

Planning Board Meeting Minutes

February 7, 2017

6:30 PM

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Chairman Burns called the meeting to order at 6:30 PM.

**Members Present** : Frank Lombardi, John Tholl Jr., Scott Burns – Chairman, Everett Kennedy, Peter Corey – Selectman Rep., and Joyce McGee – Secretary.

**Members Absent:** Alan Theodhor – Alternate and Michael Carifio – Alternate.

**Public Present:** Corey & Amanda Hunt, William & Stockton Hicks and Richard Harris Sr., and Jr.

Chairman Burns read the following:

**Application and Notice of Voluntary Merger Pursuant to RSA 674:39-a:** Sheldon E. Towne, 66 Knob Hill Road, Tax Map 211 Lots 006 & 008.

The Board reviewed the request for the Voluntary Merger for Lots 6 & 8 located on Tax Map 211. Peter Corey asked if any buildings existed on either lot. Based on the Tax Card both lots have structures on them. Secretary McGee advised that Mr. Towne would be taking down the structure on Lot 8. Peter Corey felt the Board should hold off on signing the merger until home on Lot 8 is gone as to not create two homes on one lot, which is not allowed. Chairman Burns agreed with Mr. Corey. Chairman Burns stated that Mr. Towne should be advised that Planning Board would not agree to the merger until said building on Lot 8 is removed. Secretary McGee will advise Mr. Towne.

**Minutes:** A motion was made by Peter Corey to accept the minutes of January 10 & 31, 2017 as written, seconded by Everett Kennedy. No discussion. All in favor, motion carries.

**Other Business:**

**Development Permits:**

**Hicks, William & Linda (Owners) Hicks, Stockton (Applicant) - Land Only off Shirlaw Drive, Tax Map 226 Lot 025:** To place a 22' x 48' w/ 14' at the peak, High Tunnel Greenhouse on said lot.

Secretary McGee advised the Board that the applicant had filed a request for water hook up and it was denied by the Water Department as low psi pressure in that area. Stockton Hicks gave a hand out showing that the drip tape he proposes to use would be 10 psi with a maximum of 14 psi. Mr. Hicks stated that if he couldn't get water he still would do his greenhouse. Peter Corey has no issue with the greenhouse building, he stated that the Town is looking at an upgrade to the Water/Sewer system if project is done it should fix that area. William Hicks wondered why

other new homes in that area have been allowed to hook onto the water. The Board will pass the handout onto the Water Department. The Board felt the proposed greenhouse met height and setback requirements. **A motion was made by John Tholl Jr. to approve the proposed High Tunnel Greenhouse structure as presented without town water as it had been denied by the Water Department, seconded by Frank Lombardi. No further discussion. All in favor, motion carries. APPROVED**

**Hunt, Corey & Amanda - 70, 72, 74 Hall Road, Tax Map 218 Lot 041:** To rehab trailer on 74 Hall Road, remove trailers on 70 & 72 Hall Road and replace with double wide home.

Mr. Hunt stated that all three trailers are vacant. He is looking to take two out and replace with double wide or modular, trailer on 74 Hall would stay as a rental unit. Secretary McGee advised that the three trailers were grandfathered in. Frank Lombardi read a section from the "2015 Municipal Law Lecture Series – 'Grandfathering': The Law of Non-Conforming Uses & Vested Rights" – Page 12 & 13: Summary of Tests for Legality of Change or Expansions of Nonconforming Uses: 3-part test: (a) Is the change required for the purpose of making the already existing use more available or workable to the owner; or does it constitute a new and different use? (b) Does the proposed change arise "naturally" out of the "grandfathered" use? (c) Will the change or expansion render the premises proportionally less adequate for the use, in terms of the requirements of the ordinance? (d) Will the change or expansion have a substantially different effect or impact on abutting property or the neighborhood? The Board felt that the use was not changing, it's not less adequate, did not affect the neighborhood or have a substantial impact. Mr. Lombardi also felt it reduced the density. Board advised that the two trailers proposed to be removed need to be gone before the new one is approved. The Hunt's are planning on living on Hall Road in the future as it's more scenic and only the proposed new home would be on lot, as the rental trailer on 74 Hall Road would be taken down. The Hunt's wanted to be assured that a new home would be allowed before doing any removal. Board asked about the septic, Mr. Hunt said there are two separate approved systems. Peter Corey stated that sequencing the projects needed to be done. The topic of inspection was brought up if a double wide was brought in. Richard Harris Sr. stated that a list of items needed to be met through State on the double wide but if the Hunt's decide on a modular no requirements from State are needed. Frank Lombardi advised them of the 25' setbacks and Amanda Hunt stated that the home would be in the middle of the lot and the setbacks would not be a problem. The grandfather status of 3 trailers will no longer exist.

