

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

July 16, 2013

MEMBERS PRESENT:

Mr. Kettenring, Mr. Mertz, Mr. Luciano, Mr. Conkling, Ms. Gregg, Mr. Joseph, and Mr. Love (7:02 pm) were present.

OTHERS PRESENT:

Mrs. Lucas, Town Administrator, ZBA Vice Chairman Paul Tierney, Deputy Fire Chief Lang

CALL TO ORDER:

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

MINUTES:

6/18/13

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

CORRESPONDENCE:

Mr. Mertz made a motion, seconded by Mr. Luciano to table this agenda item until Mrs. Lucas could check on any incoming correspondence, as it was downstairs. Vote passed.

MASTER PLAN UPDATE

Mr. Mertz advised that the committee met the previous week in addition to earlier tonight. Work is ongoing, previous and recent survey data will be reviewed more closely to identify what updates may be necessary.

Ms. Gregg has begun a draft of the Economic Development Plan, using Tamworth's as a model, as they are somewhat similar to New Hampton. Mention will be made in several locations in the Master Plan relative to the types of businesses New Hampton envisions based on survey results. The appendix would have the survey statistics.

Mr. Mertz advised the Sub-Committee discussed the following relative to the Zoning Ordinance, in the context of creating the Economic Development section:

- Village District – whether something like chickens should be implicitly denied as State statute considers agriculture as being allowed and if consideration could be given based on lot size for this use.
- Village District - Growing of agricultural products for personal use, but not for sale or trade.
- Guideline for when a special exception is needed for particular uses and whether a variance on a use can be granted temporarily.

CORRESPONDENCE:

1. Copy of a letter dated 5/23/13, from the Selectmen to

David Drake, advising him that they had received his letter related to outside storage at Country Cottage and had found the owner to be in compliance with town approvals, regulations, and ordinances.

**ZONING ORDINANCE CHANGES
FOR 2014**

Mrs. Lucas advised the relative to updated the Village District section:

- a) Agricultural use was a consideration.
- b) Need for better definitions and clarifications as the ZBA had discussion relative to the definition of a “grocery store” and an “inn”. She pointed out that in the original Village ordinance there was a maximum square footage. The board should look at the original intent of the Village’s ordinance, what the residents wanted and the land that was available to develop.

In other districts:

- c) 10% limitation of outside display or storage in the Mixed Use, BC2, and BC3 Districts. The ZBA has recently had applications for variances from that rule. Several were granted with limitations. Based on an appeal, the ZBA has learned they cannot put a time limit on a variance. The Selectmen have discussed other options (ie. Special Exception) for an applicant to temporarily operate a business that is not currently an allowed use. She provided some wording (from another town) that could be used for this purpose, which would include a process with the Planning Board and would allow the ZBA to create limitations. She advised that town counsel would need to review the wording. Mrs. Lucas pointed out the owners who have wanted to implement temporary uses on their property and whose outdoor area exceeds any building on the property. Economic times are an influence and in the case of vacant lots or empty buildings, the Selectmen thought the board should consider the temporary use.
- d) Temporary signage has been an enforcement issue for the Selectmen recently so this could be discussed.
- e) Agricultural use being permitted unless expressly denied.

Ms. Gregg expressed concern with temporarily allowing some uses, which are not currently permitted, which may prevent the districts from becoming what the residents desire, based on Master Plan surveys.

Mr. Tierney advised he was representing the ZBA. Relative to temporary use and their approvals, the preamble clearly states the intent for that district; it would be much easier for the ZBA to make its decisions. As an example he said an agricultural use is not defined in the ordinance, therefore subject to interpretation, as in the case of the nursery on Route 104, which sells agricultural products which are not grown on site. He asked the board to review what is and is not allowed and

ensure there is clear definition. He advised he looked at the minutes of the last Planning Board meeting and agrees that all the items they discussed should be looked at.

