

**Harrisville Planning Board
Minutes
August 14, 2013**

Members Present: Sherry Sims, Ned Hulbert, Noel Greiner, Heri Tryba, Jay Jacobs (selectman), Bob Sturgis (alternate), Anne Havill (alternate), Doug Miller (alternate), Andrew Maneval (alternate)

Members Absent: none

Members of the Public Present: Winston Sims, Zozie Porter, Tom Porter, Charlotte Stanley, Tom Hanna, Barb Watkins, Chick Colony, Jack Davis, Louise Clayton, Donna Stone, Charles Michal, Ranae O'Neil, David O'Neil, John Cucchi, Anne Cucchi

Mr. Hulbert called to the meeting to order at 7:00 p.m.

Attendance and Voting Members:

Mr. Hulbert introduced the Board and said that the voting members are himself, Mrs. Sims, Mr. Greiner, Mr. Tryba and Mr. Jacobs

Agenda:

The agenda was unanimously approved as posted.

Minutes of Previous Meetings:

The minutes of the May 8, 2013 meeting were unanimously approved as written with the correction of adjournment time.

Public Hearing:

**Boundary Line Adjustments, Tax Map 51, Lots 2, 3 & 7; Map 32, Lot 33
Silver Road and Prospect Street**

The Board received an application from the Charlotte C. Stanley Revocable Trust, the Izola Colony Porter Revocable Trust, and Jack E. Davis & Sonya M. Rudenstine, and the Town of Harrisville for boundary line adjustments. Having reviewed the application and the plat, Mrs. Sims recommended that the Board accept the application as complete with the condition that a final mylar and plats contain signature boxes for the Planning Board approval, the before and after acreages of the lots involved, the addresses of property owners, and deletion of note #8 that refers to an easement for septic system for Louise Clayton, which is not shown on this plat. The Board accepted the application 5-0 with these conditions.

Mr. Hulbert opened the Public Hearing at 7:15. Tom Porter explained the purpose of the boundary line adjustments and subsequent condominium declaration for Peanut Row. Basically, when Charlotte Stanley and Zozie Porter inherited the four Peanut Row houses and associated land, they discovered that they also owned part of the town beach. They also wished to clarify a muddy boundary with the Town by the old fire station on Prospect Street. With authority granted at the 2013 Town Meeting, the Selectmen had agreed on the boundary line for Map 32, Lot 33 and the plat of application showed that agreed line. Also, the Town will receive land at the end of Sunset Beach and across Silver Road to include a narrow strip for parking. Abutters Davis & Rudenstine will acquire a narrow strip at the base of their hill for equipment storage and access.

Members of the Planning Board asked a few questions to clarify their understanding of the plat. Mr. Hulbert asked if any abutters present wished to speak in favor of the boundary line adjustment but no one did. An abutter, Louise Clayton, asked to speak in opposition to the proposal. She said that she disagreed with a boundary line shown. Mrs. Sims explained the legal advice from Atty. Christine Fillmore of the NH Municipal Association, which was that any boundary disputes are not within the authority of the Planning Board. Remedy is from personal negotiation or through the court. In addition, a disputed boundary does not create reason to delay action on an application received. Abutter Ranae O'Neil asked for clarification of the monument at the bottom of the stairs along the line between her property and the Davis/Rudenstine property, and she received an answer.

Mr. Hulbert closed the public hearing for the Boundary Line Adjustments at 7:32. Mr. Greiner moved to approved the 3 boundary lines as presented in the application, Mr. Jacobs seconded the motion and the Board approved it 5-0.

Condominium Site Plan, Peanut Row Condominium:

Tom Porter explained that the type of ownership of the Peanut Row houses was condominium style ownership. Mr. Jacobs moved that the application be accepted with the conditions of addresses and signature box being shown on final mylar. Mr. Tryba seconded the motion and the Board accepted the application 5-0.

Mr. Hulbert opened the Public Hearing at 7:35.

