

Planning Board Meeting

October 24, 2023, Meeting House

Final Minutes

Members Present:

Greg Meeh (Chair), John Schneider (Vice Chair), Anne Dowling, Rich Marcou, Joshua Gordon, Logan Snyder, Kent Ruesswick (BOS rep), Hillary Nelson (alternate) and Ben Stonebraker (alternate).

Others present:

Michael Tardiff, executive director of the Central New Hampshire Regional Planning Commission (CNHRPC); Clifton Mathieu; Deputy Fire Chief Scott Doherty; Secretary Lois Scribner; and Recording Secretary Ray Carbone.

Agenda

1. Call to Order

Chair Greg Meeh called the meeting to order at 7:01 p.m.

2. Previous Minutes

Greg brought the Board's attention to the Oct. 10 meeting minutes. Kent Ruesswick made a motion to approve the minutes; Rich Marcou seconded. Vice-Chair John Schneider asked for two minor changes. There was also a change made to the list of members, in attendance/absent. Greg asked if the Board approved the motion to approve the minutes as amended. In a voice vote, the members unanimously approved the motion.

Greg brought the Board's attention to the Sept. 26 meeting minutes. After some discussion, it was suggested that the Board table the minutes until after some problems were addressed; not all Board members have been able to review the latest version. Rich made a motion to table the Sept. 26 minutes pending further review; Hillary Nelson seconded. In a voice vote, the Board unanimously approved the motion.

3. Continuing Work with CNHRPC

Greg welcomed back Michael Tardiff, executive director of the Central New Hampshire Regional Planning Commission (CNHRPC), as his organization continues working with the Board on possible amendments to the zoning ordinance, and the "Plan for Tomorrow" (i.e., Master Plan update).

Tardiff began by presenting a draft of the Cluster Neighborhoods section of the Town's zoning ordinance, which was drafted by the CNHRPC staff. It attempts to

bring together issues the Board raised at earlier meetings as well as residents' concerns discussed at recent public meetings.

The draft also deals with issues raised by the NH Office of Planning and Development and brings the ordinance into compliance with state and federal regulations. The latter changes are related to flood plain issues, and the need for private landowners to purchase property insurance. After some discussion, Greg asked Tardiff to bring Katie Paight, CNHRPC's Floodplain Management Program Coordinator, to a Nov. 7 Board subcommittee meeting to further address the floodplain issues.

The meeting also addressed:

- The idea proposed in the proposed language that would allow Accessory Dwelling Unit (ADUs) to be built in all zones, changing it to a permitted use. That would remove the current need to go before the Zoning Board of Adjustment (ZBA) for a special exception.
- Greg reminded the Board that they are looking for small, incremental changes to the zoning ordinance that would encourage development for some young families and senior residents who want to stay in town. The goal of changing the Cluster Neighborhoods section should be on encouraging smaller developers, rather than larger projects for a major housing project.
- The Board discussed how changes to Cluster Neighborhood portion of the zoning ordinance could increase the number of dwelling units. The Town has a Building Permit Cap, which restricts new building permits issued annually to no higher than 3% of the existing housing stock. Joshua Gordon said it was instituted in the 1970s specifically to tamp down housing growth. But Board members noted that, over the last 20 years, the number of building permits issued has never approached the cap number (estimated to be 30). It was noted that a number that low – if divided by five or six housing projects – might be ~~cost-prohibitively~~ low for someone looking to do even a small development.
- There was also some question about what exactly the Building Permit Cap relates to: Is it specifically for the number of housing structures or for individual housing units? The members want to have a better handle on those questions, and the relevant numbers, as well as any other possible issues that could arise before moving forward with the proposed changes to the Cluster Neighborhoods section.
- Tardiff noted that the current zoning ordinance also has a minimum on residential lot acreage size (3-5 acres) as well as a 300-foot road frontage requirement. This is not uncommon in New Hampshire, he said, but there

89 have been some discussions at the state level that these restrictions may
90 no longer be legally defensible. Joshua said there was an important case
91 in the 90s confirming that these kinds of limitations are constitutional, but
92 Tardiff noted that the issue might be reevaluated soon. Rich suggested
93 that, for any large developer, it would likely be profitable to mount a legal
94 challenge, but that would likely prove daunting for a smaller project, which
95 is exactly the kind that the Board wants to be able to consider. Greg asked
96 if there was a way to draft something that would allow for smaller cluster
97 developments without encouraging a large project that the town is not
98 looking for ~~right now~~. Tardiff suggested that it would be a good idea for the
99 Board to do a study that would shore up any argument for the reasons for
100 limitations, e.g., the cost of public safety services, school capability, road
101 infrastructure, etc. He will supply the Board with the outline of a “finding of
102 facts” that could be used to draw together the needed information.

