

**Enfield Planning Board – Meeting Minutes**

**DEPT OF PUBLIC WORKS/MICROSOFT TEAMS**

**August 23, 2023**

**PLANNING BOARD MEMBERS PRESENT:** David Fracht (Chair), Dan Kiley (Vice-Chair), Erik Russell (Selectboard Representative), Phil Vermeer (Teams), Tim Jennings (Secretary), Brad Rich, Jim Bonner (Alternate and Videographer), Whitney Banker (Alternate)

**PLANNING BOARD MEMBERS ABSENT:** Linda Jones, Kurt Gotthardt (Alternate)

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

**GUESTS:** Liz Sauchelli (Valley News), Scott Sanborn (Cardigan Mountain Land Surveys, LLC), Phil Bartels & Audrey Hartman (Teams), Paul Currier, Vicki Pellerin, John Pellerin, Barbara Kelleher, Karen Allen, Ross Allen, John Kelleher

**I. CALL MEETING TO ORDER:**

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

Chair Fracht elevated Ms. Banker to a voting member for tonight.

**II. PUBLIC COMMENTS:**

None.

**III. SELECTBOARD REPORT: Erik Russell**

Selectboard met on Monday, August 21.

The Methodist Hill Property Use Committee (MHPUC) kicked off with its committee organization. They hope to have a recommendation by December 2023.

The Shedd Street property demolition RFP has been put out.

The potential short-term rental ordinance was discussed at length.

**IV. LAND USE ADMINISTRATOR REPORT: Rob Taylor**

There has been a walkthrough at the Shedd St property with contractors interested in the demolition work.

Conversations have continued with both developers for the two potential significant developments in town. Laramie Farms is still working with the NH Department of Transportation (DOT), as is the developer for the LaCroix property.

Ms. Sipe, who purchased the Crate Gravel Pit property on Bog Road, is continuing to work on the reclamation of the property and work with the Land Use and Community Development Administrator, who has guided the process. Ms. Sipe is considering selling the property instead of her original plan for commercial equestrian.

Mr. Taylor has attended the second and third sessions of the NH Housing Academy as part of the NH Housing Opportunity grant. There will be another Housing Academy session that members are welcome to attend if they would like to. Mr. Taylor suggested the NH Housing website, which has a lot of data regarding housing (median rent, etc.).

Mr. Taylor attended the Lebanon City Council meeting last week for the hearing regarding the Class VI roads and Enfield's position. The Council voted not to take the settlement that would have abandoned the roads. The issue is ongoing at this point. Community members who attended the meeting largely supported keeping the Class VI roads.

Mr. Taylor will attend the next meeting of the MHPUC to discuss zoning limitations and allowances on that property. He also assisted with abutter notifications for the subsequent meeting in September. This included several property owners on the Lebanon side of the town line.

#### **V. REVIEW MEETING MINUTES: August 9, 2023**

***Mr. Rich MOVED to approve the August 9, 2023, Minutes presented in the August 23, 2023 agenda packet as presented.***

***Seconded by Mr. Kiley***

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

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

**None voted Nay.**

Whitney Banker (alternate) **Abstained.**

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

#### **VI. HEARINGS:**

**A. Land Use Case # P23-08-01, Charles Perkins, Linda Burroughs (trustees), and Sandra Sharp have jointly applied for boundary line adjustment (BLA) approval to resolve a long-standing lot line encroachment issue. The subject parcels are located at 7 and 9 Water Lily Lane, respectively (tax map 10A, lots 40 and 41), and are within the "R1" zoning district. 7 Water Lily Lane is owned by Sandra M. Sharp and is 0.106 acres. 9 Water Lily Lane is**

83 **owned by the Norembege Revoc. Trust (Charles Perkins and Linda Burroughs- trustees)**  
84 **and is 0.089 acres.**

85 Chair Fracht read the case.

86  
87 Mr. Sanborn provided an overview of the application. Both properties are on municipal water  
88 and sewer. The intent is to correct a long-standing encroachment.

89  
90 Mr. Sanborn said these lots are well below the minimum zoning requirement. His position as the  
91 surveyor is that the lots were part of a planned community development. It is not a typical  
92 residential lot situation; therefore, it is an internal change within the development. It would not  
93 create any non-conformity with the development. If the board agrees, Mr. Sanborn will ask them  
94 to proceed tonight. If they disagree, he will seek conditional approval based on approval of an  
95 application to the Zoning Board of Adjustment (ZBA).

