

Planning Board Meeting Minutes (Teleconference via Zoom)

March 2, 2021

6:30 PM

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

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

Public Present: Elaine & Jeffrey Wiseman and Amy Lurvey.

Minutes: A motion was made by Frank Lombardi to approve the minutes of February 2 & 9, 2021 as written, seconded by Alan Theodhor. All in favor, motion carries. APPROVED

Consultation: Robert Stiles Rev. Trust – Boundary Line Adjustment, Tax Map 219 Lots 056 & 057: TABLED, no one present.

Consultation: Agent: Frank Mai – ROW/Easement re: Rodgers Landing – CANCELLED

Consultation: Wiseman, Elaine & Jeffrey – Tax Map 230 Lot 024: The Wiseman’s are looking to turn their barn into a one-bedroom apartment, the barn is 1.75 sty. The Board wondered about water/sewer. Mrs. Wiseman stated that they have a well and septic. It was asked what the septic was approved for on number of bedrooms. She advised that it was a 1250 gallon tank but # of bedrooms were unknown of septic approval. Peter Corey advised that this would be considered a second dwelling unit and therefore was not allowed. A variance would be needed from the ZBA (Zoning Board of Adjustments). Chairman Burns also advised that Fire Chief Ross would need to make sure safety codes were met. The Wiseman’s were advised to consult a septic designer on the septic to see if it was capable of handling another bedroom and also to reach out to Chief Ross, then they would fill out a Development Permit have it be denied by the PB and then proceed to the ZBA for a variance. If approved it would come back before the PB for review on the setbacks, septic, safety codes etc. The Board thanked the Wiseman’s for coming before the Board.

Other Business:

Septic Design(s):

Phelps, George – Mirror Lake Estates Drive, Tax Map 218 Lot 26: Septic Design is for a proposed 3-bedroom home with a proposed 1250 gallon tank. Board had no concerns. A motion was made by Peter Corey to approve the Septic Design as submitted, seconded by Tim O’Neil. All in favor, motion carries. APPROVED

The Board wondered if a Driveway Permit had been issued, Secretary advised that no application had been submitted at this time.

McManus, Stephen – 16 Tuck Away Lane, Tax Map 226 Lot 010: Mr. McManus had to prove that the lot could meet the loading requirements for a 5-bedroom system, as the existing system is 3-bedroom. A septic design was prepared showing a proposed 5-bedroom system. The Board had no concerns. **A motion was made by Tim O'Neil to approve the Septic Design as submitted, seconded by Frank Lombardi. All in favor, motion carries. APPROVED**

If the State approves the new design then the Development Application can come forth to the Board for review.

Cryans, Dave – 24 Newell Lane, Tax Map 244 Lot 030: A septic design had come in showing approval for construction on an existing garage with 2-bedroom apartments by NHDES, when Secretary inquired about this the State stated it came in as a failed system. Both the Board and Secretary McGee had questions on how it can be a failed system when there was no system to begin with. Back in 1995 an approval was given by NHDES to construct but no approval was given for operation. Town records show no septic, no plumbing, build is just a shell at this time. Septic Designer was under the impression that if water was there it was considered failed. The Board would like Secretary McGee to contact NHDES regarding this system. Has work been done without proper permits?

Driveway(s):

Sminkey, Marcus – Rte 3 (Rodgers Landing), Tax Map 219 Lot 031.1: A letter from NHDOT for a temporary logging access on Rte 3 came in. Secretary McGee stated that this was just informational and no action was needed. (See property file)

Demolition:

Kittredge, Barry – 215 Old East Road, Tax Map 213 Lot 015: Secretary McGee advised the Board that the structure on this lot had been disposed of and a letter had been sent stating the violation of no permit on file.

An application came in as an After-the-Fact, to demo a residential structure on lot. GEM Enviro provided a complete asbestos abatement on structure and a receipt of disposal from AVRDD – Mt. Carberry Landfill, Berlin (see property file). **A motion was made by Tim O'Neil to approve the Demolition Application as submitted, seconded by Frank Lombardi. All in favor, motion carries. APPROVED**

The Board then discussed the After-the-Fact Penalty. Peter Corey stated that the fee of \$500.00 had already been established by the Board of Selectmen therefore no discussion needed to take place on the amount. Frank Lombardi felt it was the Board of Selectmen that enforced and administered the Code along with the amount of the fee, not the Planning Board. It was finally determined that Secretary McGee would send an invoice stating the \$500.00 penalty to be assessed and if the owner wanted to appeal they could to the Board of Selectmen.

