

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

December 17, 2013

MEMBERS PRESENT: Mr. Kettenring, Mr. Mertz, Mr. Conkling, Mr. Love, and Mr. Irvine were present.

OTHERS PRESENT: Town Administrator Mrs. Lucas, Conservation Commission Chair Mr. Kirshner, and Deputy Fire Chief Kevin Lang were present.

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

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

11/12/13

11/19/13 Mr. Irvine made a motion, seconded by Mr. Mertz, to accept the minutes as written. The motion passed.

CORRESPONDENCE:

1. Conceptual letter from Philip Hofling asking about a 50 foot ROW through the Davol property (his sister's), suggesting he would prefer to put it through his father's lot (Alden Hofling) and instead of it being a deeded ROW he would like to own it. The board discussed the fact that it was a back lot. Philip Hofling provided reasons in his letter why the Planning Board might consider this change. Mr. Kettenring advised it would need to be done with a boundary line adjustment and that the board would have to make a finding that in this case that the 150' frontage requirement would not apply. Mr. Kettenring said Mr. Hofling lives in another state, which is why he submitted the letter for comments from the board.
2. Belknap County Sheriff's Department Sergeant William Wright, advising the town of upgrades to the radio communication infrastructure, which includes installing equipment to radio sites, including the cell tower on Ridge Road. He advised that it was approximately 2' in diameter. The dish would go on the existing tower. Mrs. Lucas advised the Selectmen have already reviewed this proposal and as this is a governmental use it is exempt from zoning requirements. The Sheriff's Dept is required to provide details, reasons why it should be considered a governmental use, specs on the project, and a schedule for construction. The Selectmen or Planning Board can determine whether or not a public hearing is required, but do not have to require it. Mr. Irvine said this will allow for better communications in the Sheriff's Dept. Mr. Irvine advised that the Selectmen do not wish to hold a public hearing and the Planning Board agreed.

MASTER PLAN UPDATE Mr. Mertz stated that there is nothing to report and the sub-committee is still working on the update.

**ZONING ORDINANCE
CHANGES FOR 2014**

Mr. Irvine made a motion, seconded by Mr. Conkling, to table this discussion until the end of the meeting.

**HERITAGE
COMMISSION
PRESENTATION**

Kristen Harmon - Chair

Kris Harmon was present.

She advised the board of who the members were. She said the Heritage Commission has an interest in participating in the portions of the Master Plan that are pertinent to the Commission. The things important to the heritage of New Hampton, going forward. She advised the board of some activities going on in Laconia and Belmont relative to some of their historical buildings and zoning challenges. In 2014 they intend to focus on the town's cemeteries. She offered the commission's assistance with any portion of the Master Plan. She advised that the commission has the ability to raise funds, based on specific rules. She told the board that the commission will be meeting on 2/21/14 at 5:30 pm.

**PRELIMINARY
HEARING/ SUBMISSION
OF APPLICATION**

*Donald & Patricia Bergeron
– 537 & 553 Winona Road,
Tax Map R7, Lot 47, 11.45
acres, two-lot subdivision.*

Chuck Braxton, Windy Waters Conservancy President, property owner Donald Bergeron, and Surveyor Brian Bailey, were present.

Mr. Braxton advised that the Bergerons have obtained approval from the ZBA to allow creation of the 5.09 acre non-buildable lot. He explained that the new lot will be gifted to New Hampton Conservation Commission and either the Windy Waters Conservancy or Meredith Conservation Commission, will hold the conservation easement on it. This easement would be almost identical to the easement on the abutting Spear property.

The board reviewed the plans.

Conservation Commission Chair, Ralph Kirshner advised that the commission has held several meetings to discuss this gift and easement. He said the commission, and then the Selectmen will have to vote to accept the gift. Mr. Irvine asked Mr. Braxton if the wish is still to accomplish a closing on this property transfer by the end of 2013 and he said they would prefer that. Mrs. Lucas asked if the easement needs to be put on the property prior to the transfer of ownership and Mr. Kirshner advised that this would simplify the transfer.

Mr. Kettenring asked if any abutters were present and there were not. Asked if any other member of the audience had a question, there were none.

Mr. Mertz asked whether there would be public access and Mr. Kirshner said that there is currently an easement previously granted by the Bergerons, but in addition there is a current turnout area that has been used over time.

Mr. Conkling made a motion, seconded by Mr. Irvine, to accept the plans as complete. The vote passed.

Mr. Conkling made a motion, seconded by Mr. Mertz, to approve the plan

as presented. The vote passed.

It was noted that the mylar plan was not submitted so the board members agreed to come by the office to sign all plans as Mr. Bailey said he would submit it the following day.

PRELIMINARY
HEARING/ SUBMISSION
OF APPLICATION *Kevin Lacasse, 101 Summer Street LLC, , 368 NH Route 104, Tax Map R-11, Lot 25A, re: addition of gift and craft business on the 1st floor of structure*

Mr. Lacasse and Marie Nirdal were present.

