

Planning Board Meeting Minutes

Public Hearing

January 23, 2017

6:30 PM

Page 1 of 3

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

**Members Present:** Alan Theodhor – Alternate, Frank Lombardi, Everett Kennedy, Scott Burns – Chairman, Peter Corey – Selectmen’s Rep and Joyce McGee – Secretary.

**Members Absent:** John Tholl Jr. and Michael Carifio – Alternate

**Public Present:** Marsha Lombardi, Eddie Worcester, Katie Lombardi, Richard Mallion, Sam Chase, Shane Morton, Sara Dunn, Richard Wright, Duncan Nevers, Richard Harris Sr. and Jr., and Kathleen Kopp.

Chairman Burns read the **Public Hearing Notice for the proposed amendments to the Whitefield Comprehensive Development Guide** as posted (see attached).

The public was given copies of the proposed amendments along with it being displayed on projection screen.

Chairman Burns went down through the proposed amendments:

- **Name change of Comprehensive Development Guide to Development Code**, it was noted that anywhere it said “Comprehensive Development Guide”, Development Code was inserted.
- **Table of Contents reflects new Renumbering of Sections and Corresponding Amendments for easier access.**
- **Minor revisions of Introduction.**
- **Article IV - Clarification of provisions regarding Administration and Permits**
- **Addition of provisions regarding Activities requiring a Development Permit. Article IV, Section 1.1 would spell out when a permit is required and Section 1.2 when work is exempt from a permit.** Much discussion took place from the public regarding repairs and replacement specifically under Section 1.2 (d) – Painting, papering, tiling, carpeting, cabinets, counter tops, windows and similar finish work not to exceed more than \$2,500.00 per project. Most felt that replacing a roof, a window, or doing small repairs should not require a permit as most projects are well above \$2,500.00. A figure of \$5,000.00 per project was suggested as well as putting repairs/replacement under the exempt from permit section, the Board so noted it.
- **Article V - Process for All Development, each was given a new Article number.**
- **Article VII - Clarification of Procedure for Three Phases of Development, this is more in line with RSA 676:4.** Under Section 2.4 Final Plan (e): the public liked the Notice of Decision on the denial and felt it needed to be spelled out better for approvals, the Board so noted it.

Planning Board Meeting Minutes

Public Hearing

January 23, 2017

6:30 PM

Page 2 of 3

- **Removal of provisions regarding Occupancy Permits, since these permits are not issued it was removed.**
- **Article VII, Section 4.1 - Amendments of Effective Period of Development Plan and Design Review, under Section 4.1 Development Permit spelled out effective date from three years to one year of when Development Permit expires and added an extension may be granted by the Planning Board.** The public felt that one year was not sufficient enough to complete a project and were concerned that the Board was looking at assessing a fee in the future for permits. The Board did advise that they have been looking at fees but that would be another matter for discussion. Other concerns of what constitutes completed, maybe a definition would help. Public thought that the three year time frame should stay, the Board so noted it. **Under Section 4.2, 4.3, 4.4 and 4.5 timeframe for the phases of development, were spelled out.**
- **Article VIII - Appeals to be heard by Zoning Board of Adjustment, replaced Superior Court with ZBA.**
- **Article IX - Clarification of Role of Zoning Board of Adjustment corresponds to RSA.**
- **Article XII - Addition of provisions regarding Non-Conforming Uses.**
- **Article XVIII - Section 11.1 Definition for Single Family Home, this was spelled out better adding in no case may two or more single family structures be located on an individual, subdivided parcel of land.**
- **Article XVIII, Section 12 - Addition of provisions regarding Accessory Dwelling Units, this was a new law change.**
- **Appendix I – Addition and Deletion of various Definitions.**
- **Grammar changes where made but nothing substantial.**

No further discussion.

Chairman Burns made the public aware of a final hearing to be held on **Tuesday, January 31, 2017 at 6:30 PM.** Chairman Burns closed the public hearing at 7:53 PM.

