

Enfield Planning Board – Meeting Minutes
DEPT OF PUBLIC WORKS/ZOOM PLATFORM
July 28, 2021

PLANNING BOARD MEMBERS PRESENT: David Fracht (Chair), Dan Kiley, Linda Jones, Kurt Gotthardt, Kate Plumley Stewart (Selectboard Representative), Jim Bonner (Alternate Member and Videographer – full voting member for this meeting)

PLANNING BOARD MEMBERS ABSENT: Erik Russell, Phil Vermeer

STAFF PRESENT: Rob Taylor- Land Use and Community Development Administrator, Elizabeth Austin-Recording Secretary (Minutes re-recorded remotely by Whitney Banker – Recording Secretary).

GUESTS: Victoria Maurer, Michelle Murray, Scott Sanborn (Cardigan Mountain Land Surveys, LLC), Beth Rice, Lonnie Wescott, Kelly Wescott, Celie Aufiero, Dr. J.H. Theis

I. CALL MEETING TO ORDER:

Chair Fracht called the meeting to order at 7:02 p.m. and took a “roll call” of members present for attendance.

II. PUBLIC COMMENTS:

None

III. SELECTBOARD REPORT:

Ms. Stewart shared the Selectboard met July 12, just one meeting for the month of July. The Old Home Days committee came and proposed the concept of moving Old Home Days to coincide with the Enfield Shaker Museum Harvest Festival in the fall – more community members are here and not traveling at that time. This would make it more accessible to more residents and other Upper Valley community members. The Selectboard agreed with the committee that this was a good move.

Community Revitalization Tax Relief Incentive – Route 4 project from Scott Hammond to increase units to 24. There is a motion for the Selectboard to give their blessing to move forward with that project, which is currently tabled for a future meeting. If the project moves forward, it will work closely with Mr. Taylor.

9 Depot St – there have been different discussions on how to remedy the property being so close to the river, and potentially sliding into the river. There will be a sale of the property and the new owner who will be taking it over understands what they need to do to remedy the issue.

Fireworks discussion – the Selectboard is considering moving toward consolidating fireworks to a town display so that debris can land safely and will be easy to clean up, etc. Mr. Gotthardt asked if the Selectboard was looking to restrict fireworks displays? Ms. Stewart explained that they were not able to restrict fireworks. They considered previous years where the Main St bridge was closed off since fireworks were launched from a series of barges on the lake, and also in numerous other locations. The Selectboard is hoping to continue discussion along with the Fire Chief and Police Chief regarding safety and consolidating the display to help with that. This year's display went differently than they had both anticipated. The goal is for safety, organization, keeping debris out of the lake, and consolidation. There will be continuing discussion on this.

Additional administrative items were discussed by the Selectboard as well.

IV. REVIEW MEETING MINUTES: June 23, 2021

Chair Fracht moved the discussion forward to review and approval of the June 23, 2021 meeting minutes.

Mr. Kiley MOVED to review the June 23, 2021 Minutes presented in the July 28, 2021 agenda packet as presented.

The MOTION was seconded by Ms. Jones

Roll Call Vote:

David Fracht (Chair), Dan Kiley, Linda Jones, Kurt Gotthardt, Jim Bonner (Alternate Member and Videographer), Kate Plumley Stewart (Selectboard representative) **all voting Yea.**

None voted Nay.

None Abstained.

**** The Vote on the MOTION was approved (6-0).***

Amendments:

Mr. Kiley noted that the minutes indicate a Zoom meeting, however the meeting was a hybrid with both live and Zoom platforms.

Mr. Taylor noted that these were the final minutes from the previous recording secretary, Barbara. He noted for the record that he appreciated her great work to the Planning Board in the last year.

