

PLANNING BOARD MINUTES

May 25, 2022

APPROVED: 7/13/22

AGENDA: 22SUP06 – COLIN BROWN OBO HAFTEL – WULAMAT RD - #103-001
22SUP07 – TERRAIN PLANNING & DESIGN – 56 NORTH PIKES POINT - #105-004
22LLA01 – VICTORIA JEAN BLISS – WEST SHORE RD - #213-002/003
OFF PREMISE SIGNS – 2ND DRAFT PROPOSED AMENDMENTS
MANUFACTURED STORAGE CONTAINERS
CONDITIONAL USE PERMIT – FORMS REVIEW

ATTENDING: Denice DeStefano (Chair), Don Milbrand (Select Board Representative), David Shirley, Randall Kelley (Vice-Chair), Elizabeth Seeler, John Miller (Alternate)

ABSENT: Bruce Beaurivage (Alternate)

OTHER: Christina Goodwin (Land Use Manager)

Mrs. DeStefano called the meeting to order at 7:00pm with a quorum in person.

NEW BUSINESS

22SUP06 – COLIN BROWN OBO HAFTEL – WULAMAT ROAD - #103-001

The application is to construct a new dwelling with an attached garage within the 50-foot setback and to install a new septic system within the 125-foot setback. Ms. Goodwin read the abutters notified and the locations advertised. There was one emailed question and three (3) Department comments provided.

Mr. Colin Brown presented on behalf of the property owners, Christopher, and Patricia Haftel. The property is located between Wulamat Road and Arrowhead Point Road and is currently a vacant lot. When Mr. Brown reviewed the lot for the house location it was determined that there was a small wetland at the Arrowhead Point end of the lot. Mr. Brown reported that they have met with the Conservation Commission who raised concerns about erosion control and silt fencing. Mrs. DeStefano read the Conservation Commission comments into the record and also the Highway and Water/Sewer Departments comments. Mr. Brown reported that the Shoreland Permit Application has been submitted and pending the results of this meeting the septic will be submitted as well. Mrs. DeStefano opened the meeting to members of the Board and the public.

Mr. Shirley inquired if this was part of an approved subdivision and Mr. Brown confirmed that it is from an old subdivision in the fifties. With no other questions to come before the Board, Mrs. DeStefano closed the public hearing at 7:08pm.

Mrs. DeStefano pointed out the conditions that the Board could consider, which include the Conservation Commission requesting that the project follow best management practices for erosion control, and installation of plenty of siltation barriers. The Highway Department requires

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a Driveway Permit. The Water/Sewer Department requires an application for water service. Mrs. DeStefano added that Shoreland and the septic approval should be supplied to the Land Use Department. Mr. Kelley motioned to approve 22SUP06, Special Use Permit, for map/lot #103-001 with conditions to include the Conservation Commission, Highway Department, and Water/Sewer Department requirements and to include the Department of Environmental Services (NHDES) approvals be submitted to the Land Use Department. Mr. Milbrand seconded. The motion carried 5-0-0.

The Notice of Decision should be sent by the end of the week.

22SUP07 – TERRAIN PLANNING & DESIGN – 56 NORTH PIKES POINT - #105-004

The Special Use Permit application is for demolition of an existing non-conforming lakefront house and reconstruction of house. The house will be partially constructed in the 50-foot wetland setback. Ms. Goodwin read the abutters notified and locations advertised. There was one (1) telephone call with questions and there are Conservation Commission comments provided. The project has been approved for a Special Exception through the Zoning Board for an increase in height.

Mr. Eric Buck, a landscape Architect from Terrain Planning & Design presented the case on behalf of the owners, Dylan & Jamie Welsh. The existing site has approximately 438 feet of frontage and there is a long sloping driveway that leads down to the existing house on Pikes Point Road. The existing property has a home, a storage shed, and a boathouse and docks. The proposal has no further development of those other structures outside of the home. Mr. Buck stated that he feels the proposal tears down the existing structure to build a more conforming home pushed slightly away from the water, while trying to keep the space in the existing footprint of the non-conforming structure and then the rest of the house would be built in a more conforming location beyond that. There will be a bioretention rainwater area, a large area of the existing gravel will be transferred into a permeable section, the septic will be upgraded to a modern design and the proposed garage structure will be completely out of the setback requirements. The project has also been presented to the Conservation Commission. The project has not applied yet for the Shoreland or the septic permits until they approvals from the Town have been granted.

