

1 **Official**

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3 **MINUTES**

4 **HOOKSETT PLANNING BOARD MEETING**
5 **HOOKSETT TOWN HALL CHAMBERS (Room 105)**

6 **35 Main Street**

7 **Monday, November 7, 2022**

8 **6:00 PM**

9

10 **MEETING CALLED TO ORDER AT 6:00 P.M.**

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12 **PROOF OF POSTING**

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14 **PLEDGE OF ALLEGIANCE**

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16 **INTRODUCE MEMBERS OF THE BOARD**

17

18 **PRESENT: Chris Stelmach (Vice-Chairman), Paul Scarpetti, Don Winterton, Denise Pichette**
19 **Volk, and David Boutin (Town Council Representative)**

20

21 **ALTERNATES: Robert Duhaime (arrived at 6:07 p.m.)**

22

23 **EXCUSED: Tom Walsh (Chairman), Mike Somers, Sheena Gilbert**

24

25 **NOT PRESENT: None**

26

27 **STAFF: Nicholas Williams (Town Planner)**

28

29 **APPROVAL OF MINUTES OF OCTOBER 17, 2022**

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31 ***D. Boutin motioned to approve the minutes of the October 17, 2022 meeting. Seconded by D.***
32 ***Winterton. Motion carried unanimously with a vote of 5-0.***

33 **PUBLIC HEARING**

34

35 **1. 35 EDGEWATER DRIVE, LLC**

36 **35 Edgewater Drive**

37 **Tax Map 5 Lot 54**

38 **Request for One Year Extension of Approved Site Plan for Event Venue**

39

40 **P. Scarpetti stepped down as he is one of the applicants.**

41

42 **Paul Scarpetti (73 Falcon Lane) and Ken Scarpetti (16 Sagamore Street, Manchester, NH).**

43

44 **P. Scarpetti: From paperwork we submitted the state had a request for information. We were told today**
45 **the engineer answered all of the questions and was submitting them back to the state. The reason for**

46 the delay is another level of bureaucracy because this is on the water and shore-land. We have been dil-
47 igently working at this but it takes time.

48
49 C. Stelmach: Are there any changes to the site?

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51 P. Scarpetti: No. Everything is the same. We are just trying to get state approvals completed.

52
53 Open public hearing.

54 No public comments.

55 Close public hearing.

56
57 ***D. Boutin motioned to approve the request for a one year extension of approved site plan for event***
58 ***venue for 35 Edgewater Drive, LLC, 35 Edgewater Drive, Tax Map 5 Lot 54. Seconded by. D Win-***
59 ***terton. Motion carried unanimously with a vote of 4-0.***

60
61 **P. Scarpetti returned.**

62
63 **2. SPRINGWOOD HOMES DEVELOPMENT, LLC**

64 **3 Dartmouth Street**

65 **Tax Map 18 Lot 29**

66 **Performance Zone Waiver Request to Permit Age-Restricted Residential Condo**

67
68 Robert Duhaime recused himself due to a family conflict.

69
70 Roger Duhaime (19 Sawhill Road): I am sitting in for JR Ouellette, the Owner/President of Spring-
71 wood Homes Development. I am here to present a rough conceptual plan for the parcel. This is con-
72 sistent of a single run down family home that was situated in the PZ. The house has been removed and
73 the area is in need of improvements. The property is three acres. The land is flat and adjacent to what
74 was a mobile home park. The existing neighborhood has some commercial, residential, and a 55+ de-
75 velopment that wraps around to Hunt Street. This board allowed 16 single family homes to be devel-
76 oped on this parcel. Springwood Homes bought and it looking to put in this development. There is a
77 driveway connecting Dartmouth Street with Hunt Street. There would be either duplexes (more units)
78 or single family units. Whichever this board would think would be more suited for the area. It would
79 either be 16 units which would be condos or single family homes. We would like the 16 units but
80 would take the 12 units.

81
82 D. Boutin: I see 12 units and I see 55+ with 12 to 16 units. I don't know what it is. What are you ask-
83 ing approval for?

