

Town of Farmington  
Planning Board Meeting Minutes  
Tuesday, May 21, 2019

**Board Members Present:**

Charlie King, Chairman  
Rick Pelkey, Vice Chairman  
Bill Fisher, Secretary  
Bruce Bridges  
Stephen Henry  
Felicia McCowan

**Board Members Absent:**

TJ Place, Selectmen's Rep.

**Others Present:**

Town Administrator Arthur Capello  
Land Use Assistant Sarah Morse  
Randy Tetreault, Norway Plains  
John Cardinal  
Sheryl Hovey  
Jon Mahurin

**BUSINESS BEFORE THE BOARD:**

**Call to Order:**

Chairman King called the meeting to order at 6 p.m.

**Pledge of Allegiance:**

All present stood for the Pledge of Allegiance.

**Welcome- New Staff Member** - Mr. Capello introduced the new Land Use Assistant Sarah Morse to the board. He said Ms. Morse will not normally attend the board meetings but he requested that she attend this meeting so he could introduce her to the board.

Chairman King welcomed Ms. Morse on behalf of the board and said they would provide her with plenty of entertainment. He asked her for her initial thoughts on the position.

Ms. Morse said there is a lot to learn but that she likes her new position.

**New Board Member** – New board member Felicia McCowan arrived and introduced herself to the board. She thanked the board for allowing her to sit in with them and become part of the volunteer process.

Chairman King welcomed Ms. McCowan on behalf of the board and advised her to contact himself, Mr. Capello or staff members if she has any questions.

**Review of Minutes:**

**May 7, 2019** – No errors or omissions

**Motion:** (Fisher, second Bridges) to approve the meeting minutes of May 7, 2019 as written passed 4-0-2 (Henry, McCowan abstained).

**Any Other Business before the Board:**

Mr. Capello said things are working well with the Strafford Regional Planning Commission (SRPC) interim Planner James Burdin and he is working on some issues that probably will be on

the next meeting agenda.

Chairman King asked for the Planner's office hours.

Mr. Capello said the Planner will be in the Town Office on Tuesdays from 9 a.m. to 5 p.m.

**Motion:** (King, second Pelkey) to recess the meeting until 6:30 p.m. passed 6-0 at 6:07 p.m.

The meeting reconvened at 6:30 p.m.

### **PUBLIC HEARING – 6:30 P.M.**

#### **NEW CASES:**

**Conceptual subdivision by:** John H. Cardinal (Norway Plains Associates, Inc., R. Tetreault, Agent) to subdivide R48-016, Bay Road

Surveyor Randy Tetreault said he was before the board for a conceptual conversation regarding the prohibition of odd shaped lots and that the length-to-width ratio should not be more than 4:1 as stated in Section 6.B.1 of the Subdivision Regulations.

He pointed out on the conceptual plan that the 2 proposed lots would have 200' of road frontage and if Mr. Cardinal wanted to create an 8 acre lot he would have to go back about 1200'-1400' and if wanted to create a 5 acre lot he would need to go back about 1100'. He also showed the board the boxes depicting the required minimum 30,000 sq. ft. of buildable area located at the front of the proposed lots.

Mr. King asked for the zoning district designation for the property.

Mr. Tetreault said a portion of the property is located in the Suburban Residential (SR) district and the other portion is located in the Rural Residential (RR) zone.

Mr. Henry asked Mr. Tetreault to trace out the parent lot that would be subdivided and for the total number of acres of that lot.

Mr. Tetreault traced the shape of the parent lot on the conceptual plan and said it has a total of 142 acres. He said that the two potential lots shown are 8 acres and 5 acres because Mr. Cardinal has a potential buyer looking for 8 acres of the property and that he wanted to show him what 5 acres would like because a 5 acre lot wouldn't require state subdivision approval.

Mr. King asked about the topography (topo) of the proposed lots.

Mr. Tetreault said the first 300' of both proposed lots have good buildable areas and that there are some wooded wetlands areas in the rear of the lots. He said they have a preliminary map of the land and he felt they can easily prove the existence of a buildable area on both of the lots.

