

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

November 19, 2013

MEMBERS PRESENT:

Mr. Kettenring, Mr. Mertz, Mr. Luciano, Mr. Irvine, Mr. Love, Mr. Conkling (7:08 PM), and Ms. Gregg (7:31 PM) were present.

OTHERS PRESENT:

Mrs. Lucas, Town Administrator, ZBA Chair Alden Hofling, 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.

MINUTES:

10/15/13

Mr. Irvine made a motion, seconded by Mr. Luciano, to accept the minutes as written. The motion passed.

CORRESPONDENCE:

1. Invoice from Emery & Garrett Groundwater Investigations for \$1,415.26 for landfill sampling, etc. at the RMI property. It was the consensus of the board to approve payment.
2. NH DES Wetlands Permit by Notification for John Claridge to install a dry hydrant as required by the Fire Chief and Planning Board.
3. ZBA Notice of Decision to Jeronimo Garrigues and Amy Kaufman, for an approval on a Variance request.
4. ZBA Notice of Decision to Roger & Trisha Houghton, for an approval on a Special Exception request.

MASTER PLAN UPDATE

Mr. Irvine stated that there is nothing to report and the sub-committee is still working on the update.

**ZONING ORDINANCE CHANGES
FOR 2014**

Mr. Irvine provided an outline of discussion items and proposed changes.

1. Relative to Article V, Section E under Signage lists all prohibited signage under one heading with renumbering.
2. Regarding removal of discontinued signs which advertise a business, the Village District varies from the remaining districts in the amount of time given before the sign needs to be removed and the board agreed to have all sections state that removal must be within 60 days.
3. Relative to the Village District permitted uses, beekeeping would be prohibited until that activity could be researched further.

4. Certificate of Occupancy section needs reformatting to reflect the remainder of the ordinance, but does not require a vote of the town.
5. The board reviewed the sections in the ordinance relative to a Home Occupation agreed to have the general provisions in the other districts also be reflected in the Village District, including removal of the need for Site Plan Review. There was some discussion on having temporary subcontractors on the site of a home occupation, which could exceed the employment of more than 2 persons, other than household members. The board agreed that this issue should be taken up with the Selectmen.
6. There was discussion on one of the Mixed Use allowed uses being general farming and agriculture. The board agreed that this use would be similar to what is permitted in the rural areas of town, while a nursery would be a commercial retail use. The board suggested that relative to farming and agricultural uses this could mirror the restrictions in the Village District. Mr. Irvine said he would review that further.

7. Definitions:

Mr. Irvine said they previously discussed defining “business purpose”, “primary structure”, and “grocery store” with a suggestion to include “general store”. He noted there is nothing in the ordinance regarding abandoned building that could pose a health and/or safety issue. Mrs. Lucas advised that this can be handled by state statute.

- I. “Inn” currently states “a small hotel and restaurant facility”. It was noted that there was a Superior Court ruling supporting the town’s ZBA finding on their interpretation of an “inn”. There was discussion on defining the number of rooms, and whether to restrict the serving of meals to only overnight guests, or the general public, and whether to allow of sale of liquor or provide the ability for guests to bring their own to be served to them. Regarding the sale of liquor they agreed to look at state statute. The board agreed to limit meals to overnight guests only, could be any meal, and would limit the number of rooms to ten. Mr. Hofling asked that if you offer meals to guests, could the guest invite someone to join them for the meal and the board suggested there could be wording to allow for that.
- II. There was discussion on the definition of “building face” as calculating allowable square footage for signage is a percentage of the building face. The current definition could interpret it to be the portion that faces the ROW, or the longest area of the structure, resulting in an allowance for a much larger sign that would face the ROW. The board agreed to

add “which is parallel to, or is at an angle of 45 degrees or less, to a public ROW”.

- III. Relative to making changes to signage restrictions, Mr. Irvine said it may be more sensible to make them through the definitions. He suggested adding “a sign includes an attention getting device, that includes but is not limited to: a flag, streamer, spinner, pennant, costumed character, light, balloon, continuous stream of pennants, flags, or fringe, or similar device or ornamentation used primarily for the purpose of attracting attention for promotion or advertising a business or commercial activity which is visible by the general public from the public ROW. Mr. Irvine pointed out that this would prohibit advertisers from getting around many sign ordinance restrictions. Mrs. Lucas advised that some towns allow for temporary flags, streamers, etc. that it are taken in at the end of each business day and are used for promotional purposes. She said enforcement becomes the next issue. Mr. Irvine advised that this could be incorporated into the temporary sign section. The board agreed that any type of “open” sign should be allowed.
- IV. Regarding “business purposes” being used in the 10% rule, Mr. Irvine proposed a definition.. “engaging in the manufacturing, display, purchase, sale, lease, or exchange of goods and other provision of services. The provision of parking for customers and employees is not considered a business purpose. Relative to “primary structure”, Mr. Irvine proposed a definition...”a structure that houses the primary use on a property or lot. It shall not include accessory structures, for example garages, barns, or sheds.” Both of these were tabled until further discussion of the 10% restriction takes place.
- V. Mr. Irvine suggested that relative to a definition for grocery store in the Village District, as it is a permitted use by Special Exception, use...”a retail establishment which primarily sells food but may also sell other conveniences and household goods and which occupies no more than 3,000 sq. ft.” This would also include the term “general store. Mrs. Lucas advised that it should clarify that the size restriction is relative to the Village District only.

Mr. Mertz made a motion, seconded by Mr. Irvine, to table further discussion until the end of the meeting. Vote passed.

