

Planning Board Meeting Minutes

August 14, 2018

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

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

Absent Members: Tim O’Neil

Public Present: See List (attached)

Chairman Burns appointed alternate Steve Laroza as a voting member in the absence of Tim O’Neil.

Conceptual Consultation: Team O’Neil LLC, Tax Map 101 Lot 017.2 – Freds Way: To discuss locating a Car Wash at said property. Chris Cyr from Team O’Neil was present to get input on possibly putting in a car wash. He had the following questions: **Traffic Flow:** The Board advised that since Freds Way is a private road that NHDOT needs to be contacted as the private road abuts Rte 3. **Water usage & reclaiming water requirements:** Need to coordinate with Public Works Director and Water Department; consult Horizons Engineering on capacity and pressure. Alan Theodhor wondered what kind of strain it would put on the system. Peter Corey stated that a booster pump station had been put in to help with past issues of pressure and wondered if it would support the car wash, he assumes it will but not sure. He also felt that if Mr. Cyr did contact Horizons that they could help with a lot of the questions from capacity, pressure and reclaiming water. It is also the owner’s responsibility to install water line and any costs associated. **Tax Rate:** Idea on assessed value, Secretary McGee advised to look at Town of Lancaster’s assessed value on car wash to get an idea of value. Mr. Cyr said they were looking at a 4 bays with 1 bay that could wash an RV, need to do more research on equipment. Peter Corey stated they could hire the service of Horizons as the Town has them doing our projects. **911 Address:** Need to submit an application and would be a Freds Way address. Mr. Cyr stated that the Post Office doesn’t recognize Freds Way, Secretary McGee advised that if they need something from the Town to call. **Freds Way:** Who owns the road? Private Road, need Private Road Agreement. Need to talk with Robert Stiles on road and any upgrades as would need to be built to proper specs.

Mr. Cyr thanked the Board for their input.

Minutes: A motion was made by Peter Corey to accept the minutes of August 7, 2018 as written, seconded by Alan Theodhor. All in favor, motion carries.

Other Business:

Development Application(s): Marx, Howard – 18 Shirlaw Drive, Tax Map 226 Lot 028: To build a 17'x23' addition to be used as master bedroom w/ bath & closet. All setbacks meet requirements, only here 5 months out of the year, merged abutting land lot 027 with house lot. Application adds an additional bedroom making it a 3 bedroom home. Peter Corey has a problem with this as the current septic is for a 2 bedroom, 300 gpd system. He would like Mr. Marx to consult with a septic designer to make sure the current septic is sufficient and meets the standards of today, as it was installed in 1988. **A motion was made by Alan Theodhor to table the application until more information is received from a septic designer on the current tank, seconded by Peter Corey. All in favor, motion carries. TABLED**

Cox, Stephen & Rachelle – 566 Kimball Hill Road, Tax Map 251 Lot 004 (Cont'd from 8/4/18): To demo existing home and place a manufactured home as an ADU (Accessory Dwelling Unit) on said lot. Mr. Cox was present, a letter was read (see property file). Mr. Cox stated that several project are underway as they just purchased the property last Friday. He would like to get the house down or to a point where he can salvage some items. An interior inspection needs to be done to see if any asbestos or hazardous material is present, looking at GEM Environmental. Would like to deconstruct house this fall into winter, then have septic, well and a pad for the manufactured home, the pad would be located behind the existing home and 90' from property line. Mike Carbonneau did a perk test for a 3 bedroom home. Pictures of the existing house were provided, Mr. Cox felt that the definition of "Dwelling Unit" in the Development Code was not meet as the house is not safe, basement is all arched in and leaning. The house is not salvageable and is beyond repair. ADU can be used with the dwelling unit definition if you don't agree with me. The existing small home is 23' from abutters line (Argetsinger), which is 2' closer to her line than allowed. Ideally I don't want to have to move the small home twice, I would like to get pad and septic in. We would like to demo and build at the same time. Peter Corey wanted to know what the primary reason was, demo or build. Mr. Cox stated "both". He also felt that the tiny home falls under manufactured home. He understands he would need a demolition permit for the old house but would leave the barn. An approval for the septic to get and then prepare for the concrete pad, can move within the setbacks if need be but would like not to as would need a skidder to move it. Again, I can put it as an ADU and use the main structure as a dwelling unit if need be. The Board advised that a detached ADU would need to go in front of the Zoning Board for a Special Exception, but Mr. Cox would prefer not to have to go that far. Mr. Cox read the definition of Dwelling Unit, "one or more rooms with a sanitary facility and a single kitchen designed for or occupied as a unit by one family, for living, sleeping, sanitation and cooking purposes for any period of time". Based on the definition it's just a structure.

