

**Enfield Planning Board – Meeting Minutes**  
**DEPT OF PUBLIC WORKS/ZOOM PLATFORM**  
**February 23, 2022**

**PLANNING BOARD MEMBERS PRESENT:** David Fracht (Chair), Erik Russell (Vice Chair), Dan Kiley, Linda Jones (via Zoom platform), Kurt Gotthardt, Kate Plumley Stewart (Selectboard Representative, via Zoom platform), Phil Vermeer, Jim Bonner (Alternate Member and Videographer)

**PLANNING BOARD MEMBERS ABSENT:**

**STAFF PRESENT:** Rob Taylor- Land Use and Community Development Administrator, Whitney Banker-Recording Secretary

**GUESTS:** Bill ??(via Zoom platform – *participant was asked to identify themselves while waiting to be admitted to the meeting, and left shortly after without identification*), Celie Aufiero (via Zoom platform), Tim Jennings, Julie Eckert (in person and later via Zoom platform), Harrison Trumball, Paul Waehler, John Carr, William Walker (via Zoom platform)

**I. CALL MEETING TO ORDER:**

Chair Fracht called the meeting to order at 7:00 p.m. and took a “roll call” of members present for attendance.

Chair Fracht reminded in-person guests to sign in.

**II. PUBLIC COMMENTS:**

Chair Fracht said there is one addition to the agenda he is aware of, a discussion of correspondence from a member of the public. He asked for other additions or subtractions from the agenda. Mr. Gotthardt asked if Chair Fracht was referring to the Paul Mirski letter. Chair Fracht confirmed yes. Guest Dr. Theis asked to what extent does the Planning Board expect to discuss this. Chair Fracht said he just added it to the agenda. Dr. Theis asked if the discussion would be included in the minutes. Chair Fracht confirmed it would be. Chair Fracht said that the Planning Board has an agenda, and the letter from Mr. Mirski was just received yesterday, so would be discussed after other agenda items. He will make sure that all guests who wish to speak to the letter from Mr. Mirski be given an opportunity to do so when the time comes.

Ms. Stewart (via Zoom platform) stated that the audio was very quiet for her from those in the room, but loud for those on Zoom. Ms. Jones agreed. Mr. Taylor checked Zoom, but it did not appear to need adjustments.

**III. SELECTBOARD REPORT: Kate Plumley Stewart**

Ms. Stewart said the Selectboard met on February 15. The meeting was very brief.

The meeting included learning about the Broadband Committee and the new Town Manager's participation in that.

A new quote was received on the Oak Hill Road Bridge replacement. The Selectboard will meet briefly tomorrow, February 24, to discuss further.

The Selectboard will also be doing policy review. As future agendas come out, if there are any questions on policies, they can be directed to the Selectboard. The Selectboard will try to refer policy questions to relevant committees for input. The Selectboard approved the Fraud Policy and Investment Policy that were already on the books.

The Selectboard also received a notice of ARPA (American Rescue Plan Act) Funds, which will potentially provide \$950,000 toward town wastewater (the sewer project). Ms. Stewart gave a shoutout to the Planning Board for assisting in making the funding a possibility.

**IV. REVIEW MEETING MINUTES: January 12, 2022**

***Mr. Kiley MOVED to approve the January 12, 2022, Minutes presented in the February 23, 2022, agenda packet as presented.***

***Seconded by Ms. Jones***

Amendments: N/A

**Roll Call Vote:**

David Fracht (Chair), Dan Kiley, Linda Jones, Kurt Gotthardt, Erik Russell, Kate Plumley Stewart (Selectboard representative) **all voting Yea.**

**None voted Nay.**

Phil Vermeer **Abstained.**

***\* The Vote on the MOTION was approved (7-0).***

**V. HEARINGS:**

None.

**VI. CONCEPTUALS:**

None.

**VII. ENFIELD CENTER LOCAL HISTORIC DISTRICT: Meredith Smith**

Chair Fracht invited Ms. Smith of the Heritage Commission to present on the proposed Enfield Center Historic Triangle, and the application for a Local Historic District. Ms. Smith handouts with information from the presentation for board members to review.

