Members Present: Thad Presby (Chair), Cort Roussel, Mary Grote, John Dimarzio, Keith Batchelder, Mark Hesler, and Eric Meth

Also Present: Peter Grote, Eric Pospesil, Beth Horan, and Tom Allen

A regular meeting of the Franconia Planning Board was held on Tuesday, September 10, 2019, at the Franconia Town Hall.

The meeting was called to order at 7:02pm by Thad Presby.

The Board reviewed the minutes of the June 25, 2019, meeting. Cort made a motion to accept the minutes as written, second by Mark. All were in favor and the motion passed unanimously.

The Board reviewed the minutes of the July 9, 2019, meeting. The Board discussed and agreed to remove the sentence in the second paragraph referring to Paul saying he needs to speak to the Fire Chief and he needs to get something for the town. Keith made a motion to accept the minutes as amended, second by Mark. All were in favor and the motion passed unanimously.

The Board reviewed the minutes of the September 9, 2019, meeting. Thad made a motion to accept the minutes as written, second by Mary. All were in favor and the motion passed unanimously.

**7:15PM – Public Meeting, Kirkland Family Revocable Trust, Lot Line Adjustment, Harvard Street.** This public meeting was properly noticed and all abutters were notified. Beth Horan and Eric Pospesil were in attendance to present this matter to the Board.

Chair Thad Presby and Eric Meth both recused themselves from this matter because they are both abutters. Vice-Chair Mark Hesler was appointed acting Chair for this matter.

Beth Horan gave a brief outline of the reason for the lot line adjustment. Beth stated as they were preparing to list this house for sale (72 Harvard Street) and were walking the property it became very clear that the property lines were off. Eric Pospesil (land surveyor) was consulted and it was determined after a lot of research that the property lines have been off since the early 50s. It was something that was done in error by a past surveyor who measured from the edge of the road rather than the center line of the road. Therefore, this house they had for sale needed to have the property lines corrected and along with that came a whole sequence of properties that were being affected by this.

The Board reviewed the plan presented by Eric Pospesil. Beth pointed out the properties involved in the LLA. Beth stated that all the property lines needed to move over a little bit and everybody kind of gave a little and took a little and everyone has agreed to it because it did impact driveways and things of that nature.

Keith asked if this then involves multiple lot line adjustments. Eric Pospesil stated it involves both sides of the Kirkland parcel, the land adjacent belonging to TTW, LLC, and also the Ackley property. Once a survey was done and it was determined that there was an issue with the setbacks on this property line, Ms. Kirkland and Mr. Ackley got together and said they agreed on defining the line along there and making a lot line adjustment.

Eric stated that he measured the entire block and there were specific deed calls from the center line of the road. He stated the Kirkland’s original lot was only supposed to be about 120 feet, but in fact they had cleared and were maintaining much more and that was the issue. So, what we did was took this strip and moved it over this way. Beth stated the plan now visually represents what you see if you were to walk down the street.

Keith asked members of the audience who were abutters if they were in agreement with this LLA. They responded in the affirmative. Keith suggested that one of the conditions of approval should be to have each abutter and the principals sign an agreement stating that they are in agreement with the LLA as presented. The Board was in agreement with this suggestion. Beth stated the attorney was preparing a document to that effect.

The Board reviewed the LLA checklist and determined the application and plan meet all requirements. Keith made a motion to accept the LLA as presented with the condition that all the abutters and principals sign an agreement that they are all in agreement to the LLA as presented, second by Cort Roussel. All were in favor and the motion passed unanimously.

Mark closed the public meeting at 7:36pm.

**7:37PM – Public Hearing, Kirkland Family Revocable Trust, Lot Line Adjustment, Harvard Street.** This public hearing was properly noticed and all abutters were notified.

Mark asked for any public comment; there being none he closed the public comment portion of the hearing.

The Board had a lengthy discussion regarding whether it was necessary to have the abutters and principals sign off on an agreement as a condition of approval for the LLA. Beth stated the attorney has an agreement prepared for the principals to sign, but they are waiting for the plan to be recorded because the agreement references the plan number. Beth also stated the attorney is going to record corrected deeds. Eric stated that the recorded plan is not legally binding until a deed is recorded. The deeds are what make the LLA official; the plan is only a representation of what is getting conveyed in the deed.

Keith made a motion to approve the LLA as presented, second by Cort. The motion passed by a majority vote (4 in favor, 1 abstention).

There being no further business to come before the Board, after a motion and second, the meeting was adjourned at 7:52pm.

Respectfully transcribed,

Carol Wills