96  
97 Mr. Kiley asked if they would be able to look at this application. Both lots are non-conforming,  
98 which traditionally must go through zoning for approval. Chair Fracht suggested an equitable  
99 waiver as a potential course for the ZBA. Chair Fracht said the board should discuss whether the  
100 ZBA or Planning Board hearing should happen first.

101  
102 Mr. Taylor suggested an even trade in land, such that the boundary line does not change the  
103 current square footage of each lot. Mr. Sanborn said that he had suggested this. However, his  
104 client wanted to proceed differently. Mr. Sanborn asked the board to consider conditional  
105 approval tonight so they would not need to come to another hearing.

106  
107 Chair Fracht asked the board to consider whether they should do a conditional approval based on  
108 the ZBA's hearing or continue the hearing until after the ZBA hearing. Mr. Kiley said he would  
109 be okay with conditional approval if the plat were unchanged. All members agreed.

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111 Chair Fracht asked for further questions or comments from the public. With none, he closed the  
112 public hearing.

113  
114 Chair Fracht asked for further questions or comments from the board. There were none.

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116 ***Mr. Kiley MOVED to approve the boundary adjustment for 7 and 9 Water Lily Lane with the***  
117 ***condition that it get approval from the Zoning Board of Adjustment and the plat stays the***  
118 ***same as presented.***

119 ***Seconded by Mr. Rich***

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121  
122  
123 **Roll Call Vote:**

David Fracht (Chair), Dan Kiley (Vice-Chair), Erik Russell (Selectboard Representative), Phil Vermeer (Secretary, Teams), Tim Jennings, Brad Rich, Whitney Banker (alternate) all **voting Yea.**

**None voted Nay.**

**Abstained.**

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

**B. Land Use Case # P23-08-02, Philip Bartels and Audrey Hartman, as well as Ross and Karen Allen have jointly applied for boundary line adjustment (BLA) approval to annex a 25 ft wide strip of land from tax map 45, lot 4 (Allen) to map 45, lot 5 (Bartels/ Hartman). Both subject properties are located within the “R3” residential zoning district. Lot 5 is currently 1.19 acres and will become 1.51 acres after the annexation. Lot 4 is presently 4.76 acres and will become 4.44 acres after the adjustment. Lot 4 is owned by Ross and Karen Allen and Lot 5 is owned by Philip Bartels and Audrey Hartman.**

Chair Fracht read the case. Mr. Taylor clarified the names of the applicants.

Chair Fracht clarified that there is one conforming lot and one non-conforming lot. The change would make the non-conforming lot more conforming.

Mr. Sanborn provided an overview of the application. Mr. Sanborn added that the proposed boundary adjustment would not make lot 004 non-conforming and that lot 005 would only be non-conforming by acreage but would meet all setbacks and road frontage. Lot 005 will need to get approval from NH DES as well.

Mr. Jennings asked for a brief explanation of the NH Department of Environmental Services (DES) interest in the 5-acre-and-under review. Mr. Sanborn explained that it is a state statute to review any lot under 5 acres to ensure it can appropriately house a septic and well.

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

Chair Fracht asked for further comments or questions from the public. Mr. Currier, a neighbor of the Allens, said that he strongly supported their application.

***Mr. Kiley MOVED to approve the boundary line adjustment with the condition that they obtain the NH Department of Environmental Services approval.***

***Seconded by Ms. Banker***

**Roll Call Vote:**

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David Fracht (Chair), Dan Kiley (Vice-Chair), Erik Russell (Selectboard Representative), Phil Vermeer (Secretary, Teams), Tim Jennings, Brad Rich, Whitney Banker (alternate) all **voting Yea.**

**None voted Nay.**

**Abstained.**

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

**C. Land Use Case # P23-08-03, Vickie Pellerin has applied for Minor Site Plan Review (SPR) approval to add a bingo hall/ entertainment venue use to the used auto sales use (in the space currently occupied by Shake Valley Auto) at 453 US Route 4 (map 14, lot 69). The parcel is owned by Carl and Vicki Pellerin and is 2.17 acres. It is located within the Route 4 zoning district.**

Chair Fracht read the case.

