

**PLANNING BOARD**

**OCTOBER 17, 2019**

**MEMORIAL BUILDING**

**7:00 P.M.**

*These are to be considered draft minutes until approved by the Board.*

Peter Keene called the meeting to order at 7 p.m. The Board introduced themselves

Planning Board members: Peter Keene, Vice-Chairman; Darrin Patten, Ken Jacques, Michael Howard, Ex-Officio, George McCusker; Alternates Tim Bray, and Dan Saulnier. Absent: Kevin Lee and Bryan O'Day. Dan and Tim were asked to step in for absent members.

Others present: Whit Smith, Zoning Coordinator; Ryan Peterson, Susan and Michael Chiarella, Scott and Priscilla Cote, Steven Schneider from the Upper Valley Lake Sunapee Planning Commission, Mark Laughlin, and his Attorney Stephen Girdwood, Keith Cutting, Seth Wilner, Charles Baughman, and Miriam Ryan.

Minutes of September 19, 2019: Motion by Ken to accept the minutes as written, seconded by George and unanimously approved. Minutes of the September 24, 2019 work session: Motion by Ken, seconded by Tim to approve as written. Mike Howard abstained. The rest voted in favor.

Hamlin Merger: James Hamlin and Belinda Hayes submitted a merger application. They recently purchased Map 37, Lot 490-098 from the Eastman Community Association with a condition the property must be merged to their existing lot Map 37, Lot 501-128 within 90 days of the date of transfer. The merger was approved and signed.

Keith Cutting introduced Seth Wilner, from UNH to give a brief presentation to the Board on the impact of agriculture in NH and in the Town of Springfield. Seth stated when speaking with Keith, Keith talked about a site review for a season extension or high tunnel. Because of controversy, in the last 5 years statutes have been passed not to tax these season extensions as permanent structures. Current Use just redefined their rules so that high tunnels are allowable. Seth handed out resource information regarding local regulation of agricultural operations and supporting State Statutes. High tunnels are essential to extend the growing season. High tunnels differ from greenhouses in that there is no electricity allowed, they cannot be permanent, and cannot have any cement in the ground. The State is encouraging Planning and Zoning Boards around the state to allow for them, but regulations differs around the state. Statutes were approved to unify that through the definitions. Peter stated the Board would need some time to review the information. Tim Bray stated what he is hearing is these are good for NH and he thinks the Board is supportive and is very pro-agriculture. The other is they should be tax exempt but that is not up to the Planning Board. The Planning Board has been asked if they are structures and do, they fall under our Zoning Ordinance. Tim asked Seth if there has been any ruling that says these structures are exempt from local ordinances like Site Plan Review or anything like that. Seth stated the defined use is temporary, they are treated as nothing more than low tunnels extending the growing season. There are definitions when these become permanent structures. Tim stated the definition relates to taxation. It conflicts with the

Springfield's Zoning Ordinance definition of a structure. In the Ordinance, a structure doesn't have to be permanent, doesn't have to have a foundation, and can be temporary but requires a permit to build. It needs to be clearer whether this is exempt from Site Plan Review, not just from taxation. Ken stated if the tunnel itself does not require a site plan review the broader question is it part of a business that is subject to site plan review. Seth stated he did not know the answer to a part of a business requiring site plan review, but if it is zoned agricultural, the definition of AG says commercial activity is allowed. Ken stated, under zoning the business wouldn't need a special exception to operate, but it would need to have a site plan review by the Planning Board. Seth noted if the Town is pro-agriculture and agriculture is part of having open spaces there seems to be a disconnect between what the Board wants and how the ordinance is written. Tim stated the Board may need to reconcile their regulations since this does not seem to be in line with how the Ordinance is written.

