

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

November 12, 2013

MEMBERS PRESENT:

Mr. Kettenring, Mr. Mertz, Mr. Conkling, Mr. Irvine, Mr. Love, and Ms. Gregg (7:03 PM) were present.

OTHERS PRESENT:

Mrs. Lucas, Town Administrator and Paul Rossi, Rossi's Restaurant (7:15 PM), and ZBA alternate member, Ms. Karnis were present.

CALL TO ORDER:

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

**WORK SESSION:
ZONING ORDINANCE CHANGES
FOR 2014**

Mr. Irvine apologized for not being prepared as he thought the work session to discuss zoning changes was not until the following day.

- Relative to the agricultural uses in the Village District and as the board had previously expressed concerns with bee keeping he said he had not obtained further information relative to distances to property lines or fencing. He recommended that the ordinance be changed to reflect that bee keeping is not a permitted use in that district.
- Relative to landscaping standards most members felt it was too prescriptive, so this will need further work to incorporate in the future.
- As far as language regarding signage he suggested some reorganization and to list prohibited and allowed signage.
- Relative to incorporating a Limited Special Exception as there were many Variance requests before the ZBA over the last several years, after discussion the board determined that if allowances could be made through that process, it should just be permitted. He suggested that the board look carefully at the Master Plan, the 2 community surveys, and make revisions to what uses are allowed and what are not permitted. The board should review the 10% rule for outdoor display and determine what use this rule was trying to prohibit.

Mr. Mertz advised that in working on the Master Plan, under Land Use there was a statement "to ensure the town retain and unique and historic, rural character...". Mr.

Mertz said he has added *“the last Master Plan committee had recommended the creation of a mixed use district and agricultural standard section. These were both accomplished since that time. The architectural standards are now part of site plan review and applied, as appropriate, by the Planning Board”*. He read the detailed recommendation from the previous Master Plan committee for the Mixed Use zone which intended to create a mixture of small commercial establishments and residential units including multi-family with access to major arterials. The area was meant to encourage the development of small businesses which would be located near future and existing population areas and not impact traffic on major highways. This committee pointed out a negative impact being the “miracle mile” atmosphere which would not preserve the quality characteristics of the town. Mr. Mertz said he added, at the end of their recommendation, *“It is important to be reminded that the actions taken by previous members of our community and what the anticipated results were at that time, while slow economic times of recent past have delayed the changes the town envisioned, we must be patient and at the same time focus on obtaining our long term goals.”*

So with these recommendations in mind, Mr. Mertz suggest the board look whether this is still the goal of the town, and pointed out that the results of the recent survey seem to support that. Board members agreed.

Ms. Gregg asked how the language in the ordinance can encourage residential use if only commercial uses are proposed in the mixed use district. The board discussed the fact that that they did not have any authority to legislate what use goes into that district, only that it is an allowed use. Mr. Kettenring pointed out that some developments may require frontage/backage roads and to be made pedestrian friendly. Mr. Irvine asked the members that served on the board at the time the 10% rule was established, what its purpose was intended to accomplish. Ms. Gregg advised to it was to avoid the “miracle mile” look, and Mr. Conkling said the economy was booming and residents were concerned that development would get out of hand and it could look like Tilton. Mr. Kettenring said it was to keep more open, outdoor space and there was discussion of not wanting car dealerships. Mr. Mertz advised that having a lot of outdoor display and larger buildings do not make the area pedestrian friendly.

Mr. Rossi expressed his opinion that it seems the town picks and chooses who they will grant a variance to

relative to the 10% restriction on outdoor display. When asked what properties he was referring to Mr. Rossi pointed out the nursery and Hiltz properties, and the fact they were 100% outside display prior to having structures in place. He pointed out that the plants at the nursery were not being grown on site.

There was discussion whether to add any types of businesses to the permitted uses list, and/or create another list of permitted uses allowed but exempted from the 10% rule due to the nature of the business. Mr. Kettenring advised the board that they need to look at the purpose of maintaining open space and keeping it pedestrian friendly, but should consider additional permitted uses and some uses exempt from the 10% rule. The board reviewed all the variance requests on the 10% rule in the last several years, during a time that the economy has been slow, and pointed out that the requests may be directly related to that downturn, or to the rule be too strict. The board agreed that they create better clarity of this rule and/or uses, to assist the ZBA in their decision making process. Mr. Rossi said it felt to him like the ZBA decisions on the variances were because they liked plants and mulch, but didn't like car lots. Mr. Rossi said he would like to use his property as he feels is appropriate, whether it is to sell vehicles, boats, etc.

As the permitted uses are commercial retail, wholesale, and rental trades the board discussed changes to the zoning language to allow an excess of 10% for outdoor display, through a Special Exception process. There was discussion on whether to limit the square footage of the area used for outdoor display, or as a percentage of the lot size. Mr. Irvine pointed out it needs to be based on the wishes of the residents and what they want for this area.

Mrs. Lucas advised that there may have been certain types of businesses that this rule was meant to address that could be better described in the regulation. As stated in the ordinance the "use of outdoor areas for business purposes shall be limited to 10% of the gross floor area of the primary structure" and Mrs. Lucas said this could be interpreted to encompass many things, such as parking. For this reason the ZBA struggles with the definition in applying it to variance requests. She said that prior to the 10% rule there already existed a lot coverage limitation of 50% for any buildings, parking & driveway areas. Ms. Karnis stated that the wording primary structure can be confusing, as some of the variances from the 10% rule had no structure, or had a temporary structure.

Relative to finalizing any possible changes to zoning, Mr. Kettenring advised the last date of notice to adopt or amend the zoning ordinance is 12/27/13, with the 1st public hearing no later than 1/7/14, and a final public hearing no later than 1/21/13.

- Mr. Irvine said he was also working on some additional definitions, such as an “inn” in the Village District. Mrs. Lucas advised the board to look at the permitted uses in this same district as it allows a grocery store and the previous Village Precinct ordinance also had a square footage limitation of 3,000 sq. ft. for such a store, which did not carry over to the town’s ordinance. The board agreed to both of these changes.

Mr. Irvine said he would have following changes ready for the meeting on 11/19/13:

1. Agricultural use in the Village District
2. Reorganization of the sign restrictions

Relative to landscape regulations it was noted that this would be better under Site Plan Review, which allows for flexibility. These changes and can be done at any point in the year and did not need the approval of the voters.

3. Definitions

The board discussed the possibility of using a square footage limitation for outside purposes versus using the current percentage limitation, with consideration of including restrictions relative to property line setbacks. Ms. Gregg said she would draft some wording. Mrs. Lucas suggested that this outside display could still be done by special exception and read the board the criteria for considering it. This would prevent a negative effect in the area, and would allow the ZBA to place conditions on any approvals.

ADJOURNMENT

Motion to adjourn was made by Mr. Love seconded by Mr. Conkling. Vote was unanimous. The meeting was adjourned at 8:25 p.m.

Respectfully submitted,

Pamela Vose