

**TOWN OF NEW HAMPTON  
PLANNING BOARD  
MEETING MINUTES  
NEW HAMPTON TOWN OFFICE  
NEW HAMPTON, NH 03256**

October 15, 2013

**MEMBERS PRESENT:**

Mr. Mertz, Mr. Luciano, Mr. Conkling, Mr. Irvine, Mr. Love, and Mr. Joseph were present.

**OTHERS PRESENT:**

Mrs. Lucas, Town Administrator, Fire Chief Michael Drake, Deputy Fire Chief Kevin Lang, and Paul Rossi (Rossi's Restaurant) were present.

**CALL TO ORDER:**

Mr. Kettenring called the meeting to order at 7:00 p.m.

Mr. Kettenring appointed Mr. Joseph to vote in place of Mrs. Gregg.

**MINUTES:**

9/17/13

Mr. Irvine noted the following errors:

1. Under "Members Present" his name needs to be struck as he was not present.

Mr. Mertz made a motion, seconded by Mr. Joseph, to accept the minutes as amended. The motion passed.

**CORRESPONDENCE:**

1. Invitation to LRPC's Kimon Koulet's retirement party, 11/25/13.
2. Letter from the Selectmen's Office to Richard Randlett, Jr. asking him if he still wishes to be a member of the Planning Board as he has not attended in a long time,
3. ZBA Notice of Decision to Christina Smith and Lisa Brunelle granting a variance.
4. Letter from Selectmen to Linda Sargent relative to placement of a mobile home on the property without a building permit or HUD approval.
5. Emery & Garrett Groundwater Investigations invoice for review of plans for Resource Management Inc. site.
6. NH DES Wetlands Site Specific Permit issued to Purdy Revocable Trust on Bay View Road.
7. Letter from NH DES to Bruce Vaal, re alteration of terrain permit – as no further required information was received

**MASTER PLAN UPDATE**

the request has been denied.  
Mr. Mertz advised that they reviewed the chapters in the update; some being complete and some needing more work, particularly the land use section, which could be affected by changes to zoning that are being considered. They had discussed previous recommendations and recommendations going forward.

Mr. Mertz advised the sub-committee would meet 10/29/13 at 6:30 pm.

**ZONING ORDINANCE CHANGES FOR 2014**

Mr. Irvine advised that the minutes from the initial work session of 9/10/13 to discuss possible changes to zoning, still need review, but once they are approved the remaining board members can have them so they know what was discussed.

Mr. Irvine said that one item discussed was the agricultural use in the Village district with the board wanting further research on the safety of beekeeping. Mr. Irvine advised that other towns that have ordinances relative to beekeeping allow hives based on number of acres of the property, is allowed by Special Exception, requires specific distances to abutting property, flyaway barriers, etc. Mr. Irvine recommends that to allow beekeeping to happen safely, so many restrictions would be required, that it would be better to prohibit this activity in this district. There was discussion whether there should be some restrictions relative to beekeeping throughout town and the board agreed that having an experienced beekeeper come in to speak with them may be helpful.

Mr. Irvine asked those members present that the Sept. 10<sup>th</sup> meeting, review those minutes, and report to Mrs. Lucas whether any changes are necessary, so they can be disseminated to the other members.

Mr. Kettenring asked if there were any members of public that wanted to discuss the zoning issues and there were none.

**PUBLIC HEARING/ ABUTTERS HEARING**

*Rymes Heating Fuels Inc. on property owned by LW Packard; 20 Packard Drive; Tax Map R-11, Lot 23 - review of site plan conditions and signing of plans*

Chuck Cosseboom, Rymes Operations Manager, was present and submitted revised plans.

Mr. Cosseboom advised that he has met with and implemented the requests of Fire Chief Drake and added the fencing requested by Police Chief Salmon.

Mr. Kettenring summarized the letter submitted by Fire Chief Drake requesting the following:

1. That a 20,000 gallon underground water cistern be installed at this location for use by the Fire Department should a fire or release of product occur.
2. The design and location of the cistern would need to be

provided to the Fire Department for review and approval prior to installation.

3. Annual inspection and testing shall be done to assure the cistern is functioning properly.
4. The cost of maintenance and upkeep of the cistern would be responsibility of Rymes Gas Company.

In lieu of a buried tank the cistern will be installed, so the tank will be above ground.

Mr. Mertz made a motion, seconded by Mr. Joseph, to approve the subdivision plan. Vote passed.

