

## PLANNING BOARD MINUTES

April 14, 2021

**APPROVED: 4/28/21**

**AGENDA:** 21SUB02 - SUBDIVISION: ADKINS TRUST, 77 Hemphill Rd, #214-022  
21SUP02 - SPECIAL USE PERMIT: MAYHEW PROGRAM, 6 Olde Lane Rd, #104-134  
**(CONTINUED TO APRIL 28, 2021)**

**ATENDING:** Denice DeStefano (Chair - Zoom with Alan DeStefano}, Randall Kelley (Vice Chair), Don Milbrand (Sel. Rep.), Jackie Elliott (Zoom), Bruce Beaurivage (Alternate – Phone)

**ABSENT:** Betty Seeler

**OTHER:** Christina Goodwin (Land Use Manager), applicant Phil Plummer (Zoom), public (1 on Zoom)

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. Bruce Beaurivage was asked to sit in for an absent member and the meeting opened with a quorum by roll call vote 5-0.

The Town Clerk swore in D. DeStefano, R. Kelly, D. Milbrand, J. Elliott, and B. Beaurivage.

### **SUBDIVISION: PHIL PLUMMER FOR ADKINS TRUST, 77 Hemphill Rd, #214-022**

Ms. DeStefano stepped down as she is an abutter. Mr. Kelley took over the meeting. Mr. Milbrand mentioned that he also lives on Hemphill Road, but is not an abutter. Ms. Goodwin read the application, abutters notified, where the hearing was advertised, and stated that there were no telephone calls or written responses and no Department Head comments received.

Mr. Plummer explained that he is representing his grandmother, Phyllis Adkins, who owns the property. Mr. Kelley explained the process for a subdivision hearing. The Board then reviewed the checklist. When mentioned, Ms. Goodwin explained that the applicant has two (2) approved driveway permits. There were four (4) requests for waivers - #12 utilities on the plan, #18 proposed public improvements, #23 construction drawing for roads, #24 drainage plan and #25 other permits required. Ms. Goodwin explained that the applicant was asked to submit a note for anything that was not supplied. Mr. Milbrand pointed out that some of the items were not necessary for the proposal.

D. Milbrand made a MOTION, second by B. Beaurivage, to APPROVE THE REQUEST FOR WAIVERS. The motion CARRIED by roll call vote 4-0. D. Milbrand made a MOTION, second by R. Kelley, to ACCEPT THE APPLICATION AS COMPLETE. The motion CARRIED by roll call vote 4-0.

Mr. Plummer stated that they wish to take off a couple of acres for a buildable second lot. This is to be a residential lot. Ms. Elliott questioned the drainage waiver and asked why. Mr. Kelley

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### ADKINS SUBDIVISION CONTINUED:

answered that there is to be no improvement other than the driveway. Mr. Milbrand asked about the septic as it is not shown on the plan and there are stone walls there. Mr. Plummer said that they have talked with the State and the only stone walls that they cannot remove are along the boundary. Mr. Milbrand stated that the Board is reviewing the need to change the rule of 125 ft from a wetland for a septic, but felt that when the building is sought for, that it may need a Special Use Permit. Mr. Plummer felt that this would come later.

Mr. Kelley asked for abutter comments from the public, either for or against. Alan DeStefano, abutter, stated that he is concerned with the wetlands regarding the septic, and well for this lot. He also mentioned the driveways as the existing house has two (2) of them. Mr. Plummer stated that they have two (2) permits on file with the Town. Ms. DeStefano, abutter, stated that the existing driveway is more of a U-shape. Mr. Plummer stated that they used the old plan which was done before the drive was put in place and he can have that fixed. Ms. Goodwin explained that they do have two (2) approved permits and she has a third permit application, which is pending on the approval of the subdivision. Mr. DeStefano questioned the wetlands and the lot's buildability. Mr. Milbrand mentioned the amount of area and the 50' setback from a wetland. Mr. Plummer stated that this is on the plan per the State, which is more stringent. They had to make the lot bigger due to the wetland in back and for poorly drained soils.

