

Town of Northumberland
Planning Board
Location; Town Hall
Accepted by the Planning Board
Monday, August 29, 2022
7:00 pm
Page 1 of 9

Planning Board Members Present: Jeff King, James Heber, Vice Chair, Brit Basinger, and Chair Susan Martindale

Members Absent: Melanie Eggleston, Marybeth McGarrahan, Lisa Black & Holly Rippon – Butler Vice Chair James Heber

Town Employees Present: Dave Brennan, Town Counsel, Michael Terry Code Enforcement Officer and Tia Kilburn, Clerk

Chair Martindale opened the meeting and addressed all in attendance and asked them to stand and salute the flag at 7:05 pm. Quorum established.

Chair Martindale stated application #: 0005-22, Lot Line Adjustment for Brit Basinger was 1st on the agenda as new business. Mr. Basinger requested his application be moved to the end of the agenda to allow the other applicants to be heard first. Chair Martindale agreed and thanked him.

Chair Martindale said they will proceed to application #: 0006-22, Special Use Permit for a Boarding House for GLPJ Real Estates LLC / Ramesh Srimi at 5 Wilton Gansevoort Rd, aka the Mansion.

Mr. Srimi introduced himself and explained GLPJ stands for God please let us have Love, Peace and Joy. He stated it is owned by a bunch of people across the Silicon Valley including Mary as part of the group, who lives at the house and is one of the core members. He said they own a bunch of properties in the area, 13. What attracted them to this building is it being an historic mansion and they want to make it special and help in their own small little way. They are happy they got to purchase this property and make a difference., they want to make sure all requirements are met, that is why they have Beth, a holder in the corporation. Currently they are doing it as a boarding house and they could like the Boards approval to do that, they did not realize they needed a special permit. They want to comply with whatever the Board says. They want to contribute to the community with this beautiful locality.

Chair Martindale asked if there were any questions from the Board? Mr. Brennan asked if Mr. Terry would give a quick overview of where things are with the property. Mr. Terry stated when Mr. Colozza was Code Enforcement Administrator they had come in for a Bed and Breakfast, which by the Zoning is limited to 5 rental rooms. He explained somewhere along the way the number of rooms increased and now they are renting out 6 rooms. For a Bed and Breakfast, it was classified as transient and these now are more long-term rentals so it fits the Boarding House definition a little better, because it wasn't zoned for that he could not issue any building permits, because it is not in compliance. He stated he was having trouble getting in touch with the owners, Mr. Srimi contacted him and has been accommodating to everything that has been asked of him, he stated he and Mr. Colozza went through the building, Mr. Srimi did get an electrical inspection and they are working on correcting some items. Currently they are one room over renting so if he gets the Special Use Permit for the Boarding or lodging, they can start working towards the permits issued to make repairs.

Mr. Brennan interjected it needs a rehabilitated septic system and the roof is in need of replacement that is more of a building permit thing, however he and Mr. Terry decided to let the roof permit proceed because the building needs a roof on it no matter what it is, getting closer to winter they don't want to delay it. Mr. Brennan then explained the prior owner had some violations where it was being rented with too many rooms, Mr. Srimi is being

Town of Northumberland
Planning Board
Location; Town Hall
Accepted by the Planning Board
Monday, August 29, 2022
7:00 pm
Page 2 of 9

accommodating and helpful in this so he and Mr. Terry are in the opinion of working with him to update the special permit that attaches to the property and there are a couple of code things that need correcting. Mr. Terry

has a list of things that are being worked on. He said he does not think there are any exterior or changes that will to on with this approval it will be kind of invisible to the community, but this will bring it a step into compliance. He stated they will have to have a public hearing at the next meeting, if the Board is comfortable scheduling the public hearing, he is not expecting anyone to come out for it but they have to go through the process.

