

# Town of Enfield

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## Planning Board Minutes

January 25, 2017



**APPROVED Feb 22, 2017**

**Present:** Dan Kiley - Chairman, John Kluge-Selectman, Kurt Gotthardt, David Fracht - Secretary, Rita Seto, Paula Rowe Stone-Recorder & Alternate, Jim Bonner- Alternate & videographer, and Scott Osgood-Town Planner.

**Regrets:** Tim Taylor- Vice Chair, Nancy Scovner

**Guests:** Atty Dan Corley, Ed McLaughlin, Tom Blodgett, Rick Sam, Celie Aufiero, Jasen Stock, NHTOA Shawn Lagueux; Forester, Rob and Lauri Malz.

### I. CALL MEETING TO ORDER

Chairman Kiley called the meeting to order at 7:02 p.m. Paula Rowe and Jim Bonner appointed as members with two members not in attendance.

### II. APPROVAL OF MINUTES

#### 1. Minutes of December 14, 2016

John Kluge made a motion to approve the Minutes of December 14, 2016, with a second from Rita Seto. Discussion. David Fracht brought forward questions under section IX, New Business, A question in the Planners Handbook on a board quorum. Scott to research. Motion passed.

### III. SELECTMEN'S REPORT

John Kluge – Selectmen's Representative reported. Town Manager search is moving along. Budget Committee is finalizing the budget with a 1.7% increase. Sewer extension has gone out to bid. Lakeview Condo sewer extension should begin in March. Discussion held on Selectmen visiting other towns in the Mascoma School District due to the recent comments of the Town Manager in Canaan. The Selectmen have written a memo to the population on their stance with this matter. There is a Flyer going out to the Enfield residents to encourage voting on the school matters this Town Meeting season. Question from the audience and board on the cost per town for the school district – Chairman Kiley assisted Selectman Kluge on this issue and answer. The total expense is based on the number of students; however the amount per student is not the same as some students have special needs, which require a higher contribution.

### IV. CITIZENS FORUM

### V. PUBLIC HEARINGS

#### 1. Site Plan review for a Home Business which interacts with the public

Sarah Doran will ask for a review and approval of a Minor Site Plan Review of a Home Business as a Personal trainer at 43 Marsten Lane, Unit 181 in the Lakeview Condominiums.

- Motion to accept the application as complete came forward from John Kluge with a second from Rita Seto and passed. Motion to open the hearing to the public came forward from David Fracht with a second from Rita Seto and passed.

Sarah Doran was present and informed the Board of her intentions. She does weight and strength training and physical conditioning. Sarah noted she is a certified personal trainer. She confirmed that there would only be one individual at a time and has extra parking available to her. She will not do business at late hours, and there will be no noise other tenants can hear. Kurt asked if the

permission can be revoked by the Condominium Association. Sarah stated she could confirm this. David asked about parking. Sarah confirmed she has two spaces for her unit. She is obtaining extra insurance for her business. She has informed the Condo Association of her plan. Chairman Kiley has asked for a letter of their approval.

- Motion to approve the Minor Site Plan from David Fracht as presented with the condition that the Lakeview Condominium Association provides the board with a letter of approval of her plan. Rita Seto seconded this. All were in favor.

2. Boundary Line Adjustment – 15/17 Bridge St Lots 5 & 4 on Map 32

Robert and Lauri Malz will request approval of a lot line adjustment between non-conforming Lots 4 and 5 on Map 32 at 15 & 17 Bridge St. The adjustment will make Lot 4 less conforming to the zoning area requirement and Lot 5 more conforming.

- Town Planner Osgood said that the application is complete. Motion to accept the application as complete from Kurt Gotthardt with a second from John Kluge and passed. Motion to open the public hearing from John Kluge with a second from David Fracht and passed.

Roger Rodewald of Riverside Ecological Design, LLC represented the Malz's and presented the plan for the Board review. They are trying to make both lots more conforming to the neighborhood and allow for the proper setbacks. One is less conforming and the other more conforming than what it had been. Roger states this adjustment will be an improvement to the neighborhood, as the lots will be more equal in size. The Zoning Board has approved the creation of a more non conforming lot the plan creates. David asked if this eliminates a setback incursion. (In a talk with the Surveyor on Jan 31 Scott was informed there is no incursion on the Malz/Batchelder border)

David Fracht reiterated that they are eliminating one building and putting up a new structure.

