

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

October 17, 2017

**MEMBERS PRESENT:**

Mr. Kettenring, Mrs. Hiltz, Mr. MacDonald, Mr. Hays, Mr. Mertz, Mr. Broadhurst, and Mr. Katz were present.

**OTHERS PRESENT:**

Town Administrator Mrs. Lucas, Permitting Assistant Mr. Pollock, Scott Buitta, and Richard Shea.

**CALL TO ORDER:**

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

**MINUTES**

Mr. Katz made a motion, seconded by Mrs. Hiltz, to approve the minutes of 9/12/17 as written. Vote was unanimous.

**CORRESPONDENCE**

1. Copy of letter from LRPC nominating Mr. Katz as their town representative.
2. Copy of letter of decision from ZBA for an approval of a Special Exception and Variance request for Jeremy Hiltz Rev. Trust.
3. Copy of letter of decision from ZBA for an approval of a Special Exception request for Mary Whitney.
4. Copy of letter to Scott Buitta and Marcos Coli relative to non-compliance with sign regulations and the approved Site Plan.
5. Mr. Kettenring read into record email correspondence between Mrs. Lucas and Mr. Buitta. Mr. Buitta wrote he moved some items into compliance and stated additional plans he has for the site. Mrs. Lucas advised him further review would be needed by the Planning Board and removal of one flag was necessary.

**PUBLIC HEARING ON PRIME  
WETLANDS DESIGNATION FOR  
SNAKE RIVER**

Mr. Kettenring advised that this was a hearing for Prime Wetlands designation for Snake River in New Hampton. This designation is to promote the health, safety and general welfare of the community and specifically of those consumers that depend on Lake Waukewan as the source of public drinking water; To prevent the degradation of water quality to Lake Waukewan and throughout the Lake Waukewan watershed; To protect the sensitive natural resources that contributes to water quality conservation; and To guide the nature, intensity and location of development within the watershed to protect water quality.

Mr. Kettenring read into record a letter from Representative Valerie Fraser expressing support for this proposed Prime Wetland designation.

Mr. Kettenring advised that this hearing is for the Planning Board to express support for this designation which will require a vote of the town in March, 2018.

Conservation Commission Chair Daniel Moore, abutters to the Snake River - Donald Bergeron and Peter Dumont, and several residents were present.

Resident Mrs. Hays spoke to the importance of wetlands in this area and advised that the Center Harbor side of the Snake River presently has prime wetlands designation.

Wetland Scientist Rick Van de Poll advised the Snake River wetlands are 58.28 acres, roughly ½ & ½ in New Hampton and Center Harbor. This designation would provide an additional layer of protection as it would require extra review for a Dredge and Fill Permit from the state in the form of a hearing. The New Hampton Conservation Commission have expressed their support.

Mr. Kettenring called for abutter's input. Mr. Dumont asked how it would impact his setbacks and use of his property. Mr. Van de Poll said he had previously met with Mr. Dumont on site, saying if Mr. Dumont wanted to install, for example, a boardwalk to the water he would need to apply for a permit but would also have to attend a state hearing. Mr. Van de Poll said there is currently no buffer restriction proposed on the New Hampton side if this were designated, but if it were, there are special exception clauses for property owners to use.

Mr. Bergeron said he has owned the property for 40 years and has been a good steward to the abutting wetlands. He said he and Mr. Dumont's properties are the only privately owned properties in New Hampton along the Snake River that are not in conservation and asked why this designation is desired. He expressed concern with his land use as he has a second dwelling on his lot that he would like to subdivide off in the future so it could be sold. Mr. Kettenring pointed out that property owners, state, & utility plans can change in the future, which may negatively affect the river. Mr. Van de Poll said this added level of review will aid in the watershed's protection for the future. Mr. Bergeron said he was concerned with what he could do with his property in the future if this is designated because in recent years the Waukegan Watershed Overlay District was created which further restricted what he is able to do relative to subdividing. Mr. Van de Poll said it would likely be more difficult to get approval by the state for a dock or boardwalk in the wetlands, if this designation is approved.

Mr. Katz asked for clarification on what a property owner would have to go through for any approvals affected by this designation and resulting state review process. Mr. Van de Poll pointed out the example of wanting to place a dock in the wetlands. The state would receive a Dredge and Fill Permit application. GPS coordinates would be taken and checked against the state's prime wetlands list. If the area is under designation the state would schedule a hearing with the NHDES Wetlands Bureau and abutters are notified. Mr. Kettenring said these reviewers are experienced professionals with a strict set of rules they must follow.

Mr. Dumont said he was interested in putting a boardwalk on his property and he had visits from the state who went back and forth on whether it could be approved. Mr. Mertz asked if there was a permit for this, and it was approved, would this approval be grandfathered if this designation was approved by the voters in March. Mr. Van de Poll said

it would be - for a period of 5 years, beginning from the submittal date of a complete permit application. Mr. Bergeron said he has doubts about all grandfathered rights being maintained as he feels he has lost some of his.

Mr. Moore said he wants the Conservation Commission to consider other wetlands in town for this possible designation.

