

Enfield Planning Board – Meeting Minutes
DEPT OF PUBLIC WORKS/MICROSOFT TEAMS
PLATFORM
MARCH 22, 2023

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

PLANNING BOARD MEMBERS ABSENT: Erik Russell (Selectboard Representative)

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

GUESTS: Celie Aufiero

I. CALL MEETING TO ORDER:

Chair Fracht called the meeting to order at 6:30 p.m. and took attendance of members.

II. PUBLIC COMMENTS:

None.

III. REVIEW MEETING MINUTES: March 8, 2023

Mr. Rich MOVED to approve the March 8, 2023 Minutes presented in the March 22, 2023 agenda packet as presented.

Seconded by Ms. Jones

Amendments:

Roll Call Vote:

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

None voted Nay.

Tim Jennings **Abstained.**

**** The Vote on the MOTION was approved (5-0-1).***

41
42 **IV. SELECTBOARD REPORT: Erik Russell**

43 None.

44
45 **V. HEARINGS:**

46 None.

47
48 **VI. CONCEPTUALS:**

49 None.

50
51 **VII. OLD BUSINESS**

52 Chair Fracht asked board members if anyone objected to moving the agenda order to the old
53 business. There were no objections.

54
55 Mr. Jennings asked if the details of the old business could be included on future agendas. Chair
56 Fracht asked for clarification of whether Mr. Jennings suggested including items that would not
57 be discussed yet (such as the organization of the board, which will not happen until May when
58 appointments happen). Mr. Jennings confirmed that he would like to see items included on the
59 agenda and moved forward for each meeting, even if they would not be discussed. Vice-Chair
60 Kiley reminded members that anyone whose term will end this year should have paperwork into
61 Ms. Bonnette prior to the April 17 meeting of the Board of Selectmen.

62
63 Mr. Taylor will add the following items to future agendas:

64 -Consultant Grant

65 -Public Hearing Rules & Procedures

66 -Fire Department Related Zoning Guidance – Invite Chief Neily to a future meeting

67
68 With no further comments or questions, Chair Fracht moved on to the next agenda sub-item.

69
70 **A. Zoning Regulations Re-Write**

71 Chair Fracht asked if members had a chance to review the [NHDES Innovative Land Use](#)
72 [Planning Techniques handbook](#). All members had read the handbook beginning at page 43 of the
73 booklet (page 57 of the PDF) on Conservation Subdivision zoning.

74
75 Chair Fracht said that the basic concept of this type of zoning seemed to be a variation on the
76 cluster development theme, to which board members agreed. Mr. Rich asked if there were any
77 developments like this that exist in town at the moment. Mr. Gotthardt said that there was one on
78 the upper part of Methodist Hill Road (Birch Lane) where they followed the cluster development
79 plan. Mr. Rich asked if the implementation went smoothly for this development. Vice-Chair
80 Kiley recalled that it had. He said that the development had been planned to be twice the size,
81 but phase II never took place due to market fluctuations. Mr. Jennings said that it was hard to say

82 if the development truly accomplished what the regulation had in mind or not. This development
83 took place in the early 2000s.

84
85 Mr. Jennings said that he liked the concept. The Master Plan has guidance to preserve open
86 space and rural character. Mr. Jennings suggested that the board look at land in the R5 district
87 with the assumption that it would eventually (even 100+ years down the line) be developed to
88 the maximum amount. Mr. Jennings said that based on the chapter members read, the zoning
89 would tell you the maximum number of lots in a given area, with the ability to have even more
90 than that in cases where land is conserved.

91
92 Chair Fracht directed members' attention to page 45 of the document (page 59 of the PDF)
93 "How Should the Number of Units Allowed Be Determined". He suggested that the board could
94 choose to come up with their own formula that would provide a common set of rules between
95 both the Planning Board and Developers. He mentioned the possibility of density bonuses as an
96 option. Chair Fracht asked members if they felt this was something that would be of interest in
97 town.

