

Ben Frost reviewed the application and stated that this is simply to put a new modular unit where there is an existing unit. This is strictly a selectmen's issue, for permits. The planning board has no jurisdiction over this. Owners may go to the selectmen's office and request a building permit.

3. PUBLIC HEARING - Lot Line Adjustment

Owner: Dubreuil, Jr, Romeo R, and Tammy A.

Address: P.O. Box 575, Warner, NH 03278

Owner: Busby, Roswell and Diana

Address: P.O. Box 366065, Bonita Springs, FL 34136-6065

Agent: Peter D. Mellen, LLS

Address: 116, 126 & 134 Route 103 East

Map 10 LOT 74. Map 6 Lots 56 & 57

District: R-2 & R-3

Description: Proposed Lot Line Adjustment between lots and annexation among lots.

Ben Frost noted that this is a complex transaction.

Peter Mellen addressed the board to explain the history of the properties.

In 1953 the state rebuilt sections of the road, Route 103. One property was owned by Anderson. These are the highway plans constructed by the state. They felt that Anderson owned a lot, and that Story owned a lot. The state acquired a piece from Anderson and from Story for the new road. Then in 1955, Greenlaw bought a four acre area. In 1963, Greenlaw bought a 35 acre area. At that time, someone discovered that when the state made their takings, they left out a land owner. So the actual owner of a piece of one land was Rockwood. The state did not acquire deeds to the land. In 1964, there is an old filling station, and there is the house. In 1964 Greenlaw conveyed a piece to the state. And the state conveyed two pieces of land to Greenlaw, part of one on which Greenlaw's house is located. Originally they were going to have a 150 foot right of way. So the right of way is 38 feet off the line. Greenlaw ended up with 4 pieces of land. Then in 1971 Greenlaw conveyed (sold) the four acres, but only the four acres. The deed is the original description of the four acres, accepting and preserving.

And then eventually this piece was acquired by the Busbys, In 1987, Greenlaw conveyed 35 acres to his son, Alan. Then in 2018 Alan conveyed to Dubreuil.

In addition to the three pieces that Dubreuil purchased from Greenlaw, they had also purchased Map 10 lot 74. There are five pieces of land to deal with. What Peter is proposing to do is a portion of parcel 1 will be combined with a portion of Map 6 lot 57, which is the 35 acre piece, to create Map 6 lot 57-1.

What the owners propose to do is:

- 1) Take some of one tract and add to the 35 acres.
- 2) The remainder of parcel 1, which ran up in front of the old filling station, will be combined with the portion of the 35 acre tract, and a portion of parcel 3 to create a 5.13 acre lot. Then the remainder of parcel 3 will be annexed to the Busby property so that they have the land in front of their house.
- 3) Then the back portion of the 35 acres will be annexed to the back of the lot that Dubreuil currently owns, where his house is located.
- 4) **We are going from 5 lots to 4.**
- 5) There is existing access to the 35 acres. The existing access to the old filling station has a well, and there is an existing driveway.

The lots are currently non-conforming in terms of frontage. If you look at it right now, Map 6 lot 57 (35 acre piece) has 165.81 feet of frontage. Parcel 1 has 199.78 feet of frontage, and parcel 3 has 155.77 feet of frontage. None has the required frontage. But when we are done, all of the frontage will be increasing. One will have 170 feet of frontage, one will have 200.59 feet.

Clyde Carson noted that the change takes a non-conforming lot and making it less non-conforming.

Peter Mellen: There is a large pipe that you can see, and a brook that comes down the hill. The original deed listed it being near a watering trough. And there is a significant amount of water coming down the hill. There was a subdivision done prior to our work, and there are three new lots.

Andy Bodnarik pointed out that there is a driveway that is not shown.

Peter Mellen responded that he did not show the entire lot because it was surveyed and approved by the planning board.

Clyde inquired if there was agreement between all the property owners.

Peter Mellen responded, "Yes. Dubreuil owns three of the lots, and the Busby's own the other, and everyone signed the application."

Don Hall asked if Dubreuil maintained the road.

A neighbor in the audience responded that it is a community road, and there are three of parties that agree on how to maintain it.

Nate Holmes , Mr. Romeo Dubreuil's son-in-law, stated that his intent is to build a house on the lot and slightly change the road. They will be separate from the other driveways based off the existing driveway. Nate will not be getting involved with the three house driveway and will leave it as simple as possible.

No questions from the board and no other residents wish to speak.

Clyde Carson noted that the change is taking a situation and making it better.

Don Hall asked that the owners have everything recorded with the state, and that all issues are cleared up.

Romeo's daughter, **Holly**, contacted the state, district 5 in Bedford, and they said that they were not sure, but you would have to resubmit all the paperwork to go into the basement to look for the original driveway application, and it would take 2-3 weeks, and suggested that they not do that and go to the planning board of Warner.

Don Hall said that the person at exit 7 needs to sign off, as they maintain the road, and need to approve the driveway.