Vice Chair Heber asked if there was a site plan, they have with the parking and signs and details? Mr. Terry replied no, it is all existing it is just the fact that when it was approved for the Bed and Breakfast, they had the parking laid out and somewhere along the line it went from 5 rooms to 6. Chair Martindale stated this was before the Board once before and she remembers the issue being the owner was not occupying the home. Because it was not owner occupied it did not meet the zoning code for a Boarding house. Mr. Brennan replied yes, but there is an owner occupying now.

Vice Chair Heber stated if it is a new application, you should have a site plan for a special use permit, he said he knows it is existing, but he believes they did do parking and the sign for the Bed and Breakfast and he believes there was a site plan. He added there should be something to show there are 6 rooms so there has to be a minimum of 6 parking spots, it is required according to the book. Ms. Eggleston agreed and reiterated it is for a Boarding House now and not a Bed and Breakfast, she asked what the maximum rooms for a Boarding House? Mr. Terry replied 6, Vice Chair Heber stated he looked up the definition and it is 6. Ms. Eggleston asked if currently it was boarding 6 including Beth? Mr. Srinu stated there are 6 rooms for 6 people. Mr. Brennan asked the Clerk if she had the site plan from the previous approval? The Clerk replied she believes so, in the that file. Vice Chair Heber stated it should be updated. Mr. Brennan stated under the code they can marry provisions to reflect what is required for particular projects, he added he is not saying there should be anything but if the site plan hasn't changed because ownership changed and now, they are doing the same. Vice Chair Heber interjected what is going on has changed to in a sense, it was never granted to be a Boarding House. Ms. Eggleston agreed and asked if the septic tank was larger enough for this. Mr. Srinu stated they are working with Mr. Duckett of A & A Excavating to get the complete thing done, they are waiting for the approval so they can get it done. He stated they are wanting the approval from this Board so they can get that, and the roof done to take care of the tenants, some places the roof needs help before winter starts. Vice Chair Heber stated the roof is a structure thing and could get the permit. Mr. Srinu said he staid an extra week to make sure he was here in person.

Discussion ensued on the previous site plan, Vice Chair Heber stated he is going to have to upgrade the septic system, Mr. Terry agreed and stated he is not issuing any permits until they can get it in compliance with the rooms. Vice Chair Heber said it is like putting the cart before the horse, because if the septic isn't good enough the Board isn't going to say it can be a Boarding House. Mr. Brennan said it is the same septic that was approved for the Bed and Breakfast with one room less. Chair Martindale said she didn't think that had an approval. Vice Chair Heber stated it was a long time ago, Ms. Eggleston stated it had to be before she joined the Board because she remembered it did not get approved because it did not meet the Zoning Regulations. Mr. Brennan apologized and stated he was under the impression the Bed and Breakfast was approved. Mr. Terry agreed and added with the Café. Chair Martindale stated when it was a restaurant, the small café they updated the septic to accommodate that but at that point it was understood that the septic would be just for the café and it would not accommodate boarders and that is the reason to update the septic at this point, because if it wasn't big enough then it won't be big

Town of Northumberland
Planning Board
Location; Town Hall
Accepted by the Planning Board
Monday, August 29, 2022
7:00 pm
Page 3 of 9

enough now. Chair Martindale explained in the interim they had another application come in requesting it to be a Boarding House, but it wasn't owner occupied so it never moved forward. Mr. Terry stated he thought he saw in the notes it was a café and a Boarding House, Chair Martindale replied that is how they originally presented it, Mr. Terry corrected himself and said it was a café and Bed and Breakfast because the owner staid there. Vice Chair Heber stated it was probably 15 years prior.

Ms. Eggleston stated she remembers the last time this came through it was denied, for a variety of reasons and it was outside of the Zoning Regulations as a Boarding House. Discussion ensued on a prior application.

