

PLANNING BOARD MINUTES

May 13, 2020

APPROVED: Approved 7/8/20

AGENDA: WORKSHOP

ATTENDING: Denice DeStefano (Chairman), Jackie Elliott (Vice Chairman), Don Milbrand (Selectman's Representative), Betty Seeler, Bruce Beaurivage (alternate)

ABSENT: Paul Barnett, Evan Hickey (alternate)

OTHER: Christina Goodwin (Land Use Manager), Tyler Simonds (Planner)

The meeting opened at 7:00 pm with alternate Bruce Beaurivage being moved to a member to replace a missing Planning Board member and to provide the Board with a quorum.

Ms. DeStefano stated that there is still an emergency order issued by the Governor that allows for meetings to be held electronically due to the pandemic. Members are attending via video and telephone conference and the meeting is open to the public via the Zoom platform and regular phone access. The meeting continued by roll-call vote 4-0.

MINUTES OF APRIL 22, 2020: The following amendments were made: Page 1, Jackie Elliott was absent. Also, in each hearing, it should be noted that the abutters notified and where the case was advertised were read.

E. Seeler made a motion, second by D. Milbrand, to approve the minutes as amended. The motion carried by roll-call vote: E. Seeler -yes, D. Milbrand – yes, B. Beaurivage – yes, D. DeStefano – yes, J. Elliott – abstain.

ZONING AMENDMENTS 2021 PRIORITIZATION LIST: Mr. Simonds explained that those listed as #1 are suggested to be addressed this year for the 2021 ballot, the #2 are important but may or may not be ready for the 2021 ballot, and #3 for the 2022 ballot. He went on to say that the Land Use team is suggesting five (5) for this year: mixed-use development ordinance, the Sexually Oriented businesses (we are a little too restricted) and don't provide enough locations within the approved districts, the sign section, the Flood Plain Ordinance (which is an appendix and is 13 years old) that the Office of Strategic Initiatives (OSI) has provided feedback on, and to update cell towers (in reference to credit letter or bond requirement).

Under the #2 category: stables (for personal enjoyment), Accessory Dwelling Unit's (ADU) to consider detached. Ms. Goodwin added that we have no definition or district where ADU's are allowed. Next in this category was updating lighting requirements under external lighting (LED issues). Mr. Beaurivage mentioned that the LED lighting is in different colors. Next is lot coverage by structures and whether it should be a definition or adding it to Section 3.3 under Land Space Requirements. Next is the definition of swimming area. Ms. DeStefano stated that this is under State approval. Next under #2 is tents and how to handle them. Ms. DeStefano

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ZONING AMENDMENTS 2021 PRIORITIZATION LIST (continued):

asked how these are used, for events or for shelter. Ms. Goodwin answered as shelters; we only have covered campgrounds. Next under #2 is short term rentals which are disrupting housing, health and safety of neighborhoods. Ms. Goodwin added B & B versus air B&B which we consider to be under hotel/motel unless they serve breakfast. Next under #2 was the Appendix A, the Zoning District map. Ms. Goodwin explained that the current map does exist, but it is small and we can't produce it in color.

Mr. Beaurivage asked if these are proposed to talk about in the future. Ms. Goodwin answered that we were asked to prioritize them for the Board and the Board could make adjustments to the schedule. Mr. Beaurivage stated that he feels we need to add a policy on tents on personal property as there is a problem that he knows of right now. DeStefano said it is under #2 and Mr. Beaurivage feels it should be a #1. Ms. DeStefano agreed that tents should be a #1. Mr. Beaurivage thought that sexually oriented business should be #2. Ms. DeStefano disagreed, as we stand right now, we are too restrictive. The Board agreed to the other #1's.

Mr. Simonds pointed out the #3 list and then the additional list not completely scored. Mr. Simonds proposed changing two (2) on the list to move up to the #1 list: One is a housekeeping issue per counsel, and multiple uses on a lot under 4.14 which needs re-wording. Other ones not scored were the EDC definitions for makerspace and recreational activities (define in the Lake District). It was recommended that the Board could strike recreational from the list if they wanted. Ms. Goodwin felt that we need to address camper/trailers and the Special Use permits requirement and who should have to review this types of cases. Mr. Simonds mentioned a the setback line definition versus setback requirements as it is confusing, when there is a right-of-way involved.

