

Planning Board Meeting Minutes
February 4, 2019
6:30 PM
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Chairman Burns called the meeting to order at 6:30 PM.

Members Present: Scott Burns – Chairman, Peter Corey – Selectmen’s Rep., Alan Theodhor, Steve Laroza – Alternate and Joyce McGee – Secretary.

Members Absent: Frank Lombardi and Tim O’Neil.

Public Present: Richard Wright

Chairman Burns appointed Steve Laroza as a voting member as Frank Lombardi was absent.

Chairman Burns opened the Final Public Hearing @ 6:31 PM and read the following:

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

**Monday, February 4, 2019 at 6:30 PM
Whitefield Town Office – 56 Littleton Road, Whitefield NH**

To review proposed amendments to the Whitefield Development Code as follows: Amend Article IV – Administration and Permits by adding provisions regarding Recreational Vehicle Permits; Renumbering of Sections and Corresponding Amendments to Table of Contents; Amend Article IX – Zoning Board of Adjustment special exceptions; Amend XIV – Activity: Commercial by adding Campgrounds to sections 7.1 and 7.2(e) 6; Amend Article XVIII – Section 12 – Accessory Dwelling Unit – Section 12.5 (e); Amend Appendix I – Definitions: add Campground and revise Recreational Vehicle (RV); Addition of provisions regarding Solar Energy Systems.

Since the January 15, 2019 public hearing the only change was adding requirements for campgrounds. Chairman Burns asked if the public had any comments on the proposed amendments.

Seeing none, Chairman Burns closed the final public hearing at 6:34 PM.

A motion was made by Peter Corey to approve the final proposed Development Code amendments for the 2019 Town meeting as written, seconded by Alan Theodhor. All in favor, motion carries.

The Board reviewed the warrant articles for the proposed amendments (see attached). Peter Corey felt that ADU’s should be spelled out to read: Accessory Dwelling Units. Everyone agreed, Secretary McGee will make sure the change is made.

Each article will be voted on during the day with Yes/No boxes. The Board felt a display board and pamphlet should be done to explain each article. Secretary McGee will work on this and see if Frank Lombardi will help with the pamphlet as he has done in the past.

Minutes: A motion was made by Peter Corey to approve the December 27, 2018 minutes as written, seconded by Steve Laroza. All in favor, motion carries.

A motion was made by Alan Theodhor to approve the January 15 & 23, 2019 minutes as written, seconded by Peter Corey. All in favor, motion carries.

Other Business:

Development Permit(s):

Andrews, Jack – Empire Telecom USA Re: Tax Map 101 Lot 017.04 – 39 Freds Way (Monopole Tower): the Board received an e-mail from Mr. Andrews inquiring as to whether a building permit is required to install 3 additional antennas on the existing tower. The Board felt that no permit was needed. Secretary McGee advised that the bond on the tower had expired and she would contact the agency handling this.

Hicks II, Forrest – 10 Shoreline Drive, Tax Map 241 Lot 054: An after-the-fact Demolition Permit has been filed with the \$150.00 fee. Structure was demolished with debris disposed of in accordance with NHDES. NHDES website indicated an enforcement case was started due to work beginning before permits. The Planning Board will review the status of NHDES site on this case each month.

Young, Randall – 278 Jefferson Road, Tax Map 226 Lot 064: To construct a 12'x40' metal roof over camper. The Board questioned the setbacks and wanted more verification. **TABLED**

Lufkin, Mark – 90 Union Street, Tax Map 231 Lot 020: Mr. Lufkin advised Secretary McGee that the sand/salt has been removed from 90 Union Street and that the structures would be coming down. Board will review status of structures and whether a letter should be sent with a cutoff date.

Correspondence:

Boutwell Road Update: WMRHS was given a quitclaim deed in 2000 by the Town describing a right-of-way and easement over said road for construction of sewage disposal system. It also states that the sewage disposal system is the responsibility of WMRHS and any disturbance of said road shall be restored back to prior condition. PWD Cabot Ronish is trying to obtain a copy of the septic line and its location.

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Master Plan: No word on the plan at this time, hope to have an update at the next meeting.

25th Annual Spring Planning & Zoning Conference: Saturday, June 1, 2019 in Concord.

Planning Board Meeting Dates: Next meeting February 12, 2019; March 5th & 19th – Peter Corey and Steve Laroza will not be at this meeting; April 2nd and change 9th to the 16th.