Ms. Smith said that the Heritage Commission had been studying this for about two years, with the goal of Enfield becoming a Certified Local Government. This will allow Enfield to be eligible for funding that we are not currently eligible for. Lebanon, for example, is a Certified Local Government. Ms. Smith shared that about two years ago she drove around town with Nadine Miller, who oversees the Certified Local Government program. Ms. Miller commented on the historical significance of the Mill Houses as a potential Historic District that would allow Enfield to apply to become a Certified Local Government. The Heritage Commission thought how this would be more than they wish to take on, requiring contact to each property owner and permission from each, etc. The Heritage Commission then decided to focus on the Union Church, the Enfield Center Townhouse, and the Enfield Schoolhouse. Two of those buildings are on the National Historic Register already. The third, the Enfield Schoolhouse, is eligible to be on the National Register. The Heritage Commission came up with the “Enfield Center Triangle” for these three buildings (their locations form a triangle). They would not require working with property owners, like the Mill Houses would have. Establishing this Local Historic District is required for Enfield to become a Certified Local Government town.

The Heritage Commission has a three-step process to get to this point. First, Local Historic Districts require design guidelines. The commission has reviewed and changed the guidelines many times to best fit Enfield. Local Historic Districts can vary with how restrictive they can be (for example, only certain design colors and choices allowed). Ms. Smith said there is nothing in the draft that the Heritage Commission has included that would be this restrictive. She said she did not plan to go into detail about design guidelines during tonight’s presentation but would like the Planning Board to review them and provide feedback separately.

Ms. Smith said a Local Historic District is an area in which most residents have decided to keep the look and feel of the place they call home, by adopting a local preservation ordinance; then creating a local preservation commission to administer it (in this case the Heritage Commission which already exists). Local Historic Districts are not about freezing an area in time but guiding change and preserving character as an area grows over time. Ms. Smith said the biggest benefit she sees is historic tourism for Enfield. The Enfield Shaker Village Historic District (still awaiting approval from the State of New Hampshire DOT) has a scenic byway in place. Two years ago, the Heritage Commission applied for a major extension of this scenic byway that would go through to the Grafton town line, including the proposed Enfield Center Historic Triangle.

Ms. Smith said the advantage of this program is economic, preserving community character, and is a win-win situation. The program to become a certified local government is designed to allow local governments to become more directly involved in identifying, evaluating, promoting, and enhancing the educational and economic values of local properties of historical, architectural, and archeological significance.

Ms. Smith shared she had made a simplified “cheat sheet” of information available online for Planning Board members to review regarding the Certified Local Government Program.

Chair Fracht asked for questions or comments from the board.

Ms. Jones said that the most significant part of the Certified Local Government designation is that the amount of money from grants is significantly larger. Enfield would like to be a town that qualifies for these. She used the town of Franklin as an example, which after becoming a Certified Local Government became eligible for large grants to improve and upgrade historical buildings.

Mr. Gotthardt asked, do you have to become a Certified Local Government before you can establish a Historic District? Ms. Smith clarified that no, you must establish a Historic District (in this case identified as the Enfield Center Historic Triangle), and then can apply to be a Certified Local Government. Mr. Gotthardt asked if it is a problem that the three identified parcels are not connected. Ms. Smith said that they are not required to be connected. Ms. Jones elaborated that in researching she had discussed whether properties between the three identified would need to be included in some way, and they do not need to be. Ms. Jones added that a Certified Local Government requires design guidelines that are separate from town zoning. The goals for these three identified properties are the same.

Mr. Kiley asked, if we become a Certified Local Government, the grant eligibility does not stop with the three buildings? Ms. Smith said that is correct. The grant eligibility would be for the entire town. You could add other historic districts down the road, but do not need to. The entire town would then be eligible for more grants.

