

Planning Board Meeting Minutes

January 12, 2016

6:30 PM

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Chairman Scott Burns called the meeting to order at 6:34 PM on January 12, 2016 in Whitefield NH.

Chairman Burns took roll call:

Members Present:

Everett Kennedy, Mark Lufkin – Selectman, Frank Lombardi, Scott Burns – Chairman, Alan Theodhor – Alternate, Michael Carifio – Alternate and Joyce McGee – Secretary.

Absent:

John Tholl Jr.

Public Present:

Town Counsel - Attorney Christine Fillmore, Attorney John Riff IV, Ralph McLean, Ursula Cleary, Robert & Sally Maroon, Kathleen Kopp, Gretchen Harvey, Doug Hillman, Richard Harris Sr., Richard Harris Jr., and Mark Vander-Heyden of Vander-Heyden Land Surveying.

Chairman Burns appointed alternate Alan Theodhor as a voting member in the absence of John Tholl Jr.

Minutes: A motion was made by Everett Kennedy to accept the minutes of January 5, 2016 as written, seconded by Alan Theodhor. No discussion. All in favor, motion carries.

The CIP minutes of December were tabled until the next meeting. Members needed more time to review them.

Public Hearing(s):

Chairman Burns advised the Board that the minor subdivision for Robert Stiles Revocable Trust was cancelled.

Consultation – Continuation from December 1, 2015: Richard Harris – to expand mobile home park off Hall Road and existing park.

Chairman Burns asked if Mr. Harris had a plan for the Board. Mr. Harris stated that he wanted to start with the Driveway Permit that he submitted for Lot 50. Chairman Burns stated that the Board needed to know if a Lot Line Adjustment or merge was happening. Mr. Harris said that the plan hinged on the approval of the Driveway Permit and that he already had received permits for two driveways that have been put in. The Board advised Mr. Harris that he is only allowed two driveways per the CDG

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(Comprehensive Development Guide) and that the guide over rules the Driveway Permit and Rules of Procedure as they were adopted by the Planning Board.

Frank Lombardi asked if the 7-Lot Subdivision was still considered a subdivision or not. Can it be revoked? Wondering about the 50' roadway and where that falls into the driveway permitting process.

Mr. Harris stated that the existing driveway on Lot 50 is grandfathered because it's been there since 1960, it pre-dates the Planning Board's regulations.

Attorney John Riff IV approached the chairman as he is representing abutter David Dodge of the John Dodge Family LLC. Attorney Riff stated that there are no provisions in the CDG to have mobile home parks or expanding them. Attorney Fillmore stated that mobile homes are allowed in the CDG under residential, but mobile home parks are not addressed as in RSA 674:32 (see attached RSA). Density will be part of determining how many mobile homes are allowed.

Chairman Burns will talk to Public Works Director Shawn White regarding the existing driveway on lot 50. It was wondered why this was being brought up if it's an existing driveway. Mr. Harris stated that there was a 33' foot air stream trailer on the lot and that it has been taxed. Mrs. Sally Maroon spoke saying that no one had lived there and brush and trees had grown up around the trailer and the road.

Attorney Fillmore said that we need to see the conceptual plan to get an understanding of what you want to do. She advised the Planning Board not to vote on the Driveway Permit submitted at this time.

A motion was made by Everett Kennedy to table the Driveway Permit for lot 50, seconded by Frank Lombardi. All in favor, motion carries.

Chairman Burns also stated that we need to see the plans so we can see what you are proposing. Mr. Harris stated he would be doing a lot line adjustment. The Board also asked to see the updated master plan. Mark Vander-Heyden spoke on behalf of Mr. Harris and showed two different plans; the first plan was for Map 281 Lot 50 showing the existing lot of .70 acres, adjusting line to add an additional 4.8 acres for a total of 5.5 acres; the second plan was for Map 218 Lot 51.1 showing the existing lot of 2.15 acres, abandoning existing line which abuts Map 218 Lot 53 adding the 2.15 acres to the existing 5.2 acres for a total of 7.35 acres. (See plan submitted 1/12/16 on file). The Board still needed to see the overall plan.

The existing subdivision was brought up. Members wondered if the subdivision could be revoked. Attorney Fillmore stated that it depends, if the subdivision achieved substantial completion, then no. Mr. Harris stated that the subdivision had vested rights with the road work being $\frac{3}{4}$ done. The five year

TITLE LXIV PLANNING AND ZONING

CHAPTER 674 LOCAL LAND USE PLANNING AND REGULATORY POWERS

Manufactured Housing

Section 674:32

674:32 Manufactured Housing. –

I. Municipalities shall afford reasonable opportunities for the siting of manufactured housing, and a municipality shall not exclude manufactured housing completely from the municipality by regulation, zoning ordinance or by any other police power. A municipality which adopts land use control measures shall allow, in its sole discretion, manufactured housing to be located on individual lots in most, but not necessarily all, land areas in districts zoned to permit residential uses within the municipality, or in manufactured housing parks and subdivisions created for the placement of manufactured housing on individually owned lots in most, but not necessarily all, land areas in districts zoned to permit residential uses within the municipality, or in all 3 types of locations. Manufactured housing located on individual lots shall comply with lot size, frontage requirements, space limitations and other reasonable controls that conventional single family housing in the same district must meet. No special exception or special permit shall be required for manufactured housing located on individual lots or manufactured housing subdivisions unless such special exception or permit is required by the municipality for single family housing located on individual lots or in subdivisions. Municipalities permitting manufactured housing parks shall afford realistic opportunities for the development and expansion of manufactured housing parks. In order to provide such realistic opportunities, lot size and overall density requirements for manufactured housing parks shall be reasonable.