84
85 N. Williams: When I spoke with JR Ouellette we agreed we would notice this as a public hearing for
86 the PZ waiver request. What the board is hearing is specific to the use. They are asking to develop an
87 age restricted community on this parcel which is in the PZ that was already approved for a 16 lot sub-
88 division. That is the hearing tonight.

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90 D. Boutin: How many units?

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92 N. Williams: They are submitting two different design scenarios.

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C. Stelmach: They are asking for input from the board on what we would like to see.

D. Boutin: It is not for us to decide what the applicant ends up with. I want to know what you want to the board to approve.

R. Duhaime: We are looking to put in a 55+ community. That is what we are looking for.

D. Boutin: How many units?

R. Duhaime: I would say 16.

D. Boutin: That is what you need to ask for.

R. Duhaime: We are asking for 16 units but we put both in front of you as conceptualls to see which the board would prefer.

D. Boutin: You are not looking for us to act on this tonight?

R. Duhaime: No.

D. Winterton: We are being asked to give a waiver to allow for an over 55+ development in the PZ and they may come back?

N. Williams: The entitlements they would have to go through are asking for a waiver on the use (age restricted community in the PZ) which they are here for tonight. They presented two different density scenarios. One for 16 units in 8 duplexes and one showing 12 detached units. The density would fall under Article 7 of the zoning ordinance which is the elderly and elder person and handicapped housing ordinance. That is a separate ordinance from PZ, 10(a). The maximum density they would be permitted to do by right under that ordinance is 3 units per acre for a total of 9. If they want to do the densities they are requesting that would have to go before the ZBA. You are being asked to allow the use under the PZ.

D. Winterton: Was this proposed previous to the approval we gave for the 6 lot single family.

N. Williams: I think it was part of the conceptual that was presented, but was never formerly presented.

D. Boutin: What is the size difference between the 12 unit and 16 unit proposal?

R. Duhaime: I do not have that information.

D. Boutin: It shows 1,547 square feet. Is that based on 12 or 16 units?

R. Duhaime: The 16 units.

D. Boutin: We are not voting on that?

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N. Williams: No.

P. Scarpetti: Where do we go from here? We are just signing the plans for the 6 unit but they are coming in for the 12.

N. Williams: With the 6 lot sub-division they have entitlements to build that out as it was approved by the planning board and recorded at the registry. If after the public hearing the board decides this is not something they want to do the entitlements will remain for the 6 lot sub-division.

P. Scarpetti: They are here with a 12 unit mix. If we were to approve going to the senior housing and then we tell them they can only do 9 they would have to go to the ZBA to get relief. If they do not get relief then they come back here and say they want to go back to the 6? Shouldn't they be going to the ZBA first for relief?

N. Williams: No. The right they are asking for is not permitted by zone.

R. Duhaime: Water and sewer is there. This is feasible. We already have 55+ housing in that area. I don't know what his full intentions are but I know he is looking for the waiver to do a 55+. He thinks this is a good location for it and I think he presented it before but maybe did not present it well. It is hard to find something in these areas that works. I think this is a reasonable idea in this area. I don't know what will be done in the front. The commercial is the tough part in the PZ. You can't find a single family home in Hooksett. I asked him what these would go for and you are still looking at the \$350,000 to \$400,000 range for a small home. This looks like it fits.

D. Pichette Volk: When we did the waiver that was presented by someone who owned the land at the time. The owner of this parcel is now someone else. Does whatever was agreed to when Mr. Viviers owned it transfer to the new owner?

N. Williams: Yes.

D. Pichette Volk: If the new owner wants to develop the 6 houses they could?

D. Boutin: Yes.

D. Pichette Volk: This new owner wants a waiver for a not by right use of that land to make one of these other proposals?

D. Winterton: He is asking for a waiver for the potential to do this because it still has to go to the ZBA and then come back to us, correct?

N. Williams: If this board, after the public hearing, grants the waiver to do this they will be allowed to pull permits on 9 units once they come back in with their site drawings. That is the maximum of what is permitted under the zoning ordinance. If they want to go more dense than that they would have to go to the ZBA and ask for that relief. If after the public hearing they are conveyed an entitlement to use the land like this, they will get building permits once they bring back the drawings and fully engineered plan set at 9 units assuming that it meets all of the requirements of the development regulations.

