

**Planning Board Meeting  
7:00 p.m. Town Hall  
Wednesday, August 22, 2018**

**NOTE: The July, 2018 meeting of the Planning Board was canceled.**

**Members Present:** Kate Murray, Rich Landry, Lorne Jones, Bill Stewart, Tom Hammer

**Others Present:** Cory Colwell, Joan Hammond, Glenn Hammond

**Members Absent:** Darcy Horgan, Margaret Sofio

Acting Chair Bill Stewart opened the meeting at 7:00 p.m.

**1. Work Session: Request for a Subdivision for applicants of the Neal-Toomey Corporation, 158 Portsmouth Avenue, Map 15 Lot 9 for a two lot subdivision which proposes a 30' right-of-way to provide access and frontage to the proposed back lot.**

Mr. Corey Caldwell of Millette, Sprague & Colwell Inc., Civil Engineers, representing applicant, the Neal-Toomey Corporation, Joan and Glenn Hammond, appeared before the Board to solicit feedback to a conceptual plan for a two lot subdivision at 158 Portsmouth Avenue, located in the R-1 Residential District.

Previously, on March 28, 2018, the Planning Board held a work session to provide feedback for an Ambit Engineering proposal to subdivide the subject property; Mr. Colwell addressed the March proposal and Board comments in presenting the new subdivision plans, specifically calling out whether frontage could front the Right of Way (ROW) as described in the Ambit plan. For reference, Mr. Colwell read the definitions from the Town Ordinance.

**Frontage:** The horizontal distance measured along a lot line dividing a lot from a street. Such measurement shall refer to a continuous line except where otherwise specified.

**Right of Way:** All town, state and federal highways and the land on either side of same as covered by statutes to determine the widths of rights-of-way. The term also includes private and other public ways and the land on either side as stipulated in each specific instance.

The new plan shows lot delineation between the two proposed lots and primarily differs from the Ambit plan in that the 30' ROW is separate from the back lot that it serves, dividing the lot from its frontage.

Members noted that the ROW would need to be built as a street, and that the front lot's building must meet setback requirements. Members agreed that if no wetlands are present, then the

entire area of the lot may be included in the calculation. With a total original lot size of 45,351s.f.+/-, after committing the minimum lot area of 20,000 s.f. to each of the two subdivided lots, there is still 5,000+ s.f. to allocate as needed to one or the other lot. The road would need to be built according to the specs in the Subdivision Ordinance. It was noted that an existing 10' wide utility easement exists inside the proposed ROW/easement.

Acting Chair Stewart questioned whether, in creating a corner lot (front lot in this plan), the 100' frontage requirement exists on both of the fronting sides. More likely, the corner lot requirement refers to the need for frontage setbacks on both fronting sides.

Mr. Colwell confirmed that the plan calls for the existing well and garage to be removed.

Members advised that lots will be subject to the 2018 pervious surface ordinance and meet the requirements for sewer tie-in or septic.

The Hammonds indicated that the existing garage dates only to the 1950's +/-, however the lot is within the Historic District and plans will require Historic District Commission (HDC) approval.

Acting Chair Stewart indicated that the Board understands the proposal and will want to look at the ordinance as well as consult with counsel before the applicant moves forward. While this would not be a legal review of the application, it would be an interpretation. Mr. Colwell agreed to redraw the plans to match what was discussed during the work session and furnish them to Acting Chair Stewart.

Members discussed whether small, irregular lot subdivisions serviced by a private road are in the spirit of the ordinance or a benefit to the town. Mr. Landry wondered whether there is any real detriment, noting that it will largely be unnoticable and will need to comply with the pervious surface regulations as well as HDC requirements.

The new ordinance allows for a maximum of 4,000 s.f. impervious surface on a 20,000 s.f. lot. Mr. Landry noted that the ordinance doesn't address teardowns therefore a teardown would need to comply as if new.

Acting Chair Stewart planned to ask the Municipal Association as well as the town's counsel to get clarity on the use of private roads for small subdivisions and for advice about the process for a potential change of the ordinance.

## **2. Review and approve minutes to the meeting on June 27, 2018**

Draft minutes for the June 27, 2018 meeting were not available for approval.

## **3. Old Business**

### **a. Lot Line Adjustment Mylar**

Acting Chair Stewart asked members who were present at the June 27, 2018 in which the lot line adjustment for properties at 27 and 28 Colonial Lane was approved, to review the mylar before he signs it. Messrs. Hammer, Landry and Ms. Murray agreed that the mylar is as the Board agreed and Acting Chair Stewart signed it accordingly.

#### **4. Correspondence**

Acting Chair Stewart briefed the Planning Board about the history of a complaint concerning the property at 65 Portsmouth Avenue, Map 11, Lot 20, owned by Joseph Lavin. The Building Inspector became aware that there may have been some unpermitted work done on the property and wrote a letter to the owner to request clarification. Some back and forth ensued between Acting Chair Stewart and Mr. Lavin. Currently, Mr. Lavin is going through proper channels to secure permits for any completed work that required them. The last remaining question is whether there has been any fill of the wetland that was initially flagged during the home's construction. A letter from Mr. Lavin to the Planning Board responds to that concern, however questions remain. The Lavins have granted approval for an on-site inspection.

#### **5. Old Business**

It is rumored that the application to renovate the boathouse located at 180 Portsmouth Ave. is on the upcoming ZBA agenda.

#### **6. Adjourn**

There being no further business to come before the Board, Mr. Hammer motioned to adjourn, and Mr. Landry second the motion. The meeting adjourned at 8:22 p.m.