

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

April 2, 2013  
(Rescheduled Meeting of March 19, 2013)

**MEMBERS PRESENT:**

Kenneth Kettenring, Chairman; Kenneth Mertz, Vice Chairman; George Luciano, Secretary; Karen Gregg, Daniel Love, Neil Irvine, and Robert Joseph were present.

John Conkling, Daniel Fielding, and Richard Randlett, Jr. were absent.

**OTHERS PRESENT:**

Barbara Lucas, Town Administrator

**CALL TO ORDER:**

Mr. Kettenring called the meeting to order at 7:00 p.m. Robert Joseph was appointed to fill Mr. Conkling's position until his arrival.

**MINUTES:**

Minutes for February were received and reviewed. Mr. Irvine noted that under the call to order it read that "Mr. Irvine appointed..." but should have read "Mr. Kettenring appointed..." Mr. Mertz made a motion to accept the minutes as amended, seconded by Mr. Joseph. The motion was passed.

**CORRESPONDENCE:**

*From Police Chief Salmon to Planning Board*

*Re: NH Family Practice and As Built Floor Plans for Public Buildings*

A letter from Police Chief Salmon to the Planning Board regarding New Hampton Family Practice property remodel at the Route 104 Plaza advised the Chief had no comments or concerns regarding the plans, but asked for a copy of the as-built final floor plans. He explained he would be asking for these plans for all public buildings going forward should there ever be a need for a tactical response.

*From the Board of Selectmen to NHDES  
Re: RMI Pemi  
Route 132 North*

A letter, dated 2/19/13 from the Selectmen to the DES Residuals Management Section regarding the RMI property stated the Town has serious concerns regarding obnoxious odors, setbacks to surface waters and boundaries, as well as whether there is adequate groundwater monitoring on the site. The Selectmen noted NH DES has oversight regulation over the property but they continue to be concerned from the public health and safety perspective. NHDES has assured the Town setbacks were met in accordance with the rules. The Selectmen noted the NHDES site inspection report of December 2012 records the setbacks were satisfactory and noted that the setback to Harper Brook was examined with GPS locating equipment to measure from the facility boundaries and the brook. At the on-site meeting in February 12, 2013 the tape measurement from the setback found the facility does not meet the required setbacks of 250 feet from the surface water and 500 feet from the property line. The Selectmen asked why GPS equipment was used to accurately measure in the past but not used on February 12<sup>th</sup>. They stated it was unacceptable. It was further noted at the on site visit a question was

asked of Mr. Sweatt (of DES) as to whether the rules require horizontal measurement versus tape measurement down the slope to the brook. The Selectmen noted Mr. Sweatt could not or would not answer. The Selectmen requested an answer in reference to the rules on that question given the setbacks do not meet DES rules. The continued presence of materials is an ongoing potential threat to surface waters, and the Selectmen requested DES advise what action will be taken by NH DES to resolve this matter. The Selectmen noted they had very serious concerns regarding groundwater monitoring at this site. The Selectmen quoted James Emery, a concerned citizen and professional in the field, that monitoring wells are not placed appropriately to intercept nitrogen and/or other contaminants that could enter the ground water and are generally ineffective. The Selectmen requested DES to address these concerns and recommend to RMI that additional monitoring is required on the site, the current stock pile area, and any future relocation of the work stock pile site. The Selectmen referred to a copy of a letter dated 1/29/13 from NHDES to RMI that states MW3A ground water results indicate the RMI operations are impacting the ground water quality. The Selectmen went on to recognize the efforts of Charlie Hassen and other RMI staff to address the Town's concerns regarding obnoxious odors from the site. The letter went on to note their understanding RMI will be presenting their future plans for the property and the management of sludge, bio-solids material to the Town in mid-March. The Selectmen noted RMI staff has expressed willingness to work with the Town in resolving their issues with obnoxious odors, setback issues and groundwater protection.

*Wetlands Permit Application  
Notice of Acceptance from NH DES  
599 Route 104  
Tax Map R-5, Lot 5*

Notice of Acceptance for a Wetlands Permit Application for G10, LLC from DES notes acceptance of the RMI Wetlands Permit Application for property at 599 Route 104. Mr. Kettinging noted a copy of the wetlands permit was not attached, which is unusual. Mrs. Lucas will look into this.

*Planning and Zoning Conference*

A notice from the Office of State Planning advised the 19<sup>th</sup> annual Planning and Zoning Conference will be held at the Radisson Hotel in Manchester on May 11, 2013.

*Town Pet Policy Memorandum*

A memo from the Selectmen to all departments, commissions and committees, advised that pursuant to Town Policy, no pets are allowed in the work place with the exception of Police Canines and service animals for persons with disabilities.

