

## PLANNING BOARD MINUTES

September 22, 2021

**APPROVED: 10/13/21**

AGENDA: 21SUP02 SPECIAL USE PERMIT: DAVID & CHERYL HERBERT, 69 Hemphill Rd., #214-022-001  
21SUP03 SPECIAL USE PERMIT: DAVID WILKINS, 97 West Shore Rd., #108-010  
21SUP04 SPECIAL USE PERMIT: MIKE SITEMAN, 95 West Shore Rd., #110-075  
21SUP05 SPECIAL USE PERMIT: MATTHEW O'NEILL, Lake St., #106-002  
WORKSHOP ITEMS

ATENDING: Denice DeStefano (Chair – Zoom), Randall Kelley (Vice Chair), Don Milbrand (Select Board Rep.), Betty Seeler

ABSENT: Jackie Elliott, Bruce Beaurivage (Alternate)

OTHER: Christina Goodwin (Land Use Manager), Lindsay Thompson (Land Use Administrative Assistant), applicants/public (1 Zoom, 2 Phone)

Mrs. DeStefano opened the meeting with a quorum in the room at 7:00pm.

### **SPECIAL USE PERMIT, DAVID & CHERYL HERBERT, 69 Hemphill Rd, #214-022-001**

Ms. Thompson read the application to build a residential property that is within the town wellhead protection area. She read the abutters notification list, where the hearing was advertised and reported that there were no phone calls nor written correspondence received from the public. The Water/Sewer Department is concerned as this is in the Town's wellhead protection area and asked that best management practices be applied. Mr. Kelley noted that the Conservation Commission informally had no issues. Mrs. DeStefano directed the Board to review the Zoning Ordinance, Article 9.2, regarding Special Use.

Mr. Herbert stated that he has not applied yet for his permit and he has shrunk down the size of the building. The footprint will not go larger. Mr. Milbrand noted that the Town requires 125 feet from a wetland, where the State is only 50 feet (this plan is for a septic system 60.7 feet). Both Ms. Goodwin and Ms. Thompson explained that the State is 50 feet minimum but there are different stages depending on the soils.

At this time, the public was asked to speak. Victor Field, abutter, questioned the fill and if NH Department of Environmental Services (NHDES) has been notified. Mr. Herbert stated that he is also concerned with the watershed and the effect of leach field close to wetlands. Mrs. Herbert added that the fill is over 50 feet from the wetlands and that NHDES does not need to approve it though Mr. Herbert called them to verify. Mr. Herbert added that not much fill will be needed for the septic. Mr. Field is concerned with the quality of the lake water. Both Mr. Kelley and Mr. Milbrand assured him that the Enviro-system that is planned is the best to ensure better quality of the watershed. With no further questions from the public, Mrs. DeStefano closed the hearing to the public at 7:15pm.

Mrs. DeStefano reminded the Board of the Special Use Permit regulations and of the Water/Sewer Department comments.

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### **HERBERT SPECIAL USE PERMIT continued:**

D. Milbrand made a MOTION, second by E. Seeler, to APPROVE THE SPECIAL USE PERMIT FOR DAVID & CHERYL HERBERT WITH THE CONDITION THAT BEST MANAGEMENT PRACTICES ARE FOLLOWED. The motion CARRIED 4-0-0 and the Notice of Decision was signed.

### **SPECIAL USE PERMITS FOR DAVID WILKINS & MIKE SITEMAN, West Shore Rd, #108-110/ #110-075**

As both permit applications dealt with the same project, it was determined that they should be addressed together. Ms. Thompson read the application for a shared septic system, the abutters notified, where the hearing was advertised and stated that there were no phone calls nor written correspondence received from the public. The Water/Sewer Department addressed the need of either relocating the water lines or sleeving them to comply.

Mr. Wilkins explained that the system is consisting of a clean solutions tank and an Enviro-system leach field. He has been using emergency measures as his system was failing. Due to the difficulty of the lots, they wish to replace an existing shared system with Mr. Siteman and have the shared system clearly defined in case of future sales of either property. It will be a 1,000-gallon tank with an easement for the Siteman property. They have applied to NHDES but have not received the approval yet. The Engineer has e-mailed regarding the water line, stating that they are not sure of the water line location yet but will comply with any rules required. They will be doing shared cost.

Abutters and public input were called for and there were none. The hearing was closed to the public at 7:34pm.

D. Milbrand made a MOTION, second by R. Kelley, to APPROVE THE SPECIAL USE PERMITS FOR DAVID WILKINS AND MIKE SITEMAN WITH THE CONDITIONS OF NHDES APPROVAL AND AN ACCOUNT OF RELOCATING THE WATER LINES AND ANY EASEMENTS BETWEEN THE PARTIES BE SUBMITTED TO THE TOWN FOR THE RECORD. The motion CARRIED 4-0-0 and the Notices of Decision were signed.

### **SPECIAL USE PERMIT, MATTHEW O'NEILL, Lake St, #106-002**

Ms. Thompson read the application for a larger shed within 50 feet of Newfound Lake, the abutters notified, where the hearing was advertised and stated that there was one (1) letter from Paul and Mary O'Neill who are in favor of the proposal. There were no Department Head comments and the proposal has received State approval. They will be going to the Zoning Board for a Variance for non-conforming setbacks. Mrs. DeStefano added that they have received approval for an increase in height via Special Exception. The proposed building is 26 feet from the Lake, 2 feet to the State boundary and 10 feet from the side setback.

