

MINUTES OF THE MEETING
OF THE
CANTERBURY PLANNING BOARD

September 13, 2016

BOARD MEMBERS PRESENT: Art Rose, Chairman, Jim Snyder, Co-Chairman, Kent Ruesswick, Tyson Miller, Hillary Nelson, George Glines, BOS Representative.

BOARD MEMBERS ABSENT: Joshua Gordon, Alternate: Alice Veenstra

OTHER PARTIES PRESENT: Tim Bernier, Dan Mullen, Sandra Silva, Steven Silva, Michael Curtin, Kathryn Day, Timothy Day, Howard Moffett, Alan Ford, Marie Ford

Draft Minutes of August 23, 2016: Jim made a motion to approve the minutes as presented. Hillary seconded. Discussion: None. Vote: Unanimous. 8/23/16 minutes were approved.

Public hearing on Moffett Application for Minor Subdivision and Lot Line Adjustment for property at Cogswell Hill Road, Southwest Road, Cross Road, and Wilson Roads, Tax Map 252 Lots 17 & 18, and Map 259, Lot 26:

Art announced the project coming before the Board. Tim Bernier of T.F. Bernier presented for the applicant.

Tim explained there are three lots involved. Lot 26 is owned by Stern Trust; Lot 18, the middle lot, belongs to the applicant; and the little lot, lot 17, is owned by Montelones. All of the work is being done on the applicant's land, lot 17. He wants to subdivide 22 acres and annex that to Sterns property, which is currently 13 acres, for a total of 35 acres for Sterns. This is a lot line adjustment, no new lot is being created there, just increasing the lot size. The second part of the project is an annexation. There is a brook that runs on the applicant's property. The Montelone's approached the applicant to purchase a piece of property to include the brook on their property, which would also be a lot line adjustment.

The third part involves the applicant subdividing one new 12 acre lot at the corner of Cogswell Hill and Cross Roads. There is an existing house on the hill and that will remain with the 61.79 acres.

Three waivers are being requested:

1. Location of existing buildings on land subdivided and within 100 feet of boundary lines: There are buildings on lots 17 and 18 which are well over 100 feet from the boundaries. The waiver addresses the house on Lot 26 (Stern property).

2. Drainage, storm drains, culverts, catch basins: The work being done does not require any road construction. Any work that would be required would be addressed if the applicant decides to sell the new lot and a septic design would be required.
3. Water and sewer facilities: Lots 17, 18 and 26 already exist and have water/sewer facilities in place. The subdivided lot is just over 12.00 acres and does not need State Subdivision approval. If the applicant sells the newly created lot, he will need State approval for a septic design at that time.

Discussion: Tyson confirmed with Tim that no new lot being created. Tim said that was correct. The Stern property will now be a "T" shape. Jim asked about the location of a proposed driveway. Tim didn't show one because Howard is unsure where he will build on the property. They have a lot of frontage, 600 feet, so there are options. Jim asked about Class V frontage. Tim said it ends on the town maintained portion. All frontage on Cogswell Hill Road is Class V. The property on Cross Road is Class VI. The Board noted that Cogswell Hill Road was not noted on the plan, Tim will add it.

Tim also agreed to make a note on the plan that the house on the Stern lot is not shown on the Plan. Hillary would like the house pointed out rather than a note. The Board discussed this and Tim said he can use an approximate location of the house and add it.

The board voted on the waiver requests:

1st waiver is location for existing buildings and anything in 100 feet of boundaries: Hillary moved to accept the waiver on the condition that Tim notes there are existing houses. Jim seconded. Discussion: None. Vote: Unanimous.

2nd waiver relates to drainage, storm drains, culverts, catch basins. Jim moved to grant the waiver. Hillary seconded. Discussion: None. Vote Unanimous.

