

**TOWN OF NEW HAMPTON  
PLANNING BOARD  
MEETING MINUTES  
7:00 PM On-line Zoom Meeting  
<https://us02web.zoom.us/j/89428810837>  
NEW HAMPTON, NH 03256**

March 16, 2021

**MEMBERS PRESENT:** Regular Members: Mr. Kettenring, Mrs. Hiltz, Mr. Broadhurst, Mr. Katz, Mr. Hays  
Alternate Members: Mr. Shea, Ms. Peterson, Mr. Richard Green  
Absent members: Mr. Ken Mertz

**OTHERS PRESENT:** Planning Assistant Bob Pollock, Town Administrator Neil Irvine, Mr. Kent Brown via Zoom, Mr. Mark McDonough via Zoom, Mr. Shoemaker via Zoom, Ms. Shelby Julia Emerson with XP Realty Susan Slack (LRPC), Chief Kevin Lang (NHFD) and Mrs. Shana Martinez for recording purposes via Zoom.

**CALL TO ORDER:** Mr. Kettenring called the meeting to order at 7:00 p.m. He appointed Ms. Kelsey Peterson to vote in place of Mr. MacDonald.

**MINUTES** *\*Mrs. Hiltz made a motion; seconded by Mr. Broadhurst to amend the minutes of February 16, 2021 to address wording on third paragraph of page 2 of 4 to strike last sentence and state the discussion was relative to requirement of "frontage roads".*  
**Vote was unanimous.**

**NH State of Emergency Statement**

As Chair of the Planning Board, I find that due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic and in accordance with the Governor's Emergency Order #12 pursuant to Executive Order 2020-04, this public body is authorized to meet electronically.

Please note that there is no physical location to observe and listen contemporaneously to this meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, I am confirming that we are:

a) Providing public access to the meeting by telephone, with additional access possibilities by video or other electronic means:

We are utilizing Zoom for this electronic meeting.[1] All members of the [Board, Council, or Commission] have the ability to communicate contemporaneously during this meeting through this platform, and the public has access to contemporaneously listen and, if necessary, participate in this meeting through dialing the following phone #1-253-215-8782, or by using the previously posted website address.

b) Providing public notice of the necessary information for accessing the meeting:

We previously gave notice to the public of the necessary information for accessing the meeting, including how to access the meeting using Zoom or telephonically.

c) Providing a mechanism for the public to alert the public body during the meeting if there are problems with access:

If anybody has a problem, please call 603-707-6045 or email at: [selectmen@new-hampton.nh.us](mailto:selectmen@new-hampton.nh.us)

d) Adjourning the meeting if the public is unable to access the meeting:

In the event the public is unable to access the meeting, the meeting will be adjourned and rescheduled.

Please note that all votes that are taken during this meeting shall be done by roll call vote. When each member states their presence, please also state whether there is anyone in the room with you during this meeting, which is required under the Right-to-Know law".

**CORRESPONDENCE**

Newspaper Article- "Appealing Planning Board Decisions".

*\*Mr. Katz made a motion seconded by Tania Hiltz, to move up agenda items number 7 and 8 prior to addressing item number 4. **Vote was unanimous.***

**Arthur Swanson,  
Adventure Bound  
Campground (Vacation  
Camp Resorts) – 31  
Jellystone Park, Tax  
Map R-20, Lot 1,  
determination on any  
Site Plan review  
requirements.**

Mr. Swanson stated that they have currently demolished the house and office located on Lot 1 within the campgrounds. A new modular home will be in put into place. The building will no longer be a commercial structure; structure will now be residential, and he would like to verify if this project warrants a site plan review prior to applying for a building permit.

Mr. Katz inquired about current septic system. Mr. Swanson advised that they intend to utilize the same septic system and its size will accommodate the usage in new building. Ms. Peterson asked about whether the campground will remain open. Mr. Swanson explained that the campground will remain open, however this home is separate and not affiliated with the campground itself. The Board agreed that a site plan review will not be needed.