Mr. King asked why the lot on the right jogs out to the left behind the lot on the left.

Mr. Tetreault said it was configured that way to get an 8 acre lot and not make it any skinnier in width and have to go further back on the parent lot.

Mr. King said the board has reviewed other lots where if there are significant wetlands on the lot with the way that the lot is configured there may not be access to the back land of the lot. He said the way these proposed lots are configured the land is not readily usable except for the

front buildable area. He asked why they would be in favor of a waiver on the lot configuration if the land wasn't directly usable by the owner in the end result.

Mr. Tetreault said if they went with 200' of road frontage and instead of going 800-1,000' back they only went 300' back then the lot would be at 60,000 sq. ft. or just over 1 acre. If there is a strip of wetlands preventing you from getting back further you already have an acre and a half of usable land and if you want to get back to your other land out back you might have to get a wetlands permit to cross it. I don't understand why you would have a problem with it he said.

Mr. King said part of the goal is to have lots that are readily useable for the majority of the parcel when they are being created not where the configuration of the lot renders the lot non-usable because of the topography or setbacks, etc. All of those things come into your argument in consideration for a waiver and you have to justify it by how it is being done and that a high quality lot will be created he said.

Mr. Cardinal asked Mr. King if he thought it would be better to have the smaller acreage and that he would want a bigger piece of land. He said that many people have land in back of their houses that they don't use just to have it for the woods.

Mr. King said he wasn't suggesting making the lot smaller but if they are going to request a waiver they are going to want to present information that the land is directly accessible by the landowner and is a benefit to that lot with whatever your argument might be as to why you think it would be better.

Mr. Tetreault said the bottom part of the lot would meet the site criteria on its own if Mr. Cardinal wanted to sell 1.5 acre lots.

Mr. King said in the AR zone, some people have gone with the minimum frontage and long lots just to get the required 3 acres and that's not what is being done here as he meets the minimum acreage with the frontage.

Mr. Cardinal asked Mr. King for his argument about why he doesn't like to see somebody own land in back of a house and why that was going to be a problem. He asked if a landowner can't go in back of his house and cut wood whether or not there is wetland there.

Mr. King said that was not his point. He said he asked why the jog was there and Mr. Tetreault explained it was to get the 8 acres with that frontage.

Mr. Tetreault said the owner could get to the back land by foot as most of the poorly drained wetlands dry out in the summer but if you have to access it with a vehicle then you have to get a permit. As long as we have a good enough area to begin with the land in the back is subjective and open to opinion he said.

Mr. Henry asked if the 8 acres is just to have an 8 acre lot or to meet a particular requirement.

Mr. Tetreault said it is 8 acres because Mr. Cardinal said someone is looking to buy 8 acres. He said he and Mr. Cardinal also discussed possibly subdividing another 5 acres and the steps to go through the state subdivision approval process and the conceptual plan was to show the board.

Mr. Henry asked if the preference would be to have the lot longer and narrower without having

the jog if the waiver was approved or if the design was to meet the 4:1 ratio.

Mr. Cardinal said he would have to make the (8 acre) lot longer (without the jog). He said he didn't want to go any longer and that he thought it would be better to give them a bigger section in back of the 5 acre lot.

Mr. Tetreault said they did some rough preliminary data and marked the wetlands before Mr. Cardinal owned the land and found that it is a "mixed bag" with poorly drained wetlands and is uneven on a Class V paved road. He said the area by the road is pretty good until you get to Waldron Cross Road and they will have to do a test pit and topo on that portion of the lots. He added that if the soil conditions are what he thinks they are Mr. Cardinal could reduce the lot size to 1.5 acres and still meet the zoning and wouldn't need a waiver for any of this.

Mr. Pelkey said conceptually he did not have an issue with the layout of the lots and he would hate to say that because there are wetlands in the center of the lot there is no inherent use for someone to have the back of the lot as his lot looks a lot like that.

Mr. Tetreault said the cut-off point in the Subdivision Regulations between a major and minor subdivision is 4 lots and asked if the remaining land (the parent lot) is one of the 4 lots. He said you could only do 3 lots for a minor subdivision if the remaining land is one of the lots and it is not clarified in the regulations.

