

**Freedom Planning Board
July 19, 2018
Freedom Town Hall**

Members Present: Anne Cunningham, Paul Olzerowicz, Bill Elliott, Peter Park (A), Ernie Day (S), Jeffrey Towle

Members Absent: Paul Elie, Dale McConkey, Les Babb

Others Present: Seth Burnell LLS HEB Engineers, Jen Molin, Marcia Santner, Charlie Iselborn

Quorum: Met

With a quorum having been declared the meeting was called to order at 7:00 p.m. Anne explained that Paul Elie was not going to make the meeting tonight and Peter Park will be taking his place tonight, Ernie is sitting in for Les as Selectmen Representative and Dale McConkey will be absent as well. The previous meeting minutes were reviewed as the first order of business.

Minutes

A motion was made by Bill, seconded by Paul O to accept the June 21, 2018 minutes as amended:

Page 1 second paragraph next to the last line add *open to after are to read Site Plan reviews are open to public inspection.*

Page 2 fourth paragraph second sentence change *4-8 beds to 3 bedrooms and the last sentence change house to main house.*

Page 2 first paragraph last line after the surrounding area add *from the owners of record.*

Page 2 under 5.2.1 instead of ~~waiver requested~~ add *see 5.2.4.2 below*

Page 2 last paragraph first sentence correct spelling ~~determent~~ should read *determine.*

Page 3 first paragraph third sentence ~~certified-land surveyor~~ change to *licensed land surveyor.*

Page 4 #16 add to Motion Passed unanimously.

Page 5 Add unanimously after Motion passed to #21 and # 27.

Page 6 second paragraph where it reads Charlie responded 3 bathrooms and 2 bedrooms should read 2 bathrooms and 3 bedrooms.

Page 7 where it reads Jeff made a motion, seconded by Bill add *to approve the application and remove is-complete.*

In the Members Absent remove Peter Park (A) due to Peter just now having received his appointment letter and being sworn in July.

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Change Jeffery Towel to Jeffrey Towle.

Motion Passed unanimously.

Review application submitted by Marcia C Santner for Minor Lot Line Adjustment between Marcia C. Santner, Map 13, Lot 13-2 and Charles A. & Linda M Iselborn, Map 13, 13-3.

Chairman Anne Cunningham recused herself from reviewing the Santner application due to Marcia Santner being her sister in-law and asked Peter Park to continue with reviewing the application.

Peter explained that both Marcia Santner and Charlie Iselborn are present for the review and they both have sent in a letter of Agent Authorization appointing Seth Burnell to represent them both. Seth then came before the board and introduced himself and gave an overview of the lot line adjustment and referred to maps to explain the adjustment. He explained Mrs. Santner currently owns a lot of about 40 acres next to Mr. and Mrs. Iselborn who owns 13 acres and this adjustment is to transfer 3 acres form Mrs. Santner to the Iselborn's.

The intent is there be no buildings on this parcel and the land will be deeded with those conditions.

Peter asked if there were any abutters that would like to speak or members of the public that would like to speak for or against the adjustment. There was no comment.

Seth had a question regarding procedure, he questioned that the minor boundary line adjustments don't have a public hearing because they are not approved as a sub-division. Anne commented she spoke with an attorney at the local government center and the RSA states you don't have to have a public hearing for a boundary line adjustment and expressed her concerns regarding the matter and it is a matter the board will address. Anne explained it is an exception in the RSA.

Peter continued with the reviewing of the application, going through the questions.

Section 4- Minor Lot Line Adjustments or Boundary Agreements.

4:1 Notice is required only to abutters and the applicant.

Complete.

4:2 A site location map shall be submitted to the Board showing the original boundaries of the adjacent parcels and a detailed plat shall be submitted to the Board showing the new property lines, bearing, distances and all new permanent corner markers, area of two new created lots shall be indicated in acreage and square feet, as a result of the minor lot line adjustment/boundary agreement.

Complete

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4:3 Any abutter may be heard on the application for review at the public meeting when the matter is discussed by the Board. If deemed necessary, the Board may adjourn its consideration to another date and time to allow further abutter participation. The Board shall review the application and determine if the proposal is a minor line adjustment or boundary agreement.