Discussion took place on the items of concern from the public hearing the following proposed changes were made:

- **Article IV, Section 1.1 (pg. 7) – remove the word repair.**
- **Article IV, Section 1.2 (pg. 7) – change \$2,500.00 to \$5,000.00.**
- **Article IV, Section 1.2 (pg. 8) – add Repair/Replacement (maybe define)**
- **Article VII, Section 2.4 (e) (pg. 12) – reworded: The Planning Board may approve, disapprove or approve with conditions, the proposed development. If the Planning Board approves or denies**

Planning Board Meeting Minutes

Public Hearing

January 23, 2017

6:30 PM

Page 3 of 3

the proposed development, the Board shall provide the applicant with written notice of decision of the reason for the approval or disapproval and any revisions shall require the same review process required for final plans. The notice of decision shall be made available or public inspection at the Town of Whitefield Town Office within 5 business days after the decision is made, as required by RSA 676:3.

- Article VII, Section 4.1 (pg. 17) – changed back to three years, reads: Commence one year from date of approval and complete within three years. An extension may be granted by the Planning Board.

It was asked about defining “complete”, the Board felt that the Development Permit defines it as to what the applicant has requested.

No further discussion took place.

**A motion was made by Alan Theodhor to accept the proposed changes as follows: Article IV, Section 1.1 (pg. 7) – remove the word repair; Article IV, Section 1.2 (pg. 7) – change \$2,500.00 to \$5,000.00; Article IV, Section 1.2 (pg. 8) – add Repair/Replacement (maybe define); Article VII, Section 2.4 (e) (pg. 12) – reworded: The Planning Board may approve, disapprove or approve with conditions, the proposed development. If the Planning Board approves or denies the proposed development, the Board shall provide the applicant with written notice of decision of the reason for the approval or disapproval and any revisions shall require the same review process required for final plans. The notice of decision shall be made available or public inspection at the Town of Whitefield Town Office within 5 business days after the decision is made, as required by RSA 676:3; Article VII, Section 4.1 (pg. 17) – changed back to three years, reads: Commence one year from date of approval and complete within three years. An extension may be granted by the Planning Board, seconded by Everett Kennedy. All in favor, motion carries.**

It was noted that the changes be made in “red”.

**A motion was made by Frank Lombardi to adjourn the meeting at 8:40 PM, seconded by Peter Corey. All in favor, motion carries.**

Respectfully submitted by:

  
Joyce A. McGee- Secretary

  
Scott C. Burns - Chairman

## **Article I – Title:**

This ordinance shall be known, cited, and referred to as the "Whitefield Development Code".

## **Article II - Purpose:**

The purpose of this Code is to improve and protect the public health, safety and welfare; encourage flexibility and creativity in the appropriate and wise use of land; to create a tool to better enable the town government to meet the demands of an evolving and growing community; to assure the proper use of natural and historic cultural resources; and to preserve existing community character to the extent possible while allowing for development and a reasonable return on holdings.

## **Article III - Authority:**

This Code is adopted pursuant to the authority conferred by NH RSA 674:16, 17, 18,19,21 and is adopted in accordance with the provisions of NH RSA 675:3,7. A determination by a court that any section or part of this Code is illegal or unconstitutional shall have no effect on the enforcement of any other section or part. Repeal or invalidation of this Code or any portion hereof does not abrogate or annul any Development Permit, other lawful permits, or any easement or covenant hereto.

## **Article IV - Administration and Permits:**

The Whitefield Planning Board shall be responsible for the daily administration of the Development Code, including attendant Subdivision Regulations, according to the authority conferred by NH RSA 674:21-II. This RSA also confers the authority to grant permits by the Planning Board, which will grant a "Development Permit" to an application which passes the standards contained in the Development Code and to certify that all standards approved have been met before the project is put into use.

### **Section 1 - Development Permit Required:**

A Development Permit is required for the following:

**1.1 Required:** Any owner or authorized agent who intends to construct, enlarge, alter, ~~move~~ move, demolish or change the occupancy of a building or structure, or to cause any such work to be done, shall first make application to the Planning Board or Code Administrator to obtain the required permit.

