driveways:

- 11) Prior to recording the plat, the driveway easements shall be submitted to the Town of Rindge. This is intended to ensure there is an adequate maintenance plan in place so the health, safety & general welfare of the buyer will not be compromised.
- 12) All driveways (and homes) noted on the subdivision plans shall conform to the recommendations of the NH Enhanced 911 naming & numbering system as managed by the Rindge Fire Chief.
- 13) Lot 13-2-2 shall be considered one lot unless application for further subdivision is made and approved by the Planning Board.

<p>PUBLIC HEARING: To adjust the impact fee assessment schedule to include accessory dwelling units at a fee of \$1430 or take any action thereon.</p>

Craig Fraley, Rindge Recreation Director addressed the Board and said that fees received by the Recreation Dept. through Impact Fees were needed and appreciated. He outlined some ways that those monies have been spent.

A letter from Ellen Smith, Accounting, was shared with Board members and outlined use of impact fees to decrease School Tax Warrant, to fund Fire House Electric project, Police Dept. Roof and Police Radio Tower.

MOTION: Roberta Oeser moved to amend the Town of Rindge Impact Fee Assessment Schedule to include Accessory Dwelling Units (ADUs) at a rate of \$1430.00 to be distributed as follows: \$1000 for School; \$215 for Recreation and \$215 for Public Safety. Hank Whitney seconded the motion.
Vote 6-1-0 Bruce Donati voted no.

1. NON-PUBLIC SESSION per RSA 91-A:3IIb for Personnel Matters

MOTION: Roberta Oeser moved to go to Non-Public Session per RSA 91-A: 3IIb for Personnel Matters. Kim McCummings seconded the motion. **Roll Call Vote:** Kirk Stenersen- AYE-Phil Simeone-AYE Hank Whitney-AYE Roberta Oeser-AYE - Charlie Eicher-AYE, Kim McCummings-AYE, Bruce Donati-AYE

2. OLD BUSINESS

Phil Simeone updated the Board on the Pearly Pond Advisory Committee. They have had a meeting of the steering committee. There is a meeting scheduled for June 8 at 9M at FPU Lakeside Education Center. This is a kick off meeting to educate the public and identify tasks, plans and objectives. All are invited to attend.

3. PLANNING OFFICE REPORT

a. Discussion of Alternates

Chairman Stenersen said that the Board needs to post for alternates. Robyn Payson expressed interest in being considered as an alternate. Chairman Stenersen said we need to speak with Carlotta

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and request that the Planning Board be included in any ads she may be placing for volunteers for other town departments. Chairman Stenersen asked members to invite anyone they think might be interested.

b. Discussion of Planning Board Process for New Members

Vice Chair McCummings said she spoke with Bruce Donati today and when he is ready, she will sit down with him and Charlie Eicher as well to discuss Rules of Procedure, Zoning Ordinances and general working items.

c. OEP Spring Conference Sign Up

Bruce Donati has signed up for the conference and will provide Susan Hoyland with a receipt for reimbursement. The Planning Board will pay for any member to attend who has not attended in the past. This conference will take place on May 11, 2013. Registration deadline is April 30, 2013.

d. RFQ for Consultant for Part Two for the CPG grant

Chairman Stenersen said the Planning Board was awarded part two of the CPG grant. An RFQ must be completed for that. The Board of Selectmen is holding a Public Hearing tomorrow night to accept the funds. Kim McCummings will be present at that, although she will arrive later than 6:30PM. Once the BOS has accepted the monies, the RFQ can be posted. Chairman Stenersen will move this forward. Someone needs to attend a May 6th meeting. Chairman Stenersen said he could attend and would want RFQ's completed by that time. Roberta Oeser asked for a copy of the application. Susan Hoyland said she could supply that to Roberta Oeser at the meeting's end.

e. Upcoming Meeting: April 10, 2013 at 7:00 PM is a meeting at the Wellington with NH DOT for a trails and walking paths discussion. This came from the Roadway Committee meeting.

ADJOURNMENT

The meeting was adjourned at 10:10 pm.

NEXT MEETING

April 16, 2013

Respectfully submitted,

Susan Hoyland
Planning Secretary