**PUBLIC HEARING/ ABUTTERS
HEARING**

John Claridge; Pinnacle Hill Road;

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

Tax Map R-4, Lot 11 – five lot subdivision

- Mr. Kettenring read a letter from Fire Chief Drake stating that after review of the plans and a site visit he is requiring:
 1. A dry hydrant be designed and constructed on lot 5 to provide an adequate year-round supply for this project.
 2. That an easement be granted to the town for future maintenance and repair if needed.
 3. The engineering design and location of the hydrant will need to be approved by the Fire Department for review and approval prior to installation.
 4. After completion a flow test is to be conducted to ensure the integrity of the hydrant.
 5. The annual inspection and flushing will be done by the Fire Department to ensure that the hydrant is operating properly.
- The board reviewed a copy of a NH DES Permit by Notification application for the dry hydrant.
- Mr. Kettenring read a Memorandum from Police Chief Salmon stating that after review of the subdivision plan he has no concerns with the proposal.

Regarding the questions from the previous meeting, Mr. Brown said he contacted the local snowmobile club who is in agreement in moving the trail slightly. He measured the sight distance on lot #5 and it is over 210 feet. The location of the dry hydrant is on the plan with related note under #6. He also submitted a letter from NH DOT relative to taking of additional roadway for Pinnacle Hill Road, and allowing access to driveways on this property with the Public Works Director's approval, which was given.

Mr. Mertz asked if there any plans for any deeded ROW for snowmobiles. Mr. Claridge said the current trail is along the state fencing close to the driveway location so he did not see any problem.

Mr. Kettenring asked if any abutters were present. Abutter Stacey Milchev expressed concern with the driveways coming off of the roadway. She asked if there was consideration given to creating a cul-de-sac to decrease the amount of entrances on Pinnacle Hill Road and for safety reasons. Mr. Claridge advised he did not see an issue with the number of driveways. She said she did not want to see the old stone wall disturbed and Mr. Brown said that only one of the 5 driveways would need to create a break in the wall. There was some discussion on having driveways access more than one home and it was noted that it is not a requirement. Mrs. Lucas asked about the high banking that most of the access points have and Mr. Brown said one lot has a steep grade to the roadway which will need improvements.

Mr. Mertz made a motion, seconded by Mr. Luciano, to approve the subdivision. 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

No one was present as “as-built” plans were not ready.

INFORMATIONAL/CONCEPTUAL MEETING:

Kevin Lacasse, 101 Summer Street LLC, , 368 NH Route 104, Tax Map R-11, Lot 25A, re: addition of craft/home décor store on the 1st floor of structure

Mr. Lacasse and Marie Nirdal were present.

Mr. Lacasse explained that he uses the upstairs area of the structure for office space and employs himself, his wife, and a property manager. They wish lease the downstairs.

Ms. Nirdal advised she currently runs a country gift shop selling country home decor. She is interested in locating at this location and would like to have the ability to use the porch as display area.

Mr. Kettnering asked how many parking spaces there were and Mr. Lacasse thought it may be roughly 11 spaces. Ms. Nirdal said she employs herself and one other employee, but they rarely work at the same time. Their store hours are typically Tues-Sun, 10 am to 4 pm, and in the winter they're open Thurs-Sun with typically 5-8 vehicles per day. Mr. Lacasse asked if any site plan review would be necessary.

Mr. Mertz said he anticipated this store getting more vehicles per day than she estimated.

The board discussed what type of site plan review would be necessary, and agreed it could be an expedited review. This would include review from the Fire and Police Chiefs, and a parking plan to include parking location and its proximity to property lines and any wetlands. The board advised that NH DOT will require a new driveway permit for the change of use on the lot. It was noted that only the upstairs area is finished, so in finishing the 1st floor, it needs to be brought up to code, or use by the general public. Mr. Lacasse asked how many parking spaces were necessary and the board referred to the Site Plan Regulations and Zoning Ordinance. Mr. Irvine asked if there would be any expansion of the footprint and Mr. Lacasse said there would not be.

ZONING ORDINANCE CHANGES FOR 2014
(cont.)

Ms. Gregg said she was struggling with how to draft language limiting the square footage of outdoor areas for business purposes (instead of the 10% rule) as lots sizes vary so much, some structures have more than one use in them, and whether

limitations should be placed on the lot, or on the use. She suggested limiting the square footage to a small amount, allowing for larger areas through the special exception process or a conditional use permit. Ms. Gregg advised that better defining the allowed uses may also help avoid the issues brought up with outside display. The board discussed whether to allow outside display with the limiting factor being the current 50% lot coverage, and/or conditional use for disturbed areas over 50,000 sq. ft. The board discussed that if the town does not want to be another Tilton, it should prohibit those uses which it does not want. There was discussion on listing what uses outdoor display could be used for. Mrs. Lucas pointed out that allowing display by Special Exception can protect the district's purpose.

Relative to draft language, Ms. Gregg said she would address the Special Exception and Mr. Irvine would address maximum lot coverage limitations.

The board agreed to hold another work session on December 10th at 7:00 PM, with potential for additional discussion on the 17th.

OTHER BUSINESS:

The board signed a revised boundary line adjustment between the town's Public Safety Complex lot and the Precinct lot.

ADJOURNMENT

Motion to adjourn was made by Mr. Conkling seconded by Ms. Gregg. Vote was unanimous. The meeting was adjourned at 9:40 p.m.

Respectfully submitted,

Pamela Vose