

PLANNING BOARD MINUTES
September 28, 2016

APPROVED as amended:
10/12/16 cmg_____

AGENDA: PCC: CATHERINE MCCAULEY FOR JONATHAN HALL, 21 Second St, #114-141 & -142
PCC: JEANNETTE WHOOLEY, 411 West Shore Rd., #203-057
DISCUSSION OF POSSIBLE ZONING AMENDMENTS FOR 2017 BALLOT

ATTENDING: Denice DeStefano (Chairperson), Clay Dingman (Vice-Chair), Paul Manganiello (Sel. Rep.),
Steve Favorite, Dan Paradis, Bob Curtis, Betty Seeler

OTHER: Scott Lacroix (Land Use Officer), Christina Goodwin (Assessing/Land Use), public,
applicants

The meeting opened at 7:00 p.m. with a quorum.

PCC: CATHERINE MCCAULEY FOR JONATHAN HALL

Catherine McCauley from Diane Silver Realty in Portsmouth is contracted for the buyer to purchase two pieces of property on Second Street. Ms. McCauley reported that the listed agent is Alan DeStefano. Ms. DeStefano reported that this is her real estate agency and she would speak minimally on the matter.

Ms. McCauley advised that the rules with Rural Development allow for only one lot, but the property in question is two lots currently. The buyer would like to merge the property but is required to have something from the Town that says that it would be difficult to subdivide the lot again in the future. The lots are currently non-conforming and there was a boundary line adjustment done in 1989 which made the abutting vacant lot smaller.

Mr. Paradis advised that we can't approve a subdivision that results in an unbuildable lot. Mr. Dingman inquired on the square footage of the proposed merged lot. Ms. McCauley reported that the existing lot with the house is .27 acres and the abutting lot is .18 acres, which together is half an acre. Mr. Dingman stated that based upon that information he felt they could subdivide. Ms. McCauley stated that the lender was looking to show that the buyer couldn't subdivide in the future and was actually hoping that there was a law on the books stating as such.

Mr. Curtis reviewed the calculations of the proposed merger and felt that the total square footage wouldn't be able to be subdivided. Mr. Dingman pointed out the section in the Zoning Ordinance that states that you cannot subdivide to create lots that cannot be built upon. The lot is zoned as Village Residential. The Board determined that for the minimum lot requirements there wasn't anything that they could see that could restrict it permanently from being subdivided again. The Board recommended that Ms. McCauley see if the lender would approve placing language in the merger and sale that states that the lot could not be re-subdivided which would then restrict it for all future owners.

Ms. Goodwin advised the applicant that the merger rules changed effective August 1, 2016 and now requires that mortgagors sign off on the merger before the Planning Board approves. Christina will email the information to the applicant.

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PCC: JEANNETTE WHOOLEY

Jeannette Whooley explained that she would like to add a garage to her lot, which is already a non-conforming lot located on 411 W.Shore Rd. The Board verified that the lot is non-conforming and located in the Lake District. Mr. Dingman explained that the basic premise is that when you have a non-conforming lot you cannot allow additional structures to make it more non-conforming. The rules and regulations that regulate what you can and can't do are located in the Zoning Ordinance but there are options to go to the ZBA for a Variance on those rules if you can prove a necessary hardship. The Board is trying to determine what options Ms. Whooley might have in order to move forward.

The Board reviewed the Zoning regulations on non-conforming structures and accessory structures. Mr. Dingman felt that it sounded as if the building could be approved as long as it is not attached to the main building, doesn't exceed the maximum lot coverage or encroach into the setbacks. The Board asked that the Land Use Officer, Scott Lacroix review the proposed structure and plans for Ms. Whooley.

DISCUSSION OF POSSIBLE ZONING AMENDMENTS:

Ms. DeStefano would like the Board to consider possible Zoning amendments for the Warrant. Mr. Lacroix would like to the Board to consider the Residential Building Codes vs the Property Maintenance Ordinance. He feels that the Codes are much easier to understand and not as cumbersome as the Property Maintenance.

Ms. DeStefano reviewed the list from last year, which included solar panels, dark skies, determine what districts the Town will allow Alternative Treatment Centers, adding Pawn Shop to permitted uses, better define keeping of farm animals, some special provisions as recommended by the Conservation Commission, and amend language in Article IX Wetlands Conservation Overlay District. Ms. Goodwin inquired about the Board considering review of off-premise signs and the law change on accessory building units.

Mr. Manganiello inquired about the Northern Pass project and the requirement of keeping the roads maintained. The Board agreed that it would be done through the Select Board or the Site Evaluation Committee.

Mr. Dingman will check with the Conservation Commission for any issues that need to be addressed with the understanding that the Planning Board is limited on time.

Ms. Goodwin also inquired on the requirement of permitting real estate signs, asking that the Board review this section of the Zoning Ordinance as well. The Board agrees that the sign section of the Ordinance needs to be reviewed but they feel it should be started in the summer as it is a much bigger project.

Overall the Board agreed that there wasn't a lot of time left for Zoning Amendments and if there was nothing pressing then they would not have submissions for the Warrant for 2017.

