

**Enfield Planning Board – Meeting Minutes**  
**DEPT OF PUBLIC WORKS/MICROSOFT TEAMS**  
**PLATFORM**  
**January 11, 2023**

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

**PLANNING BOARD MEMBERS ABSENT:** Kate Plumley Stewart (Selectboard Representative)

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

**GUESTS:** Dr. Jerold Theis (Conservation Commission Chair), Meredith Smith (Heritage Commission), Becky & AJ Hovarth (via Microsoft Teams platform), Madeleine Johnson (Heritage Commission), Tory (unidentified, via Microsoft Teams platform), Andrew Cushing (Grafton Country Representative, NH Preservation Alliance)

**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 elevated Mr. Gotthardt to a voting member until Ms. Stewart arrived.

**II. PUBLIC COMMENTS:**

None.

**III. REVIEW MEETING MINUTES: December 28, 2022**

***Ms. Jones MOVED to approve the December 28, 2022, Minutes presented in the January 11, 2023, agenda packet as amended.***

***Seconded by Vice Chair Kiley***

Amendments:

Line 61 – “background” to “expertise”

Line 125 – note the reason for abstention

Line 150 – “dye-back” to “die-back”

Line 229 – “principal building” to “principal dwelling”

Line 288 – “restrictions” to “standards”

**Roll Call Vote:**

David Fracht (Chair), Dan Kiley (Vice-Chair), Linda Jones, Phil Vermeer (Secretary), Tim Jennings, Brad Rich, Kurt Gotthardt (alternate) **all voting Yea.**

**None voted Nay.**

**None Abstained.**

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

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

**V. HEARINGS:**

None.

**VI. CONCEPTUALS:**

None.

**VII. FORMAL HEARING FOR ZONING AMENDMENTS – 2023 TOWN MEETING**

**A. Review and Vote of Articles:**

Chair Fracht explained the process of the hearing.

Vice-Chair Kiley clarified that the board would need first to vote on whether each article would go on the ballot and then vote again on whether the board recommends it.

**• ADU Increase to 2**

Chair Fracht read the proposed article.

Dr. Theis asked how long it would be before property owners realized a system has failed in the case of septic system failure. The ordinance allows a septic system to be designed but only requires it to be installed once the current system fails. Chair Fracht explained that this is a state regulation. Dr. Theis reiterated that his concern was the timing of failure versus recognizing failure and possible contamination. Mr. Taylor said that the town has a health officer, Mr. Ehrenzweig. If there are any complaints of this nature, he responds immediately to take corrective action (working with NH DES, the department of health, etc.).

There were no further questions from the public.

There were no further questions from board members.

Chair Fracht closed the public hearing.

81 ***Vice-Chair Kiley MOVED to put the article to increase ADU to 2 on the ballot for Town***  
82 ***Meeting 2023.***

83 ***Seconded by Secretary Vermeer***

84  
85 **Roll Call Vote:**

86 David Fracht (Chair), Dan Kiley (Vice-Chair), Linda Jones, Phil Vermeer (Secretary), Tim  
87 Jennings, Brad Rich, Kurt Gotthardt (alternate) **all voting Yea.**

88 **None voted Nay.**

89 **None Abstained.**

90  
91 ***\* The Vote on the MOTION was approved (7-0).***

92  
93  
94 ***Mr. Jennings MOVED to recommend the article to increase ADU to 2.***

95 ***Seconded by Vice-Chair Kiley***

96  
97 **Roll Call Vote:**

98 David Fracht (Chair), Dan Kiley (Vice-Chair), Linda Jones, Phil Vermeer (Secretary), Tim  
99 Jennings, Brad Rich, Kurt Gotthardt (alternate) **all voting Yea.**

100 **None voted Nay.**

101 **None Abstained.**

102  
103 ***\* The Vote on the MOTION was approved (7-0).***

104 **The board recommends this article by a vote of 7-0**

105  
106 **• R1 Lot Density to ¼ Acre in Size with Municipal Sewer**

107 Chair Fracht read the proposed article.

108  
109 Mr. Gotthardt said that he had comments for the explanation portion of this warrant article. Chair  
110 Fracht said that they would discuss explanations after they were finished with the formal  
111 hearing.

