

February 21, 1990

Members present: Richard Smith, Chairman; William DiProffio, Selectman; Kathy George, and Robert Marston

Others: Larry Smith, Conservation Comm. (late arrival) and Sarah Campbell, Rockingham Planning Commission

Mr. Smith called the meeting to order at 7:35pm.

MINUTES Mr. DiProffio motioned to accept the minutes of January 17, 1990 as printed.

Ms. George second.

The motion passed 4-0.

CIVIL CONSULTANTS-FMR A letter was received from Civil Consultants dated January 17, 1990, stating Mr. Wilson wanted to know the times for inspection of the construction of the roadway.

Mr. DiProffio stated he got a phone call from Deborah Whalen stating that she will try to reach an agreement with FMR regarding the shrubbery promised for the front of her property as visual barriers. She further said she will contact the Planning Board if she has any problems.

HAMPSHIRE DEVELOPMENT IMPACT FEE Mr. DiProffio informed the Board that the Selectmen received a letter from Hampshire Development stating they believed they were liable to pay the Impact Fees at the time of Occupancy Permit issuance. The Selectmen have notified them that they will be assessed the fee at the time of obtaining their Building Permit.

FLYNN FAMILY The Selectmen have notified the Flynn Family that they will be assessed the Impact Fee at the time of obtaining their Building Permit.

Mr. Smith stated there was a question whether the mylar has been signed for the Flynn Family upon posting of the bond.

Mr. DiProffio stated there has been no bond posted.

Mr. Smith stated that Mr. Flynn said that he has posted one.

Sarah Campbell stated that the mylar will not be registered until it is signed by the Planning Board.

REGIONAL WATERSHEDS MAPS Sarah Campbell gave copies of the Regional Watershed maps to members.

PUBLIC HEARING-WAYNE DAY-HOME OCCUPATIONS The Public Hearing for Wayne Day was opened at 8:00pm.

Mr. Smith recognized Mr. Day and asked him to explain his request.

Mr. Day stated that he would like to open a small chain saw shop in his barn. He will be conducting sales operations out on the road for the majority of the week. He will have a repair facility at home and be open to the public on weekends. There will be a small inventory, mostly demonstrators and spare parts. He will operate only with himself and his son, there will be no outside employees. They will be utilizing a small section of the barn. He feels that all the requirements of Section 10.2.6 through 10.3 will be complied with or not apply.

Mr. Smith asked what the hours of working would be.

Mr. Day stated he is not yet sure, he estimates from 9-5 on weekends would be possible.

Mr. Day said he has some work done, the facility is not yet open.

Dr. Marston asked what make saw he would be selling.

Mr. Day said Olympic.

Mr. Smith asked for further questions from the Board.

Mr. DiProfio stated that he finds no referral to this type of business within the permitted uses. He finds no permitted uses for this type of business within the ordinance.

Mr. Day stated that is the reason for the Public Hearing and he feels he meets all the requirement of the checklist.

Mr. DiProfio stated the reason for the Public Hearing is to ensure the business meets all the requirements. It was Mr. DiProfio's opinion that small chain saw sales, servicing or garages, etc. are not permitted under the ordinance, however, he recognizes that he is only one member of the Board.

Mr. Smith asked if other members have found anything in the ordinance that would permit this use.

Dr. Marston stated he did not feel this was much different from an electrician, plumber, or cabinet maker's.

Mr. Smith mentioned paragraph 10.3.12

Mr. DiProfio asked if they were trying to pass the decision process to the Board of Selectmen.

Mr. Smith then asked if there were abutters present.

Mr. Anderson identified himself and his wife as abutters to the left of Mr. Day's property and stated that they have no objections to this operation.

Ms. George asked if there would be adequate parking.

Mr. Day answered there would be.

Dr. Marston motioned to approve the request.

Ms. George second.

The motion passed 3-1. Mr. DiProffio dissenting.

Mr. Day's application will be recommended for acceptance to the Selectmen and it will be placed on the Selectmen's agenda for action.

KAY KELLY Mrs. Kay Kelly, daughter Nancy Gingras and husband of Nancy were present to hold a preliminary discussion about subdivision.

Mrs. Kelly explained that she is the owner of a lot, a home and a mobile home on Depot Road. She wishes to deed a lot to be subdivided from the original land to her daughter Nancy Gingras and her husband. The Gingras' wish to build a conventional home on the site where the mobile home now sits.