*\*Mr. Katz made a motion, seconded by Mr. Hays to accept the plan that was submitted by Mr. Swanson and to waive the site plan review requirements. Mr. Irvine advised no vote was necessary and he will forward recommendation to the Select Board.*

**New Hampton  
School:  
Informational/Conceptual – Main Street, Tax  
Map R-3, Lot 12;  
determination on any  
Site Plan review  
requirements for Lane  
Hall modifications.**

Ms. Jill Duncan was introduced on behalf of The New Hampton School. She provided aerial views and architectural plans of proposed project for the renovation modifications of Lane Hall. Project shown included changes the egress around building and internal renovations. There will be no change to the external portion of the building. Renovations are intended to comply with ADA and Fire Codes requirements and new internal and external accesses. Information is being presented to the board to determine if the increase in the footprint in relation to new accesses will require formal site plan review. Interior use of the building will not change in use. Mr. Katz advised that due to nature of improvements that formal Site Plan Review is not needed. Ms. Peterson would like to ensure that no other potential building issues would need to be reviewed in relation to this project. Ms. Duncan advised other than four added light poles in area, there is nothing else that is not current presented information.

*\*Mr. Katz made a motion, seconded by Ms. Peterson that no site plan will be required for the renovations of Lane Hall. **Vote was unanimous.***

**Other Business:  
Informational/Conceptual Irving Gas  
Station NH RTE 104-  
10x10 Storage Shed.**

Mr. Shoemaker was introduced and advised that they were looking to purchase a pre-made shed for tools. He is requesting feedback on whether they will need an amendment to the original site plan review for a 10x10 shed. No propane or hazardous waste will be stored in shed.

*\*Mr. Katz made a motion, seconded by Ms. Peterson that no site plan review is needed. **Vote was unanimous.***

**Kent Brown, Brown  
Engineering LLC on  
property belonging to  
1625 Summer Street  
Limited Partnership –  
Continuation of  
PUBLIC HEARING –  
NH Route 104, Tax Map  
U8, Lots 1 & 1A, Site  
Plan Review self-storage**

Prior to discussion on agenda item #4 Mr. Kettenring read into record an email from Mr. Peter Rudis dated 03/16/2021 expressing concerns regarding safety and project's effect on NH RTE 104 traffic. *In his email Mr. Rudis described witnessing many vehicle accidents and safety issues. He himself has spoken with NHDOT and had advised them of the above and despite accidents that have occurred NHDOT has not addressed the circumstances at this time. Mr. Rudis also requested that the Planning Board does not grant any waivers to the wetland buffers unless there is a way to ensure that runoff will not be increased. Runoff into the Pemigewasset Lake could be affected. Mr. Rudis requested that the Planning Board delay the approval of a conditional use permit for this project based on the project's disturbance of more*

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**buildings and a commercial use building.**

*than 50,000 sqft. in area and until further review of traffic impacts and wetland impacts can be independently determined.*

Mr. Irvine advised that he met onsite with NHDOT, Kent Brown and Mr. McDonough on 03/3/21. He stated that NHDOT stated that there was adequate site distance based on speed limit at location and traffic volume for particular business use. Regarding the additional commercial building located on the property, NHDOT advised that an amendment and additional review would be needed for an additional drive-way permit. Current permit that is in place is only for the access to self-storage units. Mr. Kettenring brought up for the discussion potential run-off issues and lack of wetland buffer. Mr. Brown stated that an Alteration of Terrain permit (AOT) is required from NHDES. Information for permit includes but is not limited to storm water volumes, flow rate, infiltration, and water treatment. AOT and Dredge and Fill application has not been submitted yet to DES until the buffer request has been approved by the Board. Mr. Brown continued to discuss adjustments to site plan based on Board's suggestions; legend has been updated to show stone walls, "shoulds" regarding storm water basins have been replaced with "shalls", size of building #10 has been revised from 9000 sqft. to 6800 sqft., 8 parking spaces have been included along with 25ft setback, building plans show that impervious areas have been removed out of the 25ft buffer, detail has been added to sheet 17 for replanting within the disturbed 25 ft buffer area to re-establish upland vegetation, all snow storage has been removed from the buffer area as well; curbing will also be placed along edge.

