

Planning Board Meeting Minutes

Final Public Hearing

January 31, 2017

6:30 PM

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Chairman Burns called the Final Public Hearing to order at 6:34 PM.

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

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

**Public Present:** Sally & Robert Maroon Jr., Kathleen Kopp, Katie Lombardi, Marsha Lombardi, E.L Hallquist, Gerry Pons, Sam Chase, Richard Wright, Paula Harris, David Holmander, Edward Piatek, Richard Harris Sr. and Jr., Shane Morton and Sara Dunn.

Chairman Burns appointed alternate Alan Theodhor as a voting member.

Chairman Burns apologized to the Board for letting the meeting last week get out of hand, tonight only one person will speak at a time if anything is said that is offensive you will be given one warning and the next time be asked to leave until you can pull yourself together.

Everett Kennedy read the **Final 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 to page 7, 8, 12 & 17 from the January 23, 2017 Public Hearing Meeting (see attached).

Chairman Burns stated that the changes from last meeting, January 23, 2017 were as follows:

Page 7 – Article IV, Section 1.1 Required: Removed the word repair. No discussion took place, leave as proposed.

Article IV, Section 1.2 Work Exempt from Permit (d): Changed from \$2,500.00 to \$5,000.00.

- Shane Morton thought the amount was still to low, if you have a contractor, licensed plumber and electrician on top of materials you are well over the \$5,000.00. Most homeowners can’t fix their own things.
- Frank Lombardi read the definition of “Development” on page 47, stating that this is where we are at right now. Board is looking at staying with \$5,000.00 this will inform the town if any changes are made above this amount.
- Chairman Burns stated that the amount could be looked at next year, or you can vote it down.

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- Gerry Pons understands what is exempt from permit but agrees somewhat that the amount is low, board needs to relook at it, maybe \$10,000 and even that may be to low.
- Frank Lombardi, we could look at it both ways. **A motion was made by Frank Lombardi to amend amount to \$10,000.00.** More discussion took place.
- Edward Piatek felt that \$10,000 is not unreasonable.
- Richard Wright was in agreement with \$10,000.
- Richard Harris Sr. was in agreement with \$10,000 the idea is for the assessor to pick it up.

Chairman Burns read the motion: **A motion was made by Frank Lombardi to amend amount to \$10,000.00,** is there a second, **seconded by Alan Theodhor. No further discussion. All in favor: Alan Theodhor – No, Frank Lombardi – Yes, Everett Kennedy – No and Peter Corey – No. Motion fails.** The amount will stay the same at \$5,000.00.

Page 8 - Article IV, Section 1.2 Work Exempt from Permit (e): Add Repair/Replacement – needs definition. Chairman Burns read the following: Repair/Replace: To fix, mend, or replace a thing suffering from damage or deterioration with like material.

- Frank Lombardi felt that a hyphen after Repair/Replacement then add “in kind.”
- Alan Theodhor, leave out “with like material.”
- Shane Morton liked the definition as he thinks it means the whole house.
- The Board, it’s not intended to remodel the whole house. This does not apply to appliances.
- Peter Corey doesn’t necessarily disagree with Mr. Morton on how it is interpreted it is dangerous to put it in the way it reads.
- Sam Chase – Maybe “Emergency Repairs”.
- Frank Lombardi thought it may encourage people to fix up their homes.
- David Holmander, maintenance is not remodeling.
- Peter Corey reminded everyone that one thing that was lost in this conversation is that the current permitting process you have to come in for just about everything, we are trying so you don’t have too. The permitting is an easy process. Mr. Corey made a motion as follows: **A motion was made by Peter Corey to modify Repair/Replacement with Emergency Repairs, seconded by Everett Kennedy. More discussion took place.**
- Mr. Morton felt that “Emergency” was not the right word.
- Katie Lombardi, what is an emergency? Doesn’t seem fair if you want to paint your house or replace your roof.