98
99 Mr. Jennings said that he would prefer to see a system where a large parcel could be subdivided
100 in a number of ways.

101
102 Mr. Gotthardt said one of the big questions he felt the board needed to ask was if developments
103 with conservation incentives would be mandatory or optional. Chair Fracht said that he believed
104 with the current regulations for cluster development, anything with more than 10 lots is
105 mandatory. Mr. Gotthardt suggested the options of subdivided and individually sold/built lots
106 versus a larger development of buildings on lots to then be sold.

107
108 Mr. Taylor noted that there is a large push at present for affordable housing, including
109 affordability of developments and bonuses that go along with that. Vice-Chair Kiley said that he
110 felt one big difference today is the need for affordable workforce housing, which was not an
111 issue when the town's zoning regulations were written in the 90s. Mr. Jennings posed the
112 question of what affordable housing means; Vice-Chair Kiley said it is very high in the Upper
113 Valley area. Mr. Gotthardt said the figure used is a percentage of the median income for the
114 entire county (he did not recall the exact percentage). Chair Fracht said that there is available
115 data that could be used to determine where the number is for affordable housing in Enfield (the
116 Master Plan may have some of this data). Chair Fracht said that he felt they would need to
117 adhere to the federal definition, particularly if the town planned to offer any grants or assistance
118 to developers in applying for grants to subsidize the affordable housing.

119
120 Mr. Jennings said that he did not think the zoning ordinance should be centered around
121 affordable housing subsidies for developers but to be focused on density and allowances for

122 developers as a bonus. Vice-Chair Kiley said that he, too, felt affordable housing in this area
123 would be difficult.

124
125 Chair Fracht asked if anyone knew in the case of a developer building X number of units, they
126 would work their numbers so that a portion of rents would be subsidized (versus the entire
127 building). Mr. Taylor said that there was a recent development project in Claremont like this that
128 is mixed development – where there are market-rate units and some federally subsidized units.
129 He said that this is a shift in the way housing is being developed. Mr. Taylor and Vice-Chair
130 Kiley suggested allowing density bonuses for affordable housing inclusion (recently done in
131 Portland, ME). Mr. Jennings said that he felt they might as well just allow for the greater density
132 in the first place versus allowing it as a bonus for developers that will include subsidized units.

133
134 Mr. Gotthardt said that affordable housing seems to be those on municipal water/sewer to
135 provide the developers with the best return-on-investment; this will limit the areas that can be
136 developed with this type of housing in mind. Vice-Chair Kiley suggested that townhomes or
137 manufactured housing with a common well/sewer may be another option for developers outside
138 of town.

139
140 Chair Fracht suggested another possibility where developers can purchase land to conserve in
141 town and be allowed a density bonus for development elsewhere in town. Mr. Jennings posed the
142 question that if the town is ok with greater density of development in some areas, why they
143 would just not allow for this from the beginning? Mr. Gotthardt agreed that he felt having
144 multiple scenarios could open up the town to multiple enforcement issues and court fees as a
145 result.

146
147 Chair Fracht said that he felt offering a development incentive with a density increase for
148 conserved land in town would be a win/win for the town's interest in conservation and increased
149 density in town.

150
151 Chair Fracht asked Mr. Taylor if the town could change its enforcement methods in the case of a
152 developer not following the proposed conservation of land in exchange for increased density; he
153 asked if the town might be able to write a ticket as an example. Mr. Taylor noted that the town is
154 not involved in private land issues (such as deeded covenants, i.e., a lot cannot be further
155 subdivided).

156
157 Mr. Jennings posed the question, in the case of a subdivision with conservation that has an X%
158 buildable and X% conserved regulation, aside from building within the defined percentage, does
159 the town care about the density beyond water/sewer/setbacks? Vice-Chair Kiley said he would
160 think that, in this case, a developer would find the market for what is desirable, and the town
161 may not need to set density requirements. Ms. Jones said that she felt this could become an issue
162 around the lakes. Mr. Gotthardt reminded members they were discussing this for developments

163 with municipal water/sewer. Chair Fracht reminded members that the board plans to write
164 separate zoning regulations for the lakes.