**A motion was made by Frank Lombardi to approve the rehab of 74 Hall Road, the demolition of two trailers located at 70 & 72 Hall Road with preliminary approval of placing a single family home on said lot, seconded by Peter Corey. Condition: The Hunt's need to come back for final approval on single family home once trailers are removed and they know what type of home they want. All in favor of the motion with condition, motion carries. APPROVED**

**Burns, Scott & Catherine – 353 Littleton Road, Tax Map 241 Lot 025:** To add screen room on to 14' x 16' deck with screen room being 11' 6" x 11' 6".

Chairman Burns recused himself as this pertained to his house. Everett Kennedy was appointed acting chairman at this time and read the request. No concerns.

**A motion was made by John Tholl Jr. to approve the application to add a screen room on to existing 14' x 16' deck, seconded by Frank Lombardi. All in favor, motion carries. APPROVED**

**Ball, Bradley – 188 Jefferson Road, Tax Map 226 Lot 089:** To enclose 9'x13' existing deck with windows, roof and door. No concerns

**A motion was made by John Tholl Jr. to approve the application to enclose 9'x13' existing deck, seconded by Peter Corey. All in favor, motion carries. APPROVED**

**Correspondence:**

- Letter from Division of Historical Resources re: Whitefield WWTF Improvements – Project Review.
- Notice of Decision from ZBA re: Tower, Tax Map 242 Lot 005 – 24 Memory Lane: Denied variance on Setback request to build closer than the allowed 25'.
- Notice of Hearing: John Dodge Family, LLC v Town of Whitefield and Harris Family Trust (Richard and Nancy Harris Sr., Trustees) Hearing on the Merits – March 8, 2017 at 2:00 PM.
- Letter from NHDOT re: Letter of Clarification & Return of Application on Richard Harris Sr. entrances on Rte 3 North and Hall Road.
- E-mail from Ron Risman re: 31-39 Memory Lane looking at purchasing property had questions on mixed use, photography workshops as well as short term vacation rentals of the cottages. Also, replacing cottages down the road and height requirement.

The Planning Board would require a Change of Use to hear what the whole plan would be as more traffic would be coming and going. Also, need to find out what the current use is now, are they renting out the cabins or have they been vacant? On the replacement of cottages that would fall under the NHDES Shoreline Protection Act and the height requirement is 25' for the Town.

- Comprehensive Development Guide: Secretary McGee handed out the final changes from the hearing on January 31, 2017. Peter Corey was still concerned on one item:

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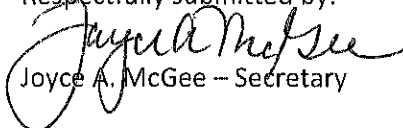
Repair/Replace, the other Board members were okay with how it was spelled out. No further discussion. There are 6 amendments that will be voted on (see attached). The Board felt that people weren't going to understand the amendments as written Frank Lombardi thought a tri-fold informational hand-out would be useful. He volunteered to put something together for the next meeting. The Board also wondered if they could put recommended by on each amendment as well as the Selectmen. Peter Corey thought maybe Chairman Burns should talk to a reporter regarding the changes. Richard Harris Sr. thought some kind of information was needed as people won't know what they are voting on and if it doesn't pass everything would need a permit.

- Secretary McGee handed out a list of Development Permits from 2013-2014 for the Board to review as after 3 years they expire. Also Subdivision list to review for completeness.

Peter Corey will not be at the February 14, 2017 meeting.

**A motion was made by Everett Kennedy to adjourn the meeting at 7:58 PM, seconded by John Tholl Jr. All in favor, motion carries.**

Respectfully submitted by:

  
Joyce A. McGee – Secretary

  
Scott C. Burns - Chairman