112  
113 Ms. Jones said that she does not support this article. She feels it will lead to crowding and style  
114 issues in addition to doubling the ADUs allowed. Chair Fracht said that part of this will bring  
115 lots currently non-conforming to conforming lots. Mr. Bonner said they would not allow twice as  
116 many buildings, as setbacks for the lots would likely not allow multiple buildings. Mr. Jennings  
117 said another reason for this article is that water and sewer rates are very high, and increased  
118 density may help with this.

119  
120 Mr. Gotthardt said he opposed this article, as he feels it should be thought through further. He  
121 said that he felt that without thinking through setback requirements and appropriate lot size in  
122 relation to the setbacks, proposing the article now did not make sense.

Ms. Jones said another issue she sees is that individuals looking to propose larger subdivisions can now double in size. She asked if this change could be made to exclude large development. Chair Fracht said that this is for the R1 district, and only a small number of large lots could accommodate a large development.

Chair Fracht said that the board must decide whether a change in the zoning regulation benefits enough people and does less harm to enough people that it is beneficial.

Chair Fracht asked for further board comments. There were none.

Chair Fracht asked for public comments. There were none.

Chair Fracht closed the public hearing.

***Vice-Chair Kiley MOVED to put the article to allow the R1 lot density minimum of 1/4 acre in size for lots with municipal sewer on the ballot for Town Meeting 2023.***

***Seconded by Mr. Rich***

**Roll Call Vote:**

David Fracht (Chair), Dan Kiley (Vice-Chair), Phil Vermeer (Secretary), Tim Jennings, Brad Rich **all voting Yea.**

Linda Jones, Kurt Gotthardt (alternate) **voted Nay.**

**None Abstained.**

***\* The Vote on the MOTION was approved (5-2).***

***Vice-Chair Kiley MOVED to recommend the article to allow the R1 lot density minimum of 1/4 acre in size for lots with municipal sewer 2.***

***Seconded by Vice-Chair Kiley***

**Roll Call Vote:**

David Fracht (Chair), Dan Kiley (Vice-Chair), Phil Vermeer (Secretary), Tim Jennings, Brad Rich, **all voting Yea.**

Linda Jones, Kurt Gotthardt (alternate) **voted Nay.**

**None Abstained.**

***\* The Vote on the MOTION was approved (5-2).***

**The board recommends this article by a vote of 5-2**

**• R1 Remove “Principal Dwelling” Language**

Chair Fracht read the proposed article.

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Chair Fracht asked for discussion from board members. There was none.  
Chair Fracht asked for discussion from members of the public. There was none.  
Chair Fracht closed the public hearing.

***Vice-Chair Kiley MOVED to put the article to remove “principal dwelling” language in R1 on the ballot for Town Meeting 2023.***

***Seconded by Mr. Rich***

**Roll Call Vote:**

David Fracht (Chair), Dan Kiley (Vice-Chair), Linda Jones, Phil Vermeer (Secretary), Tim Jennings, Brad Rich, Kurt Gotthardt (alternate) **all voting Yea.**

**None voted Nay.**

**None Abstained.**

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

***Vice-Chair Kiley MOVED to recommend the article to remove “principal dwelling” language in R1.***

***Seconded by Secretary Vermeer***

**Roll Call Vote:**

David Fracht (Chair), Dan Kiley (Vice-Chair), Linda Jones, Phil Vermeer (Secretary), Tim Jennings, Brad Rich, Kurt Gotthardt (alternate) **all voting Yea.**

**None voted Nay.**

**None Abstained.**

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

**The board recommends this article by a vote of 7-0**

Mr. Jennings made a note that this article should cite the section of the ordinance for clarity (401.1).

**• Conservation Commission - 100' Setback to Enfield's Prime Wetlands**

Chair Fracht said that the article had been brought forth by the Conservation Commission. He read the article.

Chair Fracht asked for discussion from board members. There was none.

Dr. Theis said that the Conservation Commission had agreed to support the language presented for the article.

Mr. Vermeer asked if Prime Wetlands are defined in the zoning regulations. Mr. Gotthardt said that a state RSA defines what a prime wetland is, and the town has the five prime wetlands listed (adopted in 1992).