165
166 Mr. Jennings said that at a certain point, housing needs begin to be satisfied by what is available
167 in town, which can result in sub-standard housing, which then has a lower market rate and
168 creates affordable housing. Enfield's market is not currently at this point.

169
170 Mr. Gotthardt noted that there had not been any large housing development in the town for some
171 time. Mr. Taylor commented that he felt it was the cost of building that is not cost-effective for
172 builders of single-family homes. Mr. Jennings commented that he felt this was why the only
173 developments that come through as conceptualls are multi-unit developments.

174
175 Mr. Vermeer said that recently WMUR reported rental rates in New Hampshire had gone up
176 24%.

177
178 Mr. Taylor said that another issue he sees is that there is a shortage of professional services (land
179 surveyors, septic designers, electrical contractors, etc.).

180
181 Mr. Jennings posed the question of why the board is interested in increasing density as a priority.
182 Mr. Rich said that he felt increased density in town areas would also provide more businesses
183 such as coffee shops, etc. – a downtown center area where people who visit for recreation would
184 stay and visit. Mr. Jennings said that the thing that the Planning Board can deal with in this
185 situation seems to be more housing. Mr. Taylor commented that he also has seen over the course
186 of the years local town zoning appearing to fail those towns that adopted it with an idea to
187 increase village housing (this did not happen, as much as developments were created further out
188 of town). Board members agreed that the market, when early zoning was adopted, wanted slower
189 development.

190
191 Mr. Rich said that something the board should consider is the zoning regulations today will
192 affect the next 30 years. Board members agreed it was important to encourage the type of
193 development the town wants and to not put zoning in place that makes things worse.

194
195 Mr. Taylor commented on the shift from having "mall" areas further out from town with lots of
196 parking to larger cities putting money into downtown areas and revitalizing that density. There is
197 also an increased push to put services and housing together from a standpoint of density,
198 accessibility, etc. Mr. Taylor suggested that board members consider how to make the town
199 more sustainable and build resilience in the town.

200
201 Vice-Chair Kiley posed the question, do we go one step further and set up areas that we want to
202 be developed and offer incentives to encourage development there? Mr. Jennings said that he
203 was unsure that this should be something that is done with a zoning ordinance. He said he felt

the focus should be that zoning is not a hindrance, versus zoning putting a focus on a specific development.

Mr. Jennings posed the question of what the general consensus is among board members for zoning preferences. Items discussed were:

- Larger acreage on the outskirts of town (or mandatory cluster developments allowed in these areas, potentially reduced setbacks)
- Separate zoning districts
 - Lakes (likely 2-3 zones: separate for Mascoma, Crystal/Spectacle are likely similar enough)
 - Shaker Village
 - Enfield Center
 - Downtown Enfield Village
 - Rural Area (do R3 & R5 need to be separate?)
 - CB/Community Business & Route 4 & Baltic Mill (make mixed-use – use regulations from Route 4 over CB regulations)
 - CI/Commercial Industrial to stay along I89 exits
 - Conservation District

Mr. Gotthardt asked if they could get a larger version of the tax maps (the 11x17 printouts are divided among 6 pages but did not seem large enough).

Enfield Zoning was adopted in 1991.

Mr. Jennings asked if the board could begin to work on defining boundaries prior to hiring a consultant. Chair Fracht said that he felt they should not. He had spoken with the Master Plan consultant Ms. Saxton (PlaceSense LLC), who is likely to be the consultant for the zoning re-write who has experience with zoning re-writes; they discussed the importance of public engagement prior to making suggestions. The consultant will be able to aid the board in presenting the changes for public engagement in the best format. Chair Fracht said he had also discussed with Ms. Saxton the idea of doing smaller neighborhood meetings versus a few large public meetings.

