



Canaan Planning Board
Minutes
Meeting of April 12, 2012

Call to Order

7:05 John Bergeron called the meeting to order. Members present: John Bergeron, Barbara Dolyak, Joe Frazier, and Chuck Townsend.

Minutes review

Chuck Townsend read the minutes from the Mar. 22, 2012 meeting. John Bergeron noted that the Board of Adjustment was mis-named. Joe Frazier made the motion to accept as amended, with second by John Bergeron, and the motion was approved.

Update from Town Administrator concerning dwellings on Lewis lot.

John Bergeron read the letter that Andy Musz wrote to Michelle Lewis on Sept. 23, 2011 with reference to her Map 9 Lot 71-1 property.

Town Administrator Mike Samson reported that Bill Wilson has a goal of getting 911 approval for the lot and to get building permits for all the buildings.

The properties have now been assessed and tax bills will be sent out.

The Board of Selectmen will enforce subdivision approval and Mike Samson will meet with the Town attorney to prepare criminal and civil sanctions with respect to the missing subdivision approval. The select board has authorized the prosecution based only on violation of subdivision regulations. The road, septic, and building permit problems have merit but a case would be less well-defined or have minor penalties.

Mike Samson reviewed definitions of subdivision. He believes that some type of allocation of space is required for a subdivision to exist. Intent to transfer right of use of the property to a third person is required. Thus he believes the lot in question has been subdivided. We need a winnable case when we go to enforce the regulations.

Mike Samson will bring criminal sanctions and civil penalty charges. The goal is to get Michelle Lewis to move to compliance.

Public Hearing – DUV Enterprises Major Subdivision

7:15 Hearing was opened for major subdivision of the NH Route 118 Map 12 Lot 44 Sub 10 property. Charlie Hirshberg, PE, was present representing DUV Enterprises. Kathleen Hill was present as an abutter.

Charlie Hirshberg reviewed the plans with the board. He reported that Fire Chief Bill Bellion had been consulted and is preparing a letter expressing satisfaction with the roads and hammerheads. Mr. Hirshberg reviewed drainage, soils, wetland and other special conditions of the property and plan. DES officials handling alteration of terrain permits are aware that some of the road was developed under a previous subdivision approval, do not fully meet the current regulations and will require a waiver for those areas. He stated that it is difficult to meet all treatment area regulations that came into play in 2008, so the state is approving waivers.

Charlie Hirshberg distributed copies of the Inspection and Maintenance Manual which he is proposing for inclusion in an owners' road maintenance agreement. He also discussed the proposed deed restriction template which is based on a template from DES. He discussed the long-term maintenance of the plans and treatment arrangements with planning board members. He said that DES expects to complete the Alteration of Terrain approval on May 9.

The board continued the hearing until May 10 at 7:15 at the Mascoma Senior Center, when the DES approval may be complete.

Discussion of Nominees for the Canaan Board of Adjustment

Giovanna LaPore , Mike Roy, John Bergeron and Michael Griffin have indicated that they are willing to serve. The Board of Adjustment will be responsible for complaints with the Water Quality ordinance. If the town chooses to implement impact fees it will also consider complaints about those. An initial meeting will be held to elect a chair and to understand the role of the board. The new board requires five members and should have five alternates. Board members will canvas for additional volunteers.

Correspondence Review

Town & City Magazine - March and April issues

LGC - Announcement of workshops in Grantham on May 8 and at other locations.

Letter – containing a right of way easement plan for access to Map 1-E Lot 13-6 property that will be filed at the Registry of Deeds.

Adjournment

9:10 Chuck Townsend moved adjournment, with 2nd from Joe Frazier. Motion was approved.

Respectfully submitted
Chuck Townsend, Scribe