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- Peter Corey stated that it's no secret that the Board has been talking about a fee schedule and possibly hiring a Code Enforcement person, it's been discussed in an open Planning Board forum. There is a value to have a fee schedule, it will help with cost for the Assessor and Code Enforcement person, instituting fees would not be borne by everyone. Town of Carroll has approached us about sharing Code Enforcement person to help with making sure fire/safety codes are being adhered to. This would protect everyone in the community, people and businesses would want to move here. This is one of the biggest areas for our Hazardous Mitigation. This again has been openly discussed but no decisions have been made.
- Richard Harris Sr., we have rehashed this, it's up to the Boards discretion and advantage to leave as it is, by changing it you go back to needing a permit.
- Frank Lombardi agreed with Mr. Harris that the Repair/Replacement should be kept, it's important that this passes.
- Gerry Pons felt that there should be a differential of new, addition and renovations.
- David Holmander, roofing and painting is still maintenance.
- Frank Lombardi asked if both could be done, Emergency option or definition that Scott Burns provided.
- Peter Corey still felt it opened up a broad range of interpretation.

Chairman Burns read the motion: **A motion was made by Peter Corey to modify Repair/Replacement with Emergency Repairs, seconded by Everett Kennedy. No further discussion. All in favor: Frank Lombardi – No, Alan Theodhor – Yes, Everett Kennedy – Yes and Peter Corey – Yes. Motion carries.**

**A motion was made by Frank Lombardi to add Repair/Replace In-Kind: To fix, mend, or replace a thing suffering from damage or deterioration with like material, seconded by Alan Theodhor. Fees were brought up again, the board stated that fees weren't being discussed. All in favor: Alan Theodhor – Yes, Frank Lombardi – Yes, Evertt Kennedy – No, Peter Corey – No at this time it was tied so Chairman Scott Burns voted – Yes. Motion carries.**

Page 12 – (e) Peter Corey stated that the wording he is proposing would be easier to understand. The following was read: The Planning Board may approve, approve with conditions, or disapprove the proposed development. The Board shall provide the applicant with a written notice of decision specifying any approval conditions or reasons for disapproval. The notice of decision shall be made available for public inspection at the Town of Whitefield Town Office within 5 business days after the decision is made as required by RSA 676:3. Any revisions made to the proposed development shall require the same review process required for final plans.

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**A motion was made by Peter Corey to replace existing wording with the following: The Planning Board may approve, approve with conditions, or disapprove the proposed development. The Board shall provide the applicant with a written notice of decision specifying any approval conditions or reasons for disapproval. The notice of decision shall be made available for public inspection at the Town of Whitefield Town Office within 5 business days after the decision is made as required by RSA 676:3. Any revisions made to the proposed development shall require the same review process required for final plans. Seconded by Everett Kennedy. No discussion. All in favor, motion carries.**

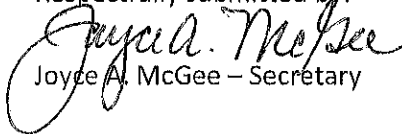
Page 17 Section 4.1 Development Permit: Changed from three years to "Commence one year from date of approval and complete within three years". An extension may be granted by the Planning Board. No discussion took place, leave as proposed.

**Minutes: A motion was made by Peter Corey to accept the minutes of January 23, 2017 as written, seconded by Everett Kennedy. No discussion. All in favor, motion carries.**

Chairman Burns closed the Final Public Hearing at 7:32 PM.

**A motion was made by Frank Lombardi to adjourn the meeting at 7:33 PM, seconded by Everett Kennedy. 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, 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 per project.

- e. Emergency Repairs
- f. Repair/Replace-In Kind: To fix, mend, or replace a thing suffering from damage or deterioration with like material.
- g. Temporary swimming pools.
- h. Swings and other playground equipment.
- i. 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, approve with conditions, or disapprove the proposed development. The Board shall provide the applicant with written notice of decision specifying any approval conditions or reasons for disapproval. The notice of decision shall be made available for public inspection at the Town of Whitefield Town Office within 5 business days after the decision is made, as required by RSA 676:3. Any revisions made to the proposed development shall require the same review process required for final plans.
  - 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:** Commence one year from date 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  
Final Public Hearing Notice

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

**Tuesday, January 31, 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