

Planning Board Meeting Minutes

April 26,2022

Board Members:

Mackenzie Brisson
Roxanne Tufts-Keegan
Jill Brown
Ken Garry
Janet Kalar

Public Attendance:

Carl Roy
Jonathan Purrington
Justin Hassan

Mackenzie calls Janet who is on the phone to have a quorum to call the meeting to order.

Meeting called to order Tuesday April 26, 2022, at 7:04 pm.

Pledge of Allegiance

Acceptance of minutes held aside until Janet arrives to the meeting.

Mackenzie formally welcomes Ken Garry as the School Board Representative to the Planning Board. She also would like to clarify to the board with the new representatives to the board it changes our quorum. The quorum is now five. With the three representatives there will need to be at least two regular full voting members.

For the sake of tonight's meeting Jill Brown, Alternate Member, will have full voting privileges.

We as the Planning Board would like to put out that we are looking for three full board members to join.

New Business:

-Prunier merger application

Mackenzie states this is a voluntary merger application, they cannot be present but are available by phone is any questions should arise. This is for Map 4 Lot 285-1 and 2. Justin Hassan is present as he is planning to purchase the property from Lucy Prunier. In this case that Justin does not own the property yet, the application is from Lucy Prunier, so it would go to them. These are two sunrise properties. The board members review the application and Mackenzie invites Justine to speak if he wishes not to the merger application but to the plan with the property moving forward. Justin states he had been working with Scott Lacroix the former Code Enforcement Officer for the town and is now working with the new Code Enforcement Officer Carl Roy. In his previous conversations with Scott, was that the layout of the lines of the property made it difficult for setback requirements to build on the property. This is where the merger came in. They are aware of the moratorium for building and understand the situation of the impact to the school system. They are looking for an exemption from the moratorium based on point #5 in the moratorium. This is a second home and children will not be attending or affecting the school. June 3rd is the tentative date to take ownership of the property and there is no plan to build until at least august. They still need to get their shoreland permit, septic design and building permits.

Mackenzie reminds the Board the moratorium expires in October. There is some discussion between board members and Justin, regarding easements on the property, layout, and amount of land.

Mackenzie reads exemption #5 from the Moratorium: Middleton Planning Board may provide for exemption of the moratorium of those types or categories of development that have minimal or no

impact the ability of the Town of Middleton to provide adequate services in the Middleton School District. #6 mirrors #5.

Discussion ensues as Justin explains this is not a primary residence, they live in Massachusetts. Right now, finance is relying on this merger. Whatever the Planning Board needs to support the no impact to the school he will do his best to provide. He is trying to do his due diligence and the surveyors are supposed to come out next week. He is working with Norway Plains. A wetland scientist was out to mark wetlands. Norway is helping with their shoreland application. Financing with the moratorium is what is holding this up. The surveyors come out and then submits to shoreland and Des, who then has 30 days. Norway has a fairly good idea at this point if it will pass or not. The bank saw a moratorium and did a hard stop.

Ken brings up that Justin is not the current property owner. So, if the merger is accepted how does one get a building permit? He is not the property owner. The discussion continues regarding how the Planning Board would do an exemption in this case. Ideas of a conditional exemption or if there is a representative for the owner of the property. Jill feels they need more clarification on this. They wonder if the exemption goes to the property or property owner. Carl Roy Code enforcement speaks on this. The exemption is not going to the property, the property cannot build, it would need to be given to the owner of the property. He asks if we can put contingencies on only agreements. Janet asks if and exemption is transferrable. Carl says the exemption would have to go to Justin Hassan. Jill says so he is not the owner currently and conditional is important, but this still is not clear. Ken is not worried about ownership the conditions are the key point.

Roxanne recommends reaching out to legal and have them draw something up. Jill inquires about a timeline. Roxanne says the next meeting is May 12th. Justin says he can reach out and check with his bank. Jill wants to be sure that the board is protected using exemptions and consider approaching legal to discuss what we can do. Ken wants to note there is mutual understanding in the direction in which this is going. Justin is in agreement. Janelle will forward tonight's meeting minutes to Justin. Mackenzie will reach out and clarify from legal that we are doing this properly as this is the Board's first exemption.

Old Business:

-231 New Durham Subdivision with exemptions

The board informs ken as to what has been going on with the subdivision and he reviews the subdivision application and plans. Mr. Purrington is looking for moratorium exemption with three waivers being sought for the back half of the parcel. He says he does not own the property but is an agent on behalf of the property owner Lorriane Waite. They want to subdivide into two parcels, his side being 13.2 acres and the remaining staying on Lorraine's side.