Mr. Katz wanted to clarify that by accepting the application it didn't mean they were approving the waiver request. Ms. Peterson advised that by accepting the application as complete, all required paperwork has been submitted for review and the applicant has met all the requirements. Mr. Brown advised that he understood to vote on the waiver that the application would need to be accepted. *\*Mrs. Hiltz made a motion; seconded by Mr. Broadhurst to accept the Site Plan application as complete. Vote was unanimous.*

Mr. Brown advised they are requesting a waiver for the buffer strip of at least 25ft setback to wetlands of less than 1 acre and larger than ¼ acre (Site Plan Regulations) to allow for grading, impervious area, and snow storage. He met with a soil scientist for recommendations on re-plantings for the 25 ft buffer that would be disturbed by grading. Board reviewed revised plan sheet 3-16-21 that reflected the updated disturbances to the 25-foot buffer and proposed plantings. Mr. Katz inquired about the history of the 75ft. vegetative buffers. Mr. Kettenring advised 75 ft buffer would be applicable to projects over 1 acre and as they would need more protection, and that the 25ft buffer applies to plans that are less than 1 acre and more than ¼ acre. Mr. Kettenring advised that in this case the buffer is being altered and vegetation is being replaced within buffer. Ms. Peterson advised she is against granting a waiver due to concern with increased slope of the proposed grading. Mr. McDonough stated that vegetation is recommended to replace and restore buffer from any impacts of grading to bring it back more to its natural state. Mr. Brown said the pavement has curbing which will divert run-off to the proposed stormwater management basins so run-off will not go down the slopes being created. Mr. Peterson expressed concern that even with vegetation filtration, materials will still run-off into wetlands. Mr. Brown advised that their intent is to limit the amount of run-off from materials and is willing to consider moving the snow storage sites if desired. Ms. Peterson said the waiver isn't to go to within 20 feet, or 10 feet into the 25-foot buffer, but that in some cases it would be zero feet of buffer. Mr. Kettenring inquired about slope grade. Mr. Brown advised that slope being created would be 3:1; natural slopes currently vary throughout topography. Mrs. Hiltz believes that mitigation being proposed is an

improvement to the area and disturbance of areas are not largely impacted therefore she supports the waiver. Mr. Kettenring asked Mr. Brown and Mr. McDonough about maintaining vegetation and potential failure to thrive. Mr. McDonough stated that vegetative maintenance could be added as a condition of approval, also recommending yearly inspection. Mr. Katz confirmed with Mr. Brown that they have not yet applied for the AOT permit or dredge and fill permit. Mr. Katz asked if during the DES review they would look closely at run-off potential into the wetlands. Mr. Brown said that is the purpose of the curbing as DES has stringent requirements relative to run-off. Mr. Brown advised that DES doesn't have a wetlands buffer requirement, it is only the town's buffer requirement under Site Plan regulations. Knowing all this information Mr. Katz said he feels comfortable granting the waiver. Ms. Peterson asked if the town had any written waiver standards And Mr. Kettenring said no. Mr. Kettenring advised that even with the waiver granted the board would need to place conditions on final approval of the application regarding state reviews and approvals related to the wetlands.

Ms. Emerson with abutter Pemi Farms Realty Trust introduced herself saying she owns property across the street on Smoke Rise Road. She said they have a buyer for one of the lots, but is concerned about traffic and material run-off, but the impact on the wetlands and Pemigewasset Lake. Mrs. Hiltz said that state and federal permits should adequately address the wetlands related issues. Relative to traffic concerns, Mr. Kettenring said this application only relates to the self-storage buildings, which have a low volume of traffic. Ms. Peterson asked Mr. Brown he was aware of any hydrologic connection between the wetlands and the lake. Mr. Brown does not know but did advise that there is a culvert towards the eastern end of the applicant's property, on NH RTE 104. Relative to state review it will be extensive and likely take 6-9 months.

*\*Mr. Katz made a motion, seconded by Mrs. Hiltz to grant waiver of the 25ft buffer. Yes:5 No:1*

**Kent Brown, Brown Engineering LLC on property belonging to 1625 Summer Street Limited Partnership – Continuation of PUBLIC HEARING – NH Route 104, Tax Map U8, Lots 1 & 1A, boundary line adjustment and reconfiguration.**

Mr. Brown recommended to hold off on lot line adjustment review pending approval of entire site plan. *\*Mr. Katz made a motion, seconded by Ms. Peterson to move this agenda item to May 20, 2021 meeting. Vote was unanimous.*