81 **Ms. Jones MOVED** to review the June 23, 2021 Minutes presented in the July 28, 2021
82 **agenda packet as presented.**

83 **The MOTION was seconded by Mr. Kiley**
84
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86 **Roll Call Vote:**

87 David Fracht (Chair), Dan Kiley, Linda Jones, Kurt Gotthardt, Jim Bonner (Alternate Member
88 and Videographer), Kate Plumley Stewart (Selectboard representative) **all voting Yea.**

89 **None voted Nay.**

90 **None Abstained.**
91

92 *** The Vote on the MOTION was approved 6-0).**
93

94 **V. HEARINGS:**

95 Chair Fracht shared that there would be three hearings tonight.
96

97 **A. Enfield Land Use Case #P21-07-01:** Maurer family is applying for minor subdivision
98 approval of two lots. One of 5.08 acres another of 19.9 of a 25+/- located at 85 Hazen Rd, Tax
99 Map 17, Lot 15. Property is located entirely in the R5 district, owned by the Maurer family trust.
100 Scott Sanborn of Cardigan Mtn. Land Surveys, LLC. will represent an act as agent in this case.
101

102 Chair Fracht noted that the same order and rules apply for this case as with the prior. He handed
103 the case over to Mr. Sanborn. Mr. Sanborn noted that he presents this case today representing
104 Victoria Maurer and the Maurer Family Trust. The property is approximately 25 acres located in
105 the R5 zoning district (minimum lot size of 5 acres required and lot width of 250' required. He
106 noted this property included additional land in Canaan in the 15-20-acre ballpark. He noted that
107 for the purpose of subdivision, a town line is considered a lot-line. For this application tonight,
108 the board is dealing only with the 25 acres in Enfield. Proposed is a lot of 5.08 acres entirely on
109 Hazen Rd, with a width just under 500'. The proposed lot 1 is presently vacant, there was an old
110 log landing near the road and has been some logging activity throughout the years. The
111 remaining 20 acres includes an existing residence located quite far from "lot 1". With such a
112 large remainder lot, no further investigation for infrastructure was done. Lot 1 includes 2.4 acres
113 of uplands, and there is an extensive area of forested wetlands toward the rear of the lot. A test
114 pit was done with results shown on plans provided to the Planning Board. The intention of the
115 subdivision is for the lot to go to the Maurer's daughter and her husband, with an intent to build
116 a single-family residence. A suitable spot has been found from the test pit. The rear lot wetlands
117 do not affect access to the lot. Proposed lot 2 would include a 450' road frontage area, as well as
118 a 50' "logging road" access strip (since the remaining property is so large to provide more areas
119 of lot access).
120

121 Mr. Gotthardt noted that the application was pretty straightforward. He asked that the proposed
122 Lot 1 was greater than 5 acres, Mr. Sanborn noted that is correct. Mr. Gotthardt added that there
123 is road frontage with both lots.
124

Chair Fracht asked for questions or comments from the public. Ms. Aufiero asked re: proposed Lot 1: there is a section of the map that has a stone wall, but is not the boundary – why is this not being used as a boundary? Mr. Sanborn noted that the stone wall is the existing boundary of the entire property, but the current owners would like to leave a 50' access strip between the proposed lot 1 and the existing boundary. That strip will be retained by the current owners Mr. and Mrs. Mauer. Ms. Aufiero asked to clarify that the 50' strip would be part of proposed lot 2. Mr. Sanborn noted that is correct. Ms. Aufiero also asked if any of the proposed subdivision is on a Class VI road? Mr. Sanborn answered that not, it is entirely on the classified portion. Chair Fracht asked for any additional public questions or comments. Dr. Theis provided a comment that this property has designated by the Natural Resources Conservation Service as prime farmland. He noted in Enfield there are over 6000 acres that have prime farmland on them. He asked had any farming been done on the property in the last 5 years? Mr. Sanborn answered no, not to his knowledge. Dr. Theis noted most of the farmland in Enfield has been converted to development because of the flat/ease of development. He noted this property was no different, but that if it is possible to retain some part of the property for the potential of future farming. Mr. Sanborn replied that the current condition of the property is heavily wooded with mature growth. It does not look like farmland in any way, shape, or form. He understands the soil condition is what creates that designation. He added that the property also has quite a lot of wetland area. While it may previously have been prime farmland, with current wetland regulations it would be difficult to get approval for farming today. He noted practically, it is unlikely to be used for farming with these two factors. Dr. Theis asked how much clearing will be done for the future house on proposed lot 1. Mr. Sanborn noted that he was not aware of building plans, if they exist yet which he believed they may not. He believed the intention is to work within the existing clearing that had been used previously as a log landing area. Dr. Theis asked Mr. Sanborn to provide the proposed owners of proposed lot 1 with a copy of the 2021 Natural Resources Inventory for Enfield. Mr. Sanborn noted he would be happy to do so.

