

1 Planning Board Meeting – Final Minutes
2 Tuesday March 12, 2024, Meeting House

3 Members Present

4 Greg Meeh (Chair), John Schneider (Vice Chair), Joshua Gordon, Anne Dowling, Rich
5 Marcou, Logan Snyder, Hillary Nelson (alternate)

6 Kent Ruesswick attended later from Town Hall elections.

7 Members Absent

8 Ben Stonebraker (Alternate, out of state)

9 Others Present

10 Web Stout (surveyor), Ron Dickinson (applicant), Beth McClure (applicant), Ned Witham
11 (abutter), Clifton Mathieu (resident observer)

12 Mike Tariff (Director, CNHRPC)

13 Agenda

14 1. Call to Order

15 Greg Meeh called the meeting to order at 7 pm.

16 2. Previous Minutes, February 13, 2024

17 Rich Marcou had requested a couple corrections which had been made. Rich made a
18 motion to approve those Minutes as amended and John Schneider seconded. There being
19 no further discussion, all members voted in favor of approving the previous Minutes.

20 3. Corey Pethic Subdivision Center and SW Roads, Tax Map 247, Lot 6 - Completeness
21 review

22 Web Stout presented the subdivision application for Corey Pethic. He had recently
23 submitted the State approval to the town office. Web described the lot as a 'ledge lot'. The
24 state will allow applicants to build on a ledge lot, but they have to bring in materials with
25 which to build the septic system. The State approved both lots in this application. He will
26 have a previously approved State septic design confirmed by the end of the week.

27 Web said that historically the lots were originally subdivided in the late 70s and then in
28 the late 80s or early 90s there was another lot close by cut off – so this subdivision is the
29 second time round. It will give a 2.4-acre smaller lot. The minimum needs to be 2 acres.
30 The larger lot is 6 sided. There was discussion about the odd shape, but it resulted from
31 the original boundary lines, drawn to go round septic systems. The new piece will be
32 squared off.

33 There is a shared driveway with an agreement to remove part of the driveway when it is
34 sold, leaving about 130 feet of common driveway. In the circumstances of this application,
35 it would not be feasible to require a road maintenance agreement retroactively including
36 the existing homes. Web stated that the driveway has been shared since the 70s.

37 Greg asked about frontage for both lots. One is 300.02 ft, and the other one has exactly
38 300 ft on Center Road.

39 Rich and John went through the check list for the application earlier. (Note, secretary
40 learned Web had submitted a slightly revised plan since then).

41 John asked about the following:

- 42 • The zoning district boundaries within 200 ft were missing – the Ag zone is on the
43 other side of the road and needs to be put on the plat.
- 44 • The proposed lot numbers and proposed street addresses were not present there
45 – those can be obtained, as proposed details, from Evan at the town garage
46 (correction Dave Nelson at Fire Department, chair informed Web) so Web will
47 obtain those for the plat.
- 48 • The certificate for seal of engineer was not there originally but now it is.
- 49 • The final state of NH approval has been received.
- 50 • The building setbacks need to be shown and they wondered where the 100 ft
51 setback from Rt 132 was mentioned? Web showed where it was on the plat, so
52 members located that.
- 53 • The irregular shaped parent lot remains irregular and cannot be changed at this
54 point.

55 **Logan Snyder made a motion to accept this application as complete pending adding the**
56 **zoning labels and the proposed addresses/lot numbers. John Schneider seconded. There**
57 **was no further discussion, and all voted in favor of approving completeness. Web will**
58 **provide 3 copies for the full hearing on March 26.**

59 Greg raised the Alfred Nash subdivision application proposals. The Board wanted to
60 conduct a site walk, to do due diligence for the abutters who have concerns about the
61 road building proposal. **It was agreed to make that site walk on Saturday April 6, at 11**
62 **am, meeting at the north end of Wyven Road across from the Cogswell Cemetery.** This site
63 walk is a public meeting so needs to be publicly noticed.

64 4. Ron Dickinson, 153, Morrill Road – Lot Line Adjustment preconceptual application

65 Ron Dickinson told us that he bought his property in 2006, that the Tax lot numbers have
66 changed since the old surveys he is presenting, that he built his house and barn, that he
67 owns 2 lots, and he has a deeded right of way coming from Morrill Road through the
68 abutting Harriman property. Ron provided copies of the Harriman deeds as well as his own
69 deeds showing the easement. Ron shared his plan referencing the old surveys. He said he

70 had been through all this with Mandy Irving in the town office. He wants to cut a lot off his
71 property and provide access to that new lot by using the right of way. This change would
72 make one lot bigger and the other smaller. He said that his house lot is 16 acres, and the
73 other lot is 19 acres, so he will cut 5-6 acres from “over the hill” and he wants to give
74 access to the new lot by ROW over New Road. He said, “It should make a buildable lot,
75 since the minimum required would be 3 acres.”

76 He stated that Mandy had told him he did not need road frontage and that there were
77 precedents in town for this. Ron said “His deeded right of way went back to 1972 so he is
78 grandfathered in and he said that “He does not need road frontage.”

79 There was discussion about frontage and town requirements, and what the Planning Board
80 authorizes versus what the Building Inspector controls. If an applicant has a legal lot they
81 can go straight to the Building Inspector for a building permit. But if a subdivision or Lot
82 Line Adjustment needs to be made then an application must be made to the Planning
83 Board.

84 The board made clear that the Planning Board does not issue building permits. Several
85 board members remarked that they doubted the lot would qualify for a building permit
86 because of lack of frontage. Board members noted that, if the Building Inspector declined
87 to allow a building permit, then applicant may apply to the ZBA for a variance.