Chair Fracht and Mr. Taylor will work together within the next week or so to finish writing the grant for the consultant cost. The grant would then have a preliminary review with the state, which may include changes over the course of several more weeks. Once the grant proposal is submitted, the turnaround time is roughly 6-8 weeks, and then the town can proceed with hiring the consultant. Chair Fracht said that he is hopeful that hiring the consultant will take place at some point during the summer. Chair Fracht noted that he was originally hopeful to present the changes at Town Meeting 2024, but it is more likely this will happen at Town Meeting 2025.

Mr. Jennings suggested proposing additional zoning amendments in the meantime, with the idea that the larger re-write won't go to Town Meeting until 2025. He suggested that the board plan to sit down and determine these sooner rather than later. Vice-Chair Kiley suggested the board begin this work now, while they do not yet have a consultant for several months.

Board members discussed ideas for these zoning amendments:

- Cell Tower
- Gravel Pit
- Parking
- Fire department-related cleanup (invite Chief Neily, target May)
 - Private Roads
 - Dead-end roads
 - Building proximity and minimum setback
 - Building height restrictions

Chair Fracht asked members to continue to think of items to be amended and bring them to the April work session of the Planning Board. Mr. Taylor will also invite Chief Neily to attend that April work session. Mr. Jennings suggested that the board obtain a letter from Chief Neily and/or Town Manager Morris with regard to fire department items in relation to zoning to keep as an appendix to the new regulations.

B. Mapping

Chair Fracht noted that the size of the zoning map printed on 11x17 paper turned out smaller than anticipated, as previously discussed. A new map in size 5'x6' would be ideal, potentially from Gnomon Copy and with dry-erase capabilities. Mr. Taylor has been asked by Town Manager Morris to compare prices for this map. Chair Fracht said they would also investigate a take-home map in 24"x36" size.

VIII. NEW BUSINESS:

A. Town Meeting 2023

Chair Fracht said that all of the town's zoning amendments passed. He asked if any members had received questions or comments from community members about these amendments. Vice-Chair Kiley said he believed the only feedback they received was at the candidate night.

Mr. Jennings asked, with regard to the ADU change, what the best way may be to spread the word about this new allowance. Board members suggested including this in the town newsletter for April. Mr. Taylor also noted that he had received many calls about this since the article passed at the town meeting. Feedback has been positive from community members, and Mr. Taylor also noted that Enfield is showing leadership by addressing the housing crisis in a unique way. He said that he also plans to follow up with the Valley News to discuss highlighting this. A

bill is still pending at the state level to allow 2 ADUs (and to increase square footage); Vice-Chair Kiley noted that he was unsure if this would be approved.

B. UVLSRP Meeting

Mr. Taylor noted that the first Planning Board meeting in June, June 14, conflicts with the Upper Valley Lake Sunapee Regional Planning annual meeting. The meeting will be in Eastman this year. Mr. Taylor invited Chair Fracht and other interested to consider attending.

With no further comments or questions, Chair Fracht moved on to the next agenda item.

C. Town Minutes

Mr. Gotthardt shared that there was a lengthy discussion at Monday's Board of Selectmen meeting with regard to the length of minutes. Both Mr. Gotthardt, Mr. Kiley, and Ms. Aufiero attended that meeting and noted to the BOS the importance of detailed minutes in the case of Land-Use Boards in the case that something should go to court. They have to be an accurate record of what happened.

Vice-Chair Kiley said that the BOS discussion had also included timing of minute availability and posting minutes online (versus having a rough draft available at the town offices). Mr. Jennings noted that he felt they could be more flexible with regard to the detail of minutes in the cases of working sessions like tonight (versus more detail in the cases of hearings). Ms. Banker noted that she is happy to make changes to the level of detail, if necessary.

IX. NEXT MEETING: April 12, 2023

X. ADJOURNMENT:

Vice-Chair Kiley MOVED to adjourn the meeting at 8:26 pm.

Seconded by Mr. Rich.

Roll Call Vote:

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

None voted Nay.

None Abstained.

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

Respectfully submitted,

Whitney Banker

Recording Secretary