Mr. Brennan explained there was a court case that predates him, where they were brought to court for having to many people in the building and there was a settlement, a fine paid and the numbers were brought into compliance. Vice Chair Heber added it was never approved for a Boarding House, there is a difference between a Boarding House and a Bed and Breakfast, Ms. Eggleston and Chair Martindale agreed. Mr. Brennan asked what the difference was; Vice Chair Heber replied Boarding House is full time, a Bed and Breakfast is for transients, in and out.

Mr. Brennan asked what the Board wanted to do, he stated they cannot say they can't do either because they don't have a septic system because they want to build it, Vice Chair Heber stated they cannot say they can have a Boarding House without a big enough septic system, Mr. Brennan agreed and said normally the Town doesn't issued any building permits until they come into compliance, if they are in violation they are not getting permits for a septic and roof until you come in and make it comply. Vice Chair Heber agreed and said they need a site plan. Mr. Brennan asked the Board what they want to move forward, he stated Mr. Srini came in from California to be here in person, so the Clerk can pull out the previous site plan and they can update that to reflect the current conditions. Vice Chair Heber agreed and said there is a whole section in the regulations for Special Use Permits. Mr. Brennan agreed and asked but what does the Board want.

Mr. Srini stated he has the full septic plan, and they are waiting for the approval, he stated he can forward it to the Board right now. Mr. Brennan stated they will talk about that after the meeting, he added they need a site plan, he said his understanding of the history was a little different than what the Board is telling him, he thought there was a period where it was approved as a Bed and Breakfast and then it went vacant, Vice Chair Heber agreed and said once it was vacant but then they went on to do a Boarding House which was different, Ms. Eggleston interjected she remembers it being denied.

Mr. Brennan stated they need a site plan, Chair Martindale asked if that will include the parking and sign, Mr. Brennan said yes it will include all the normal things, he said they need a SEQRA, State Environmental Quality Review Form, he asked the Board what else do they need? Ms. Eggleston stated it is an historical house is there anything required for that? The Clerk stated the only thing that they can't do is change the exterior, Mr. Brennan agreed, Vice Chair Heber added and big structural changes. Mr. Brennan stated if they take tax credits it is more limited, in general it is just the exterior.

Ms. Eggleston asked if there were a bathroom for every room? Mr. Terry replied no, when he went through it with Mr. Colozza there are four bedrooms on the second floor that each have their own bathroom and a common bathroom on the second floor, there is a bathroom on the first floor and one in the basement where there are two rooms. Chair Martindale reiterated there are two rooms in the basement and asked if there was proper egress. Mr.

Town of Northumberland
Planning Board
Location; Town Hall
Accepted by the Planning Board
Monday, August 29, 2022
7:00 pm
Page 4 of 9

Terry replied yes, Vice Chair Heber said all of that needs to be addressed, Mr. Terry agreed and said also smoke alarms, there were smoke alarms throughout the building but at some point, they were pulled out.

Vice Chair Heber reiterated they need a site plan before they can schedule a public hearing. Mr. Srimi stated they would prepare one and forward it to the office. Chair Martindale stated they will review the site plan in September and possibly schedule a public hearing after the site plan has been reviewed and accepted. Mr. Brennan suggested Mr. Srimi continue working with the office to keep it moving forward.

Chair Martindale announced application #: 0012-21, James O'Donnell, major subdivision on West River Rd, Mr. King recused himself.

Mr. Phillips explained the Board had requested a conservation design for the subdivision as per the regulations, he reviewed and explained the maps their engineer prepared, and they color coded the property that can be developed on the parcel as opposed to what could not be developed. The blue is the wetland part and adjacent land from the wetland where no development can take place, the green is where development could take place, and they did not include what was already developed, the Historical site on the left-hand side. Basically, it came down to 8 acres that could be developed out of the 25 altogether as you look at the entire property. The 8 acres; when they looked at the placement of the sewage disposal systems, the wells, the setbacks this is the design the engineers came up with, it is similar to the other design in terms of limitations of what you can do there, this is their submission for a conservation design as an alternative to the design that was currently in front of the Board. Chair Martindale asked which design they are choosing to use? Mr. Phillips replied this one, the conservation. Vice Chair Heber asked if the lot sizes are the same? Mr. Phillips said yes, it is the location of development, and secondly since they were here before he believes the Board has received a non-jurisdictional determination from the United States Army Corp. of Engineers and recently another submission relative to the wetlands was submitted and a submission also that addressed some of the questions of the Town Engineer, responding to the questions of the engineer. He stated they are asking for the application to be complete so a public hearing can be scheduled, that is within the Board's discretion unless the Board has additional questions.

