

Hope Planning Board  
Minutes of Meeting  
December 2, 2008

Present: Joel Morse, Nita Hunt, Dick Brodis, Peter Sexton, Ron Smith, Bill Pearse, Jr.

Other: Jon Duke, CEO  
Paul Gibbons, Town Attorney

Public Hearing meeting called to order at 7:00 P.M.

**Everett Smith:**

Lives in Martz Sub-division on Barnestown Road. Mr. Smith is requesting approval for a fish bait home occupation to be operated out of the basement of his residence.

Has plenty of parking, would be open mostly on Saturday and Sunday's from December through March, seasonal during ice fishing.

Mr. Smith provided a letter signed by Mr. Martz who owns the dwelling stating that he was not opposed to the business.

Any expired bait would be disposed of in household garbage. Would also have small fishing gear to sell also. Items would be in line with what ice fishermen would need, to include but not limited to weights, fishing line, nets, etc.

Motion: to approve home occupation for bait shop and small fishing gear. 2nded.  
5 in Favor, 0 opposed, 1 abstention. (Ron Smith)

**Martz Sub-Division:**

Rick Bagnall and Charlie Martz in attendance.

Mr. Bagnall has made a proposal to Mr. Martz to have a lump sum payment from Mr. Martz to cover all costs associated with work to be done on Mr. Bagnall's property in order to allow for Mr. Bagnall to give an easement to Mr. Martz, which would allow for storm water drainage to flow over Mr. Bagnall's property. Such costs would be for the engineering, earthwork, reclamation of water shed area and future continued maintenance on any work done on Mr. Bagnall's property.

Mr. Martz said that he might be willing to make a payment, in full, as Mr. Bagnall suggests but is not willing to pay for any "profit" to Mr. Bagnall, and for not that amount that Mr. Bagnall has suggested.

Mr. Bagnall's request for all costs is \$8,000, to which Mr. Martz counter-offered \$4,500.

Mr. Martz is not willing to sign an easement, as per his attorney. (This representation was made by Mr. Martz; Mr. Martz's attorney was not at the meeting.)

After some discussion between Mr. Martz and Attorney Paul Gibbons, Mr. Martz did agree to sign an easement from Mr. Bagnall.

After some further discussion, Mr. Martz upped his counter offer to \$5,000 as that is what he had been able to go out and receive for estimates to complete the earthwork and plantings.

It was stated by Mr. Bagnall and confirmed by Attorney Paul Gibbons that Mr. Bagnall's application for a permit after the fact from DEP would require an easement involving Mr. Martz.

After some more discussion Mr. Bagnall said that he would split the difference with Mr. Martz and take \$6,500 from Mr. Martz to cover the expenses to get this work done including an easement that his engineer and attorney would generate.

Mr. Martz after some thought said that he would pay that amount, but wanted to have his attorney review the wording in the easement before signing.

Motion: Approve amended sub-division plan subject to both parties approval of a drainage easement in the amount of \$6,500.00 by the applicant to the abutting property owner the terms of agreement agreed to by the parties, if they can't agree the parties are to come to Board within 30 days. Parties to send copies of easement to Town Code Enforcement Officer.

Motion 2nded.

Vote: 5 in Favor, 0 Opposed, 1 Abstention. (Ron Smith)

Attorney Gibbons said that he would have finding of facts for the Board to be signed at next meeting.

**Dick Brodis: - amendment to approved sub-division:**

Mr. Brodis wishes to amend an approved sub-division to allow for a splitting of a lot into two parcels, with one parcel to be sold to grandson.

Soils test report received, wetland's not an issue on parcel to be split off. Review of all other sub-division requirements done and met or waived as not applicable.

Motion: to accept amendment as presented, 2nded, Vote: 5 in Favor, 0 Opposed, 1 Abstention. (Dick Brodis)

Having no further business, Motion made to adjourned, 2nded, unanimously approved.

Meeting adjourned at 8:20 P.M.