

# PLANNING BOARD MINUTES

October 26, 2022

**APPROVED:** 11/9/22

**AGENDA:** CONDITIONAL USE PERMIT FORMS – Internally Lit Signs Draft #3  
OFF PREMISE SIGNS  
PROPOSED ZONING AMENDMENTS – Public Hearing  
CIP COMMITTEE 2023 REPORT PRESENTATION  
EXCAVATION REGULATIONS & CHECKLIST  
2023 MEETING SCHEDULE

**ATTENDING:** Denice DeStefano (Chair), Randall Kelley (Vice Chair), David Shirley, Elizabeth Seeler, John Miller (Alternate) and Donald Milbrand (Select Board Representative - arrived late)

**OTHER:** Christina Goodwin (Interim Deputy Town Administrator), Joanne Bailey (Land Use Manager), Michelle McCaleb (Land Use Administrative Assistant), Shaun Lagueux, Paul Regan

Mrs. DeStefano called the meeting to order at 7:00 pm with a quorum present in person.

## OLD BUSINESS:

### CONDITIONAL USE PERMIT FORMS: Internally Lit Signs Draft #3

Mrs. DeStefano outlined the updates and edits included with this draft and agreed by the Board during previous meeting discussions. With no additional edits or changes suggested, Ms. Seeler moved to approve the Internally Lit Signs Form as presented. Mr. Shirley seconded. The motion carried 4-0-0.

### OFF PREMISE SIGNS:

In response to comments and recommendations from Town Counsel concerning the proposed Off Premises Signs regulations, Mrs. DeStefano asked the Board if they would prefer to move this discussion and regulation development to 2023. She stated that her concern was for time necessary to discuss, develop, make changes, if applicable, and get final Town Counsel review for public hearing and the ballot. She felt time might be too tight right now and postponing may give the Board more time to address Town Counsel concerns. She outlined options to move ahead with this:

1. Leave regulation as it is in the current Zoning Ordinance
2. Attempt to address items addressed by Town Counsel and incorporate changes for the ballot
3. Move ahead with the proposed version knowing it may get challenged

Mr. Shirley suggested that the Board consider moving forward with the regulations as proposed as the changes made to date seem to make good sense. He was concerned that some of what Town Counsel was commenting about would mean re-writing the Statute which was not something the Board could do.

Mr. Miller asked what would keep the Board from accepting the work on this to date. Ms. Seeler shared that she thinks it is better to move forward with what the Board has now, feeling it was better to have something in place rather than not.

OFF PREMISE SIGNS: continued

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There was further discussion regarding control or the absence of it for what might be printed on any signage. First Amendment rights were discussed as part of the issue that might come up in approving or denying signage for language or other specific possibilities that might be found offensive to some. Mr. Shirley stated he was more interested in categories and how any action can be taken if the Board does not say what can be said. Mr. Kelley asked how vulgarity or hate speech would be handled. Ms. Goodwin stated that they cannot be addressed by the Ordinance or the Town. Mrs. DeStefano stated that the ordinance is in place and asked the Board what they wished to do. Ms. Seeler motioned to go forward with the existing proposal as amended and approved at previous meetings and move to Public Hearing. Mr. Kelley seconded. The motion carried 4-0-0. The public hearing was scheduled for November 9, 2022.

### **NEW BUSINESS:**

#### PROPOSED ZONING AMENDMENTS PUBLIC HEARING:

Mrs. DeStefano opened the public hearing for all Zoning Amendments proposed for the 2023 Ballot. She asked those attending if there were any specific Amendments they were here to comment or ask questions about.

Mr. Shaun Lagueux stated he was interested in more information about Article 5.4.3 – Manufactured Storage Containers and the Wetlands Overlay District amendments. He asked if a storage container could be located on a property permanently. Mrs. DeStefano answered that a permanent storage container could be located permanently by Special Exception. Mr. Lagueux then asked if Storage Containers could be used as a structure such as a shed, barn, or residence. Mrs. DeStefano and Ms. Goodwin stated that with proper permitting and process, structures such as a shed or barn could possible, but not as a residence as they are not allowed as living space.

Mr. Lagueux then moved on to the Wetlands Overlay District amendments and asked for a rundown. Mrs. DeStefano explained each of the changes, edits, and reasoning. Mr. Lagueux asked if the Town had done or anticipated an update to the Wetlands Overlay District and Ms. Goodwin stated that this was in discussion for consideration in 2024 or 2025 with the Conservation Commission.

Mrs. DeStefano asked if there were any other questions or comments on the proposed Zoning Amendments. Hearing none, she asked the Board for action on the amendments. She stated that these could be approved all at once or individually. Mr. Kelley motioned to move all the proposed Zoning Amendments to the 2023 Ballot. Mr. Shirley seconded. The motion carried 5-0-0.

#### CIP COMMITTEE 2023 Report and Narrative

Mrs. DeStefano moved discussion and approval of the CIP Committee report. Mr. Kelley, CIP Chair began the presentation by reading the 2023 Narrative and referencing the accompanying worksheet section by section. The Full Narrative and Worksheet is attached to these minutes.

Mr. Shirley asked about the Police Detail Fund and Police Capital Reserve Funds how these funds were used. Mr. Milbrand who also serves on the CIP Committee and the Select Board explained the use parameters of the Police Detail Fund. He explained that the Capital Reserve Funds were more like a CIP

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### COMMITTEE 2023 Report and Narrative - continued

savings account with annual deposits made via Town Meeting vote and funds available for replacing cruisers.

