

Planning Board Meeting Minutes

July 12, 2016

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6:30 PM

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

Members Present: Scott Burns – Chairman, Mark Lufkin – Selectman Rep., Everett Kennedy, Frank Lombardi, Alan Theodhor – Alternate and Joyce McGee – Secretary

Absent: John Tholl Jr. and Mike Carifio

Public Present: See attached sheet.

Chairman Burns appointed alternate Alan Theodhor as a voting member as John Tholl Jr. was absent.

Minutes:

Chairman Burns had a correction to the July 5, 2016 minutes. Under "Development Permits" – Burke, John & Joan – add: Chairman Burns abstained from the vote.

A motion was made by Everett Kennedy to approve the minutes of July 5, 2016 with the above correction, seconded by Frank Lombardi. All in favor, motion carries.

Public Hearing(s):

1. Final Master Plan

#594 – Owner(s): Harris Family Trust, Richard S. and Nancy J. Harris Sr., Trustees – who are requesting an expansion of use to their existing Mobile Home Park, Tax Map 218 Lot 050, 051, and 053.

Attorney Riff wanted to advise that his client, Mr. Dodge has brain cancer and just had a tumor removed and therefore he wanted the Board to understand that it wasn't that they didn't want to have the mediation settlement discussion, as the Board was not happy at the last meeting, so he would like the Board to reconsider their feelings about it.

Chairman Burns opened it up for discussion.

Mark Vander-Heyden presented the Final Master Plan.

Frank Lombardi stated that the Master Plan can be changed not only by the applicant but by the Planning Board.

Chairman Burns advised the Board that the Final Master Plan needs to be approved and then they move on to Phase I.

Public Present:

PB July 12, 2016

Name

Town

RICHARD S HARRIS JR + SR

WHITEFIELD NH

MARK VANDER-HEYDEN

Whitefield NH

Jody Hodgdon

Littleton NH

John Rie

Leicester, NH

Matthew Holland

Whitefield NH

Darin Whippleman

Sullivan Press

CASEY MARCON

Whitefield NH

KATHLEEN KOOP

WHITEFIELD, NH

BALPH MCLEAN

WHITEFIELD NH

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Frank Lombardi read from the CDG on the Final Master Plan indicating that 1% of one extra building would be a change in the Master Plan.

Secretary McGee advised the Board that they needed to accept the application as complete before discussing the plan. The Board reviewed the application.

A motion was made by Alan Theodhor to accept the application as complete, seconded by Mark Lufkin. Any discussion, all in favor, motion carries.

Questions from the Board on how to handle the Final Master Plan and what should the Board be looking for, not everyone agreed on what needed to be used as a guide to determine if the plan was complete or not.

A motion was made by Everett Kennedy to have a recess to call town counsel, seconded by Mark Lufkin. All in favor, motion carries.

Chairman Burns advised that the Board could not get through to Town Counsel, so he wanted to know if the Board wanted to continue or debate it.

It was Attorney Riff's opinion that the Board needed to go through the Absolute Criteria, as it states for all development – Page 17 of CDG. Chairman Burns so noted this.

Frank Lombardi – Master Plan is kind of the living document of what he wants to do, if the approval is given for the Master Plan then it needs to encompass the guide. Does it fit into the Town's Master Plan or what the town wants? If changes occur, then he needs to come back.

Attorney Riff – There is no distinction between the preliminary and the final plan.

Frank Lombardi – The Preliminary Plan is where changes are made to get to the Final Master Plan.

Chairman Burns asked the Board again for guidance on how they wanted to proceed.

Alan Theodhor felt the board should proceed with the Absolute Criteria, Frank Lombardi disagreed and that it shouldn't be approved in phases. Everett Kennedy said that by accepting the Master Plan you are not accepting the phases. Frank Lombardi, that is why we can't go through the criteria. Mark Lufkin, Phase 1 would be the Absolute Criteria.

Mr. Harris felt that the criteria had already been gone through.

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Attorney Hodgdon referenced page 8 & 9 of the CDG which references the Preliminary Plan and Final Plan and what is required. The Final Plan is looked at as a guide.