Ms. DeStefano questioned the Zone, why it says Lake not Rural. Ms. Goodwin pulled up the property card which designated it as Rural, but the Zoning map shows it as Lake. Mr. Milbrand felt the map was wrong.

Ms. DeStefano mentioned that you cannot count wetlands as part of the buildable area. Mr. Plummer again stated that the State requires more than the Town and that the company hired to survey and set up the boundaries took all requirements into consideration. Ms. Elliott asked if the driveway will go over any wetlands and was told that it does not; wetlands are 75 to 80 feet away.

At this point, Mr. Kelley closed the public portion of the hearing and the Board began deliberations.

Ms. Elliott stated that it is difficult to tell anything on the map; she would prefer to visit the site. Ms. DeStefano and Mr. Kelley stated that they have.

D. Milbrand made a MOTION, second by J. Elliott, to CONDITIONALLY APPROVE THE SUBDIVISION APPLICATION FOR THE ADKINS TRUST. CONDITIONS: AN ACTUAL PORTRAYAL OF THE DRIVEWAYS AND UPDATED INFORMATION OF THE ZONE AND LOT REQUIREMENTS. The motion CARRIED by roll call vote 4-0.

Ms. Goodwin asked about a compliance hearing. Mr. Plummer asked if the maps need to be fixed before Meridian can fix. Ms. Goodwin stated that it shouldn't be a problem to send a paper copy of the map to Mr. Plummer. She added that there is also a 30-day right to appeal period.

Ms. DeStefano took over the meeting again. She mentioned that the hearing information is submitted to the Board members a week in advance of the meeting. At that time, members

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should do their own site visits unless something new comes up at the hearing. In that case, a quorum of members visiting the site at the same time would require it to be a public meeting with posting notification. Ms. Goodwin noted that permission to visit is listed on the application. If there is no permission, then the members can do a drive or walk-by. Mr. Beaurivage added that the members should not engage in any conversation with the applicant in that case.

### **SPECIAL USE PERMIT: THE MAYHEW PROGRAM, 6 Olde Lane Road, #104-134**

Ms. DeStefano stated that this case has been continued to April 28, 7:00pm in order to allow the 30-day time required for the Conservation Commission and Health Officer to review the case.

### **SITE PLAN AMENDMENTS: 831 LIMITED PARTNERSHIP (THE HOMESTEAD), 1516 Summer St, #221-008**

Ms. Goodwin stated that we were told there is to be no seating at the bar at the PCC. However, the owner is looking for eight (8) seats there. Ms. DeStefano asked if this is an additional eight (8) seats and Ms. Goodwin answered that they plan to exchange these with seats from inside.

Ms. DeStefano then read 8.3E of the Regulations as well as 8.3A & B which deals with amending a Site Plan and what is required. Ms. DeStefano felt that #3 shows that it needs an amendment. Mr. Kelly felt that the building is a better solution, but similar to a shed. Ms. Goodwin stated that they cannot increase the seating and Ms. DeStefano questioned how this could be enforced. Ms. Goodwin did mention that they have extensive parking up in back. Ms. DeStefano stated that she would have liked to have had the applicant come in to explain the shed. Ms. Goodwin advised the Board that she did not ask the owner to attend, however, he has submitted a permit application for the structure, which she shared with the Board. It appears to look like a "Tiki Hut".

At this time, Mr. Beaurivage had to leave. There was a little more discussion on the bar. R. Kelley made a MOTION, second by J. Elliott, to APPROVE THE AMENDMENT OF THE SITE PLAN WITH THE ADDITION OF THE BAR. The motion CARRIED by roll call vote 4-0. The plan was signed.