Peter Corey stated the problem is the Board has gotten into trouble before with structures being dilapidated and issuing permits. I don't have a problem with you taking it to the ZBA. Even though

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it's dilapidated you could rehab it. Then two dwelling units would be on a lot. Mr. Cox stated that "your own Development Code says on a case by case basis". Peter Corey was not prepared to vote in my reading of the Code and experience.

Frank Lombardi felt the violation of setbacks needed to be addressed as we are here for everyone. It needs to be moved immediately and then we can determine if it's a livable structure. Peter Corey stated that they need to start with the pad and septic. Mr. Cox – I need permission. Peter Corey noted, that by Code you can't have two dwelling units on property. Have you talked to the neighbor yet? Rachelle Cox stated that they became owners of the property last Friday, it's been a long process with the owner, closing dates kept getting changed we couldn't control the deadline. We promise you, the dwelling unit or not we are going to be 90' back from the line. If we have to keep coming back to you again and again, if there is a delay, it's not fair. Mr. Cox's stated that Ms. Argetsinger was part of the placement of the tiny home, he had a level of disappointment that she did not come to him. Frank Lombardi stated that the Selectmen are the enforcers. Mr. Cox wondered if the Board was clear on the current definition of "Dwelling Unit" as this is a legal document. Frank Lombardi felt the Fire Department needed to determine the status of the structure. Alan Theodhor stated that nothing is etched in stone, there are always delays. Peter Corey is right we have had problems before and we understand where you coming from. Mr. Cox asked, "Where are we at?" The structure has no sewer, can't cook or sleep there. By looking at the definition it's been abandoned, therefore it's not livable. Frank Lombardi, demolition of old former dwelling as it's not in the way of septic or pad. The application doesn't show where the septic or pad will be. Demolition is good for one year. Rachelle Cox, we want to move the tiny house onto the pad only once. Peter Corey, you are in violation as Frank stated. Scott Burns discussing this with your neighbor would solve a lot of issues, show it to her, your plans. Scott Burns felt it should go demolition permit, septic and pad. The Board agreed.

Need to amend current application to demolition only, the \$100.00 fee for the new structure has already been paid, your current application can be used for all phases. Secretary McGee explained the Board's part in approval of septic designs. Mr. Cox went through process; get rid of house, put pad in and then septic. Peter Corey wanted the location and setbacks. Mr. Cox gave the Board a rough sketch of where things were going to be placed. Scott Burns felt that it should be considered a manufactured home as it has a metal frame and beams. Mr. Cox stated it's a mix of steel and pine.

Mr. Cox wondered if an agreement on setbacks with neighbor was not agreed upon, what were the pitfalls? Scott Burns if no agreement then you must move it. Once demo has started then to me it's a mute point. Peter Corey as long as you comply with the Code. Mr. Cox wondered at what point does he need to come back? Need to be able to give Ms. Argetsinger a timeline. Frank Lombardi, demo permit tonight then come back next month for pad and septic. Peter Corey, you need to go to ZBA for a

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variance if you don't meet the setbacks if you don't want to move it. If they grant the variance then we have no authority. Mr. Cox felt he had a pretty clear idea of what the Board wanted him to do. If hazardous material needs to get removed he did not know what the turn around time would be. House comes with it's own issues and need to do it safely and within the parameters of the law. The Board felt Mr. Cox needs to show that it's coming down and it's no longer a dwelling, then can move tiny home on to pad.

