

PLANNING BOARD MINUTES

February 24, 2021

APPROVED: 3/10/21

AGENDA: SPECIAL USE PERMIT & SUBDIVISION, JOHN & ELIZABETH MURPHY,
111 Castle Lane, #203-132
Review of Planning Board Member Packets

ATTENDING: Denice DeStefano (Chair), Don Milbrand (Sel. Rep. - Zoom), Betty Seeler,
Randall Kelley

ABSENT: Jackie Elliott (Vice Chair), Bruce Beaurivage (Alternate)

OTHER: Christina Goodwin (Land Use Manager), applicant and representatives, public

Ms. DeStefano stated that there is still an emergency order issued by the Governor that allows for meetings to be held both in-person and electronically, due to the pandemic. Members are attending in-person, via video and telephone conference and the meeting is open to the public via the same options. The meeting opened by roll call vote 4-0 at 7:00pm with a quorum.

SPECIAL USE PERMIT: JOHN & ELIZABETH MURPHY, ALAN BARNARD – Map/Lot #203-132

Ms. Goodwin read the application for the proposed home, driveway, and septic not able to meet the wetlands setback, the list of those notified, where the case was advertised, stated that there were no calls or correspondence received, and that the Conservation Commission and the Water/Sewer Departments submitted comments.

For the Board, Ms. DeStefano directed them to Zoning Ordinance Article 9.6 Special Use Permits. She stated that the Conservation Commission felt that they are not able to recommend this project. Water/Sewer reminded the Board that this location is in the wellhead protection area.

Mr. Alan Barnard, representing the applicants, pointed to Article 9.5 of the Zoning Ordinance (permitted uses) and spoke about the wetlands. He said that the State has a 50 ft setback for septic systems, but there is nothing for any other structure. A letter from Luke Hurley of Gove Environmental Services, Inc. was shared. Mr. Hurley is a Wetland Soil Scientist and Wildlife Biologist (attending tonight on Zoom). The letter spoke of no impact from the driveway or house and that this lot is a low functionality treed wetland. Mr. Barnard stated that they are proposing a 15 ft buffer. The lot in question was originally designed to be three (3) lots originally, but the final subdivision was never completed. The Association recognizes this, however the owners are only asking for two (2) lots. Both lots meet the minimum lot size requirements excluding the wetlands areas. The specialist has recommended that fertilizer and pesticides not be allowed. They have talked to Mark Bucklin and he is good with the location. The septic system is under Federal jurisdiction and will be allowed by NH Department of Environmental Services (NHDES) and Mr. Barnard recommended that the Board place this completely under their jurisdiction.

Ms. DeStefano read the Special Use requirements for the Board consideration.

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Ms. DeStefano asked if the Board members had any questions. Mr. Milbrand asked for clarification on why they needed a Special Use permit first. Mr. Barnard answered that the State wants permission from the Town before they look at the septic design. Mr. Milbrand felt he would be more comfortable if we could stipulate the type of septic. Mr. Barnard stated that the State will not approve anything that is not up to par and assured Mr. Milbrand that they are not proposing a stone type septic.

Ms. Goodwin asked the Board to be very clear about what is being allowed under the Special Use Permit. Will the approval cover only what is currently proposed, the septic, driveway and home or will the Board allow additional structures by taking into consideration the proposed 15 ft buffer. Mr. Barnard asked the Board to consider allowing use of the area by approving the proposed buffer and if they were going to limit the structures, that they consider allowing an additional shed.

Ms. Goodwin also pointed out that the Board should consider limitations on storage of gasoline, etc, because the whole lot is in the wellhead protection area.

Ms. DeStefano asked for any public comments. George Mcevoy, an abutter at 146 Castle Lane, stated that his house is the first house downstream. He pointed out that although things have been dry this year, previously they get water from that lot. He is concerned about an increase of water. Mr. Barnard stated that the high-water table is what it is, dry or wet. It should not increase. Luke Hurley, the Specialist (on Zoom) agreed with Mr. Barnard about the high-water table which is determined by the colors of the soil. There will be no more run-off. Only the house, garage, and drive are impervious, and the rest is woods, wetlands, and grass. He pointed out that the wetland is a much bigger system and goes north and west of this property. Mr. & Mrs. Mcevoy were okay with the response.