Ms. Stewart asked, within the proposed Historic Triangle, other properties abutting the identified properties are not subject to the historic regulations? Ms. Smith said this is correct. Ms. Stewart asked if there is a written agreement from the owners of the two properties within the proposed Historic Triangle that are not owned by the town? Ms. Smith said that there are representatives from the other properties at the meeting, Mr. Carr, Mr. Waehler, and Mr. Trumball (representing the Union Church). Ms. Stewart said she felt the town should get a written agreement with those property owners before proceeding with the proposed Historic District and then Certified Local Government. Mr. Carr agreed that this was certainly possible and reiterated that the Union Church is in support of the program and being included in it.

Chair Fracht asked, regarding the grant money that can be matching, is it 50/50 match? Ms. Smith said that she was not sure specifically but knew it could be matched. As an example, the proposed updates to Whitney Hall could be matched by a grant if Enfield were a Certified Local Government. Chair Fracht asked if there were restrictions attached to the grants, were they federal or state? Ms. Smith said it is federal money that is funneled through the state. She imagines there were some restrictions. If there are restrictions that are found to be unacceptable, the town may decline the grant.

Chair Fracht asked, in the “cheat sheet” second paragraph, it states the Heritage Commission serves as an advisory board. Ms. Smith said this is under the RSAs. Chair Fracht said in one of the other documents, he was left with the impression that the Heritage Commission would be making the decisions? Ms. Smith said no, they would act as an advisory board for the town – to the Selectboard and the Planning Board. The Heritage Commission is supposed to work together with the Planning Board. Chair Fracht agreed this is the way it should be and was glad for the clarification. Ms. Smith said, to establish a Local Historic District, a requirement is that the Heritage Commission work with and have full support of the Planning Board.

Chair Fracht asked what is the role of the planning board in applying for the Certified Local Government? Do we have to pass a resolution? Ms. Smith said she would imagine so but has not yet investigated it. She would need to talk to the NH Division of Historic Resources, where the program is funneled through.

Ms. Smith asked Chair Fracht to email her the questions from the Planning Board for the Heritage Commission to address and work out solutions to. She reiterated tonight is an introduction to the Historic District and Certified Local Government Program. The goal would be for the Enfield Center Historic Triangle to be on the 2023 Town Warrant. It would have to be voted on by the town.

Chair Fracht asked how the Certified Local Government would affect the proposed Whitney Hall expansion on this year’s warrant? Vice Chair Russell clarified that for building projects the full bond owed at maximum amount. If grants are given later, the full amount does not have to be borrowed (though the full amount still must be put on the ballot). Chair Fracht asked if the town would be eligible for grants in the future if the proposed expansion was already underway or possibly completed. Ms. Smith said yes. She also stated the Lakeside Park grant as an example where the project was well underway when the grant was applied for.

Chair Fracht said he will compile a list of questions and email them to Ms. Smith.

Mr. Carr added that another value is recognizing the historic buildings in Enfield Center (not currently “on the map”). This brings something to Enfield Center. Ms. Smith said she would like

to point out as well that the Historic Schoolhouse is believed to be the last remaining two-story historic schoolhouse in New Hampshire.

Mr. Trumball identified himself and stated he was here tonight as a Trustee of the Union Church. He said one thing to know about old buildings is that they require maintenance. He believes the program would offer a lot of potential energy and activity in Enfield Center. The possibility of grants to help with renovation and upkeep are positive, he sees no downside. He expressed the support of the Trustees of the Union Church being part of the Historic Triangle and the Certified Local Government Program. Ms. Smith shared an interesting bit of history, that the Union Church was originally called the Townhouse. As a result of the 1819 Toleration Act, which said that churches and public meetings could not happen in the same place, the current Townhouse was established, and the Union Church became the Church separately.

Chair Fracht thanked guests for coming in, and thanked Ms. Smith for an informative presentation. Ms. Smith reminded board members and guests that the Heritage Commission will meet tomorrow night, February 24.

