

Planning Board Meeting Minutes

January 3, 2023

6:30 PM

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

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

Members Absent: Shawn White – Selectmen’s Rep.

Public Present: Sasannah Colt, Robert Wisnouckas and Robert Stiles.

Minutes: A motion was made by Tim O’Neil to approve the December 13th & 20th, 2022 meeting minutes as written, seconded by Steve LaRoza. All in favor, motion carries. **APPROVED**

Chairman Burns opened the Public Hearing at 6:40 PM and read the following:

Public Hearing:

Final Public Hearing Notice

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

**Tuesday, January 3, 2023 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 XIV – Activity: Commercial Section 7: by amending and adding sale or rental of portable storage containers to Definition 7.1.
- Amend Article XIV – Activity: Commercial Section 7: by amending and adding language to new subsection on short-term rentals.
- Amend Article XVII – Activity: Residential Section 10: by removing Boarding and rooming home from Definition 10.1.
- Amend Appendix I – Definitions: To amend and add language to Temporary Structures; Campground; and Structure. To add new definition for portable storage containers.

If a second hearing is needed it will be held on: **Tuesday, January 10, 2023 at 6:30 PM – Whitefield Town Office – 56 Littleton Road, Whitefield NH.**

The Board went down through the attached 2023 Proposed Daft Amendments, each item was read with the following comments from the Board and public:

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Temporary Structure: Suzy Colt wondered about the change from 2 years to 1 year. Chairman Burns stated that by leaving a temporary structure on your property more than a year it shouldn't be considered temporary and several issues could arise, like meeting setback requirements. Tim O'Neil, the definition is clearer and that a development is required after 1 year or they need a plan to take it away. Ms. Colt, is it more of enforcement issue. Tim O'Neil, always enforcement issue but it wasn't clear. Ms. Colt, then if it's a permanent structure would they need to come back? Chairman Burns, stated yes, if they want it to be permanent structure then a Development permit is needed.

Tim O'Neil read an explanation of this change: This would clarify that portable storage containers aren't handled this way. Obviously, they are a sort of temporary structures, but the definition of "portable storage container" has a different regulatory system for those.

Suzy Colt wondered if this was going to be presented somehow. The Board advised yes, a pamphlet will be developed.

Robert Wisnouckas, you're just changing the definition. Chairman Burns, yes to give a better understanding of it.

Campground: Tim O'Neil, we are clarifying the definition of Campground so it's consistent with our RV regulations. We have had problems with more than two RV's on a lot. Secretary McGee advised that RV permits are good for 180 days and then there is a "Special Event" permit as well. Tim O'Neil, this is for units that are used or occupied for compensation. Suzy Colt wondered why the change? Secretary McGee spoke that the current definition was based on septage guidelines and the Board wanted to be more consistent with the RV regulations that are currently in place.

Structure: The Board advised portable storage container was being added to existing definition.

Portable Storage Container: Adding new definition and including this to the Commercial Activity definition.

Tim O'Neil read an explanation of this change: This clarifies that it's not "commercial" for someone to put a container (or more than one) on their own property to store their own stuff, but it is commercial to either put them on the property for people to buy, or to put them there so the other people can rent them (either to take to their own property, or to use on-site in the same manner as a self-storage building).

Boarding & Rooming Home: Secretary McGee advised that this was listed in two locations, Residential and Commercial Activity. Removing from Residential Activity, it will now be under Commercial.

Short-term Rental: Robert Wisnouckas advised that Airbnb handles all the taxes, insurance and they should have a license #. Chairman Burns, agreed that Airbnb should have a #, in the past it was up to the individual. Mr. Wisnouckas had concerns with the parking on the property in designated parking area.

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His concern was what if parking wasn't available on a lot. Frank Lombardi, the code already addresses this through the Absolute Criteria list so maybe we shouldn't have it. Other members felt it was needed for when people are parking in the road or on an abutter's property. Frank Lombardi felt that was a police issue. Mr. Wisnouckas didn't know if it was needed.

Suzy Colt wondered about Fire Chief Inspections, people will have a problem with this. Secretary McGee advised the Fire Chief is already doing inspections, it's required by State law.

Back to the parking, Tim O'Neil if this is a problem then I don't mind the way it is. Mr. Wisnouckas, you can go and park your car anywhere. Mr. O'Neil, yes especially when houses are so close to each other. Frank Lombardi stated again that it's in the code, every situation is different we try to talk through these items. At this time the Parking section in the Absolute Criteria section was read. Chairman Burns suggested that maybe changing the word "must" to "should". Everyone agreed with that change and then also decided to take out the word "property".

It now reads: All vehicles should be parked in designated parking areas.

Everyone including the public were happy with this change.

No further discussion, Chairman Burns closed the public meeting at 7:35 P.M.

The Board discussed the final revisions to the proposed changes to the Development Code: Only change will read as follows:

The maximum number of vehicles allowed on the property or other permitted areas is the required number for the occupant load as calculated under this Section 7. All vehicles must should be parked ~~on the property~~ in designated parking areas.

A motion was made by Frank Lombardi to approve the change on "must" to "should" and eliminate the words "on the property", seconded by Tim O'Neil. All in favor, motion carries.

All other proposed changes will remain the same.

A motion was made by Tim O'Neil to accept the proposed changes to the Development Code as amended and to present them to the voters at Town Meeting, seconded by Tim O'Neil. All in favor, motion carries. APPROVED – TO BE VOTED ON DURING THE DAY OF TOWN MEETING.

