

Chairman Scott Burns called the meeting to order at 6:34 PM.

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

Members Absent: John Tholl Jr. – Selectmen’s Rep. and Alan Theodhor

Public Present: Casey Maroon, Becky & Chris Matthews, Mary & Lewis Gooden, Jane Bourassa, Richard Harris Sr., Lewis Niles, Penny & Troy Dodge, Veronica Curell, Ryan Presby and DonnaBeth Murray.

Chairman Burns appointed Alternate Steve LaRoza as a voting member.

Minutes: A motion was made by Frank Lombardi to approve the September 7, 2021 meeting minutes as written, seconded by Tim O’Neil. All in favor, motion carries. APPROVED

Secretary McGee reminded the Board that the minimum setback for driveways was 10’ throughout Town (see attached).

Other Business:

Driveway Permit(s):

Curell, Veronica – Corner of Spring St/Myrtle St, Tax Map 104 Lot 031: This was TABLED from the 9/7/21 meeting as it needed a better diagram of where the driveway was on property. Meets the 10’ setbacks, DPW Robert Larson approved it only for Recreational Use. A motion was made by Frank Lombardi to approve the Driveway Application as submitted with the condition that is only for Recreational Use, seconded by Steve LaRoza. All in favor, motion carries. APPROVED

Reed, Daniel – Old East Road, Tax Map 216 Lot 016: This was TABLED from the 9/7/21 meeting as setbacks were not shown on map. Map provided and the 10’ setbacks were met. A motion was made by Frank Lombardi to approve the Driveway Application as submitted, seconded by Steve LaRoza. All in favor, motion carries. APPROVED

RV Permit(s):

Reed, Daniel – Old East Road, Tax Map 216 Lot 016: This was TABLED from the 9/7/21 meeting as Driveway Application was not approved. Driveway was approved (see above) therefore the owner is looking for an RV 180 days use permit from 9/1/21 – 3/1/22. No issues with the Board. A motion was made by Frank Lombardi to approve the RV Permit as submitted, seconded by Steve LaRoza. All in favor, motion carries. APPROVED

Development Permit(s):

Curell, Veronica – Corner of Spring St/Myrtle St, Tax Map 104 Lot 031: This was TABLED from the 9/7/21 meeting as it needed a better diagram of where the buildings were on property. Ms. Curell was

present. To construct two (2) 8'x10' sheds and an 8'x17' Carport. Setbacks are met, no concerns. **A motion was made by Frank Lombardi to approve the Development Application as submitted, seconded by Steve LaRoza. All in favor, motion carries. APPROVED**

Ms. Curell addressed the Board regarding her 5th Wheel RV. She stated that when researching online it says, "All States consider the 5th wheel a tiny home on wheels". The Board stated that an RV can't be your permanent home. Ms. Curell, it has a full kitchen, full bathroom and full bedroom, I was told I could register it for 6 months and then another 6 months, then I have nowhere to live. It was going to be my permanent residence. I was looking at a used trailer but was not interested in it, so then the 5th wheel became available. I cleared the property and made my own driveway. Can I live there or not? The Board again advised her that an RV can't be a permanent home and a 5th wheel is not a tiny home on wheels. Tim O'Neil wondered if it was clear in the Code. Frank Lombardi, RVs are allowed with the proper permit. Get the RV permit and then after the time period go before the ZBA for a variance. You would need to apply with the PB for a house lot then you could appeal it to the ZBA, we need to follow the Code. The ZBA might accept it. Ms. Curell, asked about Superior Court. Yes, you have that option. I can get an RV Permit for 180 days, renew it and then I can't live in it. Can't live in an RV or a tent, can I live in an igloo? Electric will be hooked up, the white, gray and black are all pumped out. Frank Lombardi stated on the form it will ask where and who is pumping waste. He read the RV section of the Development Code in reference for the 180 days per calendar year. Ms. Curell asked, so 6 months now and then it will be another year so another 6 months. Steve LaRoza, yes it would be good until August. Frank Lombardi advised her that it's important to know the rules, especially when you are spending money so you aren't in a bind. The ZBA might allow it, give them your case, none of us are on that Board. Secretary McGee gave Ms. Curell an RV application so she could get started.

