

Approved 6/16/09

Call to Order: by Chairman Bill Curtin at 7:00 p.m.

Members Present: Chairman, Bill Curtin, Tim Roy, David Hussey-Selectman Representative, Tom Hoopes, Scott Williams, Town Planner-Sharon Penney, Stacey Ames, Planning Assistant. Bonnie Dunbar – alternate but did not sit board.

Appointment of Alternates: None to appoint.

Approval of Agenda: No Changes.

Motion by T. Roy to approve to agenda as presented. Second by S. Williams. No discussion. Vote unanimous.

Public Input: None seen or heard. Public Input closed.

Case #P09-13	Map 50, Lot 35-6 & 35-7	Conceptual
Alden L. Norman, Jr.		17 Watson Point Road
Conceptual requested by Alden L. Norman, Jr. for a proposed lot line adjustment.		

Present for this case: Alden Norman, Jr. and Steve Smith.

S. Penney noted previous small subdivision where Mr. Norman owned 3 properties that abut. All properties are in the family.

A. Norman, owns lot 35, Pinehurst subdivision. Purchased from the Farnham family over 12 acres and 705 foot frontage. Purchased in 1977. 1987 sought permission to do a subdivision. 5 lot subdivision approved in 1987. Gave birth to a road way and create 5 lots. 4 and 5 are lakefront. 1, 2, and 3 are rear lots with deeded access. Ann Norman Burke (daughter) owns lot 35-1 in 1993 and sought 2 lot subdivision creating 35-6 and 35-7. 1999 construction of a home on 35-6 where daughter now lives. When property conveyed in 1993 conveyed a deed to come up paved driveway to access 35-6. Town required a long strip of land that went down to the Loon Cove Road side of the property. Currently Watson Point road. 35-7 lot created as a left over for the creation of the waterfront lot 35-6. Present day currently living in lot 35 and all lots 1-6 are occupied with new homes 35-7 still rough land. Need to downsize from lot 35, house built in 1870 with Watson family burial ground. Over 300 ft of frontage with a boathouse. Looking to see what are considerations. Want to develop a small 3 bedroom home on lot 35-7. Spoke with Town Planner about a boundary line adjustment as shown on plans.

S. Penney noted Town Planner from 1993 describes reasoning for size of 35-7. Also noted access issues. Frontage of the lot is approx 38 ft. Zoning requirements are 50 ft minimum. Because this is a corner lot needs 50 ft minimum requirement on each corner

T. Hoopes reiterated the Planning Board does not have the right to waive the 50 ft minimum. Applicant would have to go before the ZBA.

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A.Norman also reiterated that this would have to go before the ZBA first and then be approved by the Planning Board.

A.Norman asked for definition of a minor subdivision.

S. Penney stated it is changing a piece of the land. Lot line adjustment is just a "tweak" (inches to a couple of feet.)

S. Williams asked if Mr. Norman can do what he needs with just easements.

S. Smith showed on plans how this is making this a better lot. Noted on plans where the access to 35-7 would be.

B. Curtin asked if DES would approve this.

S. Smith noted that lot 35-7 does not fall within the 250 feet CSPA boundary.

T. Roy noted would not be able to get a well with 75 ft radius.

S. Smith noted where well is and an easement will be created.

A.Norman noted it is a matter of record.

S. Penney noted a well easement on daughter's deed. Easement to lot 35 to lot 35-7 for well.

S. Williams noted that lot 35-6 needs frontage and Planning Board is not allowed to rule on this. The ZBA needs to grant a variance. Suggested two variances for minimum road frontage on 35-6 and 50 ft road frontage 3-57

A.Norman confirmed he needs to file an application with the ZBA for variances and then back to the Planning Board for approval of minor subdivision or lot line adjustment.

S. Penney stated the ZBA rids the impediment then the Planning Board can view the application.

S. Smith noted Mr. Norman has a right to build on this lot now as stands.

S. Williams asked why they don't just get an easement from daughter.

T. Hoopes added that today this lot could not be created in its form. Planning Board cannot grant a variance.

A. Norman asked another consideration. What if Watson Point Road was brought up to lot 35-6. Change the right of way? He maintains paved portion of Watson Point Road.

S. Smith noted they would still have to get variance for minimum lot frontage for 35-7.

T. Hoopes stated the more conforming you make it the easier to get a variance. What's best for applicant that gives the best access for everybody makes it best for presenting to the ZBA.

A. Norman noted what part of Watson Point Road is his property.

S. Williams suggested to bring the right of way up to the dog-leg will allow Ann's lot to have frontage.

A. Normans want to get this cleared up before the sale of lot 35.

S. Williams stated this plan gets rid of double driveway and then you just have to deal with the frontage issue of 35-7.

S. Smith added the right of way will be 50 ft.

S. Ames noted it is creating a new road in the subdivision and it will have to be built to current town standards.

D. Hussey stated if you can take off the right corner and went straight out to the road it would take care of that problem (noting to the plans.)

B. Curtin noted essentially you would have a shared driveway.

D. Hussey added it would be less non-conforming to have a deeded easement.

S. Smith repeated to Mr. Norman no matter what you do you still have to go to the ZBA for the minimum road frontage requirement.

S. Williams added that Ann would have to grant an easement to lot 35.

T. Hoopes states this is a buildable lot right now and can build a house on that lot right now, but you have to come before the ZBA if you change any of the lot lines.

No further discussion.

Other Business

1. Approval of minutes
Workshop minutes of May 7, 2009

Motion by T. Roy to approve Workshop minutes of May 7, 2009. Second by D. Hussey second. No discussion. Vote unanimous.

2. Old Business

S. Penney distributed sheet noting a needed change on new Zoning, Page 19, and clerical error. Retail Commercial, Parking criteria. Speaks to GFA, Penney needs old copies to see what is missing. Sharon would like help in seeing how that needs to be corrected. Bonnie stated she typed this can look and see what computer shows was originally submitted.

3. New business

Voluntary lot merger that needs a signatures. Pine Knoll Terrace. 220 and 222 Eastside Drive.

4. Correspondences – none.

5. Any other business –

- a. S. Williams suggested with light agendas, to start working on master plan items. Other discussion such as spacing on lots, Bonnie noted a fire chief had ruled for 20 feet between buildings and Landscaping ordinance.
- b. B. Curtin spoke with Attorney Sessler regarding meeting with Planning Board and ZBA regarding enforcement of conditions. T. Roy requested definition of minor subdivision and lot line adjustment and in writing. Discussion on having this meeting separately or with ZBA. T. Hoopes noted in cases of requirements approved from ZBA and coming to the Planning Board need communication between the two boards and who is going to enforce what. S. Williams noted when the Planning Board makes a decision with conditions it needs to be forwarded to all departments. B. Curtin suggested having a joint workshop with ZBA and then meeting with Attorney Sessler. B. Curtin to contact Paul Monzione and schedule joint meeting. Tentative to set up for 6 p.m. on May 21st. Agreed that a paper copy to go to departments copies of notices of decision with conditions of approval.

Motion by T. Hoopes to adjourn. Second by S. Williams. No discussion. Vote unanimous.

Meeting adjourned at 8:10 p.m.

Respectfully submitted,

Carolyn Schaeffner
Recording Secretary