No other meeting on the proposed changes were necessary.

At this time Chairman Burns continued with the regular business meeting.

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Other Business:

Correspondence:

- Vernucci Jr., Paul – Signature page was missing from Development Application, permit #2022-092. Chairman Burns signed off on application.
- E-mail from an interested party re: 38 Lancaster Road, Tax Map 101 Lot 043; Would like to potentially turn part of the building into a Short-term Rental and wants to have an informal discussion. Secretary McGee advised she already replied that a Change of Use/Site Plan would be required with a public hearing so abutters could express any concerns and that the Commercial Activity/Absolute Criteria would be used. She also stated that the Board couldn't give an answer one way or another unless it's a public hearing.

The Board agreed that they didn't feel comfortable having an informal discussion. They suggested the interested party first contact the Fire Chief regarding life safety codes and also NHDOT regarding the use of the driveway. An application would need to be filled out before any other questions would be answered. Secretary McGee will respond.

- Northern Performance Sales & Service LLC – 466 Lancaster Road, Tax Map 212 Lot 014: Inquired about permitting. The Board agreed no Change of Use/Site Plan required as similar use, previously was White Mountain Auto.
- Kuczynski – 914 Jefferson Road, Tax Map 215 Lot 031: Inquired about grandfathered status. The Board agreed that this property fell under the grandfathered status for short-term rental but was glad to hear an inspection was done by the Fire Chief as a propane leak was detected and other safety items were addressed.
- 630 Littleton Road, Tax Map 244 Lot 002: A letter will be sent regarding the status of a septic system at this location.
- Robert Stiles had submitted a Subdivision/Lot Line Adjustment to the Board in reference to Fred's Way and Tower Drive. Board would like to have a consultation with Mr. Stiles and his surveyor on Tuesday, January 10th if possible. Secretary McGee will reach out to Mr. Stiles.
- Flood Lines: Information on when a substantial improvement/damage is determined (see attached).

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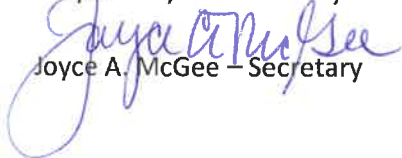
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Annual Review of Master Plan: Secretary McGee handed out the outline and updates of goals that she had done, no changes were made. **A motion was made by Frank Lombardi to approve the annual outline of goals for the Whitefield Master Plan, seconded by Tim O'Neil. All in favor, motion carries. APPROVED** Selectmen need to approve and then this will be sent to Mapping and Planning Solutions.

A motion was made by Frank Lombardi to adjourn the meeting at 8:08 PM, seconded by Tim O'Neil. All in favor, meeting adjourned.

Respectfully submitted by:


Joyce A. McGee – Secretary


Scott C. Burns - Chairman

2023 Proposed Draft Amendments to the Whitefield Development Code

Planning Board Public Hearing: Tuesday, January 3, 2022 @ 6:30 PM

Town Office – 56 Littleton Road

Proposed Draft: Definition – Appendix I

Temporary Structure: A structure other than a portable storage container, vendor cart or construction trailer, intended to be utilized for a specified period of time of not less than four days nor more than one year that is not intended as a permanent structure, and does not provide a permanent foundation or footings. A temporary structure which remains in place longer than one year will be deemed to be a permanent structure requiring a Development Permit.

Proposed Draft: Definition – Appendix I

Campground: A parcel of land or premises with more than two sites, with or without water, electricity and sewage hookups, that is used or occupied for compensation by campers traveling by passenger vehicles and utilizing tents, campers, travel trailers, or any other recreational vehicles.

Adding to Structure Definition; adding Portable Storage Container Definition and listing it under Commercial Activities:

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, portable storage container, 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 a manufactured home.

Portable Storage Containers: means a portable, weather-resistant receptacle, whether privately owned or commercially leased or rented, which is designed and/or used for the storage or shipment of personal property, building materials or merchandise. A development permit is required for the placement of a portable storage container if on a property for more than 60 days. The term shall not include yard waste containers, construction debris containers, or containers having a storage capacity of less than two hundred (200) cubic feet.

Section 7.1 Definition: Commercial Activity

Retail trade and service activities, vehicle service station and sales, greenhouses and nurseries, ... childcare centers as primary activities utilizing over 75% of project floor space, sale or rental of portable storage containers (whether for on-site use or to be moved to customer's property), and other uses which are of the same general character that involve commercial activity.

Remove Boarding & Rooming home from Residential List (Section 10.1 - Definition)

OVER

Adding new subsection under Commercial Activity on Short-term Rentals:

Section 7.2(g) Short-term Rental: Must be in compliance with all applicable National Fire Protection Association (NFPA) codes and Health Home Requirements adopted by the State of New Hampshire at all times.

Sleeping Area: Only the rooms designated as sleeping areas in the application, shown on the floor plan, shall be used for sleeping. Sleeping areas will be inspected and approved by the Fire Chief or designee.

Occupant Load: Occupant load to be determined by the Fire Chief or designee and Health Officer or designee as consistent with the approved NHDES private septic design.

The maximum number of vehicles allowed on the property or other permitted areas is the required number for the occupant load as calculated under this Section 7. All vehicles must be parked on the property in designated parking areas.

The owner of a Short-term Rental unit must provide proof of a current NH Rooms and Meals Tax license number.