#### **VIII. UPDATE ON MASTER PLANNING TASK FORCE WORK: David Fracht**

Co-Chair Fracht said that the task force has not met for about a month. The next meeting is Monday, February 28. The task force will review drafts of the Housing chapter of the Master Plan at that time. Consultant Brandy Saxton of PlaceSense also promises drafts of the other chapters Tuesday, March 1.

The main discussion of Monday's meeting will be the focus going forward including draft presentation, focus group logistics, etc.

The task force continues to move along. During March he expects the Planning Board to see a complete first draft. Likely during one of the March meetings the Planning Board will review and discuss these drafts and provide feedback to the task force.

#### **IX. OLD BUSINESS:**

#### **X. NEW BUSINESS:**

##### **A. CORRESPONDENCE: Letter from Paul Mirski re: 2022 Warrant Article 4 – Deleting Zoning Ordinance 405.2 (the) Village Plan Alternative.**

Chair Fracht said, as he mentioned at the beginning of the meeting, the board had received a letter from Mr. Mirski regarding the board's proposed deletion of the Village Plan Alternative. The letter was dated February 18; however, Chair Fracht did not receive it until yesterday (February 22).

246 Chair Fracht asked the members of the public if they wished to speak now, before the board  
247 discusses, or after the board discussion. Mr. Jennings wished to speak now, and Dr. Theis wished  
248 to speak after the Planning Board's discussion.

249  
250 Mr. Jennings introduced himself, an Enfield resident of about 35 years who lives on May Street.  
251 He said he has spent the last four or five days trying to sort out what Warrant Article 4 is about,  
252 and why it is being proposed. He said one reason the Planning Board cited they wished to  
253 remove the Village Plan Alternative was that it had never been used. He asked: has the Cluster  
254 Development Plan ever been used? He said he hopes the Planning Board will answer this  
255 question this evening, as Mr. Mirski had raised the same question. Mr. Jennings also said he was  
256 baffled by the Planning Board's suggestion that the Cluster Development Plan and the Village  
257 Plan Alternative are redundant. He does not feel this is the case, as Mr. Mirski's letter also  
258 stated.

259  
260 Mr. Jennings said he worked with Dr. Theis to draw out a 100-acre parcel on graph paper and  
261 follow both the Village Plan Alternative and the Cluster Development Plan for example  
262 development purposes. Mr. Jennings said he estimated about half of the 100-acre parcel, 50-  
263 acres, would be unbuildable (wetlands, steep slopes, poor soils, etc. – typical New England  
264 issues). Mr. Jennings said as he understands the zoning ordinance, what that means in theory is  
265 in a 50-acre zone, he could split the land into 10, 5-acre parcels and build 10 houses. He said we  
266 all know that you can't necessarily do this exactly given the geometry of the land, access roads,  
267 right of ways, etc. Given these factors, a developer would likely get 6-8 houses, not 10, out of  
268 this parcel. He feels this would end up with a housing development that most don't really like.

269  
270 Mr. Jennings said he looked first at the Cluster Development Plan based on this example, and he  
271 understood from that out of the buildable 50-acres, he must set aside half of buildable land (so  
272 25-acres). The lot size would then be reduced to 2.5-acres. Chair Fracht asked to make a  
273 correction to what Mr. Jennings stated. He said he believes the ordinance says you must set aside  
274 50% of the net buildable area, not of the total area. Mr. Jennings said he agreed, this was what he  
275 had done. Dr. Theis said, in section 405, the ordinance says, "to maintain 50% or more of the  
276 gross [not net] buildable land". Mr. Jennings said he had started with a 100-acre parcel, with  
277 only 50-acres buildable, based on the zoning ordinance the buildable portion would then be  
278 reduced to about half, so 25-acres. On the 25-acres which a development could be built, the lot  
279 sizes may be reduced to 2.5-acres. Like the earlier example, how many houses can fit in 25-acres  
280 is less; never more than 10 or 12. With the smaller sizes, the distance between houses becomes a  
281 potential problem as well; Mr. Jennings stated the Lapan Circle development as an example.