The Board reviewed the new maps and Ms. Eggleston asked if it was for 4 new lots, Mr. Phillips replied yes 4 new lots. Chair Martindale asked who would be building the homes, Mr. O'Donnell stated he would be, she asked him if he already had buyers in place, Mr. O'Donnell replied no. Chair Martindale asked what size homes are anticipated? Mr. O'Donnell stated it is listed on the map; he believes around 1500 sq ft each. Mr. Brennan asked if that was the size of the 1st floor or 1st and 2nd floors? Mr. O'Donnell stated that is just the parameters they came up with he asked if there was a base, they wanted them to work with? Mr. Brennan stated he was just trying to understand what the project is, he was unsure if there were parameters, it is a general question of trying to understand the project. Mr. O'Donnell stated they are not looking to do anything ostentatious or anything that doesn't fit, they will keep it historical looking, they will all fit with the original Colonel Berry house.

Vice Chair Heber stated he had a question about the docks, they land airplanes in there so he was unsure if that would work with extra boat traffic. Mr. O'Donnell stated the dock that is installed currently is further South right in front of the easement, it is not near the landing of the sea planes, and the power lines are depicted on the map, so just South of that is where the planes have to land, Vice Chair Heber interjected he is not talking about that he is talking about traffic. Discussion ensued on additional boat traffic.

Town of Northumberland
Planning Board
Location; Town Hall
Accepted by the Planning Board
Monday, August 29, 2022
7:00 pm
Page 5 of 9

The Clerk stated she believed it was restricted with the original subdivision, Mr. Terry stated it was to be carry in and carry out. Mr. Phillips said he knows that Pilots are trained to land on water and to make at least one pass to see what is on the water, a boat, a log or deer swimming to make sure there is a clear landing. Vice Chair Heber questioned if the original subdivision was only carry in and carry out? Mr. Terry agreed and said that is what the parking easement is for, from speaking with Mr. Colozza, the previous Code Enforcement Administrator for the Town, there is a parking easement to the South for carry in and carry out and there not supposed to be any docks, but they popped up over the years, that was before him and it is from speaking with Mr. Colozza. Mr. O'Donnell agreed and stated there was one dock and then another guy put in a dock, somebody told him he could put it there, but it is actually not in the right place. Vice Chair Heber asked if it was on somebody else's land? Mr. O'Donnell stated some other owner put his dock on Mr. O'Donnell's property.

Mr. Phillips stated he believes they are talking about a maximum of 4 docks, Mr. O'Donnell agreed and said and that is only if the person that buys the house wants one, they are not going to be monstrosities, they won't be fixed. Ms. Eggleston asked if docks are regulated by zoning, Chair Martindale asked if the docks would require a different review from a different entity, State or Federal? Mr. Brennan replied he believed by Canal Corp. and OGS, Office of General Services. Chair Martindale asked if they had to wait for that, Mr. Brennan explained it would be a condition of the approval. Vice Chair Heber stated they said previously the approval said it had to be carry in and carry out, Mr. Brennan stated they have to remember this is not that subdivision that was the 11 lot subdivision, Vice Chair Heber asked if it isn't this subdivision and they don't have land on the river why would they say it?

