

Town of Enfield

Planning Board Meeting Minutes

February 28, 2018



APPROVED March 28, 2018

Present: Dan Kiley; Chair, David Fracht ; Vice Chair, John Kluge,; Selectman Ex-officio, Nancy Scovner, Kurt Gotthardt, Rita Seto, Paula Rowe Stone; Alternate & Minute Taker, Jim Bonner; Alternate and videographer, Scott Osgood; Town Planner/Zoning Administrator.

Regrets: Tim Taylor

Guests: Atty Nicholas Burke, Jim and Barbara Kelliher, Mark Nylund, and Brian Degnan.

- I. CALL MEETING TO ORDER – Chair Kiley appointed Paula as a sitting member with Tim Taylor not in attendance.
- II. APPROVAL OF MINUTES
 1. Minutes of January 24, 2018 – Motion to put them on the floor came from Kurt Gotthardt, with a second from Rita Seto. Discussion on edits on Nicholson Driveway Permit. Motion to approve passed with 2 abstentions, Nancy & John
- III. SELECTMEN'S REPORT

Selectmen met last Tuesday. Topics covered included Dog Park rules, Anne's Place ownership, Lakeview Condo's sewer cost.
- IV. CITIZENS FORUM – None presented.
- V. CONCEPTUAL HEARING – **Cardigan Mountain Land Survey to discuss a Boundary Line Adjustment on May Street.** Scott Sanborn presented for landowner Mr. Mark Nylund, who was in attendance. Mr. Sanborn explained that the town property card shows the lot as 1.1 acres, but the survey shows .8 acres of land and not over an acre as indicated on the property card. This would place the existing house of 2 apartments and a barn on the larger tract. The second tract will be .4 acre. Both lots will have sewage. Both lots will be short of being .5 acre that is needed for the zoning. Nancy noted she feels this should be heard for an Equitable Waiver of Dimensional Requirements, not a variance. The applicant agreed he will be asking for that from the Zoning Board. Kurt reiterated that there will be appropriate setbacks with Mr. Sanborn. David Fracht picked up on an error that shows Boys Camp Road on the survey. Mr. Sanborn noted the template was used for a prior job and not fully cleared.

Board Chairman Kiley polled the Board to hear if and when the case comes before the Planning Board would it be considered a Subdivision or a Boundary line adjustment. The Board concurred by consensus that this would be considered a boundary line adjustment.

VI. PUBLIC HEARING

- 1. New application for Site Plan review of 60 Main St Storefront conversion to Residential Apartments.** Ledgeworks Inc. will ask for a review and approval of a revised Site Plan for conversion of commercial space to residential apartments at the ground floor level of 60 Main St., in accordance with Article V, Section 414 of the Enfield Zoning Ordinance.

Attorney Nicholas Burke, for Mike Davidson, was in attendance to present this evening. Atty Burke stated he has researched the titles. Mr. Hettleman, an abutter, had submitted a letter noting that an agreement to allow passage through his property for parking behind 62 Main St. has not been made. With this hearing Mike Davidson is proposing to use the deeded right of way between the two lots, 64 and 62 Main St. for access to parking spaces 1 thru 6 and 11 from Main Street. The deeded right of way would be used to access the back of the buildings for parking.

Public hearing opened:

Brian Degnan, abutter across the street who owns the laundromat, asked about the width of a parking space. Board noted 10 ft by 20 ft is the required width, though 18 by 20 is also listed. Mr. Degnan noted most of the tenants have more than one car.

Dan said much of the existing situation is grandfathered and that the complex is considered mixed use.

It was stated there are 20 rental units, unknown how many are 2 bedrooms. Mr. Degnan doesn't want the over flow of the parking problem on his property. Jim Kelliher, owner/abutter at 56 Main Street, spoke and said most apartment dwellers have 2 cars. Atty Burke said that he would convey Mr. Degnan's concerns.

It was noted that the driveway is 11 ft wide and that the Town standard is 12 ft wide.

Last Fall, David Fracht asked where the snow was going to be stored. Noted this winter they did not pile the snow between space 10 and 11 and used the driveway to place the snow. The only snow left is up by the street. Fracht asked for this to be defined. Fracht continued asking if they will be accessing the back another way. Atty Burke said that they are forced to use the right of way. Spots 3, 4, 5, and 6 are on the line of the abutter, is this is enough room. Atty Burke said that it appears to be enough room. Kurt measured this with the map.

David Fracht and Chairman Kiley said that this is a new application.