Peter asked if the board agreed that this is a minor lot adjustment. Seth explained the difference between a minor line adjustment and a boundary agreement.

The plan will be updated to eliminate item C of note 6 the right of first refusal.

The board will sign the corrected plan.

Complete

4:4 A statement shall be placed on the plat stating the following:

“This plan shows the Minor Lot Line Adjustment /Boundary Agreement and does not require the approval of the Freedom Planning Board as a subdivision.

Complete

4:5 The plat shall be filed in the Carroll County Registry of Deeds and a copy with the Freedom Planning Board.

Paul O made a motion, seconded by Bill to approve the Marcia C Santner minor lot line adjustment. Motion passed unanimously.

Peter confirmed that Seth will get copies of the plan with the correction to the board to be signed and they would sign the mylar tonight and that would go to the registry of deeds.

Peter made a motion, seconded by Jeff to appoint Paul O. to be the signer on plats. Motion passed unanimously.

The Santner minor lot lined adjustment mylar was signed.

Other Business

_Anne reviewed language in the Freedom Zoning Ordinance regarding Minor Lot Line Adjustments.

Anne pointed out a section on the Minor Lot Line Adjustment application where it discusses under Procedure and Notice: the application for a Minor Lot Line Adjustment/Boundary Agreement shall be considered and acted upon at the public meeting without a public hearing, there is a contradiction in the next line that states any abutter may be heard on the application for review at a public hearing. She will send out a packet for members to review for the next meeting to try and clean up the application.

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Anne suggested adding a requirement to the application that a 11x17 inch map would need to be submitted by email to the Town office. A public hearing would be needed to update the boards regulation to require one.

She also noted that the application does not require the signature of the other party to the boundary line adjustment, which would be important part of the process, so something is not signed by the Planning Board that is not agreed to by the other party. Other concerns with the application are as follows:

Item # 6 of the Minor Lot Line Adjustment or Boundary Agreement requires that the PB chair sign receipt of the application.

Item #7 of the application requires the "Planning Board" sign that it "hereby waive compliance with the requirements for Subdivision pursuant to Section 4 of the Freedom Subdivision Regulations".

The board agreed unanimously that they would like to have a 11x17 inch map as a submission requirement for minor lot line adjustment or boundary agreement.

Review of Changes to Subdivision Regulations

Tabled till next month.

Other Business that can come properly before the Board

Anne explained there is a matter that has come to the Planning Board through the Board of Selectmen. There is an RSA 674.41 that states you can not issue a building permit on a class 6 road. She went on to explain Katie Watts is building a house on Freedom Shores Rd, while getting variances approved by the ZBA it was realized there was no road on the property, that it is a wooded lot. Katie ended up going to the Board of Selectmen on Monday and they have now referred her application to the Planning Board per the RSA stating that the BOS can issue the building permit, if the Planning Board reviews and comments on the application. The Planning Board does not have a vote but can raise any issues or concerns. An engaging discussion ensued around the lot and the specifics of the road and the need for a turn around for a school bus or fire truck. The BOS said the road could be put in the designated right of way however when the Planning Board got the packet the road was shown in a different spot. With the aid of a tax map, an engaging discussion ensued around the road. Ernie felt there could be a miscommunication on the placement of the road.

The BOS informed the Watts that the road needs to be built to Town specs and taken to the lot line. Anne reiterated the Boards job tonight is to review and comment.

After an engaging discussion around the road, it was decided Anne will respond in a letter to the Board of Selectmen that they have reviewed the plan and have access to the new maps with a road, but could see from the tax map where the original planned road was, and the board has the following three comments:

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- Will the buildings meet the zoning setbacks?
- Is there a long term stormwater management plan to protect the lake water quality post development?
- The Planning Board agrees with the Board of Selectmen to stay with the original road plan of the sub division.

Peter made a motion, seconded by Bill that the Planning Board submit a letter to the Board of Selectmen with the points that Anne has just written. Motion passed unanimously.

There being no other business to come before the board, Peter made a motion, seconded by Jeff to adjourn the meeting at 8:20 p.m. All were in favor.

**Respectfully Submitted,
Stacy Bolduc
Recording Secretary**