

Enfield Planning Board – Meeting Minutes
DEPT OF PUBLIC WORKS/MICROSOFT TEAMS
PLATFORM
November 9, 2022

PLANNING BOARD MEMBERS PRESENT: David Fracht (Chair), Dan Kiley (Vice-Chair, via Microsoft Teams), Linda Jones, Kate Plumley Stewart (Selectboard Representative), Phil Vermeer (Secretary), Tim Jennings, Brad Rich, Kurt Gotthardt (Alternate), Jim Bonner (Alternate and Videographer), Whitney Banker (Alternate)

PLANNING BOARD MEMBERS ABSENT:

STAFF PRESENT: Rob Taylor- Land Use and Community Development Administrator, Whitney Banker-Recording Secretary, Ed Morris – Town Manager

GUESTS: AJ & Becky Horvath (825 NH Route 4, Enfield), Celie Aufiero

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.

II. PUBLIC COMMENTS:

None.

III. REVIEW MEETING MINUTES: October 26, 2022

Secretary Vermeer MOVED to table the October 26, 2022, Minutes presented in the November 9, 2022, agenda packet until the next meeting.

Seconded by Ms. Jones

Roll Call Vote:

David Fracht (Chair), Dan Kiley (Vice-Chair), Linda Jones, Kate Plumley Stewart (Selectboard Representative), Phil Vermeer (Secretary), Tim Jennings, Brad Rich **all voting Yea.**

None voted Nay.

None Abstained.

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

IV. SELECTBOARD REPORT: Kate Plumley Stewart

The Selectboard met Monday and looked at public space rental ideas and scheduling.

The board authorized a lease to first light fiber who had been occupying space in DPW without costs.

The board authorized ARPA (American Rescue Plan Act) Funds to purchase a new ambulance in the future.

The board awarded two of the town properties that went out to bid to new owners. The third property will be turned over to the park that it is within.

The board discussed the deputy town clerk and assistant town clerk and the authorization to sign documents. There are both a deputy and assistant to take care of business when Ms. Huntley is on vacation.

The board accepted money for Lakeside Park.

The board appointed members to the task force that will look at the Johnston Drive parcel and beach. There were 21 applications for 7 available slots. Those who applied but were not chosen were encouraged to join other committees.

V. HEARINGS:

None.

VI. CONCEPTUALS:

A. Nick Loupis- Lake Street BLA & VM (represented by Ron Taber- LLS)

The representative was not at the meeting.

VII. ZONING CHANGES FOR INCLUSION ON TOWN MEETING WARRANT

There have been two items that Mr. Jennings and Mr. Gotthardt worked on together to be discussed.

A. Short-Term Rental Unit (STRU) Ordinance:

Mr. Jennings felt that a short-term rental ordinance would be more effective with the Selectboard than a zoning ordinance. There were a lot of points to cover once he began to work on it. Initially, he approached the draft of the ordinance – it felt as if it was not a good fit for a zoning ordinance because of the people who need to enforce it and interact with it regularly. The Planning Board does not have a role or mechanism to exercise any authority over the subject.

Chair Fracht said that he agreed with Mr. Jennings. He felt the thing that may pertain to the Planning Board would be to have something within the zoning regulations that says a

82 short-term rental is allowed in all districts. He initially thought about doing this by
83 special exception, however, the Zoning Board could not legally deny an exception, so he
84 suggested: “by town permit”. The reason for suggesting this is when a property owner or
85 potential property owner wants to know what they can or cannot do, they go to the zoning
86 regulations.

