

1 FINAL

2 Minutes of the Planning Board Hearing

3 October 26, 2021, at the

4 Meeting House

5 Members Present

6 Kent Ruesswick (Chair), Anne Dowling, Greg Meeh, Joshua Gordon, Hillary Nelson
7 (alternate)

8 Members absent

9 Scott Doherty (Vice Chair), Cheryl Gordon (BOS Rep), Lucy Nichols, Lois Scribner
10 (secretary)

11 AGENDA

12 1. Call meeting to order

13 Kent Ruesswick called the meeting to order at 7 pm and appointed Hillary Nelson
14 to stand in for Scott as a voting member this evening.

15 2. Minutes of October 12

16 Greg Meeh moved the Minutes of the previous meeting. Hillary seconded. There
17 being no discussion, all members voted aye.

18 3. Loudon night sky pollution issue

19 Joshua Gordon had given out a draft of the letter to be sent to the new owners.
20 Members were invited to mark it up for the next meeting when a final copy can
21 be signed by the Chair. Hillary asked about referencing the Loudon meetings they
22 had attended some years ago. She had details and could look those up after the
23 weekend.

24 4. Section 8 of the Ordinance regarding Use and Area Variances

25 Joshua recapitulated that he had discovered the town ordinance distinguished
26 between use variances and area variances, which is problematic because the state
27 statute changed after the town ordinance was adopted. It prevents the
28 differentiation of use and area variances now. He thought it should be fixed but

29 practically speaking what were the next steps? It was a secretarial issue as well as
30 a practical issue and it needed to be looked at by the Town Attorney. Also, the ZBA
31 should know that the Planning Board was doing this – they should not be blindsided
32 by that.

33 Kent asked if it was the PB or ZBA problem? It was agreed that the ordinance was
34 PB responsibility.

35 There was further discussion about the wording in the ordinance. This was a
36 technical issue and members would need to read both the ordinance and Joshua's
37 draft.

38 **It was agreed that Kent would talk to Joe Halla and Town Counsel with Joshua**
39 **available for the phone call.**

40 5. Campground ordinance closing season issue

41 Kent suggested changing campground ordinance seasonal closing to take out the
42 wording that dictates the closing between March 21 and November 15. Kent had
43 talked to Tyson Miller about this. The issue had arisen because one applicant in
44 town wishes to be open all year round with tiny cabins.

45 Hillary restated that the issue was to prevent people establishing residency in a
46 campground. How else would you deal with it? Other towns have had lawsuits
47 about this. You could add words to limit any stay to 2 weeks at any time of the year
48 but there were trailers with people living in them year-round now and that was not
49 being enforced. People would take advantage of the 2-week rule. The task was not
50 to ban winter camping but include language to prevent residency – 'you shall not
51 establish residency year-round'. It was suggested members should do some
52 research about this – ex. Cascade in Loudon allows people to leave their trailers
53 there even though not being used all the time. Was this from the town regulations
54 or the campsite's own rules?

55 **It was noted that campsites are intended to be temporary and recreational,**
56 **suggested this should be run before the town counsel, and looking at other town**
57 **regulations too.**

Kent suggested looking at Chance Anderson's cabins up on the hill. Are these permanent structures? Is a building permit needed? Any structure over a certain square footage needs a permit.

The latest email from Chance Anderson needs to be sent out to members. (Lois to do). Discussion turned to the issues round his campground application.

Joshua said he would look at other town ordinances to see how they might have resolved year-round recreational camping without residency. The other 3 campgrounds in town could come to PB for an amendment to their own particular site plans if they wished to include winter camping. There was discussion about the pros and cons of having RV vehicles left in such a way that they can be driven away easily if there was a natural disaster. The issue of motorized vehicles on town lands was also mentioned should they bring unwanted noise nuisance to neighbors.

6. Possibility of changing the Industrial zone to Industrial/Commercial

Kent spoke to this issue. The state had given the 'sandpit' land to the town as part of the I 93 excavation and it includes a chasm about 53 feet deep. It is a natural formation. Members looked at a map. The Industrial zone is in grey on the map, near to West Road. There is an active railroad going down to Concord close by too. It had been set up as an Industrial zone by a committee many years ago.

There was discussion about the area, its steepness and railway access. Members wondered what kind of business would want to come there. The goal was to be less restrictive about land use to attract more business. So, it could be changed to a new zone title. Anne asked why were these zones different? There can be conflict in Industrial zones between different Commercial businesses. Hillary wondered if it could be useful for local agricultural industry? It would be both industrial and commercial, maybe a new zone title is needed for the Exit 18 area? Perhaps there could be flexible zoning, a 'flex zone'?

Members discussed definitions as they stand in the ordinance now. It was agreed that the zoning should reflect the reality on the ground. Commercial and industrial zoning currently have different goals (to serve residents/visitors v. serving commerce respectively). Perhaps the ZBA should be invited to participate in

discussions because they would know if many variances have been sought. Maybe Industrial should be less restrictive and commercial should be tighter.

7. Other business.

(i) Temporary housing for agricultural workers: Kent said this was a project that could take all next year. Should temporary residences be allowed on farms for workers? Should the farmers be invited to come to the PB and discuss what they need? It could be a difficult discussion. Kent said there was not the time to pick that issue up now. It would need working with other commissions too.

(ii) Sherwood Forest upcoming hearing: Kent mentioned the need for a site visit before the hearing.

(iii) Hillary shared her recent and shocking experience of being arrested by a state police officer after she tried to assist a young woman who had run away from the New Freedom drug treatment facility that abuts their property. She was ultimately let out of the police vehicle.

8. Adjournment

At around 8.30 pm Greg made a motion to adjourn and all voted in favor.

NEXT MEETING, TUESDAY NOVEMBER 9, 7 PM, MEETING HOUSE.

Respectfully submitted,

Lois Scribner, secretary (from the recording of meeting).