

Wentworth Planning Board Meeting Minutes for 2 March 2020

Marina Reilly Collette Chair, John Meade Secretary, Tracy Currier & Craig Pasco provided a quorum to open a meeting

- 6:34 Tracy Currier made a motion to open meeting seconded by John Meade Passed Unanimously
- 6:34 Meeting minutes for 3 February 2020 had been emailed to board previously. These were extensive minutes and attachments. J Meade asked if there were any issue accepting the e mail without reading the minutes. No issues with minutes J Meade made motion to accept and seconded by Tracy Currier. Unanimously accepted.
- 6:35 Madame Chair recognized Mr. Scott Sanborn from Cardigan Mountain Surveyors on behalf of ICER LLC. J Meade due to a conflict of interest recused himself from comment on this petition. Mr. Sanborn brought a drawing before the board as a preliminary review for board comment. The lot on Map 11 Lot#13-1 at 219/223 Mount Moosilauke Highway (Old Kennel lot on corner of Hooper Hill Rd.) Mr. Sanborn is proposing a subdivision into 3 lots at 7.8 Acres, 5.1 Acres and 5.1 Acres. The 7.8 acres along Rte. 25 will have its own independent southern driveway. The two westerly lots bounded by Hooper Hill Rd. would share a common driveway easement on a northern existing driveway. Mr. Sanborn asked that the board accept this easement to meet the merits of the subdivision regulation from a class 5 road or better. In actuality if and when the upper two lots would be built they would more than likely access from the class 6 Hooper Hill Rd. Madame Chair and Tracy Currier/ Craig Pasco had no issue accepting this variance for an easement.
- A second consideration was these (2) building lots to the west at 5.1 acres had enough acreage to support a Perc. Test in his experience as well as being supported by USGS documentation without the need yet for a DES approval. Madame Chair asked that more documentation be provided on this point of soil conditions as well as a full size plat was needed to more closely review wetlands that were present but not extensive. Mr. Sanborn will provide a plat as requested for the 6 April 2020 WPB meeting and once again this is preliminary review subject to requested changes prior to a public meeting. Tentatively the public meeting would be on the 4 May 2020 with abutters.
- 6:47 Madame Chair recognized Mr. French from French LS as a continuation Adam Patten Lot Line adjustment and Subdivision meeting from the 3 February public meeting. Present were abutters Mrs. Satmaria and Bill and Debra Allen as well as petitioner Adam Patten. Mr. French submitted multiple plans with topography as well as an enlarged plan of the 2.51 acre subdivided lot. The newly subdivided lot reflected a new separate independent driveway location from East Side Rd. The existing driveway could now serve the Clouette and Page lots both presently owned by Mr. Patten. Mrs. Satmaria and her daughter reviewed and posed questions to Mr. French. J Meade asked if all of Mrs. Satmaria's questions were answered to her satisfaction and she stated they were.

At this juncture the Allen's reviewed the proposed plats and noted that what they considered erroneous Scribner's notes of Right of Way were still on the plat and would cause them to seek relief through superior court. Mr. and Mrs. Allen presented the board a letter directed to the chair and asked it be placed in the record. Prior to Madame chair reviewed the letter and consulted our regulations for noted adverse relief. Madame Chair started the process by stating we in Wentworth do not have zoning and are in no way linked to Planning Board Regulations.

Madame Chair read the definition of a subdivision and the role of the Planning Board in such as stated in the WPB Regulations. Madame chair expressed that under this RSA and Guidelines the WPB did not have expertise and or right to rule on a private dispute between two landowners. This authority existed only within the court system. Madame Chair also read into the record excerpts from a legal definition from Town counsel concerning a disputed note on a stamped and signed submitted Plat. This interpretation was requested by the board after the February meeting. To be concise the Wentworth Planning Board had no right to render a decision on a private land dispute. Mr. French as a registered and duly licensed Land Surveyor is affixing his stamp and signature to the Plat and certifying it as accurate to the best of his knowledge. It is not within the purview of the Wentworth Planning Board to question the accuracy of such plat. The Wentworth Planning Board must accept the plat as accurate without prejudice. A property dispute could be determined only within Superior Court and not by the Planning Board. Madame Chair asked Mr. French again if he believed the plat to be accurate and he answered yes. He stated under his licensure that he was required to place all notes as he had done here. Madame Chair read into the record the Allen's letter to the board. Within financial hardship was noted by forcing the Allens to seek relief in court. Relaxation of the requirement to reflect the abutting Allen property and any notes was provided by the Allens so as to remove such from this plan. Madame Chair thanked the Allens for a well thought out argument. Madame Chair noted that the regulations noted in the Allen letter did not apply to an abutter. After discussions of water rights by the Allen's that such was not shown on the Plat it was pointed out to be within the note #6 . Mrs. Allen brought up several points she had concerning the history of the Dole Rd. and other deeds. All went back to the validity of the ROW note and the Allen's claim of having their title slandered by this disputed Plat. Madame Chair expressed the board could not give any further review of the Allen's arguments and respectfully closed further discussion. Since the new driveway was shown on the subdivision plan there was no adverse consequences to the Allen lot at this time by the proposed subdivision.

Madame Chair provided her opinion that while this board regretted seeing any neighbors in dispute we could not make a decision on the merits of notes on a Plat. Madame Chair noted that this board did all in its power to bring resolution to all parties in this dispute. With that she stated that she saw no further issue not to approve this subdivision. J Meade gave similar comment as did both Tracy Currier and Craig Pasco . With that J Meade made a motion to accept the lot line adjustment and it was seconded by Tracy Currier and unanimously accepted. Tracy Currier made a motion to accept the subdivision and it was seconded by J Meade. Unanimously accepted. The plat was signed and will be submitted within a week to GCRD. Further discussions ensued by the Allen and Patten folks and by night's end appeared to be headed towards a more amicable resolution. Mr. French provided two drawings for use by the Allen's for future discussion.

Minor discussions were had by the board and at 7:38 Tracy Currier made a motion to adjourn seconded by Craig Pasco and unanimously accepted.