Chair Fracht asked for additional comments from members of the public. Ms. Aufiero asked if Mr. Sanborn believed the parcel would be further subdivided in the future. Mr. Sanborn noted that they owners had not asked about any further plans other than those discussed today. Ms. Aufiero asked if the Planning Board had done a formal site visit? Chair Fracht noted that they had not, and asked if there was a reason she would suggest they make a formal site visit? Ms. Stewart noted that she has been out there as it is her neighborhood, she lives on prime farmland and is a farmer and can speak to the fact that the property is heavily wooded as said. She noted it is a family looking to divide their land and within their rights, it is always nice to have new people in town, she welcomes them. Mr. Kiley added that he had driven by this afternoon and it is heavily wooded. Mr. Gotthardt noted a common perception of farmland is food production and hayfields, but tree farms also fit the definition.

Chair Fracht noted the public hearing was now closed and moved forward with board member questions and comments for their deliberation. Chair Fracht noted a few typos that he caught for Mr. Sanborn and provided corrections, Mr. Sanborn noted them.

Mr. Gotthardt MOVED to approve the subdivision as presented in Enfield Land Use Case# P21-07-01.

The MOTION was seconded by Mr. Kiley

Roll Call Vote:

David Fracht (Chair), Dan Kiley, Linda Jones, Kurt Gotthardt, Jim Bonner (Alternate Member and Videographer), Kate Plumley Stewart (Selectboard Representative) **all voting Yea.**

None voted Nay.

None Abstained.

** The Vote on the MOTION was approved (6-0).*

B. Enfield Land Use Case #P21-07-02: Lonnie and Kelly Wescott are applying for minor subdivision approval to create two lots: 1.68 acres another of 10.6+/- acres of a 12.3+/- parcel on the corner of Lapan Circle and Wescott Rd Tax Map 35, Lot 11. Property is located entirely in the R1 residential district and owned by Lonnie and Kelly Wescott. Scott Sanborn of Cardigan Mtn. Land Surveys, LLC. will represent and act as agent in this case.

(Note that this case was reviewed first during the meeting). Chair Fracht asked Mr. Taylor if the application is complete. Mr. Taylor noted that it appears to be, and that Mr. Sanborn has worked with the Planning Board for a long time as a professional and capable surveyor and tends to present complete packages. Chair Fracht shared for the benefit of members of the public how the process typically works: the applicant or applicant's representative (Mr. Sanborn) will present the case, and the board will then have a chance to ask questions or make comments. After the board has completed this period the public may ask questions or make comments. Once all have had a fair say, the public comment period will close. The board will then deliberate and provide a determination (approve, approval with provisions, or disapprove). Mr. Gotthardt asked to clarify that during deliberation, the board may ask questions of the applicants, even though the general public comment period is closed? Chair Fracht confirmed that yes, they may do that. Mr. Gotthardt noted he wished to clarify because at that point in the process the public comment period is closed. Chair Fracht confirmed yes.

Chair Fracht declared the public hearing for the Wescott Subdivision open. Mr. Sanborn noted he is representing Lonnie and Kelly Wescott for this property. He reviewed the R1 zone, current lot size and location on the corner of Lapan Cir and Wescott Rd (shared via map on screen). He shared that the parcel is currently undeveloped other than some clearing and trailer storage. What is proposed is within appropriate lot size for the smaller lot. Mr. Sanborn noted that state will need to approve the lot as it is less than 5 acres. The septic designer found the lot is suitable for septic disposal, though the application was submitted to the Department of Environmental Services (DES) it had not yet received a decision. Terrain is varied, soil survey found poorly drained soil, but no wetlands observed on the area proposed as lot 1. Both proposed lots meet all state requirements. Mr. Gotthardt asked for clarification that DES had not approved the septic design. Mr. Sanborn confirmed that the application was submitted but under review, and the septic system designer had noted he found a suitable location with no trouble. Mr. Gotthardt noted it still needs final approval of DES, which would be a condition of Planning Board approval. Mr. Gotthardt asked what other factors for septic approval DES may look at. Mr. Sanborn explained the soil type tests and allowances by the state for septic in the certain types of

soil. He added that the only setback would be wetlands, which were not found on the lot, so they pose no issue.

