

TOWN OF STODDARD  
PLANNING BOARD  
MINUTES OF THE MEETING HELD September 1, 2015  
MEETING CONVENED AT 7:03 PM

Members attending included: Dian Mathews, Dale Smith, Dean Huber, Ellen Mason, Chris Madden, Selectmen's Rep. Margo Santoro and Alternate Harry Power. Excused was Ruth Ward and Dian Mathews called Harry Power to the board in her place.

Correspondence: SWRPC notice of workshop on Laying the Foundation for Complete Streets, budget report - 100% left.

Minutes of previous meeting: Dale Smith asked that there be an addition that Harry Power had made two comments – one saying he had more land use experience than anyone else on the board and that the board was a "do nothing" board until the present chairman was elected. Ellen Mason moved and Chris Madden seconded to approve the minutes as amended, the board approved with Harry Power opposed.

Old business:

1. Vote on Voluntary Merger for Ken Young. Dian Mathews explained that the Assessor and Jim Coffey, Town Administrator discovered the voluntary merger had not been dated or voted upon. Dale Smith said he never remembered the board voting on mergers but that they just ascertained that the lots were contiguous and then the chairman and secretary signed the document and recorded it at the Cheshire Country Registry of Deeds. Margo Santoro thought the board had been voting to allow the mergers.

New business:

1. Mark Skidmore – remove covenants and restrictions on Tax Map # 138 Lot # 34 – John Bunce (this issue was addressed in December, 2011 and Ruth had a fax from Silas Little, which was brought to the board on 1/3/2012 – copy was supplied to the board). Mr. Skidmore explained that the subject lot (#5 of Spruceland Subdivision created in 1977 and recorded in 1978 on maps and in deeds that refer to covenants and restrictions) has its own State Approved Septic System and no longer uses the Spruceland facility. Mr. Bunce wishes to sell the property and feels that the restrictions and covenants would make it more difficult to market. There would be a 60' easement on the beach that would be for the exclusive use of that Lot. When questioned about how the taxes on the beach property would be handled, Mark Skidmore replied that the Association would pay the taxes and the property owner would reimburse the Association for their fair share. Dean Huber asked what Mr. Bunce has to gain with this removal. Mr. Bunce said he wants to sell the lot and feels it will be easier to do so if no restrictions and covenants are in existence. After consulting all the documents, the board decided, based on Atty. Bradley's letter, that no action is necessary from the Planning Board. Mark Skidmore asked that the notice that his attorney wrote be stamped received and sent back to him.

Subdivision applications: None

Site Plan Review: Updated Commercial Road Waiver Agreement – Richer – Dale Smith and Chris Madden referred to RSA 674:41 c-1 noting that the road waiver was never a condition for granting the Site Plan Review for the Cell Tower. Dale Smith noted that the Fire Department uses whatever equipment they have at their disposal for reaching any emergency site. Dale

Smith asked who has the authority to require a road waiver. Do the Compliance Officer and or Town Administrator have that authority? Further discussion and consultation of the minutes of the Planning Board and Board of Selectmen found the issue was considered. Steve McGerty remembered that John Halter said we need the road waiver to keep liability from the town. Dale Smith mentioned that the Site Plan Review was approved without the road waiver being required. The road waiver was put in place after in agreement with the applicant. Chris Madden reported that Fred Ward is considering appealing the Cell Tower approval. Margo Santoro said she did not think Fred Ward was contesting the Cell Tower approval.

Public rudimentary questions: None

Other business:

Harry Power presented a road waiver for a proposed dwelling to be constructed on Valley Road Extension. The property is past where the town maintains the road.

Harry Power read updates to 2 N. H. laws:

1. (SB98 Chapter Law 126) allows the applicant to request the planning board to choose a different, third party consultant. The planning board has reasonable discretion to determine whether the request is warranted. When such a request is granted by the planning board, the 65 day period for the board's action on an application can be extended 45 days to provide the board adequate time to identify a different consultant. This bill is effective August 8, 2015.

2. (HB 143 Chapter Law 31) provides a definition for phased development in RSA 674.

Previously, some communities were using phased development as a substitute for a growth management ordinance and therefore limiting building permits. The new "phased management" definition means a development, usually for large scale projects, in which construction of proceeds in stages on a schedule over a period of years established in the subdivision or site plan approved by the planning board. In a phased development, the issuance of building permits in each phase is solely dependent on the completion of the prior phase and satisfaction of other conditions on the schedule approved by the planning board. Phased development does not include a general limit on the issuance of building permits or the granting of subdivision or site plan approval in the municipality, which may be accomplished only by a growth management ordinance under RSA 674:22 or a temporary moratorium, or limitation under RSA 674:23. This bill is effective immediately.

Secretary's Cumulative Hours: 21.75

Adjourned: Chris Madden moved and Dale Smith seconded to adjourn at 8:27 PM, the board agreed.

Respectfully submitted,

Patricia E. Putnam  
Secretary

These minutes of the Town of Stoddard Planning Board have been recorded by the Town Board Secretary. Though believed to be accurate and correct, they are subject to additions, deletions and corrections by the Board members at the next meeting when the Board votes its final approval of the minutes. They are being made available at this time to conform to the requirements of NH RSA 91-A: 2.