

PLANNING BOARD

JULY 16, 2020

MEMORIAL BUILDING

7:00 P.M.

The following are to be considered draft minutes until approved by the Board.

Chairman Kevin Lee began with introductions:

Planning members present via Zoom: Chairman, Kevin Lee; Alternates, Tim Bray, Dan Saulnier and Alex Belensz, circuit rider from UVLSRPC. Members present in meeting room: Bryan O'Day, Ken Jacques, George McCusker, and Michael Howard. Absent; Darrin Patten and Peter Keene. Tim and Dan were asked to fill in for absent members.

Others present via Zoom: Whit Smith, Dick Hendl, Malcolm Milne, and B. Manning.

Minutes of June 18, 2020: Tim Bray noted a correction to page 3, 3rd paragraph Tim Bray state he heard when and if something were done down there should be amended to read *Tim Bray stated he heard during the presentation "when and if something were done down there"*. Ken moved to accept as corrected, seconded by George and unanimously approved.

Minutes of June 25, 2020. Amended, Alex was not present. George moved to approve as amended, seconded by Tim. Ken and Bryan abstained as they were not at the work session. Motion passed by remaining members.

Request by Bruce and Kathleen Pariseau for a simple annexation. Applicant proposes to transfer 0.20 acres from the vacant 5.2-acre parcel (Tax Map 49 – Lot 615-153) to the existing 5.1-acre parcel (Tax Map 49 – Lot 609-120). Dan Saulnier stepped down as he is an abutter. There were no other abutters present. Scott Sanborn, Surveyor represented the Pariseaus. Scott stated the applicants have owned two separate lots on George Hill Road at the Enfield Town Line since the early 1980s. They are going to put one of them on the market. When they built the driveway they treated it as one piece of land so the driveway is partially on what is otherwise a vacant lot, so they are going to adjust the boundary so the driveway is all on the one developed lot. Both lots are a little over and will remain at or above 5 acres with the line adjustment. There is ample road frontage on both lots. Nothing is being impacted up near the house or changing setbacks or anything like that. The Board reviewed the plan. Motion by Ken to accept the application as complete, seconded by George and all in favor. Motion then made by ken to approve the lot line adjustment, seconded by George and unanimously approved.

Continued Hearing – Hansen Bridge LLC. Michael was not present. Bryan O'Day reported the Zoning Board held a Special Exception Hearing with Michael on July 2. The Zoning Hearing was continued to August 4 at which time the Board will hear from an expert on the equipment and product for the pressure treating via ZOOM. The Zoning Board would like to invite the Planning Board to participate in the hearing for information gathering on the facility and the products used, since questions and concerns are similar. The Board had told Michael they would continue the Site Plan Review, pending the ZBA decision of the Special Exception.

The Board discussed the best way to proceed with continuing. It was decided the plan for notification will be to continue the Site Plan Hearing to be held jointly with the ZBA on August 4th. If there is not a quorum of the Planning Board on August 4th Planning Members can sit in and observe. The Board will not deliberate or make decisions on August 4th but will continue their Site Plan Hearing to their next meeting on August 20th. Whit stated moving forward in his manner, if there is not a quorum of the Planning Board, that meeting doesn't occur, but the meeting of the Zoning Board can continue and planning board members who are present can observe the proceedings. If there is a quorum of the Planning Board, the Planning Board would run the meeting and turn the meeting over to the Zoning Board for consideration of the Special Exception. Alex will check with NHMA regarding the legalities of moving forward with this plan. Tim moved to continue to August 4th as noted above and continue deliberations on August 20th for Michael Hansen's application. Motion seconded by George and unanimously approved.

Review and approve draft of the community survey. Kevin shared the updated draft of the community survey following the outcome of the work session of June 25th. The Board discussed the meaning of surface water quality and suggestions for amending the question to explain it better. Kevin stated there are 23 questions. He has timed taking it, and it takes about half hour or so when putting in comments. Alex asked if the Board considered putting an income question in demographics. That is important to look at the responses and compare the median income of the respondents versus the median of the town, you have a better understanding the results based on the income. Tim agreed it was useful information. Dan noted the information would be useful if it is loaded into a database and then sorted and extracted. Kevin foresees putting it in a database or excel. Alex stated comparing the median from the survey with the median from the 2020 census when it comes out will give a good sense of interpreting the results. Ken stated remembering from the last survey these surveys become a wish list for a lot of people and he looks at it as a tool in redeveloping and updating the Master Plan. The survey is often quoted as "this is what the survey says" but the intent is to use it as a tool, much like the capital improvement plan is used as a tool by the budget committee. Kevin stated he will adjust the survey and send it back out. There will be no further substantive change except for the income question. He questioned if the board wanted to look at it one more time or approve it and get it ready to send out. Tim Bray moved to accept the Community Survey with the revisions discussed. In further discussion, Dan suggested the Board determine who is going to be responsible for pulling the data in from the survey and define who the survey is going to be sent out to. With the Internet Survey there were a few people who are renters and were upset they did not get the survey. The Board needs to figure out who the survey is going to. Alex suggested an online option would be helpful in addition to sending a survey to a household. The Board discussed options. Alex stated he has been in contact with a consultant and he will contact her to see how she has handled it in the past. Kevin stated he felt it was ok to move forward with this, and he will do the revising and get the printing done, and then figure out about the mailing labels once it is figured out who it is going to. That decision can be made in August and then get it out as quickly as possible after that. Kevin stated the motion was to approve the survey with suggested edits. Michael Howard seconded the motion, and all voted in favor. The Board will wait to see what Alex finds out from the consultant before they finalize a decision as to how it is going to be sent out.