Chair Fracht asked for further questions or comments from board members, there were none. Chair Fracht asked for questions or comments from members of the public, there were none. Chair Fracht noted that at this time the public hearing for this case is closed, and the board will deliberate. No board members had further comments during deliberation.

Mr. Gotthardt MOVED to approve the subdivision as presented in Enfield Land Use Case# P21-07-02 with the condition that the septic design get DES approval. The MOTION was seconded by Mr. Kiley

Roll Call Vote:

David Fracht (Chair), Dan Kiley, Linda Jones, Kurt Gotthardt, Jim Bonner (Alternate Member and Videographer), Kate Plumley Stewart (Selectboard Representative) **all voting Yea.**

None voted Nay.

None Abstained.

*** The Vote on the MOTION was approved (6-0).**

C. Enfield Land Use Case #P21-07-03: John and Wendy Keyser applying for minor subdivision approval of to create two lots: 5.02 and 19.39+/- of 24.40+/- acres on the corner of Grafton Pond Rd, Tax Map 9, Lot 62. Property is entirely within the R5 district and owned by John and Wendy Keyser. Scott Sanborn of Cardigan Mtn. Land Surveys, LLC. Will represent and act as agent in this case.

Mr. Sanborn noted that the proposed subdivision is within the R5 district, which has a minimum lot size of 5 acres and a minimum road frontage of 250'. He noted off the bat that the lot has only about 18' on a class V road, and the Enfield Zoning requirement (he checked with Mr. Taylor prior) for 250' specifies only "public way/road" and does not specify road classification. His interpretation is that a class VI road can satisfy some of the 250' footage requirement. He added that the subdivision requirement states the lot "must abut a class V road" but does not state that the entire, or any minimum frontage has to be on that road. He noted that the lot must have access to stand on its own, and he noted proposed access is with a right of way over an existing driveway. Mr. Sanborn noted it is a unique situation, but he believes there is enough to satisfy the zoning requirements. He added that the driveway is currently informally serving two residences, and if proposed lot 2 were to be developed that there is a separate, suitable access point for the residence that is informally using the existing driveway. He noted that the prior subdivision that includes the residence on the property, and the second residence informally using its driveway, which had previously come before the board had the separate access approved with no wetlands or other issues. While the situation seems presently complicated, ultimately all zoning requirements could be satisfied related to access. For the proposed

subdivision lot 1, there is a small area of wetlands in the NW and another in the far SE quarter. Most of the lost is uplands. Due to the large lot size there has been not test pit, but due to the soil composition Mr. Sanborn has no doubt a suitable location will be found for the septic system.

Chair Fracht turned the discussion over to board members for questions and comments. Ms. Jones asked about a line on the map that is parallel to a lot boundary. Mr. Sanborn noted it is the limit of the Right of Way (ROW). It includes access as well as utilities. He added that existing utilities are outside of the 50' allowance, and an easement would need to accompany that as well. Mr. Gotthardt asked re: road frontage, a class VI road cannot be used as a public right of way. Mr. Taylor asked, isn't a class VI road a public right of way? Mr. Gotthardt replied that no, he does not believe the class VI road can be used as road frontage, but permission from the Selectboard can be obtained to use a class VI road as a driveway. Chair Fracht asked Mr. Gotthardt and Mr. Kiley to consider the intent of the subdivision. Mr. Kiley countered whether this was a major subdivision? As the prior subdivision of this land happened only a few years ago in 2019 – less than 5 years. Within the zoning definition it is outlined that a subdivision within less than 5 years from one prior would be considered a major subdivision. Mr. Taylor asked for clarification of what regulation this was under, Mr. Kiley noted subdivision. A major subdivision changes the fee amounts. Mr. Sanborn noted all information that would be requested for a major subdivision is already included in the package as presented. Mr. Gotthardt asked for the other lot that is informally using the current driveway for proposed lot 2, do they have a suitable route to use as a driveway? Mr. Sanborn noted there is a suitable route, but it would have to be built. He added that the current driveway is being used informally but has no deeded access, if this is a major subdivision with 3 lots the driveway situation needs to be a condition of approval. Mr. Sanborn asked to clarify whether the board asks that he shows a suitable driveway for the third lot as a requirement of approval for the presented subdivision? Ms. Jones asked to clarify the plan for the third residence that was previously subdivided. Mr. Kiley and Chair Fracht noted that this prior subdivided parcel would need to provide a plan for a suitable driveway.