Mr. O'Neill stated that he needs the larger shed to store water equipment instead of walking it across a dangerous area of Lake Street (their house is on the opposite side of the street from the shed). The present shed is old and needs replacing.

Mrs. DeStefano called for abutter or public comment and there were none. The hearing was closed to the public at 7:46pm.

R. Kelley made a MOTION, second by D. Milbrand, to APPROVE THE SPECIAL USE PERMIT FOR MATTHEW

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### **SPECIAL USE PERMIT, MATTHEW O'NEILL continued:**

O'NEILL. D. Milbrand made a MOTION, second by R. Kelley, to AMEND THE MOTION TO INCLUDE THE CONDITION PENDING APPROVAL OF THE VARIANCE WITH THE ZONING BOARD. The amendment CARRIED 4-0-0 and then the amended motion CARRIED 4-0-0 and the Notice of Decision was signed.

**MINUTES OF SEPTEMBER 8, 2021:** Not available.

### **WORKSHOP ITEMS:**

*Proposed Expansion of the Corridor Commercial District:* Ms. Goodwin asked the Board for clarification of the final boundaries in the proposed expansion. She showed four (4) possible boundaries that had been discussed previously. The boundary chosen was without the riverside and to end at River Road. Ms. Goodwin then mentioned that, if they end at River Road, will they want to change the Corridor Commercial district that goes all the way to the New Hampton bridge and the Board decided that this area should be eliminated. Ms. Goodwin will bring the wording to the October 13 meeting. She will also clarify who must be notified. If the notice can go out in time, this is to be brought to public hearing on October 27.

*Mixed Use:* Mr. Milbrand has not been able to make any additional changes. He will try to get the questions to Ms. Goodwin for the Town's Attorney.

*Tenting:* The Town's Attorney had added "other than in a recreational camping facility" to Section 4.10.8. D. Milbrand made a MOTION, second by R. Kelley, to BRING THIS TO THE PUBLIC HEARING AS AMENDED ON OCTOBER 27, 2021. The motion CARRIED 4-0-0.

*Sexually Oriented Business:* The Town's Attorney had clarified the language for sections 12.3.4, 12.3.8, 12.4, and 12.4.2. A discussion was held about the types of signs allowed and what the Board can or cannot mandate. It was determined that they could encourage the types they want, much as is done with the Architectural Designs, however, they would like to have the Attorney provide better wording. Ms. Goodwin will reach out and bring to the next meeting.

*Short-Term Rentals:* Mrs. DeStefano asked if the Board wants a stand-alone definition and asked the Board to consider three (3) examples (Laconia, Jackson, & Durham). The Board will review further at the October 13 meeting.

**COMMUNICATIONS:** None.

### **REPORTS:**

*Historic District Commission (HDC)* – May cancel their October meeting as no cases have come in.

*Select Board* – They start reviewing the budget on September 23 and the Sewer project meetings are underway.

*Capital Improvements Program Committee (CIP)* - Kelley Park and Highway met with CIP.

*Land Use* - There have been two (2) inquiries for small boat tours on Newfound Lake. The Board discussed the proposals and felt that they would need a property with beach access and parking. They would also need Site Plan if on private property.

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### *Land Use continued:*

Ms. Goodwin gave Legislative updates:

- HB379 – Electronic notices to be discussed at a meeting on 9/28.
- HB284 – Involuntary mergers: has eliminated the time frame for applying for a correction. The office has developed forms for anyone applying for this as Bristol did do some in the past. Mrs. DeStefano said that she believes it was done for tax purposes; people with multiple abutting lots were merged so only one bill was needed. For anyone applying for this, they must have proof that it was done involuntarily. Ms. Goodwin is to check with the Town's Attorney as to whether it must go back to what was originally done (i.e. - in case someone only wants two (2) lots separated though it involves three (3) or more).
- HB132 – Allows houses to be built on ½ acre lots.

D. Milbrand made a MOTION, second by R. Kelley, to SEND A LETTER IN OPPOSITION TO HB132 CITING ONE SIZE DOES NOT FIT ALL AND THE STATE SHOULD NOT REGULATE AS THERE ARE FINANCIAL IMPACTS TO SCHOOLS, AND IT IS AN UNDUE BURDEN TO SMALL TOWNS.

Ms. Goodwin reports that HUB66 wants to put 6-foot repeater antennas on schools, town buildings, and/or the water tower. The Board has no issues with that. Mr. Kelley mentioned not seeing negative issues to come in the next 15 years. He added that we didn't realize how much radiation is emitted.

Ms. Goodwin attended a meeting on a proposal for electronic vehicle charging stations. Locations being considered were the Town Office, and the library. It was felt that this is up to the Select Board. It would have to be budgeted somewhere with an offset income if there is a charge. If on private property, then it would need to come before the Planning Board.

NEXT MEETING: The next Planning Board meeting will be held October 13, 2021, at 7:00pm.

With no other business to come before the Board, E. Seeler made a MOTION, second by D. Milbrand, TO ADJOURN THE MEETING AT 9:10pm. The motion CARRIED 4-0-0.

Respectfully submitted,  
Jan Laferriere  
Land Use Associate