

PLANNING BOARD

OCTOBER 21, 2021

MEMORIAL BUILDING

7:00 P.M.

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

Planning Board Members Present: Tim Bray, Chairman; Peter Keene, Bryan O'Day, Mike, Howard, Ken Jacques, Darrin Patten, Ex-Officio Amy Lewis, and Alternate Dan Saulnier.

Others present: Whit Smith, Mike Hansen, and Sarah Piedmont.
Alex Belenz, Circuit Rider from Upper Valley Lake Sunapee Planning Commission attended remotely.

Minutes of September 16, 2021: Corrections: Page 1 Old Business: *"Dan said the other change they tried to implement was going (change ~~through~~ to from) the idea of measuring noise .. And page 2 Ken said he has to have a rooms and meals license because anything under 180 (add days) in the State of NH you have to pay rooms and meals tax on.* Ken Jacques moved to approve the minutes as written, seconded by Darrin. Peter Keene abstained; the rest voted in favor.

Amended Site Plan Review request by Michael Hansen d/b/a/ Hansen Bridge, LLC to operate a wood treatment plant on property located at **116 Hansen Road, Map 08 Lot 803-020**. An amended Site Plan is required due to a change of use at that property. A Site Plan was formerly approved at 163 Hansen Road. Upon finding that this application is complete, a public hearing on the merits of the proposal will immediately follow application acceptance. A Special Exception was granted by the Zoning Board.

Michael stated he would like to move the previously approved pressure treating facility from 163 Hansen Road to a separate lot 600' away to the building he purchased this spring at 116 Hansen Road, formerly owned by CCM Logging. The pressure treating tube is being stored inside that building now, but it is not operating. He would like to have it there because it is a better spot all around and with better access, and more room to move around. When he was in last year, he did not know that CCM was going to sell their property so that is why the change of request now. The Board reviewed the site plan. The pressure tube just fits in the building. The containment design will be the same, the same sealant for the containment, same pipe etc. All the apparatus for the pressure treating facility will now be inside the building, whereas in the other location some of it would have been sticking out the end or off to the side. The only thing that needs to be built is a 50' overhang with a concrete pad, so that when they open the door the wood can be trolleyed out under the overhang. This would be a three-sided metal building, (roof, back wall, and sides) not insulated, not heated.

Site Plan Review Checklist was reviewed for application acceptance:

Existing Data: Items 1 through 11 excepting # 2 are presented on the plan.

2. Michael reported the site plan for the project was drawn at his office and was based on the

survey information done by Clayton Platt. The Town has copies of the contour and survey information on a large-sized plan from CCM's files. Those plans have Clayton's professional stamp. The Board agreed to accept CCM's plan prepared by Clayton (dated 5/12/2012) and Michael's plan (dated 9/16/2021) as part of this amended proposal.

9 Uses of abutting properties: Abutting properties are either commercial or vacant land.

Proposed Data:

5 A well is not shown on the plan. Michael was asked to provide the Board with that information. Michael reported there is no septic for the building.

There will be no exterior lighting or signage.

8. The Board agreed to waive the storm drainage plan – the building has been in use for several years with no problems, and all that is being added is 20' x 50' on the side of the building, with no changes in elevation there should not be problems.

The Board waived the requirement for flood elevation data, not applicable on this lot.

Michael Howard moved to accept the application as complete, seconded by Ken and unanimously approved.

Mike Hansen was asked to provide an updated the plan showing where the well is located.

Michael Howard moved to approve the application with the condition noted above, seconded by Ken, and unanimously approved.

Merger applications were received and signed for Altobelli Revocable Trust in Eastman; David and Virginia Casey on Oak Hill Road, and Curt and Victoria Pandiscio in Eastman.

Consultation: Sarah Piedmont, 2878 Main Street. Sarah stated her dad recently put his property into a trust and she is helping him with maintenance on the property. The house is a geodesic dome with an addition on the back. She thinks the dome part of the house may need to come down and asked if permits are needed to raze the dome or if they build something to replace the dome structure. Tim stated his understanding of the situation is if she wants to tear down the dome, she does not need a permit, but if she is planning on building something it may be worthwhile to have a plan before committing to tearing things down. Tim recommended she work with the Zoning Coordinator about what she has in mind. Sarah stated the addition on the back of the dome and if she were to put an overhang where the dome was would she need a permit for that. Sarah inquired as to what she would need to do to build a one bedroom one bathroom cottage on that property. The Board discussed septic system requirements and the existing septic system. Sarah stated the current system is a five- bedroom system that was installed when the addition was built. There are five bedrooms currently in the house, but one of

them would be converted to a kitchen if the dome is removed. She would like to tie the cottage in to the existing system if that is possible but would want to do the least intrusive thing to the land. The Board recommended Sarah consult a septic designer to determine if there is land enough to support two residential structures and determine if it is feasible to tie to the existing septic, or if a separate system for the proposed cabin would be best. The septic designer will do a soils and slope analysis. Subdivision was mentioned. It was pointed out there is not enough frontage for the lot to be further subdivided. The Board explained to Sarah that the lot will have to have the land base to support a second dwelling. The Board would want to see a plan for the site, which a surveyor can assist in designing before deciding on the second dwelling.