Motion by Don Hall to Approve the changes. Prior to securing a building permit, apply for a driveway permit for Map 6, lot 57-1 from New Hampshire Department of Transportation.

Second by Andy Bodnarik

Approved: 4-0

Peter Mellen will add a note of the condition on the plan.

- **OLD BUSINESS**

1. **SUBDIVISION of PROPERTY**

Owner: Mark Govoni

Agent: Jeffrey Evans

Address: 158 West Main Street, **Map 14 LOT 5-1**

District: R-2

Description: Proposed subdivision. Review conditions from October 1, 2018 meeting.

1. **Written approval** from Water/Sewer Ray Martin – **received.**
2. **Record of recorded covenants** for the lot – **received.**

Ben Frost –“ If you look at note number 14 in the covenants:

No single tract as shown on the present or here-after modified subdivision plan may be further subdivided. However, with respect to Lot 1 of said subdivision, a subdivision into no more than two lots may be made after July 1, 1993.

I believe that corresponds to Map 14 lot 5-1 which is Lot 1 in that subdivision, which can be subdivided into two, without further action by the other owners.”

Don Hall noted that was not part of the original layout of Split Rock. That was a very haphazard and sloppy development in 1986.

3. **Tim Allen’s** approval letter, conversation in the Land Use office documented.

Andy Bodnarik noted that there is frontage on 103.

Still waiting to see the location of the driveway on the plans.

60 days from October 1. They will need to do the plan this month.

NOTE: New plans received with signature block, and driveway location, and signed by Ben Frost on November 12, 2018. Recorded at Registry of Deeds in Concord on November 20.

4. **DETERMINATION FOR SITE PLAN REVIEW**

Property Owner: Charlebois Holdings, LLC.

Name of Business owner: Technical Gas Products, Inc.

Address of Subject Property: 652 Route 103, Warner, NH 03278

Map 3, Lot 28

Business Owner: Technical Gas Products, Inc.

Proposed Use: Office and warehouse for sale and distribution of medical gasses and related equipment.

ACTION: Decision regarding need for Site Plan Review

We were looking for previous approval for hours of operation. Ben Frost located the documentation from planning board documents that the Coach company could have 6, possibly fewer, vehicles.

Holly Carlson, Dimond lane, (an abutter), has previously complained about the buses, the noise, the lights, and time of day of operations.

Ben Frost reported that this will require a site plan review, as this is not an engineered site plan.

Don Hall said that the big green tank is creating controversy.

Andy Bodnarik was confused reading the minutes and wondered how they will they store 3000 gallons.

Ben Frost responded that they are proposing to use the pad, not the tank.

Motion, by Don Hall, for the board to require a site plan review.

Second by Clyde Carson.

Approved: 4-0

Ben Frost is excused from the meeting.

Don Hall assumes the position of **Chair**.

- **COMMUNICATION AND MISCELLANEOUS**

CENTRAL NH COMMISSION TRANSPORTATION PROJECT SOLICITATION letter

Don Hall asked **Clyde** if the board of selectmen had anything to say about the letter. Clyde said he was not sure that the board had seen it, and that Mike Tardiff talked to him that it would be a good thing to do.

Clyde Carson will speak to the board of selectmen and get back to the planning board.

Diane requested the board members pick up their packets at the town hall starting next month.

Members will receive an email and/or phone call when the packets are ready.

- **REPORTS**

1. Board of Selectmen - Clyde Carson reported that they are in middle of budget season.

2. Regional Planning Commission - Ben Inman. No report.
3. Economic Development Committee (EDAC) – Don Hall attended the EDAC meeting and would like to ask for another member of the planning board to attend the meeting, instead of Don. This will be brought up at the next planning board meeting when more members are present.
4. **CIP** - Peter Anderson is absent. **Don Hall** said that there appears to be an issue with the CIP. For the past couple of years, we have tried to condense it, and bring things into mainstream. It appears that the budget committee is having a hard time figuring it out. Mr. Bingham attended the budget meeting, and was supposed to get back to the planning board with questions and answers, as a result of the last meeting, and process. At some point we need to reconfigure the CIP and bring in everyone that is involved, and sit down and discuss with them what are the planning board's procedures. Capital reserve is an issue – there was no indication of monies for capital reserve. Peter Anderson has tried to consolidate it. Evidently the department heads, in formulating their budgets, were missing something that is causing them to stumble.

Clyde Carson said that the CIP is a planning board report of needs that are coming before the town. Then it is the selectmen's job to put together a budget to bring before the town meeting. Clyde thinks that to equate the CIP with a capital budget for town meeting is putting the cart before the horse.

- **PUBLIC COMMENT**
- **Adjourned at 8:34pm**

PLANNING BOARD MEETINGS WILL END AT 10:00 P.M.
CASES REMAINING ON THE AGENDA WILL BE HEARD FIRST AT THE NEXT SCHEDULED
MONTHLY MEETINGMONTHLY MEETING