



7
PLANNING BOARD
TOWN OF EAST KINGSTON
NEW HAMPSHIRE

2007-2008
James Roby Day, Jr., Chairman
Catherine Ellen Belcher, Vice Chairman

MINUTES
(Public Hearing 21 February 2008)

AGENDA:

- 7:00PM - **Board Business**
- 7:15PM - **Public Hearing** for Deborah A. Osgood, 162 Haverhill Road, regarding a lot line adjustment involving MBLs 11-01-08 and 11-01-02 (PB08-01).
- 7:45PM - **Public Hearing** for Peter A. Riley, 47 North Road, and James R. Keegan, 59 North Road, regarding a lot line adjustment involving MBLs 15-01-12 and 15-01-05 (PB08-02).
- 8:15PM **Discussion** with Conservation Commission and Matthew W. Blunt, 22 Joslin Road, regarding subdivision lot configurations (not for purposes of an application).
- 8:30PM - **Continued Board Business**
- 8:35PM - **Adjournment**

CALL TO ORDER: Chairman Day called the regular meeting of the East Kingston Planning Board to order at 7:00PM.

ROLL CALL: Mrs. White called the roll.

Members present- Mrs. CE Belcher, Vice Chairman; Mr. JR Day, Chairman.

It was noted that Mr. RA Smith, Dr. RA Marston, and Mr. R Caron, ex-officio, were not present.

Alternate members present –Mr. EA Lloyd, Mr. RF Morales and Mr. D Sullivan.

Advisors present – Mr. Eric S. Steltzer, Planner, Rockingham Planning Commission (RPC).

Mr. Durkee, representing the East Kingston Fire Department.

It was noted that Mr. LK Smith, Conservation Commission Chairman was not in attendance. Mr. Dennis Quintal, also of the Conservation Commission, will attend in Mr. Smith's stead. Mr. RR Donald, Building Inspector was also not in attendance.

Voting members –Chairman Day assigned Mr. Morales as voting member this evening, ensuring a full Board for voting purposes.

BOARD BUSINESS

Minutes. Mr. Day remarked that the Board would be approving the January 17th and January 31st minutes. He asked if there were any changes noted to the January 17th minutes; there were no comments or questions offered. Mr. Day entertained a motion for approval of the January 17 minutes.

MOTION: Mr. Morales **MOVED** the Planning Board approve the 17 January 2008 minutes as written. Mr. Lloyd seconded, and the motion passed unanimously.

Mr. Day asked if there were any changes noted to the January 31st minutes; there were no comments or questions offered. Mr. Day appointed Mr. Sullivan a voting member for this motion, as Mrs. Belcher was absent on the 31st. Mr. Day entertained a motion for approval of the January 31 minutes.

MOTION: Mr. Morales **MOVED** the Planning Board approve the 31 January 2008 minutes as written. Mr. Lloyd seconded. The motion passed, with Mrs. Belcher abstaining.

Mr. Day reviewed the handouts with the Board.

New RSA Books. Mrs. White, Secretary, had distributed new RSA books to the Board members. Mr. Day noted that changes/updates made to legislation were republished in each new version, but not identified. Board members would need to review the text themselves to ascertain what had been changed/updated.

The one update that stuck in Mr. Day's mind from the last version was the change in timeframe for which the minutes had to be made available to the public. It had previously been 144 hours, and was changed to 5 working days. He had stumbled upon this change in the process of looking for something else.

Dr. Jill Robinson, PhD. Mr. Day announced that Dr. Robinson was leaving the Rockingham Planning Commission (RPC) to pursue a new career – teaching music to elementary school children. He remarked that the RPC was losing a very talented person, and the Board wished her good luck in her new endeavor. Mr. Morales remarked that since it seemed that the Route 93 project, which was to have been Dr. Robinson's primary focus with the RPC, would most likely not be completed in their lifetime, it seemed a wise thing for her to change vocations at this time.

Brownfields in East Kingston. Mr. Day distributed a copy of a brochure on the Brownfields Assessment Program and a Site Nomination form. He explained that the RPC had received a \$200,000 grant from the federal government, which enabled this assessment program. Assessors would be sent to suspected Brownfield sites (which are distressed properties through the presence or potential presence of a hazardous substance, pollutant, or contaminant) and would identify the nature and scope of the contamination. They would then suggest ways on how to redevelop the land to the landowner. Mr. Day encouraged Board members to use the form if they had any sites in mind in East Kingston to suggest for analyzing.