Mark Vander-Heyden – Same plan as the Preliminary Plan.

Attorney Hodgdon pointed out to clarify the Master Plan you could accept it as shown and then the criteria would apply, unless you approve Phase I it doesn't do anything to the final phase plan.

Attorney Riff – you have already approved the preliminary plan it's odd not to go down the criteria.

Frank Lombardi – Master Plan is not approved, it's a guide.

Attorney Hodgdon – Referenced page 9 section: d – Final Plan of the CDG: Approval of the Preliminary was given now you need to vote on the final plan and then focus on Phase I.

Frank – Master Plan is not approved it's a guide.

Attorney Riff – The Final Master Plan was noticed.

Chairman Burns told the Board that the Final Master Plan needed to be voted on. Frank Lombardi was not comfortable, he felt that he was missing something. Mark Lufkin stated that the Board accepted the Preliminary so we need to approve the Final.

Anything to do with the Phases is showing the vision of what he wants to do. Phase II and III would need to come back when he is ready to proceed.

Mark Vander-Heyden – Mr. Harris would need to come back with any changes. Attorney Hodgdon advised that it's a % change that would require him to come back.

Frank Lombardi wanted to know if it should be accepted or approved, he thought accepted. Attorney Hodgdon thought that a vote to approve the completeness of the plan as it's the developers vision.

Attorney Riff at this time submitted his objection (see attached document). At this time the Board took a few minutes to read the objection.

A motion was made by Frank Lombardi for a continuance in light of the information and lack of information; and to get Town Counsel to answer some questions. Alan Theodhor wondered if this was something that Town Counsel would get involved in. Frank Lombardi felt it was a lot to digest. **Hearing no second the Board moved on.**

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Frank Lombardi felt that a calculation of the soil type for each home should be done.

A motion was made by Mark Lufkin to approve the Final Master Plan, seconded by Everett Kennedy.

Frank Lombardi still had questions on approving the Final Master Plan and wanted to wait, I understand the vision part but don't know if we are approving something more. I have a different interpretation and don't feel comfortable. Chairman Burns advised that it's a guide for the future. **No further discussion. All in favor, motion carries with Frank Lombardi voting no.**

Phase I of Master Plan

#594-A Owner(s): Harris Family Trust, Richard S. and Nancy J. Harris Sr., Trustees – who are requesting to add four (4) manufactured housing units to existing park, Tax Map 218 Lot 053, said lot is 7.35 acres.

Secretary McGee reminded the Board that they needed to make sure the application that was submitted was complete. Frank Lombardi reviewed the application submittal checklist with the Board. No comments from the Board.

A motion was made by Mark Lufkin to accept the application as complete, seconded by Alan Theodor, no further discussion. All in favor, motion carries.

Frank Lombardi started to go over the Absolute Criteria Chart with the Board for Phase I. Attorney Riff objected and referred to his document.

Attorney Hodgdon advised that the 4 proposed trailers would not need a lot of water and Mr. Harris would drill a well if the Town did not approve the hook-ups. Mr. Harris stated that the road access loops around and the radius is okay. The well and power is shown on the map.

Attorney Riff objected on the wetlands and surrounding land. Mr. Harris stated that the surrounding land is owned by himself.

Conflicts with abutters - Buffers – Mr. Harris has agreed to 6'+ Fir Trees. Attorney Hodgdon advised that Mr. Harris has changed up his order of Phases and Hall Road is not the first part of his project anymore so that the vegetation can grow.

Attorney Riff objected to the development, it's all baby steps but in the end it's one big plan for Mr. Harris.

Mr. Harris wondered who Attorney Riff represented. Attorney Riff stated David Dodge and the McLean's.

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Ralph McLean of 170 Hall Road spoke regarding effects of the project on the property value, buffers, scenic road and a number of other issues that had not been discussed. Would it be a net benefit to the town and offset the damage that has already been done. I haven't heard anything discussed by the leaders of the town and how the resources will be effected, the great natural beauty and overtones, in the end will it be a net gain for Whitefield.

