

Final Minutes - Planning Board Work Session

September 13, 2022

Members Present

Greg Meeh, (Chair), Scott Doherty (Vice Chair), John Schneider; Ann Berry, Hillary Nelson, Logan Snyder (alternates)

Absent

Kent Ruesswick (BOS rep), Anne Dowling (at Primary election), Joshua Gordon, Lucy Nichols

Others Present

Mike Tardiff, Director and staff Matt Monahan of CNHRPC

Agenda

1. Call to Order

Greg Meeh called the meeting to order at 7 pm.

Greg invited the alternates to be seated during the meeting.

2. Minutes of August 23, 2022

Scott Doherty moved Minutes of the August 23 work session. John Schneider seconded. All present voted in favor to approve those minutes.

3. Master Plan/Plan for Tomorrow Ongoing Work – with Mike Tardiff

The discussion was preceded by the question of whether funding was available for mixed housing projects in the State. Mike said that Invest New Hampshire had 100 million dollars available and several programs in operation to help towns move forward with schemes. It is great opportunity. Their office will be assisting towns with these applications and updating zoning and planning regulations regarding housing. NH Housing Authority is involved in the administration too. He suggested that these longer-term issues which will require more education in town should wait to be presented at 2024 Town Meeting. This would include the mixed-use zoning changes to be proposed for Exits 17-18 and Rt 106. More short term issues could still come to 2023 Town Meeting. The longer-term issues needed more time for discussion and education in town.

30 All these issues tied into the Master Plan work too. Mike has to talk to Ken Folsom
31 about funding for the next Phase of the Master Plan work. This would be Phase 2,
32 finishing the Land Use, Economic Development and Housing chapters, putting in
33 visuals and maps. It is hoped the Town can put in \$5000 and the CNHRPC will
34 match with \$2500. Then look at the Invest NH procedures and other Master Plan
35 chapters. And then the regulatory changes, aiming for Town Meeting 2024.

36
37 **Mike will share his draft with Greg and then they will talk with Ken Folsom.**

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39 **For the next vision session, it was agreed to choose Tuesday October 11, in the**
40 **Town Hall, pizza at 6:30 pm, discussion at 7 pm, specifically for issues relating to**
41 **the commercial and industrial zones at Exits 17 and 18 and Rt 106. Secretary to**
42 **book Town Hall, Mike T to draft text blurb, Secretary to send that to Town**
43 **Newsletter and town email and also draft letters to individual property owners**
44 **in these zones (addresses from Mandy in town office.). Logan offered to collect**
45 **pizzas. Secretary to ask about PB budget for postage and refreshments.**

46
47 There was further discussion:

- 48 • About the very noticeable changes at Exit 17 with the new traffic patterns
49 and retail developments. There are new opportunities there. There might
50 be other examples of mixed zoning that the Board could look at in another
51 town, such as Bow.
- 52
53 • And the idea of Conditional Use Permits – the CNHRPC sees other towns
54 dealing with tensions about boundaries between zoning and planning
55 boards around this issue – Mike suggested a joint meeting with the ZBA
56 and PB. Greg asked about focusing on certain issues where a CUP might be
57 especially helpful – Matt Monahan thought that there were environmental
58 issues such as ground water quality where conditional use permits could
59 be useful. Permission could be given for certain uses IF an applicant then
60 did the necessary things to protect ground water. Cluster Housing might be
61 another such example with the conditions for open spaces.
- 62
63
64 • The possibility of having zoning that permitted multi family housing with or
65 without onsite management – it was suggested that required legal
66 opinions depending on number of units and uses. It could be one way of

67 permitting multi family housing that did not require going to a ZBA for
68 variances or Special Exceptions – just come to Planning for a ‘one stop
69 shop’.