Ms. Goodwin asked if the driveway is to be gravel or paved and if there are any culverts. Mr. Barnard said there is a ditch line so there are no planned culverts, and the driveway will be gravel. Ms. DeStefano pointed out that the gravel vs paved are both considered impervious. Ms. DeStefano asked if there were any additional comments from the Board or the public. Mr. Barnard asked if Mr. Murphy if he had anything to add. He stated that the garage will have a concrete floor and apron. Mr. Barnard stated that the gravel is part of the impervious.

At this time, Ms. DeStefano closed the public portion of the hearing.

Ms. DeStefano asked the Board to talk about possible conditions: No fertilizers, pesticides or herbicides and limiting the footprint of the proposed structure and garage or considering allowing a storage shed.

Mr. Milbrand asked if the Board should limit the storage shed's size. Mr. Barnard asked about a 200 sq ft shed. Mr. Murphy said he would be good with a 10' x 18'.

D. DeStefano made a MOTION, second by D. Milbrand, to APPROVE THE SPECIAL USE PERMIT WITH THE FOLLOWING CONDITIONS: NO FERTILIZER, PESTICIDES, OR HERBICIDES IN THE BUFFER, LIMIT THE FOOTPRINT OF THE HOUSE, GARAGE AND DECK PER THE BUILDING PERMIT, AND A STORAGE SHED NOT TO EXCEED 200 SQ. FT. The motion carried by roll-call vote 4-0.

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SUBDIVISION: JOHN & ELIZABETH MURPHY, ALAN BARNARD – Map/Lot #203-132

Ms. Goodwin read the application for two (2) lots, the list of abutters notified, where the case was advertised, stated that there were no calls or written letters received, and only the same Water/Sewer feedback was received. Ms. DeStefano added that there was a letter from the Association stating that they will recognize the lots. The checklist was gone over and found to be complete.

Ms. Goodwin pointed out that #24 down is more for Planning Board use only.

R. Kelly made a MOTION, second by E. Seeler, to ACCEPT THE CHECKLIST AS COMPLETE. The motion carried by roll call vote 4-0.

Ms. DeStefano pointed out Section 4 of the Site Plan/Subdivision Regulations.

Ms. Goodwin asked if the Board had to determine if there was anything under #24 or #25 that the Board would need to require. State subdivision approval and Driveway approval.

Ms. DeStefano inquired if there was anything additional to add for the subdivision. Mr. Barnard provided a brief presentation, stating that under Zoning in the Lake District, the minimum requirements are 30,000 sq. ft. with 15 ft setbacks. The lots are well within these requirements. Mr. Barnard stated that they would have to set the two (2) monuments and would need the State subdivision approval.

Ms. DeStefano asked if the Board had questions. They were all good. She then asked for public comments and there were none. She closed the public portion of the hearing.

E. Seeler made a MOTION, second by R. Kelly, to APPROVE THE SUBDIVISION WITH THE FOLLOWING CONDITIONS: SETTING OF MONUMENTS, STATE SUBDIVISION APPROVAL, AND A DRIVEWAY PERMIT. The motion CARRIED by roll call vote 4-0. The applicants were reminded of the 30-day appeal time. When the plans and Mylar are finalized, Mr. Barnard will bring back for the Board to sign.

REVIEW OF PLANNING BOARD MEMBER PACKETS:

Ms. DeStefano gives out information for new members and asked the Board to let her know if there was anything more that is needed.

The Planning Board job description has been updated except for having 5 vs 7 members. This is to be voted on at Town Meeting.

MINUTES OF JANUARY 27, 2021:

The minutes of January 27, 2021 were reviewed and amended. D. DeStefano made a motion, second by E. Seeler, to approve the minutes as amended. The motion carried by roll call vote 3-0-1.

COMMUNICATIONS:

A notice was received from the Gilford Planning Board for a public hearing regarding a wireless tower.

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REPORTS:

Historic District Commission - did not meet.