Mr. King said he would have to look at how it has been historically interpreted but there isn't a lot of difference between the requirements for a major or minor subdivision if the frontage and the road are already there.

Mr. Tetreault said generally that it comes down to whether the board thinks that adding the land to back of the lot (to make the 8 acre lot) meets the 4:1 ratio.

Mr. Cardinal said that was an option and that he wasn't necessarily going to do it.

Mr. King said if the board is asked to consider a waiver for the lot configuration they will review it, make their statements, including the reasons why they granted it to be fair and consistent with future lots.

Mr. Tetreault said other towns have used a length to width ratio since the 1980's and have routinely waived it. People who have done it this way (started with 1 acre) come back later and added land because they wanted it and under a lot line adjustment it still would be part of the subdivision. He said that even if the lot was an existing lot and you added land to it, it would still be a waiver issue because of the shape/ratio of the lot being created by adding the land.

Mr. Cardinal asked if the board reached a conclusion about whether they were for or against the proposal and if they could proceed with the plans.

Mr. King asked Mr. Tetreault if he got what he needed from this conversation with the board.

Mr. Tetreault said he heard the board members say they would like to see some site features and that they need to make the case that there is enough usable land and the land in the back of the lot can be used by the landowner for certain things.

Mr. King said the land must be accessible and usable and the proposed lot is in excess of the

minimum requirements which is in their favor.

Mr. Henry asked if the back land was all swamp why they'd care if the landowner can't use it.

Mr. King said when someone has land that is not readily accessible, eventually it becomes accessible and we have had major wetlands violations and infractions of the law that the Town ends up dealing with it later.

Mr. Henry asked if they are enforcing "thought crime" now because somebody might do something wrong.

Mr. King said he was going by historically what has happened.

Mr. Henry said if they were going to start passing laws because of what somebody might do...

Mr. King said it is not a law and that they would be considering a waiver of the requirements and that this is a non-binding conceptual discussion.

Mr. Tetreault said the board gets to look at each proposal individually somewhat regardless of the precedence. He said this is not a Variance situation- it's the board saying it is okay if the guy adds the land and that they might say they don't like what's going on next time.

Mr. King said on its face he was not opposed to the conceptual plan but his opinion is non-binding as they could return to the board and submit different information that makes it something totally different.

Mr. Henry said he didn't see anything he was opposed to.

Mr. Tetreault said that was what they wanted to know and thanked the board for their time.

Mr. Pelkey said there is requirement to provide the wetlands and topography for the back portion of the new lots and asked if they planned to submit a waiver request for surveying that portion of the lots.

Mr. Tetreault said the Subdivision Regulations call for wetlands and topo in the 30,000 sq. ft. buildable area and the board can require it for the whole parcel but he didn't think that he had to ask for a waiver for it.

Mr. Pelkey said the last few applications have included waiver requests for this requirement.

Mr. Fisher said the waiver was for surveying the parent parcels.

Mr. King said the waivers were for the back end of large parcels. He suggested that they have a good basic lay of the land about what is out there.

Mr. Tetreault suggested the buildable area in the front portion of the lots be done on the ground conventionally and that the rest of the parcels be done at a preliminary level so that there is general idea of the character of the land.

Mr. Pelkey said if they don't plan to topo it all the way to the back of the lots then they should consider submitting a waiver for it as he was pretty sure it is required in the regulations.

Mr. Tetreault said there is information available where you can get general site features at a 5 or 10 ft interval which is enough to show generally what the land looks like and in the buildable area more detailed information would be provided.

Mr. King said that seems reasonable.

**Class VI Road Building Permit request for R41-005 by: Sheryl Hovey & Jonathan Mahurin**

Chairman King said the Board of Selectmen requested that the Planning Board review and comment on a Class VI road Building Permit request. He said that even though they have no official findings here they will be looking at and making some comments that the Selectmen may or may not use in consideration of their potential building permit application.

Mr. Capello said they have received a copy of the letter from Town Attorney Keriann Roman with her recommendations regarding the building permit request.