70
71 4. CNHRPC Training on new zoning and planning laws in NH
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73 Matt Monahan distributed the PowerPoint he had condensed from information
74 given out by the NHMA. This will be put up in the Town Office, the Store and
75 Library too. The net effect of these laws adopted this year are upon how land use
76 boards do business and how land can be freed for properties with primarily
77 religious purposes – these are HB 1661 and HB 1021 respectively:
78

- 79 • There is no mandated training for board members, but the CNHRPC will
80 alert members when there are more materials available and with any help
81 they can offer (see Addendum) – it may be from NHMA – or the OPD
82 (formerly OSI) – the changes went into effect on August 23 this year
83
- 84 • The simplest requirement under Section 71 to start with is to ensure that
85 **ALL FEES FOR LANDUSE ARE PUBLICLY POSTED** on the town website and in
86 the town office – everything included for both zoning and planning
87 applications and fees. **This issue to be added to the items Greg and Mike**
88 **will talk to Ken Folsom about**
89
- 90 • Under Section 73, Written Findings, requires written specific findings of fact
91 to support approvals or disapprovals voted on by boards. It is not clear yet
92 how far this is going to require town counsel to be involved. Nor who
93 should pay for that legal advice. Findings of fact should be listed first, then
94 the conditions attached by a board. The new requirements seem more
95 fitting for large towns and cities with professional staff but apply to all
96 towns. It encourages towns to employ lawyers. There is time written into
97 the regulations for boards to consider a draft of a decision and then vote on
98 it at a subsequent hearing.
99
- 100 • Under Section 75, re Timeline: this is not changed but confirms that a board
101 has 30 days to decide upon the completeness of a new application. Then
102 the Board has 65 days to hold hearings and come to a decision. There is
103 longer if an application is deemed of Regional Impact – now there are 30

days extra added for notification of all interested parties, making 95 days for hearings for Regional Impact applications.

- Religious Uses – from HB 1021 – it takes away the power of zoning ordinances and site plan reviews to prohibit, regulate or restrict land use or structure that are ‘primarily for religious purposes’ – it says nothing about state or federal regulations while imposing limits on municipalities
- The question of the state constitution allowing religious freedom but only with some conditions was raised – is this law unconstitutional? The Article in the Constitution refers to the right to worship according to individual conscience provided it “doth not disturb the public peace or disturb other in their religious worship”.
- Members noted this is pertinent to the situation with the Pachamama Ayahuasca Retreat in Canterbury
- This bill will be tested in the courts
- Questions may be posed to the NHMA lawyers in the first instance, as they are free
- PB to talk to the Town Administrator and Board of Selectmen about the implications for legal costs - there are examples where towns pay 2 types of lawyer fees – one set of fees for reviewing documents that could be passed on to applicants and another set of fees charged for lawsuits

ACTION ITEMS

- 1. Mike and Greg to meet with Ken Folsom for Master Plan funding: suggested time frame for zoning changes during 2023 into 2024: implications for the new land use laws especially posting of all fees and legal costs**
- 2. Mike to draft blurb info for the October 11 vision session**
- 3. Secretary to book Town Hall, put out publicity in town newsletter and town email and pass on to Logan for Facebook and ask re reimbursements**
- 4. Secretary to use that info to send letters to property and business owners in the Commercial and Industrial zones in town**

141 **5. CNHRPC to alert PB about training and/or send any helpful materials**

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143 **5. Adjournment**

144 Scott Doherty made a motion to adjourn. John Schneider seconded. All voted in
145 favor. It was 8:30 pm.

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147 Respectfully submitted,

148
149 Lois Scribner, secretary

150
151 **Addendum – suggested wording from Matt Monahan re Planning Board written**
152 **Notices of Decision with the finding of fact requirement**

153
154 For an approval (first highlighted section is for the type of application, the second
155 is for the particular regulation - site plan, sub, etc.):

156
157 "I make a motion to conditionally approve XXX with the following conditions given
158 that the proposal, in the opinion of the Planning Board, complies with the Zoning
159 Ordinance and the XXX Regulations given the plans presented and waivers
160 granted."

161
162 For a denial we would need to cite the specific portion of the zoning or regs that is
163 the reason for the denial, so it is a little different:

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165 "I make a motion to deny XXX without prejudice due to the fact that the plans, as
166 provided, do not comply with [CITE SPECIFIC SE