282  
283 Mr. Jennings then spoke about the Village Plan Alternative regarding the same 100-acre parcel,  
284 with 50 buildable acres. Of those 50-acres, only 20-acres can be built on. He stated that the  
285 Village Plan Alternative would provide more conservation than the Cluster Development Plan  
286 off the bat. It would allow reduced lot sizes to whatever market is there. This plan would provide

the creation of a village, which the ordinance's intention, where homes are closer together as they are in town (like on May Street where he lives which many people like). He stated that these examples show that the two plans are not redundant.

Mr. Jennings said that another reason the board proposed removing the Village Plan Alternative was they had "determined that the Cluster Development Plan provides more flexibility to the town". He asked the board, how so? Also, why is this a good thing? He believes that the goal should be to provide more flexibility to the property owner, the developer, and ultimately the homeowner and taxpayer. He said he sees the Village Plan Alternative the option that provides the greatest flexibility for those and provides the greatest future ability to provide more development in Enfield. It will also best preserve the natural environment and allow new housing that is like what rural New Hampshire villages have looked like for centuries.

Mr. Jennings asked lastly, why take the Village Plan Alternative away right before the first draft of the Enfield Master Plan is done? Is the board unaware of the recent housing studies done by the Upper Valley Planning Commission? We may need this village option for affordable housing interest in our town. 5-acre zoning and cluster developments are not fulfilling this task.

Chair Fracht thanked Mr. Jennings for his thoughts. He asked the board for their comments.

Mr. Kiley shared that he believed there was an approved cluster development, however it was never built – in the same neighborhood where Mr. Jennings resides. and Mr. Gotthardt said there was also one on Methodist Hill, he believed it was called Rock Ridge but may have the name incorrect. This development was done as an open-space cluster development. Mr. Vermeer asked, what about the one by Shaker Village? Mr. Kiley and Mr. Gotthardt agreed that was prior to the zoning, but it would fall under a cluster development.

Mr. Jennings stated that the Shaker Village development could not be built today unless the Village Plan Alternative was an option, it could not be done under a Cluster Development Plan. Mr. Kiley said he did not believe it would be under the Village Plan Alternative, unless the size of the land was significantly larger.

Ms. Jones said when building regular homes, there are zoning regulations to follow so things are pleasing and in order. The Cluster Development also has rules. The Village Plan does not have this and allows you to count all the space (between property line and driveway, other side of the driveway and the lawn counting as open space, etc.). The plan does not seem to follow the rules and does not seem like the right things to do. She said she is very uncomfortable with the Village Plan as it seems to lose the two methods of accountability.

Mr. Gotthardt shared that he went through Mr. Mirski's letter and has comments prepared for the questions and statements raised.

328 -Mr. Mirski's letter stated the Village Plan Alternative was not redundant when compared  
329 to the Cluster Development. Mr. Gotthardt's response is that there is no requirement in the  
330 Village Plan Alternative for the open space land to be contiguous, and there is no requirement  
331 preventing any of the non-developable land from being counted towards the Open Space Area.

332 -Mr. Mirski's letter stated the board was not providing flexibility by removing available  
333 alternative decision-making tools and options. Mr. Gotthardt said this is not removing a Planning  
334 Board option. It is preventing a developer from creating a housing development that would not  
335 meet the spirit of a Cluster Development.

336 -Mr. Mirski's letter stated that in addition to the Village Plan Alternative never having  
337 been used, the Cluster Development had also never been used. Mr. Gotthardt stated there had  
338 been one Open Space Development, Rock Ridge on Methodist Hill. Open Space ordinances are  
339 designed to regulate housing development, not population growth. Housing developments have  
340 been approved in Enfield since the adoption of the Village Plan Alternative. Mr. Gotthardt also  
341 said he had been unable to find any other town in New Hampshire that had adopted the RSA  
342 version of the Village Plan Alternative.

343 -Mr. Mirski's letter stated the Planning Board did not schedule public meetings and open  
344 forums for residents and property owners in Enfield. Mr. Gotthardt stated that the warrant article  
345 had all the same opportunities for discussion by members of the public as every other proposed  
346 zoning change on the ballot. It is the responsibility of the public to follow along if interested.