Ms. Eggleston stated on the map it says alternative septic systems may be required and it is based on two different reports from engineering, she stated assuming the current information is correct that alternative systems will be required, she asked if that was their understanding. Mr. O'Donnell replied he thinks it is saying they found certain buildups in areas and basically once they get the approval to do it they will do the test pits for the actual septic, but design wise they don't see anything preventing the systems. Mr. Brennan stated he read there were two different descriptions of the modeling, how high the ground water is, one was 4 to 6 feet down and the other one said 12 to 18 inches and Mr. Baker, Town Engineer's comment was at 12 to 18" you will need a raised system., which is probably consistent with that it is in a flood plain. Mr. O'Donnell said they said it was 12 to 16" below the surface, that is wrong, it is 6 or 7 FEET, he dug 10 feet down, and water was nowhere near. Mr. Phillips interjected they are talking about the modeling, which is different, it is the water table. He said to the extent that there would be a high-water table, with the modeling, he thinks then shallow fill systems or some other would be indicated on a site-specific basis, some may not require it and some may require it. Mr. Brennan stated Saratoga County does not have a full-service Health Department that runs things, so there is no public health sanitarian.

Mr. Brennan said they are asking to go forward with a public hearing, he asked where they were with the SEQRA, State Environmental Quality Review? Mr. Phillips stated they have not had a SEQRA review, Mr. Brennan said the way the subdivision law at the State level, a complete application includes determination of significance, a negative declaration or the issuance of a final environmental impact statement and he is not suggesting that is needed, then he asked if this was a type 1 action or unlisted, Mr. Phillips replied he believes it is an unlisted action, he has to reserve on answering that question. Mr. Brennan stated they will find the answer and one way or the other, Vice Chair Heber asked if it will be a long form or a short form? Mr. Brennan stated they submitted an EAF, and Ms. Bender interjected, it was updated. Long form. Mr. Brennan stated that doesn't change anything but if it is a type 1 they have the right form.

Town of Northumberland
Planning Board
Location; Town Hall
Accepted by the Planning Board
Monday, August 29, 2022
7:00 pm
Page 6 of 9

Mr. Basinger asked if they are going to do raised systems and raise the elevations for the buildings themselves, how are they going to get around the flood plain issue? Mr. O'Donnell replied they wouldn't fill in the flood plain, they would build up the base, Mr. Basinger said the whole thing is in the flood plain, Mr. O'Donnell said no actually it is not, he pointed out the 100 yr flood line. Discussion ensued on the location of the flood line. Mr. Phillips stated parts of the property are in the flood plain, however that does not prevent building in the flood plain.

Vice Chair Heber asked if there was a letter from Mr. Baker, Town Engineer? Ms. Eggleston said yes, and it request the locations of the septic systems, Mr. Phillips stated he believes there is a letter dated August 25th, from Walt Littman, relates to soils on the property and further studies will be done, it says it would be a good idea for the Town Engineer and Building Inspector to be present to witness the test pits. It also mentions having as a further site plan submission for approval a basic stormwater pollution prevention plan, he said that is how the engineer is addressing some of these issues. Mr. Basinger said he remembers having a conversation with the Town's Engineer that the entire parcel was under the 100-year flood elevations, Mr. Phillips replied he doesn't think they have heard anybody say that you cannot build in this flood plain. Vice Chair Heber stated they can build in the flood plain and he believes if you put material in you have to make more of an area in the flood plain for the water to go. Mr. Basinger agreed. Mr. O'Donnell stated that will be left to the engineers, once this gets approved the engineers will do all the work to make sure it all works the way it is suppose to. Mr. Basinger interjected he will need a permit from the authority for the flood plain, usually the local flood plain administrator. Mr. Brennan stated that would be Mr. Terry, for the Town of Northumberland. Mr. Basinger stated that is his only concern about this project, are they approving something that can be permitted within the flood plain, he doesn't want to waste time if it can't be done. Mr. O'Donnell replied that is for the engineers to do and he is not going to spend \$40,000 or \$50,000 now to have it done and have this Board say no. Mr. Basinger agreed. Mr. O'Donnell stated he has already spent several thousands of dollars to get here.