Board members asked some questions concerning condominium structure and the meaning of common and limited common areas. Atty. Hanna answered these. He also explained that Charlotte Stanley and Zozie Porter aren't changing the land use, just changing the structure of ownership.

No abutters spoke in favor of the application.

Louise Clayton said that she was opposed to the line shown between her Peanut Row house and the closest Stanley/Porter house. Tom Hanna said that the applicants had submitted a licensed survey and it's up to Louise Clayton to get her own survey. The Planning Board doesn't have the right to even hear her objection. Mr. Hulbert decided to let her continue her point of objection. She said that she had a survey done in 2000 by SVE, the same company that did the survey for the applicants, though not the same surveyor. Her survey shows the boundary line along the drip line of the fourth house, now as shown. Atty. Hanna said the disputed line is not germane to the condominium declaration. The Board reiterated their earlier understanding that the Clayton/Stanley & Porter line would be determined by their own agreement or by court action.

David O'Neil asked if there was a common well for the 4 houses in the condominium plat. The answer is yes.

Mr. Hulbert closed the Public Hearing at 7:55.

Mr. Jacobs moved to accept the condominium site plan, Mr. Greiner seconded the motion and the Board approved the motion 5-0.

Mrs. Sims spoke with the applicants about coordinating the recording of associated mylars and notices of decision with Tom Hanna's office.

Following the action on the application, the Board had a brief discussion about a need to expand the definition of "condominium" as shown in the Zoning Ordinances. We may find more current definitions in RSA's.

Conceptual Consultation: Tax Map 30, Lot 32-C, Skatutakee and Dublin Roads, owned by John & Anne Cucchi

The Cucchis said that they have been wondering what would be the best use for their property, which abuts the town spring. It is also subdivided into two lots at this time. They wondered about the town's view of constructing elderly housing with some of the land put into conservation to protect the Town Spring on Skatutakee Road.

Mr. Jacobs said that it was a questionable location for elderly housing, since it is one mile out of the village. Mr. Cucchi asked if Harrisville 2020 was an entity and perhaps it would find the elderly housing idea desirable. Mrs. Sims said that Harrisville 2020 was not an ongoing group but a weekend event in 2010 to help create direction for the Town in upcoming years.

Mr. Jacobs said that he thought the Cucchi's had two options. First, they could develop the lots with one house per lot. Second, they could apply to change the lots sizes, use a conservation subdivision and put in 5 units if the land allowed it. He said that elderly housing is not a strong need of the town and the community is not actively looking to develop it now.

The Board had a short discussion of Zoning Article XVI, the Conservation Subdivision. It has some complicated calculations for determining density and spacing.

Winston Sims spoke about the unknown exact recharge area for the water in the Town Spring. Hydrologists have suggested that it goes way up Beech Hill.

Updates:

Shoreland Overlay Ordinance study committee:

Mr. Maneval said that this sub-committee has met once and has a second meeting on Monday, August 19. They have agreed on their approach, which is first to consider whether to recommend any changes to Zoning Article XV and how those would relate to RSA 483-B. Secondly, the sub-committee would examine whether there could be any simplification in the processes and procedures of permitting on a local or state level.

Zoning Map/Commercial and Village Zones

Mrs. Sims said that this sub-committee has met twice and has a rough idea of the commercial areas to specify in Chesham and in the Village. They are researching a few

seemingly non-conforming properties and will meet again to firm up their recommendations before the regular September Planning Board meeting.

Mr. Jacobs brought up his concern that Zoning Article 5.3.2 specifies a special exception for rebuilding or relocating a non-conforming building. The Board had some short discussion about this but there was not agreement at this time that this requirement should be eliminated.

The next regularly scheduled meeting is Wednesday, September 11, 2013 at 7:00 p.m.

The meeting adjourned at 8:52 p.m.

Approved: _____ Date: _____
Co-Chairman

Other Items if have time list:

- Issues about non-conforming lots
- Cell phone tower