Mr. Harris stated that he had someone who would like to speak. Matthew Holland came forward and stated that the park offered him and his disabled father an affordable home. He knows that there is a negative stereotype on mobile home units but he is a tax paying homeowner. Mr. Harris has a vision to help myself and others that could not afford anything else. I have put much into my place, it's respectable affordable housing.

Mr. McLean stated he doesn't oppose mobile home housing, it is the consequences of the landscape.

At this time Town Counsel had returned a call to the Planning Board so a recess took place.

Back to order

A motion was made by Frank Lombardi to continue the Phase I Master Plan hearing as Town Counsel was not present and Attorney Riff's objection needed to be reviewed, seconded by Alan Theodhor. Attorney's Riff and Hodgdon reviewed their availability for August. It was settled that Tuesday, August 23rd at 6:30 PM will be the continuance of the meeting. It was asked if Mr. Harris was okay with this. Mr. Harris stated, "Of course, agreeable to the Boards request. **All in favor, motion carries.**

A motion was made by Frank Lombardi to continue the hearing on the Relocation of the cul-de-sac on Tuesday, August 23, 2016 at 6:30 PM, seconded by Mark Lufkin. Mr. Harris stated that he was okay with this. **All in favor, motion carries.**

Other Business:

Development Permit(s):

Ball, Bradley & Ada – 188 Jefferson Road, Map 226 Lot 089: To construct an 8'x8 deck to new addition. **A motion was made by Everett Kennedy to approve the development permit application as submitted, seconded by Alan Theodhor. All in favor, motion carries.**

Smith, Gary – Island on Mirror Lake, Map 219 Lot 043: To make repairs to camp and to raise the roof a maximum of 8'. The State of NHDES, Division of Land Resources Management Compliance sent an e-mail (see letter attached to permit) stating that a permit was required only if they added bedrooms.

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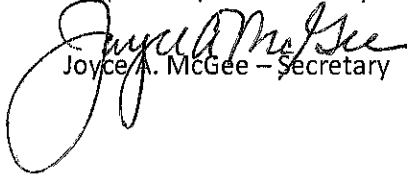
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A motion was made by Everett Kennedy to approve with the following conditions: Building height can't exceed 25' and comply with NHDES requirements if any bedrooms are added. Seconded by Alan Theodhor. All in favor, motion carries.

Secretary McGee advised that she sent a letter to the Parenteau's giving them a deadline of August 8, 2016 to file paperwork for a variance.

Adjourn: A motion was made by Everett Kennedy to adjourn at 8:43 PM, seconded by Mark Lufkin. All in favor, motion carries.

Respectfully submitted by:


Joyce A. McGee – Secretary


Scott Burns - Chairman

**TOWN OF WHITEFIELD
PLANNING BOARD**

Objection on Behalf of David Dodge et al

to

**Richard Harris' Final Master Plan (#594)
and
Phase I of Master Plan (#594-A)
and
Relocation of Cul-de-sac (#599)**

NOW COMES David Dodge and others, by their attorney, John L. Riff, IV, and respectfully object to Richard Harris' Final Master Plan (#594) and/or Phase I of Master Plan, and Relocation of cul-de-sac (#599), as follows:

**Richard Harris' Final Master Plan (#594):
The Master Plan is not a Master Plan at all.**

1. The Final Master Plan does not meet the requirements of the guide and therefore cannot be approved.
2. The overall problem with the proposed master plan is that it is deficient in all respects as to what a master plan is suppose to be.
3. A master plan is suppose to show the town, abutters, and others how a parcel of land will be developed over time.
4. This plan completely fails that purpose.
5. The "master plan" that the applicant proposes simply shows only a portion of the entire parcel as being developed leaving a large portion wholly unaccounted for.
6. That in and of itself is sufficient to deny approval, because it does not show how that property will be developed.
7. However, the applicant's master plan is further deficient.
8. Where the plan does show areas that will be developed those areas are also deficient for the purposes of a master plan.
9. Many of the areas simply state "for sale".