Chair Martindale asked if Mr. Baker had a chance to review the letter that was dated August 25th, the Clerk asked if that was the one received today, no he hasn't, she said she forwarded it to him. Chair Martindale stated she went through it but she is not an expert so she would like to have Mr. Baker comment on it. Discussion ensued on if this is a complete application.

Vice Chair Heber stated if they say it is and then later something is missing, they would have to say no, that is up to the applicant, he feels it is better to make sure all the i's are dotted and t's are crossed, until Mr. Baker looks at the stuff and says everything is finished. Mr. Brennan stated they do not have a complete application because they don't have a SEQRA determination, for a subdivision you need SEQRA and County Planning Board's look for it too as part of a complete application. Mr. Brennan stated his suggestion for tonight is for this Board to declare themselves as lead agency, circulate that which he doesn't believe has been done, sit down and go through part 2 of the EAF at the next meeting, in the meantime they will hear from the other involved agencies and Mr. Baker on the topic. When they work through part 2 at the next meeting they will see if there is a potential for a significant impact or if you are missing information. Mr. Brennan asked Mr. Phillips to refresh his memory about what SHIPO says about the impact on the historic building? Mr. Phillips said they have 2 SHIPO letters in the file, the SHIPO letter that was done in 2005 or 2006 focused entirely on the existing historical property, the house. In the more recent SHIPO letter it was all over the lot in terms of what the original SHIPO determination was, that was addressed at one of the meetings, he felt that was a rambling letter that really did not address the issue and he thought as the soil work is done if there are any artifact's or things like that happen to be unearthed or discovered, they could do that at that point he added they have done 4 test holes and have not seen any evidence of any. Mr.

Town of Northumberland
Planning Board
Location; Town Hall
Accepted by the Planning Board
Monday, August 29, 2022
7:00 pm
Page 7 of 9

O'Donnell corrected Mr. Phillips and said they did 5 digs and the archaeologist did hundreds of shovel tests in a grid pattern, he stated the Board has the reports. Ms. Bender interjected they did both phases. Mr. O'Donnell stated they found nothing of significance. Mr. O'Donnell stated they don't have anything to say about the property sitting next to an historic home, they want the historic structure to be left in tack and not changed. Mr. Brennan said he is not worried about what is in the ground or not in the ground in his personal opinion that happens all the time where we live and if they find something they categorize it, write the report and ship it to the State Museum or Library and be done with it so that is not something of significant concern, his specific concern is the listing for the house when it originally got on the historic registry would have had contributing factors to the house. Mr. Brennan said his question is whether SHIPO says the subdivision will adversely affect the character of what caused this house to be listed. He added they had talked about that previously and he doesn't know if they saw an answer to that, he said he would like something from SHIPO even if they have to call themselves, he is willing to do that. He said he understood them to say it is listed and also the contributing factors of the historical lands surrounding the house that was part of the farm. If SHIPO is saying they don't have an objection to it, in SEQRA case it would be good to have that information. Mr. O'Donnell stated his house was originally separated to be sold separately from the parcel that surrounded it, his 5-acre parcel with the house and a fence around it was separated from the rest of the property that Mr. Story was going to sell. He asked if that doesn't separate that and cover the letter that he already subdivided that? Mr. Brennan asked if it was one big lot? Mr. O'Donnell replied yes. Mr. Brennan stated that would be a different analysis, Mr. Phillips agreed and said opposed to 4 individual lots.

Mr. Brennan reiterated his suggestion tonight is to declare themselves lead agency on SEQRA, circulate it and come back next month, go through part 2 and see if you can't come up with a negative declaration or even if they knock out 17 out of the 18 areas they can say they still need something to satisfy you on the flood plain, but lets be prepared to go through question by question on the long form and see what you can knock off so we can write this up. Mr. Brennan stated to the Board he does not see where this calls for an environmental impact statement, it calls for an analysis of the facts, and then a decision. Discussion ensued on completing SEQRA review prior to sending to Saratoga County Planning and scheduling the public hearing.

