

Wentworth Planning Board
Meeting Minutes 10-5-2020

Marina Reilly-Collette, George Morrill, Omer Ahern Jr., John Meade, Palmer Koelb & Sonia Scheller were present and created a quorum.

6:31- Marina Reilly-Collette motions to open the meeting. Seconded by Palmer Koelb.
Motion passes unanimously.

6:34 - After review in writing as well as having been provided electronic copies of the 14 September 2020 minutes Marina Reilly-Collette made a motion to accept as written. Seconded by Palmer Koelb.
Motion passes unanimously.

6:38- Patten/Clough Lot Line Adjustment is brought to the board for review. Beyond the Board present is Adam Patten and his surveyor Kevin French of French Land Surveyors. Abutters Bill and Debra Allen and their attorney Amy Manzelli, Esq. of BCM Environmental & Land Law, PLLC.

John Meade presented the board, and all that wanted a copy, an approved driveway permit issued by the Selectboard. Mr. Patten stated the road cut was physically reviewed by the Road Agent for compliance.

The floor was opened to Mr. French who presented full size plans with inset of the proposed driveway on the Clough Property along the Allen lot line stone wall back to the Patten property.

The plans reflected what was presented in Preliminary review on 14 September 2020.

The narrowest point of the driveway is 20 feet and 235 long with a large opening at the intersection of Buffalo Rd. The intention as stated by Mr. Patten was to install a 12 foot wide driveway to a break in the stone wall onto the Patten Property behind the Allen property. Madame Chair made a point that the stone wall may need to be preserved. She reviewed the regulations for the preservation of stone walls to note that it applied only to stone walls paralleling a state highway and not town roads and or stone wall perpendicular between two properties. Her raised point was moot and did not apply. The Clough property remained conforming reduced from 3.67 Acres to 3.54 acres. The Patten property was increased in excess of 156 Acres. Mr. Patten stated he had changed his presentation in that he was no longer brining utilities up this driveway. He had contracted them through alternate access to his property from East Side Road. Madame chair asked the board for any comment on the presentation for Mr. French.

Madame Chair recognized The Allen's as abutters for comment. Ms. Manzelli stood to represent the Allen's as counsel. John Meade raised an objection for the record that this board and our regulations in the past heard from abutters only and challenged why Bill and Debra Allen could not present their own case with Counsel providing them items for comment. Madame Chair discounted John Meade's objection taking no further motions and stated she had provided the floor to Ms. Manzelli and she could speak.

Ms. Manzelli asked if any members of the board should recuse themselves with a conflict of interest . Palmer Koelb stated he was an owner of property and a direct abutter of Adam Patten. John Meade stated with 5 remaining board members that we had quorum to proceed without Palmer and asked Palmer to recuse himself from the vote which he kindly did.

Ms. Manzelli provided the board a Three Page letter (*Attached scanned copy*) where she presented 6 Points of why the Patten Clough Lot Line adjustment should not be considered and or approved and at minimum continued.

I will attempt to give abbreviated synopsis with the copy attached letter to these minutes for the record.

Item 1- Mr. Patten has given up his rights to the Dole Road. The Applicants or anyone in the room does not have a legal rights to cross the Dole Road Right of way. The Dole Road right of way isolates the Patten property. Effectively without rights to the right of way that exists upon his land the proposed driveway is a driveway to nowhere.

Item 2. Under section 4.4F the applicant had a minor subdivision on his property on 2 March 2020. Under the regulation the applicant cannot apply for another minor subdivision for 10 years. It is the belief that Mr. Patten is attempting to keep under the minor subdivision regulations by doing so piece meal he is not applying for the applicable Major Subdivision that is required.

Item 3. The installation of a driveway would have adverse effect on the Allen's home. Their second floor bedroom is on this side of the home and car and or truck lights would shine through their windows as well as noise from commercial trucks that Patten has. Ms. Manzelli made point that the Allen's were 12 feet from the proposed driveway.

Item 4 The board could not consider this application as it was not filed with 15 days notice or review of documents as required by the RSA and The WPB regulations.

Item 5 This is a blind corner on an S curve and a driveway at this location would create a safety hazard since this road has commercial trucks accessing the mill.

Item 6 This driveway is not in harmony with the Wentworth Master Plan.

Ms. Manzelli thanked the board for their consideration of her points asking that the board dismisses and or continues the review.

Marina Reilly-Collette Chairperson addressed the 6 points out of numerical order

There is no zoning in Wentworth. The Selectboard reviews and approves driveway permits. In this case they already have approved the driveway as documentation that has been provided tonight denotes . So items 1, 3 & 5 do not come under the jurisdiction of this board and cannot be considered by us. These 3 items are deemed not valid before this board.