10. Simply labeling areas of the master plan as “for sale” is not sufficient for a master plan, because such a label begs the question: “For sale” for what purpose or purposes?
11. Again, the purpose of a master plan is to inform the town and the residents of the town how the lots that are “for sale” will be developed.
12. Yet in this case the “master plan” is devoid of any information regarding the future development of these lots that are “for sale.”
13. Further, the applicant has not provided or suggested any restrictions or covenants regulating the future development of these lots. Therefore, the future development of these “for sale” lots is completely unknown, thus defeating the purpose of having a master plan.
14. Worse, the board has not inquired into the applicant’s future plans for these “for sale lots” or required the applicant to provide a plan for the “for sale” lots.
15. For all of these reasons, this board must find that the applicant’s so-called “master plan” is not a master plan in any respect and therefore, approval must be denied.

Richard Harris’ Final Master Plan (#594):
Does not meet the absolute criteria of the Guide.

16. The proposed master plan also does not meet the “Absolute Criteria for All Development” required by the Guide.¹
17. **Municipal Master Plan.** The proposed master plan does not meet the adopted goals and objectives of the Whitefield Master Plan, for the reasons stated above, and for the reasons stated in Dodge’s Objection dated February 10, 2016 and Dodge’s Objection dated March 9, 2016, previously filed with this board and incorporated herein by reference thereto.
18. **Subdivision.** The Preliminary Plan was not in conformance with the Whitefield Subdivision regulation, for the reasons stated above, and for the reasons stated in Dodge’s Objection dated February 10, 2016 and Dodge’s Objection dated March 9, 2016, previously filed with this board and incorporated herein by reference thereto.
19. **Preliminary Master Plan.** The Preliminary Master Plan was approved and filed with the Planning Board, but again, that Preliminary Master Plan was defective for the reasons stated herein and and for the reasons stated in Dodge’s Objection dated February 10, 2016 and Dodge’s Objection dated March 9, 2016, previously

¹ In this section of the Objection, the Bold Language at the beginning of sentences refers directly to the Absolute Criteria of the Guide.

filed with this board and incorporated herein by reference thereto. Hence, the preliminary plan never should have been approved and accepted as complete.

20. **Capital Budget.** This project does not fit into the Capital Budget/Capital Improvements Program for the Town. The Plan does not calculate and the Board has not inquired into how the proposed development will affect the town's costs and expenditures. For example, how will this affect the school budget, the police budget, road maintenance for Hall Road, and the Town's water and/or septic system. Obviously, with more people these costs will be higher but the Board has not had any discussion as to how much higher. Therefore, given that the Board does not have any of these figures, it cannot approve a master plan, especially given the reasons set forth above regarding all of the other deficiencies in the master plan.
21. **Conflicts.** There are certainly conflicts with the proposed development and the surrounding land uses, for the reasons stated above, and for the reasons stated in Dodge's Objection dated February 10, 2016 and Dodge's Objection dated March 9, 2016, previously filed with this board and incorporated herein by reference thereto.
22. Moreover, the Board has not addressed those concerns and conflicts to the satisfaction of the abutter(s) or other concerned individuals. Rather, the board has simply sought to find ways to approve the Plan without addressing the conflicts, despite the Guide requiring that these conflicts "be effectively mitigated."
23. Therefore, because the Plan has not "effectively mitigated" the "conflicts" the Board must deny the Plan.
24. **Scenic Road.** The proposed Master Plan fails the Scenic Road criteria miserably for the reasons stated above, and for the reasons stated in Dodge's Objection dated February 10, 2016 and Dodge's Objection dated March 9, 2016, previously filed with this board and incorporated herein by reference thereto.
25. A scenic road should quite simply be lined with trees, stone walls, fields and old farm houses and/or new homes in the style and character of old farm houses. A mobile home park that has wiped out the trees, stone walls and fills the "field" with mobile homes, does not meet the purpose.
26. **Utilities.** The proposed Master Plan also does not meet the utility requirement of the Guide.
27. First, because the master plan is devoid of any indication on how the remaining land will be developed, it is essentially impossible to know whether the utility requirement can be met or not.