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C. Stelmach: If the waiver passed for 9 units will he do that?

R. Duhaime: That would be up to him. With the 55+ it is almost commercial because you don't have the impacts on the schools.

D. Winterton: If we grant the waiver and they decide 9 units of 55+ housing is not what they want to do could they go back and build 6 individual homes?

N. Williams: Yes.

Open public hearing.

Jerome Flaherty (40 Grand Avenue, Manchester): I represent the abutter at 7 Dartmouth Street. We run a non-profit commercial property where we house lost dogs and rescue dogs for New England. That is a loud property because we have dogs. When the property was originally applied for it was for a smaller location. They asked for several different concessions to get the original approval. One of those was a buffer zone. They cannot put elderly people of at least twice the capacity next to a dog shelter without that kind of buffer. There is also a traffic concern that was raised. People from that 55+ community rip up and down that road all day. This changes the dynamic significantly and creates a new problem space. You have to think about what you want put there if you don't provide that buffer.

C. Stelmach: Would the 25' buffer still be there if the 9 lots were to go in?

N. Williams: If this is approved there would be another public hearing for the site development.

Amy Mailot (152 Amherst Road, Merrimack/Treasurer of the Board of Directors for Granite State Dog Recovery): We run a fully commercial operation. We spent almost \$100,000 getting this property up to speed to be commercially licensed by the state of NH to have 15 dogs at our property. I don't feel that putting an 55+ community is a good use of that space. As far as the traffic, it is nearly impossible to get in or out of Dartmouth Street during the day. I am not sure having 16 units will help that issue.

Holly Mokrzecki (40 Grand Avenue, Manchester/President of Granite State Dog Recovery): We went above and beyond to bring our building up to code. We had to put egresses on our side in case the fire department had to get in there to remove animals. I don't understand how we can't have a 50' buffer as a commercially zoned property. You did not realize we were commercially zoned before you gave approval. If we don't have a 50' buffer how does the fire department get around that building to get those animals out. Why can't we be considered having the 50' buffer? It is like you are breaking your own rules. It is frustrating when you spend that much money as a non-profit to watch Springwood's development buy this property The original person sold it for \$210,000 to the development who got 6 lots. He bought it for \$740,000. What about us as the commercial property? There is a commercial property out front. Now we are going to put in a 55+ community when we are in the back with 15 dogs and volunteers that come and go. Dogs bark. Your 55+ people are going to complain. We are the commercial property first. That is not fair to us.

R. Duhaime: Older people usually like dogs.

234 H. Mokrzecki We can't even walk at the 55+ community down the road.

235

236 D. Boutin: That is private property.

237

238 H. Mokrzecki: It is still the point. The dogs are going to bark.

239

240 D. Boutin: I have driven by there many times during the day and have never heard a dog bark.

241

242 H. Mokrzecki: We are respectful to our neighbors but we are a commercial property. If the dogs bark
243 we bring them in the house.

244

245 D. Boutin: There is no reason we can't put a buffer zone between the two properties.

246

247 H. Mokrzecki: For 6 homes, not 16.

248

249 D. Boutin: We are not supposed to be doing site plan review.

250

251 C. Stelmach: I am just listening to what people have to say.

252

253 Robert Duhaime (1779 Hooksett Road): Retirement housing is the only type of housing that is allowed
254 in the commercial district. This was residential, changed to commercial, then changed to PZ. The idea
255 of the PZ is to have a mixed use. We wanted nicer developments along DW Highway. In Bedford there
256 is commercial in front and housing behind it. It is a mixed district. I don't think this would harm it. I
257 know your concerns about the buffer. The planning board would keep that buffer in there. In the com-
258 mercial districts throughout the town of Hooksett 55+ housing is allowed.

