

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

August 21, 2012

**MEMBERS PRESENT:**

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

**OTHERS PRESENT:**

Mrs. Lucas, Town Administrator was present.

**CALL TO ORDER:**

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

Mr. Irvine appointed Mr. Joseph to vote in place of Mr. Kettenring.

**MINUTES:**

7/17/12

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

**CORRESPONDENCE:**

1. Copy of a letter from Provest Land Assoc. LLC relative to breaching the dam on Jackson Pond that they own.

**MASTER PLAN UPDATE FOR 2012:**

Mr. Mertz advised the survey was completed and hoping to mail them on August 31<sup>st</sup> with a submission date of September 15<sup>th</sup>. The next sub-committee will be prior to the September Planning Board meeting, to review what's received, and how to compile the data. They also discussed sending out a New Hampton Connection email advising people that the surveys were being mailed and that besides sending or dropping them off at the town office, they could also be dropped off at the election.

Mr. Irvine advised that every property owner will be sent a survey, as will registered voters, that are not property owners.

***Updated Capital Improvement Plan***

Mr. Irvine that department heads were to have the Capital Improvement Plans submitted by September 20<sup>th</sup>. The Police Chief has requested additional time to complete his plan, due to the department recent workload. The Conservation Commission advised they have no capital improvement plans at this time. No other departments have been heard from to date. Mrs. Lucas to follow up with the other departments.

**INFORMATIONAL/CONCEPTUAL MEETING:**

*Jeffrey Ouellete, Boynton Road, Tax Map R18, Lot 31*

Jeff Ouellete was present.

Mr. Irvine advised that Mr. Ouellete was present to discuss the proposed use of a Class VI road for access purposes.

Mr. Ouellete asked if that portion of Boynton Road has been determined as a Class VI road. Mr. Irvine advised that non maintenance of the road for 5 years would basically cause the road to become a Class VI roadway. Mrs. Lucas advised that the roadway has not been maintained for over 5 years and Mr. Mertz confirmed this section of the road is now designated Class VI. Mr. Mertz advised that he visited the site recently and observed an existing culvert, and saw where Mr. Ouellete would likely want to construct a home, though he pointed out that the condition of the culvert is unknown. Mr. Ouellete advised that this portion of the property he would like to access makes the most sense due to slopes and that installation of a culvert in a different location for access purposes would be more difficult. He pointed out that the subdivision plan states that Class VI portion as being the driveways for the 2 parcels created.

Mr. Irvine advised that per the discussion relative to it not being maintained for 5+ years, the board is considering it a Class VI road. Mr. Irvine asked Mrs. Lucas to speak to whether this section of Boynton Road was ever a Class V road. Mrs. Lucas advised that according to a road inventory done in the 70's indicated that Boynton Road was 1,400 feet long. At the time of the subdivision plan the surveyor showed the turn-around area the highway department used, being at 1,207 feet. The difference between the two shows the additional area of Class V, but case law now shows this difference to be considered Class VI. Mrs. Lucas advised the only way to discontinue the Class VI section would be through a vote of the town. She said the Planning Board's issue would be for allowing access for building purposes.

Mr. Ouellete advised he is a furniture builder, and would like to build a house, and a workshop. Mr. Irvine advised that according to RSA 674:41 - Erection of Buildings on Streets – basically states that authorization of building on a Class VI highway does not allow for the municipalities to assume responsibility to maintain the road or liability for any damages resulting in its use. Statute also advises that prior to a landowner obtaining a building permit that applicant must give notice of limits of responsibility and liability, and the document be registered. Mr. Irvine advised that there is a town policy which basically states that structures built on a Class VI road is not to be used for human habitation, permanent or seasonably, no heat, plumbing, or kitchen facilities, and cannot be more than 150 sq. ft. in size. Mr. Irvine said that as Mr. Ouellete is not the landowner, but needs to know he can obtain the building permit as its part of his P&S, this presents a problem with registering the Notice of Responsibility and Liability.

Mr. Conkling asked how the subdivision was approved with the statement on its plan that there is driveway access and it was determined that it was because at the time of the subdivision there were structures on lot 31, but had to be removed to create the view easements, which has been done, therefore the driveway access no longer applies.

Mrs. Lucas advised that per the statute the Planning Board reviews these on a case by case basis and gave 2 examples, one on Sumner Way and a permit issued for traveling 50 feet on a Class VI road. Both had conditions. Mrs. Lucas advised that the Planning Board needs to consider, what's being proposed, the circumstances of that road, distances, liability, added service impacts to the town, resulting in a recommendation to the Selectmen. It is then up to the Selectmen whether they take the recommendation, or amend it.