Casella: Both Scott Burns and Peter Corey received an e-mail indicating that J.W. Chipping Corp and North Country Environmental Services Inc. have filed a Notice of Options to Purchase Real Estate and Right of First Refusal for land located in Dalton, Littleton and Bethlehem. The Board will continue to monitor as the proposed use would have a regional impact (see document).

Board Member Appointments: Both Scott Burns and Frank Lombardi are up for re-appointment this March.

No other business to come forth.

A motion was made by Peter Corey to adjourn the meeting at 7:11 PM, seconded by Alan Theodhor. All in favor, meeting adjourned.

Respectfully submitted by:


Joyce A. McGee – Secretary


Scott C. Burns - Chairman

Town of Whitefield Development Application Fees

Residential (Single Family or Duplex)

New Construction	\$100.00
Accessory Structure (detached garage, porch, deck, shed, patio, in-ground pool)	\$25.00
Remodel/Alteration	\$25.00
Renewal	\$25.00

Commercial, Residential over 2 Units, Speculative Homes

New Construction	\$150.00
Misc. (Electric, Plumbing, Mechanical)	\$100.00 (only if applied for as a separate project)
Remodel/Alteration	\$50.00
Renewal	\$75.00

Other Permit Fees

Private Road Agreement	\$12.00 first page \$4.00 each additional page
Septic Permit (Initial Application)	\$50.00
Demolition Permit	\$25.00
Driveway Permit	\$25.00
Lot Line Adjustment	\$100.00 plus applicable fees
Subdivision	\$150.00 per lot, plus applicable fees
Change of Use	\$50.00 plus applicable fees
Voluntary Merger	\$100.00 plus applicable fees

After-the-Fact Permit Penalty \$150.00 (permits requested after construction has started)

Pursuant to Article XI – Enforcement Authority in the Whitefield Development Code it shall be the duty of the Board of Selectmen to enforce and administer the provisions of this Development Code. If any violation of this Code occurs, the Selectmen may institute any appropriate action, including but not limited to fines and penalties as authorized by RSA 676:17.

All Development Permits are effective for three years from the date of issuance. Renewals will be for one year.

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Amend **Article IV – Administration and Permits** by adding the following **Section 2**:

Section 2 – Recreational Vehicle Permits:

2.1 RV Occupancy Permits. No recreational vehicle may be used as a primary dwelling, domicile, or residence for any length of time. Recreational vehicles may only be occupied on a temporary basis as set forth in this section. An RV occupancy permit must be obtained from the Board of Selectmen or its designee for any recreational vehicle placed on a lot and used for living quarters for more than 7 days; provided, however, that recreational vehicles may be used as living quarters only on a temporary basis and not on a lot which already contains any other dwelling, and no recreational vehicle may be occupied with an RV occupancy permit for more than 180 days in any one calendar year. RV occupancy permits shall be valid for one year and may be renewed by application to the Board of Selectmen or its designee prior to the expiration date. Each original or renewal application must be signed by the landowner and the owner of the recreational vehicle, and shall demonstrate to the satisfaction of the Board of Selectmen or its designee that adequate provisions have been made for sanitary disposal of sewage, waste and refuse, either in an existing residence or through a self-contained unit. Such use shall conform to the requirements of the State of New Hampshire Department of Environmental Services related to sanitation facilities. Normal setback requirements as found in Article XIII (Absolute Criteria for All Development), Section 6.29 (Setbacks) shall apply. No more than two recreational vehicles will be permitted on one lot. The RV occupancy permit must be prominently displayed on such recreational vehicle.

2.2 Registration of Recreational Vehicles. All recreational vehicles must be registered in accordance with the motor vehicle laws of the State of New Hampshire. Any recreational vehicle which does not have a valid motor vehicle registration and current number plate shall be assessed by the Town of Whitefield as taxable real estate pursuant to RSA 72:7-d.

2.3 Special Event RV Permit. A special event RV permit is required for the placement of more than two recreational vehicles on a lot. Upon application, special event RV permits may be issued by the Board of Selectmen or its designee and may be valid for a period of up to seven days. The landowner shall demonstrate to the satisfaction of the Board of Selectmen or its designee that adequate provisions have been made for sanitary disposal of sewage, waste and refuse, either in an existing residence or through a self-contained unit. Normal setback requirements as found in Article XIII (Absolute Criteria for All Development), Section 6.29 (Setbacks) shall apply.