259

260 J. Flaherty: The reason this is relevant and critical is they could not get that many units on the property
261 without eating into that buffer zone. It did not fit. So now we are taking something that had limited ap-
262 proval, given it to somebody else, somebody walks out with a half a million dollars, now they are ask-
263 ing for another concession. We are changing the fundamental approach of how this was supposed to be
264 designed and used. It is going to end up with a negative impact to the people who live there.

265

266 R. Duhaime: The first conceptual was one large assisted living building.

267

268 J. Flaherty: They came in with what I considered to be a semi-threat. They wanted the Firebird Mo-
269 tel, a drug rehabilitation center, and temporary housing from the prison system. This has not been sit-
270 ting well with me from the on-set. It seems shady.

271

272 Susan Piche (425 Buck Street): We know things will be built next to Granite State Dog Recovery. The
273 buffer was agreed to be 25'. Typically with commercial it is 50' to the next property as a buffer zone. If
274 there is any way we could be considered for the 50' as opposed to 25' to the next lot that would be
275 helpful and beneficial to us.

276

277 C. Stelmach: Nicholas, do you know how that came to be?

278

279 N. Williams: There was discussion about doing the 25' planted buffer. Between commercial and resi-
280 dential uses there is a required 50' buffer into the new use that is being developed. However, it is not

281 required to be planted. On the plans approved for the sub-division it was required to be a 25' planted
282 buffer.

283
284 P. Scarpetti: I agree we are looking at this as far as the use. But when you give up the use you are giv-
285 ing up a lot of what they can do. That is out of our control. With the 6 lot sub-division the houses are
286 set up so there is a side yard to the kennel. With this proposal their backyards would be to the kennel. It
287 is a big difference because you live in your backyard. This applicant came first and we denied it years
288 back. The new applicant did the 6 lots. Now this applicant is here. I have a hard time with this. Roger
289 cannot explain to us what the deal is with the set backs and such. I have a hard time putting my vote
290 behind it because there are too many things that are open ended. If he agreed to the 9 maybe I would
291 consider it. He could get 16 units here and that is not fair to the neighbors.

292
293 D. Boutin: We are not doing a site plan review tonight. I am concerned about talking about something
294 that might violate the rights of the property owner. Once he comes in with a plan we can make sure the
295 rights of the dog facility are protected as we do with any project that happens in town.

296
297 N. Williams: There will be another noticed public hearing if they go to the ZBA to ask for relief and
298 the abutters will be notified. That will be a separate hearing outside of the planning board. Secondly
299 there will be a public hearing when they submit for their site plan.

300
301 D. Winterton: If we give this waiver they could do 9 units and then we would have a site plan review
302 about where those 9 units would go and the layout of them? I want to know what the consequences
303 might be by my vote.

304
305 D. Boutin: If we pass the waiver anything they do on the property has to be done in conformance with
306 the site plan regulations and zoning ordinance. That is not before us tonight.

307
308 J. Flaherty: I don't agree with that perspective. Just learning this was the original proposal coming
309 back from the same builder leads me to believe there is a continued pattern of ask something once, get
310 what you want but what you really want is the second and third request. Ruling on this now without the
311 site plan would open the door to change the use so they can submit another plan. I would suggest you
312 do not rule on this without the plan. I also do not want to defer the responsibility to defend our rights
313 onto us when the board has the power to do it now. You will be transferring the ownership and respon-
314 sibility of us having to defend ourselves off the board and onto us by ruling in favor.

315
316 D. Boutin: That is not true.

317
318 Close public hearing.

319
320 *D. Boutin motioned to approve the performance zone waiver request to permit age-restricted residen-*
321 *tial condos for Springwood Homes Development, LLC, 3 Dartmouth Street, Tax Map 18 Lot 29*
322 *Seconded by D. Winterton*

323
324 **Roll Call**

325 **D. Boutin - Yes**

326 **D. Winterton - Yes**

327 **P. Scarpetti - No**

328 **D. Pichette Volk - No**

329 **C. Stelmach - Yes**

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331 **Motion carries with a vote of 3-2.**