**7:10+ p.m. – Concerning the request by Nick Cote for Site Plan Review:** Scott Cote, Nick's father, respectfully asked the Board to continue the hearing to next month. Nick is home ill right now. Next month's meeting is November 21. Steve Girdwood, attorney for Mark Laughlin, questioned does this board have jurisdiction to address the site plan until the ZBA addresses the Special Exception (SE). His understanding is there is no jurisdiction for the Board to hear a site plan until then. Ken noted in the past it has been left up to the applicant whether they went forward with the site plan without SE approval, knowing it could be for nothing. Scott welcomed the Planning Board to come have a look at the site if they wished. Darrin moved to continue the Cote Site Plan Hearing to November 21, 2019, seconded by Mike and unanimously approved. Planning Board meetings start at 7:00 p.m.

**Site Plan Hearing - Ryan Peterson:** At 7:20 p.m. Peter opened the hearing for Ryan Peterson, Master Plumber d/b/a RMP Heating. Ryan wishes to continue the plumbing service business he has been operating at his property prior to 2010. The Zoning Board approved a Special Exception, (September 3, 2019) without conditions. Members reviewed the application checklist. There were no questions or comments from the Board. Ken moved to accept the application as complete, seconded by George and unanimously approved. The Board then reviewed the Site Plan checklist. Abutters have been notified. The Board discussed the current and proposed layout on the site. Ryan has two locations shown for possible future buildings, the higher one being preferable. He has no immediate plans for either proposed building. The use of the structure will be for general workshop/storage space. The Board recommended maintaining the natural vegetation buffer between the proposed shop and the seasonal stream. There were no further comments or questions from the Board or the public. Darrin moved to approve the Site Plan as presented, seconded by Ken and unanimously approved. The Board signed the plan.

Whit stated Brooks Weathers has contacted him about adding an additional drying unit at his wood processing location. Whit has advised Brooks he will need an amended Site Plan.

**Site Plan Hearing – Peter Lacaillade:** Peter has requested a continuation. Whit stated he would follow up with Pete.

Peter Keene stated there was a question raised before the meeting began asking if they can go on indefinitely or is there is a limit. Whit stated he has done research on that for the Zoning Board, but not for Planning. What he found was it is the discretion of the Board to decide if any continuances are permitted if their Rules of Procedure does not address that. The usual custom has been to continue if it is agreed by both sides. In these proceedings the public is noticed then of the date the hearing is being continued to. No further notice is required. In towns with policies, one request is generally granted, a second would be based on conditions and a third time would require an applicant to file again. It is up to the Boards and should be documented in the Rules of Procedure. Tim Bray stated he has served on previous Boards where they have done something similar so the public does not have to keep coming back. Steve Schneider said it is totally up to the Board but cautioned not to penalize an applicant in a case where there was Board failure, such as when there was not a quorum. Ken stated historically continuations have been because information has been missing and the applicant needs time to correct the situation. Darrin stated cases like Wonderwell requested several continuations and not all of them were consecutive dates. Steve noted there is a difference between the Board asking for more information, versus an applicant asking to continue. The Board appeared to agree to limiting continuations to three. Whit will have something drafted for the Board to review their next meeting.

**Lacaillade:** A motion was made by Darrin to continue the Site Plan Hearing for Peter Lacaillade, d/b/a MCNE Masons to November 21, 2019. The motion was seconded by Mike and unanimously approved. Whit will make it a point to get in touch with Peter Lacaillade.

The Board discussed the procedures and defining site plan requirements on a site plan to make sure that all applications and plans are as uniform as possible. Whit stated he has been meeting with applicants individually and assisting them in the application process. The Board noted, the site plan for a more complicated business may require a more extensive set of plans and that has happened in the past. The Site Plan regulations cover what is required.

Ken asked if the Board had received a formal request from Susan Chiarella for the Zoning Board regarding 3.10 in the Zoning Ordinance as discussed in the September 24<sup>th</sup> work session minutes. A request has not been received.

Darrin asked Mr. Wilmer if there is a resource that addresses what is appropriate for Planning and Zoning Boards regarding agriculture and farming. Mr. Wilmer stated there is a legal guide published in 2017 available on the extension service website.

Peter asked the board to spend time reviewing the agricultural information so there can be some conversation about it at the next meeting.

The meeting adjourned at 8:30 p.m.

Submitted by,

Janet Roberts,  
Administrative Assistant.

DRAFT