

Planning Board Meeting Minutes (Teleconference via Zoom)

January 18, 2021

4:30 PM

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Chairman Scott Burns called the public hearing to order at 4:35 P.M.

Members Present: Scott Burns – Chairman, Tim O’Neil, Alan Theodhor, Peter Corey – Selectmen’s Rep., Frank Lombardi, and Joyce McGee – Secretary.

Members Absent: Steve LaRoza – Alternate

Public Present: Claire Houghton, Terry Lufkin and Paul Hayes- Caledonian

Pursuant to RSA 675:3 and RSA 675:7, the Whitefield Planning Board will hold a public hearing to review proposed amendments to the Whitefield Development Code as follows:

- Amend Article IV, Section 1.1 Required, to require a development permit for change to a substantially different use.
- Amend Article XII, Nonconforming Uses “Grandfathering”, by amending and adding language to regulate the expansion and relocation of nonconforming uses, the restoration of damaged nonconforming structures, and the change of nonconforming uses, lots or structures.
- Amend Article XIII, Absolute Criteria for All Development, by adding a new Section 6.35 with frontage requirements and amend Article VII, Procedures, to require frontage information with applications
- Amend Appendix I, Definitions, to amend definitions of building, structure and dwelling; to delete nonconforming building, lot or structure and nonconforming use; to add new definitions for “use, substantially different” and nonconforming.
- Adding a new Section (Appendix X) Lighting Regulations

A full draft of amendments can be picked up at the Town Office, located at 56 Littleton Road, and online at Whitefieldnh.org.

- **Amend Article IV**, Section 1.1 Required, to require a development permit for change to a substantially different use.

Alan Theodhor spoke that a new definition of Use, Substantially Different would be added to definitions as: A use which by reason of its normal operation would cause readily observable differences in patronage, service, sight, noise, employment or similar characteristics from the existing use.

Use, Substantially Different will be added to Article VI, 1.1 Required. Along with removing required and adding applicable permit

Chairman Burns asked if anyone had any comments or concerns. Secretary McGee advised that the Town Attorney had advised to change: **or use, substantially different to** **or to change to a substantially different use.** The Board agreed to the wording.

-Amend Article XII, Nonconforming Uses "Grandfathering", by amending and adding language to regulate the expansion and relocation of nonconforming uses, the restoration of damaged nonconforming structures, and the change of nonconforming uses, lots or structures.

Peter Corey stated that this Article will clarify 5.1 Definition: by removing Nonconforming Building, Lots, or Structure and Nonconforming Use and just having the one definition of Nonconforming. 5.2 to add applicable regulations or laws. 5.5 to add: or increased nor extended and add new sentence: No such nonconforming use shall be moved, in whole or in part, to any portion of the lot or parcel other than that occupied by such use at the effective date of the adoption or amendment of this regulation.

We have had instances where folks made changes that increased the structure. There are gaps in the code so this will help clarify this section.

5.7 to add a new sentence, this will help with gaps in the code; 5.9 Remove the word: of Use and remove and add wording to this section. This will address any change in the property and if it comes into conformity it can't be changed to a nonconformity. 5.10 to add a sentence to clarify original footprint.

Chairman Burns asked if anyone had any comments or concerns, none noted.

-Amend Article XII, Absolute Criteria for All Development, by adding a new Section 6.35 with frontage requirements and amend Article VII, Procedures, to require frontage information with applications.

Peter Corey advised that RSA: 674:41 states lots must have frontage. We are looking for 75' of frontage which would give you enough room for a driveway with a buffer to meet setbacks. It didn't pass last year as a lot of miscommunication of what is was and negative comments. It's not a restrictive change, it will make development a lot easier.

Chairman Burns asked if anyone had any comments or concerns, none noted.

-Amend Appendix I, Definitions, to amend definitions of building, structure and dwelling; to delete nonconforming building, lot or structure and nonconforming use; to add new definition for "use, substantially different" and nonconforming.

Tim O'Neil spoke on Appendix I, Definitions and read each change, deletion and addition.

Chairman Burns asked if anyone had any comments or concerns, none noted.

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-Adding a new Section (Appendix X) Lighting Regulations:

Frank Lombardi read the new Lighting Regulations. The Town Attorney made a few recommendations and the Board agreed to the following:

Exceptions: A. to add at end of sentence: **shall be exempt from the requirements of this article.**

Last paragraph on Signs will be removed completely.

Chairman Burns asked if anyone had any comments or concerns, none noted.

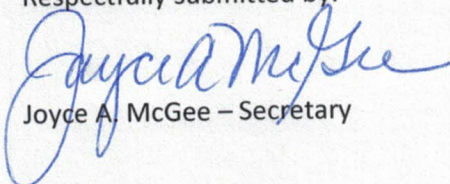
A motion was made by Alan Theodhor to accept the changes as the final proposed Development Code amendments for the 2021 Town Meeting, seconded by Tim O'Neil. All in favor, motion carries.

Chairman Burns closed the public hearing at 5:10 PM.

No additional meeting will be needed therefore, Monday, February 1, 2021 meeting will be cancelled.

A motion was made by Tim O'Neil to adjourn the meeting at 5:10 PM, seconded by Peter Corey. All in favor, meeting adjourned.

Respectfully submitted by:


Joyce A. McGee – Secretary

Scott C. Burns – Chairman