A motion was made by Alan Theodhor to approve the demolition of old house at 566 Kimball Hill Road only and include asbestos brochure, seconded by Steve Laroza. All in favor, motion carries.

APPROVED

Norman, Mickey & Lori – 14 Indian Ridge Lane, Tax Map 217 Lot 19.05: To construct an 8'x10' storage shed. 60' minimum from property lines. **A motion was made by Peter Corey to approve the application as submitted, seconded by Steve Laroza. All in favor, motion carries. APPROVED**

Gensamer, Mark & Korina – 240 Jefferson Road, Tax Map 226 Lot 078: To construct a 26'x40' high tunnel, no foundation, footings or floor. No sketch showing setbacks were provided. **A motion was made by Frank Lombardi to table the application until a sketch with setbacks was provided, seconded by Steve Laroza. All in favor, motion carries. TABLED**

Carstens, Matthew – 29 Hildreth Road, Tax Map 214 Lot 007: To construct a 36'x50' barn. Peter Corey wanted to know if it was for personal use or commercial use. What is the purpose and height of building? **A motion was made by Peter Corey to table the application as Board wants to know the intended use of the barn and height of structure, seconded by Alan Theodhor. All in favor, motion carries. TABLED**

Berube, James – 83 Hildreth Road, Tax Map 214 Lot 011: To add 28 Solar Ground Mount Array to said parcel. Alan Theodhor stated that the plan shows it does not meet the setbacks on one side, showing 15'. Frank Lombardi wondered about the % of open space and soil types, Board reviewed the open space/soil type and all was good. **A motion was made by Alan Theodhor to deny the application as Solar Array is not in compliance with the 25' setback requirements, seconded by Steve Laroza. All in favor, motion carries. DENIED** Mr. Berube will be directed to the Zoning Board of Adjustment for a variance.

Evergreen Rev. Trust c/o Gregg Crowell – West Side Road, Tax Map 243 Lot 018: To construct an 8'x8' shed 5' from abutting lot 243-021 which is owner by Gregg Crowell. Secretary McGee advised the Board that she had spoken with the owner regarding getting a Shoreland Permit as the shed was going

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to be closer than the allowed 50' to Forest Lake. The Board also would advise the applicant to apply for a variance with the ZBA on the setback being closer than the allowed 25'. **A motion was made by Peter Corey to deny the permit as the applicant needs to get a Shoreland Permit and then go to the ZBA for a variance, seconded by Steve Laroza. All in favor, motion carries. DENIED**

Waterman, Stephanie – 15 Maple Street, Tax Map 104 Lot 021: To extend current driveway with a V-shaped extension in front of house. Would also like to extend back deck w/ a ramp along driveway side to create a safe egress from the deck and back bedroom, setback of 10' on easterly side.

The Board reviewed the driveway permit first, the PWD signed off noting that the trees/bushes need to be trimmed on eastern side of new driveway to obtain correct sight distance. **A motion was made by Peter Corey to approve the driveway permit with the conditions listed by the Public Works Director, seconded by Alan Theodhor. All in favor, motion carries. APPROVED**

The Board would advise the applicant to apply for a variance with the ZBA on the setbacks being closer than the allowed 25'. **A motion was made by Alan Theodhor to deny the permit as the applicant needs to get a variance from the ZBA to allow structure to be 10' from the abutting property, seconded by Steve Laroza. All in favor, motion carries. DENIED**

Brehm, Stephen – 5 Eben Road, Tax Map 255 Lot 018: To construct a 10'x12' arrow metal shed. Meets setback requirements. **A motion was made by Peter Corey to approve the application as submitted, seconded by Alan Theodhor. All in favor, motion carries. APPROVED**

Shelley Fillion Rev. Trust 2001 – 301 So. Whitefield Road, Tax Map 246 Lot 005: To construct a new 2,200 sq ft. addition that will be connected to existing house and garage. The Board reviewed the plan which showed an additional bedroom/bath. Concerns were raised about the septic as house was built in 1972 and not sure what the septic was approved for on number of bedrooms, as might not meet the current codes. **A motion was made by Alan Theodhor to table the application until more information is received from a septic designer on the current tank, seconded by Steve Laroza. All in favor, motion carries. TABLED**