Niles, Lewis & Dodge (Niles), Penny – 102 Spencer Road, Tax Map 255 Lot 026: Secretary McGee advised that Mr. Niles was granted (#2021-004) approval to allow the non-conforming house as work had begun within the time frame of 12 months under Section 5.8 of Discontinuance. Chairman Burns reference Section 5.10 Restoration where the original footprint must be used. Frank Lombardi stated the application was After-the-Fact and does it follow the same footprint? The After-the-Fact fee is \$500.00. Mr. Niles stated the proposed dwelling was to be 36.4'x 32.3' the cavalier is 4' greater than the existing footprint, he will eliminate that section to comply. **A motion was made by Tim O'Neil to approve the Development Application with the condition that the dwelling shall be on the original footprint to comply with Section 5.10 Restoration and to assess the After-the-Fact fee of \$500.00, seconded by Frank Lombardi. All in favor, motion carries. APPROVED WITH CONDITIONS**

Matthews, Chris & Becky – 30 Union Street, Tax Map 103 Lot 017: Secretary McGee advised that a Variance (#2021-005) was approved to build 5' from the State ROW. The application is to build a 12'x30'x5 ½" enclosed addition, single story in front of the building. Both Chris and Becky Matthews were present. An abutter Jane Bourassa would like to see the plan. Tim O'Neil advised her the lines are

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not 100% accurate. Ms. Bourassa is worried about seeing down the road. Mr. Matthews stated he measured 12' which is not more than the existing walkway. Ms. Bourassa, I am worried it blocking some of the view. She was advised that it will no longer be the entrance to the shop, it will be windows like a storefront. Tim O'Neil showed here the distance of the State ROW. Lewis Gooden wanted to know the roof height. Mr. Matthews stated, it's a single story, so where the door overhang is now. Mrs. Matthews told Ms. Bourassa that they stood on the sidewalk to see if it would obstruct anything and they didn't feel it would. Tim O'Neil stated that the Board doesn't do enforcement but we do site visits. The Matthews advised that it's going where the existing little porch is but the length of the building. Lewis Gooden felt since it's already a business shouldn't it have to meet handicap accessibility, as a lot of places don't comply. Ms. Bourassa stated that as long as it doesn't go beyond the existing sidewalk, I'm okay with it. **A motion was made by Frank Lombardi to approve the Development Application to build a 12'x30' 5 1/2 "enclosed single-story addition to the front of the building, seconded by Steve LaRoza. All in favor, motion carries. APPROVED**

Harris Jr., Richard – 189 Hall Road, Tax Map 218 Lot 050: This application was denied at the 8/17/21 meeting and then TABLED at the 9/7/21 meeting as more information was needed on conex boxes.

Chairman Burns stated he had talked to the Police Department, it's a business so commercial use. Frank Lombardi read the definition of Storage: That portion of a building utilized for the storage and safekeeping of goods. Storage areas shall not include areas that are utilized as or constitute work areas of any types. As a Board, it can't be a business out of a storage unit. Tim O'Neil felt it wasn't clear, is it a structure which needs to meet setbacks. For all purposes it is a Commercial Business. Frank Lombardi, from the context, the van is considered an RV and a permit is required. Does the renter want to do an RV permit, then the owner would have to be willing to sign off on it? Tim O'Neil, there are two things up in the air to deal with, living there and the septic. Frank Lombardi asked if he was working in it, the storage unit can't be a Commercial unit. Richard Harris Sr., you are saying that you can't do any private work with it or anything. Casey Maroon, if it's not at someone's house. Mr. Harris, it's private property with a conex box on it, everything is private. I would dispute the Commercial business. Chairman Burns, that is what was stated to the Police Department. Mr. Presby asked why Mr. Harris Sr was speaking about the property. Mr. Harris, I'm the owner. Mr. Presby, no you aren't Richard Harris Jr. is. Mr. Harris Sr., then I'm the designated person to speak on it.