Ms. Stewart added that she was asked previously (which she directed to Mr. Taylor but did not know if the individual asked him) if there was a business at this location and whether the property had approval for a business, regarding the quantity of traffic and nature of the vehicles. Mr. Taylor noted that since he had been here they had not approved one. Mr. Taylor noted his understanding is that the owner's business is located in Springfield N.H. The board discussed business owners bringing company cars home, which Ms. Stewart noted she understands, and her family does personally as well. The question was regarding a lot of buildings and wanted the board to be thinking about the question now. Mr. Sanborn noted that based on his work with the owner, the location is not being used as a business where clients are coming in and out at all. He also stated that the property on proposed lot 2 is undeveloped and believed that some of what was seen was the owner using his business equipment to help his children with construction of their home(s) and has stockpiled materials, etc. for this purpose. Chair Fracht added the that he

299 had reviewed the allowed uses in the R5 district and it does not appear that they could conduct
300 business in this district. Mr. Taylor noted the uses. Mr. Sanborn noted again that from his work
301 on the property he does not believe the owner is conducting business. Chair Fracht noted the
302 concerns of the board should be passed on to Mr. Sanborn's client.

303
304 Ms. Stewart asked re: proposed lot 1 driveway and road frontage, where did the board land?

305 Chair Fracht noted that the board would discuss further during deliberation. Mr. Gotthardt noted
306 that after piecing together the definitions, it does not make it easy the way it is proposed, but he
307 has some sense of the intent. Chair Fracht asked him to hold his comments for deliberation. Ms.
308 Stewart noted that being still new she is somewhat confused about which discussion goes where
309 but is fine with waiting and thanked Chair Fracht and Mr. Gotthardt.

310
311 Ms. Aufiero – noted that she questions the use of the property too. Historically the property has
312 been abused with much bulldozing etc. and had previous issues with using a Class VI road etc.
313 She asked about the house that is currently under construction, is it part of proposed lot 2? Mr.
314 Sanborn noted that the house under construction now was not on this land but an abutting lot.
315 Ms. Aufiero asked which abutting lot? Mr. Sanborn noted Tax Lot 9-62-1. It is very close to the
316 boundary line, but on the adjacent lot. Ms. Aufiero noted she could not find a driveway to the
317 other house in that location (assumingly the previous subdivision of this lot with the informal
318 driveway use from the original property. Ms. Aufiero added that she believed that property had
319 begun work prior to obtaining a building permit. Chair Fracht deferred that this would be an
320 issue to discuss with Mr. Taylor, not the board. Ms. Stewart added more clarification re: the
321 informal shared driveway and that it is a bit difficult to see from the road. Mr. Sanborn noted he
322 had surveyed the lot and agreed, it is difficult to understand the lot lines from the road. He also
323 reiterated that use of the existing driveway is informal as it is a family building, with the
324 understanding that it is likely to change at some point.

325
326 Dr. Theis asked for the slope of the upland? Mr. Sanborn asked for clarification since there are
327 varying slopes throughout the property. Dr. Theis asked for the slopes of where they plan to
328 build? Mr. Sanborn explained the slope lines. Dr. Theis asked where building is planned, since
329 building is not allowed on slopes of greater than 25%. Mr. Sanborn noted there are a few areas
330 where the slope is greater than 25%, but generally under 20% on the property. He noted that
331 when a building permit is obtained, the owner will need to demonstrate to the Selectboard that
332 they are not building on the slopes greater than 25%. He noted there is a lot of area on both lots
333 that meets that requirement.

