

Enfield Planning Board Minutes, June 28, 2023

Enfield Planning Board – Meeting Minutes

DEPT OF PUBLIC WORKS/MICROSOFT TEAMS

June 28, 2023

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

PLANNING BOARD MEMBERS ABSENT: Erik Russell (Selectboard Representative), Kurt Gotthardt (Alternate)

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

GUESTS: Taylor Aines (Teams), Scott Sanborn (Cardigan Mountain Land Surveys, LLC), Tim Daley (Teams)

I. CALL MEETING TO ORDER:

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

II. PUBLIC COMMENTS:

None.

III. SELECTBOARD REPORT: Erik Russell

None.

IV. LAND USE ADMINISTRATOR REPORT: Rob Taylor

Mr. Taylor and Chair Fracht attended the annual regional planning event in Eastman on June 14, 2023. Two featured speakers from southern NH discussed their affordable workforce housing. Their Durham, NH, managed care nursing care facility, Harmony Homes, built housing and onsite childcare for staff. They are also in the process of building a tiny home development for employees. Chair Fracht said that the tiny home development was designed to be a small community with porches, backyards facing one another, etc. The owners are building the tiny homes for about \$130k each, with 550 sf on the first floor and 100+ as a loft. Mr. Jennings said the Enfield zoning ordinance should be designed to allow creative things like this.

Mr. Taylor attended a planners' conference in Plymouth by the NH Planners Association.

There have been a lot of community inquiries, including building permits and building inspection work in above-average numbers.

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Potential significant developments include continued updates to the Laramie Farms development along Route 4 and a formal design review coming for the Lacroix property (behind Shaker Valley, about 43 acres).

The Zoning Board of Adjustment (ZBA) had three variance hearings in June for setback intrusion, and all were approved. Mr. Taylor highlighted this as a common issue due to non-conforming lots, as something for the board to consider during the zoning rewrite.

Mr. Rich asked about updating the old “roller rink” sign. Mr. Taylor said that he has discussed with the property owner that the sign needs to go and was told they will take it down. Mr. Rich asked if Mr. Taylor could inform the property owner that the board had asked about the outdated sign.

V. REVIEW MEETING MINUTES: May 24, 2023

Mr. Rich MOVED to approve the May 24, 2023, Minutes presented in the June 28, 2023 agenda packet as presented. Seconded by Ms. Jones
**** The Vote on the MOTION was approved (4-2-0).***

VI. HEARINGS:

Land Use Case #P23-06-02, Timothy and Heidi Daley are seeking minor subdivision approval to create two lots from one they own on Jones Hill Road (Map 15, Lot 30-1). The existing parcel is 10.11 acres and this request is to create one lot of 3.01 acres and another of 7.09 acres respectively. Scott Sanborn of Cardigan Mountain Land Surveys, LLC is representing the Daleys in this matter.

Chair Fracht read the case and invited Mr. Sanborn to present on behalf of the Daleys.

The property is partially open and partially wooded, with moderate slopes. The land is undeveloped. Lot 1 will use the same driveway access as lot 2, developed from an existing field access road.

A maximum of two residences may share a private driveway. A maintenance agreement is not required.

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

Chair Fracht asked for any comments from abutters or members of the public. Ms. Aines said they had no comments, and it sounded great.

83 **Ms. Jones *MOVED* to approve the application as presented. *Seconded by Mr. Kiley.***

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

85

86 **VII. CONCEPTUALS:**

87 None.

88

89 **VIII. NEW BUSINESS:**

90 None.

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92 **IX. OLD BUSINESS:**

93 **A. Zoning Ordinance Re-Write Project**

94 The contract with PlaceSense as the approved consultant has been executed with the town and
95 NH Housing.

96

97 The anticipated start date is July 1, 2023. Ms. Saxton will attend the first Planning Board
98 meeting in July as a kickoff meeting to explain her timeline and process and the board's role in
99 the process.

100

101 **B. Rules of Procedure Discussion**

102 Mr. Morris had concerns with some of the proposed language, and requested he be present at a
103 future meeting to provide his input, ideally the first meeting in July if Mr. Morris can make it.