Mrs. DeStefano read the Conservation Commission comments into record, which recommend that the project follow best management practices and pay attention to the distance to the lake using plenty of erosion control measures. Mr. Kelley inquired on the feet that is being taken up in the buffer and Mr. Buck reported that is about twenty-five feet. Mr. Milbrand inquired on the lot coverage calculations and Mr. Buck reported that the current proposal is 28%. Mr. Buck pointed out that the primary living spaces are sliding back from the lake, however there will be a full demolition and excavation of a foundation. Mr. Milbrand inquired on the septic location and

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Mr. Buck pointed out that it will be in the driveway, however, will be rated for driving over, etc. Mr. Shirley inquired if there was a way for that house to not be in violation of the setback and Mr. Buck reported that depending on the style and design of the house, it could be moved. However, they could also rebuild in the same footprint. Mr. Buck felt that the existing house has been there a number of years and the improvements that they are making to the site outweigh the issues with putting it in the setbacks. Mr. Shirley raised concerns that there is plenty of room to build a big, beautiful house on the lot and not violate the setbacks. Mr. Milbrand inquired again if the applicants looked into relocating the building. TMS Architects did review moving the building, but it is very tight in the narrow area of the lot and to take advantage of all the views, etc., would cause breakups in the property. They felt that utilizing the existing space is the best utilization of the whole property. Mr. Buck presented a document that shows the proximity of other properties in the neighborhood to the lake for the Board to consider. Mr. Kelley felt that the design could be scaled back and there could be some compromise. Mr. Kelley felt that what they are doing is an improvement, but he still is concerned about the violation of the setbacks. Mr. Buck reported that the front part of the house is identical to what exists today by adjusting porches and their locations. Mr. Milbrand reminded the Board that the owners could rebuild on the exact same footprint that they have and add on out of the setback and not come to this Board. Mrs. DeStefano added that she does not have any concerns with what is being proposed as it is a definite improvement and most structures on Pikes Point are already within those setbacks. Ms. Goodwin also pointed out that the building was pushed back out of the FEMA floodplain.

Mrs. DeStefano opened the meeting to the abutters. Marshall and Glen Dorr were in attendance. Mr. Glen Dorr stated that he had Joe Morrison visit the property to discuss the septic and whether it was adequate or not. Mr. Morrison told him that it was, and it was an improvement. Mr. Glen Dorr stated that they are abutters to the southwest and the only concern they raised is that the proposed garage could have additional living space. Mrs. DeStefano pointed out that additional living space would not be allowed on an unattached building. Mr. Glen Dorr inquired about the 25-foot setback that is noted in the deed. Ms. Goodwin advised that the Town rules are all that can be enforced, however, if there was something with the deed it would be a civil issue. Mr. Marshall Dorr added that his family built the house, so it is bittersweet, however, he said that the plans are designed well thought out the project. Ms. Goodwin inquired if there would be any blasting during the excavation. Mr. Buck does not feel that blasting would be an option, and a pneumatic hammer would be better option. Mr. Milbrand inquired about the location of the septic versus the well and Mr. Buck confirmed that they will have to sign a well release. Mrs. DeStefano inquired on the existing shed and Mr. Buck reported that the shed will be removed. Mr. Shirley inquired if the applicants would consider changing the deck to patio and Mr. Buck reported that NHDES would prefer a deck over a patio. Mr. Miller inquired on the drip edge and

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the runoff and Mr. Buck reported that it will go into a bioretention rainwater area. Mr. Miller inquired on the driveway and Mr. Buck reported it will be full penetration including crushed stone. With no other comments from the Board or the public, Mrs. DeStefano to close the public hearing at 7:43 pm.

Mr. Kelley motioned to approve 22SUP07, Special Use Permit application, for the Welsh family with the conditions of the Conservation Commission, paying attention to the distance to the lake with plenty of silt fences and best management practices, any and all Demolition Permits be completed, and all Shoreland and septic permits be supplied to the Land Use Office. Mr. Milbrand seconded. The motion carried 4-1-0.

The Notice of Decision will be sent out by the end of the week.

22LLA01 – VICTORIA JEAN BLISS – WEST SHORE RD - #213-002/003

Ms. Goodwin pointed out that this is a Minor Lot Line Adjustment between the two (2) parcels, which does not require the abutter notification or advertising in a newspaper. It just needed to be listed on the agenda for the Board to consider. Mr. Brown is representing Ms. Bliss and Mr. Calkins. The existing lots are a little over eight (8) acres and are located up above Newfound Sands. The lot line adjustment will take some of the acres from Mr. Calkin's lot and add them to Ms. Bliss' lot.

Mrs. DeStefano stepped down as the Chair and member of the Board due to a conflict of interest. Mr. Kelley took over the meeting as Acting Chair.

Ms. Goodwin reminded the Board that this case came before them once before and the two (2) lots can be changed in size but cannot be reduced to any less than two (2) lots. Mr. Brown reported that there is a deeded access through Newfound Sands that will provide access to both lots. Mr. Kelley opened the meeting to the Board and members of the public. Mr. Miller inquired if they have done any work to get the driveway up into that location and Mr. Brown reported that they have an engineer that has done the work to design a driveway and show that this area will support a home. Ms. Goodwin pointed out that the lot has 15% slope and that the work that is done on the lot could require additional applications depending on the amount of fill and disturbance. Although, the driveway access in is on a separate lot and has not exceeded the requirements of steep slopes, she is concerned that the new lot will exceed the requirements.

With no further discussion, Ms. Seeler motioned to approve the Minor Lot Line Adjustment as presented. Mr. Milbrand seconded. The motion carried 4-0-0. Ms. Goodwin asked the Board to sign the plans and the mylar.