Mr. King asked the landowners to begin by giving a brief presentation on what they are looking to do. He asked about their plans to improve the access to the Class VI road.

Mr. Mahurin said they purchased the lot with the very poor road that was there. When a neighboring lot got logged they had the loggers do some work on their lot and in exchange they leveled out the road that used to be at best a goat path and now it is two-wheel drive up to the area they are looking at he said.

Mr. King said he has visited the site several times including earlier that day and that the road has been substantially improved from what it was but still has a lot of room for additional improvements that the Town may require.

Mr. Henry said that one of the reports from the Technical Review Committee (TRC) noted that there was still snow on the ground and asked how long ago the logging was done.

Mr. Mahurin said the logging was done about a 1 year ago. He said he went to site before the TRC members and noted the conditions were snowy and icy then and that he practiced this winter to make sure he could keep the road open. There is some water run-off that needs to be dealt with he said.

Mr. King asked if there were aware of what the width of the road is and whether there is a 2 or a 3 rod right-of-way. He said that most of the road is bounded by 2 stone walls and that typically roads in NH are laid out to a rod width which is 16 ½ ft.

Mr. Mahurin said former DPW Director Jason Gagnon advised that for that type of road it would need to be 12 feet wide with a 14 foot location every 450 ft.

Mr. King asked for the distance from the building site on Haywagon Road to Meaderboro Road.

Mr. Mahurin said it is roughly 4,000 ft. from the site to Meaderboro Road.

Mr. Pelkey asked about their plans to access their property from Old Canney Road.

Mr. Mahurin said the information for the building permit application needs to be very accurate and parcel comes up listed as on Haywagon Road and at about 30 feet into Old Canney Road is where they planned to locate the driveway to their property.

Mr. Pelkey asked if there are other old buildings in that area.

Mr. Mahurin said someone has a camp nearby on Old Canney Road.

Mr. King said the camp owner accesses his property from Haywagon Road and not from Old Canney Road.

Ms. Hovey said the owner made the driveway to his camp off of Haywagon Road.

Mr. Bridges asked for the width of the bridge there.

Mr. Mahurin said it is 11'8" from rail to rail on the sides of the bridge. He said the bridge is 12' wide but he had railings added so no one would slide off the bridge.

Mr. Henry asked if the logging trucks used that bridge.

Mr. Mahurin said the logging trucks did use the bridge.

Ms. Hovey said the well truck that came to drill the well also used the bridge.

Mr. Fisher asked if their property is located after the bridge on Haywagon Road.

Mr. Mahurin said that is correct.

Mr. Pelkey said he recalled the old bridge there and that he would not drive over it.

Ms. Hovey said the road and the bridge got fixed with the money from logging their property.

Mr. Henry said that the Fire Chief reported that the bridge was not sufficient for fire apparatus.

Mr. Mahurin said the top coat was in disrepair and I-beams underneath and the supporting structures were fine and that the loggers put the top coat over that.

Mr. Fisher asked if it was repaired since the TRC reports were written.

Mr. King said it was not and that the bridge was replaced over a year ago.

Mr. Mahurin said the top coat was replaced a year ago and the support structure was always the same.

Mr. King said the reports were issued since the bridge was repaired a year ago.

Mr. Capello said the TRC reports were submitted in April 2019.

Mr. Henry said all of the TRC reports dispute what they are saying and noted that he has not been to the site.

Mr. Mahurin said when the committee members went to the site they went in when it was nasty and snowy, stopped and looked at the bridge from a short distance away and did not continue the rest of the way up the road.

Mr. Henry said the Fire Chief would consider the worst case scenarios because part of what he does for a living is to consider worst case scenarios.

Ms. Hovey said a Police car drove all the way to the top when the camp was broken into which is right at their property.

Mr. King said the Town has road and driveway standards adopted by the Planning Board which contains residential, commercial, industrial driveway and minimum local street standards. He said that because it is Class VI road means it is a Town road even though it is subject to gates and bars and is not maintained by the Town. The minimum local street standards, because of the road length and potential access to other dwellings, would require a street with a surface width of 16', 2' shoulders plus a bunch of other requirements. The standards cited by the former Road Agent were more of a driveway standard and they are not building on a driveway but on a Class VI road he said.