347 -Mr. Mirski's letter stated Mr. Gotthardt's description and assessment of the Village Plan  
348 Alternative, and that there are issues with the way it was presented versus how it can be  
349 interpreted by a developer is incorrect. Mr. Gotthardt said there is no legal requirement in the  
350 Village Plan Alternative to cluster the houses anywhere, as is the intention of the plan. There is  
351 no requirement of the open space to be continuous in any shape or size. There is no requirement  
352 that the open space even be accessible to the owners who live there. All these requirements are  
353 written in the Open Space Cluster Development Plan. None of this is in the Village Plan  
354 Alternative. It only states 20% of the entire lot can be developed. Because none of the  
355 requirements are in the Village Plan Alternative, it is not enforceable if someone comes in with  
356 houses scattered all around the lots, it cannot be enforced to be clustered together as a village.  
357 The requirements are not in writing. The fault with the Village Plan Alternative is that there are  
358 not enough requirements spelled out.

359  
360 Chair Fracht asked for further comments from the board before he shares his.

361  
362 Ms. Stewart said that she thinks in the letter from Mr. Mirski there are some big feelings. She  
363 acknowledges the body of work that was done; however, the warrant article is not personal. She  
364 understands the concerns he outlined, however, feels the Planning Board's suggestion was done  
365 with good intention to preserve rural spaces and open habitats.

366  
367 Chair Fracht said he had read through Mr. Mirski's letter and prepared a draft response. Mr.  
368 Taylor projected the draft on screen for board members and guests to see. Chair Fracht said that

he first addressed some of the factual errors, as had Mr. Gotthardt earlier this evening. The board did not summarily vote to remove the regulation, it is only a proposed deletion to be voted on at town meeting. As Mr. Gotthardt had pointed out, there is an established process for public involvement and the Planning Board has followed that process to the letter. The proposed elimination of the Village Plan Alternative does not represent a change in Land Use Policy. It represents a clarification in how that policy is implemented. Policy and implementation are two different things. As most Planning Board and those who are also Master Plan Task Force members are aware, there is an overwhelming desire on the part of all stakeholders to maintain the rural character of Enfield, while allowing controlled growth. This will be strongly emphasized in the Master Plan when it comes out.

Chair Fracht shared that he also picked up on a few things from reading the two ordinances. Under the Cluster Development regulation, the undeveloped land is common land – owned by a homeowner’s association. This is deeded. Buying a house means buying a percentage of the common land, and that land must be made available to all residents of the subdivision. Under the Village Plan Alternative, the developer “shall grant to the municipality in which the property is located, as a condition of approval, a recorded easement reserving the remaining land area of the entire, original lot, solely for agriculture, forestry, and conservation, or for public recreation. The recorded easement shall limit any new construction on the remainder lot to structures associated with farming operations, forest management operations, and conservation uses, and shall specify that the restrictions contained in the easement are enforceable by the municipality”. Chair Fracht said this is a nice thought, however he does not see where the town, through the easement, wants to get into forestry, agriculture, etc. Somebody must pay for the land, in this case the developer who passes the cost onto the homeowners. To pay for the land, and then have an easement that says the town can come in and conduct public recreational activities does not seem quite fair. This is another negative to the concept of the Village Plan Alternative.

Chair Fracht said he also wished to point out in Section B1 of the Cluster Development, “any proposed development of ten or more dwelling units (as opposed to building lots) shall conform to the standards and regulations for a Cluster Development. An exception to this requirement may be granted by the Zoning Board of Adjustment, to allow for conventional lot sizes permitted for in the district in which the proposed subdivision would occur, if the developer can demonstrate that the intent of Section 405, which is to maintain 50% or more of the gross buildable land as permanent open space and preserves special places, is not violated”. This ordinance was drafted and incorporated well before Chair Fracht’s time on the board and in Enfield. He said it appears to him that if a developer is contemplating 10 or more units, he must do the Cluster Development, unless the Zoning Board of Adjustment allows an exception.