87
88 Mr. Gotthardt asked where this would fit within the ordinance. Chair Fracht said he felt it
89 would be like a bed and breakfast. Ms. Aufiero said that she agreed. Town Manager
90 Morris said that if it is allowed throughout, he would suggest not including it in the
91 zoning ordinance at all. Ms. Stewart said that the Selectboard had discussed this briefly
92 and felt that it would be helpful to get feedback from the Planning Board before
93 developing an ordinance. Town Manager Morris clarified that they were on the fence
94 about whether it is a zoning ordinance (where enforcement would then be a zoning
95 violation) versus a Selectboard ordinance (where enforcement would be sending the
96 Enfield Police Department to write a ticket). Mr. Gotthardt and Chair Fracht said that
97 they have picked out a few things that they would look at. Mr. Rich and Mr. Vermeer
98 suggested that comments be sent in early January.

99
100 Town Manager Morris said that the attorney had said the ordinance would need to go to
101 town meeting, so if they are trying to get it in place by next summer feedback would need
102 to be given more quickly.

103
104 Chair Fracht suggested that board members all provide feedback individually to Town
105 Manager Morris. Board members agreed. Town Manager Morris said if the individual
106 feedback has competing interests, he will send it back to the board for discussion.

107
108 Vice-Chair Kiley asked Town Manager Morris if this had to be on the ballot, or if it
109 would be at the business session. Town Manager Morris said it would have to be on the
110 ballot. Mr. Jennings suggested the ballot language could be as simple as “should we grant
111 the authority to regulate Short-Term Rental Units (STRU)”.

112 113 **B. (409) Parking and Loading Areas**

114 Mr. Taylor projected the edited version of the original ordinance for board members to
115 review.

116
117 Mr. Jennings said there was a discussion about 10’x20’ as well as 9’x18’. He included
118 both as discussed. He also suggested the Planning Board authorize this, however, recalled
119 the discussion that it may also go to Mr. Taylor. Board members agreed it should go to
120 Mr. Taylor.

For the required number of spaces, Mr. Jennings made it clear that the number of spots is up to the property owner in the case of office, retail, etc. He further clarified the number of spaces for commercial lodging, as well as multi-family residential and mixed-use projects (if residential elements are in the mixed-use project). Mr. Gotthardt said that he would propose removing the table from the Handicapped-accessible Parking/ADA section as it is federally regulated. Board members agreed with this update.

Ms. Stewart asked if the entire ordinance would be redone, should be put more effort into the review of comparable ordinances, etc. She said that she had understood it to be only the parking space size but felt a larger rewrite may need a consultant to determine too much detail versus not enough detail. Mr. Gotthardt said he has seen many municipalities recently doing away with parking requirements for businesses, and only keeping them for residential. Mr. Jennings said that the sections he suggested they remove were those that confused most board members. Ms. Stewart said that this was her question, should this go to a consultant for the larger rewrite? Chair Fracht said that he agreed with Ms. Stewart.

Ms. Aufiero said that the Zoning Board of Adjustment (ZBA) had worked on a case where a home wanted to convert into apartments. She believed that they allowed parking along the road and said this is an example of a scenario that may happen.

Town Manager Morris said that he would also agree with Ms. Stewart and felt this needed a lot more work (with the 10'x20' sized space). Chair Fracht said that he agreed as well.

Mr. Jennings said that the current ordinance mentions both the 9'x18' and the 10'x20' space size. Mr. Rich said that the original intent of this rewrite was for a small, quick update and they have discovered it is not. He suggested leaving it as-is for now until the larger rewrite. Town Manager Morris agreed it is something that needs to be further studied.

Chair Fracht said that the board will table this regulation until a future rewrite of the zoning regulations when they have a consultant help research thoroughly.

C. Two Accessory Dwelling Units (ADUs) allowed.

Mr. Taylor said that he had made edits based on feedback from the last meeting. He said that the updated language clarified attached and detached units and that two detached units would require multi-family building codes. Mr. Jennings asked if there is a place in the ordinance that defines ADUs. Mr. Taylor said that there is a state RSA that allows ADUs in all municipalities, some may require a special exception for detached ADUs. Mr. Jennings asked where within the zoning section this would fit and asked if they would need to create a new section. Mr. Taylor said yes it would be a new ordinance.

