

THESE MINUTES MAY BE APPROVED AND/OR AMENDED AT THE FOLLOWING MEETING

**Town of Richmond
Planning Board Public Hearing**

October 27, 2015

7:30 PM

Planning Board Public Hearing

Members Present:

Lloyd Condon, (Vice Chairman)
Harry Brake
Norma Thibodeau
Jason MacDonald
Butch Morin, Alternate

Members Absent:

Chris Daugherty, Selectman Rep.
Seth Reece (Secretary)

Public: Randy Hastings, Barbara Hastings and Attorney Elana S. Baron, Esq.

Jason MacDonald was seated to serve on the Planning Board filling Wes Vaughan's seat until March 2016.

Butch Morin was seated for Deb Duffy.

1. Public:

Nothing from the public.

2. Mail:

No mail.

3. Lot Merger Map 405-082 & 081:

Randy and Barbara Hastings came before the board requesting a lot merger for Map 405 Lot 82 (.93 acres) and Map 405 Lot 81 (2.4 acres).

Attorney Elana S. Baron, Esq. from the Law Office of Steve J. Bonnette, P.C. located in Keene NH introduced herself as the attorney representing the Hastings for their proposed lot merger. Both Randy and Barbara Hastings acknowledged Attorney Baron's statement for representation. Attorney Baron explained to the Planning Board that her client had been verbally told by the Selectmen that he could build his garage. After the fee was delivered Mr. Hastings was told by the town that Map 405 Lot 82 was illegally subdivided. It was suggested to Mr. Hastings to merge his two lots into one, by this time the garage was mostly completed. It was acknowledged that Mr. Hastings still had not received an approved building permit from the town signed by the Selectmen he was acting on a verbal agreement.

Attorney Baron went on to state that in 2011 the owner at that time had applied for a building permit for a single family dwelling. He was denied per RSA 75:9 the parcels were given separate lot numbers for inventory and administrative purposes only. The owner filed an appeal with Cheshire Superior court. The property was surveyed and determined to be just short of 1 acre the issue of illegal subdivision became irrelevant for the owner at that time. The appeal was dropped and the issue of the illegal subdivision was never resolved.

Attorney Baron was very clear that the Mr. and Mrs. Hastings would like to work with the town to resolve their issue and complete the necessary paperwork to merge the two lots. The Hastings are concerned that simply

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merging the two lots will not cure the problem in the future. The Zoning Board had determined in 2011 that Lot 82 was illegally subdivided and if the Hastings choose to sell their property in the future they could face issues.

Attorney Baron requested that the Planning Board sign a statement to cure any past decisions and documentation in the Zoning Boards file which refer to Map 405 Lot 82 being illegal subdivided. This would skirt any future problems if the property were to be sold.

The consensus of the Planning Board was not to sign any documentation changing or reversing any past decisions. A Planning Board does not have the power or ability to just sign off on a decision. The role of the Planning Board is to oversee site plans, subdivisions, lot line adjustments and so on. That the only item the Planning Board would look is the request from the Hastings to merge the two lots. The Planning Board checks to be sure the merger application is complete and contains the correct information. The Planning Board does not have the power to sign any statements to cure past decisions or records filed on the property.

Attorney Baron explained that the larger tract of land originally associated with the smaller tract is separated by a public roadway and that the road is the sub-divider of the two tracts of land. This in her opinion is why per RSA 75:9 the two pieces received separate tax identifications and were treated as two tracts. But, there is an exception within RSA 75:9 which will not allow the two parcels to be treated as two tracts if they can not be transferred as two separate pieces. The two pieces were treated as separate pieces though they had not been subdivided. Attorney Baron explained more fully with case law in her letter to justify the separation of the two parcels. The Hastings would like to distinguish the issue today before the Planning Board. The Hastings request that the Board recognize that the smaller lot for the reasons' stated in the attached letter is not the result of an illegal subdivision.

The Planning Board expressed their concern that Attorney Baron had just handed them a 7 page document that none of the board members had seen before this meeting. The document they received was addressed to the Zoning Board of Adjustments and refers to the Zoning Board and their actions and findings.

At this time a suggestion was made that the board should table the meeting until they have had time to read the letter and case law supplied to them dated Oct. 27, 2015 and to have the town lawyer take a look at the information and give his opinion. It was suggested that either the Zoning Board of Adjustment or the Selectman may have the power to sign off on such a document.

The board would like to expedite the process with an answer and possible resolution for the town and the applicants. It was discussed to have the information reviewed by the Selectman and the town Attorney to resolve this issue as cleanly as possible. The Planning Board agreed to change their November 10, 2015 meeting to November 3, 2015 in the next week the Selectman and town Attorney will be contacted to review the information presented that evening.

4. Minutes of October 13, 2015:

Page 2, 5th paragraph down, 5th sentence: change the word then to than.

Same paragraph, 6th sentence: change the word provided to providing.

Motion made by Butch Morin to accept the minutes as amended. Seconded by Harry Brake. Three in favor. None opposed. One abstention. Motion carries.

5. Blasting/Clean Water Ordinance information:

Information gathering has continued with the Blasting/Clean Water Ordinance. At this time most information refers to public wells and not private wells. Town websites that were searched included Greenland, NH, Mason, NH, Antrim NH and Winchester NH. The Office of Energy Planning located in Concord NH has a sample of a clean water ordinance but it refers to the Best Management Practices that Richmond has in place for their Aquifer District. It contains no real information on large scale blasting and it's affect on private water quality or volume.

The State of NH Department of Environmental Services offers state well testing which could be used as a location for well testing before and after blasting has occurred. More research is needed to justify an ordinance for large scale blasting.

6. Ordinance Stone Walls:

The board discussed the Stone Wall Ordinance and feel that the Scenic Road Ordinance is sufficient. The State of NH covers the removal of stone walls which are used as boundary lines. The question was raised if the removal of stone walls on private property that are sold should be taxed?

7. Other:

1. SWRPC Fall Commissions Meeting:

Butch Morin representative for Richmond to the Southwest Region Planning Commission attended the Fall Commissions meeting. The topic: Population and Public Heather Problems. The bulk of discussion centered on how to coordinate health providers and private clinics that are popping up all over to communicate. The goal is to get a hold of the private medical facilities to help control the over use of prescription drugs. The discussion continued on the abuse of drugs in the local community and how to set up local programs to educate and open up a line of communication.

Respectfully Submitted,

Kandace Mattson

Attachment:

Letter and information dated 10.27.15 from Attorney Barron in reference to Map 405 Lots 81-82