Chairman Burns, when I spoke to the Chief of Police, he was told that a race car is being built. Mr. Harris Sr., so if Tim O'Neil is using his conex box for building cars what then? Frank Lombardi, it's after the fact the conex box and living in the van. Mr. Harris Sr., this discussion is out of your realm, the conex box is private. I defy you to show me it's a business. Mr. Presby asked if the Board had seen the Police Log. Secretary McGee gave the Board the log. Tim O'Neil, there have been a significant number of complaints, have they been resolved. Mr. Harris, what are they? Tim O'Neil, it's here say not going to say. Mr. Harris Sr., you are on shallow ground as you don't know who lives there.

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Chairman Burns, stated that legal says it is a structure. Mr. Harris Sr., I don't deny that. Chairman Burns asked the Board what they wanted to do. Tim O'Neil, legal counsel doesn't make it clear. Frank Lombardi, I would table it until it's clearer, we need a straight answer. If it's a storage bin and he is living on the premises then he needs a permit, as a van does constitute an RV permit. Our job is to control the land use. Mr. Harris Sr., you are saying the conex box is a shed or structure. If you can't do anything private then how are you determining it's a business? Chairman Burns, it's rented out and classified as a business. Mr. Harris Sr., there is a lot that constitutes a business. Tim O'Neil, you could have a deficit, it's not based on money. Mr. Harris Sr., it's parts that aren't to be sold or bought. Mr. Presby, it's clear with the Police Department.

Frank Lombardi, if the conex box is established then it is approved in that position. Mr. Harris Sr., then a big shed is the same thing. Plans are to move them. The Board felt that more direction and clarification is needed. Need to table it until we find out how we are going to handle them. Mr. Harris Sr., you don't know who is renting it, this is out of your realm. It's a single lot, it's not commercial, but on someone's property being rented out. Steve LaRoza agreed to table it.

Mr. Presby wondered how many times does it get tabled, it's been 60 days or far longer. How many more days can it be there? Tim O'Neil, we need to get advice from attorney. Mr. Harris Sr., there is a lot of flexibility to the Code. Chairman Burns stated that it was tabled until the Board gets the information they need. **TABLED**

Harris Sr., Richard – 123 Old East Road, Tax Map 213 Lot 002: This was TABLED from the 9/7/21 meeting, more information was needed on the conex boxes. Mr. Harris stated that you can put an RV or trailer on your property, even a tiny home but it needs to meet the setbacks. I don't know the distance but they can be moved around as long as they meet the setbacks. Frank Lombardi, if you move it, it's going to be a problem, it will be a pain to come back. Mr. Harris, it's part of the business, they can move. Last meeting you said you would go to legal. Chairman Burns wonder what the issue was. Mr. Harris, it would be in the driveway if it met setbacks. Frank Lombardi, conex box is a structure and needs to meet the setbacks, Tim O'Neil and Steve LaRoza agreed. Can it go sideways? Mr. Harris stated he has two structures that are van bodies, way before the Code, they are going beside them.

Frank Lombardi advised an appeal could be sought or a variance. Chairman Burns, it needs to meet the setbacks and go before the ZBA. Frank Lombardi, the moving piece is not clear, we don't have an answer on that. **A motion was made by Frank Lombardi to deny the Development Application as the conex boxes do not meet the setbacks of 25', seconded by Tim O'Neil. All in favor, motion carries. DENIED**

Walters, Bruce & Brigitte – 35 View Street, Tax Map 231-054: To construct a 10'x10'x4" concrete pad for a hot tub. **A motion was made by Frank Lombardi to approve the Development Application as submitted, seconded by Steve LaRoza. All in favor, motion carries. APPROVED**

Gooden, Joshua – 90 Union Street, Tax Map 231 Lot 020: This was TABLED from the 9/7/21 meeting as Secretary McGee needed to contact applicant regarding the garage. The Board explained that since Mr. Gooden wants to build a shed now, then next year he would remove it and build a garage that they could only approve the shed at this time. Especially not knowing if the shed would move from the existing location or Mr. Gooden would remove it all together. Mr. Gooden will need to come back for an additional permit on the garage. **A motion was made by Frank Lombardi to approve the 10'x17' shed only, seconded by Steve LaRoza. All in favor, motion carries. APPROVED**

Richard Harris Sr., had a question on sheds. He understood if a smaller shed was being replaced by a larger shed it needed a permit, but if a bigger shed was going to a smaller shed what would be your thoughts on this? Chairman Burns stated that he could not give an opinion on this. Mr. Harris, the shed is already being taxed. Frank Lombardi stated, no comment. Mr. Harris, I'm just looking for guidance.