II. Notwithstanding paragraph I or any law or rule to the contrary, no zoning ordinance or bylaw shall prohibit an owner and occupier of a residence which has been damaged by fire or other disaster from placing a manufactured home on the lot of such residence and residing in such structure while the residence is being rebuilt. The period of such occupancy shall expire in 12 months from the placement of such structure or upon the issuance of a certificate of occupancy, whichever occurs first. Any such manufactured home shall be subject to state and local requirements relating to water supply and sewerage disposal. A manufactured home that is placed on a lot under this paragraph shall not attain the status of a vested nonconforming use.

Source. 1983, 447:1. 1986, 91:2. 1987, 378:1. 1993, 158:1, eff. July 23, 1993.

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exemption clause came up regarding the development of the road. Is there going to be access via the road from the subdivision or access from Lot 53? What is the purpose? Mr. Harris stated that his plan will incorporate the lot line adjustments. Attorney Riff asked, what is the plan? Mr. Harris, you don't have to have a plan.

Attorney Fillmore referred to the CDG, Page 8 – Preliminary Master Plan: (c) 1. A plan is required when property is intended to be developed over time in two or more separate plan submittals or over 10 acres in common ownership.

Everett Kennedy stated to Mr. Harris that he had said that no more was going to be developed relative to the plan submitted at the last meeting (12/8/2015). Is this correct? Mr. Harris stated, yes, but I might want to sell some land in the back. Mr. Kennedy asked about the driveways along Hall Road. Mr. Harris stated that one was a logging road not a driveway.

It was asked, if there, were any other lot line adjustments. What is your plan? Mr. Harris stated that only the two lot lines are proposed. Attorney Fillmore said the initial plan would require a lot line but doesn't negate the overall plan. Is there any other plan's beside the 10 units? We need to see what is incorporated into the plan. What is the next phase? Mr. Harris said it's not relevant. The main thing is we need a master plan with the lot lines and any future development. (See Master Plan submitted).

Mr. Harris was concerned with not being able to change his master plan. Attorney Fillmore stated that there are certain provisions to allow changes to a master plan in the CDG, if small changes occur then less of a process but larger changes could require more plans and additional approvals.

Mark Vander-Heyden said the master plan submitted still shows the 10 units but a different configuration because of the lay of the land. Mr. Harris stated that the 5 units off of Hall Road will have a private well that they will share as it produces more water than he thought. There will be two septic tanks, 2 units will share one tank and the other 3 units will share the other. Frank Lombardi asked about testing of the well and the radius of the well. Mr. Vander-Heyden stated that it shows on the plan, he noted that the piping can be in the radius. Alan Theodhor asked that we move on. Mr. Harris stated that the other 5 units are off the table as of now because not sure about getting town water.

Phase I of the master plan is the 5 lots off of Hall Road, the other 4 or 5 lots are based on town water if feasible or not. Selectman Mark Lufkin stated wrong information was given at a previous Selectmen's meeting regarding hooking on to the town system. It was noted that Mr. Harris may still want to move forward with his planning. This would be another phase.

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Mr. Vander-Heyden stated that the soil type is general soils off of Hall Road. It was noted that the 50' roadway within the subdivision was not being used at this time. The master plan presented showed existing septic tank locations within the present park. The driveways approved did not change because of the plan.

Frank Lombardi asked if the well that is serving the 5 units off of Hall Road would it need some kind of approval from the State. Mr. Lombardi also was wondering how the existing subdivision would come into play with the current plan. No answers at this time.

It was asked when the Selectmen might know answers on the water situation, how far down in the future. Selectman Lufkin said we could know as of tomorrow. Mr. Harris stated that he could only do so much at a time.

Phase I should show the 4 units off the existing park – master plan. A preliminary master plan would come first, should be a three year time frame. Mr. Harris indicated that water permits are only good for a certain amount of time. The existing septic tanks are state permitted and inspected.

If phases aren't done then it's more complicated. The CDG includes the phases and can't anticipate what may happen. Time limits can apply to what is on the master plan in phases.

Charlene Abbott has a 50' R.O.W. off of existing road from subdivision. Chairman Burns asked what is planned for the existing lots within the subdivision. Mr. Harris stated that the existing road has culverts and gravel, vested interest. Attorney Fillmore said that this needs to be looked into.

Mr. Harris was given applications for lot line adjustments, merge and development use. All abutters are needed so that at the February 10th meeting it will be a public hearing.

At this time the board moved on to other agenda items.

Old Business:

Building Permit(s):

- **Michael & Dayna Kraics, Tax Map 241 Lot 5.2 – 101 Kimball Hill Road:** To construct a new 2,000 sq. ft. home with 3 bedrooms and 2.5 baths at said location. This was approved by Scott on 12/16/15.

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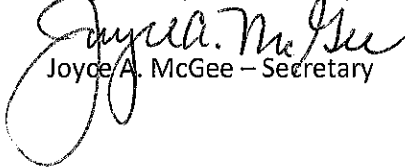
Other Correspondence:


- Letter from NH Division of Historical Resources re: Morrison Assisted Living, Off 116 (see file).

A motion was made by Everett Kennedy to adjourn at 8:04 PM, seconded by Mark Lufkin. All in favor, motion carries.

Adjourned 8:04 PM

Respectfully submitted by:


Joyce A. McGee – Secretary


Scott Burns - Chairman