

ALSTEAD PLANNING BOARD
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MEETING MINUTES

February 23, 2015

Note: These minutes are furnished for public inspection in accordance with RSA 91-A:2 and are unapproved until offered for disposition by the Board at a regular meeting. **ACCEPTED AS CORRECTED 4/13/15.**

PB Members present: Peter Rhoades/Chairman, David Konesko, Gloria Seddon, Joyce Curll and Matt Saxton/ex officio.

Rhoades/ Chairman opened the Meeting at 7:00PM. At 7:15PM the continuation Hearing for Robert and Margaret Palmer #1/2014 for a Boundary Line Adjustment request, for property located on Tax Map #31 Lots #44, and #47 located on Gilsum Mine Road, in Alstead, was opened. Hal Wilkins of Ramsey, McLaren was present on the owner's behalf.

Wilkins had brought new Plans with him with different labeling to help clarify things; one such change was the labeling that showed the property line followed the shore, not the tie line. The Plan reads clearer to show that a 5.01 acre lot, as well as a 2.19 acre lot is being proposed. Konesko pointed out that the soils information that Wilkins presented at the December meeting was no longer valid, and that new information is available online. Wilkins stated that the information he presented was valid at the time the test pits were made in 2006. Konesko had researched this area with the information available online through the USDA Web Soil Survey, and stated that the prominent soil found on the open lot (formerly Lot 31-46) was 360-C Cardigan Kearsage Complex soils that had a depth to water table of more than 80 inches; and on the majority of the proposed Lot 31-47 there existed mainly 341-B Stissing Silt Loam soils, which is a poorly drained soil, with a depth to water table of 0-18 inches. Konesko stated, that with quick calculations he had done, there appeared to be only a 7.4% amount of desirable Cardigan-Kearsage soils in the new proposed Lot 31-47 configuration, as opposed to the existence of 23% desirable Cardigan-Kearsage soils in the existing Lot 31-47.

Curll stated she had concerns with the intermittent stream. Wilkins stated that the proposed well site was back 50 feet from the stream, and that the stream was actually dry a few weeks in the summer. Curll stated that the stream appeared to be running during the December site visit; Wilkins agreed.

Wilkins stated that the Palmers wanted to make Lot 31-44 a lot that was conforming (over 5-acres in size). Saxton stated that the Board needed to ensure that they only approved buildable lots; the intention is not to simply create a conforming lot. Wilkins pointed out that the Palmers had a State Subdivision approval, but needed to still obtain an approved septic system design. Wilkins added that the Palmers were concerned that the Lot conforms for their bank loan/mortgage concerns. Konesko pointed out that this comment should also apply to the new proposed Lot 31-47.

A Motion (Saxton/Seddon) was made to close the Public Hearing at 8:05pm. Motion passed. The Deliberations were then opened.

Saxton stated that this proposal was to create a lot 2.19-acres in size (proposed Lot 31-47) on Lake Warren that had .33-acres of that acreage designated as wetlands, which in essence was creating a lot less than 2-acres in size.

Saxton added that if the concern with the owners was to have a conforming lot then they could merge the two lots. Wilkins stated the Palmers wanted to maintain two lots.

Konesko clarified that the Board had received the approved Driveway Permit from Crosby. The Board had.

Rhoades stated that if this proposal was to be approved, that a note had to be made, in both the Minutes, and on the Plan to be recorded, that a grade of no more than 5% can exist for the access road (driveway) onto the main road (Gilsun Mine Road).

Wilkins inquired if there was a precedence of not creating a two-acre lot that included wetlands. Rhoades stated that it was the burden of the Applicant to show that the proposal meets zoning ordinance Article III E 1 a; and that it was not the responsibility of the Planning Board to show it did not meet those requirements. Saxton added that the Board could not create a lot of less than 2-acres, and that it was reasonable to omit designated wetlands from the acreage considered.

Rhoades pointed out that the question before the Board was if it felt that the proposed Lot 31-47 fit the description of an allowable lot under Article III E 1 a. Saxton stated that two lots exist now that are buildable, but realize that what exists now does not meet the Palmers wish to have a conforming lot. Rhoades stated that should not be a consideration. Rhoades stated that the land, its quality and location, were what needed to be considered. Konesko added that if a lot had a significant amount of wetlands, or an immense amount of ledge/outcrops, that those feature(s) needed to be taken into consideration as to how it affected total acreage – and he felt the presence of the current wetlands needed to be considered. Rhoades stated that it has been the Board's policy, and their interpretation of the zoning ordinance to approve lots less than 5-acres in size with at least 2-acres of usable land.

Konesko pointed out the possibility of considering a proposal to create the desired 5.01 acre lot (on Lot 31/44) by proposing to add some of the wetlands area from Lot 31/47 to Lot 31/44, instead of removing the more suitable soils from the "open area" on Lot 31/47. Konesko stated that a Right-of-Way or Easement could be considered to give access for Lot 31/47 to the lake.

Wilkins asked for the Application to be withdrawn without prejudice, as he wanted to talk to his clients about other options. Rhoades suggested that he ask for a Continuation for up to 90 days instead, which allowed Wilkins to present a new Plan or a formal withdrawal. If the Board was not to hear from Wilkins, then a formal vote on the current proposal would need to take place. At 8:20pm Wilkins asked for a continuation to the May 11th Meeting, at 7:15pm. Wilkins to contact Marsden if he would like to expedite that time frame. Motion passed.

Rhoades did a quick review of the mail. There was a highway bridge project survey from SWRPC to comment on, which pertained to bridge work over Warren Brook near Vilas Pool – no comment was needed. A State Subdivision approval for MorningSun and dry hydrant permit had been received. An Application had been received from DiBernardo Associates on behalf of Howard Brower – the wrong Application form had been used, and no Abutters list was present. *Marsden to contact them.

A Motion (Curl/Saxton) to adjourn the Meeting was made. Motion passed. Meeting adjourned at 8:50 PM.

Respectfully Submitted,

Melanie Marsden/Admin. Assistant

NEXT MEETING IS SCHEDULED FOR 3/9/15 AT 7:00PM AT THE ALSTEAD TOWN OFFICES.

