



Town of Albany, NH  
Planning Board Monthly Meeting  
January 10, 2022

Call to Order: 6:38 by Sean Wadsworth

Attendance: Sean Wadsworth (Chair), Curtis Coleman, Bryan Bailey, Morris West (Alternate), Kathy Golding (Select Board Rep)

Excused: Peter Carboni (Vice Chair)

Public Attendance: Wayne Fisk, Jared Bryans, Kevin Tilton

Sean Wadsworth appointed Morris West as a voting member for this meeting.

Curtis Coleman made a motion to approve the December 13<sup>th</sup> 2021 minutes. Bryan Bailey seconded. The motion carried 5-0-0 by roll call vote.

A Public Hearing will be held for a boundary line adjustment. In accordance with RSA 676:4 and 675:7, the Albany Planning Board has duly noticed all Abutters by Certified Mail, published a notice in the Conway Daily Sun, posted a notice at the Albany Town Hall, and on the Town of Albany website.

Sean Wadsworth opened the Public Hearing at 6:45pm for a Boundary Line Adjustment application received from HEB Engineers (represented by Kevin Tilton), agent for Wayne & Angela Fisk, and Jared Bryans for property located off Red Eagle Street, conveying 0.38 acres from Bryans Map 9 Lot 55 to Fisk Map 9 Lot 57.

Kevin Tilton of HEB Engineers stated that the purpose and intent of this proposed BLA would be to simply straighten out the Boundary Lines of these 2 lots, as agreed upon by the property owners.

Kathy Golding made a motion to approve the proposed Boundary Line Adjustment, conveying 0.38 acres from Bryans Map 9 Lot 55 to Fisk Map 9 Lot 57. Curtis Coleman seconded. The motion carries 5-0-0.

Kevin Tilton will in the near future supply the APB with the Mylar Plat to be signed and recorded at the Carroll County Registry of Deeds. Copies will be filed with the Town of Albany Planning Board, Select Board, Town Clerk, and Assessors Office.

Public Hearing closed at 6:55



Town of Albany, NH  
Planning Board Monthly Meeting  
January 10, 2022

Voluntary Merger: Anastra Madden Map 14 Lot 34, 35 submitted September 20, 2021. The APB had addressed this request on Oct 18<sup>th</sup>, 2021, and denied the application, referencing RSA 674:39-a.III. Subsequently, New Hampshire Municipal Association responded to a request for counsel from the town of Albany regarding the Application for Voluntary Merger, Map 14 Lots 34 & 35, submitted by Anastra L. Madden, with findings as follows:

As stated in Section IV, General Regulations, B, NON-CONFORMING USES, the existing uses of land and buildings in existence prior to 1982 may be continued and shall not be affected by the provisions of the Albany Zoning Ordinance.

Assuming the owner can establish the existence of the cabin on Lot 35 prior to 1982, she would be deemed a non-conforming use and not in violation of current regulations. This finding and ruling should permit the planning board to grant the requested merger and avoid the limitations stated in RSA 674:39, III.

Furthermore, combining two non-conforming lots to make a more conforming lot for the purpose of installing a subsurface septic system would be beneficial to the property owner, and the public health. The ZBA would not have the authority to grant the voluntary merger, as that can only be accomplished by the planning board.

**Stephen C. Buckley**  
**Legal Services Counsel**  
[NH Municipal Association](#)  
25 Triangle Park Drive  
Concord, NH 03301

Sean Wadsworth made a motion to reconsider the Application for Merger of Lots, Map 14 Lots 34 & 35, submitted by Anastra L. Madden on September 20<sup>th</sup>, 2021. Kathy Golding seconded. The motion carries 5-0-0

Sean Wadsworth made a motion to approve the Merger of Lots for Map 14 Lot 34 & 35, submitted by Anastra L. Madden to become a single lot of record for assessment and land use purposes as Map 14 Lot 35. Bryan Bailey seconded. The motion carries 5-0-0.

The Notice of Merger shall be filed with the Carroll County Registry of Deeds, and a copy filed with the Town of Albany Assessors Office, Town Clerk, Select Board, and Planning Board.

Select Board Report: Kathy Golding stated that Kelly Robitaille has been appointed as a Select Board member replacing Rob Nadler. The Select Board is working on the proposed operating budget for 2022.

Sean Wadsworth made a motion to adjourn, Kathy Golding seconded. The motion carried 5-0-0.

Next meeting to be held on February 14th at 6:30pm

Respectfully submitted,

Sean Wadsworth – Chair/Secretary  
Albany Planning Board Minutes

Approved 3/14/2022