334
335 Chair Fracht asked for additional questions and comments from the public. Dr. Theis commented
336 that Tax Map 9, lot 62 has historic deer yards on it (approximately 15 acres). Deer yards in
337 Enfield have continued to decline, and there are just over 1100 acres in Enfield. Deer yards are
338 specifically designated areas of pine and hemlock trees that allow deer to avoid cold/snow in
339 winter and have hardwood trees to provide food for those animals in the winter. Dr. Theis noted

the deer yards in Enfield are greatly separated from one another in Enfield and would hope that in clearing the land the owner would keep in mind preservation of the deer yards that exist there.

With no other public comments, Chair Fracht noted public comment period is closed and board deliberation would begin. Mr. Gotthardt shared his interpretation of the zoning regulation for R5 lots and road frontage on a public right of way. He notes it is worded as “minimum 250’ of a public right of way”. He shared in definitions that “right of way” is a “street, road, highway dedicated or intended to be dedicated for public travel or an approved private way offering the principle means of access to abutting properties”. He then shared the definition for street: “state highway, town road, avenue, lane, or any other way used for vehicle travel including driveways to serve [lots]”. His understanding is that street, road, lane way, etc. all mean the same thing – different words with the same definition. Chair Fracht noted that in reading the definition of “right of way” the language “private way offering the principle means of access to abutting properties” he interprets that the “principle means of access” must be on a public way with the 250’ minimum frontage requirement. He noted if the proposed subdivision requires 250’ of frontage, approval would be needed by the Selectboard and the driveway would need to come off that frontage. Mr. Kiley noted that he interprets it differently – not that the driveway has to be on the frontage. Chair Fracht noted they would have to access the property as it states, “principle means of access”. He then asked how anyone has a shared driveway if this is the case? Mr. Gotthardt shared that the RSA’s in the planning and zoning section state class V or better for road access. Chair Fracht noted unless, per town of Enfield ordinance, unless a class VI road upgrade is given from the Selectboard and is then brought to the planning board with agreement to use the Class VI road to whatever standards the town dictates. Mr. Gotthardt noted if he gets permission from the town for a Class VI road, that is where the property access must be coming from. Mr. Sanborn added that he believes it is counterproductive to require access from a class VI road when access can be made from a class V road – why would the town prefer a “worse” point of access? Chair Fracht noted that the practical solution does not seem to agree with the town ordinance(s). Chair Fracht suggested a variance as a possibility? The board agreed that the plan satisfies the state RSA but does not satisfy the town’s requirements. Mr. Gotthardt noted that for him if part of the Class VI road would be used as frontage, it should be approved by Selectboard to be used. Mr. Taylor disagreed that the language did not specify that. Chair Fracht proposed a hypothetical solution: if the applicant were to go before the Selectboard and obtain permission to have their official access from the Class VI road, he would guess that the board would agree this would be a good idea, and Mr. Sanborn could put a driveway on the map which would satisfy the board. The driveway would not have to be built. Mr. Sanborn asked why it would be required to get permission for something that they would not plan to use. He asked again that the requirement states only access but does not state classification of the public right of way, and he believes as written that the plan satisfies the requirement. Ms. Jones asked what is the sense of having the frontage requirement, is it to prevent long, skinny lots? Ms. Stewart shared that this section of town includes many long, skinny lots. Mr. Sanborn shared that again he feels the principle access to the property being on the class VI road is irrelevant to the

property and the subdivision plan. He shared again that he believes the subdivision satisfies all requirements as presented. Mr. Gotthardt asked for the specific language from the state on the RSA regarding class V and class VI road. Mr. Sanborn shared that it involves the obligation of maintenance. The board reviewed the RSA on screen – class VI is a public right of way. Mr. Taylor noted this will come up again in a few minutes under conceptual.

Chair Fracht asked the board where they would like to go with this. Ms. Jones noted that she is torn as common sense seems to make the proposal possible, but there is some issue with the frontage requirement. Chair Fracht noted that no one on the present board understands what the written 250' frontage requirement originally intended. Mr. Gotthardt noted that his interpretation was for the road frontage where a driveway could be built within that area. The town can be more restrictive than the state. Mr. Kiley brought up another property that was approved with frontage on I89 and access from a class V road. Mr. Gotthardt noted that he argued that decision as well. The board discussed another previous case regarding a property that planned to use a private road for access, but had to put on paper a driveway from road frontage on Oak Hill Rd.

