

PLANNING BOARD MINUTES
October 24, 2012

APPROVED as amended & clarified;
11/14/12_jrl_____

- AGENDA: MYLAR CORRECTION: NORM HEBERT/LEANNE NYSTROM, Hemphill Road, #215-003
SITE PLAN MODIFICATION: BOND AUTO, Lake St., #113-042
PCC: ROBERT R. HERMAN, 401 Lake St., #112-038
SPEAKER STEVE SHITMAN, JEFF TAYLOR & ASSOC., on Newfound Watershed Master Plan Recommendations
WORKSHOP: PROPOSED CHANGES TO THE ZONING ORDINANCE
- ATTEND: Denice DeStefano (Chairman), Dan Paradis (Vice Chair), Phil Dion (Sel. Rep.), Murray Campbell, Janice DellaCroce, Steve Favorite (alternate)
- ABSENT: Clay Dingman (work), Elizabeth Seeler (work)
- OTHER: Michael Capone (Town Administrator)

The meeting opened at 7:00 p.m. with a quorum and Ms. DeStefano appointed Mr. Favorite to sit in for Ms. Seeler

MYLAR CHANGE: NORM E. HEBERT/LEANNE NYSTROM

Ms. Nystrom presented the new plan in which the State had required a minor change. She explained the change.

S. Favorite made a MOTION, second by M. Campbell, to APPROVE THE SITE PLAN MINOR CHANGE. The motion CARRIED.

Ms. Nystrom paid the fee for the registration of the new mylar and the Board signed the mylar and the additional plans.

MINOR SITE PLAN CHANGE: BOND AUTO/MARIO FRADETTE, Senior Contractor

Mr. Fradette pointed out that they wish to move the dumpster from beside the building to the side nearer the Parkhurst property as the access for the collection truck is difficult. The new space will be set back from the boundary by at least the required setback required and will be just off the black top area. It will be enclosed. As to the Storage Container, Mr. Fradette showed a photo of this container by the old building and explained that it is now behind the new constructed section. This was felt to be grandfathered.

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BOND AUTO MINOR SITE CHANGE continued:

Ms. DeStefano read the requirements for having a Site Plan. As the change did not come under any of these, S. Favorite made a MOTION, second by M. Campbell, to APPROVE THE MOVING OF THE DUMPSTER AS PRESENTED. Ms. DellaCroce asked when the dumpster will be enclosed and was told it will be done next week if approved. The motion then CARRIED and the minutes will reflect the change.

PCC: ROBERT HERMAN

Ms. DeStefano explained that a PCC is neither binding on the applicant nor on the Board but the Board will answer to the best of their ability according to what is presented.

Mr. Herman explained that he wishes to go back to 3 apartments and 1 commercial space as he has learned from the Fire Chief that he would need a sprinkling system if he goes to 4 apartments.

Mr. Paradis read from page 34 of the Site Plan Regulations (the requirements) and stated that the old history is irrelevant. Mr. Herman explained that, after getting his approval for the 4 apartments in 2005, he was approached by a beauty parlor to rent the space. He added that someone in the office told him that it was okay and he did so. The Board discussed the expiration of the 4 apartment plan (which was set at one year from the approval). Mr. Paradis read Section VIII, article 8.10, I that explains expirations. The Board then looked at the previous Site Plan for the 4 apartments.

Ms. DeStefano showed Mr. Herman the permitted uses in that District and said that, now, the Board is trying to determine what the expiration of the last Site Plan brings the situation back to. She added that, by this time, there needs to be some Fire safety determinations. Mr. Herman stated that the Fire Chief told him that he wouldn't need anything if he stayed with the 3 apartments and 1 commercial space. Ms. DellaCroce stated that he would need to see the Fire Chief again due to how much time has elapsed. Mr. Paradis felt that the Board could make this a Minor Site Plan.

The discussion continued in which Mr. Paradis pointed out that it has not been used for 2 years. Mr. Campbell thought that, without any cooking being done in the space, the Fire Chief would not be needed. Mr. Paradis stated that the renting of the space as commercial was actually illegal as the Site Plan for 4 apartments had been approved. Ms. DellaCroce agreed that she feels it needs a Minor Site Plan. Mr. Favorite stated that the use that it would go back to now is empty space. He added that Mr. Herman could leave it as empty space until someone comes to rent it and then he could come in for a Minor. The Board felt that he could lose the tenant in the meantime.

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HERMAN PCC continued:

Mr. Dion stated that what is now legal is 3 apartments and an empty space. If Mr. Herman chooses, he could come in for a Minor for any one of the allowed uses to be approved for commercial space. Then if a tenant comes in with another allowed use, this can be done without coming back to us. The Board determined that this is the best course of action and Ms. DeStefano reminded Mr. Herman that what he needs is a Minor Site Plan. He was then thanked for coming in.

STEVE WHITMAN:

Mr. Whitman has had to reschedule and Ms. DeStefano stated that he has offered help with Zoning Amendments.

MINUTES OF OCTOBER 10, 2012:

The following amendments and clarifications were made:

Page 1, last paragraph, 2nd line, following “old” insert “Saint Timothy’s”.

Page 2, 2nd paragraph, 6th line, delete “and seeing that the Church is smaller than the rectory”.

Last line, same paragraph, before “rectory” insert “former”.

Page 3, Communications, last line, correct “Des” to “DES”.

Page 5, under CIP, 1st paragraph, 2nd line, replace “with Capital” with “by using Capital”. 4th line, replace “to do lend/lease” with “bonding”. 5th line, delete rest of paragraph from ‘showed’ and replace with “listed the cost of capital items purchased by full appropriation of funds in the year they are required. This method results in total year dollars that vary significantly. The chart showed an average annual 27% increase for each of the 5 years from 2013 through 2017. A similar chart showing the recommended CIP plan showed how the capital items could be purchased when required by yearly level funding during the period 2013 through 2017 and the annual totals decreased by an average of 5.5% yearly.”