Mr. Morales remarked on the detail of the questions asked by the form and inquired if a person submitting the form would need to do the necessary investigating to fill in all the blanks. Mr. Day answered that he did not think that that much in-depth information was necessary, and suggested that a person only fill in as much information as they knew. The Program assessors would ascertain the sites they felt needed more investigation.

Mr. Day added that a preliminary windshield drive of East Kingston had been done, and Mr. Mulvey's auto repair had been identified as a possible site for investigation because of the cars and parts at the rear of the lot. It was remarked that this was an on-going business at this time, and therefore an assessment should not be necessary. But there was the opinion that it could become an issue if Mr. Mulvey was to think of selling his property in the future.

Mr. Steltzer stated it helps create a firm summary of Brownfield areas within the community, and since it is a competitive process, 3-5 sites would be identified for potential development from the hundreds of sites. Mrs. Belcher asked if newly polluted areas or previously polluted areas were the concern. Mr. Day answered that they both were concerns. Mr. Durkee, East Kingston Fire Department, asked if it included houses with buried fuel tanks. Mr. Day agreed that might pose a potential problem.

RPC Commissioner. Mr. Day announced that they were still one RPC Commissioner short, and that neither of the two people he had had in mind for the position were interested. He again asked if Board members knew of anyone who would be interested or thought would be good candidate for the position, to let him know and he would approach them.

March Agenda – Mr. Day remarked that at this time, the only item looming for inclusion on the agenda was a possible home occupation.

Change of Use Tax Warrant Article. Mr. Day announced that he would be turning over the floor to Mr. Dennis Quintal from the Conservation Commission to explain this item. Mr. Quintal handed out a summary sheet of the Land Use Change Tax and Conservation Fund totals for the past 10 years, including a breakdown of income and expenses for the past ten years, showing how the monies were spent. He explained that income totaled \$819,156.39 and were a total of the LUCT (Land Use Change Tax), General Fund transfer, interest and miscellaneous contributions. Expenses included easement acquisitions, legal fees, loan interest on the BAN (bond anticipation note), bond bank fees and FRPP application fees, which totaled \$738,872.24. This left a balance of \$60,872.24. There were also other general expenses for a total of \$9,037.00 which included conservation camp, water sampling, dues, brochures and miscellaneous.

It is the Town's preference how the Land Use Change Tax is distributed, and in the past it was always split 50/50 between the Conservation Commission and the Town. This year the Selectmen are suggesting on the warrant that it be split 90/10, with the 10% going to the Conservation Commission and the 90% to the Town. It is the Selectmen's hope that this 90% would offset the Town's tax increase. The Conservation Commission would like the 50/50 split of monies to continue as it is used for the programs voted on by the Town residents. There is \$1.2 million left in the Conservation Fund and this Land Use Change Tax money would help stretch out those funds. The Conservation Commission does not agree with the change in the percentage since 97% of their monies used for conservation easements come directly from their portion of the Use Tax.

Mr. Morales commented that the Use Tax money was never to have been counted on as a budget item. He opined that it sounded like a good fix on paper, but does not think it will do what the Selectmen hope to help the tax rate. It was proposed once before for the percentage to change and the townspeople thought it was shortsighted to change it by taking away from conservation. Hopefully they still feel the same way. He personally would vote against it.

Mr. Ed Warren, resident, stated he came to this meeting for a better understanding of just what that warrant article meant. He asked if the percentage on the proposed warrant could be changed to something other than the 90/10 being proposed by the Selectmen. Mr. Morales stated he thought it could, but noted that if it were voted down, it would revert back to the old split of 50/50.

PUBLIC HEARING FOR DEBORAH A. OSGOOD, 162 HAVERHILL ROAD, REGARDING A LOT LINE ADJUSTMENT INVOLVING MBLs 11-01-08 AND 11-01-02.

Mr. Day opened the public hearing for a proposed lot line adjustment for Deborah A. Osgood, 162 Haverhill Road, involving MBLs 11-10-08 and 11-01-02. He recognized Mr. Dennis Quintal, Civil Consultants, as representing Mrs. Osgood, and turned the floor over to Mr. Quintal.

Mr. Quintal directed the Board's attention to the map on the easel and explained that this lot had been subdivided into 3 lots a couple of years ago. Mr. Osgood had built a home on 11-01-02. He now wanted to reconfigure the lot line at the front of 11-02-06 to allow a larger building envelope for a house on that lot. He also wanted to eliminate the line between 11-01-02 and 11-01-07, making 11-01-02 larger to allow for more utilization of the property and eliminating 11-01-07 altogether. Intrinsicly, they were taking three lots and making them into two lots. Mr. Quintal explained that all the changes would happen bounds-to-bounds, so there would be no need to change the monumentation.