Ms. DeStefano stated that she agrees with the #1's but feels would could add tents. Mr. Milbrand felt that it could be modeled after the campers. Ms. DeStefano added that maybe we should add stable and Mr. Milbrand asked if we have an issue and Ms. Goodwin stated that we have one. Mr. Milbrand asked if it is allowed anywhere and was told in the Rural district by Special Exception. Ms. Goodwin pointed out that we had interpreted stable as commercial and for that district. Ms. DeStefano asked about the ones listed after the #3's should be done in 2020. Mr. Simonds felt the definitions should be addressed. Ms. Goodwin stated that there is no rush for the Special Use.

Ms. DeStefano stated that for #1's we shall work on the five (5) listed plus stables and tents for the 2021 ballot. Ms. Goodwin felt that we may not be able to get the signs completely ready and Ms. DeStefano agreed but felt we will try.

Ms. Elliott asked about short term rentals. Mr. Milbrand felt that there is not enough case law yet. Portsmouth is the only one we know of. He feels that it is important and maybe we can work on for the 2022 ballot. Mr. Beaurivage felt that the government is handling that right now

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ZONING AMENDMENTS 2021 PRIORITIZATION LIST (continued):

with the pandemic. It was agreed that they are right now, but we should keep it in the forefront.

Mr. Simonds asked who will work on each one and it was felt that they could determine that at their next meeting.

SUBDIVISION/SITE PLAN REGULATIONS PROPOSED CHANGES:

Mr. Simonds explained that there are about 40 definitions to address. They are not listed in alphabetical order right now. Ms. DeStefano felt that she could work with Mr. Simonds to break these into groups of 10 per meeting and then we can bring them to public meeting.

OTHER WORK:

Mr. Simonds mentioned the Master Plan where the last work was the Land Use chapter in 2003. Mr. Simonds felt that we need to develop the Lake in such a way as to not be in conflict with the downtown, we don't have much for storm water runoff regulations in general, and also something on non-conforming structures. Mr. Milbrand thought that the Newfound Lake Region Association (NLRA) might help with some of that.

Mr. Simonds stated that Economic Development Committee feels some zones are in conflict. Ms. DeStefano feels this is a lot to digest and we have to set priorities. Mr. Simonds feels that it could be 4 or 5 years before we get Sewer to the Lake. Ms. DeStefano thought this can be kept at the forefront and work with NLRA could be done. Mr. Simonds stated that we should update lot coverage by structure to impervious instead of structure.

COMMUNICATIONS: None.

REPORTS:

Historic District Commission – They elected Richard LaFlamme as Chair and Clay Dingman as Vice Chair. They are thinking of LCHIP ideas as the Historic Town Hall LCHIP Grant expires next year. Mr. Simonds will be working on this. He is also working on their brochure and Ms. Goodwin is taking items from their older website and moving to the Town's website. They may not be able to replace their boundary signs this year.

Select Board - The Select Board are determining how to move along with COVID and they evaluate the situation every two weeks.

Capital Improvements Program – They have set their agenda for this year and will keep the same officers. They will not meet again for two (2) months.

Land Use - There is a proposal for a 2-lot subdivision on Peaked Hill but, due to a wetland, they cannot get proper frontage. There is also a problem on Fourth Street as the road was not laid out

REPORTS (continued):

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properly so lots on one side gained land while it took away land on the other side making it impossible for them to do much.

It was thought that right-of-way access needs to be looked into more. Also, if the applicant disagrees with our wetlands map, they need to get a wetlands scientist (in this case, the property on Danforth Brook Road wants to build a garage near their barn but our map shows it to be in the wetland area). Our map is from 1988. Ms. Goodwin asked if we adjust our map if the wetlands scientist disagrees. Mr. Milbrand felt that we should ask counsel. Ms. Elliott found a wetlands map on the Department of Environmental Services (DES) site. Mr. Milbrand again felt that we should ask the Municipal Association or counsel first before any changes are made.

As to Fourth Street, the problem is that the lots are small and the road made them smaller so it is hard to meet regulations. One case removed a trailer that was in bad shape but did not replace it right away so have lost their grandfathering. The lot is now hard to build a stick built. It was felt that they need to get a variance as we cannot do spot zoning to adjust the rules for this area. The Board felt it would be easy to prove hardship.

The Board discussed the various restaurant accommodations being made according to what the Governor is allowing for now. A form has been made for this temporary emergency situation. It was felt that the town must get more creative at a time like this.

NEW BUSINESS: None.

NEXT MEETING: We will have a workshop on May 27, 2020. It will also be a Zoom meeting. Ms. Goodwin explained that the Special Use permit is delayed but the Governor has relaxed our deadlines for now. We shall ask for a wetlands Scientist and Mr. Simonds will check the DES map.

With no other business before the Board, the meeting adjourned 8:24pm

Respectfully submitted,
Jan Laferriere
Land Use Administrative Assistant