Mr. Joseph made a motion, seconded by Mr. Luciano, to approve the site plan. Vote passed.

**PUBLIC HEARING/ ABUTTERS HEARING**

*Resource Management Inc. on property owned by Pemiprospect Holdings LLC; 270 NH Route 132N; Tax Map R-11, Lot 24 - review of site plan conditions and signing of plans*

Mrs. Lucas advised that she spoke with RMI's Charley Hanson who will be meeting with NH DES and EGGI on the issues previously discussed and that Mr. Hanson will provide an update to the Selectmen on 10/17/13. Mrs. Lucas said that the open items are relative to setback requirements to the highway and the Ambrose property. She stated that RMI will submit "as built" plans, as required by the Planning Board.

Mr. Conkling made a motion, seconded by Mr. Mertz, to approve payment on an invoice from EGGI in the amount of \$900.00 from the \$3,850 being held in escrow for their services. Vote passed.

**PRELIMINARY HEARING/ SUBMISSION OF APPLICATION**

*John Claridge; Pinnacle Hill Road; Tax Map R-4, Lot 11 – five lot subdivision*

Property owner John Claridge, and Surveyor Colin Brown, were present.

Mr. Brown advised that Mr. Claridge would like to subdivide the 27+/- acre parcel into 5 parcels. He said the plans show where a house, septic system, and well could be placed on each lot and that soil and slope formulas were submitted. He said he met with Public Works Director Jim Boucher to discuss driveway access and state subdivision approval has been given.

Mr. Mertz mentioned the fact that there was a snowmobile trail on the property. Mr. Brown advised he did not know much about it or where it connects to.

Mr. Irvine asked about the 4:1 ratio on frontage vs. depth measurements and Mr. Brown advised there are 3 lots that are close to that limitation but they all meet the regulation.

Mr. Conkling asked about the view easement that was noted on the plans and Mr. Brown advised that was for the benefit of one of the abutters, and was noted in the deed, so that abutter would have the ability to clear for views.

Mrs. Lucas asked Mr. Brown to show the area of Pinnacle Hill Road where the ROW width changes as the state took a small amount of roadway when Pinnacle Hill Road was laid out. He said that having driveway access in that location would still be allowed by the state and submitted a letter stating such.

Mr. Joseph expressed concern with any future widening of Hwy 93 through New Hampton affecting the lot closest to it. Mr. Brown advised that if widening occurred the state would have to go through the appropriate process.

Mr. Kettenring asked for public input.

Abutter Joseph Merrill asked if the Public Works Director has looked at the driveway access points to the lots. Mr. Brown advised that Mr. Boucher has looked at the driveway locations to ensure they meet the required site line distance. Mr. Merrill asked if the Police Chief has reviewed the plans for any safety issues and Mr. Kettenring advised that he has not yet. Mr. Merrill asked what type of homes would be constructed and Mr. Claridge advised they would be high quality, 3-4 bedroom homes. Mr. Merrill asked where each house would be located and Mr. Kettenring advised that the subdivision plans only show that there is a possible location for home, well, and septic system, but that the builder can determine a different location for each. Mr. Kettenring explained that the location of each house would not be known until a building permit application is submitted, which is done at a Selectmen's meeting, but that abutters are not notified. Mr. Merrill said that he and his wife, Mary, and abutters, Stacey and Valentin Milchev, are very concerned about the number of driveways and the speed that vehicles travel on that road. Mrs. Merrill read a letter from Mr. and Mrs. Milchev, who could not attend. The letter expressed concern with increased traffic and driveway access, requesting input from a transportation expert. They expressed concern with the affect this subdivision would have on wildlife, requesting a wildlife specialist be consulted. There was concern with the removal old trees along the roadway and along Hwy 93, which would increase noise. The Milchevs asked that relative to the snowmobile access, that the snowmobile club be contacted for their input.

Jared Smith advised his father is an abutter to this property. He asked if each lot has a view easement and Mr. Brown advised there would not be anything beyond the existing view easement for the abutting Boyd property. Mr. Smith expressed concern with the fact that his father's lot is landlocked and access for logging purposes previously came across Mr. Claridge's property in the vicinity of the proposed lot closest to the highway. Mr. Brown advised that it is unknown how any

future owner will feel about that access.