2.4 The use of recreational vehicles in campgrounds shall constitute a commercial use under Article XIV of this Code.

Amend **Article IX – Zoning Board of Adjustment** by deleting the last sentence of the existing article and replacing it with the following:

(c) Recreational trailer, which is a vehicular, portable structure built on a single chassis, 400 square feet or less when measured at the largest exterior horizontal projections, calculated by taking the measurements of the exterior of the recreational trailer including all siding, corner trim, molding, storage space and area enclosed by windows but not the roof overhang. It shall be designed primarily not for use as a permanent dwelling but as a temporary dwelling for recreational, camping, travel or seasonal use.

(d) Tent trailer, which is a canvas or synthetic fiber folding structure, mounted on wheels and designed for travel, recreation and vacation purposes.

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Authority and Purpose

(PB Hearing 1/15/19 Page 1)

- These solar collection system rules are enacted in accordance with RSA 674:17(I)(j) and the purposes outlined in RSA 672:1-III-a as amended. The purpose of these rules is to accommodate solar energy collection systems and distributed generation resources in appropriate locations, while protecting the public's health, safety and welfare. The Town intends to facilitate the State and National goals of developing clean, safe, renewable energy resources in accordance with the enumerated polices of NH RSA 374-G and 362-F that include national security and economic and environmental sustainability.

Definitions:

- **Rated Nameplate Capacity** – Maximum rated alternating current ("AC") output of solar collection system based on the design output of the solar system.
- **Solar Land Coverage** – is defined exclusively for the purposes of calculating the footprint of the land area occupied by the components of a solar array. The Solar Land Coverage is the land area that encompasses all components of the solar collection system including but not limited to mounting equipment, panels and ancillary components of the system. This definition does not include access roads or fencing and is not to be interpreted as a measurement of impervious surface as it may be defined in this code.
- **Solar Collection System** - Includes all equipment required to harvest solar energy to generate electricity. The Solar Collection System includes storage devices, power conditioning equipment, transfer equipment, and parts related to the functioning of those items. Solar Collection Systems include only equipment up to (but not including) the stage that connection is made to the utility grid or site service point.
- **Roof Mount** – A solar collection system that is structurally mounted to the roof of a building or other permitted structure, including limited accessory equipment associated with system which may be ground mounted. For purposes of calculating array sizes or solar land coverage under the solar definitions in this section, roof mounted portions shall not be included if the system is made up of both roof and ground mounted systems, the roof mounted portions shall also be excluded.
- **Ground Mount** – A solar collection system and associated mounting hardware that is affixed to or placed upon (such as ballasted systems) the ground including but not limited to fixed, passive or active tracking racking systems.
- **Carport Mount** – Any solar collection system of any size that is installed on the roof structure of a carport over a parking area.

- **Solar Power Generation Station:** Any solar collection system that is over 30 MW AC in nameplate capacity. In no case shall a Solar Power Generation Station exceed 150 acres.
- **Permitted Locations:** Solar systems are evaluated on a case by case basis for their compatibility with surrounding uses. As such, the Planning Board may prohibit installation of a solar system that conflicts with the character of a particular neighborhood or area.

Specific Solar System Requirements and Exemptions:

- All solar systems, regardless of size or purpose, require an approved development permit prior to installation.
- A ground-mounted Residential Solar system over 15 feet in height at any point shall be located in a rear yard between the primary structure and rear lot line. All other ground mounted systems located in the front yard shall be reasonably screened from abutting residential properties.
- Municipal Systems: All solar collection systems for municipal use are exempt from land use regulations pursuant to NH RSA 674:54.

Additional Provisions Regarding Solar Collection Systems:

- Building Height: Roof mounted solar collection systems must comply with building height limitations.
- Lot Coverage: Ground-mounted solar collection systems shall not be considered as part of the maximum required lot coverage limitations and shall not be considered impervious surface. Impervious surface limitations as related to stormwater management for solar collection systems shall be addressed in accordance with this ordinance.

Additional Permitted Sites:

Although governmental land uses are usually exempt, the siting of privately owned or operated solar collection systems under a lease arrangement with the Town of Whitefield may be permitted on Town-owned land with prior approval of the Planning Board and at the discretion of the Board of Selectmen.

