

PLANNING BOARD MINUTES
October 27, 2010

APPROVED AS AMENDED & CLARIFIED:

11/10/10 jrl _____

AGENDA: PCC: ALAN BARNARD for 2 lots off Hemlock Brook/Old Coach Rds. -
CANCELED
WORKSHOP: ZONING CHANGES

ATTENDING: Dan Paradis (Chairman), Elizabeth Seeler (Vice Chairman), Phil Dion (Sel. Rep.), Murray Campbell, Janice DellaCroce, Denice DeStefano, Clay Dingman, Steve Favorite (Alternate)

ABSENT: -----

OTHER: Michael Capone (Town Administrator)

The meeting opened at 7:00 p.m.

MINUTES OF OCTOBER 13, 2010:

The following amendments and clarifications were made:

Page 1, next to last paragraph, 3rd line, replace "900'" with "900 sq. ft."

Page 2, 1st paragraph title, replace "RIGHARD" WITH "RICHARD".

Page 3, 1st paragraph, 4th & 5th line, delete from "they are supposed to" to end of sentence and replace with "airplanes are supposed to fly no lower than 500' but the altimeter may have a 200' margin of error so a tower of 285' as the plan states would be problematic. Next to last paragraph, 2nd line, delete sentence beginning with "Mr. Barnard stated" and replace with "Mr. Barnard states that he was seeking input from the Planning Board before setting the lot lines and that the Planning Board can allow any size lots around each unit."

Page 4, 4th paragraph, 1st line, following "letter" insert "from a Wetlands Scientist". Last paragraph, last line, before "basements" insert "walk-out" and following this sentence, add "Topography of this property suits that type of design."

E. Seeler made a motion, second by D. DeStefano, to approve the minutes as amended. The motion carried.

PCC: ALAN BARNARD

An e-mail had been received from Mr. Kill, the applicant, stating that he is not ready and wished to cancel. The Board agreed to this.

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WORKSHOP:

Mr. Paradis explained that, after looking at the LGC and OEP calendars, we shall need to have something in writing for the next meeting. He then addressed the two lists that he had compiled for the Board to look at.

Lake District Suggestions:

Horizontal expansion:

Allowed so long as the maximum coverage by structures (currently 25%) is not exceeded and setbacks are met.

Vertical expansion:

Increases in the existing ridgeline up to 1 ft. allowed.

New dormers/shed roofs allowed as long as they do not increase the ridgeline height by more than 1 ft.

Increases over 1 ft. in any part of the ridgeline height (including construction over expansions in the footprint) are allowed by Special Exception only.

Mr. Paradis then read the 3/3/10 letter that the Board had received from Max Sullivan. The Board discussed lot coverage and felt that Mr. Sullivan's 15% was too strict. Mr. Paradis was willing to go to 20% but the Board determined to leave this at 25% for now.

It was thought that the Horizontal expansion would fit for any of the town's districts. The Vertical is more for the Lake due to views. Ms. DellaCroce did not feel that this would stop anyone from blocking a view. Mr. Paradis stated that this was why he suggested that it go to Special Exception. Ms. Seeler felt that a view could be blocked horizontally as well and thought we might want it to go for Special Exception also. Ms. DeStefano agreed adding that some have restrictions in their deeds though she was not sure that the Planning Board or Zoning Board could rule on these. Mr. Paradis then read the requirements for a Special Exception. He felt that this would still send it to the ZBA. Ms. Seeler felt that we might want to have it all go for Special Exception due to this being in the Lake District.

Mr. Paradis mentioned that, if the project is not crowding the lot, we may not want to regulate this. Mr. Favorite gave a couple of examples in which one blocked a view and another has the potential to block a view. He asked how the Board could determine this. Ms. DellaCroce thought that we could ask if there is a better area to locate the addition or building. A discussion followed as to guarantees of views. Mr. Dion mentioned tiny lots such as on Brown's Beach Road, and also that the Lake District covers those not right on the lake such as on North Main St. Mr. Paradis suggested that we could have a Lake District Overlay.

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WORKSHOP: LAKE DISTRICT continued:

Mr. Campbell was concerned about enforcement and the need of Building Codes. Mr. Dion stated that he is not for Building Codes as we can't afford to follow up on them. Mr. Paradis felt that most people try to follow their building permits with good intent. A discussion followed on the pros and cons of adopting a Building Code. Mr. Dion felt that we have the State Code and they will come out if asked.

Mr. Campbell stated that he likes the suggestions that Mr. Paradis has presented on this. It was questioned as to how to keep folks from ridgeline height increases of 1 ft. every year. The secretary explained that she researches the files to check on any previous activity that would affect the present case. A discussion followed on ridgeline increases. Mr. Dingman felt that we would be hard-pressed to do better than what Mr. Paradis has presented. It does offer some relief.

At this time, the Board gave Mr. Paradis the okay to write this up for our next meeting.

Accessory Building:

To remove from the definition of "Accessory Building" (Section 8.2) "Accessory buildings are permitted provided setbacks are met and are exempt from minimum lot requirements." Create ARTICLE 4.18, ACCESSORY BUILDINGS with text identical to that removed from Section 8.2.

Mr. Paradis explained that Attorney Waugh, Town Attorney, has mentioned previously that we should not carry these in the definitions. The Board was willing to go along with this.