Mr. King said that previously when the board reviewed other building permit requests on a Class VI road they typically have had the road brought up to the standard then to the end of the



road with the travel width at about 20' or more with the ditches and drainage signed off by the Road Agent.

He said when he was on site that day he saw 2 pretty steep sloped areas going up and down from the bridge and based upon the slope the road will need to be widened and ditched and the tree line will have to come out almost to the stone walls. He advised that the ditches in the slope areas should be lined with riprap to keep from having to replace the road gravel each year. He said this is what he would recommend to the Selectmen and it is up to them to impose any requirements or not and to grant the building permit request or not.

Mr. King said the other issue is the bridge and because it is a Class VI road he would recommend that there be a design or improvements or that the bridge be signed off by a licensed engineer approved by the Town. I think the width is insufficient he said.

He said that at any time by vote of the townspeople it could be turned back to a Class V and the Town has the authority to review, approve and make requirements that are reasonable to make the road passable and safe if it was returned to Class V status.

Mr. King said they will have to maintain the roadway and the bridge and because it's a Class VI road it is open to anyone in town. The way I see it you have 4,000 linear feet, a bunch of slope issues and if the land was flatter and more open the costs would be totally different he said.

Mr. Henry asked what would happen if residents voted to discontinue the road and give the land back to the landowners.

Mr. King said it would take a Town Meeting vote to abandon the road and the ownership rights would go to the center line of the road and the land would be given to the landowners on each side of the road. He said he did not know if the historical pass/re-pass would change their ability to access their property in that case.

Mr. Henry asked if that would then turn the access into a driveway that would be up to the landowners to maintain themselves but they wouldn't have the (road) standards.

Mr. Pelkey said it would become a driveway or a private road.

Mr. Capello said he did not know the answer to Mr. Henry's question.

Mr. King said it would probably be considered a private road because there are already people accessing it.

Mr. Henry asked what the standard would look like for the road at that point.

Mr. Capello said he did not know if they could enforce a standard if the roadway is not owned by the Town.

Mr. King said they could have a minimum driveway standard and the driveway standard the Town has had has a minimum surface width of 10' and turn-offs/pull-offs at a fixed distance so someone can pull off the road so someone else can pass. That could be the threshold for getting a building permit but that is not up to us and is up to Code Enforcement he said.

Mr. Pelkey said he thought Mr. Capello was correct as other applicants have come before the before the board for a subdivision on a private road where there were abutters who talked



about how the road was in disrepair and they couldn't get together to figure out how to fix it. Mr. King said if it is a subdivision application the board has the ability to say these are the improvements that need to be made.

Mr. Capello said if you look at an older subdivision like Golden Circle everyone on the road contributes to the maintenance of the road.

Mr. Pelkey asked what the Selectmen's position is on the Class VI road itself, if it is something the Town wants to hold and if they think that it is the best interest of the Town to hold it.

Mr. Capello said the Selectmen have not taken a position because that question hasn't come up. He said the board received the waiver (of municipal responsibility and liability) and sent it to the Town Attorney for an opinion. When they got the Attorney's opinion they realized by statute that the Planning Board as a whole has to make a recommendation to the Selectmen and they can accept or not accept their recommendations.

Mr. King said that he has sat on both sides of the table as a Selectman and a Planning Board member and has tried to be fair and consistent and act in the best interest of the Town in reviewing building permit requests. If the Town were to take over the Class VI road/bridge by a vote of the taxpayers the Town will be spending about \$500,000 on the bridge he said.

Mr. Pelkey asked for the procedure to make their recommendations to the Selectmen and if they needed to make a motion or if the Selectmen would take it from the meeting minutes.

Chairman King said the board needs to make a formal motion to make recommendations to the Selectmen. He asked if the board members had any other thoughts on the matter so they could reach a consensus to vote on.

Mr. Pelkey said he would like the Selectmen to consider the possibility of returning the road to the landowners. If the Town doesn't want anything to do with it that would relieve a lot of the burdens on the property owners he said.