Mr. Basinger stated he would like to get some things resolved for the next meeting because they have been at this for a while. He listed what he felt they need; something about the flood plain, Mr. Bakers input on that and anything else he wants to share with the Board, need to see the archeological report and SHIPO to sign off on that, so, if they have a archeologist do the work and submitted it they are waiting for feedback from that, Mr. Brennan wanted to see the current SHIPO determination, he asked Mr. Brennan what that was about? Mr. Brennan explained when the property was submitted for inclusion in the registry there would have been an application that listed the attributes that made it eligible for the approval. Mr. Brennan said he wants to understand that what they are proposing now isn't affecting that listing and or that SHIPO is ok with that.

Mr. Basinger stated those are the three items, Mr. Brennan said water supply is easy because they are using wells, sewage disposal is easy because all over this area we install raised beds if we have to and it will have to be compliant with whatever it has to if it is in the flood plain, that to him is engineering and the flood plain is another version of engineering, we will let CT Male with consultation with Mr. Baker they can say there is not going to be an adverse impact on the flooding, he added he is not asking for a \$50,000 study, your position is if you are going to put 500 yards of fill into the flood plain that it won't have an impact on raising the base flood elevation or that you mitigated it by taking 500 yards out so the water doesn't raise, something speaking to that is what people are looking for. Mr. Brennan said on the building part of it you have a flood plain application that they just revaluated

Town of Northumberland
Planning Board
Location; Town Hall
Accepted by the Planning Board
Monday, August 29, 2022
7:00 pm
Page 8 of 9

the last year to come into compliance with DEC Regulations and National Flood Insurance Program, he said the applicant needs to satisfy themselves they can comply with that, and he doesn't think generally speaking is that hard.

Mr. Brennan stated he had the Board declare a voice vote to declare their intention for lead agency and circulate that so we can come back and do SEQRA at the next meeting, in the meantime he will work with Mr. Terry and Mr. Baker and they will make sure they have the list so everyone is on the same page and go through the part two.

Vice Chair Heber made a motion this Planning Board become lead agency for SEQRA,
Ms. Eggleston 2nd the motion,
All in attendance unanimously agreed.

Mr. Brennan stated he would circulate that tomorrow.

Chair Martindale announced the last item on the agenda application #: 0005-22, Brit Basinger Lot Line Adjustment for 5 & 11 Homestead Road. Mr. Basinger, Planning Board Member recused himself to represent his application.

Mr. Basinger stated he is handing out the same thing the Board has in their packet so everyone has it in the same order as they go through it. He explained the color coding on his maps, the blue pie shape parcel, that is where his house is, 6.25 acres at the top, the next property down is his neighbors, the green shaded parcel and that is 4 acres, those two lots were subdivided off of Carr's property a long time ago. He said the 4-acre lot was done before they changed the zoning to 5 acres. Ms. Eggleston asked if there was a house on that, Mr. Basinger replied yes, they both moved in there and both lots preceded the zoning for the ag district for 5 acres. He explained a number of years ago he bought the 19 acres, which is the light blue parcel at the bottom. Ms. Eggleston asked if there were a house on that parcel, Mr. Basinger replied no, Mr. King asked if he had trouble with water in the back, Mr. Basinger replied yes and added the good news is that the neighbors on Homestead Road have nice trails and they cross country ski and snowshoe. He explained the 2nd page shows what he wants to do, there is a green triangle and a blue triangle, all they are looking to do is to swap land so his neighbor still owns 4 acres and he still owns 19, the reason they want to do it is he wants his two parcels to connect and the neighbor would like more frontage, the neighbors triangle in the back goes down steep and there is wet land back there so he will get more usable land and he gets a connection of both his properties. He stated the last page shows how the lots would be configured the bottom just below the yellow he could do a flag lot there, the good news for the Town of Northumberland is he will have one access point for 19 acres, which means he probably won't end up using all the development rights, unless someone or 3 people share a driveway it could easily be split up into 3 separate 5 acre plus lots. Mr. Brennan asked what the dimension of the southerly strip or road? Mr. Basinger said he thinks 25' or 30', Mr. Brennan stated he thinks at the top there is another one. Vice Chair Heber asked why he didn't do it with all 3 lots, connect his two and make one and one for the neighbor? Mr. Basinger explained because he only wants to deal with one bank, his neighbors bank, he owns the 19 acres out right and for tax reasons, Vice Chair Heber said it would be cheaper on taxes, Mr. Basinger said if he puts the 6 and the 19 together there is a house on it so school taxes would be higher, he added he doesn't want to be re-assessed and his neighbor doesn't want to pay more taxes. Based on the lot line requirements what they think he needs to do is, because the neighbors is a pre-existing non-conforming lot he needs to get approval from the Zoning Board to move forward, what he is looking for from this Board is a referral to the Zoning Board. He is also looking for, before he spends thousands of dollars, a straw

