

Planning Board Minutes
March 19, 2015

Planning Board Members Present: Brad Bennett, Julie Pellett, Daniel Compton, Kip Jugle, Francis Overmoyer, and Matthew Rogers

Absent: Karl W. Smith

Others Present: Andy Hall (CEO), Kim Rayburn (Secretary), Nora Ocque (Agent), Art Babcock (Land Surveyor), Charlie Robinson, Jake Richards, Nick Glamack (Realtor)

Bennett opened the meeting at 7:30 pm.

- I. Bennett stated that the first item on the Agenda is a two (2) lot subdivision for the Ruth Steele property located on Co Rd 40, it was received as a late entry and Babcock has just provided they Board with a new set of maps different than the ones that were submitted on Monday. Bennett asked who would be acting as the Agent for Ruth Steele; Nora Ocque supplied the Board with her proof of Power of Attorney and paid the fees for the Sketch plan review. Bennett then advised both Ocque and Babcock that if they go forward with the sketch plan review at this meeting, the final meeting cannot be held at the next scheduled Planning Board meeting as the deadline for having the Final packet and fees could not be met, therefore the final packet with the short form EAF, correct size/scale maps and fees must be in the Code Enforcement office no later than end of day on April, 1st 2015 in order to be put on the Agenda for the April 16th meeting.

Bennett then asked the Board if they have any objections to review the sketch plan at this meeting, there were none. The Board then heard from Babcock who explained that Nora has hired him to survey and subdivide the property, the existing parcel is 98± acres the exact acreage is not clear as the property has not been surveyed in modern times. The Assessor office has given the acreage of 98.1 acres however Babcock has seen in the abstracts there were some highway takings and originally this was a town lot which were typically one hundred (100) acres. There was a 4 to 5 acre exception along the east side of Co Rd 40 from almost a hundred years ago therefore the exact acreage is unknown. The field work is being done now for the survey. The plan is to take the land on the east side of Co Rd 40 and create a new lot, and on the west side there would be a new Ag lot created and leave the remaining parent parcel of five (5) acres with the existing house and garage. All three parcels will be sold two three separate prospective owners.

When Babcock submitted the original sketch all the parties had not seen the map, the alignment of the proposed lot lines of lot 1 with the house was not what the buyer of the Ag land (lot 2) thought was an ideal location of the property line. A new map was provided showing a new lot line and when Babcock talked to Nora and the Realtor Nick Glamack it was decided that this was the favored lot line layout in order to create a five acre parcel around the house. Babcock stated that the property is not located in the flood zone; there are no wetlands however the aquifer protection area on the Town map cuts across the back corner along the west property line. It is in the watershed protection area for the wells that serve the Village on the south side of town.

Hall asked if there are any easements, Babcock stated that as far as he knew the primary easement is for a gas exploration and drilling sub surface mineral right easement for National fuel, there are two active wells on the property one on the east and one on the west side of the road. Overmoyer asked if the wells serve the house, Ocque stated that it does and will continue to serve the house.

Babcock stated that he thinks the gas line runs cross lots on the east side and continues to Gauss Rd and the well on the west side may come to the road and there would be a main that goes along the road but he does not know for sure. Overmoyer would like that information to be shown on the final map, Babcock stated that the lines are National fuel lines and they are notorious for not mapping anything so he will do his best. Overmoyer stated that if someone were to build on the new lot they would not know where to dig, Jugle stated that they would need to call for a stake-out before digging. Bennett stated that the map requirements ask for existing utilities, Compton stated that Babcock should give the information to the best of his ability. Bennett asked if the property had public water and sewer, Ocque stated it did not. There is a well and a septic; Bennett asked about a second well in the field, Ocque stated that there is a spring in the field that Ruth's brother discussed it had some cement around it; the Fessners who farm the land go around it when planting. The septic is there but it needs to be upgraded or replaced. Hall stated that he has been on the property there is a tank coming out of the house and water goes towards a seepage pit that may or may not have been and old dug well. Jugle stated that the house will need to have a new system before they move in and the new system will have to be located on the map. Either they will abandon the current system or upgrade the existing and bring it up to code. Hall will enforce the septic to be installed and inspected before the new owners are allowed to move in. The house has been empty for over a year so it has to be inspected. Jugle stated that the map they have is ok for sketch but for the final they will need more information. Overmoyer stated that for instance they need to know that the well is separated from the engineered septic system by the appropriate distance and it will fit on the property, along with all the other required data. Babcock stated that is the reason you need perc on a lot that is less than two (2) acres if it is over you do not as there is typically enough room for a raised fill system if needed with a water source on a five (5) acre lot. Glamack asked the appropriate distance and who dictates that, Overmoyer stated it's the Health code and Hall stated there are separation distances from every component. Hall stated that the septic tank may be usable then new leach lines would be added. Rogers asked about public water, Hall stated the Town will not allow the water district to be extended at this time.

