

**Enfield Planning Board – Meeting Minutes**  
**ENFIELD COMMUNITY BUILDING**  
**February 8, 2023**

**PLANNING BOARD MEMBERS PRESENT:** David Fracht (Chair), Phil Vermeer (Secretary), Tim Jennings, Brad Rich, Kurt Gotthardt (Alternate), Whitney Banker (Alternate)

**PLANNING BOARD MEMBERS ABSENT:** Dan Kiley (Vice-Chair, attending Budget Committee meeting), Linda Jones, Kate Plumley Stewart (Selectboard Representative, attending Budget Committee meeting), Jim Bonner (Alternate and Videographer)

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

**GUESTS:** David and Victoria Rogers (1443 NH Route 4A), Celie Aufiero

**I. CALL MEETING TO ORDER:**

Chair Fracht called the meeting to order at 6:30 p.m. and took a “roll call” of members present.

**II. PUBLIC COMMENTS:**

None.

**III. REVIEW MEETING MINUTES: January 25, 2023**

Members received a copy of the minutes at the start of the meeting. Chair Fracht said that the board would table minute review until the next meeting.

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

Chair Fracht shared notes from Ms. Stewart, who was absent due to being at the Budget Committee meeting.

The Selectboard met this past Monday, February 7.

There was a public hearing to accept bridge aid for \$118,378.58, to be used for a project outside the upcoming budget. Town leadership will seek advice from CIP for the project.

The Selectboard approved and signed loan documents for Whitney Hall. In addition, there was a budget committee presentation. Finally, Selectboard awarded the water project bid.

The Selectboard reviewed and approved the draft warrant. The Selectboard and budget committees expressed appreciation for the hard work of all teams involved in the process. The

41 budget committee is conducting its hearing tonight at 7 pm.

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43 The Selectboard discussed the town report. This a reminder to submit information to Assistant  
44 Town Manager Bonnette by the following Monday (February 13, 2023) at the latest.

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46 **V. HEARINGS:**

47 None.

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49 **VI. CONCEPTUALS:**

50 **A. David Rogers – 1443 NH Route 4A**

51 Mr. Rogers said there are two lots to the right of his property. He is interested in a potential  
52 boundary line adjustment. However, the neighbor's mortgage company has made the process  
53 slow. Mr. Rogers is now interested in turning the existing home into an ADU and building a new  
54 primary residence to be occupied by his son further back on the lot. The current home is under  
55 800 square feet.

56  
57 The property is not on town water/sewer.

58  
59 Mr. Taylor said he had spoken with Mr. Rogers about potential zoning amendments on this  
60 year's warrant.

61  
62 Mr. Rogers was initially interested in a subdivision; however, he recently did a subdivision, and  
63 it would likely be considered a major subdivision if he does another within the current  
64 timeframe.

65  
66 Mr. Rogers explained that he was not allowed another driveway on the property. He explained  
67 on the map that it showed a change in how he uses the driveway (he has been working with the  
68 state to determine the best way to do this).

69  
70 Mr. Rogers has also been working with Real Estate attorney Bryce Wing (Schuster, Buttrey &  
71 Wing, P.A.).

72  
73 Chair Fracht said that if the existing home is at most 800 square feet, he saw no issue with the  
74 proposal.

75  
76 Chair Fracht asked if they have the width requirement for the driveway right of way. He did not  
77 find anything within the zoning regulations. Mr. Gotthardt said that this would usually be  
78 something they work on with the town (or, in this case, the state).

79  
80 Board members were OK with the conceptual as presented.

81

Mr. Rogers will work with Mr. Taylor to submit materials for a hearing application Chair Fracht said that it would likely be a hearing on the fourth Wednesday in March.

## **VII. OLD BUSINESS**

### **A. Historic District – David Fracht correction**

Chair Fracht corrected that at the first meeting to discuss the Heritage Commission's warrant article. He had misspoken that when they began discussions with the Heritage Commission, they had only brought the Certified Local Government (CLG) to the Planning Board. This was incorrect. When the Heritage Commission presented to the board about one year ago, they brought up the CLG and the Local Historic District at that initial meeting with the board and asked Chair Fracht to make this correction for the record.

## **VIII. NEW BUSINESS**

### **A. Discussion on How to Implement the Master Plan through possible Zoning Changes**

Chair Fracht asked the board to consider how Enfield zoning can be changed to implement the master plan and whether there is a consultant for the next phase of the Master Plan and the zoning changes. Tonight's discussion will be a brainstorming session.

Mr. Rich said that the Master Plan points out that Enfield's zoning needs to change for multiple reasons, but a primary reason is that the zoning should change to align with what currently exists. He asked if this was in line with the state's suggestion for zoning. Chair Fracht said that they were two separate issues, which may sometimes intersect.