3rd waiver relates to water and sewer facilities. Jim moved to grant the waiver. Tyson seconded. Discussion: Jim asked Tim if all these things are being requested to keep costs down. He wondered how much cost would be added by adding these things. Tim said its easier today than in past years, but it would cost approximately \$800. Tim explained the process a bit to help the Board understand. Hillary is a little concerned about well and septic issues leading to altercations between neighbors in the future. Tim said these are pretty good size lots and it's not a tight area. Jim then asked if all wells are within the 75 foot boundaries. Tim stated all the lots are getting bigger except for Howard's lot, which will be 60+ acres. Art said at some point the lot will have to be surveyed and that will all be taken into account. After the Board's questions were addressed, they held a vote. Vote: Unanimous.

Further discussion: Tyson asked about a boundary being created around the stream and whether there are markers there. Tim said the stream is in a gully so it won't go anywhere. If the stream actually erodes, the boundary line, by law goes with the

stream. If there is a flood event and the river or stream jumps channel and the river moves drastically, the boundary line would not move. Steven and Sandra Silva said they are abutters and said the stream is well defined and is clear.

Art opened the floor to the abutters. Alan Ford requested that Tim show him the boundaries and outlines again for clarity. Tim did and Alan was satisfied. Howard said he would like abutters to know that the neighbors approached him asking if they could purchase more land to add to their lots, he did not approach them. He just wanted that information to be known.

Michael Curtin asked about the 12 acre lot and whether it would be up for sale or up for construction. Howard said that's part of their retirement plan so it may not sell for a long time.

Jim moved to approve the subdivision and lot line adjustment plan. Tyson seconded.

The three conditions to be addressed are:

1. Cogswell Hill Road label will be added to the road.
2. The Stern's house location will be added.
3. A note will be added to plan that there are houses on the property within 100 feet that are not shown.

Hillary would like to amend the motion to say approval is subject to three conditions above. Tyson seconded.

Vote: Unanimous. Amendment approved.

No further discussion

Vote on application: Unanimous.

Tim will drop a Mylar off at the office for recording.

Expedited Review and public hearing for the Day Family Trust and Blombach Application for Lot Line Adjustment for property at 10 and 18 Battis Crossing Road, Canterbury, NH, Tax Map 210, Lot 18 and Map 234, Lot 6:

Dan Mullen presented for the applicants. This is an expedited review. The Board reviewed the plan to determine if the application was complete. They determined it was and they would move forward with the public hearing.

Jim asked about pool and garage that are built over property line and whether they were done with building permits. Tim Day said the line was shot about 30 years ago and everyone thought the line was correct. It wasn't. They thought it was 25-30 feet away from the garage, but it's actually about 50 feet closer than they thought. The pool was built in 1991. Jim was not the building inspector then. This line is being moved to clear this up.

Two waivers are being requested. The first relates to showing tract boundary lines. The request is to only show boundary lines for the affected area rather than the entire 24.46 acre lot. Only a little less than one acre of the entire lot will be affected.

The second waiver relates to topography. This application only relates to an encroachment issue.

Jim moved we take both waivers together and grant both waivers. Hillary seconded. Discussion – none. Vote: Unanimous.

Jim moved approval of lot line adjustment. Tyson seconded. Discussion: Jim confirmed that both lots are conforming when this is done. Dan confirmed. Vote: Unanimous.

Dan will drop the Mylar off at the town office for recording.

Other Business:

Hillary talked about the gas line going in on 106 and said the purpose is to change it to a 12 ' pipeline. It connects to Canterbury but nobody has talked to us yet. Art said the gas company is Tennessee Valley and the new one is Liberty Utilities. The gas company got an easement to put the line in. Hillary said the new proposed zoning we're working on mentions an 8" pipeline and she would like to know more about this. She heard that some natural gas companies have rights to run fracking liquids through those lines as well. Art said once property owners give utility easements, there's a lot of fine print. They'll be coming up Shaker Road and run through Shaker Village also. He saw an article in the paper. Hillary will look more into this and report back to the Board.

Tyson discussed Planning Board vacancies and whether the Selectmen appoint the new member. Tyson is wondering whether the RSA changed or our bylaws changed.

Jim moved to adjourn. Hillary seconded. Vote unanimous

Meeting adjourned at 7:55 p.m.

Lori Gabriella, Secretary

Next meeting: To be determined