### **WETLAND PERMITTING: Floyd and Ann Frost, Holiday Hills Rive, #110-048**

Ms. Goodwin informed the Board of a Standard Dredge and Fill Wetlands Permit that came in to the Town and was reviewed by the Conservation Commission. The Commission's concerns are that water appears to have been added to this lot by the two adjoining lots. It is an empty lot on which the new owner wishes to build and they have applied to the Department of Environmental Services (NHDES) and no wetlands are delineated except for a stream. The house is to be built along the rear boundary. They show a small additional wetland on the plan which is not 50 feet from the building. No septic is shown on the plan. The Board looked at 9.4A & B and determined that the owners will need to apply for a Special Use Permit.

### **UPDATED ZONING AMENDMENTS TRACKING LOG:**

Ms. DeStefano and Ms. Goodwin went over the list and took off any that were not done by the Board. There are some that may need to be moved up in priority if legislature goes through.

### **MINUTES OF MARCH 10, 2021:**

R. Kelley made a motion, second by D. Milbrand, to approve the minutes of March 10, 2021 as written. The motion carried by roll call vote 3-0-1.

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### **MINUTES OF MARCH 24, 2021:**

R. Kelley made a motion, second by D. Milbrand, to approve the minutes of March 24, 2021 as written. The motion carried by roll call vote 3-0-1.

**COMMUNICATIONS:** None.

### **REPORTS:**

Historic District Commission: Didn't meet.

Select Board: They determined the solar location at the Water Sewer Department. Took a final vote on the land purchase and easement of the property. The property will come to the Planning Board for a Lot Line Adjustment and to merge all the lots into one. The Board is also looking at the salt / sand shed and recycling.

Capital Improvements Program Committee: Meet next week.

Land Use Department:

Ms. Goodwin mentioned that there are 17 acres on Upper Birch Road, which someone wants to buy 5 acres. It is not subdivided and is 80% wetlands. The Land Use Department is reaching back out to the proposed buyer to advise.

The Crazy Cat wants to amend their Site Plan. If they get it in on time, it will come to our May meeting.

The Goodrum property, John Shackett wants temporary outside seating again. He has asked to look at other barriers done in other towns and cities.

They office has been working with Ms. Dalphonse on the calculations for her proposed 12 units and have now advised her to hire someone.

William Crawford, Carlson property, has been told that it can only be a single family home with no additional apartment in the barn or house. Rumor has it that a proposed buyer has now backed out of the sale. Ms. Goodwin also learned that the easement is in perpetuity.

Ms. Goodwin is to ask Mr. Hertrich to come back now that she has received the options from the Town's Attorney. Ms. Goodwin asked the Board if they want him to come in to the April 28 meeting? The Board agreed. Ms. DeStefano stated that we should have the options in writing to give to Mr. Hertrich from the Attorney. Ms. Goodwin will see to this. Mr. Milbrand brought up that the Zoning Ordinance is for commercial signs and Ms. Goodwin stated that Mr. Hertrich's property is a commercial property. She also suggested that the Board look at defining Museum in the Ordinance.

She then stated that Mr. Barnard has updated his subdivision for Mr. Murphy for signing. As both Ms. DeStefano and Ms. Elliott had been lost in Zoom, there was no quorum to sign.

Ms. Goodwin showed the remaining Board the updated Lot Size and Setback Guidelines which she now has on the website. They are now working on the Sign Chart.

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Ms. Elliott and Ms. DeStefano returned to the meeting for the final discussion.

### **NEXT MEETING:**

The next meeting will be held April 28, 2021 at 7:00 pm. There is a Special Use Permit for Mayhew, a PCC for Goudreau, the new owner of Andy O'Hara's lot on Lake Street who is interested in adding a Nursery, the invite for Mr. Hertrich, and the signing of the Murphy plan.

With no other items to come before the Board, R. Kelley made a motion, second by D. Milbrand, to adjourn at 9:14 p.m. The motion carried by roll call vote 4-0.

Respectfully submitted,  
Jan Laferriere,  
Land Use Associate