

12 September 2022 Wentworth Planning Board Meeting Minutes

John Meade, Sonia Scheller, Omer Ahern Jr. and Palmer Koelb
(Duane Brown Arrives at 6:50 PM from School Board Meeting)

6:33- John Meade opens the meeting with Quorum

6:34- Omer Ahern Jr. Makes a motion to accept the August 2022 minutes, Seconded by Palmer Koelb- Carries Unanimously

6:36- With Mr. Phillip Chandonnet present and no abutters John Meade makes a motion to open the hearing for Lot Line Adjustment between Mr. Chandonnet's Property 898 Mount Moosilauke Highway and that of Roland Bixby.

Mr. Chandonnet provides the board with updated plans from Harry Burgess LLS depicting well and septic locations for both dwellings on both lots. This is a .3 acre adjustment as shown on the initial review in August. Mr. Bixby's Lot reduces by minus .3 Ac and Mr. Chandonnet's increases by . 3 Ac. Both are in excess of 1 Acre. The board has no issue with the Lot Line Adjustment

Without any input from abutters John Meade makes a motion to approve the lot line adjustment, seconded by Palmer Koelb Carries unanimously. \$43 for filing fees (\$8 Credit from Abutter filings) are collected and the Plat Plan will be recorded on 26 September.

6:40 John Meade makes a motion to close the Chandonnet hearing, Seconded by Palmer Koelb, Carries unanimously.

6:41- John Meade provides all e mails between himself , Ashleigh Moraga and Gabriel Moraga of 42 Lookaway Lane. John Meade also provided the board with E mail from Judy Gove of Lookaway Lane, a neighbor to the Moragas. All e mails were copied to Erin, the Selectboard Administrative Assistant, as well as Duane Brown WPB Acting Chair. There were a few phone conversations but these were memorialized in the e mails.

It had been the intent of the Moraga's to classify the new A Frame Dwelling on Lot 11 as an ADU. By annexing acreage from Lot 11 to lot 9 and it then would form 2.25 acres as Lot 9 where their existing cabin sits.

Lot 11 then would remain in excess of 1 acre and was intended for a future home site.

The Moraga's having built this second dwelling already could be considered in violation of the ADU requirements. It was discovered that Septic engineering had not been performed nor were there any filings with the NHDES for modification to existing septic plans nor filings for a new septic system.

To further complicate the issue Judy Gove has informed the board that the Lookaway Lane Properties contains HOA Deed Restrictive Covenants. Unofficially John Meade had spoken with a Town of Hebron past PB member and was informed that Planning Boards are obligated to enforce only Federal, State and Municipal Deed restrictive covenants. If the Moragas file a Lot Line Adjustment Application and subsequently a ADU application the board would need to seek official legal determination from Town Counsel before considering an ADU application.

Judy Gove also stated that the Moragas were running a business as both dwellings were operated as Air BnBs. The Moragas were doing so as absentee owners subjecting their neighbors to large parties of

strangers. Judy had been informed that an ADU can be rented and there is no ordinances in Wentworth against AIR BnBs so it would not be considered against the WPB Regulations.

6:50 Mr. Gabriel Moraga was present as well as Judy Gove and one additional Lookaway Lane neighbor. Mr. Gabriel Moraga was given the floor to discuss his property and his intentions. Mr. Moraga stated after meeting with a Septic Engineer it was decided that the new A Frame would remain as a single dwelling on lot 11. A separate septic plan would be submitted to NHDES for just this structure. The septic review would be performed by the Selectboard once it was submitted. Mr. Moraga understands that if the A Frame dwelling on Lot 11 is tied into the existing septic of Lot 9 it cannot be used.

Mr. Moraga was asked that the existing log cabin sat on lot 9 and the new A Frame sat on Lot 11. Mr. Moraga confirmed this to be accurate.

Mr. Moraga was then informed since each is a single dwelling on a single lot in excess of 1 acre, and will not be submitted as a lot line adjustment for an ADU the Wentworth Planning board has no further jurisdiction over this matter .

Mr. Moraga asked about a driveway permit for this new dwelling. He was informed that the Selectboard issues driveway permits and Chief Trott issues 911 addresses for new homes. Mr. Moraga was also informed that in the town of Wentworth up to two homes can share a common driveway if he desired.

Judy Gove asked the board about the fact that the Moragas were renting their property and that the new home did not meet the guidelines of the Deed Restrictive Covenants.

Judy Gove was informed that since the Moragas were not filing an application with the planning board, as each home sat on an individual 1 plus acre lot, we would not seek a determination from Town Counsel concerning how covenants from an HOA affected the board. Unofficially it was the boards belief that private covenants are a civil matter and not a municipal matter enforced by the town.

It was explained to Judy Gove that she is more than welcome to pose the question to the Selectboard when the Moraga's file their septic application but felt it was her best option to seek her own legal counsel.

Mr. Moraga and Judy Gove were asked if there was any further questions or could the board assist further. Without any further questions the board considered this matter closed.

The board discussed further potential members Linda Franz, Brian Dubois, Kevin Mack, Maria Young , Andrew Lasser and Ray Youngs were just some candidates raised.

Duane Brown stated that the board needed younger members as well to include the needs of a younger generation.

The board discussed the letters provided to Erin the Admin Assistant concerning a warrant article to limit or provide new ordinances when it came to Air BnBs. The board has split views on the matter. But expected it would come up at Town Meeting.

John Meade also told the board that our applications did not have any questions concerning deed restrictive covenants. Had Judy Gove not contacted him he would not be able to inform the board of such an issue. Quite honestly he felt the Moragas were well on their way to occupying the A Frame as an ADU and feels it is not the only time this has happened in Wentworth. He surmised that the only time we would ever know is when AVATAR discovered these dwellings. It may be in the towns best interests to have The Planning Board Review the Septic Plans and not the Selectboard.

7:20 Sonia Scheller makes a motion to adjourn, seconded by Duane Brown, Carries unanimously.