Correspondence:

-Secretary McGee handed out RSA 674:41 Minimum Road Access Requirements Under State Law for the Board to review.

-Email from Cathy Conway re: Tanguay Homes Storage Units Case #639: Cathy Conway is looking for a continuance on the Storage Units, if necessary, as they still need clarification on the Open Space part of the Absolute Criteria. Frank Lombardi felt this was the same as dealing with the Summit as it wasn't a subdivision but required Open Space as part of the Criteria. We are making sure there is Open Space. Tim O'Neil, then it's not buildable space. Frank Lombardi, she is asking if Open Space is required, under the Development Code the minimum tract area for an open space development shall be at least ten (10) contiguous acres, with parcels held in single ownership or control at the time of application. Storage Units are Commercial so we are doing it fine. Was there Open Space created in the subdivision? Chairman Burns stated he was on the Board then and no Open Space was designated. Frank Lombardi read the definition of Open Space Development:

"A form of subdivision that permits units to be clustered together into one or more groups on sites or lots and separated from each other and adjacent properties by permanently protected open space"

Chairman Burns stated that this is a cluster group of units, therefore one unit. Frank Lombardi, 5 units clustering together. Chairman Burns, the reasoning for clarification is that they would want to phase in the other buildings. Frank Lombardi, they can't have another phase, the lot is 14 acres and 10 acres are

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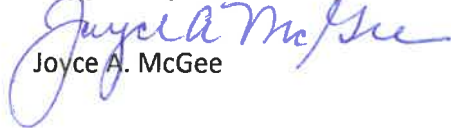
buildable. We need to ask Town Attorney if we should be treating it like we did the Summit. The Board wondered when Open Space was adopted. Does Open Space only pertain to subdivisions? Need her view on it. Secretary McGee reminded the Board that she had already given them a response to Open Space. The Board wanted more information.

-Letter from NHDES re: D142 Line: NHDES approved on September 6, 2021 issuing RSA 485-A:17 Alteration of Terrain Permit AoT-2007 (see attached). Frank Lombardi advised the Board that the Conservation Commission was awarded \$5,000.00 from Eversource to update the Natural Resource Inventory for the Town (shovel ready project).

No other business brought forward.

A motion was made by Steve LaRoza to adjourn the meeting at 8:20 PM, seconded by Frank Lombardi. All in favor, meeting adjourned.

Respectfully submitted by:


Joyce A. McGee


Scott C. Burns - Chairman

Town of Whitefield

New Hampshire

Warrant and Budget

2020

To the inhabitants of the Town of Whitefield, in the County of Coos, in the State of New Hampshire qualified to vote in town affairs are hereby notified and warned of the Annual Town Meeting will be held as follows:

Date: March 10, 2020

Time: Town Meeting will begin at 7:30 p.m.; Polls for voting will be open from 8:00am to 6:00pm

Location: C.D. McIntyre Building on Highland Street in Whitefield

Articles 01-09 are voted on during the day from 8:00 am to 6:00 by ballot.

Article 01. To choose one Selectperson for a three year term; Two Library Trustees for three year terms, one Trustee of the Trust Funds for a three year term; one Cemetery Trustee for a three year term, one Treasurer for a three year term; one Moderator for a two year term.

Article 02. 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 XIII – Absolute Criteria for All Development, Section 6.29 to change the minimum setback for driveways to 10 feet from side property lines and remove reference to downtown area?

Article 03. 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 add a new Appendix IX to the end of the Code, establishing the Village District as a special zoning district and to adopt a new Zoning Map outlining this District, in which development will be subject to all other parts of the Code but the minimum setback will be 10 feet?

Article 04. 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 Appendix II – Open Space Conservation & Development Criteria, Section III, to correct an obsolete reference, and to amend Appendix IV, Airport Development Criteria, Section II, to correct a typographical error?