Mrs. Kelly stated these are not separate lots and they were never subdivided at the time of placing the trailer there. She received two tax bills on the property.

Nancy Gingras stated that she gets the tax bill for the mobile home.

Mrs. Kelly stated that the lot is 2.3 acres.

After much discussion Mr. DiProffio explained that Mrs. Kelly is assessed for 2.3 acres, house and pool, not unknown acres, house and pool and separately for unknown acres and mobile home. Upon examination of the most recent tax bill, he assured her that his interpretation of the bill was correct.

Mrs. Kelly stated that she has always sent in her inventory and listed them separately, house and land and mobile home and land. She maintained that in the past the Selectmen have assured her that it was straightened out and the land where the mobile home sits is a separate parcel.

Mr. DiProffio asked if she had a way to prove this fact.

Mrs. Kelly stated it would be proved by looking up the taxing history.

Mrs. Kelly stated a few years ago the land and mobile home tax bill was sent to Nancy Gingras.

Mrs. Kelly then asked if she would be able to construct a home there.

Mr. DiProffio said under the present ordinance it would not be possible. He stressed that she would have to demonstrate that this is a separate lot.

Mrs. Kelly stated that the Town's appraiser said it was a separate lot.

Mr. DiProfio stated that one way to construct a home would be to demonstrate that it is a separate lot.

Mrs. Kelly said it was two separate pieces on the Selectmen's books.

Mr. DiProfio asked if there was a variance granted to place the mobile home there.

Mrs. Kelly said that they were given permission from the Selectmen some 30 years ago. She maintains that it is recorded in the Selectmen's books. She said that Wes Nickerson was in office at the time.

Mr. Smith stated that the Selectmen would have to investigate it.

Mrs. Kelly stated that she called the Selectmen and they referred her to the Planning Board.

Mr. DiProfio explained the proper way to subdivide and said that with written documentation showing it was a separate lot at any time they would be able to move on with her request.

Mrs. Kelly suggested the Selectmen should check their Inventory records. She also stated that she has her tax bills from "way back".

Mr. DiProfio said it would be prior to 1982 if it showed two lots.

Mr. Gingras inquired if it would be considered two lots as there are two wells, two septic systems and two residences.

Mr. DiProfio advised that there would have to be proof of two lots. In that absence of this proof the next avenue of approach would be to the Board of Adjustment.

Mr. DiProfio suggested they make arrangements with Mrs. Kaste to be placed on the Selectmen's Agenda, if they find the paperwork in their possession.

ASTA DAY-VADEBONCEUR, MAIN AND WOODWARD Mrs. Day is a Real Estate Agent with Joy Merrill Associates who has potential buyers for property on Rowell Cove Road. She stated there is 10,895 sq. ft. and the buyers wish to remove the mobile home presently there and replace with a 24 x 36 ft., two bedroom home. They seek to replace the length with the width. The Site Assessment was done by Ronald Pica of Plaistow.

Mr. DiProfio stated if the Building Inspector would issue a permit if should be okay.

Mrs. Day stated the current setback is 13 ft. The new building setback will be the same, 13 ft.

Mr. DiProfio stated if it can be located on the lot properly and the Building Inspector issues a permit and the septic system is okay it would be acceptable.

Mrs. Day asked if they could ask for a variance to the setback requirements if this was necessary.

Mr. DiProfio stated yes, they would go before the Board of Adjustment. He then asked if the ROW was deeded to this lot.

Mrs. Day stated that she would check this.

FMR-MAP DISTRIBUTION Mr. Smith asked Sarah Campbell if she has given the map of FMR to the Engineer.

Ms. Campbell said she has distributed them to the Selectmen, Planning Board files, Building Inspector and Conservation Commission. Copies have been signed.

MISCELLANEOUS

Environmental News pamphlet was received with ordering information on various informational items.

Mr. DiProfio notified the Board that Harvey (Purington) will accept batteries for \$1.50 each for disposal purposes.

Ms. Campbell will work on the re-writing of the non-conforming uses for the 1991 Town Meeting.

The meeting was adjourned at 8:45pm.

Respectfully submitted.

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Nancy J. Marden, Secretary/Clerk