Mr. Gotthardt noted his interpretation where it stands is that the class VI road cannot be used as road frontage without Selectboard permission and show on paper a driveway from that class VI frontage. The property owner does not have to build the driveway, but this will have a record with the county's registry of deeds for when the property eventually sells.

Mr. Sanborn reiterated that the ROW is a legal access from the class V road, that will not expire, so there will never be an issue to access the property from the class VI road. Even if the property sells, the ROW stays with the property and access from the class VI will never be required. Mr. Sanborn noted that the requirement does not state the 250' must be on any specific class road. Mr. Taylor agreed that the Selectboard does not grant access, and that this is only a frontage issue and not access. If the board feels strongly about the frontage issue, the board should propose in December the language change for "class V road or better" to be noted. Mr. Sanborn noted the current application is with the current language available. Chair Fracht agreed.

Mr. Gotthardt asked Mr. Sanborn if the applicants would be willing to go to the Selectboard? Mr. Sanborn noted he assumed they would prefer not to have a delay as the purpose is to allow a home to be built for the proposed future owners. Ms. Stewart suggested that the process of Selectboard approval for the road has traditionally required DPW approval which will add more time delay. Mr. Sanborn again stated for the board that approval of the subdivision having a continuance for something that is not necessary seems to be a burden on the client. Chair Fracht noted the client is subject to the regulations as they exist, which the board must interpret the best they can. His feeling is that for the board to be comfortable with the decision, they would like for the condition of "on paper access" from the class VI road to be part of the approval. Ms. Stewart noted that she is not a fan of fictional exercises in government, but if that is what the rest of the board would like she is not opposed. Chair Fracht asked how quickly the client could get on the

Selectboard agenda? Ms. Stewart noted that the person who does the agenda is presently not in the office, so it is likely not done. This could be checked with Mr. Wozmak.

Mr. Sanborn noted if the board is asking for the fictional driveway, that he believes the issue of three properties using a single access point becomes irrelevant as both subdivided properties would have, on paper, separate access from the main driveway of the initial property. The board agreed. Ms. Stewart asked for clarification if the Selectboard approves the class VI road issue, does the owner have to wait for the next planning board meeting/are they being penalized? Chair Fracht clarified that with a conditional approval, once the Selectboard approved it the sub division could move forward and would not need to come back to the Planning Board. Mr. Taylor noted that the appearance of the board's current discussion is that they are encouraging development on class VI roads. Given that there is a conceptual coming up with a similar issue, he believes that his is not a good precedent for future instances. His interpretation is that the board is pushing to use a class VI road when it is not necessary. Ms. Stewart also noted that she agreed and felt that the board appeared unfriendly in making the decision to make it more difficult for the property owner than it needs to be. Ms. Jones asked Ms. Stewart about the regulation that says frontage on a class V road. Ms. Stewart noted that the regulation does not say that, and that she does not feel it would be wrong to approve it without the class VI road approval. Mr. Taylor noted that he would approve the board adding "class V road or better" in the future, but that this is a separate issue. Mr. Sanborn encouraged the board to consider future language that allows road access to multiple lots.

Mr. Kiley *MOVED* to approve the subdivision as presented in Enfield Land Use Case# P21-07-03 with the condition that lot 009-062-001 has to put in his own access that cannot come off from this proposed access.

The MOTION was seconded by Chair Fracht.

Roll Call Vote:

David Fracht (Chair), Dan Kiley, Jim Bonner (Alternate Member and Videographer), Kate Plumley Stewart (Selectboard Representative) **all voting Yea.**

Kurt Gotthardt **voted Nay.**

Linda Jones **Abstained.**

*** *The Vote on the MOTION was approved (4-1-1).***

Mr. Taylor added that the subdivision changes from a minor to a major given the two requests within less than 5 years. He noted that he would need to re-invoice Mr. Sanborn as a major subdivision (he had already done so as a minor subdivision).