Mr. Day explained that the next step was for the Board to make sure the application was complete. He stated that since Mr. Osgood still owned the properties in question, it made the procedure easier. Mr. Day had reviewed the Application for Lot Line Adjustment against Mr. Quintal's plan and had found no discrepancies. Mr. Day recalled there had been discussion regarding the driveway at the time of the previous subdivision, and asked if the driveway was to remain the same place; Mr. Quintal answered that it would.

Mr. Steltzer offered that he had reviewed the plan against the application and Subdivision Regulation Section XVII.D. Lot Line Adjustments. The plan met all the criteria and he found no discrepancies. His recommendation is that the Board accept jurisdiction on the application.

Mr. Day asked if the Board had any issues with the application. They did not, and Mr. Day entertained a motion to invoke jurisdiction.

MOTION: Mrs. Belcher **MOVED** the Planning Board invoke jurisdiction for the lot line adjustment for Deborah and William Osgood MBLs 11-01-02, 11-01-07 and 11-01-08 as presented by Mr. Dennis Quintal.

Mr. Morales seconded, and the motion passed unanimously.

Mr. Day stated that the 65-day clock had begun ticking.

Mr. Day noted that he had included in the packet of information to the Board members, an article from *NH Town and City* speaking to the character and nature of Lot Line Adjustments, which he thought to be useful reference information. It explained the State's position on lot line adjustments, and why it is they are considered subdivisions by the State. He suggested members keep it in their ordinance books.

Mr. Day reviewed the conditions of approval.

Fire Suppression. Mr. Day verified with Mr. Durkee that the fire suppression system was already in place, and had been tested and accepted. Mr. Durkee stated it was.

Driveway Permit. No new driveway permit was needed.

Certificate of Monumentation. Mr. Day stated they would need this. Mr. Quintal stated it was already there, they were only going from monument-to-monument. Abandoned bounds would become part of the back and front lines of the lot lines already in place and help define distances from point to point. Any bounds from the eliminated lot line could be left as is, or Mr. Osgood could remove them if he wished. It was decided that this item was not needed.

Proposed dwelling location (for lot 11-01-08). Mr. Day stated he did not see it on Mr. Quintal's plan; Mr. Quintal answered that it was included on the original subdivision plan, but he would also include it on the final Mylar.

Application for growth management or impact fees as appropriate. Mr. Day stated this item was boilerplate.

Final Mylar, with 11x17 copy of final plan, for Chairman's signature and recording. Mr. Quintal will supply these to the Board.

All outstanding fees must be paid.

Mr. Day asked if the Board had any further discussion on this lot line adjustment, or had any further items for inclusion on the conditions of approval. They did not.

Mr. Steltzer stated that the only thing he had suggested was that the upland acreage be included on lot 11-01-08; but this was a minor item and not actually necessary as the lot line adjustment improved the amount of upland for the lot.

Mr. Day opened the floor to abutters; there being none, he closed the floor to abutters.

Mr. Day examined the conditions of approval as he had reviewed them, which included showing the proposed dwelling location on the plan, the boilerplate application for growth management, providing the Mylar to the Planning Board for signature, and the applicant was to pay all his bills. Board members had no other conditions to add.

The following four conditions apply to the lot line adjustment for Deborah and William Osgood:

Conditions:

1. Proposed dwelling locations for each lot depicted on plan.
2. Application of growth management or impact fees as appropriate.
3. Final Mylar, together with full-sized and 11x17 copy of the final plan set, to be submitted to the Planning Board for chairman signature and recording.
4. All outstanding or future fees and charges due the Town in connection with the lot line adjustment, including but not limited to the reviews of Town Counsel, Town Engineer, RPC Senior Planner, Building Inspector, and Fire Department, and administrative costs incurred by the Town be fully discharged.

Mr. Day entertained a motion for conditional approval.

MOTION: Mr. Lloyd **MOVED** the Planning Board grant conditional approval for the application for lot line adjustment for Deborah and William Osgood with the four conditions of approval noted. Mr. Morales seconded, and the motion passed unanimously.

Mr. Day closed this public hearing.

DISCUSSION WITH CONSERVATION COMMISSION AND MATTHEW W. BLUNT, 22 JOSLIN ROAD, REGARDING SUBDIVISION LOT CONFIGURATIONS (NOT FOR PURPOSES OF AN APPLICATION).