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Lufkin, Mark – 90 Union Street, Tax Map 231 Lot 020: To demo an existing garage (25'x20'), disposal will be a dumpster. **A motion was made by Frank Lombardi to approve the Demolition Application as submitted, seconded by Alan Theodhor. All in favor, motion carries. APPROVED** An asbestos pamphlet will be included with approval.

Development Permit(s):

Lufkin, Mark – 90 Union Street, Tax Map 231 Lot 020: To place a 28'x48' manufactured home on existing slab. Meets current setbacks of 10'. **A motion was made by Tim O'Neil to approve the Development Application as submitted, seconded by Frank Lombardi. All in favor, motion carries. APPROVED**

Correspondence:

-The Summit by Morrison would like to double up beds in Assisted Living from 24 beds to 48 beds and add 2 more beds to Memory Care this will allow couples to share the same room. Fire Chief Ross is okay with the increase. Frank Lombardi thought the Water/Sewer Departments should sign off on the Development Application to make sure the systems can handle the increase. He also brought up that there have been issues with items being flushed into the system. Peter Corey believed some sort of grinder was to be purchased to correct this problem.

The Board would like them to fill out a Development Application so that a record of # of beds is on file and the Town will have a paper trail. Secretary McGee will let Chief Ross know.

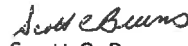
-Copy of a Warrant Article by petition that purposes to establish regulations for the operation of Non-Owner Occupied Short-Term Rentals. Secretary McGee stated that this is non-binding, advisory only.

Development Code Pamphlet: Secretary McGee thanked Frank Lombardi for helping create the pamphlet. Frank Lombardi had mentioned a few changes; that Article 3 will protect a "grandfathered" non-conforming use he also added more clarity to the article. Also, Article 6 was for new outdoor lighting. All Board members were pleased with the final version. Secretary McGee will make copies and get them out for the public to read.

-It was asked what was going into the Old Liquor Store, both Tim O'Neil and Secretary McGee stated a church group.

A motion was made by Frank Lombardi to adjourn the meeting at 7:40 PM, seconded by Tim O'Neil. All in favor, meeting adjourned.

Respectfully submitted by:  Joyce A. McGee – Secretary


Scott C. Burns - Chairman

Whitefield Development Code

Amendment

Warrant Article 2

In Other Words ...

This article would require a Development Application for a substantially different use in a property. New Definition: “Substantially Different Use” – 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.

Whitefield Development Code

Amendment

Warrant Article 3

In Other Words ...

This article still protects a “grandfathered” nonconforming use the ability to rebuild in its same footprint, however if wanting to expand and/or relocate on the lot and still does not meet setbacks or other requirements, and remains nonconforming, it would be prohibited.

Remove Definitions of Nonconforming Building, Lot or Structure and Nonconforming Use.

New Definition: “Nonconforming” – A use, lot, or structure that was lawful prior to the adoption, revision, or amendment of the Development Code but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the Development Code.

Whitefield Development Code

Amendment

Warrant Article 4

In Other Words ...

This article would add a new Section 6.35 Frontage to the Absolute Criteria in Article XIII, under “Site Design Standards” portion.

This provides property owners clear guidance with respect to frontage requirements as specified under NH RSA 674:41.

It would apply to all property being developed to have at least 75’ of frontage on a street. Also, changes to Article VII (Procedures) to require length of frontage to be provided on plans submitted.

**Whitefield Development Code
Amendment**

Warrant Article 5

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In Other Words ...

This article would Amend Appendix I,
Definitions to read:

Building: Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or material of any kind.

Structure: A combination of materials assembled at a fixed location to give support or shelter, such as a building, bridge, trestle, tower, framework, retaining wall, above ground fuel tank greater than 1,000 gallons, tunnel, tent, stadium, reviewing stand, platform, bin, fences greater than 6', flagpole or the like. For floodplain management purposes means a walled and roofed building, including a gas or liquid storage tank that is

principally above ground, as well as manufactured home.

Dwelling: A building used exclusively for residential occupancy, including single family dwellings, tiny houses, two-family dwellings and multi-family dwellings, but not including hotels, motels, recreational vehicles, tents or other structures designed or used primarily for temporary occupancy.

**Whitefield Development Code
Amendment**

Warrant Article 6

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In Other Words ...

This article would add a new Appendix X: Lighting Regulations. This would require new outdoor lighting to project downward, with exceptions. (This is to protect and preserve the nighttime environment and minimize light pollution as recommended by the International Dark-Sky Association)