Chair Fracht invited Dr. Theis to speak at this time.

409 Dr. Theis shared that the thing that concerns him most as a community member, not as a member  
410 of the conservation commission, is the land use. Specifically in 405.1, it says if a developer can  
411 demonstrate that the intent is to maintain 50% or more of the gross land. So, what you're saying  
412 is only 50% of the buildable space must be left open? Chair Fracht said he believes it says 50%  
413 or more. Dr. Theis said, what builder is going to leave more than 50% of the property he has  
414 open? It would never be more than 50%. On the other hand, it says no more than 20% or less can  
415 be used. So, what you're dealing with here is a 30% difference, with 80% of the property in the  
416 Village Plan Alternative unused versus 50% with the Cluster Development plan. He says  
417 building vertically instead of horizontally could accomplish both elements – to keep from using  
418 the land that could otherwise be used for recreation, forestry, and wildlife, while still building the  
419 homes many are looking for.

420  
421 Dr. Theis said the last point he wants to make, is as Mr. Mirski's letter pointed out "With respect  
422 to improving the board's 'flexibility', with regard to decision making, the decision-making  
423 capacity of any public body is never well served by removing available alternative decision-  
424 making tools and options for the consideration and use by the public body. Removal of options  
425 constricts a board's capacity for intelligent decision making". Dr. Theis said he feels this is an  
426 important point to remember. If the board ties their hands to one development scheme, they may  
427 be cutting off additional development options. He said Mr. Gotthardt mentioned density, and that  
428 the Village Plan Alternative states "in no case shall a political subdivision impose lesser density  
429 requirements upon a village plan alternative subdivision than the density requirements imposed  
430 on a conventional subdivision". He said that the idea that houses must be built in a constricted  
431 square is not right. Mr. Mirski pointed out a development could be built in the same design as the  
432 one on Canaan Street, in Canaan, and still function. Dr. Theis said for him, the critical factor is  
433 retaining open space which is the essence of Enfield. He feels Enfield is a failed community.  
434 Since the roughly 70-year-ago collapse of the industrial industry there has not been any  
435 significant effort made to re-build the town in the way some people present are thinking about it:  
436 recreation, tourist attractions, hiking, etc. To utilize what the geography offers – not what  
437 humans can change the geography to provide. Dr. Theis stated this was all he had to share. He  
438 said Mr. Mirski stated he would do everything he can to defeat Article 4, and we will see how it  
439 comes out on March 8.

440  
441 Chair Fracht asked if board members had any further comments based on Dr. Theis's statements.  
442 Mr. Gotthardt said that Dr. Theis had said the Village Plan Alternative has 80% of the land  
443 undeveloped, however there is no requirement that the land be unfragmented. Dr. Theis said this  
444 is not true. Mr. Gotthardt clarified that nowhere in the plan is it regulated that the 80% of the  
445 land be contiguous. Dr. Theis stated that he felt it would be the responsibility of the Planning  
446 Board to regulate this. Mr. Gotthardt said this is not the case, as it is written the only requirement  
447 is 80% - it does not say it has to be unfragmented. There are no restrictions on the buildable part  
448 of the parcel. Mr. Kiley said as Mr. Gotthardt is saying, the only thing that counts as the 20% is  
449 the foundation footprint – anything else (front lawn, etc.) can count toward the 80%. There are

not setback requirements. Ms. Stewart said that she is hearing the back and forth of everyone's concerns. The Planning Board does not get to make up the rules as they feel suit, they must follow the rules as they are written. As they are written, there is no restriction to what counts as open space. If the Planning Board ever tried to restrict this, it would go to a higher body and the town would lose. She said the only thing that counts at the end of the day is what is in writing. What is in writing allows for non-contiguous spaces.