Mr. Jennings suggested principles that the board agrees on to reference zoning changes against to ensure they fit into the larger goals for the town/board and master plan. He suggested a few principles to discuss.

- 1) Land Use Regulations (LURs) must reflect and enable the general guidance and recommendation outlined in the town's Master Plan.
- 2) As the board proposes and debates new LURs, they will purposefully support the goals of the master plan when possible.
- 3) New LURs will include provisions and regulations that are the least restrictive possible to support the guidance of the Master Plan.

Mr. Gotthardt said that being less restrictive could leave room for ambiguity, which may leave room for problems. Chair Fracht agreed that the more specifics within zoning regulations, the easier it can be to review the facts and apply the regulation. Mr. Jennings said that his intention would not be that the regulation is loosely written but to question why have certain restrictions in the first place. If there is a restriction, there should be a clear intent. Mr. Jennings suggested that the board focuses on establishing regulations that address common and likely-to-occur scenarios versus unlikely and rare ones. Mr. Jennings suggested the board ask themselves, when

122 considering regulations or changes, what is the probability of the situation related to that  
123 regulation, and are they likely or unlikely?

124  
125 Mr. Jennings suggested that LURs allow for change over time and exist to prevent harm (both to  
126 private property owners and to the public interest). Chair Fracht asked if it should be the board's  
127 job to write regulations from the perspective of what is best for the community. Board members  
128 generally agreed that this should be the board's focus.

129  
130 Mr. Jennings said that he feels that for rewriting the zoning regulations, using more  
131 straightforward wording would be better in trying to implement the Master Plan's vision. This  
132 will allow for change over time. Mr. Gotthardt suggested that the regulations be simple but clear  
133 and precise.

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135 Chair Fracht asked board members to consider if they should approach zoning regulations as  
136 restrictive or permissive. Secretary Vermeer said that he could see this changing based on  
137 location (Crystal Lake waterfront could be more restrictive versus an area further from town and  
138 with larger lots, for example). Mr. Gotthardt said he preferred the format "this is permitted by  
139 right, anything outside of this goes to ZBA" versus "you can do anything you want except X, Y,  
140 Z."

141  
142 Ms. Aufiero provided some examples from her experience as a lifelong town resident and how  
143 zoning or land ownership changes can happen over time.

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145 Mr. Jennings asked that board members feel that having a list of principles, like how he  
146 presented them tonight, would be helpful for the board. Mr. Rich said yes with the caveat that he  
147 would want to run it by the consultant hired (if one is). Mr. Gotthardt said that he agreed and that  
148 it would be essential to include a purpose/preamble for each regulation to explain why the  
149 regulations are in place.

150  
151 If any current warrant article fails, Mr. Gotthardt asked if the board would move forward with  
152 zoning changes for the warrant articles proposed at this year's town meeting. Chair Fracht said  
153 that this would depend on what the votes for the article(s) looked like.

154  
155 Mr. Jennings said that there is much discussion in the Master Plan about maintaining the town's  
156 rural character. He proposed that rural areas often don't have dense development; however, they  
157 do have village developments between more significant parts of land which may have smaller  
158 lots than those more rural zones suggest as minimum lot size.

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160 Secretary Vermeer said that the 400-page land use handbook is a good resource as a springboard  
161 for future discussions.

Mr. Gotthardt suggested that an initial thing for the board to look at is where the new zoning district lines would be drawn. He asked Mr. Taylor if they could get tax maps with lot acreage filled in to get a sense of what currently exists as a visual to see where acreage changes in sections throughout town. Mr. Taylor said he has existing maps with this information that he can provide the board. This way, the board can review existing lot sizes and where zone lines may be drawn. Mr. Jennings suggested that lots split by boundaries be altered to be one zone or another, as appropriate.

Mr. Taylor will work with Chair Fracht to get maps together for the next meeting session.

*Note: this was a free-ranging discussion*

#### **B. House Bills – HB 44 and HB 423**

Vice-Chair Kiley arrived at the meeting at this time (8:11 pm).

Secretary Vermeer read HB 44. Board members discussed this as well as HB 423 briefly. Mr. Jennings suggested that the board consider writing to representatives about these bills.

#### **IX. NEXT MEETING:** February 22, 2023

#### **X. ADJOURNMENT:**

*Secretary Vermeer made a MOTION to adjourn the meeting at 8:19 p.m.*

*Vice-Chair Kiley seconded the MOTION.*

#### **Roll Call Vote:**

David Fracht (Chair), Dan Kiley (Vice-Chair), 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