John Meade brought up how far back the Allen's home was and could a natural buffer be installed between the proposed driveway and the Allen's home for privacy. John did not think we could as a board require such but could request it. Madame Chair stated under section 6 or the WPBR we could in fact make a natural buffer a caveat of approval. Mr. Patten stated he would be open to installing a privacy stockade fence to block the Allen home from the driveway.

Item #6 as brought up by John Meade and reiterated by Madame Chair is the Master Plan was last updated in 1985 and cannot be used in an argument as it is too old to provide current adequate guidance.

This item was deemed not a valid argument

Item #4 On 14 September 2020 the applicant submitted plans for preliminary review. This is 21 Calendar days in advance of tonight's review. This is in excess of the 15 day requirement in our regulations. Subsequently Abutters notices were mailed via certified mail on 23 September 2020. This is 13 days in advance of tonight's official review. This is in excess of the 10 days required within our regulation. Madame Chair covered all of these points with comment from Mr. Ahern Jr. Esq. on his thoughts. Madame chair and the board felt all timing and notification requirements were met under the regulations.

This item was deemed not valid argument.

Item# 2 Under the Wentworth Planning Board Regulations for Minor Subdivision Section 4.4F it is stated that any property cannot be subdivided again for 10 years. Madame Chair stated that since this Patten Lot did in fact come under a subdivision last March we would need to vote on a variance and she was not willing to do so tonight without input from the board's legal counsel.

John Meade brought up the point that section 4.4F was actually Minor Subdivision regulations and minor lot line adjustments were under WPBR section 4.5. He also stated that is this is actually a subdivision of the Clough Lot and in all actuality was adding property to the 156 acre Patten lot. It did it not pertain to the March Minor Subdivision Patten lot. Madame Chair still wants input from legal counsel as she considers Lot Line Adjustments a part of Minor Subdivisions.

Madame requested input from other board members. George Morrill raised question about the driveway being 50' wide from previous conversations with Francis Muzzey. John Meade stated that 50' wide is required for a Major Subdivision when the driveway was intended to become a roadway. This was confirmed by Madame Chair. So in all actuality this driveway cannot be used for a Major subdivision at only 20 feet wide and as a driveway can only access two homes per our regulations. Unless in the future Adam Patten purchases more property to widen the driveway under a major subdivision.

George Morrill also raised his confusion on the Dole Road. It was discussed that this was a disputed right of way. The previous counsel for the Allen's disputed the validity of the Right of Way during the March 2020 Subdivision Review by this board. Adam Patten stated that the Allen's and himself came to an out of court settlement on the Right of Way where the Allen's Shed/Garage sits within their property. John Meade also asked to be crystal clear the right of way Ms. Manzelli is stating that Adam Patten is unable to use is within and a portion of his own property and has nothing to do with the Right of Way within the Allen's property. This was confirmed that the argument is that Adam Patten has no rights to his own land for a driveway to cross a Right of Way.

George Morrill also asks for legal counsel review before proceeding. Madame Chair states she is of like mind.

7:46 Marina Reilly-Collette makes a motion to continue this request to our next Meeting on 2 November 2020 until Item # 2 can be reviewed by Town Counsel. Seconded by George Morrill

4 to 1 Motion Passes by majority

John Meade casting a nay vote and Palmer Koelb being recused from the vote.

7:48- Health Officer Becky Bordonaro attended after we extended an invite. The the board discusses in depth that Campers can occupy property seasonally outside of two campers per acre and do not fall under WPBR dwelling restrictions. John Meade referred to RSA 674:1 as well as RSA 216-1:1 c (John did not have actual RSA numbers at time of meeting and adds them now) define a camper or motor home travel trailer as well as a campground. The RSA is clear on what constitutes a campground and its requirement for septic drainage. The twist appears to come when campers are on private property. The board members stated they have no issue with Campers that temporarily use a portion of land it is when they change from mobile vehicle to permanent fixture. At this point what should the density be and how is septic being addressed. Our regulations address dwellings and these campers who take up permanent residence fall within a gray area. These conversations are generated from the multiple phone calls the board has received from folks wanting to purchase land in Wentworth and have a compound of campers. Largest concern is with lack of sanitary facilities when campers become permanent. It was decided more research is needed and possibly if this is not covered in any RSA that we propose something to our representatives for a bill this coming year on the state level. Omer Ahern Jr. asks that he be provided the RSA numbers so he could further research this issue for further discussion on 2 November 2020. The Board thanked Becky for her attendance and apologizes for the extended wait.

8:15 Sonia Scheller discussed having a Zoom Meeting with June Garneau. The presentation may be as much as an hour long with questions. It was decided with the continuation of the Adam Patten review that we schedule a zoom meeting the end of this month. Thursdays appear to be an issue. John Meade will request Monday 26 October at 6:30 PM as a date. An invite will be sent to the board members before we invite June.

8:17 John Meade make a motion to adjourn. Seconded by Marina Reilly-Collette.
Motion Passes unanimously.