

1 FINAL

2 Minutes of the Planning Board Hearing

3 January 25, 2022, at the Meeting House

4 Members Present

5 Kent Ruesswick (Chair), Anne Dowling, Lucy Nichols, Joshua Gordon, Bob  
6 Steenson (for Cheryl Gordon BOS rep), John Schneider (alternate this evening)

7 Members Absent

8 Scott Doherty (vice chair), Greg Meeh

9 Others present

10 Katie Mckerley, Matt Mckerley, (Owners) Rachel Hall, Bob DiFava, (Applicants)

11 Phil Bates, (Realtor) Jeremey Martinson, (Investor), Erin Lambert (Senior Engineer,  
12 Wilcox and Barton)

13 AGENDA

14 1. Call meeting to order

15 Chair Kent Ruesswick called the meeting to order at 7.02 pm.

16 2. Minutes of January 11, 2022

17 Joshua Gordon noted a correction needed in line 44, correct to RSA 674:43.

18 Joshua moved the Minutes of January 11, so corrected, Bob Steenson seconded.

19 All members present voted in favor, so the minutes were approved.

20 3. Site Plan Review application – Xtreme603 Apparel at Mckerley Properties,  
21 Oxbow Pond Road

22 Kent invited the applicants to introduce themselves. Katie and Matt Mckerley  
23 spoke as the owners and introduced their new tenants, Rachel Hall and Bob  
24 DiFava. They said they have a small-scale embroidery business and wanted to  
25 get it out of their house. They thought they might be there about 10 times a  
26 month. This was the unit previously used by a fitness person. It was  
27 established that the clothing business was an allowed use in the Commercial  
28 zone and a minimal change of use at the site. There was further discussion

29 about the possibility of changing regulations so that applicants do not have to  
30 come to Planning Board for something as minor as this. Perhaps it could be  
31 decided by the Building Inspector visiting the site if there was such a minimal  
32 change in tenants and uses. The Board thanked the applicants for attending in  
33 these circumstances. Kent asked for a vote and all members present voted to  
34 approve the site plan review and permit the new business. Members thanked  
35 them all for coming.

36 4. Second Preconceptual discussion for Bates-Martinson with engineer Erin  
37 Lambert – cluster housing proposal on Boyce Road

38 Erin Lambert spoke to the project, which she was now engaged upon with Phil  
39 Bates and Jeremy Martinson. The 8.4-acre site is just past the power lines on Rt  
40 132 on Boyce Road, and it included a small wetland. They were looking to build  
41 duplexes, and since multi-family units were allowed in this zone, they were  
42 wondering how many multi-family units they could build. Her calculations  
43 indicated they could build 4 but they would really like to build 6, if that was  
44 possible taking all regulations into consideration. They were leaning towards the  
45 idea of a pocket neighborhood, like one found in Hopkinton, with a condominium  
46 structure. There was no plan to subdivide the lot. They thought they would give  
47 each duplex its own septic tank and have one leach field for the whole site. (This  
48 is what is found at the Spruces in town). They were going to have to work with  
49 the DES for a wetlands delineation to find out exactly how much land they could  
50 build on. Their goal was to provide some much needed extra housing in this  
51 community.

52 It was established that this is not proposed as a cluster subdivision. It is one  
53 building lot, it has 310-foot frontage, and would need a Special Exception from  
54 the ZBA. Bob Steenson pointed out the lot is in the workforce housing overlay  
55 district too. There might be a density bonus if some units were made affordable.  
56 Kent asked about the roads. This would not be a town road but would have to be  
57 of proper standard as agreed by the Road Agent and the State. There would need  
58 to be space for emergency vehicles to turn round within the project. They were  
59 aware of dark sky compliance requirements.

60 It was acknowledged that the applicants should become familiar with the condo  
61 regulations in town. And also, that there was no reason to restrict the age of

62 potential condo owners to being over 55 years of age, especially if it was to be  
63 one way to provide some affordable workforce housing. Their next step would be  
64 to go to the ZBA then return to the Planning Board with full materials for a site  
65 plan review. This may be later in the spring, perhaps a month after going to the  
66 ZBA, Erin suggested. Members thanked them for attending.

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## 68 5. Hearing for Zoning Amendment to Article 8.1 – Variance

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70 Joshua Gordon spoke to this zoning amendment. He had worked on the re-  
71 drafting of Article 8.1, using language from Portsmouth zoning, to bring the town  
72 into compliance with statute. There was no longer any difference between an  
73 area variance and a use variance. It was essentially a ‘housekeeping’ amendment.  
74 The public hearing was left open in case anyone attended to ask questions. This  
75 did not happen so towards the end of the meeting Joshua Gordon moved to close  
76 the public hearing, John Schneider seconded. Bob Steenson moved to adopt the  
77 changes to Article 8.1 as a zoning amendment. Joshua Gordon seconded. All  
78 members present voted affirmatively.

## 79 6. Other Business

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### 81 (i) Request for Road Waiver

82 The Board had received a request for feedback from the Board of Selectmen, in  
83 response to a request from a landowner for a road waiver on Mountain Road near  
84 Rocky Pond.

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86 Bob Steenson gave some background. They typically ask the Planning Board to  
87 give an opinion in more complex applications, otherwise it is sufficient for the  
88 Road Agent to make an opinion. This one was more complex. Kent Ruesswick had  
89 visited. He reported it was not easy to find nor very accessible. The tax map was  
90 consulted as well as Google Earth to see if the lot has road frontage. It may have  
91 some on Harmony Lane. It is not clear if Mountain Road is a ‘road’. It was decided  
92 that a site visit would make it more possible for the Board to form an opinion.  
93 This will take place on Monday February 7, at 11 am, meeting at the Center to  
94 carpool at 10.45 am. The site visit will be posted in town too.

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(ii) Canterbury Hall up-date

Kent updated the Board. A certified letter was sent to Ann and Jay Berry to explain they were invited to return to the Planning Board to finish things off. There has not been any response.

(iii) Chris Wardell request re Paint Shop on Riverland Road

The Board had received an email request about setting up a paint shop on Riverland Road on land currently owned by Steve Booth. There was some question that the Tax Map information was incorrect, perhaps because the site plan being used was old. Members looked at maps and established that it was a buildable lot, in the Commercial zone, that would be an allowed use for a business, and if an apartment was to be added that would be an accessory dwelling. He will need to go to ZBA for a special exception for that. The first step would be a Preconceptual discussion with the Planning Board. The Secretary would get back to Chris Wardell.

(iv) The Pachemama Retreat issue

Joshua Gordon raised this issue having been in touch with Hillary Nelson, who had contacted the town. Bob Steenson said the retreat were tenants, not the landowners. The landowners were responsible for renewing or not renewing the lease. The town could not take any action based on the activities of the tenants. Members expressed concern that the number of cars parked there on weekends does not allow for emergency vehicle access. Also, that there are substances being used in ceremonies which are only legalized in the US for certain Native American tribes to use.

8. Adjournment

Joshua Gordon moved to adjourn, Bob Steenson seconded, around 8.15 pm.

Respectfully submitted,  
Lois Scribner, secretary