Dr. Theis said the Conservation Commission would hold a public information session on February 16 at the Enfield Shaker Museum to explain prime wetlands. He said that there are a small number of properties that would be impacted. Chair Fracht said that this would be important to include in their educational text as well.

Chair Fracht asked for further questions or comments. There were none.

Chair Fracht closed the public hearing.

***Mr. Rich MOVED to put the article submitted by the Conservation Commission for a 100' setback to Enfield's Prime Wetlands on the ballot for Town Meeting 2023.  
Seconded by Vice-Chair Kiley***

**Roll Call Vote:**

David Fracht (Chair), Dan Kiley (Vice-Chair), Linda Jones, Phil Vermeer (Secretary), Tim Jennings, Brad Rich, Kurt Gotthardt (alternate) **all voting Yea.**

**None voted Nay.**

**None Abstained.**

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

***Vice-Chair Kiley MOVED to recommend the article submitted by the Conservation Commission for a 100' setback to Enfield's Prime Wetlands.  
Seconded by Secretary Vermeer.***

**Roll Call Vote:**

David Fracht (Chair), Dan Kiley (Vice-Chair), Linda Jones, Phil Vermeer (Secretary), Tim Jennings, Brad Rich, Kurt Gotthardt (alternate) **all voting Yea.**

**None voted Nay.**

**None Abstained.**

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

**The board recommends this article by a vote of 7-0**

**• Local Historic District – Heritage Commission**

Chair Fracht said that they had received a copy of the presentation to explain the overlay and a document with proposed standards. Chair Fracht, Mr. Jennings, and Mr. Taylor reviewed the

249 proposed standards and provided edits to bring what was to be presented into conformance with  
250 a valid and legal ordinance.

251  
252 Chair Fracht suggested that the Heritage Commission representatives give their presentation up  
253 to the standards, and then the board will review the separate document with the standards. Ms.  
254 Smith asked if they had received letters of support from the various property owners. Mr. Taylor  
255 said he received four letters of support: the Union Church of Enfield Center, Enfield Village  
256 Association, Enfield Historical Society, and Town Historian Marjory Carr. Mr. Taylor passed the  
257 letters of support around for board members to review.

258  
259 Ms. Johnson thanked the board for allowing them to come back to explain their proposal better.  
260 Ms. Johnson said that she heard from the previous meeting that there were two major issues to  
261 address: the reason for the overlay and the proposed standards.

262  
263 Ms. Johnson said that they plan to apply for several grants that require the historic district. She  
264 said that having the overlay would likely increase the chances of grant approval, which is the  
265 motivation for creating the historic district. Historic districts attract investment and tourism.  
266 Rental of the Town House building would allow for income potential for the town. Ms. Johnson  
267 shared that Heritage is central to Enfield's image and future. Two buildings in question are  
268 already on the National Register of Historic places (the third is eligible to be). The proposed  
269 district is an easy and minimal intrusion to community members. The proposed district would be  
270 along the Scenic byway (submitted many years ago by the Enfield Shaker Museum, awaiting  
271 approval at the state level). Ms. Smith clarified that the scenic byway does exist but does not  
272 currently extend to the proposed district. They have an application to extend the scenic byway to  
273 the Grafton town line (awaiting approval at the state level.) Enfield is also under consideration  
274 for a large federal grant. Ms. Johnson said that the Heritage Commission reviewed regulations of  
275 other towns like Enfield, and the regulations are only suggestions (open to change).

276  
277 Chair Fracht said that in the last few days, he had done the research and used the Neighborhood  
278 Heritage District Handbook for NH Municipalities from the NH Division of Historical Resources  
279 (December 2008), as well as state statute RSA 674:21 (designed by the legislature to provide  
280 flexibility in the zoning process for heritage district adoption). Chair Fracht shared that, as the  
281 handbook pointed out, standards could be reviewed by an advisory board appointed to speak on  
282 any hearings before the Planning Board. Ms. Smith asked for Mr. Cushing as an expert to  
283 discuss this further. Mr. Cushing clarified the difference between a neighborhood heritage  
284 district and a historic district commission (the historic district is what is being proposed). The  
285 Heritage Commission is the Historic District Commission. Mr. Cushing said that the Planning  
286 Board is instrumental in creating the Historic District Commission, but they would not be  
287 involved in the regulations that the Historic District Commission oversees.