332

333 R. Duhaime returned.

334

335 R. Duhaime will be a voting member.

336

337 **COMPLETENESS REVIEW AND PUBLIC HEARING**

338

339 **3. TRASHCAN WILLY'S**

340 **230 Londonderry Turnpike**

341 **Tax Map 35 Lot 3**

342 **Amended Commercial Site Plan for Rubbish Removal Business with Associated Site Im-**
343 **provements**

344

345 Steven Mayer (Allen and Major Associates, Inc.): Trashcan Willy's has been in operation for 2 years.
346 For the past few months we have been working with staff, the fire department, engineering, and plan-
347 ning to address some paving that went in earlier in the year. To address the paving we are proposing 2
348 new stormwater BMPs which are designed to intercept stormwater runoff from the new pavement. The
349 first BMP is a bio-retention system which will intercept the run-off from the new pavement near the
350 street. The second BMP is a stone infiltration trench which will intercept the run-off from the new
351 pavement on the rear of the site. Both BMPs have been designed to infiltrate enough run-off to reduce
352 the peak rate and volume of run-off from the site compared to the historic conditions. We are here to
353 request site plan approval for the changes that are the additional pavement and the new stormwater
354 BMPs. The fire department has reviewed the plans and requested we install a new designated fire lane
355 which will be installed between the two buildings. The town engineer has also reviewed the plans as
356 well as the drainage report. He had a few minor comments which we have been addressed and he has
357 issued a memo of approval. The project avoids land disturbance within the prime wetland waiver. We
358 are not proposing any changes to the building.

359

360 C. Stelmach: Is the grade percentage going into the property less than 9 percent? I remember the fire
361 truck not being able to get into the property.

362

363 Steven Heinsath (Owner): We put the new fire lane in to avoid the grade issue.

364

365 N. Williams: The paving went in. The grade from the top where it comes down to the new parking area
366 is steeper than the 9 percent that fire requires. It was either tear it out or provide a turn around at the
367 top. There is not going to be any substantial development at the bottom where the parking area is so fire
368 was okay with this. Bruce Thomas reviewed and signed off on it. Procedurally, going forward, in our
369 development regulations we need to know how to deal with these issues as a whole when someone
370 comes in with an occupancy review permit. This is important, particularly on Londonderry Turnpike
371 because we just rezoned a lot of properties that were once single family residential homes to commer-
372 cial. At what point do we require a fully engineered set of prints with landscaping plans, drainage and
373 grading, and wetland delineations by a wetland scientist. At what point do we require they do that work

374 and submit it to us. That is a hole in our regulations that needs to be addressed so we have clear guid-
375 ance. We were aware there were substantial areas of prime wetland areas on the back of this property.
376 That is why we initially requested that the wetland scientist go out and provide a delineation of the wet-
377 land and it came to be there was some unauthorized paving and that is why we are here.
378

379 D. Boutin: Could someone explain what is on this plan? I can't read it. I can't vote on a plan when I
380 don't understand what it is. I don't understand what buildings are on the plan. This is unreadable.
381

382 R. Duhaime: I remember seeing the white fence jogged out, then paved, then vehicles starting parking
383 there. Were permits pulled for the paving and the fence?
384

385 S. Heinsath: I made a mistake as far as site plan changes without approval. We called to ask for per-
386 mits for the fencing. We did everything I thought we were supposed to do. I am not aware of any other
387 outstanding issues.
388

389 R. Duhaime: Is the fence within his setback?
390

391 N. Williams: Fences can go on your property line.
392

393 R. Duhaime: Is there something there for screening to break it up?
394

395 S. Heinsath: I was going to put some bushes in front and dress it up.
396

397 R. Duhaime: If we reviewed your site plan you would come up to our new regulations but you are not
398 doing that much more disturbance to the site so we don't need to do that. If you want to put in a bigger
399 building in a year or two then we will do a full site plan review then. If you start doing some of it now
400 it will already be done. I would like to see some screening added onto the plan.
401

402 N. Williams: Street trees in a commercial zone are every 15'.
403

404 S. Heinsath: Why do I have to plant a bunch of trees in the front of my property. I already have half of
405 my property taken up by a wetland.
406