Select Board - held a public meeting on the solar purchase agreement.

Capital Improvements Program Committee – will meet after Town meeting.

Land Use – Ms. Goodwin reported on a couple of bills from the State: SB86 was voted to pass – 3rd party inspections would require a meeting between the Planning Board and the applicant to review and agree upon a scope of work; HB132 will not allow municipalities to limit minimum lot sizes to more than 1/2 -acre. The last bill was voted to be inexpedient to legislate, but a new bill is coming to replace it that will allow three (3) accessory dwelling units for every single home.

Cardigan Mountain Store was required to amend their site plan, but they submitted a penciled plan that wasn't acceptable. The Store hasn't followed through, so the office will be issuing a Violation Order.

The Workings of a Planning Board webinar is open. It is March 23rd from 12-2. If interested, see Ms. Goodwin.

The Annual Planning & Zoning Conference is May 15th, from 9-12, online hosted by Office of Strategic Initiatives (OSI). OSI is also hosting a Regional Housing Initiatives on March 18.

Ms. Goodwin inquired about the Planning Board's interpretation of tiny houses. Ms. DeStefano stated that tiny houses are normally 400 sq ft or less. Ms. Goodwin inquired if the Board feels that this is a Park Model RV. If the tiny house is categorized as a mobile home, then a Variance would be required but if it is more of a camper, then would be allowed with restrictions. Mr. Kelley feels that if they are not hooked up to a septic system or water, then they are more of a recreational vehicle (RV). Ms. DeStefano feels that if it is on wheels then it is a mobile. Mr. Milbrand stated that it should be licensed if it is an RV. If it can't be licensed, then it is mobile. The Board determined that a tiny home would be a manufactured home.

The Rite Aid signs have been updated to meet original sizes and permits have been issued.

Cell Tower: It was approved in 2019 and the Notice of Decision was amended in 2020. The stipulation of costs for removal will be updated every five (5) years. The board agreed that the original date is the most accurate date to go by, so 2019. The cell tower would like the site signed off. Ms. Goodwin will not sign off until she can get in to see the project in the spring.

The Crazy Cat Winery: What is allowed is the B&B, rental, Craft shop, and the winery. They are renovating the Craft shop into a deli and take-out. Ms. DeStefano felt that, at a minimum, they need to amend their Site Plan and is concerned that parking will be an issue. Ms. Goodwin added that they will need the Fire Chief for additional seating in the winery as well. It was determined that they need to come in for a Preliminary Conceptual Consultation (PCC).

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REPORTS (continued) – Land Use:

26B Central Square is in the Downtown district. They wish to add a deck on the back of the building. It appears that there may have been a deck out there at one time. They want a 10' x 48' deck, not all the way across, but across most of the back. Ms. DeStefano asked if the deck can be cantilevered and if it is ground level. Ms. Goodwin stated that she believes it will be cantilevered and that it will be ground level. The intent is for Shackett's Brewery and they want seating out there. It was determined that they will need something from Hydro, DES, a Variance, Site Plan, and HDC and it was recommended that the owner come to a PCC.

Applications have been received for the Planning Technician and interviews will be taking place soon. After town meeting, the Administrative assistant position will be advertised.

OTHER:

Pemigewasset River Local Advisory Committee (PRLAC) needs one representative. They meet quarterly. If anyone is interested, please contact Ms. Goodwin.

CIP - One Planning Board member is needed. Ms. DeStefano asked if Mr. Milbrand was a Select Board Representative for CIP and Mr. Milbrand reported that he is not. We are not sure if he can be counted as a Planning member. Ms. DeStefano asked if it could be split between members, but Mr. Milbrand felt that continuity would be better. Ms. Goodwin asked if they have bylaws and Mr. Milbrand did not think so. Ms. Goodwin will check the RSA's on the requirement.

NEXT MEETING: March 10, 2021 at 7:00pm.

With no other business before the Board, D. Milbrand motioned to adjourn at 9:02pm, 2nd by E. Seeler. The motion carried by roll call vote 4-0.

Respectfully submitted,
Jan Laferriere,
Land Use Administrative Assistant