David Fracht read the regulation RSA 674:54 and stated a new space is needed for the trash. They are close to the river. Additionally Fracht noted the propane tank. Apparently the town has given them permission to use the space where the trash bin currently is. Kelleher said that the plan shows the tank on the property of 56 Main Street. David noted RSA 674:54 Governmental Land Use does allow private use of public land, but the use is not exempt from Zoning. So that the locations of the dumpsters and propane tank are not legal uses.

Fracht said they could go to the ZBA for a variance on this. Kelleher said there is no control over the garbage which is always overflowed, with furniture and tires.

Jim Bonner said he views this area from his office. The snow has occupied 2 parking spaces that the residents cannot use. The trash bin and tanks have been within the overflow and ice of the river. Jim said he does not see that this is feasible for a parking space for each apartment.

Kurt Gotthardt asked where they are going to plow the snow that is in the right of way. There is no place to plow the snow to. Kurt asked if the deed of the right of way is the most recent for all properties. Atty Burke said that it is in the deed. Kurt remarked that he would take his word for it for the record. Atty Burke said that this is not a new driveway; it has been there since 1972. Kurt asked if the State recognizes this. If they do, he will go along with it. Atty Burke said that there is 82 feet between the right of way and Blacksmith Alley.

David Fracht mentioned in the previous decision that parking spaces 14, 15 and 16 is on town land, and would like this board to address this. A copy of the deed that he received referenced 2 properties and David asked him to walk the board through this. Atty Burke referenced a deed in 1963 belonging to Mary Cattabriga. 62 Main is tract number 1, and tract 2 there is a lot, small sliver that was deeded to Mary Cattabriga's son and daughter in law in 1972. In 1972, the Oak Grove Assoc owned 64 Main Street, and George Loupis abutted, along with the Cattabriga's. These three entities came to an agreement with boundary lines. Atty Burke provided copies of this to the board members.

Rita Seto said she has concerns with the snow removal and the parking spaces. Atty Burke said the board could make it a condition that the snow be removed from all parking areas.

Nancy Scovner said that if they do not have enough parking spaces this plan is moot. Referencing parking spaces 14, 15, and 16. There is not an agreement with the town on the use of these spaces. Davidson is proposing 24 parking spaces, they only need 22, and 3 are seen to ending on the town property. Planning Administrator Osgood stated that during the field visit of November 4 space 16 was not found to be infringing on town property and recorded as such in the minutes.

Selectman Kluge wondered if we made a decision one time and a different one the second time. Fracht countered it doesn't matter; we are approaching from a blank slate. In the fall, the applicant did not have the information regarding mutual right of ways and parking, and no knowledge of the dumpsters being on town land. Good decisions were made and none new set precedents. Chairman Kiley said parking space 22, and 23 do exist, and the dumpsters are an issue. Nancy Scovner said that the plans reflected an agreement with Dr. Hettleman and this does not exist.

Kurt noted at it appears that the alley between 62 and 64 main does not have a curb cut and that State approval for the access would be necessary.

David Fracht made a motion to close the public hearing, with a second from Kurt Gotthardt and passed unanimously.

Hearing closed, David Fracht requested Atty Burke talk to Michael Davidson, that additional work be done on the site plan, referencing the notes taken by Atty Burke. Inclusive of where the dumpster is going to be put and where is the snow going to be put, and that the State of NH approves the curb cut of this right of way/driveway.

Atty Burke said he will report back with answers.

VII. BUSINESS DISCUSSIONS

1. Correspondence from Energy Committee re Energy Chapter and Zoning Ordinance

2. Discussion on Pine Lane re: ZBA Hearing of Feb 13 – The Morgan’s have 2 properties on a quarter acre lot they want to move a few feet onto the prime lot – the ZBA voted against this.
3. Planning Board Fee Schedule: Review and recommend changes. Town Manager Aylesworth said that the last time the fee’s were addressed and increased was in 2011 and needs to be again. Town Planner Osgood has researched what other towns charge. Town Manager Aylesworth asked if the board advises these fees and the Selectmen approve, or how has it been done in the past by this board. The Board will make recommendations and give it to the Selectmen for a public hearing.

VIII. COMMUNICATION

1. Progress on Jake’s Market – District 2 provided input and additional requirements on the developer. Entry and egress from Rte 4 is a problem. The intersection at Maple St & Rte 4 needs to be addressed.
2. Town Warrant Articles – no problems.
3. Strategic Governance – Town Manager Aylesworth said all boards and department heads have been kept abreast and look forward to kicking off after town meeting.
4. The Town website still shows the draft copy of the amendments made. Scott to check and fix.

IX. NEW BUSINESS

- X. NEXT MEETING – Next scheduled meeting will be the 4th Wednesday, on March 28 2018.

XI. ADJORNMENT

Nancy Scovner made a motion to adjourn at 8:31 p.m. with a second from Rita Seto. Passed unanimously.