Mr. Brown requested input from Board regarding secondary access. He referred to *Zoning Ordinance Section E, subsection 2. General Purpose and District Characteristics* and the mention of provisions for secondary access roads, preserving scenic view sheds and attractive rural character on Route 104. Mr. Brown said the current site plan shows connection of two lots with one access point And that Fire Chief Lang has requested to name this access, as a private road, for emergency accesses for both facilities. Mr. Brown asked for clarification on “preserving scenic view sheds and an attractive rural character on NH RTE 104”, pointing out that there will be a 50ft undisturbed buffer between buildings and NH RTE 104. He said if he were be required to make provisions to connect to the abutting Ambrose Bros. lot it would have a large impact on the 50 ft buffer being created from Route 104, and access to the self-storage buildings is gated. He would like the Board to consider that they have met the requirement within this ordinance. Mr. Kettenring understands issue connecting to other commercial businesses, and recommended adding a dotted line showing where a connection between properties could be logged as a provision for potential future developments or changes in use. Mr. Brown stated that it would be difficult to add an additional access point without impact to wetlands. Mr. Kettenring advised that should a future access point across lots be needed plans would likely need to be reviewed by NH DES relative to wetlands crossings and could be addressed at that point when it is needed. There was agreement to show a possible access to abutting lot (Map U8, Lot 1A) on the plan but that it wouldn't be necessary

to construct for it.

Ms. Peterson mentioned that on-line username “bikercookdude” is unable to chat or unmute, but had noted concern in chat regarding project. Mr. Irvine read off chat message for the record: *“I was looking to buy the lot directly across the street on the corner of Smoke Rise and no one mentioned the 50ft tree buffer that is to allow screening between the commercial use and the residential use even in wintertime, I am unable to connect”*, Mr. Irvine advised that this user was unable to communicate, but wrote, *“If there is no buffer I won’t be buying that lot. I hope there is another meeting that is easier to make connection issues before a vote is pushed through”*.

Mr. Irvine clarified that current site plans maintains 50ft buffer and is not removed for the sake of an access point and that the abutter on Lot 1A isn’t obligated to accept this access; it is only planned on paper as a provision for possible future change in use, which would need review by the Planning Board if that were to happen and access could then be part of that discussion.

Mr. Katz introduced Ms. Susan Slack from LRPC, who was present for another agenda item, asking if she had any input. Ms. Slack said she understood the town’s concerns with speed and traffic along NH Route 104 but had no suggestions to raise at this time but said the town is addressing the right issues relative to access.

Mrs. Hiltz made a motion, seconded by Mr. Katz to continue the Site Plan application to 5/18/21. *Vote was unanimous.*

Mr. Kettenring opened the review of the Conditional Use Permit. Mr. Katz made a motion, seconded by Mrs. Hiltz to continue this item to the meeting of 4/20/21. *Vote was unanimous.*

Mr. Katz stated that the Memorandum of Understanding (MOU) needed to be looked at and refined and that he would like input from the board members as to the content of the MOU that was distributed to members, as he felt the North Hampton MOU is a good starting point.

Mrs. Hiltz volunteered to sit on the Subdivision Regulations and Ordinance Review Sub-committees. Mr. Kettenring advised another member is needed for the subdivision regulations sub-committee.

Mr. Katz gave an update on private events ordinance; they have met with Chief Tyrell of NHPD and obtained some very good feedback. Mr. Katz attended webinar regarding Excavation regulations, based on his research with Town Office and recommends to potentially enforce regulations through RSAs. Board will continue discussion at subsequent meetings based on sub-committee findings.

Next Master Plan Sub-Committee meeting will be on April 12, 2021 at 6:00 p.m.

Lot merger application for Tax Map R15, Lots:16, 18, 20, & 23. *\*Mr. Katz made a motion, seconded by Mr. Hays to recommend that Selectman merge lots for tax purposes. Vote was unanimous.*

*\*Mr. Katz made a motion, seconded by Ms. Peterson to adjourn at 9:24 p.m. Vote was unanimous.*

**Kent Brown, Brown Engineering LLC on property belonging to 1625 Summer Street Limited Partnership – PUBLIC HEARING/ SUBMISSION OF APPLICATION – NH Route 104, Tax Map U8, Lots 1 & 1A, Conditional Use Permit for disturbance of more than 50,000 sq. ft. of area.**

**Discussion on Access Management Memorandum of Understanding with NHDOT.**

**Review of Standing Committees and changes to Master Plan, Ordinance, and Rules be considered in 2021.**

**And any other business that may come before the board.**

**Adjournment:**