Chair Fracht thanked Kate and summarized that it is a matter of specificity the way the ordinances are written. The Village Plan Alternative contains far fewer specifics than does the Cluster Development ordinance. Chair Fracht said he has been on Land Use Boards for at least 20 years, and in his experience the more specific the ordinance is the better the outcome. The less that is subject to interpretation, the cleaner everything is, the town avoids going to court, etc. The goals of the two ordinances are the same – maintaining open space, granted there are some differences in the percentages, the goals are the same. He said he honestly believes the Cluster Development plan is better written, easier to interpret, and meets the town's goal to conserve land.

Dr. Theis asked Mr. Kiley his definition of parcel. Mr. Kiley said the parcel would be the 100-acres (from Mr. Jennings's example earlier) before it is subdivided. Dr. Theis said the Village Plan Alternative said "20% or less" of the entire parcel could be used for development. To him, this means only 20% or less of the 100-acres could be developed – does Mr. Kiley agree? Mr. Kiley agreed. Dr. Theis said, where that 20% is variable, which provides the developer and property owners with the option. The point is this plan still offers 30% more conserved land than the Cluster Development available for wildlife. He said the Fish and Game department indicates that it takes at least 100 meters/300 feet for a wild animal to feel comfortable walking between homes. So, if this kind of space can be arranged between houses, it is beneficial to wildlife but also an improvement in fire protection, as was recently demonstrated with the fire on Wells Street. The alternative is there, and as Mr. Mirski's letter mentioned alternatives may be more useful than restricting options.

Dr. Theis thanked the board and left the meeting at this time.

Mr. Jennings said he has learned a lot tonight and has seen some points raised that perhaps there are some technical issues with the Village Plan Alternative. He still feels the narrative in the town report is not the best. Mr. Kiley and Chair Fracht agreed that the wording could have been better. In an attempt to keep the wording short and sweet, "redundant" was a bad choice of words. Mr. Jennings said, on the other side of this, there is an interest to have new housing developments in town. Recreating the Shaker Village could not be done with the current Cluster Development plan. Whatever happens in the future, he hopes it will allow for this and that the board will give this some thought. Chair Fracht thanked Mr. Jennings for his comments.

Chair Fracht said, his original intent on adding Mr. Mirski's letter to the agenda was to see if the board wanted to develop a response to Mr. Mirski. The letter he drafted included an invitation to Mr. Mirski to attend a future meeting and discuss further. Ms. Stewart said she would rather see the discussion be one form residents who are and will be living in Enfield. She does not see a lot of value over engaging in a back and forth over a political point at a state level. She said she sees value in a discussion for Enfield residents but does not see value in going back and forth with Mr. Mirski. Mr. Gotthardt agreed and said that Mr. Mirski could have attended Planning Board sessions on this via Zoom to provide public comment. He said he also tried to find other towns in New Hampshire and found only four that included the Village Plan like Enfield. Of those, two did not have it in the current ordinances. Mr. Vermeer stated he is all for increasing density. Also, as far as energy prices going up, and energy sources being depleted in the coming years, the town is going to have to look at these things in the next 5 years. Alternatives need to be explored.

Chair Fracht circled back to the question, how should we respond to Mr. Mirski's letter, should we respond at all? Mr. Gotthardt said the response should be it was discussed in the Planning Board meeting, the same as any other public comment. Chair Fracht said he would thank Mr. Mirski for his letter and let him know that the Planning Board discussed the letter. Ms. Stewart said she feels this is a good practice across all of Enfield's committees.

**XI. NEXT MEETING:** March 9, 2022

**XII. ADJOURNMENT:**

*A MOTION was made by Mr. Kiley to adjourn the meeting at 8:39 p.m.  
The MOTION was seconded by Mr. Vermeer*

**Roll Call Vote:**

David Fracht (Chair), Dan Kiley, Linda Jones, Kurt Gotthardt, Erik Russell, Kate Plumley Stewart (Selectboard representative), Mr. Vermeer **all voting Yea.**

**None voted Nay.**

**None Abstained.**

*\* The Vote on the MOTION was approved (7-0).*

Respectfully submitted,  
Whitney Banker  
Recording Secretary