Mr. Kelley moved on to Public Works section and explained the wish list and prioritization categories after Mrs. DeStefano asked for clarification. He went on to point out vehicle replacement schedules and talked specifically about the Sidewalk Plow that will finish its lease at the end 2023 and it and its attachments will be replaced in 2024. There was additional discussion about the addition of a Sludge/Trash Hauling Truck which if approved by the Select Board would replace using outside contractors to do the work and delivery for the Town and allow for some savings and more timely control on hauling.

The Fire Department vehicle replacement and priorities were then presented. Mr. Milbrand shared that he has completed a 4-year Cash Flow Analysis for the Capital Reserves to be sure funds would be sufficient for the anticipated purchases in the time planned.

Mr. Miller asked how the space needs was to be funded during demolition/construction phases of the new Public Safety Building. Ms. Goodwin and Mr. Milbrand updated the Board on the use of Town Office and Fire Department space to temporarily house Police operations and any costs associated with the move, would be reflected in the Building Maintenance Capital Reserve.

Mr. Shirley asked why Planning Board needed to vote to approve this report. Ms. Goodwin explained that the CIP Committee is a sub-committee of the Planning Board. Mr. Milbrand stated that the CIP Committee Report was a recommendation document with the final recommendations and decisions a responsibility of the Select Board and Budget Committee as part the annual budget process.

With no further discussion, Mr. Kelley motioned to approve the CIP Narrative and Worksheet as presented. Mr. Shirley seconded. The motion carried 5-0-0.

### 2023 CIP COMMITTEE APPOINTMENTS

Ms. Goodwin stated that the Office had received two (2) applications for appointment to the CIP Committee. The applicants were Mr. Paul Regan who also serves on the Budget Committee and was present tonight and Mr. Daniel Kenney a newer resident to the area who has also submitted his name to serve on the Energy Committee. Ms. Goodwin added that the appointments were being done with the Planning Board and the Select Board as it was not clear on the appointing authority. Mr. Shirley asked how many positions were open on the Committee and Ms. Goodwin stated there was no limit to membership on this Committee. Mr. Milbrand motioned to approve both appointments. Mrs. DeStefano seconded. The motion carried 3-2-0.

### EXCAVATION REGULATIONS AND FORMS REVIEW

Mrs. DeStefano introduced and spoke to the Excavation RSA regulations process and checklist for review. She stated that this would be in relation to the removal of aggregates for commercial purposes. She stated that Step 1 would be to get forms in place; Step 2 would be to review the existing regulations; and then Step 3 would be follow up with the intention to incorporate the regulations into the Site Plan and Subdivision Regulations.

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### EXCAVATION REGULATIONS AND FORMS REVIEW continued

Mr. Shirley asked if there was a need for this and he suggested that it would be smart to move forward with process defined by RSA. Ms. Goodwin stated that were two (2) active projects right now. Mrs. DeStefano stated that presently there are no forms for excavation review. Mr. Kelley motioned to approve the forms as presented. Mr. Shirley seconded. The motion carried 5-0-0.

### 2023 MEETING SCHEDULE

The Board reviewed the proposed 2023 meeting schedule. Mrs. DeStefano stated that meetings and workshops would continue to be the 2<sup>nd</sup> and 4<sup>th</sup> Wednesdays of the month with no workshops in November or December due to holidays. The Board agreed.

### **MINUTES:**

The meeting minutes of September 28, 2022, were reviewed. No edits were suggested. Mr. Kelley motioned to accept the minutes as written. Ms. Seeler seconded. The motion carried 5-0-0

### **COMMUNICATIONS:**

Ms. Goodwin shared a survey of the Charles Carleton property on Hemphill Road. She stated Mr. Carleton is a new owner of this property which has the Catterall Easement that is monitored by the Conservation Commission. This was recent new survey that will be recorded.

### **REPORTS:**

**SELECT BOARD** – Mr. Milbrand reported that the Select Board is working on the 2023 Budget. He stated the Select Board was also in discussion about considering a Warrant Article for a Solar Tax Exemption.

**HISTORIC DISTRICT COMMISSION (HDC)** – Mrs. DeStefano stated that the HDC was reviewing Demolition RSA information to make recommendations for a Demolition Review process and forms for consideration to preserve historical properties or distinctive features in town. She stated that so far, they would like to see the process applied to buildings townwide that are 75 years old or older. She went on to say Welcome Binders were approved and ready for use by the HDC.

**LAND USE** – Ms. Goodwin formally introduced Joanne Bailey as the new Assessing/Land Use Manager and updated the Board on the staffing, training, and transition status.

**NEXT MEETING:** The next meeting will be on November 9, 2022. Mrs. DeStefano stated that she will be away on the 9th and Mr. Kelley would need to Chair the meeting. She will try to join the meeting via Zoom. She reminded the Board that any decisions on permits made will have to cite the specific reasons for denial or approval and these need to be listed with motions and included in the Notice of Decision.

**ADJOURNMENT:** With no other business before the Board, Ms. Seeler motioned to adjourn. Mr. Kelley seconded. The motion carried 5-0-0 and the meeting adjourned at 8:21 pm.

Respectfully submitted,  
Janet Cote  
Land Use Associate