The board asked for abutter's comments. There were none.

There was discussion relative to a site visit with the Public Works Director, or to ask Mr. Ouellete to upgrade the 200 ft. of roadway from the Class V portion to the property line. Mr. Mertz stated that using the existing Class VI road did make the most sense for accessing the building site. They discussed whether the road continued up through the property to access any other lots. Mr. Ouellete advised that is discussion with the surveyor, Anthony Randall, who did 3 surveys of that area, there was no further information to indicate that the road continued past the property, only that it ended as a driveway. Mrs. Lucas pointed out that Mr. Randall's information came from speaking with the Highway Department in 2004. The board noted that no further subdivision would be allowed without bringing the road up to Class V standards.

The board discussed a motion and its wording. Mrs. Lucas pointed out that this recommendation will go the Selectmen, who can decide whether to accept, or possibly amend it, but the waiver would certainly be a requirement, and it may be that both the current property owner and the buyer would sign the waiver. Mr. Irvine advised he would like to add to the motion that the subsequent property owners request a town warrant article to abandon the 200 foot Class VI portion of Boynton Road, resulting in the 2 property owners would be sharing ownership of the ROW.

Mr. Conkling made a motion, seconded by Mr. Joseph, to recommend to the Selectmen that this lot be issued a building permit; with no requirement to perform any improvements; to be allowed use of the 200 foot, Class VI section of Boynton Road, as a driveway; and for the current property owners, to

complete the waiver of liability in accordance with RSA 674:41. Mr. Mertz abstained. The motion carried.

**OTHER BUSINESS:**

Mr. Finkle was present.

Mr. Finkle advised he was looking at property at 386 NH Route 104 that is in foreclosure. As this is in the Mixed Use zone they are looking to use the 1<sup>st</sup> floor as an insurance agency and to rent out the upstairs section for office space. The Board advised this would be an allowed use but that site plan review would be necessary. Mr. Finkle asked about the septic requirement wanting to know the last approved use of the building. Mrs. Lucas advised that Mr. Finkle could come in to review the file and previous approvals for its use. She recalled it was one operation, using the downstairs only, and that further use of the 2<sup>nd</sup> floor would require approval from the Fire Chief. Mr. Finkle asked about sign requirements and was advised that there is a section in the Zoning Ordinance relative to signage. He asked if there were town requirements relative to handicap access and the board advised there were not, he would have to go by state codes. Mr. Mertz advised that as this would represent a change in use, and access is onto a state highway, the NH DOT would want to review this for traffic hazards. Ms. Gregg advised that according to the town's Master Plan the owner would be encouraged to maintain the building's historic look. Mr. Finkle asked if a Certificate of Occupancy or a building permit for renovations is required. The board advised they were.

Mr. Mooney, Subway owner, was present. He advised he was here to discuss a possible relocation of the Subway as their lease was lost when Munce's business was foreclosed on. He advised that as Franklin Savings Bank is leaving, he would like to occupy that space. He advised he has a drawing of the interior layout that could be reviewed. He asked if the board saw anything that would be a problem. He advised that they currently have 24 seats and this new location would provide for 30 seats. Mr. Mooney advised that the additional parking would be good. He said he would like to use the existing signage. He said it conforms to what FSB had for signs and understood the requirement for a sign permit.

Mr. Irvine reviewed the requirements for when a site plan review was necessary. There was discussion relative to the banks use of the building versus the use for selling sandwiches. The board noted that there was a similar business is that plaza and Mr. Mooney advised that it may be leaving that location. Mr. Mertz advised that in the very least an expedited site plan review would be necessary, which means a review from Fire and Police for life safety issues. The board agreed it could be an expedited review. The board advised that a drawn floor

plan is acceptable and that the site plan review application is available online, and could be scheduled for the September meeting if submitted by Aug.31<sup>st</sup>.

Relative to using the existing signage Mrs. Lucas advised the Selectmen would review that application, but pointed out that there are limitations to what he can do. Some of the signage might work with the existing grandfathered signs. Mrs. Lucas recommended he meet with the Selectmen to review a sign permit application.

Mr. Joseph asked what the status of New Hampton Family Practice going into the plaza was. Mrs. Lucas advised that it is her understanding that it will happen but has not heard from LRGH to discuss this matter further relative to site plan review.

**ADJOURNMENT**

Motion to adjourn was made by Mr. Mertz, seconded by Mr. Conkling. Vote was unanimous. The meeting was adjourned at 8:40 p.m.

Respectfully submitted,

Pamela Vose

DRAFT