28. Second, even with what we do know for development, the utility section cannot be met.
29. The Town's water supply cannot handle any more units. While the applicant says that he will drill a well if the Town cannot supply the water, there is no evidence that will be sufficient or achievable.
30. With regard to electricity, the location of electric and utility lines is unknown. Yet another deficiency with the master plan. A true Master Plan would have that all laid out.
31. **Emergency Access.** The emergency access appears to be sufficient.
32. **Lighting.** What lighting is needed is unknown. The master plan does not show any lighting and therefore, it is unknown what the applicant plans on for lighting.
33. **On Site Water.** N/A.
34. **Airport.** N/A.
35. **Geological.** Other than the wetlands, which are not adequately dealt with or detailed on the plan regarding future use, there are no other known issues.
36. **Topography.** The proposed plan does not preserve significant vegetation. The applicant clear-cut all of the trees along Hall Road, a scenic road, and the applicant has not proposed and the Board has not required any remedial action or plan to address the loss of vegetation.
37. **Flora and Fauna.** Unknown.
38. **Historic Preservation.** Unknown.
39. **Mineral.** Unknown.
40. **Fragile Areas.** Again, the only known fragile area of the development are the wetlands, but the proposed plan does not adequately address how those wetlands will be impacted by future development because the plan does not address future development, as discussed above.
41. **Open Space.** The proposed plan does have open space but again, the proposed Master Plan does not adequately describe how this open space will be treated, used or effected in the future, which is why the plan should not be accepted.
42. **Air Quality.** This development is off of a dirt road and the increase in traffic will increase the amount of dust generated, which will obviously affect the surrounding areas.

43. **Water.** It is unknown if the runoff conforms to applicable laws.
44. **Noise.** Unknown.
45. **Glare and Heat.** Unknown.
46. **Vibration.** Unknown.
47. **Lighting.** Unknown. The proposed Master Plan does not address lighting.
48. **Effluents.** This criteria has not been met. The master plan does not show any details for septic systems on the lots "for sale" or other undeveloped areas.
49. **Site Plan.** Whether the site plan is adequate or not is an unknown, because again, the master plan is devoid of any details for future development. Therefore, the proposed master plan should not be approved.
50. **Natural Compatibility.** The proposed Master Plan is not compatible with the surrounding area for the reasons stated above, and for the reasons stated in Dodge's Objection dated February 10, 2016 and Dodge's Objection dated March 9, 2016, previously filed with this board and incorporated herein by reference thereto.
51. **Screened Areas.** The proposed Master Plan does not contain sufficient information to address whether there are or will be sufficient screening.
52. **Setbacks.** Appear to be adequate.
53. **Traffic.** Unknown.
54. **Entrance/Exit.** The proposed plan does have multiple entrance and exit.
55. **Bufferyards.** The proposed Plan does not have sufficient "buffer yards" and or does not address them for future development.
56. **Building Height.** Does not seem to be an issue.
57. **Parking.** Seems to be adequate.

Richard Harris' Final Master Plan (#594):
Does not meet the Residential Activity criteria of the Guide.

58. First, as addressed previously, the proposed master plan is calling for an expansion of an existing manufactured mobile home park, which is not allowed, for the reasons stated in Dodge's Objection dated February 10, 2016 and Dodge's

Objection dated March 9, 2016, previously filed with this board and incorporated herein by reference thereto. Therefore, the proposed master plan cannot be approved.

59. However, assuming *in arguendo*, that manufactured mobile home parks were allowed, the master plan still cannot be approved because it still does not meet the remaining criteria of the residential activity requirements, which all must be answered yes.
60. Most problematic is that as a manufactured mobile home park, the proposed use does not meet the minimum lot size standards.
61. For example, where the applicant wishes to adjust the boundary line, and add four (4) mobile homes, the soil type is either 470B Tunbridge – Peru, which requires a minimum lot size of 60,000 square feet or 647A,B Pillsbury Sandy Loam which requires a minimum lot size of 106,000 square feet.
62. Given that the area where the applicant proposes to place four (4) new mobile home sites is only about 92,347.20 square feet in size², the applicant cannot place more than one mobile home on the proposed area.
63. Even if you reduce the lot size requirements by 1/3 the applicant still cannot place four (4) mobile home units on the lot-only two.³
64. Therefore, because the master plan is not in conformity with the minimum lot size requirements, for what is currently proposed, the master plan cannot be approved.
65. The other problem for the applicant is that because the master plan does not show what the future development will be like, the Planning Board has no way of knowing whether or not future development will be in conformity with the minimum lot size requirements, and thus, the Board cannot approve the Master Plan.
66. The other interesting aspect of the minimum lot size requirements is that it reinforces the Dodge's position that manufactured mobile home parks (or the expansion of one) are not allowed under the Guide.
67. The reason for this is because the minimum lot size requirements prevent the density of mobile homes at a level found in a manufacture mobile home park.