Mrs. Merrill asked if there was another way to access these lots other than having 5 driveway accesses. Mr. Kettenring advised that the town has the authority to approve a subdivision plan if it meets the regulations set by the town. He suggested the Merrills speak with Mr. Brown or Mr. Claridge, to further discuss their concerns. Mr. Merrill asked what the required site line distance was and Mr. Kettenring advised it was 150 feet and that Mr. Boucher confirmed the marked driveway locations met that. Mrs. Merrill said she thinks these driveways are dangerous.

Mr. Irvine made a motion, seconded by Mr. Joseph, to accept the application as complete. Vote passed.

Mr. Kettenring advised Mr. Brown to get input from Fire and Police Chiefs on the plans. Relative to a transportation expert or a wildlife specialist reviews, Mr. Kettenring advised that there was neither of these were a requirement from the Planning Board. Mr. Mertz suggested that Mr. Brown get the actual site line distance for the driveways. Mr. Kettenring advised Mr. Brown to check on the status of the snowmobile trail.

Mr. Irvine made a motion, seconded by Mr. Luciano, to continue this hearing to 11/19/13, at 7:00 pm, at this location. Vote passed.

**INFORMATIONAL/CONCEPTUAL MEETING:**

*Chuck Braxton, on property belonging to Donald & Patricia Bergeron, 553 Winona Road, Tax Map R-7, Lot 47 re: boundary line adjustment*

Mr. Irvine recused himself from these proceedings.

Chuck Braxton, Windy Waters Conservancy President, was present.

Mr. Braxton showed the board how the Bergeron property is laid out on the tax map, along the Snake River, which shows it as 8.6 acres, but which a recent survey shows as being 11.5 acres. He advised there is a turnout area that is being used by the public. To the south of this property is the Spear lot, and then the Baird lot, which were both recently purchased by the town's Conservation Commission. Mr. Braxton explained that the Bergerons are willing to gift a portion of their property to extend the conservation area along the Snake River. The Conservation Commission at a previous meeting, voted to accept this gift. The plan is to do a boundary line adjustment, creating a 6.25 acre lot with 2 dwellings on it for the Bergerons, and 5.25 acres would then become part of the conservation area. The Bergerons would like this area to named the Marilyn J. Bergeron Memorial Conservation Area. The Windy Waters Conservancy will pay for legal and survey costs, with no public money being spent. Mr. Braxton advised

that the majority of the 5.25 acres is considered unbuildable due to soils; therefore removal of this acreage will not affect the buildable area of the Bergeron's non-conforming lot. Mr. Kettenring advised that approving this will not make this lot any more non-conforming. The board commended the Bergerons on the proposal.

**OTHER BUSINESS:**

Paul Rossi was present. He asked what the status is of discussion relative to a possible 3-year limited special exception. Mr. Irvine reviewed previous discussion that counsel would need to be obtained, and that if a limited special exception were adopted, it would be valid for one year and could be renewed twice, for a total of 3 years. During that discussion two members expressed their opinion that the regulation that "the use of outdoor areas for business purposes shall be limited to 10% of the gross floor area of the primary structure" was in place for a reason, and it should not be varied from. Further review of the previous discussion showed the Planning Board encouraged Mr. Rossi to submit a petition article for the voters. Mr. Irvine advised that the Planning Board needs to have further discussion on this issue and reminded everyone that these minutes remain in draft form only, and that other members have not had an opportunity to review the zoning changes discussed, and were not present at that meeting. Mr. Irvine stated that these discussions relative to zoning include discussions on the Master Plan and the lack of an economic development section, especially given potential development along Route 104 and its limitations. Mr. Rossi expressed his feeling that the ZBA, in applying the 10% rule, doesn't seem to mind something like plants being displayed, but *does* mind cars being displayed for sale. Asked what Mr. Rossi would like to see for that area, he said he wouldn't mind seeing landscaping standards and allowances for outside display for any type of business. It was explained to Mr. Rossi that the reason for the 10% rule was to create an area that was pedestrian friendly, neat and unsightly. Mr. Mertz reviewed the 2012 master plan survey results to show what respondents felt more favorably towards, and what they considered negatively, relative to types of businesses. He explained that regulations need to be written to support the types of businesses respondents support.

**ADJOURNMENT**

Motion to adjourn was made by Mr. Mertz seconded by Mr. Joseph. Vote was unanimous. The meeting was adjourned at 8:54 p.m.

Respectfully submitted,

Pamela Vose