Mr. Jennings asked who would administer the proposed standards. Mr. Cushing said it would be the Historic District Commission (which in Enfield is combined with the Heritage Commission). Ms. Johnson clarified that the Planning Board is involved in creating the overlay. Mr. Rich asked if the proposed standards would be “over and above” existing zoning regulations. Would the Heritage Commission be responsible for all zoning regulations in this overlay or just the new ones? Mr. Cushing said that the Planning Board would still be responsible for zoning, and the Heritage Commission would be responsible for the design standards (proposed tonight).

Mr. Jennings asked if the standards would not be included in the zoning ordinance. Mr. Cushing said that the ordinance would look at the boundaries, triggering activities, and exempt activities. Then, after those decisions are made, and the Historic District Commission is formed and charged with overseeing design standards, the standards go through them.

Chair Fracht asked if a Town Meeting vote would be required for the design standards. Mr. Cushing said that they would need a public meeting but would only go to the voters if there was a boundary, triggering event, or exempt event change. Mr. Cushing said that throughout the state use of “triggering events” is all over the place. He said that he felt the most important part of the ordinance was the boundary.

Chair Fracht asked if, in the case of a situation where the Planning Board disagrees with the Historic District Commission, what happens? How would a conflict be resolved? Mr. Cushing said that in that situation, he believes that the Planning Board would look for recommendations from the Historic District Commission and work together. He said whatever the Planning Board typically oversees would still be within their jurisdiction, and items that would cross over both boards would mean they need to work together. Chair Fracht said that he felt it was important to define a clear understanding of how the two boards would operate. Mr. Gotthardt said that the overlay would protect the interior and aesthetics.

Mr. Cushing sent a draft ordinance from Hollis to share with the board as an example.

Chair Fracht called a short recess.

Microsoft Teams attendees had left the meeting by this time.

Chair Fracht returned the board to the public hearing.

Ms. Johnson explained that the article says yes, these three buildings are a historic district. Therefore, all zoning ordinance regulations under the Planning Board would remain so. Any further regulations (as proposed, paint colors, etc.) would be under the Historic District Commission.

Mr. Jennings asked what determines that the Enfield Historic District Commission has jurisdiction over the aesthetic standards of the Historic District Overlay. Vice-Chair Kiley said it



is in the Historic District Commissions charter. Once the three buildings are a historic district, there will be standardized regulations based on what the historic district comes up with (per the charter).

The current article only says we have these three buildings and want to make them a historic district.

Mr. Taylor shared the draft ordinance for Hollis. Mr. Cushing explained that the ordinance would specify activities that require review (such as construction, alteration, demolition, and architectural features).

Mr. Cushing shared that the RSA he referenced earlier was RSA 674:45. Chair Fracht read this to the board.

Mr. Jennings said that he wants the board to accomplish what the Heritage Commission is trying to do but wants to ensure they do it right.

Mr. Gotthardt said that he would have liked to see a letter of support from the Selectboard (instead of Ms. Carr).

Board members agreed they felt the vote on the motion should move forward.

***Vice-Chair Kiley MOVED to put the article submitted by the Heritage Commission to establish the Enfield Center Historic District Overlay on the ballot for Town Meeting 2023. Seconded by Secretary Vermeer***

**Roll Call Vote:**

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

Kurt Gotthardt (alternate) **voted Nay.**

**None Abstained.**

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

***Vice-Chair Kiley MOVED to recommend the article submitted by the Heritage Commission to establish the Enfield Center Historic District Overlay.***

***Seconded by Secretary Vermeer***

**Roll Call Vote:**

Dan Kiley (Vice-Chair), Linda Jones, Phil Vermeer (Secretary), Brad Rich all **voting Yea.**

David Fracht (Chair), Kurt Gotthardt (alternate) **voted Nay.**  
Tim Jennings **Abstained.**

*\* The Vote on the MOTION was approved (4-2-1).*  
**The board recommends this article by a vote of 4-2-1**

**• Floodplain Updates as Required by State and Federal Governments**  
Chair Fracht and board members agreed they did not need to read the article.