88 There was some discussion about the zone that the lots are in. The board determined that
89 it is not a historic district. The Board reminded Ron that there should not be wetlands
90 included in the 5 acres for the subdivision.

91 It was established that the Board had no objection to Ron Dickinson proceeding with the
92 Lot Line Adjustment application. Board members noted that a “lot line adjustment” is
93 technically and procedurally processed as a “subdivision”. The board stated again that
94 granting the lot line adjustment / subdivision would not necessarily mean that he could get
95 a residential building permit on the lot.

96 Ron said that he didn’t want to go through the cost of subdivision if he couldn’t get a
97 building permit.

98 The Board told Ron that to move forward with the lotline adjustment / subdivision, he
99 should come back to the Planning Board with a subdivision application and survey and
100 that to investigate further about getting a building permit he should contact Joel French,
101 Building Inspector.

102 5. Beth McClure – Detached ADU Preconceptual, 303, SW Road, Rt 132 S.

103 Beth McClure explained that they bought their land in 1986 and she had attended recent
104 public meetings. They wanted to build a Detached ADU that would be handicap accessible,

105 initially for their kids to live in and maybe they would swap with them later as they aged.
106 She had not talked to an architect yet.

107 There was discussion about aspects of the preconceptual application and drawings.

- 108 • The lot is triangular, with a driveway down from the Pethics and it has 50 ft
109 frontage and a right of way in the shared lot 21 which is deeded.
- 110 • The lot is currently non-compliant but it has a principal residence so an ADU can be
111 added.
- 112 • If the Planning Board zoning ordinance re ADUs passes from elections held today,
113 this application would come back to the Planning Board for a Conditional Use
114 Permit and then on to the Building Inspector, otherwise it would require going to
115 the ZBA for a Special Exception prior to seeing the Building Inspector. Note from
116 chair: The ordinance amendment passed so the process will be Conditional Use
117 Permit.
- 118 • The ADU must be within 500 ft of the principal residence.
- 119 • Beth was encouraged to talk to her neighbors sooner rather than later.
- 120 • And to explore the septic process with a septic designer and then review all the
121 requirements as if she was building from new.
- 122 • And get in touch with the Board if she has further questions.

123

124 6. Mike Tardiff – CNHRPC update on Master Plan and Land Use Handbook

125 Mike reported that the Matts had been working on drafts of the Handbook/regulations
126 review. There are inconsistencies in the current regulations between site plan and
127 subdivisions and they were working on consistency. They would create visuals such as flow
128 charts as well as text about the processes and requirements. They had questions for the
129 Board. They were asking for a small subcommittee from the Board to work with them.

130 Mike said they could send examples from other towns they had worked with, such as
131 Boscawen and Dunbarton. Any drafts of these regulations would be shared with residents
132 in public hearings before being adopted by the Board.

133 It was agreed the **subcommittee would be Chair Greg Meeh, Secretary Lois Scribner, and**
134 **Rich Marcou**. There would likely be 3 meetings of 2 hours each over the next 2 months.
135 Matt Monahan could come to talk further on March 26. **It was agreed that the**
136 **subcommittee members would meet with both Matts in Canterbury on Tuesday April 2, at**
137 **6 pm. Venue TBD**. Note from Chair – It will be Library.

138 Mike reported that work was still ongoing for some Master Plan chapters but 4 were
139 already up on the town website so hearings could be held for those. He suggested doing
140 2 chapters at a time. **It was agreed to hold the first public hearing for the Natural Features**
141 **and Transportation chapters on Tuesday April 9, starting at 6.30 pm, in the Town Hall.**

142 The second public hearing for the Land Use and Housing chapters would be held on
143 Tuesday May 14, also at 6.30 pm, in the Town Hall.

144 The early time for these meetings is in response to residents' requests to make the time
145 friendly for parents.

146 7. Ordinance Review

147 This item was added to the agenda to discuss, hypothetically, what the Planning Board can
148 do in situations where there is public concern about something that might fall under the
149 Obnoxious Uses ordinance, Article 2.1.

150 The example was: use of bio solids (septic sludge), our town does not have an ordinance
151 specifically regulating use of biosolids so the planning board cannot regulate them
152 specifically. However, Article 2 of our ordinance gives residents a way to learn more about
153 the proposed use, provide a forum for public discussion, presentation of evidence and
154 testimony and determine if the specific proposal should be allowed. Concerned residents
155 can petition the Select Board for an Obnoxious Use hearing.

156 The Planning Board can present their opinion, and a recommendation to the Board of
157 Selectmen, but the request for an investigation needs to come from residents.

158 Joshua helped the board understand that, in an application using something like biosolids
159 which the board cannot regulate specifically, the Planning Board is still required to
160 evaluate that the project is in compliance with all the other conditions of the ordinance.

161 For example, the board is required to evaluate and to ensure that there are no negative
162 impacts on property values and/or health and safety. Joshua noted that the applicant is
163 responsible for the cost of any evaluations or studies required by the board.

164 In discussion about these situations, it was acknowledged that the ideal is to have a
165 specific reference in the zoning ordinance prohibiting something deemed obnoxious.
166 Belmont, for instance, had banned the use of bio solids.

167 However, in the short term, an Obnoxious Use investigation would be the recourse
168 available until the ordinance is changed.

169 The Obnoxious Use Ordinance is worded to help address issues that are hard to regulate
170 and enforce. An obnoxious use ruling gives a framework to regulate issues like noise.

171 If residents petition the Select Board, and there is an investigation, the different boards
172 and commissions in town have an opportunity for input.

173 8. New Business

174 The Board thanked Anne Dowling for her term's service on the Planning Board.

175 9. Adjournment

176 Rich made a motion to adjourn. Logan seconded. It was 8.31pm.

177

178 Respectfully submitted,

179 Lois Scribner, secretary