Mr. Capello said that is something that can be addressed later as he did not think that Mr. Mahurin and Ms. Hovey wanted to wait until next March or later for their building permit.

Mr. Henry said if the Selectmen say no a petition warrant article becomes an option. He asked if own the land already or are looking to purchase it.

Ms. Hovey said they own the land and want to start building this year.

Mr. Henry said they can also ask the Selectmen to put a warrant article on the Town Meeting Warrant and then they will have a different headache to maintain a private road with multiple people.

Mr. Pelkey said Att. Roman's position is that the liability waiver that they have signed doesn't require the Town to have them do anything.

Mr. Mahurin agreed but noted that Att. Roman also wrote that they should get an engineer to make sure they maintain the road in an effective way so it doesn't get washed out by water run-off which is just smart. That saves us a ton of problems and money in the long run he said.

Mr. Fisher said they should accept Att. Roman's advice that the board make recommendations

for the road standard up to their property and that the rest of the road is the other landowners' problem. It would prevent other people from buying land there and saying they have to do certain things to the land and the roads he said.

Mr. King said he would be opposed to that as that is not how they have typically done it. If you say they are only responsible for the road in front of their house if doesn't grant any access.

Mr. Fisher said it would include from their property all the way to Meaderboro Road and they would be responsible for the entire 4,000 ft.

Mr. King said the Selectmen will either grant a building permit with conditions they may not like or can afford or they are going to say no. He said they could take their or other people's recommendations and the Planning Board is just reviewing and commenting.

Mr. Pelkey said he read something on the Attorney's recommendations for a possible waiver for the road as far as emergency access if they required you to put a sprinkler system in your home and asked if they saw this in the Attorney's letter.

Mr. Mahurin said he did look at that and that it was up to the Fire Chief to take a look at that.

Mr. Pelkey said he didn't know what the cost is to upgrade the bridge to get the fire trucks in as opposed to putting a sprinkler system in their house. He said he was looking at if there could be a compromise position where they could get in there and not have to do everything on the wish list.

Mr. King said the cost of a sprinkler system in their home pales in comparison to any bridge upgrades.

Mr. Capello said that depends on if the majority of the Planning Board recommends to the Selectmen that the bridge be improved.

Mr. Pelkey said the board has nothing that tells them what the bridge is rated for so they can't make a recommendation on its use.

Mr. King said it is a historically hand built bridge with I-beams set on hand stacked stone and he was not saying it won't withstand the weight. He said he has log bridges on his property that he would take a fully loaded 10 wheeled truck over but that it would not be prudent for him to say that was acceptable.

Mr. Capello suggested the board put this issue off until their next meeting so they could make a visit to the site and look at the bridge.

Mr. King said he is not a licensed professional so he is not qualified to say the road/bridge is safe for emergency equipment and nobody at this table is that (a licensed professional).

Mr. Pelkey said Att. Roman's recommendation that the bridge be upgraded to the satisfaction of an engineer and the Fire Dept. or that the builder be required to put a sprinkler system in the home to ameliorate the risk would be a better recommendation from the board.

Mr. Bridges why they would care if the Town doesn't have any liability if their house burns down or if the road washes out and it's their problem and not the Town's problem.

Mr. King asked what happens if it is approved, it's not maintained and it's a Class VI road open

to all residents and guests and somebody goes out over there and falls through the bridge.

Mr. Capello said the Town has no liability.

Mr. King disagreed and said the Town would have liability because it is a Town owned road.

Mr. Capello said all of the Class VI roads will be posted "Subject to gates and bars-Pass at your own risk".

Mr. King gave an example of the current owners sell the property, the next owner doesn't maintain the bridge, a fire truck goes through and there is a death. He asked who will get sued and then answered that it would be the Town.

Mr. Capello said he couldn't answer the question because he is not a lawyer but noted that the waiver goes with the land not with current owner and would be filed with Strafford County.

Mr. Pelkey said the waiver has to be filed with the county before the building permit is released.

Mr. Fisher agreed that the waiver says the Town is free and clear but for their safety he would highly recommend that the bridge be inspected by an engineer. We know logging trucks went over it but they only had to do it for a couple of days and you're going to have to do it for the rest of your life and your children and grandchildren too he said.