Mr. Kettenring closed the public hearing. Mr. Hays made a motion, seconded by Mrs. Hiltz, that the Planning Board recommends that the Selectmen place this Prime Wetlands Designation on the ballot. Vote was unanimous.

**CONTINUATION PUBLIC HEARING**

*Michael Sharp: NH Route 104 and Riverwood Drive, Tax Map U-17, Lot 55; proposed health focus facility with two 10,000 sq. ft. buildings, Site Plan Review*

No one was present to represent the application and no contact was made to the office.

Mr. Broadhurst made a motion, seconded by Mr. Katz, to continue this hearing to 11/21/17. Vote was unanimous.

**ABUTTER'S HEARING/ SUBMISSION OF APPLICATION:**

*Debra & David Marsh Trusts, 8 & 12 Seminole Avenue, Tax Map U-11, Lots 7, 9 & 20, 1.51 acres, Boundary line adjustment*

Mr. Hays recused himself from these proceedings and moved to sit with the public.

Mr. Marsh was present. He said they own 3 lots and the board reviewed the survey plans showing existing and proposed lot lines. He said they want to take some land from Tax Map U11, Lot 7 adding it to Lot 9 and taking Lot 20 (which appeared as a portion of Seminole Ave.) and merging it into Lot 7 & 9, with most of it into Lot 7, making Lot 7 slightly larger. Lot 9 will also get larger and this will result in a more equitable distribution of shorefront on the lake. This will ensure the setback distances to structures is maintained. Mr. Marsh advised that properties along Seminole Avenue own the land under the roadway, allowing vehicles the right to pass.

Mr. Broadhurst made a motion, seconded by Mrs. Hiltz, to accept the application as complete. Vote was unanimous.

Mr. MacDonald made a motion, seconded by Mrs. Hiltz, to approve the boundary line adjustment. Vote was unanimous. Mr. Marsh advised he would be providing a mylar copy for signatures.

**DISCUSSION OF MASTER PLAN UPDATE**

Mr. Hays joined the proceedings.

Mr. Mertz advised he did some minor editing, shown in red, with the exception of the Population section (updated in 2006), which is not being changed for this revision. He said the last Master Plan subcommittee has discussed what may be unnecessary and could be removed from the Population chapter with a suggestion that some items could be removed from the chapter and added to an appendix.

The subcommittee agreed to meet on 11/7/17 at 6:30 pm to discuss this further.

Public Hearing on Master Plan Update - 11/21/17 at 7:00 pm.

Mr. Pollock advised that as a member of the Conservation Commission, a draft Open Space Plan completed by LRPC, is being distributed to board members, to become part of the Master Plan at a later revision.

### **OTHER BUSINESS**

Mr. Mertz made a motion, seconded by Mr. MacDonald to table discussion on proposed changes to zoning to recognize Mr. Buitta who was present for other business. Vote was unanimous.

Mr. Buitta advised that he wants to place 3 picnic tables and a chiminea closer to the roadway to increase visibility of the business and . The board reviewed the site plan that was previously approved and advised that an amended full size site plan needs to be submitted with any changes he is proposing. Mr. Kettenring advised that the Fire Chief needs to review the chiminea usage.

### **DISCUSSION ON ADU “OWNER OCCUPIED” DEFINITION**

Mr. MacDonald distributed some proposed language to better define “owner occupied” which included a requirement that the owner must provide proof they are residing on the property. The board agreed to get input from counsel.

### **DISCUSSION ON POSSIBLE 2018 ZONING AMENDMENTS**

#### *PARKING*

The board reviewed language allowing the ability to put an accessory dwelling unit into an accessory structure, not in excess of 800 sq. ft. inhabitable floor area and not in excess of 45% of floor area of the accessory structure. The intent would be that the accessory structure’s main use is accessory, such as a garage, while limiting the total square footage allowed for an ADU. Counsel to review proposed revised language.

The board discussed language relative to parking requirements. There was discussion that through Site Plan Review some parking might be allowable in areas such as a field, to show they meet parking requirements. There was discussion on off-street parking requirements for the Village District compared to other districts in town, with the board agreeing that all parking be moved to General Provisions. The board recommended 9’x18’ minimum space sizes, with discussion to move requirements for distances between parking spaces off-street loading in a commercial/business application to Site Plan regulations. Mr. MacDonald said he would review parking requirements in other towns and consult with the Fire Chief on some uses.

#### *TEMPORARY STRUCTURES*

The board reviewed and discussed a definition for “temporary structure” and whether installation of a foundation made it permanent.

#### *AIRBNBS*

Mrs. Lucas distributed information relative to Airbnb and recent legislation affecting same for the board’s review. She said she has also spoken with counsel who is concerned with the town’s ability to regulate Airbnb, suggesting other ways to regulate problems associated with Airbnb usage.

The board agreed to hold a work session on proposed 2018 zoning amendments on 11/7/17 at 7:00 pm with counsel present

### **ADJOURNMENT**

Mrs. Hiltz made a motion, seconded by Mr. Broadhurst, to adjourn the

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meeting was adjourned at 9:53 p.m. Vote was unanimous.

Respectfully submitted,  
Pamela Vose

DRAFT