Market Gardens: Whit reported he had an inquiry from Megan Baxter on Hazzard Road. She is in the process of building a house and plans to keep a large garden for herself but might want to sell excess produce at the Sunapee Farmer's Market in the future. She reviewed the Zoning Ordinance and questioned if she fell under a home occupation or home business. Whit stated he was not sure how to answer the question. He gave some thought about people around town that sell eggs, hay or firewood and did not think a Site Plan had been required for those things, so he is seeking input from the Board. Tim stated he received an e-mail Whit shared about this and considered contacting the Agricultural Commission. After reviewing the question further, Megan is not talking about a home business, she is talking about taking some vegetables she grows to farmer's markets, so growing vegetable and taking the excess off-site didn't elevate to the idea of a home business or home occupation in his mind, so he held off on seeking input from the AG Commission, unless the Board wants to do that. Mike Howard asked about the blanket agricultural exemption. For example, if someone were going to build a dairy farm what would the requirement be? Is it a business or does it fall under an agricultural exemption? Darrin stated it would be a business. There is no exemption, except it would not need a Special Exception, but would need a site plan. In Megan's description she says she is going to have a large garden and sell her excess. She is not planting a garden with the intent of selling the entire crop, only the excess that she not using. In this case, he does not see that as a business. She will not have customers coming there, it is not going to be a large income, and she is not in a location with a lot of traffic going by her place. Mike stated at some point the scale would determine if there were more need. Tim stated he did not think there was particular action to take on this case. Whit stated clarification is needed so he knows how to advise people because there seems to be a general conception there is an exemption when engaged in agriculture. Alex Belenz stated RSA 674:32C speaks to this issue and does lay out what is exempt under state law and what would come into purview of the Planning or Zoning Boards under terms of agricultural activity. Alex suggested starting there before contacting the AG Commission and then see how influences how to look at this in terms of the town's regulations. Ken stated to be able to operate an agricultural endeavor is not the question. The question is what you are doing with the endeavor. If someone is producing honey or other products and it is showing up in shops and stores all over the place, that is a business. The Ag. Commission was set up as a resource for the Board, but they have no regulatory authority. The Planning Board looks at this is a function of land use and what they are doing with the product afterwards, but not so much trying to regulate the agricultural side. If it is a business, it is a business. It may not require a Special Exception. You can operate and do what you want agriculturally, but you still must deal with the land use part of

it, which requires a Site Plan. Whit stated under the definitions in the ordinance for home occupation, home business or special exception, a special exception may not be needed but a Site Plan is. The real question is, if you are selling excess from your large garden, or honey by the road side as opposed to a place like Springledge Farm, or eggs in a cooler at the corner of your driveway, he would interpret that as not being engaged in a commercial activity. If you are splitting thirty-four cords of wood and selling all of them, that kind of activity is commercial. Tim noted there is always going to be a “gray” area and little enterprises that are not a commercial endeavor, which are fine, but if something starts getting big enough or starts creating a nuisance to neighbors or abutters, then he thinks a particular enterprise needs to be looked at see if it needs a Special Exception and a Site Plan Review. Ken stated the mechanism is there for the Board, if something is in the “gray” area, and no one knows the answer, to have a consultation with the Planning Board. The Planning Board has said right along they are willing to do consultations.

Noise Ordinance:

Dan and Mike walked the Board through the changes made to the noise ordinance since the last work session. Board members discussed several scenarios and examples that may fall under the ordinance. The Board discussed how the ordinance will be regulated and enforced, what uses require permits, what time limits to put in place, and who would be responsible for issuing those permits. More review needs to be done to be sure language and definitions in the proposed noise ordinance are consistent with other zoning and planning regulations. The Board discussed, noise monitors as per American National Standards Institute and who would bear the responsibility of measuring the sound level once a violation has been determined and the noise is found out of compliance. A procedure needs to be put in place. The use of a sound engineer was reviewed. The Selectboard would be responsible for deciding how to address these complaints. Following the review, Tim stated the document has come a long way. Mike and Dan will make the changes to sections 1 through 5. The Board will continue to spend time reviewing Sections 6 through 12. It was discussed whether the noise document should be a bylaw and given to the Select Board to decide if they were willing to adopt the bylaw, or whether it needs to go before the voters to become an Ordinance. If it is voted as an ordinance, it stays as an ordinance. If it is a bylaw, and the Select Board changes, the Select Board could then get rid of the bylaws. Mike stated the process is to shape an ordinance that best meets the needs of the town. Tim polled the Board, and all agree this needs to be approved by the voters as an ordinance. The document needs to be ready to present, and public information meetings held to inform the voters. Tim stated the Board would move forward on the premise this will be an ordinance that would then go for a public hearing, and the town would vote at town meeting. The Board agreed the document is not ready to be presented to the voters at the March 2022 town meeting. The Board will continue to work on the document, discuss ideas to promote the ordinance, and schedule information sessions.

Short-term lodgings:

Whit reported he sent Tim a memo as to what the Select Board decided on short-term rentals. The Select Board’s decision is in line with what the majority of the Planning Board decided. The memo was circulated to Board members. Tim stated he feels the policy clarification by the

Select Board addresses the problem in its entirety. His opinion is the definitions do not have to be changed because the Policy refers to the current definitions in the ordinance and short-term lodging is covered under the ordinance as is. He does not feel there is more action required by the Planning Board.

Miscellaneous business: Alex Belenz asked the Board for their input regarding him attending meetings remotely. This saves on the budget for Circuit Rider as about a third of the budget goes to travel time. That is money that could be saved by the town or set aside for research tasks and other technical assistance. Tim stated from his point of view, having Alex participate in this manner works well for him and he has no objection to that. Mike likes the idea of having more time for research tasks and that is a more valuable use of the resources.

The meeting adjourned at 9:20 p.m.

Submitted by,

Janet Roberts,
Administrative Assistant