*Vice-Chair Kiley MOVED to put the article for floodplain updates (as required by State and Federal Governments) on the ballot for Town Meeting 2023.*  
*Seconded by Mr. Rich*

**Roll Call Vote:**

David Fracht (Chair), Dan Kiley (Vice-Chair), Linda Jones, Phil Vermeer (Secretary), Tim Jennings, Brad Rich, Kurt Gotthardt (alternate) **all voting Yea.**  
**None voted Nay.**  
**None Abstained.**

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

*Vice-Chair Kiley MOVED to recommend the article for floodplain updates (as required by State and Federal Governments).*  
*Seconded by Secretary Vermeer.*

**Roll Call Vote:**

David Fracht (Chair), Dan Kiley (Vice-Chair), Linda Jones, Phil Vermeer (Secretary), Tim Jennings, Brad Rich, Kurt Gotthardt (alternate) **all voting Yea.**  
**None voted Nay.**  
**None Abstained.**

*\* The Vote on the MOTION was approved (7-0).*  
**The board recommends this article by a vote of 7-0**

**B. Review and Edit Explanations**

Chair Fracht shared that Mr. Jennings had edited the explanations and included reasoning points for each. Vice-Chair Kiley clarified that this narrative would not go on the ballot but is part of the town report. Board members felt that adding the reasoning information may be a problem from a legal standpoint. Vice-Chair Kiley suggested removing the word “reasoning” and expanding the explanation to include more detail.

Mr. Taylor will circulate the language to board members for review. Board members made minor edits, generally to remove “reasoning” and re-work the language as an unbiased part of the overall explanation. Mr. Jennings and Chair Fracht will make additional edits, and further improvements can be made at the next meeting (January 25).

## **VIII. OLD BUSINESS:**

### **A. Master Planning Grant Update**

Chair Fracht said that he had put together a draft grant proposal for the NH Housing Opportunity Planning (HOP) Grant Program (with a mission for Housing). However, after submitting the draft, the NH HOP said the connection to Housing needed to be stronger.

The request for \$25K in the town budget will stay in place.

Chair Fracht will work on another grant proposal for the zoning ordinance rewrite.

### **B. 35’ Height Requirement**

This item will be important to clarify in the rewrite. Chair Fracht said that in a past re-write, the ordinance was “three stories,” and he believed the Fire Department had suggested 35’. Chair Fracht will speak with the current Fire Chief and Mr. Ehrenzweig for feedback on height requirements and from what location.

### **C. Procedural Handout for Members of the Public**

Mr. Gotthardt will share his draft with Mr. Taylor to circulate to board members for review and edits at a future meeting.

## **IX. NEW BUSINESS:**

### **A. Most Important Priority for 2023**

Mr. Jennings asked board members to consider their most important priority for 2023.

Mr. Rich suggested servicing the public during hearings and following through with the rewrite. Board members agreed.

Mr. Jennings proposed that the board make it a goal to do their best to get the zoning rewrite done to be presented at Town Meeting 2024. Chair Fracht agreed this was a reasonable goal, provided they could get funding for a professional planner who knows what they are doing.

Mr. Jennings proposed discussing with the Selectboard and Budget Committee to modify the \$25K requested for the Master Plan to allow it to be used for either the Master Plan or zoning

rewrite. Vice-Chair Kiley said this would come from undesignated funds (which does not require a warrant article).

Board members agreed that zoning was the higher priority between the two.  
Board members agreed that they should begin to keep a list of chapters that need to be redone as part of the zoning rewrite. Mr. Gotthardt suggested that one of two monthly meetings have a working session for the zoning rewrite.

**X. NEXT MEETING: January 25, 2023**

**XI. ADJOURNMENT:**

*Secretary Vermeer MOVED to adjourn the meeting at 9:13 p.m.*

*Seconded by Mr. Rich*

**Roll Call Vote:**

David Fracht (Chair), Dan Kiley (Vice-Chair), Linda Jones, Phil Vermeer (Secretary), Tim Jennings, Brad Rich, Kurt Gotthardt **all voting Yea.**

**None voted Nay.**

**None Abstained.**

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

Respectfully submitted,  
Whitney Banker  
Recording Secretary