Mrs. Lucas advised that in speaking with counsel on the 10% rule, if the purpose of that rule was to restrict particular businesses that should be defined. There was discussion on whether particular businesses could be listed as not being allowed. The members recalled the discussion was to create a pedestrian friendly area in the Mixed Use zone where people could walk from one business to the next and to maintain a pleasing look.

The members agreed to continue the discussion on possible changes to zoning, for presentation to the voters.

OTHER BUSINESS:

Colin Brown, subdivision of property belonging to the Jean Kempton Trust, Tax Map R19, Lot 4

Colin Brown, Central Land Surveyors, was present. He provided some sketches of property belonging to Jean Kempton on Dana Hill Road. He said that the Kemptons own 2 abutting lots, which are both for sale, Map R19, Lot 4 for 8.5 acres and Lot 2A for 2 acres. They wish to subdivide the 8.5 acre lot into 3 lots and do a boundary line adjustment of 0.1 acres (from lot 2A) to add more land to the house lot. Mr. Brown advised it would not affect lot sizing. He advised the site distance is good for all lots. Mr. Kettenring advised the board would want driveway permits to be obtained when submitting the application.

Northstar Contractors, Tax Map R11, Lot 22

MacGregor Chadwick and Wes Hays, Northstar Contractors, were present to discuss a possible subdivision of their property at 74 NH Route 132N. He showed drawings of the existing property and drawings showing the parcel subdivided into a 1.96 acre, with 2.29 acres remaining where the business is located. He advised he hadn't done any lot sizing calculations, but felt the 1 acre minimum could be met. There were some wetlands he'd have to take into calculation.

Mr. Kettenring asked if Packard Drive, which would be the access for the 2nd lot, was private. Mr. Hays advised it was but that they had an easement. He said the new lot could use this easement as access and the current lot where their business is located would just use Route 132N as its access point. Mrs. Lucas advised the previous Planning Board minutes should be reviewed relative to the access, as there had been discussion at that time. Current subdivision rules allow for only 2 lots to be accessed from a private ROW and Packard Drive currently provides access for DIRECTV and LW Packard. The board asked how close to town standards Packard Drive was and Mr. Chadwick said he did not know. If Packard Drive is not to town specs Mr. Kettenring advised that creation of this lot could be an issue, so the minutes from the previous subdivision

would need to be reviewed to see how it was approved. Mr. Chadwick said that there are currently 3 points of access from Packard Drive and that won't change. Mr. Kettenring advised that their present lot has access on a state road, which may have been a consideration many years ago when it was reviewed by the Planning Board. Mr. Mertz said the safest access point off of Packard Drive should be determined if the application moves forward. Mrs. Lucas advised she would review Planning Board documents for the original Packard Drive approval and Mr. Hays' approval from several years ago.

CORRESPONDENCE:

Mr. Mertz made a motion, seconded by Ms. Gregg, to bring the item of correspondence back before the board. Vote passed.

Application for lot merger for Joseph Bourque and Sara Jayne Steen, Tax Map U14, Lots 32 & 35. The board noted that merging the 2 lots would prevent them from building a dwelling on the empty lot. Mrs. Lucas advised she would review the property file to see if the lot was vacant. Mr. Mertz made a motion, seconded by Ms. Gregg to approve the lot merger, subject to a confirmation that there are no buildings on lot 35. Vote passed.

Letter from Selectmen to David Drake, d.b.a Goode Shop Lollipop, advising him to remove the off premise sign structure that was constructed on abutting property as his sign permit was denied. The letter advised he must remove it or reduce its size and keep it temporary, according to the zoning ordinance.

ZBA Notice of Decision denying the Variance Request by Hilshar Associates, Inc. for outside display of more than 10% of the gross floor area of the primary structure.

Letter from Selectmen to Robert & Ella Ford stating that a mobile home has been sited on their property and the intent of the structure is unknown.

ADJOURNMENT

Motion to adjourn was made by Mr. Mertz, seconded by Mr. Conkling. Vote was unanimous. The meeting was adjourned at 8:17 p.m.

Respectfully submitted,

Pamela Vose