Morancie Jr., Albert – 88 Crane Road, Tax Map 240 Lot 019: To construct a 38'x40' – 3 bay garage. The application did not specify the height of the garage so Peter Corey would like to have a condition of no higher than the allowed 35' and not to be used for commercial purposes. **A motion was made by Alan Theodhor to approve the application with the condition of the structure to be no more than 35' in height and not for commercial use, seconded by Peter Corey. All in favor, motion carries. APPROVED**

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Waterman, Benjamin & Stephanie – 36 Brown Street, Tax Map 103 Lot 102: To demolish burnt home only. **APPROVED BY SECRETARY MCGEE ON 7/24/18.**

Meunier, Mike – 47 Knob Road, Tax Map 211 Lot 009: To demo/remove mobile home, camper and trash. **APPROVED BY SECRETARY MCGEE ON 7/31/18.**

Septic Design(s):

Discussion took place regarding a septic issue at the Kimball Hill Inn. Was the septic leaching on the ground? Had the pipes been capped off? Is the issue resolved? Peter Corey stated since we don't have a Code Enforcement Officer we don't know. Scott Burns felt NHDES should be notified. Peter Corey felt a letter to the owner stating in light of recent events of your failing septic the Board would like to know if the septic is properly functioning and has the pipes been capped off as to not leach onto the ground. Everyone was in agreement that a letter should be sent Certified Mail.

Waystack, Philip & Beverly – 153 Mountain View Road, Tax Map 217 Lot 013: Revised Plan was signed by Secretary McGee on 7/11/18.

Mardin, Eleanor & Russell – 8 Ford Road, Tax Map 241 Lot 019: System failed, original permit approved 7/12/18, filed a revised plan on 8/13/18. **A motion was made by Frank Lombardi to approve the revised septic plan as submitted, seconded by Alan Theodhor. All in favor, motion carries. APPROVED**

Losh, Cindy – 14 Ford Road, Tax Map 241 Lot 017: System failed. **A motion was made by Frank Lombardi to approve the septic plan as submitted, seconded by Steve Laroza. All in favor, motion carries. APPROVED**

Klimkewicz, Dennis – 18 Varney Road, Tax Map 231 Lot 030: New application approved on 12/20/16, filed a revised plan on 8/13/18. **A motion was made by Peter Corey to approve the revised septic plan as submitted, seconded by Alan Theodhor. All in favor, motion carries. APPROVED**

Gribben, Jeffrey – 127 Twin Mountain Road, Tax Map 232 Lot 009: New application approved on 11/14/17, filed a revised plan on 8/13/18. **A motion was made by Frank Lombardi to approve the revised septic plan as submitted, seconded by Peter Corey. All in favor, motion carries. APPROVED**

Correspondence:

- Robert Stiles has filed a Wetlands and Non-Site Specific Permit for Tax Map 103 Lot 048 on a deck that overhangs the Johns River.

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- An e-mail was received regarding building on a Class VI Road. The Board would like it e-mailed to them before responding.
- September 4, 2018 Board would like to work on Recreational Vehicle material. Steve Laroza will not be here for meeting.
- Date Change from September 18th to the 11th.
- Board members were given an updated 2017 Planning Handbook and 2018 Legislative Session Update.
- Peter Corey advised the Board that the Selectmen are looking at increasing revenues for the Town as always looking at taxation side and never revenue side. He would like to see fees for septic, driveway and demolition permits. The fee schedule has been in place for a year now so he would like to see Septic \$50.00 for initial application, Driveway \$25.00 and Demolition \$25.00. **A motion was made by Alan Theodhor to recommend a fee of \$50.00 for Initial Septic Plans, \$25.00 for Driveway Permits and \$25.00 for Demolition Permits to the Board of Selectmen, seconded by Steve Laroza. All in favor, motion carries.**

A motion was made by Peter Corey to adjourn the meeting at 9:26 PM, seconded by Steve Laroza. All in favor, motion carries.

Respectfully submitted by,


Joyce A. McGee – Secretary


Scott C. Burns - Chairman