

Planning Board Meeting Minutes (Teleconference via Zoom)

July 14, 2020

6:30 PM

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

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

Public Present: Terry Lufkin & Michael Wright

Minutes: The July 7, 2020 minutes were still in draft form. **A motion was made by Frank Lombardi to table the minutes of July 7, 2020 until the next meeting, seconded by Tim O'Neil. All in favor, motion carries. TABLED**

Septic Design(s):

Michael Wright wanted to talk with the Board about 30 Memory Lane, a single family home on a non-conforming lot. It changed hands in November of 2019 and new owners have turned it into a mini hotel, short term rental being managed by a Bretton Woods Company. The septic is for a 3 bedroom and they are advertising 4 bedrooms to accommodate 10 people. Mr. Wright feels that the single family use has changed. Chairman Burns agreed Mr. Wright had a valid point on the septic and the # of bedrooms.

Peter Corey stated that the issue being raised is not the first one as Airbnb development has been on the rise the last couple of years. Unfortunately, Town ordinance and State laws are behind in addressing the issue that you raise. We did have a meeting with Mr. Treiss from NHDES regarding septic rules and he indicated that nothing is on the books to enforce rules. Some Town's in the State are taking owners to court and creating a basis that Towns could consider putting in an ordinance. The Town of Whitefield at least has a definition in the Code and will continue to exam the court cases, and when appropriate will adjust the Code. You have a valid concern and are not a sole voice there are others in town with same concerns. We as the Board need to address the issue, but as of yet no legal stance.

Mr. Wright stated he read some past minutes and also read the new definition for short-term rental. In the minutes Mr. Treiss from NHDES stated that unless the permit specifically states conditions then NHDES has no standing. Mr. Wright advised that it does state conditions on the septic approval. The Board stated they could ask NHDES to enforce.

Mr. Wright would like them to go through the Change of Use process. Peter Corey stated the Board could speak with Town Attorney as the Town doesn't have traditional zoning, it might be worth pursuing and dive in. Mr. Wright stated that Article 9 of the Zoning Amendments is clarifying that short-term rentals are not residential uses, there is a scheduling list it's a for profit enterprise.

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Frank Lombardi would like to have a Change of Use and take care of the issues. Chairman Burns would like to contact the State on the septic issue. Tim O'Neil if they are driving on it, may be leaching into the lake. Mr. Wright agreed, we need to protect the body of water.

A motion was made by Peter Corey to contact NHDES on the rated capacity of the septic and to contact Town Attorney on the issue of Change of Use, seconded by Frank Lombardi. All in favor, motion carries.

Chairman Burns told Mr. Wright that the Board would advise him when the Board hears from both NHDES and Town Attorney.

RV Permit(s): Lennox, Brian – 98 Union Street, Tax Map 231 Lot 018: To place an RV on said property for 180 use from 6/23/2020 – 12/23/2020. No hookups for sewage, to use house. **A motion was made by Tim O'Neil to approve the RV application as submitted, seconded by Frank Lombardi. All in favor with Peter Corey voting – No, motion carries. APPROVED**

Development Permit(s): Welch, Joshua – 53 Hildreth Road, Tax Map 214 Lot 009: To construct a 3 bedroom, 2 ½ bath home with an attached garage. **A motion was made by Frank Lombardi to approve the Development application as submitted, seconded by Alan Theodhor. All in favor, motion carries. APPROVED** A fee of \$250.00 for new construction will be collected.

Ingerson, Benjamin – 197 Bray Hill Road, Tax Map 214 Lot 015: To construct a 2 story 32'x50' detached garage. Peter Corey stated that access to the garage doesn't look like they will be using existing driveway for the house, a new driveway permit would be needed. Need to notify Public Works Director. **A motion was made by Frank Lombardi to approve the application with conditions, Peter Corey would like to amend the motion. Frank Lombardi withdrew motion.**

A motion was made by Peter Corey to TABLE the Development application until driveway permit is approved, seconded by Tim O'Neil. Chairman Burns stated that too many times we put conditions on. Need to make sure frontage would allow for another driveway entrance. Peter Corey agreed, and advised fill had been brought in. **All in favor, motion carries. TABLED**

Other Business:

-Notice of Reinstatement for bond re: Industrial Communications & Electronics Inc. (Cell Tower)
Secretary McGee advised that she has to contact the bond company each year to see if the renewal has been done. Chairman Burns felt a penalty needs to be in place so the Town doesn't have to keep chasing after bond every year. Maybe a daily or monthly late fee, the Board agreed. Frank Lombardi wondered if it was the Selectmen or Planning Board to enforce. Chairman Burns stated that it was the Planning Board that put the bond requirement in place in case tower was ever abandoned. Peter Corey

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felt NHMA should be consulted to see if a penalty could be put on if not renewed on time. Chairman Burns wondered if a letter 20 days before expiration was sent advising of a penalty. Secretary McGee will contact NHMA. (See Property File)

-Kaminski, Kathleen – Patridge Lane/McMahon Drive, Tax Map 221 Lots 011 & 015: Ms. Kaminski had called wondering if she could put a tiny home on one of the lots for 180 days while timber was being cleaned up. Board would like to advised her that an RV permit would be required. She would like to use a compost toilet as no septic. Secretary McGee will reach out to her.

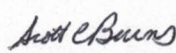
-Harris & Towle properties re: excavating and fill work being done. Secretary McGee advised that she had contacted NHDES and they advised to reach out to both property owners and require proof of being under the 100,000 sq. ft. requirement. Peter Corey would like to see a surveyed map showing what has been disturbed. Tim O'Neil, should be a stamped survey. Everyone agreed a letter should be sent to each property owner asking them to provide a stamped survey map indicating how much area was disturbed. Secretary McGee will prepare the letters.

Chairman Burns will be out on August 4th so Tim O'Neil will run the meeting as Vice Chairman.

A motion was made by Frank Lombardi to adjourn the meeting at 7:45 PM, seconded by Alan Theodor. All in favor, meeting adjourned.

Respectfully submitted by:


Joyce A. McGee – Secretary


Scott C. Burns - Chairman