Janet brings up that he has an agricultural business and what she read on his website for the business and talking to Dan Phillips the road agent a driveway permit will not do. He needs a road.

Mr. Purrington tells her no he does not. This is not a visiting farm; it will be his private residence and they have a rabbitry. It is not a farm at all, it falls under the homestead rules. Tonight, is just for the subdivision anyway.

Jill says the majority of the back property is wetlands and drains into sunrise lake. Mr. Purrington states that DES does not have any say on this and they have gone above and beyond Middleton's setback. There is no terrain alteration it is out of the state's hands.

Janet still says the Kristen at the state says the Planning Board cannot give out exemptions on delineations. Mackenzie states can grant waivers, and the Planning Board is not here to hinder an applicant, but the concern is the wetlands drain and flow into Sunrise Lake which is the key to this town.

Mackenzie opens to questions, comments, concerns....

Ken asks about the waiver of the location of all building setbacks. Mr. Purrington states this is for the back half of the parcel. They are not building back there, you cannot even get to it, so that is why we are requesting that. Ken says it does not state that, so what locations? Mr. Purrington says it is the back property there may be stuff back there. It was once a 100-acre full working farm. Carl says they are asking because there may be existing buildings back there that they may not be able to get to.

Ken re-reads the waiver and says that does not state what Caarl just said. There is no specific location. Mr. Purrington says it would be grandfathered in anyway. They do not know what is back there. Legally cannot build back there.

Ken still says there is nothing in writing, so he suggests that we may want to include the writing in of abandoned buildings. Mackenzie states we can have wording changed/added.

Mackenzie asks if there are any more comments or questions: None

At this point she will entertain a motion to approve or deny on each waiver request individually.

Waiver #1: Wetland delineation/buffer waiver

Janet: NO

Ken: YES

Roxanne: YES

Mackenzie: NO

Jill: YES

Waiver #1: GRANTED

Waiver #2: Slopes over 25%

Janet: NO

Ken: YES

Roxanne: YES

Mackenzie: YES

Jill: YES

Waiver #2: GRANTED

Waiver #3: Location of all building setback

Janet states we need to table this for a better description. Roxanne asks if we can add to the description that is for the back acreage. Yes, they can.

Janet: YES, AS AMMENDED

Ken: YES, AS AMMENDED

Roxanne: YES

Mackenzie: YES, AS AMMENDED

Jill: YES, AS AMMENDED

Waiver #3: GRANTED

Mackenzie opens for discussion on the subdivision. Mr. Purrington's timeline is being stretched out a bit further so he will not be seeing Carl for permits before the moratorium ends.

Roxanne states she has no issue with the subdivision. Jill feels we should set a precedence for people coming in and have conditional wording that building permit for any living residential structure will not be sought until after the moratorium and building permits will be subject to the normal process when building permits are pulled. The exemptions qualifying this from the moratorium would be #5 and #6. There is no impact. Carl says no temporary living quarters can be added to the conditional wording as well, and consider garage, barn, residential living structure.

-No impact to the moratorium

-No living quarters

-No impact to the school.

Board Vote for the Subdivision:

Janet: YES

Ken: YES

Roxanne: YES

Mackenzie: YES

Jill: YES

Subdivision granted. Mackenzie will work on the approval letter and get it out to Mr. Purrington as quickly as possible.

Mackenzie welcomes Carl Roy to his new position as code Enforcement. Janet asks for an updated board member list with emails and phone numbers. Janelle will compile it and send it out to the members.

Mackenzie has an email from Deb Barnes regarding the process of a lot line adjustment and guidance. The board decided we need to reach out for more information. Mackenzie will email her and guide her to the town website for the zoning and town ordinances.

Roxanne gives an update on digitalization of the Planning Board. They are making progress and should hopefully finish it in time. We need to be organized moving forward as things come in, we can scan it right away. We should be in pretty good shape when they are done.

Carl asks about a treehouse, an extensive tree house, is there a stipulation from the town regarding this. The board does not have an answer and Mackenzie will research this.

Mackenzie is meeting with Carol from MRI to get the process moving. Carol feels this will be about a 6-month process.

The board chats about the May 12th meeting being at 7 pm or moving our meetings to the 3rd Wednesday of the month. As of now we will keep May 12th at 7pm and discuss changing then.

Roxanne makes a motion to accept the meeting minutes from March 24, 2022, and the revised meeting minutes from March 10, 2022. Jill Seconds all are in favor.

Roxanne makes a motion to adjourn the meeting at 9:15 pm Jill seconds. Meeting adjourned.

Respectfully submitted by:

Janelle Guarino

Planning Board Secretary