Chair Fracht stated he had several concerns about the application. He reviewed the regulations and said he felt it should be a major site plan review, not a minor site plan review. Chair Fracht asked if the board agreed. Mr. Jennings asked why it was submitted as a minor. Mr. Taylor explained his initial position that the square footage is unchanged, however, he and Chair Fracht had spoken about changing it to a major review. Mr. Taylor had communicated this to the applicants and sent them an updated invoice.

Chair Fracht said that in his board packet, he received a copy of the floor plan for the single building, and a site plan submission should include a drawing of the entire site, including all buildings, lot lines, square footage for rooms within the structure of focus, etc. In addition, a major site plan review requires a licensed surveyor or engineer to do the drawing. Since this is an existing building, the applicant can request a waiver from the board for that requirement. Ms. Pellerin said she was willing to make this request tonight. The request does not have to be in writing.

***Mr. Rich MOVED to approve the waiver for the major site plan drawing requirement to be completed by a licensed surveyor or engineer.***

***Seconded by Mr. Kiley***

**Roll Call Vote:**

David Fracht (Chair), Dan Kiley (Vice-Chair), Erik Russell (Selectboard Representative), Phil Vermeer (Secretary, Teams), Tim Jennings, Brad Rich, Whitney Banker (alternate) all **voting Yea.**

**None voted Nay.**

**Abstained.**

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

Chair Fracht asked the applicants how long they felt they needed to compile a complete application for a major site plan review, with guidance from Mr. Taylor. Mr. Taylor said that the hearing could continue at the next September meeting. Chair Fracht said that he would need to have the parking shown on a map, where only a part of the parking was shown.

Mr. Kiley asked if the sewer issue had been resolved. Mr. Pellerin said it had not and that they planned to go to the Selectboard and Town Manager.

Mr. Taylor asked for clarification from the board for what the applicants would need to include in the new application. Mr. Pellerin asked if they could use the town's GIS map. Board members agreed that this could be used or that the survey from when Mr. LaCroix owned the property.

Information needed:

-Map of the entire site to include:

-Boundary lines

-Dimensions of buildings

-Parking specs (dimensions of additional parking and number of cars that will fit)

-Estimate of the total number of used cars on-site at any time

-Square footage of buildings and rooms in the building of focus

-Sewer/Septic clarification *\*note – this would be a condition of approval but does not have to be resolved at the time of the continued hearing.*

-Joining the municipal sewer system

OR

-Confirmation of septic adequacy (if the use of septic is approved by Selectboard/Town Manager versus municipal sewer)

-All necessary state permits (DHHS for food service, Driveway permit, etc.) *\*note – this would be a condition of approval, but permits do not need to be approved at the time of the continued hearing.*

## **VII. CONCEPTUALS:**

None.

## **VIII. NEW BUSINESS:**

### **A. Stakeholders in the Zoning Re-Write**

Mr. Jennings asked if the issues brought to light with tonight's Shaker Village lot line adjustment might suggested that the various associations within the Shaker Village development should be considered a potential zoning district. Members agreed.

Mr. Taylor provided copies of the stakeholders list for members to review.

Mr. Rich suggested adding the three lake associations to the list.

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247 Mr. Jennings suggested breaking the list into categories (Developer/Builder, Businesses, Town  
248 Officials and Employees, Associations: Shaker Village associations, Lakeview association(s),  
249 Eastman association, Private Road Associations).

250

251 Mr. Russell reminded the board they had discussed adding someone from the school district  
252 (Amanda Isabel, Superintendent).

253

254 **IX. OLD BUSINESS:**

255 **A. Rules of Procedure Discussion**

256 Mr. Jennings is continuing work to compile feedback from the meeting with the Town Manager.

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258 **X. PENDING BUSINESS:**

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260 **XI. NEXT MEETING:** September 13, 2023

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262 **XII. ADJOURNMENT:**

263 ***Mr. Rich MOVED to adjourn the meeting at 7:51.***

264 ***Seconded by Mr. Kiley***

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266 **Roll Call Vote:**

267 David Fracht (Chair), Dan Kiley (Vice-Chair), Erik Russell (Selectboard Representative), Phil  
268 Vermeer (Secretary, Teams), Tim Jennings, Brad Rich, Whitney Banker (alternate) all **voting**  
269 **Yea.**

270 **None voted Nay.**

271 **None Abstained.**

272

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

274

275 Respectfully submitted,

276 Whitney Banker

277 Recording Secretary