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MINUTES OF SEPTEMBER 14, 2016:

The following amendments and clarifications were made: Page 1, Capitalize the S in Ms. DeStefanos last name; Page 2, 2nd paragraph, add apostrophe to towns, 7th paragraph, 2nd sentence, add to end of the sentence "because Town Counsel indicates the language of the NHDOT Driveway Permit does not meet conditions of approval", last paragraph, last line, change "history" to "experience"; Page 4, 1st paragraph, 2nd line, remove word "on", 5th line, remove extra words "the number of spaces that", 9th line, add at end of sentence "under certain conditions", under Selectmen, 3rd line, change the words "\$500 budgeted and other" to "\$1500 in", 6th line, add words "proposed cell" in front of tower; Page 5, 3rd paragraph, 3rd line, change "is" to "has", 4th paragraph, last line, add "Commission".

C. Dingman made a MOTION, second by S. Favorite, to APPROVE THE MINUTES AS AMENDED. The motion CARRIED with B. Curtis, E. Seeler and D. DeStefano abstaining.

COMMUNICATIONS:

WETLANDS PERMIT APPLICATION, 160 Jenness Hill Rd, #209-014 & -015

The Permit Application was for an after the fact permit for the installation of an HDPE pipe for driveway installation.

EMAIL REGARDING NORTHERN PASS TESTIMONY AND PREPARATION

A meeting was held on Monday, September 26, 2016 to begin the steps for gathering information from abutters and Town Committees with regard to the Northern Pass project, more specifically, responses to a list of questions provided by the Town's attorney.

The Board agreed to review and provide feedback on two of the nine questions on the list, with Dan drafting a response to Question #1 – Whether the project as proposed is consistent with local Zoning, Site Plan and Subdivision Regulations and Clay drafting a response to Question #2 regarding how the proposed project relates to the Master Plan. They will draft a response to the questions as they pertain to the regulations and the Town and have to the remainder of the Board to review for the October 12 meeting.

The information will need to be submitted to the Town by October 15 for the Town's Attorney to compile for submission to the Site Evaluation Committee (SEC) hearings. The project is at the SEC level but they take the testimony into consideration when making a final ruling.

LAND USE REGULATION BOOK EMAIL REQUEST

Ms. DeStefano inquired with the Planning Board members about ordering land use books. Ms. Goodwin will pull the file to see what was ordered previously. Ms. DeStefano asked for an email of what was ordered last year to verify if there are any changes needed for ordering this year

UNFINISHED BUSINESS

REPORTS:

HDC: None.

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SELECTMEN: Mr. Manganiello reported that the Newfound Area Select Boards and the Business Manager of the SAU met together in a Regionalization Forum to discuss potential services that could be shared among towns. Computer services and health insurance were considered and the area Road Agents will be holding a forum at the end of October to discuss some options that could be considered for the Highway Departments.

The Space Needs Committee will hold its first public meeting at the Library on October 18.

The Friends of the Old Town Hall have met and made a suggestion to hold the Budget Deliberative Session at Old Town Hall in order to see how bringing the meetings back to the building will work.

CIP: CIP met two weeks ago to finalize the spreadsheet, but there were a number of changes to be made, so the Committee met again last night to finalize. Mr. Paradis believes that they will have something for the Planning Board to review at the next meeting.

LAND USE: Mr. Lacroix reported that Dollar General has worked out the concern raised at the last meeting with regard to the sprinkler panel and the parking space in front of it. An agreement was made to have a sign that states it is reserved for municipal/emergency vehicles, thus not requiring them to go back to Site Plan. The Board reports they are very happy with the final completed project.

Mr. Lacroix reported that Family Dollar has installed a larger dumpster to eliminate the issue with the dumpsters not being placed behind the protective fencing and garbage blowing across the fields. The only issue that remains is a broken door on the fence, which Mr. Lacroix will follow up with on Friday.

Mr. Lacroix reported that Kathleen's Cottage has two trailers removed and they are still waiting on the sprinklers to be installed. The Planning Board agrees that it is time for this to be completed as Kathleen's Cottage has been in violation of their Site Plan for a number of months. Mr. Lacroix will set a limit to remove the trailers and schedule the sprinklers to be installed within seven days. If not completed, then fines will be issued and it is the recommendation of the Planning Board that the Fire Department consider the option of pulling the Occupancy Permit.

Mr. Lacroix reports that the Smith property is still being used for training and the tin ceiling will be removed within a week. Mr. Dingman will schedule a walk through for historic purposes within the week as well.

Mr. Lacroix would really like the Board to consider moving forward with adopting Land Use Residential Building Codes. A property on Worfield Circle had a garage built that doesn't meet any of the regulations and is so damaged that it is believed that it won't stand through the winter. This property is an example of why codes are needed to protect property owners. Mr. Lacroix is working with Ms. Goodwin to educate the public by creating pamphlets, adding information to the website, newspaper articles, and meeting with people who have been victimized. Mr. Dingman inquired if Mr. Lacroix wants to try to push this through this year. Mr. Lacroix asked the Board to give him the chance to get something to them for the October 12 meeting. If the timeline doesn't work out then we can educate the public for the year and submit the codes on the Warrant for the following year.

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LAND USE CONTINUED:

Mr. Lacroix reported that the Town is looking into paving at Old Town Hall and fixing the ADA access to make it more in compliance.

Mr. Lacroix is looking into the repair of the basement of the Old Fire Station/Historical Society and also the completion of the roofing repairs.

NEW BUSINESS:

None

NEXT MEETING: The next Planning Board meeting will be October 12, 2016 at 7:00p.m. The CIP Committee will present their 2017 plan, one PCC and two Minor Site Plan Applications.

With no other business, C. Dingman made a MOTION to adjourn at 8:40p.m.

Respectfully submitted,
Christina Goodwin, acting recording secretary