Page 5, CIP, 2nd paragraph, 2nd line, replace “gives” with “requires”. 5th line, replace the sentence beginning “Most towns use Capital” With “Most NH towns regularly use Capital Reserve accounts and lease/purchase agreements. Many NH towns allow departments that produce revenues to keep a portion of their revenues to use for purchase and replacement of future capital items.”

Page 5, CIP, 3rd paragraph, 4th line, before “motion” insert “make a” and following “cut” add “the budget at town meeting.”.

M. Campbell made a motion, second by J. DellaCroce, to approve the minutes as amended and the motion carried with 2 abstentions.

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WORKSHOP: PROPOSED ZONING AMENDMENTS

As Ms. Seeler was not present so her assignments could not be addressed.

Ms. DellaCroce then directed the Board to look at Ms. DellaCroce's assignment on Recreational Vehicles. Mr. Dion had a problem with the use of "residents". Mr. Paradis asked if you own one, you cannot keep it on the property beyond 90 days? Ms. DellaCroce will attempt to change the language to accommodate these issues and have it presented again at our Nov. 14th meeting.

Mr. Paradis then distributed a copy of what he was assigned in regard to Impervious Cover. He explained that he looked at the sample on the web and finds it very confusing. His advice is to table this for now as we are pretty well protected with what we already have. He received suggestions from Max Stamp which were also intensive. Mr. Paradis feels this would be better served in Site Plan instead of the Zoning Ordinance. Impervious Cover was originally suggested by Don Martin but without any comment on his part. Mr. Campbell suggested that we stay close to Boyd Smith on this. The Board determined to table it for now.

Ms. DeStefano had been assigned the chore of replacing Code Enforcement Office with Land Use Office and Building Permits with Land Use Permits throughout the Ordinance. She also addressed adding the building height change in two other sections of the ordinance. After discussion, the Board determined to only add it to Article IV, 4.4 Building Height and to remove "non-conforming" from the description. Ms. DeStefano shall do this.

As Mr. Dingman was not in attendance, it was determined to wait until next year for Architectural Standards due to time constraints.

Mr. Campbell had not finished Building Codes. Following discussion on how this has failed twice, Mr. Campbell asked Mr. Dion how the Selectmen feel as he does not want to upset their plans. Mr. Dion stated that it would require a full time position for a building inspector for approximately \$50,000. a year which we have no budget for. Mr. Campbell sited the problem of septic systems leaking into Newfound Lake. Ms. DellaCroce stated that this is a State issue. Mr. Dion added that the Health Officer starts the process and Mr. Capone stated that we are doing this now. Mr. Dion mentioned a case by his home that took 6 years to resolve in the courts. Mr. Paradis felt that the climate is not right yet. He mentioned that we tried in 2009 and again in 2010 but it failed. Mr. Campbell then said that he might not be interested in pursuing this based on these comments. The Board scratched this assignment.

Ms. DellaCroce asked if anyone has approached or heard from the Conservation Commission on any issues that they might have and she was told that they have not come to us.

Ms. DeStefano asked Mr. Capone about any language from the Fire Chief on what he would like concerning sprinklers. Mr. Capone will check with him.

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MASTER PLAN:

Ms. DeStefano pointed out the 3 proposals that she has received. We must spend or encumber the \$5,000. in our budget. The Board agreed with her that we should sign a contract with LRPC for the survey. Their quote is for \$4,148.00. Mr. Capone suggested that we will also need postage and mailing and might want them included with that, as they have bulk mailing capabilities. The quote was based on 1,000 surveys.

Ms. DellaCroce asked if anything is budgeted for next year. Mr. Campbell stated that the CIP has suggested \$20,000 for 2013 and \$20,000 for 2014 (a lot less than the \$60,000 that is generally needed).

Mr. Paradis asked if broadband is adequate and Mr. Campbell answered that we have some surveys from the past. Ms. DellaCroce felt that we should move forward with LRPC and the Board agreed. Mr. Dion added that Ms. DeStefano should ask about incorporating the mailing. Ms. DellaCroce would like LRPC to turn over the results to us once they are tabulated. Ms. DeStefano will ask. The Board agreed to contract with LRPC.

COMMUNICATIONS: There was a notice of the Annual LGC Conference to be held Nov. 14th and 15th. The Board has only a dollar in that line.

REPORTS:

Historic District: Mr. Dingman was absent but sent an email to say he has nothing to report.

Selectmen: Mr. Dion noted that the Library is in progress. The Square is to start next week until just before Christmas and then to start again in March, Mr. Capone added. A discussion followed as to traffic flow. Mr. Capone stated that the only tricky part will be from Hill when doing the 24" sewer pipes.

CIP: Mr. Campbell had no comments.

NEW BUSINESS: Ms. DeStefano asked the Board if they would like to have her send a letter to the Selectmen to ask about more enforcement. Sited were cases such as Parkhurst, the B & B on Mandi Lane, and the Boat Shoppe. Also mentioned was the need of After-the-Fact fees where folks don't come in to us until they are brought in after the work is done. It has been discouraging for the Board.

NEXT MEETING: Our next meeting will be held Nov. 14th at 7:00 p.m. On the agenda to date is a Minor Site Plan for the Southland's, Lot Line Adjustment for Keegan's and a PCC for Beth Dixon.

With no other business the meeting adjourned at 9:26 p.m.
Respectfully submitted, Jan Laferriere, recording secretary