

MINUTES
Workshop Meeting
Sanbornton Planning Board

Meeting Date and Time: Thursday, April 7th 2016 at 7:00 PM

Meeting Place: Town Offices, 573 Sanborn Road, Sanbornton, N.H.

The meeting was called to order by Chair Evelyn Auger at 7:00 PM

Roll Call

Regular Members present: Don Bormes, Will Ellis, Planning Board Chair Evelyn Auger, Selectman John Olmstead, Dick Gardner

Alternate Members present: Justin Barriault, Jody Slack

Regular Members absent: None

Alternate Members absent: Gail Morrison

Others present at the meeting: Town Planner, Bob Ward

Review and Approval of draft PB minutes of 3/3 and 3/17 – Don Bormes made a **motion** to approve the minutes from the last two meetings, with correction made to adding Dick Gardner to roll call list of the 3/17 meeting. Dick Gardner **seconded** the motion and the **motion passed unanimously**.

New Business

- a. **Pre-application discussion with Daniel Downes regarding request for voluntary merger** – Chair Evelyn Auger opened the discussion by stating that she has had meetings with Mr. Downes in the last two weeks pertaining to this matter and therefore asked the other Planning Board members if she should recuse herself. Mr. Downes stated that Evelyn has shown to be an exemplary member of the Board and should not have to recuse herself. The other members agreed.

Mr. Downes provided the Planning Board with original and revised tax maps of his land and read an email from Town Tax Assessor Robb Jutton where it was stated that the Town's previous tax map was in fact incorrect and has now been corrected to show the proper lots owned by Mr. Downes. Dick Gardner pointed out that a road is clearly labeled on the original map but not in the new cartographer's rendering. Mr. Downes stated that the road should not be an issue in this matter and it already exists. Dick Gardner also stated that the legal opinion of Bernie Waugh was that Mr. Downes should apply for a boundary line adjustment with waivers. Mr. Downes stated that he has the title research and evidence to show that he is able to approach this as a merger and not a boundary line adjustment.

Dick Gardner recused himself from the rest of this discussion and Justin Barriault was seated in his place.

Chair Evelyn Auger asked Town Planner Ward to read the RSA related to voluntary mergers. RSA 674:39-a states that mergers can be approved "except where such merger would create a violation of then-current ordinances or regulations". The Board interpreted the RSA to mean that only a conforming lot merged to become non-conforming would pose an issue, and in this case Mr. Downes' lots are already non-conforming and a voluntary merger would actually create lots that are more conforming. Chair Evelyn Auger asked Mr. Downes if he will be coming before the Planning Board at the next

meeting to apply for a boundary line adjustment with waivers or a voluntary merger request. Mr. Downes stated he will be moving forward with the merger request.
Dick Gardner was seated again.

- b. Discussion of how PB should proceed with operations after 2016 Town Meeting –** Town Planner Bob Ward stated that the outcome of the Town Meeting in March demonstrated that the voters are interested in moving forward with economic development planning. The Board discussed that the Town Planner should be involved in implementing the SEDAC plan and asked that Selectman John Olmstead relay this to the Selectmen, to which he agreed.
- c. Discussion regarding possible action of PB to inform property owners of rights under RSA 674:39-aa –** Property owners affected by the involuntary merger ordinance imposed by the Town between 1993 and 2006 have until December 31st, 2016 to have their lots unmerged without surveys being required. Town Planner Ward stated that a notice of this deadline was included in the 2015 Town Report as required, and information is posted in the Town Office and website, but that he also thinks a notice should be sent with tax bills in June. Town Planner Ward stated that a notice can only be sent with tax bills if approved by the Selectmen, so he will obtain a price from the company who mails Sanbornton's tax bills. Selectman John Olmstead mentioned that the Planning Board should make sure to have the exact wording and price of the notice when presented to the Selectmen.

Old Business

- a. Review of additional information for un-merger request of Bridget Gillis. Property is located on Circle Drive and Circle Point Road (Tax Map 8/Lot 49).** - Town Planner Bob Ward provided the Planning Board with copies of the meeting minutes from November 19th, 1998, when Gillis' boundary line adjustment was first presented. This issue stems from the last meeting where Bridget Gillis wanted to un-merge two lots of land. However it was not clear if the merger was involuntary due to the Town's ordinance (which would make for a simple approval of un-merger) or voluntary. A map from 1966 shows two separate lots, while a map from 1982 shows one merged lot. Justin Barriault found through the online tax bill listing that the property was purchased in 1980 by Bridget Gillis. Dick Gardner stated that the Board has all the adequate information about the merger and that the Town Planner should not need to do any further research.
- b. Request of Franklin Town Planner for copy of Bernie Waugh correspondence –** Franklin's Town Planner requested a copy of Attorney Bernie Waugh's correspondence to the Planning Board about the Downes matter at the last meeting. Town Planner Ward asked the Board's thoughts on this, and Dick Gardner stated that providing the document would be a goodwill gesture in working with Franklin toward a resolution for the Downes matter. Justin Barriault stated that the first page of the document states that it is "Confidential and Privileged" and should be treated as so. Evelyn Auger feels that it should not be provided either, but the Board agreed that Town Planner Ward can respond to the request with a No but inviting Franklin's Planner to any Planning Board meeting.

Don Bormes made a **motion** to not provide Attorney Bernie Waugh's legal correspondence with the Franklin Town Planner. Will Ellis **seconded** the motion. Votes: Yes: 3 No: 1 and John Olmstead abstained.

Planners Update

- a. **NHPA Conference Update** - The New Hampshire Planning Association conference is being held in May and Town Planner Bob Ward will provide further information at the next meeting for those who may like to attend.

Meeting adjourned. Dick Gardner made a **motion** to adjourn the meeting at 9:30 pm. Don Bormes **seconded** the motion and motion passed unanimously.

The next meeting is scheduled for Thursday, April 21, 2016 at 7:00 p.m. to be held at the Sanbornton Town Offices.

Respectfully submitted,

Audry Barriault