

Planning Board Minutes  
Wednesday, 19, March 2014  
Mallett Hall  
7:00 PM

Members present: Hutch Hodsdon, Joan Mueller, Liza Nichols, John Bowdren, Matt St. Cyr, alternate Jerry Gould, planner Tony Dater

Guests: Russ Schmidt, Gordon Holmes, ~~Jerry Biegel~~

Pete

4/16/14

1. Call to Order: at 7:00 by the Chair

2. Secretary's Report: meeting minutes of 2/19/14 – p. 2, #6, "fir" was corrected to *for* and *the* added later in the sentence. On a motion by Hutch, seconded by Joan, the minutes were so moved and accepted as corrected.

Workshop minutes of 2/25/14 – on a motion by Joan, seconded by John, the minutes were so moved and accepted as presented.

Workshop minutes of 3/11/14 – on a motion by Joan, seconded by John, the minutes were so moved and accepted as presented.

3. Old Business: None

4. New Business: Gordon Holmes, Direct Real Estate

Mr. Holmes explained he had bought the Hodsdon Woods Subdivision, in foreclosure, from Bath Savings. He built the private road; building permits were issued; one lot sold, then another lot; built a house; ran power up road on poles; hooked up power to the house; it was inspected and an occupancy permit granted. He then sold another lot and has plans to build on spec on the final lot. Permits for those lots were refused when the note on the plan about burying utilities was discovered by CEO Barbara Skelton. Mr. Holmes said that to bury utilities now is impractical; he has looked into the costs which he says are substantial. Peter Biegel concurred. When did he become aware of the note on the plan and wasn't it his business to know about notes on the plan and town ordinance requirements? Liza was adamant that it was not the Board's responsibility to correct applicant's mistakes or change something after the fact. Mr. Holmes said he planned all along to put in poles and had talked it over with then CEO Craig Vosmus at the site. Tony said that may give Mr. Holmes reason for an administrative appeal, but that financial hardship is not reason for a hardship variance; the business of "being practical" in the note and ordinance was for geological consideration not financial. Matt sympathized with Mr. Holmes' plight and spoke about alternatives going forward such as burying the utilities for the remaining lots. Tony said that he could apply to the Board for an amended subdivision or go to the BOA; the CEO has to follow what is on the plan. Hutch then noticed that there was in the Hodsdon Woods file a road design drawing that clearly shows poles along the road. It was a working document and was not signed by the Board. Tony said that the wording on the signed plan takes precedence. John asked for a sense of the Board; he felt that the existing poles could remain and the utilities buried going forward. Joan felt that the CEO ought to see the road drawing. A review of the PB 2009 minutes for the subdivision did not reveal any conversation or consideration regarding poles or burying power. There were in the minutes (and in the file) copies of estimates Doug Hall had gotten for putting lines underground. Hutch thought the only change we could allow is for Mr. Holmes to submit an amended subdivision. Matt agreed with Joan about going back to the CEO with the additional

documents and burying the rest of the power lines. Jerry said it was clear that the Board wanted utilities underground and that it needed to make clear to Mr. Holmes what his options are. Tony said it would be up to the BOA to ultimately interpret what "practical" means.

The Board decided there were three options:

1. Mr. Holmes can go back to the CEO with the new information and see if it changes her interpretation of the note on the plan.
2. Mr. Holmes can apply to the PB for an amended Subdivision, amending the note on the plan to include the existing poles along the road and to the one house but that new power supply must be underground.
3. Mr. Holmes can apply to the BOA for an administrative appeal.

Mr. Holmes indicated he would ask the CEO for reconsideration. The chair will send the CEO a letter explaining what transpired.

5. Discussion: Tony said we should check out the latest draft for a Road Ord. he emailed us. He will ask the Road Commissioner for clarification about what constitutes "substantial reconstruction".
6. Other: Hutch reported that he presented to the Selectmen a budget identical to last year's budget, \$3300. They approved it; Hutch presents it to the Budget Committee next week.

Liza directed attention to an email from the Conservation Committee with concerns about the town land sold to abutters on the Verrill Rd.

The Board regretfully received the resignation of Joan from the Board effective in June at town meeting. Hopefully, at that time her hard work these past nine years will be rewarded with the adoption of the new ordinances.

7. April Agenda: Possibly Gordon Holmes with an amended subdivision  
Ordinance Review – Road Ordinance
8. Adjournment: on a motion by Liza, seconded by Hutch, so moved and accepted by all at 9:25 Pm

Respectively submitted,



Liza Nichols, Secretary