Chair Fracht asked if anyone had further changes or questions.

Mr. Gotthardt said that he had a problem with two detached ADUs, even if they were in a single building. There would then be three units on the same lot. Chair Fracht said that this would be if the lot could support it depending on sewer, water, setbacks, etc. Many constraints may not allow for this. Mr. Gotthardt said that this would become a multi-family lot. Board members agreed that this was the intent. Mr. Taylor also suggested 1 attached and 1 detached as a different option but said that they had decided to move forward with this format to give more flexibility.

Mr. Gotthardt asked if anyone could potentially read the wording to allow for a primary residence, with an attached ADU, and then two detached ADUs. He said he felt it would need clarification that there is a maximum of two ADUs per lot. Chair Fracht suggested the first sentence to be “a maximum of two ADUs of up to 800 sf each...”. Town Manager Morris suggested further adding “in no more than two buildings” at the end of this sentence to further clarify.

Mr. Jennings said that Mr. Taylor had previously mentioned some towns have pointed out that ADUs need to architecturally match the existing structures. Mr. Taylor said that this was in the Plainfield ordinance, and he felt it was very difficult to regulate styles as they are so subjective. Mr. Taylor said communities can also say there must be owner-occupancy in one of the units, which he did not feel was a good idea, as it could potentially reduce housing which is a goal in Enfield. He said that he would recommend eliminating barriers to housing in town.

Ms. Jones said that she would like to see some form of formal architectural style standards. She said that an example is the Family Dollar store that followed the town’s standards and was undesirable. Mr. Taylor said this was an example of where having the standards failed. Town Manager Morris said that he agreed with Mr. Taylor and felt being less restrictive was better for the housing need. Mr. Taylor said that having too many design standards can also be something developers stay away from town because of. There was a recent case where a developer decided not to come to Enfield because of certain zoning regulations.

Town Manager Morris said that he had a wording change for the second sentence, he suggested “when three residential living units are located within a single building, the multi-family building codes should apply”. Chair Fracht suggested “three dwelling units within a single structure”. Town Manager Morris also suggested reviewing the fire or building codes for the standard language.

D. R1 Increase Density (lots with town water and sewer)

Chair Fracht said that the key here is the municipal sewer, not necessarily the water. Vice-Chair Kiley said this was something he wanted to talk about. He said what the town wants is for these units on sewer, not necessarily water. He agreed to specify only on town sewer. Mr. Jennings said that he felt it should say “community water system”, which would therefore treat the Shaker Village water system as if it were a municipal water system. Chair Fracht said he agreed with Vice-Chair Kiley that they should strike the reference to water entirely. Mr. Gotthardt said that a problem with individual wells is they require a 75’ radius, which will take up much of the ¼-acre lot. The radius cannot cross a lot line. Vice-Chair Kiley said that if they are on the town sewer, they don’t have to worry about well placement regarding a septic system. He said this is a lot issue – if a developer cannot do it, they won’t be able to have more units. If they can fit within the 75’ state mandate, he would not see an issue. Ms. Stewart said that there is a minimum casing length (with a longer casing the setback minimum seems to drop). There is a setback reduction form that can be filled out for this.

Secretary Vermeer and Mr. Rich agreed with eliminating the water reference.

Mr. Jennings said he did not agree. He had an issue with the proposal, and he was not sure this would be a successful thing with voters as this is a significant change to the zoning ordinance. He said he agreed that they need to increase density downtown but felt this needed more thought. He said that he felt this would also need more professional assistance in writing.

Mr. Jennings shared a route map for the US Postal Service that suggests the number of residents within the village. He said that he felt it was likely in the range of 800 to 1200 people. He said that there was also a recent proposal for 154 dwelling units on 75 acres (which would double in time to have 300+ units). This would be an increase of 600-700 people in the village in a short amount of time. He asked if this was something the town is prepared for. Ms. Stewart said that every lot would not meet the ¼ acre minimum allowance, and she did not think that they should focus on the conceptual that was previously heard. The developers were not here and have a right to be, and there is also the possibility that their plans will change (it was just a conceptual). Secretary Vermeer said that the board already discussed this and voted on it at a prior meeting.