Conditional Use Permit:

Requirements for Approving a Solar Installation Development Permit:

- Solar collection systems shall be visually screened through the preservation of existing vegetation or through a landscaped buffer in accordance with the following.
 - Plan: The buffering plan shall indicate the location, height and spacing of existing vegetation to be preserved and areas where new planting will be required.
 - All solar systems shall have a reasonable visual buffer as required in the site plan review regulations from public ways and neighboring commercial/residential uses based on the viewsheds, contours of the land and abutting land uses.
 - Areas that are within the viewshed of significant value as identified in the Master Plan shall include additional reasonable mechanisms to mitigate from a continuous and uninterrupted view of the system.
- Fencing shall be installed, if required, by the electric code or the utility. Additional security or fencing may be required if the location of the system presents a safety concern for abutting land uses.
- Primary Agriculture Solar should minimize impacts to farmland activities and Prime Farmland Soils (as defined and delineated by soil survey and definition of NH NRCS). Dual use arrangements (solar and farming activities) are encouraged where practical.
- Land Clearing Requirements
 - Land clearing shall be limited to what is necessary for the installation and operation of the system and to insure sufficient all-season access to the solar resource given the topography of the land.
 - Following construction, cleared land areas must be restored with native species that are consistent with the use of the site as a solar collection system (such as slow growth or low ground cover).
 - Erosion control measures during construction shall be detailed as required by the Planning Board.

from the point and time where the array is closest to the lot line. No portion of a system may cross into the setback.

- **Stormwater Requirements**

- Ground mounted systems that are required to secure a New Hampshire Department of Environmental Services Alteration of Terrain (AoT) Permit in accordance with NH RSA 485:17 shall secure such permit accordingly.
 - The final Permit issued by NH DES shall be incorporated by reference into the final Town approval and shall be enforceable by the Town in accordance with this Code.
 - No further local review of stormwater and erosion control shall be required where a project is required to secure the NH DES AoT Permit
- Ground mounted systems not requiring NH DES AoT Permit. Where a ground mounted system does not require an AoT permit the following shall apply:
 - Ground mounted systems that require land clearing and grubbing of mature forested cover to accommodate more than 30% of the solar land coverage area, provided such area of clearing and grubbing is also larger than 1 acre, the proposed system shall include a management plan for stormwater that is directly related to the impact of the solar collection system.
 - Ground mounted systems where the solar land coverage area is larger than 1 acre and located on slopes of greater than 5% shall include a management plan for stormwater.
- The stormwater management plan shall include the following.
 - The stormwater study shall take into account the nature of the solar panel installation and how the spacing, slope and row separation can enhance infiltration of stormwater. Percolation tests or site specific soil information may be provided to demonstrate recharge can be achieved without engineered solutions.
 - Additional information, if required by the Planning Board, shall calculate potential for concentrated flows of runoff due to the panels, slope, soil type and the impacts of other true impervious areas (such as equipment pads and roadways).
- Required for all systems:
 - All ground mounted systems shall be constructed in accordance with Best Management Practices for erosion and sedimentation control during the pre-construction, construction and post-construction restoration period.

2019 Proposed Zoning Amendments – Warrant Articles

Article __. Are you in favor of the adoption of Amendment No. 1 as proposed by the planning board for the town zoning ordinance as follows: To amend Article IV – Administration and Permits to regulate the use of recreational vehicles, clarify the status of recreational vehicles that are not registered as motor vehicles, and provide for RV occupancy permits and special event RV permits to be issued by the Board of Selectmen?

Article __. Are you in favor of the adoption of Amendment No. 2 as proposed by the planning board for the town zoning ordinance as follows: To amend Article IX – Zoning Board of Adjustment by revising the criteria for a special exception to conform to the provisions of RSA 674:33, IV?

Article __. Are you in favor of the adoption of Amendment No. 3 as proposed by the planning board for the town zoning ordinance as follows: To amend Article XIV – Activity: Commercial by adding campgrounds to the list of commercial activities and adding a requirement for parking space for each campsite?

Article __. Are you in favor of the adoption of Amendment No. 4 as proposed by the planning board for the town zoning ordinance as follows: To amend Article XVIII – Activity: Single Family Home to clarify that recreational vehicles may not be approved as detached ADUs?

Article __. Are you in favor of the adoption of Amendment No. 5 as proposed by the planning board for the town zoning ordinance as follows: To amend Appendix I – Definitions by adding definitions for “campground” and “recreational vehicle”?

Article __. Are you in favor of the adoption of Amendment No. 6 as proposed by the planning board for the town zoning ordinance as follows: To add a new Appendix VIII – Activity: Solar regarding the accommodation and regulation of solar energy collection systems pursuant to RSA 674:17, I(j), to classify different categories of solar uses based on location, purpose, nameplate capacity, and/or area; to require a development permit for solar systems (other than municipal systems) and establish standards and requirements for such permits related to height and lot coverage, location, impact to public health and safety, screening, system layout, emergency response, natural resource impacts and buffers, interconnection with utility, glare, noise, setbacks, stormwater management, lighting and decommissioning of systems?