Town of Northumberland
Planning Board
Location; Town Hall
Accepted by the Planning Board
Monday, August 29, 2022
7:00 pm
Page 9 of 9

poll from this Board that you think its ok and a nod from the ZBA then he will put all the maps together and go from there. Chair Martindale asked if any of the area is farmed, Mr. Basinger replied yes, it is farmed, there are two or three fields in it, he added he doesn't have any other plans for the property and will probably continue to farm it. Mr. Basinger explained there are essentially 4 fields, he pointed them out on the map. Chair Martindale asked how they access it, Mr. Basinger replied by the new driveway he may make or the lane that is not used but is existing and in his control. Chair Martindale asked how they access it now, Mr. Basinger stated there is a lane and he indicated where. The neighbor owns it now and he tells him if he has to get back there now, he can use it, they have been good neighbors, if that lot owner changes he can make a new lane on his property. Currently Ed Carr farms the back field and the King Farm farms the other fields. Ms. Eggleston asked if he farmed it, Mr. Basinger responded no he just lets them farm it. Ms. Eggleston asked if he was going for an easement, he replied no. Ms. Eggleston asked if the neighbor was going to sign authorization or be present at any of the meetings? Mr. Basinger stated whatever the Board wants, he will sign whatever you need him to. Mr. Basinger stated his neighbor did sign the application. Vice Chair Heber asked if he was leaving the little strip for a right of way? Mr. Basinger replied yes it will be 25' minimum, he added the neighbor's property may change a little, it might not be as perfect as a rectangle as it appears on this sketch, because they are just going to dial it in so he keeps 4.012 acres, he doesn't want his taxes to go up so he doesn't want to buy more land and he doesn't want to be re-assessed.

Mr. Brennan interjected and said he thought they could do the lot line adjustment as long as they didn't increase the non-conformity, but you are saying you are supposed to create a lot that is conforming, so yes you do have to go to the Zoning Board. Mr. Brennan explained that a lot of the other Towns where he has been says as long as you don't increase the non-conformity it is ok, but that is not here.

Chair Martindale asked if it meets the setbacks, Mr. Basinger replied yes, his well, septic and structures are all ok.

The Board after a straw vote agreed it looked good. Mr. Brennan stated it is like a concept sketch plan. Mr. Basinger stated now he will move to the ZBA and see if they are ok before he spends money.

Chair Martindale asked the status of the minutes, the Clerk stated she emailed them. Mr. Brennan stated minutes can wait as long as the Clerk is putting out draft minutes.

Chair Martindale asked if there were any additional business for the Board, none was noted.

Mr. King made a motion to adjourn at 8:20 pm,
Chari Martindale 2nd the motion,
All in attendance unanimously agreed.

Respectfully Submitted,
Tia Kilburn
Planning Board Clerk