V. CONCEPTUALS:

Mr. Sanborn shared conceptual materials with the board to be reviewed. He noted that given the time, he would be brief with the details and defer further discussion to a future date, based on the depth of the previous discussion.

Pending application for a 2-lot minor subdivision of a total of 180+/- acres on Lockehaven Rd. The property was purchased by Steve Kovac through his trust. He is proposing a 12-acre lot near the house, and the remaining will be a large, separate lot. Access to the back lot will be through a 50' strip from Lockehaven Rd. a class V road but much of the frontage requirement will be satisfied from Mud Pond Rd, a class VI road. Mr. Sanborn noted that it's a different scale of lot sizes, but the same principle as the Enfield Land Use Case # P21-07-03. A test pit has been done but the results have not been received yet. There are some wetlands on the back of the proposed lot 1, and on much of the back of the remaining large lot. Physical access would come from Lockehaven Rd, which had previously been a logging road. The 50' strip would be retained by lot 2, and the remaining frontage for the lot would be from Mud Pond Rd. Mr. Sanborn noted other than the frontage/access issue as previously discussed by another case, all items should be in order for this proposal. There is an additional issue that will need to go, he believes, to the Zoning Board – the details where the 50' strip leaves Lockehaven Rd. The existing garage is already not in compliance with the setback of the road, and the proposed lot line will be less than the 20' property line setback. They will plan to ask for a variance from the Zoning Board regarding the proposed lot 2 property line setback issue. Mr. Sanborn noted he is happy to take questions but does not feel that a deep discussion needs to be had tonight.

Mr. Taylor asked for clarification of which approval would come first – the Planning Board subdivision or the Zoning Board variance? Chair Fracht noted that there is language, he believes, that the Zoning Board has to approve first. Mr. Taylor added that there is also the possibility of a joint meeting to discuss both at the same time. The board agreed this is not frequent and unlikely.

Mr. Taylor added that the property owner is considering coming back with a subdivision request for the remaining larger lot. Mr. Sanborn noted that is not part of the current proposal that is pending. Ms. Aufiero asked about the property boundary along Mud Pond Rd and that some of the line appears to go across Mud Pond Rd, is this correct? Mr. Sanborn noted that some portions of it do. Ms. Aufiero noted she feels using Mud Pond Rd as the frontage requirement seems wrong for frontage. Ms. Aufiero noted that she does not feel it is right for the frontage to be on a different road than the access. This will set a precedent for others to be doing the same. Mr. Sanborn shared that for what it was worth, these happen to be two unique situations with the frontage/access at different points – this is not a regular occurrence, or something seen often.

VI. UPDATE ON MASTER PLAN TASK FORCE WORK:

Chair Fracht asked if the board wished to continue with the remaining agenda or table.

Mr. Kiley MOVED to table the remainder of the agenda to the next meeting: Update on Master Plan Task Force Work & Rules on Procedure Follow Up and Signs.

The MOTION was seconded by Ms. Jones

Roll Call Vote:

David Fracht (Chair), Dan Kiley, Jim Bonner (Alternate Member and Videographer), Kate Plumley Stewart (Selectboard Representative), Kurt Gotthardt, Linda Jones **all voting Yea.**

None voted Nay.

None Abstained.

**** The Vote on the MOTION was approved (6-0).***

VII. RULES ON PROCEDURE FOLLOW UP AND SIGN

Mr. Gotthardt shared that he researched towns within 1000+/- population of Enfield and their sign regulations - for future discussion.

VIII. NEXT MEETING: August 7, 2021**IX. ADJOURNMENT:**

A MOTION was made by Mr. Kiley to adjourn the meeting at 9:28 p.m.

The MOTION was seconded by Chair Fracht.

Roll Call Vote:

David Fracht (Chair), Dan Kiley, Jim Bonner (Alternate Member and Videographer), Kate Plumley Stewart (Selectboard Representative), Kurt Gotthardt, Linda Jones **all voting Yea.**

None voted Nay.

None Abstained.

**** The Vote on the MOTION was approved (6-0).***

Respectfully submitted,

Whitney Banker

Recording Secretary