Article 05. 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 the introductory paragraph of Article VI – Development Criteria to clarify that the provisions of the various Appendix sections also apply to development applications as appropriate, and to amend the introductory paragraph of Article V – Process for All Development to incorporate all Appendix sections?



The State of New Hampshire
Department of Environmental Services

Robert R. Scott, Commissioner



September 6, 2021

Eversource Energy
Attn: Jeremy Fennell
13 Legends Drive
Hooksett, New Hampshire 03106

RE: D142 Transmission Line Rebuild
Lancaster, Northumberland, Whitefield, NH

Permit: AoT-2007

Dear Applicant:

Based upon the plans and application, approved on September 6, 2021, we are hereby issuing RSA 485-A:17 Alteration of Terrain Permit AoT-2007. As part of the processing of this application, DES granted approval to waiving specific requirements of Env-Wq 1504.09, finding that the development of a stormwater drainage report, and associated drainage area plans and hydrologic soil group plans was not warranted given the scope of the project, its linear nature, and the relatively minor area of impervious surfaces constructed. It was further determined that granting the waivers would not have an adverse impact on the environment, public health, public safety, or abutting properties, and that granting the requests is consistent with the intent and purpose of the rules waived. Additional documentation relative to the waivers requested is contained within the file. This permit is subject to the following conditions:

PROJECT SPECIFIC CONDITIONS:

1. Plans by Stantec Consulting Services Inc. entitled "Whitefield to Northumberland Rebuild Project (D142)", dated September 1, 2021, and supporting documentation in the permit file are a part of this approval.
2. **This permit expires on September 6, 2026.** No earth moving activities shall occur on the project after this expiration date unless the permit has been extended by the Department. If an extension is required, the request must be received by the department before the permit expires. The Amendment Request form is available at: <https://www.des.nh.gov/land/land-development>
3. The Permittee shall comply with all recommendations by the New Hampshire Fish and Game Department related to state or federally listed threatened or endangered species, as incorporated into the project plans as *New Hampshire Fish and Game Alteration of Terrain Conditions Related to Threatened and Endangered Species*.

GENERAL CONDITIONS:

1. Activities shall not cause or contribute to any violations of the surface water quality standards established in Administrative Rule Env-Wq 1700.
2. You must submit revised plans for permit amendment prior to any changes in construction details or sequences. You must notify the Department in writing within ten days of a change in ownership.
3. You must notify the Department in writing prior to the start of construction and upon completion of construction. Forms can be submitted electronically at: <https://www.des.nh.gov/land/land-development>. Paper forms are available at the referenced web address.
4. This permit does not relieve the applicant from the obligation to obtain other local, state or federal permits that may be required (e.g., from US EPA, US Army Corps of Engineers, etc.). Projects disturbing over 1 acre

may require a federal stormwater permit from EPA. Information regarding this permitting process can be obtained at: <https://www.epa.gov/npdes/epas-2017-construction-general-permit-cgp-and-related-documents>.

5. **Upon completion of construction, a written notice signed by the permit holder and a qualified engineer shall be submitted to the Department, in accordance with Env-Wq 1503.21(c)(1), stating that the project was completed in accordance with the approved plans and specifications.** If deviations were made, the permit holder shall review the requirements in Env-Wq 1503.21(c)(2).
6. No activity shall occur in wetland areas until the applicable permit is obtained from the Department. Issuance of this permit does not obligate the Department to approve a Wetlands Permit for this project
7. This project has been screened for potential impact to known occurrences of protected species and exemplary natural communities in the immediate area. Since many areas have never been surveyed, or only cursory surveys have been performed, unidentified sensitive species or communities may be present. This permit does not absolve the permittee from due diligence in regard to state, local or federal laws regarding such communities or species. This permit does not authorize in any way the take of threatened or endangered species, as defined by RSA 212-A:2, or of any protected species or exemplary natural communities, as defined in RSA 217-A:3

Sincerely,



Ridgely Mauck, P.E.
Alteration of Terrain Bureau

cc: Lancaster Planning Board
Northumberland Planning Board
✓ Whitefield Planning Board

cc: Stantec Consulting Services Inc.
NH Fish & Game Department