**1.2 Work Exempt from Permit:** Permits shall not be required for the following: Exemption for permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

### **Building:**

- a. Fences not over 6 feet high.
- b. Retaining walls that are not over 4 feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
- c. Private walkways.
- d. Painting, papering, tiling, carpeting, cabinets, counter tops, windows and similar finish work not to exceed more than \$~~5,000.00~~ (changed from \$2,500) per project.

e. Repair/Replacement (added)

- f. Temporary swimming pools.
- g. Swings and other playground equipment.
- h. Window awnings supported by an exterior wall which do not project more than 54 inches from the exterior wall and do not require additional support.

**Article V – Process for All Development:**

General: The criteria that must be addressed are contained in the following articles. The specific criteria, which a development proposal must satisfy, are dependent upon the type of land use being proposed. The Whitefield Development Code divides all land uses into the following categories:

Article XIII - ABSOLUTE Criteria for All Development

Article XIV - Commercial Activity

Article XV - Industrial Activity

Article XVI - Extraction of Resources, Salvage, Junkyards Activity

Article XVII - Residential Activity

Article XVIII -Single Family Home Activity

Every single or mixed land use development activity must satisfy the criteria in the "ABSOLUTE Criteria for All Development" category (summarized in the "Absolute Criteria for All Development Chart" following that section). In addition, each use must satisfy all applicable criteria of the appropriate ACTIVITY category of which it is a part, which include relative criteria that add to the flexibility of the Code (summarized in the "Point Charts" following each section). The Planning Board may determine that a criterion is irrelevant and does not apply to the proposed development.

Types of Criteria: The Whitefield Development Code contains two types of review criteria: numbered and lettered criteria. Numbered criteria are absolute requirements each development must satisfy before approval can be granted. Found both in the "Absolute Criteria for All Development" and ACTIVITY sections, these include assuring community character compatibility and compliance with official plans and policies, minimum public facilities standards, resource protection, environmental standards and site design. Each of the applicable numbered criteria must be answered YES before approval can be granted.

Lettered criteria are relative "points" that make the Code flexible and negotiable in character. Each development must achieve a specified minimum percentage of these criteria. The lettered relative criteria are located at the end of each ACTIVITY section and focus on location as well as design of a project.

Evaluation: The performance of a particular development plan shall be evaluated as follows:

Absolute (Numbered) Criteria: Each of the numbered criteria on the "All Development" and appropriate "Activity" section charts is answered YES, NO or NOT APPLICABLE. A NO answer to any of the applicable numbered criteria will automatically exclude the development from further consideration. A criterion is considered to be applicable if it is reasonably capable of being applied to the development.

Relative (Section) Criteria: The development plan is evaluated against each of the applicable lettered criteria and assigned a SCORE. A criterion is considered to be applicable if it is reasonably capable of being applied to the development. Several criteria are applicable to any development proposal and are pre-checked on the relevant chart. The numerical SCORE is assigned based upon the following:

- (1) Change the general use or character of the development;
  - (2) Increase the number of residential dwelling units by more than one percent (1%);
  - (3) Involve a reduction of more than five percent (5%) of the area reserved for common open space and/or usable open space;
  - (4) Increase the floor area proposed for non-residential use by more than five percent (5%);
  - (5) Increase the total ground area covered by buildings by more than five percent (5%).
- c. The final plan shall also comply with all other applicable criteria of the Development Code, provided, that the Planning Board shall not impose additional requirements or conditions pertaining to the general layout and densities as shown on the design review/preliminary plan.
- d. Proper legal notice in newspapers of general circulation, public places and to abutters according to NH RSA 675:7 shall be given.
- e. **The Planning Board may approve, disapprove or approve with conditions, the proposed development. If the Planning Board approves or denies the proposed development, the Board shall provide the applicant with written notice of decision and the reason for the approval or disapproval and any conditions that require the same review process required for such plans. The notice of decision shall be made available for public inspection at the Town of Windhole Town Office within 5 business days after the decision is reached as required by RSA 675:7.**
- f. This section allows for changes to a final plan. Minor changes to a final plan may be approved administratively by the Planning Board. Such changes may be authorized without additional public hearings.
- g. Major changes shall be approved only by the Planning Board, and must follow the same review and public hearing process required for the approval of design review. Any changes approved in the final plan shall be recorded as amendments to the final plan in accordance with the procedures established for the filing of the initially approved plan documents. Major changes shall be defined as follows:
- (1) A change in the use or character of the development;
  - (2) An increase in the problems of traffic circulation and/or public utilities;
  - (3) An increase of greater than two percent (2%) in the approved gross floor areas of buildings;
  - (4) An increase of greater than one percent (1%) in the approved number of residential dwelling units;
  - (5) A reduction by greater than three percent (3%) of the approved open space;