104

105 **C. Multiple Multi-Family Dwellings on One Lot Discussion**

106 Chair Fracht reminded board members to keep the discussion general and not refer to specific
107 cases.

108

109 Mr. Jennings provided an overview of the work he and Mr. Gotthardt had done with a shared
110 concern about the poor wording of this ordinance.

111

112 Mr. Jennings reviewed the first question, whether the ordinance in the R1 district refers to
113 singular principal buildings (a single family, a duplex, a multi-family) or plural.

114

115 Chair Fracht asked for comments from the board.

116

117 Mr. Rich said he needed help following the individual changes but believed he understood the
118 intent of the two questions that were being presented.

119

120 Ms. Banker asked what the negative impact of the current wording would be. Mr. Jennings said
121 he and Mr. Gotthardt felt neutral at this time but were cautious about the inevitable development
122 pressures the town expects.

123

Mr. Vermeer said that he felt this would be a good analysis for Ms. Saxton as part of rewriting the zoning. Mr. Vermeer said that he felt that the setback, parking, etc. requirements help limit the maximum number of dwellings, even though no specific maximum number of dwellings is stated in the ordinance.

Chair Fracht said he felt they needed to look at the intent of whoever wrote the ordinance. He suggested reviewing “use B” and asked how many cemeteries, churches, home occupations, etc., could be put on a lot. He said that he felt the perceived intent of the ordinance is for a single building, based on the context of the rest of the R1 district ordinance, as Mr. Jennings and Mr. Gotthardt interpreted.

Mr. Taylor clarified that an ADU is not allowed for duplexes or multi-families, per the state’s definition. ADUs are only for single-family residences.

Chair Fracht said that assuming the interpretation by Mr. Jennings and Mr. Gotthardt is correct, does it limit a developer to one building per lot (requiring a large lot to be subdivided), or can a developer obtain a variance (and would the ZBA grant the variance)?

Mr. Taylor said that his interpretation of the ordinance differs. He said that if they intended the ordinance to mean a single building, it would have been worded clearly as a single-family building, a duplex, or a multi-family building. Mr. Taylor makes the administrative decision, which is appealable by an applicant to the ZBA (and further to court if necessary). Mr. Taylor will move forward with the interpretation the board decides on tonight. Mr. Taylor said that more recently, these types of appeals are going to the housing appeals board, and their perspective is to allow more housing.

Mr. Rich MOVED that the board pass a resolution stating as follows: the board has determined that the ordinance's language reflects multiple multi-family buildings on the same lot in the R1 district served by municipal sewer, as described by Mr. Taylor.

Seconded by Mr. Kiley

*** The Vote on the MOTION was tied (3-3).**

Mr. Jennings reviewed the second question; how many dwelling units are permitted within a building for a lot with municipal water and sewer in the R1 district?

Chair Fracht MOVED that the board pass a resolution stating as follows: the Enfield planning board has discussed the density allowable in the R1 district and is unable to reach a conclusion. We, therefore, request that legal guidance from town counsel be obtained.

Seconded by Ms. Jones

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

Chair Fracht asked for a discussion on both questions.

Mr. Taylor said that the town has 30+ years of interpretation related to dwelling units per acre in the R1.

Ms. Jones said that Mr. Taylor commented that the goal should be to do things as they have been done. She said that she had watched what happened with the development of Lakeview and felt that zoning was considered, debated, and passed due to frustration from community members on how the Lakeview development was done. Ms. Jones said that she did not feel they should match what was already there.

Mr. Taylor clarified that he suggested they continue to be consistent with what has been interpreted since zoning was established (until the town decides to change it).

Mr. Jennings said that he felt the question was, “how many apartment buildings can you put on a single lot in the R1 district served by municipal sewer, and within those apartment buildings, what is the limitation on the number of units allowed?”. Chair Fracht said that their goal with the resolution would be to have those two questions reviewed by the town attorney.

Mr. Taylor said that Mr. Morris supports the board's resolution but wishes to have it happen if/when an application is received. Mr. Jennings said he felt they needed to know what the ordinance says before something came to the board.

X. NEXT MEETING: July 12, 2023

XI. ADJOURNMENT:

Mr. Rich MOVED to adjourn the meeting at 8:20.

Seconded by Mr. Vermeer

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

Respectfully submitted,

Whitney Banker

Recording Secretary