407 R. Duhaime: That is the regulation for everybody.
408

409 S. Heinsath: I don't see street trees every 15' in the front of every business. The fence is 30'. I have
410 200' of frontage and now you want me to plant 25 trees?
411

412 D. Boutin: How much frontage do you have?
413

414 S. Heinsath: 210'. Half of it is woodlands.
415

416 R. Duhaime: Some would be larger, some could be smaller. It breaks up the screening and site line. It
417 is an aesthetics thing. It is supposed to help the site fit. You have expanded the use of the site. We are
418 not looking for a whole site plan review. We are just looking for a few trees in front of the fence.
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420 S. Heinsath: I will put in a few trees if we can pass this.

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D. Boutin: We have a memo from the town engineer. The plan they submitted is unreadable. Submit a plan at the next meeting that we can read. We are not trying to hold you up.

P. Scarpetti: From the fire department's standpoint, is the paved area in the front so they can come around the existing house to turn around because the grade is higher than 9 percent?

S. Heinsath: He was looking at the general flow of the layout of the higher up parking lot because of the grade. I think he was taking the additional front lot into account as part of the turning radius.

Open public hearing.

Roger Duhaime (19 Sawhill Road): We are looking for consistency in the town with the trees.

S. Heinsath: Compromise made. I have said I will add the trees.

Close public hearing.

R. Duhaime motioned to approve the amended commercial site plan for rubbish removal business with associated site improvements for Trashcan Willy's, 230 Londonderry Turnpike, Tax Map 35, Lot 3 with the addition of trees 15' apart from each other.

S. Mayer: A significant amount of this property has frontage that is already wooded. The portion of the site that is not wooded.

S. Heinsath: I think 4 trees would cut it in front of the house and fence. I think that is about 80'.

R. Duhaime amended his motion to read: R. Duhaime motioned to approve the amended commercial site plan for rubbish removal business with associated site improvements for Trashcan Willy's, 230 Londonderry Turnpike, Tax Map 35, Lot 3 with 4 trees added to the site plan. Seconded by D. Pichette Volk.

Roll Call

D. Boutin: No

D. Winterton: Yes

P. Scarpetti: No

R. Duhaime: Yes

D. Pichette Volk: Yes

C. Stelmach: Yes

Motion carries with a vote of 4-2.

- 4. PROMISED LAND SURVEY, LLC**
1245 & 1243B Smyth Road
Tax Map 48 Lots 42 & 46
Lot Line Adjustment

468 Brandon Wing: I am here with Marty Magdziarz and Mike Mole (son of Muriel Mole) owner of the
469 other parcel. I have written permission to represent Muriel Mole. This would transfer a 27' wide strip
470 of land along the southwesterly portion of Lot 42 to Lot 46. The reason for this lot line adjustment is to
471 provide a privacy land buffer between the two subject lots. There is no development proposed as part of
472 this project. Lot 46 is agricultural land. The intent is to keep it in that use. The previous generations of
473 Mr. Mole and Mr. Majors had been neighbors and friends and had decided to do this years ago. It was
474 brought to a lot-line adjustment point but it never finalized.
475

476 C. Stelmach: You are dropping Lot 42 from 3.56 to 3.17.

477
478 B. Wing: Yes.

479
480 C. Stelmach: How many feet is that?

481
482 B. Wing: 27 feet.

483
484 P. Scarpetti: Right now they have a 23' right-of-way to access the Smyth Road house, barn, and garage
485 that is behind Lots 33 and 34. This becomes a 50' right-of-way?
486

487 B. Wing: The 23' right-of-way would remain. This would be land transferred as a buffer to Lot 46.
488 The tax map and GIS show it as Lot 44. I have seen historic evidence it was Lot 43 and I think Lot 43
489 is that strip of land that goes all the way back to the existing barn on Mr. Majors parcel.

490
491 P. Scarpetti: Who owns that?

492
493 B. Wing: The Duckless Family Revocable Trust.

494
495 P. Scarpetti: That is a whole separate entity.