Mr. Kettenring advised the board of the following correspondence relative to the application:

- Submission of plans with parking of 11 spaces, and layout of the interior.
- Letter from NH DOT relative to the driveway
- Letter from Deputy Fire Chief Kevin Lang advising that the building is classified as multiple occupancy. There is office space on the 2nd floor and a mercantile area on the first floor. Due to the age of the building it may be considered historic. The building allows for access by the Fire Department on 2 sides from the public way and does not contain a sprinkler system. Deputy Lang advised it was constructed of old timber and in order to meet minimum requirements of NFPA the following must be met:
 1. Emergency lighting must be present.
 2. Means of egress must be illuminated.
 3. The exit and exit discharges must meet the following:
 4. Walking surfaces and means of egress must meet NFPA 101.
 5. Changes in level of egress and stairs and handrails.
 6. The building is also in need of at least one fire extinguisher on each level of the structure, and stated specifics on type and signage.

Deputy Lang advised that upon these changes being made the department would perform an inspection and specified that the basement would not be used for storage.

He advised that the entrance to the building is not ADA compliant.

- Letter from Police Chief Salmon advised that he has no issues or concerns with the proposed use and there is adequate parking, good site distance, and won't interfere with Town House Road.

Mr. Lacasse asked whether a Certificate of Occupancy would be required and after discussion on what improvements would need to be made. Mr. Kettenring advised that the board could approve the Site Plan contingent upon inspection by the Fire Department and satisfaction of their requirements. Mr. Irvine asked Mr. Lacasse to look at the ADA compliancy, saying it may be possible that due to the age of the building, it may not be required. He asked Mr. Lacasse to submit something in writing relative to ADA. Mrs. Lucas advised that these conditions could have a date certain requirement. Mr. Lacasse agreed to a March 1st date. Deputy Lang pointed out that relative to storage in the basement Mr. Lacasse would need to discuss additional NFPA requirements because the requirements of the department are based on the proposed area being used by the gift and craft business. Mr. Kettenring advised that one of the

conditions could be further review by the Fire Dept. if the basement were to be utilized by any tenants.

It was noted that if the renovations exceed \$5,000 in cost a building permit would be required, but Mr. Irvine advised a building permit application, with fees waived, should be submitted for documentation purposes, as it will constitute a change in use.

Mr. Conkling made a motion, seconded by Mr. Irvine, to accept the Site Plan as complete. Vote passed.

Mr. Mertz made a motion, seconded by Mr. Irvine, to accept and approve the Site Plan, with the following conditions:

1. Final approval by the Fire Department, prior to 3/1/14.
2. Documentation reflecting ADA compliance, prior to 3/1/14.
3. The basement is not to be used for storage by any tenant without further approval.

Vote passed.

Relative to a sign permit Mrs. Lucas advised that the sign permit would be reviewed by the Selectmen.

ZONING ORDINANCE
CHANGES FOR 2014
(cont.)

Mr. Irvine advised that at the previous week's work session there were proposed changes to language and to lot coverage, both of which would address the 10% rule for outdoor display.

He reviewed the language for outdoor display and what would be allowed, and that any other outdoor display other than what was listed would have to be handled through a conditional use permit application process.

Relative to the display of landscape material, Mr. Irvine advised that the board previously disagreed on whether hardscape products should be included with products such as mulch and loam. The board decided not to further specify what landscape material is and instead allow the board to handle what is allowed through the site plan review process. The board agreed that relative to the limitation of 50% lot coverage be listed as a separate line in the ordinance. Mr. Irvine asked if they ordinance should include the same wording relative to allowed outdoor display in the BC1 and BC2 districts for consistency with the Mixed Use district and the board agreed. Mr. Irvine made a motion, seconded by Mr. Conkling, to approve the revisions as discussed to go to public hearing. The vote was unanimous.

The board discussed some revisions to the permitted agricultural activity in the MU district. Mr. Conkling made a motion, seconded by Mr. Irvine, to approve the amendments to go to public hearing. The vote was 4 in favor, with Mr. Love abstaining.

Mr. Irvine explained some modifications made to "outdoor display" under Definitions which would allow for things such as RedBox and newspaper sales under the roof edge. Relative to the definition of a "grocery store" in the Village District the board agreed that it should be clarified that this

definition applies to this district only. Mr. Irvine made a motion, seconded by Mr. Conkling, to approve the revisions as discussed and to go to public hearing. The vote was unanimous.

Mr. Irvine advised he struck some wording on the temporary signage. Mr. Mertz made a motion, seconded by Mr. Irvine, to approve the revision as discussed and to go to public hearing. The vote was unanimous.

OTHER BUSINESS:

Mr. Irvine said that regarding the waiving of building permit fees, this typically happens when a building permit isn't required, based on estimated costs of labor and material or such as a demolition, but when documentation is advantageous for the purposes of changes in use or removing the value of a demolished structure. Mr. Love expressed concern with the waiving of fees being seen as arbitrary and Mr. Kettenring suggested putting conditions in writing, as to when fees are not required. Mrs. Lucas said the Selectmen have only waived the fee in cases where a building is not required. The board agreed to look at the permit requirements in 2014.

Relative to Mr. Hofling's proposal the board said they didn't see a reason for this proposed change, but read that Mr. Hofling is concerned about any possible conflict in the future. Mrs. Lucas pointed out that he'd like to own it in fee simple. Mr. Irvine advised that it would put 2 driveway accesses next to each other, which is allowed. The board said it seemed like a reasonable request.

ADJOURNMENT

Motion to adjourn was made by Mr. Mertz seconded by Mr. Love. Vote was unanimous. The meeting was adjourned at 8:39 p.m.

Respectfully submitted,

Pamela Vose