- Motion to close the public hearing came from John Kluge and second by Rita Seto and passed.
- Motion to accept the proposal as presented for the lot line adjustment with no conditions came forward from Bruce Fracht and second by John Kluge and passed unanimously.

3. Zoning Amendments for 2017 Town Meeting

Amendments to the Enfield Zoning Ordinance were presented. The proposed amendments include changes relating to listed Variance Criteria and Accessory Dwelling Units to match State RSA's and changes to other definitions.

Town Planner asked the discussion begin with restrictions in the Code to timber harvesting.

Scott presented copies of RSA 674, where it states limits to a Planning Board regulating Timber Harvesting except in Subdivision and Site Plan applications. The regions to the Zoning Ordinance delete all references to limits on clearcutting. The last paragraph of Section 406.3 Permitted Uses would be retained.

Present was Shawn Lageuex Forester, and Jasen Stock, Executive Director of the Timberland Owners Association.

Chairman Kiley said that the Planning Board receives a copy of the timber cuts for Enfield as a courtesy.

Lageuex thanked the board, after making sure they had all hand outs available for the evening, for supporting the forestry in our town. John Kluge asked Shawn to explain regeneration and Kurt Gotthardt asked him if we should put something advisory in our ordinance.

Kurt suggested deleting paragraph 406.3 H in the Zoning Ordinances. Planner Osgood said that it is for public information.

. Celie Aufiero, acting a member of the public, asked the Board if the timber harvest ordinance could contain detail to protect the town's lands. Selectman Kluge informed Aufiero that we cannot add more than what the State RSA states.

Rita recommended two typographical changes on Page 23 and 82

Planner Osgood and the Board proceeded with reviewing the Zoning Ordinances that have been edited, as presented this evening.

- 1) Revise the current wording of the Variance Criteria in Section 505 to match RSA 674:33
- 2) Regarding changes to the Zoning Ordinance, the Board approved, by consent, that all references to limitations on clear cutting would be eliminated. State Law, including RSA 674:1 Para VI, notes specifically that the Planning Board has no authority over Timber Harvesting except when a site plan or subdivision application is involved.
- 3) Kennel: Provide the following for a definition of Kennel: “The Boarding breeding, raising, grooming, or training of two or more dogs, cats, or other household pets of any age not owned by the owner or occupant of the premises for commercial gain” was accepted by the Board.
- 4) Accessory Dwelling Unit: Revise definition “Accessory Apartments” to “Accessory Dwelling units” and added the right to be allowed the permitted districts as required by new State Law. Accepted by the Board.
- 5) Abutter: Revise definition so that notification requirements match the requirements of the Subdivision, Zoning Board of Adjustment and Site Plan Review Regulations.

These items will be placed on the Town Warrant.

Other changes were presented and approved that are strictly typographic, and do not alter the requirements in the Ordinance.

Ed McLaughlin noted on the clarifications to the hardship requirement in the Zoning Ordinance.

- John Kluge made a motion to go forward with putting these on the ballot. Second from David Fracht and carried.
- Motion to close the public hearing came at 8:01 p.m. from John Kluge with a second from Rita Seto and carried.

## VI. BUSINESS DISCUSSIONS

## VII. COMMUNICATION

1. Family Dollar drainage – A draft design has been developed by Pathways Engineering. DOT has conditionally approved it. Art Conkey will be doing the work. An easement with the neighbor-SAU 62 is in development.
2. Current Legislative Session – A brief review of bills affecting zoning was discussed.
3. Brownfields grant – A presentation by the RPC and their Engineer on Brownfields Remediation is scheduled for Thursday February 9<sup>th</sup>, 9:30 am at DPW.
4. The 10 year plan transportation plan is in review. New projects recommendation can be submitted.
5. Grant – Town Planner Osgood is looking at a grant for housing language in the Zoning Ordinance.

## VIII. NEW BUSINESS

- IX. NEXT MEETING- Regular Planning Board Meeting – 4th Wednesday, February 22 as the Budget Committee hearing is the 2<sup>nd</sup> Wednesday, February 8.

X. ADJOURNMENT

- *John Kluge made a motion to adjourn at 8:09 p.m. with a second from Rita Seto. Motion carried.*

DRAFT