Chair Fracht said that a high percentage of lots in the village are already developed, and he would not expect that all lot owners would want to subdivide their lots to meet the new minimum density requirement. Mr. Jennings said that what he is trying to point out is with the ADU amendment they will see more housing units come onto the system in the next few years. However, he said that there was a recent conceptual proposal for 154 housing units, where the developer said they also would like to double the number of

units in the future. He said this is not hypothetical, it was put forward to the board. He said if this section is applied to that project, it is a problem. Ms. Stewart, Chair Fracht, and Secretary Vermeer agreed they could not consider this conceptual as a given. Ms. Stewart said the developers are not here and we should not discuss the conceptual. Secretary Vermeer said that he did not think they should be concerned about the larger conceptual development. He said there is a need for more housing, as well as reduced sewer bills, and that the ¼ acre density would help to improve. Chair Fracht said that there are a lot of factors that go into development and allowing development on a ¼-acre lot does not mean there will be many of them. Ms. Stewart also said that many non-conforming lots could become conforming because of this.

Chair Fracht said that since the board decided a density increase/lot size decrease is something they wanted to put on the ballot (voted on at the previous meeting) – is the language that is written here what they want to go with, or would they like to make the edit. Mr. Rich said that he thought they had agreed to strike the water reference. Most board members agreed to strike water entirely. Mr. Jennings and Ms. Jones felt community water would be better.

Chair Fracht said they would strike water in the ordinance. The updated ordinance would be “Minimum lot size shall be one acre per dwelling unit with on-lot water and septic system but may be one-quarter acre lot size for a dwelling where municipal sewer is used.”

Chair Fracht said that the second part of the R1 language was to delete paragraph U. Mr. Gotthardt said that he would leave the principal building language in this paragraph as if it is deleted, they run the risk of two principal buildings on the same lot. Mr. Taylor said he thinks they do allow a two-family home (duplex), and he believed this is why that language was in the ordinance. The updated language would be to keep Paragraph U to read “No lot shall have more than one principal building”. Chair Fracht said that they were going to remove this paragraph, because of the previous discussion about minimum lot size. He said in the hypothetical case of a large lot where someone wanted to put several dwelling units within several buildings/structures, this paragraph was a contradiction. Ms. Jones suggested they keep the language but remove “dwelling or” from the language (as Mr. Gotthardt had suggested).

Town Manager Morris said that he would suggest considering an apartment scenario – a large lot that could have one 40-unit building versus two 20-units would not be allowed with Paragraph U. Town Manager Morris said he felt this truly came down to do they want to allow apartment complexes or not; leaving the language in would not allow them.

Chair Fracht said that if this is proposed to the town, community members would make the final decision about this.

Mr. Taylor suggested, “No lot shall have more than 1 principal building, except for multi-family”.

Mr. Jennings said he felt that this discussion outlines the fact that this seems to be more complicated than they originally thought. Chair Fracht said in the case of a hypothetical development, they could always ask for a variance and not have to follow Paragraph U.

Town Manager Morris said he felt this was getting into the same situation as the parking situation. He said this one seems as if it needs to be thought through more. Secretary Vermeer said that the one-dwelling unit would contradict the ADU allowance. Town Manager Morris agreed they could eliminate this and just leave “one principal building”.

Mr. Taylor said they have until Saturday, December 31 to have the first hearing.

Paragraph U will read: “No lot shall have more than one principal building.”