Babcock asked for a waiver to the 1" = 50' scale for the final map as there is a lot of land involved and it will be on more than one sheet. Jugle asked Babcock what would be more reasonable, 100 to 150, Babcock agreed and stated that he could do a blow up of the house showing the detail required and make the Ag parcels smaller at the 100 scale as the only data will be the gas wells. Bennett stated that the sketch plan map is not to the required scale as well in the future the sketch plan map needs to be 1" = 100.

Hall stated that the lot lines are splitting crop fields and asked if they will they still be farmed by the same farmer as the Comprehensive plan discusses the loss of farm land. Bennett stated they would have to look into that. Ocque stated that the new lot lines around the house make it easier for farm equipment to turn around than the original map. Charlie Robinson stated that his son in law and daughter are in contract to possibly purchase the house, up until tonight they had also not seen the maps with the understanding that Babcock is working for the sellers he had some conversation with him regarding the proximity of Ag land to wells and children, the new plan affect a small portion of farm land as far as design but part of the consideration is the house and site needs to be preserved as a residential site the rectangle is probably more common or desirable possibly to lot (2) then leaving a semi flag lot portion however that portion is not particular usable to residential purposes necessarily. Jake Richards is Charlie Robinson's son in law is moving to the Bloomfield area, this is the house they want to live in so if there is a preference on the shape of the property they would like to contribute but they are not looking to put a wrench in the proposal. Keeping as much distance behind the house and the existing garage from spraying chemicals would be desirable. They would choose the first plan with the deeper lot. The septic would be done properly and within the proper distances to the well which is within twenty (20) feet of the house. Bennett stated that the Board will look at the plans submitted, if

the lot lines need to be adjusted to make a potential buyer happy then that needs to be figured out before the final with the seller.

Compton restated some of the data that will be required for the final maps, the final lot lines showing how the five (5) acre parcel will be laid out, the scale of 1" = 50' or less if required to get all requested information on the map for residential parcel, water well location, new septic location, scale of 1" = 150' of the Ag land to fit on the map, easements and locations of gas lines, farm note, topo and any other required data listed on the map requirements.

Planning Board Decision:

Jugle made the motion and Pellett seconded the motion to approve TS3-15 Sketch Plan Review 2 lot subdivision – Owner, Ruth Steele, (Agent) Nora Ocque property located at 2886 Co Rd 40 tax map # 80.00-1-10.000 The original parcel is 98.10 \pm plus or minus acres and is on both sides of the road. The proposed subdivision is to take the 40 \pm acres on the East side of Co Rd 40 and create lot 3, and take 51 \pm acres off the property on the West side of Co Rd 40 creating lot 2 leaving lot 1 (parent parcel) of 5 \pm acres with existing house and garage.

Whereas:

1. The final maps will have the requested information as written in the minutes, all applicable map requirements for Preliminary/Final and be to scale approved by the Planning Board
2. The Planning Board waived the scale requirement for the portions of Ag land being subdivided as the parcel is very large and would require more than one map. Ag land will be shown at 1" = 150'
3. The residential lot (remaining 5 \pm acres of the parent parcel with existing house and barn) shall be at the required Scale of 1" = 50' or less if required to get all requested information on the map
4. The Final lot lines shall be in place as two separate maps were provided at sketch plan
5. All easements and approximate locations of the gas wells and lines will be marked on final map
6. Existing water well location will be marked on final map
7. The approximate location of the existing tank and future septic system/leach will be on final map
8. Topography will be on final map
9. Farm note shall be on the final map
10. Existing natural features and buildings shall be on the final map

Record of Vote:

Brad Bennett	Aye	Julie Pellett	Aye
Kip Jugle	Aye	Francis Overmoyer	Aye
Dan Compton	Aye	Matthew Rogers	Aye

All Board members present voted aye, Vote was carried unanimously.

II. Discussion on Planning Board project application/meeting procedures

Bennett discussed the importance of following the procedures that are set in place in terms of receiving applications and following the regulations that are set in place for the review process. The Board agrees and also discussed their ability to waive some regulations if it's needed or requested such as the scale of a map or non-applicable items based on each review.

III. Discussion on proposed zoning changes

The Board reviewed the suggestions to the Commercial natural resource extraction operations document that Overmoyer worked on, after a brief discussion and a few changes the Board agreed the document was ready and the complete packet could now be sent onto the Board as approved at the last meeting.

V. Minutes of March 5, 2015

**Compton made a motion and Rogers seconded the motion to approve the minutes of March 5, 2015
All Board members present voted aye, Vote was carried unanimously.**

VI. Meeting Adjourned

**Overmoyer made a motion and Pellett seconded the motion to close the meeting @ 9:40 pm.
All Board members present voted aye, Vote was carried unanimously.**

Respectfully submitted,

Kimberly Rayburn

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Planning & Zoning Board Secretary