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22LLA01 – VICTORIA JEAN BLISS – WEST SHORE RD - #213-002/003 continued

Mrs. DeStefano returned to the Board and resumed as Chair.

OFF PREMISE SIGNS – 2ND DRAFT PROPOSED AMENDMENTS

In the previous meeting Ms. Thompson had done some homework and submitted some proposed changes to the current off premise signs section of the Zoning Ordinance. Draft number two (2) is in front of the Planning Board for review. The Board provided the following changes:

- #4 should be changed to #3 and exemption should not be capitalized in the paragraph.
- Mrs. DeStefano questioned directional signs under letter e. The Board discussed the paragraph and its intent. Ms. Goodwin suggested that they do something similar to letter d, for advertising a business. The Board agreed. Ms. Goodwin inquired on the size of the sign and the Board agreed to keep it at the nine (9) square feet noted in letter d. This will be presented at a future meeting.

Mr. Milbrand asked how sandwich board signs are being addressed. Mrs. DeStefano pointed out the sandwich board sign under freestanding. The Board agreed that this needs to be looked at and Ms. Thompson will be asked to do some research and bring back to the Board. Mrs. DeStefano pointed out that some of the Realtors use the sandwich boards and the downtown as well and she feels there should be some kind of guidance on the usage of sandwich boards. Ms. Goodwin recommends that the old sign ordinance be reviewed to determine how sandwich boards were handled at that time.

MANUFACTURED STORAGE CONTAINERS

Ms. Goodwin presented some proposed changes to the manufactured storage containers section of the Zoning Ordinance. Concerns raised over allowing storage containers for up to one (1) year and then having an owner be denied when going through this Special Exception process. The Board discussed and the following changes were made:

- Mr. Shirley questioned the word use. He felt that that word implies if somebody is using the structure when it is placed there or not. The words will be adjusted throughout the article.
- Mr. Miller inquired if we have ever restricted the size and Ms. Goodwin stated that we have not. Mr. Miller inquired if there was a situation where we care about lot size and the Board advised that there is not.
- Ms. Goodwin recommended that we add the word “only” after construction and demolition work on letter c. The Board agreed.
- The Board discussed whether the process for storage containers should be a Special Exception or Variance. The Zoning Board asked the Planning Board to consider a Variance. After further discussion, the Board agreed that it should remain a Special Exception. Mrs.

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MANUFACTURED STORAGE CONTAINERS continued

DeStefano recommended changing the words shall apply for and received to either shall obtain a Special Exception or shall apply and be granted a Special Exception.

- Further discussion centered around the different ways that someone could place a storage container on their property.

The changes will be completed and presented to the Board at their next meeting.

CONDITIONAL USE PERMIT – FORMS REVIEW

Conditional Use Permits are required for internally lit signs and for steep slopes. The forms were split up between the two (2) types, as the same requirements are not required for both applications. There are some items that still need to be reviewed so this was continued to the next meeting.

MINUTES OF APRIL 27, 2022, AND MAY 11, 2022

The minutes of April 27, 2022 were reviewed. Mr. Shirley and Ms. Seeler pointed out changes. Ms. Seeler motioned to approve the minutes as amended. Mr. Kelley seconded. The motion carried 5-0-0.

The minutes of May 11, 2022 were reviewed. Mr. Shirley pointed out changes. Ms. Seeler motioned to approve the minutes as amended. Mr. Shirley seconded. The motion carried 5-0-0.

COMMUNICATIONS

A new set of Riggins Rules were shared with the Board.

REPORTS

Historic District Commission (HDC) – The Commission does not meet until August, unless there are applications.

Select Board – Nothing new to report.

Conservation Commission – They do not meet until next week.

Land Use – Ms. Goodwin inquired on the November and December meeting schedule. The Board agreed to cancel their workshop meetings for both months. Mrs. DeStefano added that if there is nothing scheduled for July or August workshops, then the Board may consider canceling one of those workshop meetings.

OTHER

All Committees Meeting – Mr. Shirley updated the Board to his suggestion that the Conservation Commission complete or recommend changes to the steep slope ordinance. Ms. Goodwin asked

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OTHER continued

that the Planning Board allow her to talk to the Commission first because they have a lot of items on their “to do” list. Mr. Miller inquired about adding to the agenda a discussion about what came up in that meeting. Ms. Goodwin asked that the Planning Board allow the Select Board to make their final decisions/responses to that meeting. She pointed out that there should be a member of this Board selected to represent at the quarterly meetings, pending the decision of the Select Board. Ms. Goodwin will resend the notes from the meeting to the Board members.

Master Plan – Mrs. DeStefano added that there is a document for her to prepare for the Board regarding the process outline on the Master Plan. She pointed out that the new Town Administrator may bring different thoughts and perspectives. She proposed that the Board consider two (2) different public hearings. One hearing for boards and committees to attend to provide input and the second for the public.

NEXT MEETING: The next meeting is June 8, at 7:00pm.

With no other business before the Planning Board, Ms. Seeler made a motion, seconded by Mr. Milbrand, to adjourn at 9:02 pm. The motion carried 5-0-0.

Respectfully submitted,
Christina Goodwin
Land Use Manager