E. Non-conforming lots

In paragraph 3, Mr. Gotthardt suggested “any buildings or structures requiring a new site plan review shall be in conformity with the provisions of this ordinance”. Secretary Vermeer said he would have to consider this further. Ms. Stewart said she did not think this would be resolved tonight. Chair Fracht said they would table this discussion for the next meeting.

The final wording for these updates will be reviewed at the next meeting on December 14.

VIII. UPDATE ON MASTER PLANNING TASK FORCE WORK: David Fracht (Co-Chair)

Co-Chair Fracht said that the task force has, as of 12 pm today, 113 discreet hits on the Enfield LEAPs website for people who looked at or downloaded the draft of the Master Plan. He said this number seems to be consistent with the surveys and the number of people that have participated in the process.

Proofreaders have provided edits back (maps were reviewed by Mr. Gotthardt, and 3 other community members looked at spelling and grammar).

Co-Chair Fracht said that the interactive mode is user-friendly. Pages turn like a magazine, rolling over pictures with a mouse to show the caption, etc. He said that he thinks this will be a very useful tool.

There will be a public meeting Sunday, November 13 at the DPW between 2 and 4 pm. Co-Chair Fracht said it would be great to have Planning Board members attend this meeting if they are able.

After the public meeting, the draft will go to the Planning Board. If there are no major changes, they are hoping to do the public hearing between Christmas and New Year's.

Co-Chair Fracht asked for any further questions. Ms. Banker asked if the online plan format is ADA-compliant (for example, for those who are using screen readers). Co-Chair Fracht said he was not sure about the requirements. Town Manager Morris said that there are requirements, and he would work with Co-Chair Fracht and consultant Ms. Saxton to investigate this.

IX. OLD BUSINESS:

Mr. Gotthardt said that he wanted to revisit the issue with the ordinance involving the 35-foot height measurement from the street. Town Manager Morris said that he felt this was a larger zoning discussion. Chair Fracht agreed.

X. NEW BUSINESS:

A. Budgeting for more Master Planning Chapters?

Chair Fracht said that he suggests they budget \$5000 per chapter, or \$25,000 total to hire a consultant. He said if grant money can help reduce that this will be better. Town Manager Morris asked for this to be submitted in writing. Mr. Jennings and Secretary Vermeer agreed they would support that. Ms. Jones asked if they need a vote.

A MOTION was made by Secretary Vermeer to request \$25k for future chapters of the Master Plan to be reduced by any grant monies obtained.

The MOTION was seconded by Ms. Jones.

Roll Call Vote:

David Fracht (Chair), Linda Jones, Kate Plumley Stewart (Selectboard Representative), Phil Vermeer (Secretary), Tim Jennings, Brad Rich **all voting Yea.**

None voted Nay.

Dan Kiley (Vice-Chair) **Abstained.**

** The Vote on the MOTION was approved (6-0-1).*

Mr. Jennings asked if they would need to budget for the rewrite of the zoning ordinance. Chair Fracht said they do, but Mr. Taylor plans to request grant money from federal funds.

B. Executive Summary for Public Hearings

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Mr. Gotthardt had put together an executive summary of how the process works for accepting an application, voting to accept, etc. He said this was both for the board, as well as for the public to help them understand.

Chair Fracht said that he had begun to explain the process for applicants and the audience in recent hearings. Mr. Jennings said he thought a handout would be useful.

Mr. Jennings suggested board members read it and discuss it at a future meeting.

XI. NEXT MEETING: December 14, 2022

XII. ADJOURNMENT:

A MOTION was made by Secretary Vermeer to adjourn the meeting at 9:13 p.m.

The MOTION was seconded by Ms. Stewart.

Roll Call Vote:

David Fracht (Chair), Dan Kiley (Vice-Chair), Linda Jones, Kate Plumley Stewart (Selectboard Representative), Phil Vermeer (Secretary), Tim Jennings, Brad Rich **all voting Yea.**

None voted Nay.

None Abstained.

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

Respectfully submitted,

Whitney Banker

Recording Secretary