**MASTER PLAN SUB-COMMITTEE**  
*Update on Plan Process for 2012-2013*

Mr. Irvine advised there is no update because their meeting was cancelled due to weather, just as the regular Planning Board meeting had been. After brief discussion, it was decided they would meet on April 16 at 6:30 p.m., before the regular Planning Board Meeting. If there is not sufficient time before the Planning Board Meeting the Committee would continue after the conclusion of the Planning Board. Mr. Mertz asked if the Committee would be receiving an agenda to outline discussion points.

Mr. Irvine noted a two-page memorandum was distributed to all Planning Board members for their input. Having not received any responses, he took that to be supportive of the committee's plans going forward. Mr. Irvine advised the Committee members to review

the current Master Plan and the results of the recent community survey to identify those areas requiring amendment or new ordinances. He advised that reconciliation would be the focus of the next couple meetings. Mr. Mertz mentioned the Committee was also reviewing adding a section on Economic Development. Mr. Irvine agreed.

Mr. Joseph noted rumors regarding possibly installing a round-about at Drake Road and Route 132. He advised Mr. Rossi suggested rather than a round about, an oval which would improve left turns to access businesses on both sides of the road. Mr. Irvine noted such changes would fall under the auspices of NH DOT, which he assumed would take input from the Town into consideration. He noted he had not heard such rumors. Mrs. Lucas concurred and noted the idea was briefly discussed years ago when the exit and entrances to I-93 were being studied. She advised she was aware of no development plan of that nature. Mr. Kettenring agreed and stated it was briefly discussed by developers during the work on the KGI property, but characterized it as wishful thinking on their part.

**PRELIMINARY HEARING**  
**SUBMISSION OF APPLICATION**

*Candice Dionne*  
*6 Cabin Drive*  
*Tax Map U-9, Lot 9-3*

This is a site plan review of condominium plan amendment to Shoreline Cottages on Route 104 along Lake Pemigewasset. Raymond Shea of Sanford Survey introduced himself, and Ms. Candace Dionne and Ken Dionne. He advised this was a meeting to discuss a slight change in plans to one unit of the condominiums. He pointed out the unit on plans for the Board and noted the unit is currently 344 square feet. The proposal is to remove the existing building and extend the east side one foot further and the north side approximately one and a half feet, leaving the deck as is with no further expansion toward the water. He explained the expansion would not further extend to the closest abutter, but would extend in the direction towards the further abutter. The north side had no abutter and would therefore not impact anyone. Mr. Shea noted they had submitted a copy of the draft amended condominium documents. The height would be slightly higher to accommodate a loft area for storage. Mr. Kettenring asked if there had been any issues with the Shoreland Protection Act. He was advised none, but they were still working on the necessary paperwork for that to be complete. Mr. Kettenring asked if any abutters had any questions or issues with the proposal. One gentleman, who was not identified, advised he had no issues with the proposal. Mr. Kettenring asked if anyone else had questions. Mrs. Lucas asked for clarification of the 30 foot measurement to the abutting property; if it was a measurement to structure or to the deck. She was advised it was to the structure. Mr. Shea advised the as-built plans showed decks which had (as he put it) meandered over the years, but the measurement was to the abutting structure. Mr. Irvine asked if Mr. Shea had provided documentation of the approval of the association members. Mr. Shea advised he did not have such a document. He explained the approval was conditional and when they received the signed necessary documents they would submit that to the association and fulfill conditions. Mrs. Lucas asked if the loft was identified and specifically noted in the documentation as to its purpose. Mr. Shea advised it is noted there is no increase in the bedrooms on the plans.

Mr. Kettenring asked if the Board wanted to take action on the

application as complete. Mr. Mertz made a motion the Board accept the application as complete, with Mr. Luciano seconding. Mr. Irvine asked the application not be considered complete until the remaining members of the condo association support the plans. Mr. Kettenring noted the approval is conditional upon receiving that confirmation. Mr. Mertz stated his opinion that the approval of the condominium association is criteria for the Planning Board to consider the application complete. He added it would, however, be relevant to the approval of the plan in his opinion. Mr. Kettenring agreed and stated the approval of the plan could be conditional upon documentation from the association. This was acceptable to Mr. Irvine. Mr. Kettenring then asked for further discussion and there was none. The vote to consider the application complete was passed unanimously.

Mrs. Lucas then asked if mylars were available and they were not. Mr. Kettenring noted the application could be approved conditionally. Mrs. Lucas advised she had not had a chance to read the Association documentation and asked if there were any other changes. Mr. Shea advised it specifically allow Condo Unit #3 can be modified as shown on the plan. Mrs. Lucas asked about a demarcation on the plan which was to the limited common area and not, as she was concerned, to the Route 104 property line.

Mr. Mertz noted that the only item lacking was the new condominium agreements and the mylars, and asked that if no one had further questions the Board could give a conditional approval and sign the mylars next meeting.

