



Mason Planning Board

August 31, 2011

Approved

Attending

Pam Lassen (Chair), Dotsie Millbrandt, Bruce Mann, Eric Anderson, Steve Wagner, Mark McDonald

Absent

Chris Guiry (ex-o), Linda Cranston

Call to order

7:50 PM

Next Meeting

September 28, 2011

Old Business

New Business

Hearing 11-02: Carlene Gavin, Townsend Rd. Maria Gavin and Francis Gavin presenting.

Applicants have submitted a durable power of attorney appointing Maria Gavin to represent Carlene Gavin as attorney-in-fact to act on her behalf regarding these lots. The Board is retaining a copy of the power of attorney for the files.

Hearing is continued from July.

Abutters present: Timothy W. Harris, 8 Townsend Rd. Louse M. Lavoie, 25 Brookline Rd.

Applicant wishes to revise the lot lines of H-72-1 to reduce it from 72.8 acres to 12.1 acres, and to consolidate the remainder with lot H-74, increasing lot H-74 to 68.5 acres including about 50 feet of frontage on Townsend Road. All but 2.1 acres of H-72-1 will be held in current use.

Lot H-72-1 will have 365' of frontage and 12 acres, exceeding the minimum lot requirements for the GRAF zone of 350' frontage and 4 acres.

Pam makes a motion to accept the application as a Completed Application. Mark seconds. Board votes in the affirmative: Eric – aye, Bruce – aye, Mark – aye, Dotsie – aye, Pam – aye.

Pam makes a motion to open the hearing. Mark seconds. Board votes in the affirmative: Eric – aye, Bruce – aye, Mark – aye, Dotsie – aye, Pam – aye.

The applicant requests to waive the requirement for the Town of Mason Building Inspector to walk and find the bounds for the entire two lots.

Building inspector Ken Wilson states that the lot needs a granite bound witness set at the front boundary on the NW corner of H-74.

The notes on the plat indicate the frontage of the H-72-1 is 444', which is the length before the lot line adjustment. The Board would like the notes to reflect the frontage of the resulting lot.

The Board would like to see the existing septic area for H-72-1 shown on the plat. The Board would like the well radius shown on H-74, which does not indicate an actual well, removed.

Board discusses whether the 50' right-of-way, taken from lot H-72-1 and added to H-74, would constitute a change of use by changing the lot from being an unbuildable lot to a buildable lot. The lot does not currently meet the town zoning criteria for the GRAF zone, nor will it meet the criteria after the lot line adjustment. It would not be buildable per se, but the applicant could apply to the ZBA for a variance.

Bruce contends that putting in the access way changes the use of the lot from a nonbuildable lot to a buildable lot, because the owner could possibly get a variance and build a structure.

Maria Gavin argues that the land currently has no use, and will continue to have no use. The Board asks Steve Wagner. He says he does not see this as a change of use. Dotsie and Mark contend that the lot does not change to a buildable lot.

Pam points out that the board cannot create GRAF lots with less than 350' frontage. However, the Board is not being asked to create a lot. Instead the board is being asked to change the configuration and size of the non-conforming lot.

The board asks whether the access way could be built into a road in the future, allowing a subdivision in H-74. The plat shows that the depth of lot H-72-1 is about 1200 feet, and no-outlet roads are limited to 1000' in length by the subdivision regulations, so that will not be possible with this design.

The abutters express concern that lot H-74 could become buildable or subdividable.

Pam makes a motion to see if the Board is interested in getting the opinion of Town Counsel. Mark seconds. The Board discusses whether advice from a municipal land use attorney would be more pertinent. Steve advises that we should first take the plat to Town Counsel. All in favor: Eric – aye, Bruce – aye, Dotsie – aye, Mark – aye, Pam – aye.

Questions:

- Would this lot line adjustment change the use of the non-conforming lot H-74 (Article VI-A paragraphs 1 and 2) of the Town of Mason Planning Ordinance)?

- Does the 78' road frontage make the use substantially different?
- The Board finds the word "use" difficult. Please explain "use" and "change in use"?

The Board will ask for an appointment to meet with the Selectmen at their next scheduled meeting?

Dotsie makes a motion: Does the Board agree that this lot line adjustment is not substantially different from the use to which the lot was put before alteration? Vote: Mark – aye, Dotsie – aye, Bruce – nay, Eric – aye, Pam – aye.

Bruce makes a motion to continue to the hearing to September 28, 2011 at 7:45. Pam seconds. Vote: Mark – aye, Dotsie – aye, Bruce – nay, Eric – aye, Pam – aye.

Notes

Steve Wagner can convert our minutes into PDFs for sending to Garth Fletcher to post on the Unofficial Mason web site.

Adjourn

Mark makes a motion to adjourn. Dotsie seconds. Meeting is adjourned at 11:10.