

MINUTES OF THE MEETING
OF THE
CANTERBURY PLANNING BOARD

July 8, 2014

The Chair called the meeting to order at 7:00 p.m. It was determined that a quorum was present.

BOARD MEMBERS PRESENT: Art Rose, Chair, Jim Snyder, Vice-Chair, Doug McCallum, Chris Blair, and Tyson Miller

BOARD MEMBERS ABSENT: Joshua Gordon, Seth Cohn, George Glines, Alice Veenstra, and Kent Ruesswick

OTHER PARTIES PRESENT: Web Stout

Draft Minutes of June 24, 2014: Jim made a motion to approve the minutes of June 24, 2014. Chris seconded the motion.

Discussion: None.

Vote: Unanimous. Minutes of June 24, 2014 were approved.

Pre-Application Conceptual Consultation by Web Stout on behalf of Donald and Beverly Hugron for a Lot Line Adjustment/Subdivision on Boyce Road, Tax Map Lot 263/15:

Web Stout introduced the project by calling it a lot line adjustment for lack of better terminology. There are currently two dwellings on one lot, both residential buildings. There are actually three separate parcels making up what was John Hugron's farm stand. Tract 1, Tract 2, and Tract 3. The history of this lot goes back to about the 1930's. Jim asked web to define the tract.

There are two separate deeds. One has 2 descriptions and one has one description. The parcels were all owned separately at one time. It was a very large piece of property originally. Art pointed out they all have the same book/page number. Web stated that they do now. John is the executor of the estate for these properties. This application is to settle the estate, but there are no problems within the family. Web is looking for guidance from the Board about how to handle this issue, whether it is through the Planning Board or Zoning Board. There are two structures on one lot, with one map/lot number. We can unmerge the lots but there are stipulations involved in that. There is 346' of frontage feet total. Doug was not clear as to what Web is trying to do with

44 frontage. Web explained that there is only 49 feet of frontage on one of the lots and it
45 won't meet setback requirements either. There is not enough frontage for two lots, but
46 they do meet the criteria for area. There is also nonconformity issue by having two
47 residential structures on one lot. Doug asked Web if he is asking the Board to violate
48 the frontage requirement. Web said he's looking for guidance from the Board and if
49 they feel he needs to go to the Zoning Board, he will.

50
51 Web stated that other towns have allowed this type of request if you make it more
52 conforming. Jim said the problem he sees is that the way it's drawn is the way the
53 Board would want it to come out and doesn't think we can do it. If it was a lot line, you
54 could move it, but it's not really a lot line. There are 3 lots, one tax map. Doug felt this
55 property was a mess, there were too many issues and the Planning Board should not
56 touch this. He felt the Zoning Board should address the issues. Art pointed out the one
57 overall lot is conforming. The only non-conforming piece right now is that there are two
58 residences on one lot. Art said he would have to ask for relief from Zoning on frontage.
59 Chris also felt we need to follow the frontage rules, and if they want relief, they need to
60 go to Zoning.

61
62 Jim wanted to be on the record as strongly disagreeing with Doug. He thinks the
63 situation as drawn is better for the town than it is as the one lot now. Jim would like the
64 Planning Board to support Web if he decides to go to Zoning and say we as a Planning
65 Board think this is a good outcome, because the Zoning Board has interpreted frontage
66 as the untouchable. There was discussion then about driveway access. Art asked what
67 the zoning is in this area. Web said two acres with 300 feet of frontage. Art said one of
68 the benefits to subdividing this is the Town can send out two tax bills and make it
69 cleaner on the assessing end. Doug felt that approach wasn't right. He said if we do
70 this we would be creating a situation. Art disagreed, but felt they need relief from
71 Zoning. Doug will not support it, but said the remaining Board members can go ahead
72 and do it. Web stated there is an RSA for involuntary merged lots and felt confident he
73 could address the Zoning Board with a good argument. These houses were built
74 before zoning. There was discussion about involuntary mergers and unmerging
75 parcels.

76
77 Art then asked if these parcels all having the same book and page is something new.
78 Web said the property went into a trust and there is only one deed now. Tyson pointed
79 out if you go to Court the deed rules, not the tax map. Jim said the only thing we seem
80 to agree on is that we can't do this deal without a variance. He can pursue the
81 variance, which Jim strongly supports, or tear down and start over. Jim added that the
82 Board's control ends at what we can do at this table and the owner will do what works
83 for them. In the absence of any action, we remain with two residences remaining on
84 one lot and that's not good for the owner or Town. Doug asked Web if he were a
85 developer, how many houses would he be able to build there as is. Web said one.
86 Doug said that's his point. Chris felt they needed to merge the lots and build one
87 house. Art thought the layout looked good but they needed to address the driveways.
88 Web informed the Board that none of the neighbors have issues with the project. Web
89 said both of these lots would have to go to the State for subdivision approval regardless.

Tyson felt it's worse to have two houses on one lot than to have one lot with not enough frontage. Doug disagreed. Chris was concerned that we'd be creating a precedent here. Art pointed out that we can't do anything right now, so we wouldn't be setting any precedent. This is why the Zoning Board is there. Art stated that once they get what they can from Zoning, we can act on it.

Chris asked Web is the goal with the Zoning Board is to end up with two lots and Web confirmed it was.

It was the Board's overall opinion that this should go to the Zoning Board and once they take care of that end, they can come back the Planning Board.

Web understood and thanked the Board for their time.

Informal review of Application for Lot Line Adjustment for completeness only.
Tax Map/Lot 217/9:

Art explained that we are looking at this plan solely to make sure all proper information is there.

Jim asked Web Stout if essentially Michael Capone is looking to give up 5 acres of his backland to Frank Tupper. Web said yes. Art read the narrative from Mr. Capone which basically confirmed that the purpose is to return acreage back to Frank Tupper.

Doug pointed out that the locus map and the plan don't really match up. They are different shapes. Web said he took the locus map from the tax map and electronically traces them so it's not to scale. Web will fix that.

The Board went through the list of items required. All items that applied were there except:

Contours; and

The easement was not shown. Web will reference it and fix that.

Art stated that after review of the required list of items, it sounds like all of the items with exception of contours are there.

Jim moved to accept the application as complete.

Doug seconded.

Discussion: None.

Vote: Unanimous. The application of Michael Capone was accepted as complete and the hearing will be scheduled for the July 22nd meeting.

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137 Web advised the Board he will make adjustments needed and will at least reference the
138 book/page of the easements and fix the shape of the lot. Jim said just for the record the
139 locus map is only there to show where the location is on the location map. Art agreed it
140 is just a bird's eye view. Web will adjust it in any event.
141

142 **Other business:**

143 Art mentioned Kent Ruesswick was under the impression that he needed a letter from
144 the Planning Board to the Selectmen to get be approved as an alternate. Art said he
145 does not need that. He just needs to be sworn in by Ben. The only time the Selectmen
146 are involved is for them to choose the Board of Selectmen's alternate to sit on the
147 Planning Board.
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149 There was discussion about alternates.
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151 Jim made a motion to adjourn, seconded by Chris
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153 Discussion: None.
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155 Vote: Unanimous. The meeting ended at 8:00 p.m.
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157 Lori Venie, Secretary
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159 **Next meeting: July 22, 2014, 7:00 p.m.**