496
497 B. Wing: Yes. There is a 23' wide right-of-way that has deeded access to Lots 45 and 46 over and
498 across the Duckless's land.

499
500 C. Stelmach: Moving the whole line on Lot 42 is just to give a buffer to Lot 46 for that almost 75'
501 stretch down in the right?
502

503 B. Wing: Yes but it will additionally give a bigger buffer to the two lots in the front although they are
504 not involved in this lot line adjustment.

505
506 Open public hearing.

507
508 Kimberly Duckless (1243 Smyth Road): We own Lot 44. Lot 43 is a deeded right-of-way that is
509 deeded to the land locked property behind us. The town did an involuntary merger in 1998 because we
510 were having a dispute over who owned the right-of-way. We are fine with the 23' right-of-way. When
511 we go to sell does this open this up for a development? Does Lot 46 have access to the right-of-way
512 that services Lot 45?
513

514 B. Wing: The deed mentions the right-of-way.

515
516 K. Duckless: I have the deed but did not see the right-of-way mentioned.

517
518 B. Wing: The deeds are right and wrong.

519
520 B. Wing and K. Duckless ensued discussion regarding compass bearings and distance in relation to
521 how the deed is written.

522
523 D. Boutin: Would these easements and right-of-ways permit development of a couple of houses on
524 Lots 45 and 46?

525
526 B. Wing: I don't see how it would. That not ownership. The parcels in the back do not own that strip.
527 Unless it is deeded to them, they would only own 27' of frontage if you approve this.

528
529 D. Boutin: The Duckless's own the second right-of-way to the left?

530
531 B. Wing: Yes, back to the barn.

532
533 K. Duckless: We own the westerly one. It is a flag shaped property. We want to have clarification that
534 if there were ever traffic or the development of a couple of homes if they would use the new 27' right-
535 of-way on the other side of the stone wall or if they would have access to this right-of-way.

536
537 N. Williams: There is no legal lot frontage on either lot. They cannot sub-divide or expand if they do
538 not have any legal frontage. A recorded right-of-way for the benefit of access of what is currently there
539 does not give them the legal lot frontage to expand the use.

540
541 P. Scarpetti: Unless they bought that 23'.

542
543 N. Williams: The only way that could open up access for development in the back is if it were up-
544 graded to a public town road built to town specifications. A private right-of-way for the benefit of ac-
545 cess to the back or an access easement is not legal lot frontage so the answer is no.

546
547 D. Boutin: How much is the frontage on Smyth Road?

548
549 K. Duckless: 139' is the frontage for Lot 44.

550
551 D. Boutin: The 23' is part of Lot 44?

552
553 K. Duckless: Yes.

554
555 D. Boutin: How much is that frontage?

556
557 B. Wing: 139.9. Lot 46 will have 27' of frontage on Smyth Road pending this approval.

558
559 Close public hearing.

560

561 ***D. Boutin motioned to approve the lot line adjustment for Promised Land Survey, LLC, 1245 &***
562 ***1243B Smyth Road, Tax Map 48 Lots 42 & 46. Seconded by P. Scarpetti. Motion carries with a***
563 ***vote of 6-0.***

564
565 **SCHEDULED APPOINTMENTS**

566
567 **5. MR. MIKE SORRELL**
568 **DISCUSSION REGARDING TOWN MASTER PLAN**

569 M. Sorrell is not present.

570
571
572 **BUSINESS OCCUPANCY/TOWN DEVELOPMENT UPDATE**

573 Catholic Charities is not moving forward due to funding issues.

574
575 **OTHER BUSINESS**

576 Discussion ensued on the development regulations.

577
578
579 **ADJOURNMENT**

580
581
582 ***D. Boutin motioned to adjourn at 7:24 pm. Seconded by P. Scarpetti. Motion carried unanimously***
583 ***with a vote of 6-0.***

584
585 **The next regularly scheduled meeting of the Planning Board will be held November 21, 2022 at**
586 **6:00 pm.**

587
588 **Respectfully submitted by,**

589
590 **/s/ AnnMarie Scott**

591
592 **AnnMarie Scott**
593 **Recording Clerk**