- d. Subdivision plat: an official subdivision plat of the site must accompany the final plan, conforming to the subdivision requirements of the Town, except as waived by the approved completed application. Approval by the Planning Board of the final plan and subdivision plat shall be required before filing of the subdivision plat or issuance of a Development Permit;
- e. Final utility plans: Final detailed engineering for sewer, water, electrical, street improvements and other public improvements;
- f. Signed reproducible mylar of all site and landscape plans, architectural elevations, and subdivision plats;
- g. Other information and data as the Planning Board may require for full and complete consideration of the development;
- h. If appropriate, a list of names of all partners and/or officers and directors of the corporation involved as either applicants or owners of the development.

#### **Section 4 - Effective Period of Development Plan:**

The development shall be constructed in a timely manner. The development shall be subject to revocation under the following conditions:

**4.1 Development Permit:** A development permit shall be valid for a period of approval and complete within three years. An extension may be granted by the Planning Board.

**4.2 Preliminary Final Plan Time Limit:** there is no time limit for action on a preliminary final plan.

**4.3 Design Review Time Limit:** Within a maximum of three years following the approval of a completed design review/preliminary plan application, the applicant shall proceed by filing a final plan(s) with the Planning Board that is in sufficient detail covering all or part of the development. If no final plan(s) is filed within the above time limits, the right to proceed under the preliminary plan shall expire for any portion of the preliminary plan for which a final plan has not been filed in a timely manner.

**4.4 Final Plan Time Limit:** Active and substantial development or building has begun on the site by the owner or the owner's successor in interest in accordance with the approved subdivision plat within 24 months after the date of approval, or in accordance with the terms of the approval. The Planning Board may, for good cause, extend the 24-month period set forth if they so choose. For the purposes of this section, a development is substantially complete once all building and engineering improvements (water, sewer, streets, curbs, drainage, lights fire hydrants, etc.) are installed and completed in accordance with applicable regulations. Failure to develop within the specified time limit and improvement requirements shall cause a forfeiture of the right to proceed under the final plan and require resubmission of all materials and re-approval of the same.

**4.5 Subdivision:** Every subdivision plat approved by the Planning Board and properly recorded in the Registry of Deeds and every site plan approved by the Planning Board shall be exempt from all subsequent changes in the Development Code and

Town of Whitefield

Planning Board

Public Hearing Notice

Pursuant to RSA 675:3 and RSA 675:7, the Whitefield Planning Board will hold a public hearing on:

Monday, January 23, 2017 at 6:30 PM

Whitefield Town Office - 56 Littleton Road, Whitefield, NH

To review proposed amendments to the Whitefield Comprehensive Development Guide as follows:  
Name change of Guide; Renumbering of Sections and Corresponding Amendments to Table of Contents;  
Minor revision of Introduction; Clarification of provisions regarding Administration and Permits;  
Addition of provision regarding Activities requiring a Development Permit; Clarification of Procedure for  
Three Phases of Development; Removal of provisions regarding Occupancy Permits; Amendment of  
Effective Period of Development Plan and Design Review; Appeals to be heard by Zoning Board of  
Adjustment; Clarification of Role of Zoning Board of Adjustment; Addition of provisions regarding Non-  
Conforming Uses; Addition of provisions regarding Accessory Dwelling Units; Addition and Deletion of  
various Definitions.

A full draft of amendments can be picked up at the Town Office, 56 Littleton Road.

Whitefield Planning Board