Mr. Day opened the discussion and explained that this was a “discussion only” session and not an actual subdivision plan hearing. He then turned over the floor to Mr. Matthew Blunt, 22 Joslin Road, East Kingston, to explain why he was here tonight.

Mr. Blunt explained he was considering putting his property in conservation and had prepared a mock-up of a subdivision from which the Conservation Commission would determine the worth of the land for a dollar figure for a conservation easement. Mr. Blunt’s subdivision plan included a pork-chop lot (back lot) which he felt was clearly allowed. On the other hand, the Conservation Commission disagreed. Mr. Blunt was asking the Planning Board what their opinion was on this back lot; could it indeed be included in the subdivision? This would give Mr. Blunt one more lot for money consideration for the easement.

Mr. Day explained that Board members were in receipt of Mr. Blunt’s proposed subdivision for review. They had also, in anticipation of questions, received some information on the existing file for Sullivan Drive, which included a back lot. Mr. Day solicited Board member discussion on the proposal.

Mr. Morales stated he had been in attendance at the Conservation Commission meeting when the 40’ lot was challenged.

Mrs. Belcher stated she had found several items in violation for the proposed lot. Article IX.B.3. states: *“Only one backlot shall be permitted per lot of record.”* “ She interpreted this to mean an existing lot. She clarified that if you had one lot with 240’ of frontage, you could divide it into two lots with one having 200’ of frontage and the other being a backlot with 40’ of frontage. She felt the intent of the article was not to allow a road to be put in on an existing property and create a backlot off of that road. Mr. Blunt stated that the article did not say that it could not be done that way. Mrs. Belcher stated that Article IX.B.5. states: *“The backlot must have a square footage 50% greater than that normally required for conventional lots by current Zoning regulations. The backlot must meet the requirements of Article VI.D.1.*

Mr. Day offered that the same questions had come up with the Sullivan Drive subdivision, and since the Board had been perplexed on how to proceed, they had asked Town Counsel to review it. Town Counsel had looked at it and had said yes, it could be done because it was a matter of going step-by-step.

Mrs. Belcher reviewed that Mr. Day was saying Mr. Blunt could create the subdivision with lots 1-8, and then later divide one lot of record into two lots, with one being the backlot. Mr. Day answered that that was what Town Counsel had stated could be done, and that was the basis on which they had approved the Sullivan Drive backlot. Mrs. Belcher argued that that was never the intent of the ordinance.

Mrs. Belcher stated that Subdivision Regulation Section VII.A. stated that: *“Subdivision design should reflect the basic elements of sound development to preserve the character of the land and lots that are practicable and easily identifiable by property owners and town officials. To the maximum extent possible, all newly created lots shall be rectangular in nature. At no point shall any lot be narrower than one hundred twenty-five feet (125).”*

Mr. Day stated that that Subdivision Regulation did not address the backlot provision. Mrs. Belcher opined that they could not have both. Mr. Day explained that the ordinance, which they could not change, said you could have a backlot. Mr. Day’s interpretation of the subdivision regulations is you may not start from scratch and create anything that is less than rectangular, which assumes you are starting with a single piece of property. Mrs. Belcher asked what the Board did with Mr. Clark’s subdivision, and Mr. Day answered they did not have that problem since his subdivision was a cluster subdivision.

The Conservation Commission was asking the Board’s opinion if such a subdivision could be approved in view of the ordinance and regulations. Mr. Day would have difficulty denying Mr. Blunt’s request since that the Board had already set a precedent by approving the Sullivan backlot. Mr. Day could envision such a development proceeding.

Mrs. Belcher quoted Article IX.B. *“A lot of record in any zoning district in existence before March 13, 1996 may be subdivided to allow one backlot under the following conditions.”* Mrs. Belcher opined that if a road was pushed in and a lot was created, it was no longer a lot that was in existence prior March 13, 1996. Mr. Lloyd opined it was the zoning district that had the date on it, and not the lot.

Mr. Steltzer offered that the wording of that sentence could be interpreted both ways. Mr. Lloyd thought it would be a stretch to interpret it that the date pertains to the lot. He thought a comma inserted somewhere in that sentence might make it clearer.

Mrs. Belcher was sure the Board had denied such a lot in the past. She was not comfortable making a decision on this question until she could go back to the minutes of 1996 and check what was the intention of that requirement was at that time.