Signs:

a. Add the following to Section 4.11,D: "Signs displaying time and/or temperature are expressly permitted in all districts and are subject to the same requirements as all other signs."

The Board was okay with this.

b. In Section 4.11, K, change the first sentence as follows: "In addition to free-standing signs, each business may erect a sign on each façade of the structure plainly visible from a public street."

Ms. DellaCroce asked if this is inclusive of the total square footage. Mr. Paradis read this section and said that it would be for each side that can be seen from a street. The Board agreed with this suggestion.

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WORKSHOP: Signs continued:

c. In Section 4.11, E, there is some ambiguity as to what an “internally illuminated” sign is. Does this include neon and LED signs? Should we clarify?

Neon and LED lights are self-illuminated. In Site Plans, the Planning Board can waive these. Mr. Dion asked if Neon and LED are not “internally illuminated” also. Mr. Paradis felt that the Zoning Ordinance on signs may have been a matter of taste. A discussion of various scenarios was held. Mr. Dion mentioned sizes of signs and Mr. Paradis thought that we might exempt open signs by size. Mr. Dingman felt that we should lump all signs together: neon, LED, etc. with the exception of one “OPEN” sign of a smaller size. The Board agreed.

Building Codes:

Building Codes. Is the time right to bring this up again or should we wait until next year?

It was determined that a couple of Selectmen are opposed to these. Mr. Dion explained that most Zoning Ordinance changes pass so the Board should note when one doesn't pass and acknowledge it. It would be a huge impact on the budget, he added. Ms. Seeler felt that the fees generated should cover it. Mr. Campbell agreed and said that we should charge fees to cover the cost. Mr. Dion felt that this means more fees for the taxpayer. Mr. Paradis stated that the State Building laws are already in affect. Mr. Dion added that the State plumbing and electrical inspectors will come in. They do come when asked.

Mr. Paradis asked if the Board wishes to revisit this in this year or not. He would rather drop it this year, he added. Ms. Seeler and Ms. DellaCroce agreed. Mr. Paradis felt that it would allow those who support it to build a better case. Mr. Campbell stated that most folks didn't know that we have someone qualified already but he agrees that we should hold off. He added that the purpose of a Building Inspector is to make sure the project follows plans and codes; a matter of safety for the homeowner. The Board determined to put this on hold.

Steep Slopes:

Steep Slope & Ridgeline Provisions. Consider what is suggested by Steve Whitman.

Mr. Paradis explained that Steve Whitman is to come in and speak to us about this on the Monday of Thanksgiving week. We are to discuss any ideas that he may have (he already has our Ordinance on this and may have some ideas that we have not thought of). The Board will determine this after hearing what Mr. Whitman has to say.

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Other suggestions:

Mr. Dion asked about the amount of permanent yard sales, mentioning that we have a couple of on-going ones. Mr. Paradis and Ms. DellaCroce stated that this is already addressed in the Ordinance. Ms. Seeler brought attention to it on page 52, Section 8.164 and Mr. Paradis read this out loud. It was felt that these are held on weekends so Ms. Bonsteel (Land Use Officer) does not see them.

Mr. Dingman stated that the HDC (Historic District Commission) looked at their section of the Ordinance and did not see anything to be changed at this time.

CORRESPONDENCE: The October Town and Country magazine had been received and Ms. DellaCroce took it to read.

REPORTS:

HDC: Mr. Dingman explained that the Selectmen are behind the HDC Certified Local Government application and the Town Administrator will write a letter of support.

Selectmen: Mr. Dion stated that they are involved in next year's budget and have set the tax rate with DRA at \$16.37 per thousand (an increase of \$1.48). This will affect the budgeting process.

CIP (CAPITAL IMPROVEMENTS PLAN): Mr. Campbell stated that their next meeting will be after Town meeting.

UNFINISHED BUSINESS:

Roman Catholic Church of Manchester (Social Center now called Marion Center):

The secretary presented an e-mail from Ms. Bonsteel stating that they have complied with all of the conditions of their Conditional Approval.

D. DeStefano made a MOTION, second by E. Seeler, to GIVE FINAL APPROVAL TO THE ROMAN CATHOLIC CHURCH OF MANCHESTER, SOCIAL CENTER. The motion CARRIED and the Board signed the Notice of Decision and the plans.

Mary A. Lakari Irrevocable Trust:

The secretary presented a memo from Ms. Bonsteel which states that they now have met the condition of their Conditional Approval.

D. DeStefano made a MOTION, second by C. Dingman, to GIVE FINAL APPROVAL TO THE MARY A. LAKARI IRREVOCABLE TRUST. The motion CARRIED and the Board signed the Notice of Decision.

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NEXT MEETING: Our next meeting will be held Nov. 10th, at 7:00 p.m. in the Old Town Hall. On the agenda to date are: John Messina, Paul & Tami Zareas, Maxton Technologies Inc., and Pemi-Valley Habitat for Humanity.

REMINDERS: The balloon test for the cell tower is to be held this Saturday between 10:00 and 2:00. Also, the deadline for the LGC Conference is Nov. 5th.

With no other business before the Board, C. Dingman made a motion, second by D. DeStefano, to adjourn at 8:30 pm.

Respectfully submitted,
Jan Laferriere, secretary