² One acre equals 43,560 square feet, thus 2.12 acres, equals 92,347.20 square feet.

³ Even if you accept the lot as being part of the Tax map 218, Lot 53 for a total of 7.35 acres, the lot line adjustment still violates the minimum lot size requirement. Even assuming the most favorable soil conditions of 647A,B Pillsbury Sandy Loam (106,000 square foot requirement) and reduce it by 1/3 to 71,000 square foot requirement, the applicant is only allowed four units for the entire 7.35 acres. (7.35 acres equals 320,166 square feet divided by 71,020=4.5 units or four units (there is no provision to round up.) The applicant already has 8 units. Therefore, if he does the boundary line adjustment he needs to reduce the number of units on Tax Map 7.35 from 8 to 4, instead of increasing from 8 to 12.

68. Therefore, as Dodge has previously pointed out in his Objection dated February 10, 2016 and his Objection dated March 9, 2016, previously filed with this board and incorporated herein by reference thereto, only manufactured housing, on individual lots are allowed, and Manufactured Mobile Home Parks are not allowed.
69. The master plan and the Phase I Plan, also do not meet other requirements of the Residential Activity Point Chart D.
70. It is not a mixed use development. The intention of the applicant is to expand his mobile home park.
71. The applicant is not preserving the historic nature of Hall Road's scenic nature.
72. The applicant is not in keeping with the general character of the surrounding area.
73. The applicant is not providing adequate privacy either within the development or for the public from the development.
74. For any or all or a combination of the foregoing reasons, and/or any or all of the reasons previously set forth in the Objection dated February 10, 2016 and/or the Objection dated March 9, 2016 the Board cannot approve the applicant's master plan as a Final Master Plan.

Richard Harris' Phase I of Master Plan (#594-A) cannot be approved.

75. Richard Harris' Phase I of Master Plan (#594-A) cannot be approved, for the reasons set forth above. Specifically, paragraphs 1-74, are incorporated herein as if separately set forth, as well as the Objection dated February 10, 2016 and/or the Objection dated March 9, 2016.
76. Furthermore, it is Dodge's position that if the applicant goes through with the boundary line adjustment, the applicant will lose his grand-fathered status, with respect to Tax Map 218, Lot 53.
77. Currently, Tax Map 218, Lot 53 does not meet the minimum lot size requirements.
78. Once the applicant does the boundary line adjustment, Tax Map 218, Lot 53 will be materially changed and will lose its grand-fathered status, which means it will have to abide by the minimum lots sizes.
79. As discussed in foot note 3, this means that Tax Map 218, Lot 53 will need to decrease the number of units on the lot, not increase them.

Relocation of Cul-de-sac.


80. The relocation of the cul-de-sac cannot be approved to the extent it is part of the Master Plan and/or part of Phase I of Master Plan, for the reasons set forth above. Specifically, paragraphs 1-74, are incorporated herein as if separately set forth, as well as the Objection dated February 10, 2016 and/or the Objection dated March 9, 2016.

WHEREFORE, it is respectfully requested that this Planning Board:

- A. Deny acceptance and approval of the Final Master Plan #594);
- B. Deny acceptance and approval of the Phase I of Master Plan (#594-A);
and
- C. Deny acceptance and approval of the relocation of the cul-de-sac (#599).

Dated: 7/12/16

Respectfully submitted,
David Dodge and others,
By their attorney,



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