Mr. Blunt asked if his subdivision was a legitimate subdivision since it had been approved before. Mr. Day stated that at the time the Sullivan Drive subdivision was approved, it was on the advice of counsel. As there is different Town Counsel now, the answer might be different than it was then.

The Conservation Commission wanted to have the Board's opinion on this matter. There are varied opinions on the Board on this matter. Mr. Day polled the Board members on their opinions on the question.

- **Mr. Lloyd.** Understanding the advice previously received, and as he reads the Zoning ordinance, it is Mr. Lloyd's opinion it could be done.
- **Mr. Sullivan.** Mr. Sullivan agreed with Mr. Lloyd.
- **Mrs. Belcher.** Mrs. Belcher's opinion was that it would be in violation of the zoning ordinance and could not render a decision one way or the other on this matter without further information and clarification.
- **Mr. Morales.** Mr. Morales was confused on the 40' frontage. He was not sure you could do that with a subdivision. Mr. Day explained that the ordinance defines a backlot with a 40' frontage.
- **Mr. Day.** Mr. Day would allow it could be done for two reasons. Firstly, since Town Counsel had said it was okay. Secondly, there is a methodology whereby it could be done. An applicant could take a lot such as this and divide it in two, making two lots of record and push a road in. Then later on subdivide one of the lots, making a backlot. Mr. Day opined if this were an actual subdivision, they would seek the advice of Town Counsel.

Mr. Day trusted the polling of Board members was enough information for the Conservation Commission to make a decision. Mr. Quintal noted that the Conservation Commission would not want to expend extra monies unless they were absolutely sure that what Mr. Blunt proposed could be done. Mr. Day suggested they might find a more definitive answer though the Local Government Center (LGC) and not have the expense of soliciting Town Counsel review. Mr. Day did encourage Mr. Blunt to put his property in conservation, and realized that it was in Mr. Blunt's best interest to get the most valuation for his property towards the conservation easement.

Mr. Day stated that there is a point at which taxes do not get any worse by virtue of subdivision, and that point would be when the Town was completely subdivided. There were presently a long way from that.

Mr. Day closed the discussion.

PUBLIC HEARING FOR PETER A. RILEY, 47 NORTH ROAD, AND JAMES R. KEEGAN, 59 NORTH ROAD, REGARDING A LOT LINE ADJUSTMENT INVOLVING MBLs 15-01-12 AND 15-01-05 (PB08-01).

Mr. Day opened the public hearing for a proposed lot line adjustment for Peter A. Riley, 47 North Road, and James R. Keegan, 59 North Road, regarding a lot line adjustment involving MBLs 15-01-12 and 15-01-05 (PB08-02).

Mr. Keegan was in attendance, and explained the Mr. Riley could not appear by virtue of a family emergency. Mr. Day stated that the hearing could continue since one of the applicants was present.

Mr. Day explained the original application was inadequate as it contained a version of the plan previously recorded in 1995. Mr. Riley was asked to submit more recent plan of what he was proposing today, and he had supplied that information. The new plan had been distributed to the Planning Board members, and they should have a copy of the new plan before them. In Mr. Day's opinion, the application was still missing a great deal of information.

Following down the application checklist, Mr. Day found the following items to be missing:

- Mr. Day noted the Board had a copy of Mr. Riley's deed, but not a copy of Mr. Keegan's. A copy of Mr. Keegan's deed is necessary to complete the application.
- A letter of authorization with signatures of all owners of record for all parcels involved. There is no letter from Mr. Keegan with the application.
- Mr. Day had determined that two more abutters also needed to be notified, as well as the Engineering Firm who drew the plan and Licensed Land Surveyor. Mr. Riley would need to supply the Engineer's and Surveyor's information, and the Recording Secretary would supply the names of the two abutters still needing to be notified.
- Five full-sized copies and ten 11x17 copies were to have been provided. Mr. Riley had provided these large copies you have before you, and the Recording Secretary had reduced it down to make the 8 ½ X 11 copies you have before you. It is not her job to do this. The proper sizes and number of copies should have been provided for review.
- The location of existing buildings is to be shown on the plans, and this is missing from both properties.
- The edges of wetlands and brooks should also be noted on the plan and are missing. There is a flood hazard boundary that mysteriously ends at Mr. Keegan's property line.

Mr. Day explained that because of all these missing items, most importantly improper noticing, the hearing on this lot line adjustment could not go further until all these items are supplied.