Mr. Irvine asked if the plans could show not only the measurement to the structure, but also the measurement to the abutting deck. Mrs. Lucas noted there is a letter requesting a waiver. Mr. Shea explained he requested waivers for the items on the checklist which he felt were not germane to the Planning Board making an informed decision. The Board requested review of the subdivision regulations with regard to cluster development and the issue of the 30' measurement to the abutting structure. Upon review, Section 3, general requirements, subsection B on page 14, it states the setback be 30' to the building. There was discussion regarding whether the Board felt the deck was part of the building. Mr. Irvine noted that in the future the owner of the abutting property could replace that section of deck making it a little wider and encroachment could be an issue. Mr. Kettenring noted it would be worthwhile to determine why 30' was chosen – if it were to accommodate a fire truck, for example, the deck proximity would be a matter of concern. Mr. Kettenring noted this is a matter to consider for future applications.

With regard to the waiver, Mr. Kettenring asked if there was a motion on the letter which asks for a waiver for the items noted as “not submitted” on the site plan review check list based on the applicant’s view the items submitted were sufficient for the Planning Board to make an informed decision. Mr. Irvine so moved, seconded by Mr. Kettenring (or Mr. Mertz?). The waiver was approved unanimously. Mr. Shea noted he would add the notation of the deck location on the plan, he would try to get the condominium association signatures for the documentation within the next couple weeks. Mr. Shea thanked the Board.

Mrs. Lucas outlined suggested conditions for the Board's approval of the plan. Mr. Mertz made a motion to approve the application conditional to receipt of all applicable state permits approved; receipt of approved and properly executed condominium documentation; notation added to the plan regarding the use of the loft area; and submission of mylars for the Board's signatures. This was seconded by Mr. Irvine. The motion was approved. Mr. Shea and the Dionnes thanked the Board.

**INFORMATIONAL/CONCEPTUAL MEETING**

*Ryan Crosbie, Pike Industries  
NH Route 132 N  
Tax Map R-11, Lot 24*

An above ground asphalt storage tank placement is proposed. The representative was not present.

**INFORMATIONAL/CONCEPTUAL MEETING**

*Jeronimo Garrigues  
112 Main Street  
Tax Map U-7, Lots 16A, 16B, 16C, 16D*

Conversion of condominiums to multi-family housing. Mrs. Lucas advised she received a message that the prospective buyer was unable to attend tonight and asking he be added to the April 16<sup>th</sup> agenda. Mr. Kettenring advised the conversion from condos to multi-family housing would allow the units to be rented monthly. Mrs. Lucas advised she needed to do some research on the approvals granted previously on the property and would report to the Board. If it was a consideration, it would need to get a variance from the ZBA.

Ms. Leadbeater from the Historical Society spoke to the Board regarding the expectations and agreements involved in sale of the former Daniel Smith Tavern by the Historical Society and the disappointment and concerns in the property's evolution since its sale. She advised many in the Historical Society will be interested to hear the proposal. She was advised the item will be heard on April 16<sup>th</sup>.

Mrs. Lucas advised the application to convert to multi-family housing will require the input of the Fire Chief as well as review of previous decisions of the ZBA.

**OTHER BUSINESS:**

Mr. Irvine referred to the correspondence item regarding Tax Map R-5, Lot 5 (see above) and asked if the Town was an intervener on the wetlands permit application. Mr. Kettenring noted that, unless the laws had changed, the Town is automatically an intervener. He explained that when the application is filed a copy is provided for the Planning Board, the Conservation Commission and to be filed for general public review. Mrs. Lucas was asked to check to see if the Conservation Commission got their copy of the letter because they have the statutory intervention authority. He noted that the Planning Board will also need their copy of the permit application as well. Mrs. Lucas will check tomorrow.

Mr. Mertz noted that with Mr. Irvine's election as Selectman, Mr. Irvine can no longer be the Vice-Chairman of the Planning Board. Mr. Mertz asked if his position would be filled at the annual election of officers, or some other time. Since the election of officers is in six weeks, in May, Mr. Kettenring was disposed to wait until then. This was acceptable to Mr. Mertz.

Deputy Fire Chief Lang noted that at 140 Campground Road a building was taken down and replaced with a much larger trailer which he noted also had a porch off of it. He expressed concerns that changes in the campground should be reviewed before changes rather than after the fact. Mr. Mertz advised this would be a building permit issue with the Selectmen. He also noted the assessors will be reviewing the campgrounds and reporting changes.

Deputy Fire Chief Lang also noted a stairway from the deck could impede a fire truck getting through. He felt photos should be taken before and after changes.

**ADJOURNMENT**

Motion to adjourn was made by Mr. Mertz and seconded by Mr. Roberts. The meeting was adjourned at 8:05 p.m.

Respectfully submitted,

Kristin Harmon

DRAFT