Review of Section 3 (definitions) of the proposed noise ordinance: Tin Bray reported all the definitions were taken directly from the Manchester NH Code of Ordinances, so the definitions as they are written have been scrutinized by their legal department and it was approved as an ordinance in 2006. He, Dan, and Brooks adjusted the language so matched the town rather than a city. They added noise intermittent and noise continuous. Dan noted he thought someone had mentioned more needs to be added to the continuous definition to include some portion of break during the time the noise is happening. The Board reviewed and discussed the definitions. Mike questioned adding some sort of time frame to define continuous noise, from intermittent noise. Tim stated the discussion that took place when drafting was if there is a number then it must be monitored. Tim noted the concept was from other ordinances but essentially the language was crafted by the committee. Mike suggested running this by counsel to see if the concept has ever been defended or how it would be supported. He wants to be sure that these two definitions are defensible. Alex suggested contacting legal counsel at New Hampshire Municipal Association. Mike suggested working with NHMA to define the language, and then eventually the document will be reviewed by Town Counsel. Alex found two other towns, Hanover, and Windham that use the intermittent language. It might be possible to contact those towns to ask about enforcement and what the issues may have been from their perspective. Tim stated the document does give exemptions for certain activities. Looking at the whole document and looking at enforcement and knowing the Selectmen may meet with the party accused of violation, they can talk this through and negotiate, or waive penalties. The tone is set but it is helpful to know there can be a discussion at some point with the Board and a judgement call can be made.

Dan noted at a previous work session the topic of timber harvesting had come up. He agreed to look into the State's definition of forestry. He did an exhaustive search and did not find a definition for forestry. Under Farm and Agriculture section, it could be read that any kind of forestry is a subset of agriculture and given recent developments in town and what is taking place with the agriculture committee he thinks there is enough interest to define one way or the other what is considered forestry and timber harvesting versus agriculture, at least for the purposes of the ordinance. Tim stated right now it would be subject to the hours of operation outline, and timber harvesting can be specifically defined in the definitions. Now it would be within the decibels during the hours of operation right now. It is not exempted. That was Susan Chiarella's concern that timber harvesting would be exempted like agricultural is exempted. Dan stated if there is not a separate definition, then someone could point to the definition of agriculture which the proposed ordinance refers to the RSA definition. Dan stated the agricultural RSA states one of the included operations is the "production, cultivation, growing, harvesting, of forestry, sawed trees and tree products." Tim stated hearing that he agrees the Board needs to be specific that timber harvesting is not considered an exempted agricultural activity in the Town of Springfield for the purposes of this Ordinance. Mike expressed his concern with the decibel limits, this outlaw's modern logging in the Town. Mike noted there needs to be a different vehicle that reins in the logging companies that run too many hours of the day. His concern is when a large logging operation moves into a sensitive area and operate for months at a time and continue over the course of several years. The Board discussed decibels levels and ambient noise levels. Bryan noted there is noise that is going to have an impact for a period of time, such

as with a house site, but then it is going to be over. Ken noted he thought Susan's concern was if someone had a permit to cut timber, does that go on forever. He gave an example of the State timber harvest where it was supposed to be done in one winter and it took five winters to do it. Kevin stated the Board had a great deal of conversation with this in the past. There has to be something that has a beginning and an end, that is not something addressed in the noise ordinance. If there is a permit issued for harvesting, there needs to be some mechanism to address that. If timber harvesting is going to be done for a long period of time over a few years, that is an impact on the neighborhood and impacts the enjoyment of property. Mike suggested having set hours of operation for timber harvesting, and if the cut is over a certain acreage, there needs to be a start date and an end date. Janet stated the Intent to Cut is a processed through the Town, but the State regulates the harvesting. Mike suggested being able to regulate the hours of operation for timber harvesting. Mike would like to see some ability to negotiate with a logging company for a seasonal limit or at least limit their impact on the enjoyment of the surrounding properties, especially in certain parts of town. Mike stated maybe the proposed ordinance addresses this under agricultural, but he can understand the concern Susan noted.

Kevin asked if the Board wanted to move forward with the next section next month. Does the Board want to have town counsel look at this so far? Ken recommended having NHMA look at the noise definitions. There should be a list of questions to have the town attorney look at all at once when the Board has reviewed the whole ordinance. Tim stated he would be willing to contact NHMA. Motion made by Ken to authorize Tim Bray to contact the New Hampshire Municipal Association on behalf of the Planning Board regarding the noise intermittent and continuous. The motion was seconded by Michael. Motion passed. Tim abstained.

The Board will review the next section at the August meeting. The issue of timber harvesting and forestry is tabled. There are other sections that will deal with it.

Miscellaneous Business: None

Action items:

Hansen Hearing on August 4th regarding the pressure treating business.

Kevin will do some minor edits to the community survey and Alex will report on the consultant's comments on who to send the survey to.

Tim will call NHMA about the noise ordinance questions on continuance or intermittent.

Meeting adjourned at 8:57 p.m.

Minutes transcribed aided by ZOOM recording.

Submitted by,

Janet Roberts,
Administrative Assistant

DRAFT