Mr. Curtis Jacques, 43 North Road, offered that he was an abutter and that he had been properly notified. He had no objection to the lot line adjustment, but was there tonight because he wanted to know what was happening with the property adjoining his. Mr. Day clarified that although Mr. Jacques had been properly notified, there were still two people opposite Mr. Keegan's property that had not been notified, along with the engineer and surveyor.

Mr. Day noted that Mr. Steltzer had completed two reviews on the plan, one on the original information supplied and the second on the current information. In both reviews, it was his recommendation not to accept jurisdiction on the application. Mr. Steltzer acknowledged that along with the items Mr. Day had reviewed, he had found monumentation and flood plain information to be included only for Parcel A and should be included for the entire site. This information would be needed for Mr. Keegan's property as well as Mr. Riley's. Mr. Steltzer also stated that building setbacks needed to be noted from property lines and poorly and very poorly drained soils.

Mr. Day opened the floor to abutters.

Mr. Curtis Jacques, 43 North Road. Mr. Jacques represented the Jacques Family Trust and stated he had no objections to the proposed lot line adjustment, and was there to inform himself of what was happening. He was unclear if it affected his property, and asked to see a copy of the proposed change. The Recording Secretary provided Mr. Jacques with a copy of the plan. Mr. Day noted that none of the proposed changes would affect Mr. Jacques or his property.

Mr. Day closed the floor to abutters.

Mr. Day entertained a motion from the Board as to whether or not the plan was complete.

MOTION: Mr. Morales **MOVED** that based on Planning Board comments, the plan for Peter A. Riley, 47 North Road, and James R. Keegan, 59 North Road, regarding a lot line adjustment involving MBLs 15-01-12 and 15-01-05 (PB08-02) was incomplete. Mr. Lloyd seconded, and the motion passed unanimously.

Mr. Day entertained a motion to invoke jurisdiction.

MOTION: Mr. Morales **MOVED** the Planning Board not accept jurisdiction for the Peter A. Riley, 47 North Road, and James R. Keegan, 59 North Road, for the lot line adjustment involving MBLs 15-01-12 and 15-01-05 (PB08-02). Mr. Lloyd seconded, and the motion passed unanimously.

Mr. Day commented to Mr. Keegan that the Planning Board would send both he and Mr. Riley a specific list of the items required to complete the application, explaining that improper noticing was the most important issue regarding the application. Mr. Day explained it was up to Mr. Keegan to request a continuation. If he did so, only the missing abutters and the engineer and surveyor would need to be notified and they would not need to start all over again and notify all the abutters. Mr. Keegan and Mr. Riley would also need to provide all the rest of the missing information.

Mr. Keegan requested the Planning Board continue this application. Mr. Day entertained a motion to continue the hearing.

MOTION: Mr. Lloyd **MOVED** the Planning Board continue the public hearing for Peter A. Riley, 47 North Road, and James R. Keegan, 59 North Road, for a lot line adjustment involving MBLs 15-01-12 and 15-01-05 (PB08-02) to March 20th at 7:15pm. Mr. Morales seconded, and the motion passed unanimously.

Mr. Day closed this public hearing.

CONTINUED BOARD BUSINESS

Further Discussion on Mr. Blunt's Proposed Subdivision. Mr. Morales, speaking with his Conservation Commission hat on, stated that at the last Conservation Commission meeting, they did not feel that the questioned lot in Mr. Blunt's subdivision should be included.

Mrs. Belcher also was not convinced that the lot in question was qualified, and said she wanted to go back to the minutes of 1996 to see if the question could be cleared up. She also stated that without a certified plan showing wetlands and such, there was no way to ascertain if the pork-chop lot could even be a legitimate lot.

Mr. Quintal recalled the Board speaking to density, frontage and lands behind the 2 acre lot in conjunction with Mr. Sullivan's subdivision. Their interpretation was connected to the density issue they were speaking to.

Mrs. White offered she would look back to the minutes of 1996 to see if she could find anything related to the question. Mr. Day stated that would aid the Conservation Commission in their decision.

Mr. Day commented that if such a subdivision were to actually come to the Board today, they would surely need to seek the advice of counsel on that question.

All discussion aside, the Board realized it was to Mr. Blunt's best interest to get the best value for his land he could.

ADJOURNMENT:

MOTION: Mr. Morales **MOVED** the Planning Board adjourn. Mr. Sullivan seconded, and the motion carried unanimously at 8:35 pm.

Respectfully submitted,

Barbara A. White
Recording Secretary

J. Roby Day
Chairman

Minutes approved March 20, 2008.

There were no changes offered to either the January 17 th or the January 31 st minutes.