- 103
104 • Greg asked the Board if it would like to allow Cluster Neighborhoods in the
105 Agricultural/Conservation zone, which is a significant portion of the Town.
106 Hillary said that she would favor that approach because it would allow
107 smaller business owners like farmers to develop portions for their
108 properties into something like a “multigenerational agricultural village.”
109 She said that arguments against such an idea, i.e., that wildlife corridors
110 would be disturbed, are ill-found~~ed~~.
111
- 112 • The Board also discussed its obligation to, not only update the Master
113 Plan every 10 years, but also to develop and update a six-year Capital
114 Improvement Program (CIP). Tardiff explained that the process involves
115 meeting annually with department heads as they try to forecast future
116 needs for equipment, staff, projects, etc.
117

118 4. Planning for Nov. 14 Public Meeting/s – 119 - parents’ session and general session

120 Greg noted that the Board’s next public meeting that will address the Plan for
121 Tomorrow is Tuesday, Nov. 14. In addition to the regular public meeting starting
122 at 7 p.m., there will be a Parents Session scheduled for 6-7 p.m., with the focus
123 on issues that might be of specific concern to parents. He asked Tardiff if he
124 could attend and prepare for both those issues. Tardiff agreed.
125 Board Secretary Lois Scribner said that she’s been unable to secure any
126 babysitting service for the Parents Session.
127

128 5. Flag Poles and Proposed Height Ordinance

129 Joshua presented a proposed ordinance that limits a flagpole to no higher than
130 30-feet, a maximum flag size 5-by-8 feet.
131 Rich objected, saying that the flag size is arbitrary and shouldn’t be included in
132 the ordinance. After some discussion, Hillary made a motion to change the
133 proposed ordinance to remove the flag size; Kent seconded. In a voice vote, the

Board unanimously approved the motion. The line referring to size should be deleted.

The text regarding the maximum height of buildings was read. Logan made a motion to accept the draft text of the Proposed Height Ordinances amendment as written. Joshua seconded and all voted in favor.

The text of the slightly revised draft amendment would be as follows.

"PROPOSED HEIGHT ORDINANCES

FLAGS

Regarding flags, this proposal would add a section to article 2, which would appear after §2.6, which is the signs ordinance. The new §2.61 would say:

"In all zones no flagpole shall be greater than 30 feet in height from grade.

BUILDING HEIGHT1

Regarding building height, this proposal would amend section 5.2 of the ordinance. This proposal would add a subsection "G" after current subsection "F." The new subsection "G" would say:

"In all zones, no dwelling or other structure may be greater than 40 feet in height, measured from the average finish grade adjoining the foundation to the highest point of any roof or parapet (excluding chimneys, ventilators, silos, and other accessory features required above the roof). In the commercial and industrial zones, building heights may be greater, if allowed by a conditional use permit."

6. Agricultural Bunkhouse

The Board reviewed a proposed "Bunkhouse" section for the zoning ordinance, which Greg said was submitted for consideration by the Conservation Commission.

It was noted that many US migrant workers now use travel trailers, but the consensus was that change should not present any significant challenges to the ordinance.

There was discussion about whether three-season agricultural workers would be considered town residents. Tardiff said he would look into the question and suggested that the Board raise it with the town attorney.

7. Procedures Update

The Board reviewed proposed changes to its procedures related to submitting an application. The language changes related to the number of days that an application can be available prior to a first hearing before the Board needs to revert back to "21 days" to stay in compliance with the zoning ordinance. John

179 made a motion to approve the proposed changes; Anne Dowling seconded. In a
180 voice vote, the Board unanimously approved the motion.

181
182 Greg asked Tardiff if the latest version of the "Plan for Tomorrow" would be
183 available for posting on the Town website. Tardiff said it would be done by Nov.
184 1, with the possible exception of the Community Facilities section. Greg said that
185 section could be noted as being "still in progress."

186
187 **6. Other Business**

188 Greg said that the Board had recently received an email from a resident related
189 to the recently posted unapproved meeting minutes of the Oct. 10 public
190 meeting. In it, the resident said that the Board appeared to agree with the idea
191 that more development would lower the property tax rate, which is inaccurate.
192 Joshua agreed, saying that there's 70 years of evidence indicating the idea is ill
193 found. Greg said that the Board should be careful about giving residents a false
194 impression as it moves toward the annual Town Meeting.

195
196 **8. Adjourn**

197 At 9:15 p.m., Greg made a motion to adjourn the meeting; Hillary seconded. In a
198 voice vote, the Board unanimously approved the motion.