Mr. King asked who would be liable for the bridge as it is not their (landowners) bridge. The loggers built it over some I-beams he said.

Mr. Fisher said he was speaking to their safety and if someone gets hurt it is up to the courts to decide liability. He said it was also a good idea to have an engineer look at the roads and put in some ditches and riprap to keep it from washing out because they will be maintaining the road. He agreed that if they signed a waiver that releases the Town from all liability so he didn't see where they have a say over what they build up there and that the board is just making recommendations.

Chairman King asked the board for their consensus on what recommendations they should make to the Selectmen.

Mr. Henry said he didn't feel that he had enough information to have an opinion that he could defend one way or the other so he would not say anything.

**Motion:** (King, second Fisher) that they recommend that they improve the road to our standard for a minimum local street, provide adequate ditching and drainage for all areas that require it including the sloped areas and that the bridge be reviewed by a Town designee regarding its safety and use;

**Discussion:** Mr. King said the requirement that it meet standards for a minimum local street means it will have a surface width of 16' with 2' shoulders, basically a potential 20' travel right-of-way up to the ditch lines, the slope is existing and there needs to be adequate ditching, riprap and culverts.

Ms. Hovey asked if he wanted it to be a Class V road and for them to maintain it as such.

Mr. King said that is not a full-blown Class V road but it needs to have ditches on both sides of

the road.

Ms. Hovey said they bought a backhoe to do this.

Mr. King said the clearing will have to come out to just about to the stone walls because otherwise they won't have the travel width for 2 vehicles to pass. He said they will need the ditches and riprap to save their money.

Mr. Mahurin agreed the clearing and ditching needs to be done otherwise it has the potential to wash out down the road. He said he planned to follow the Attorney's recommendation to get a specialized engineer to look at it.

Ms. Hovey said they want to start building and make the road improvements over time.

Mr. Capello said the Selectmen may approve that and say that a condition for a Certificate of Occupancy is to produce that information.

Ms. Hovey said they didn't want to spend the money fixing the road just to be told they can't build a house there.

Mr. Henry asked if they understood what is meant by a condition for a Certificate of Occupancy. He said if the building permit is granted they can build the house but they can't live in it until they meet the conditions set by the Selectmen.

Mr. Capello said there is a possibility they would be able to do this over time.

**Amendment:** (by Mr. Fisher) to recommend that an engineer inspect the bridge;

Mr. Capello asked if Mr. Mahurin and Ms. Hovey were willing to have an engineer look at the bridge.

Both property owners said they were willing to have an engineer look at the bridge.

Mr. King asked the board if they supported Mr. Fisher's friendly amendment to his motion.

Mr. Pelkey said he was in favor of the amendment and the motion. He said he hoped the Selectmen take the time to watch the meeting or read the minutes as there are some opinions expressed about some other things they would like them to do.

Mr. Capello said the Planning Board meeting minutes will be in the Selectmen's next meeting packets.

Mr. Bridges said he didn't think they should have to go through all that if the Town isn't liable.

Mr. Henry said he could not form an opinion he could defend right now.

Mr. King accepted Mr. Fisher's friendly amendment to his motion.

Mr. Pelkey asked for the board's thoughts about adding that they recommend that if the bridge is found to be not useful for safety vehicles that the house be built with a sprinkler system in it to alleviate that risk.

Mr. Capello said he did not know if a Planning Board can legally do that.

Mr. Pelkey said they are only making recommendations to the Selectmen and they can't legally require the landowners to do anything.

Mr. King said he didn't think it was necessary as it was part of the discussion and recommended by legal counsel.

**Vote:** The motion passed 3-1-2 (King, Fisher, Pelkey-in favor; Bridges-opposed; Henry, McCowan-abstained).

Mr. Capello said he would put this issue on the June 3 Selectmen's meeting agenda.

**Adjournment:**

**Motion:** (Fisher, second Henry) to adjourn the meeting passed 6-0 at 7:45 p.m.

Respectively submitted

Kathleen Magoon

Recording Secretary

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Charlie King, Chairman