

**TOWN OF NEW HAMPTON  
PLANNING BOARD  
MEETING MINUTES**  
Fire Dept Training Room, 26 Intervale Drive  
NEW HAMPTON, NH 03256

February 15, 2022

**MEMBERS PRESENT**

Regular Members: Mr. Kettenring, Mrs. Hiltz, Mr. Shea, Mr. Hays, Mr. Broadhurst, and Mr. Katz (alone, via Zoom)  
Alternate Members: Mr. Mertz

**OTHERS PRESENT**

Planning Assistant Mr. Pollock and Fire Chief Lang

**CALL TO ORDER**

Chairman Kettenring called the meeting to order at 6:00 p.m.

Mr. Kettenring appointed Mr. Mertz as a voting member in place of Mr. Shaw.

**MINUTES**

Mrs. Hiltz made a motion, seconded by Mr. Shea to accept the 1/18/22 minutes with the following amendment. Vote was unanimous after a roll call vote.

1. Pg 1, under Members Present: delete “)” at the end.

**CORRESPONDENCE**

Mr. Kettenring advised the board of a letter, dated 1/25/22, from Gate City Development stating that when the deeds are written for transfer of properties known as Tax Map R3, Lots 8B, 8C, 8D, 8E & 8F, they would include the agreed upon restrictive covenants and agreement with Public Works Director. Mr. Pollock advised that they do meet the requirements of the subdivision approval in 2005 and 2006.

**INFORMATIONAL/  
CONCEPTUAL**

*Joshua Tyrrell, Dixon Hill Road,  
Tax Map R19, Lot 3, building  
permit on Class VI roadway*

Mr. Tyrrell was present. He would like to purchase and build on this lot which is on a Class VI roadway and currently utilized by another home. He said his proposed driveway access point off of Dixon Hill Road would be 1680 ft which is more than the 1500 ft allowed. He asked what would be needed to obtain a building permit. He said he understands that he would have to sign a waiver releasing the town of any responsibility. Mr. Tyrrell said improvements have been made to the road including drainage along the sides. He said there is a flat area on lot 3, that could be used to create a suitable turnaround for emergency vehicles. Mr. Tyrrell advised it would be a single-family residence with no plans to subdivide.

Mr. Kettenring advised that it is his understanding Dixon Hill Road is still a town Class VI road. There was some discussion on the gate in place and it was unknown how this came about. Mr. Tyrrell said the gate is located in Ashland, blocking the access into New Hampton, through Scribner Fellows State Forest. He said he believes this may have been at the request of the residents who were having problems with people driving up the road and dumping. Mr. Kettenring advised that there has never been a warrant article to discontinue Dixon Hill Road. The board agreed to forward this issue to the Town Administrator for further investigation. Mr. Kettenring said the biggest issue is whether emergency vehicles can get up the road and Mr. Tyrrell said he didn't see it as a problem. Mr. Kettenring said some type of maintenance agreement with the abutters would probably be required.

Chief Lang asked how wide the road was and Mr. Tyrrell said about 18+ feet and two vehicles could probably pass each other. Chief Lang said a fire truck is 20' wide, mirror to mirror so Mr. Kettenring said a few improvements may be necessary and determined once weather allows a visit.

Mr. Broadhurst asked if the same road improvements would be required if this lot serves only one house, vs the previous proposed subdivision of many lots. Mr. Mertz said he thought it would as this road would now serve two homes. He said the requirements would affect that portion of the road that serves both homes. Relative to road width, Mr. Kettenring advised the plans for the subdivision of this lot, should show that.

**INFORMATIONAL/  
CONCEPTUAL**

*Eversource Energy, Rebuild of E115 Line between Ayers Island Dam and Holderness, through New Hampton.*

*Discussion on Revocation of Planning Board Approvals, Conditional Approval Limitations, and RSA 674:39 – Five Year Exemptions.*

There was no one present to discuss this so Mr. Mertz made a motion, seconded by Mrs. Hiltz to table this item until the end of the meeting. Vote was unanimous after a roll call vote.

The board had Mr. Pollock's comments on this issue. He advised that he has been reviewing minutes and any outstanding items from past subdivisions or site plans. He referred to a subdivision plan of 5 lots off Pinnacle Hill Road which had several requirements, but had not been developed, and is now seeing beginning improvements. Mr. Pollock reviewed 5 items that were noted by the Fire Chief at the time of the approval in 2013.

1. Installation of dry hydrant
2. Granting of easement to Town for its maintenance
3. Engineering design and location of hydrant – approved by Fire Dept.
4. Flow test required after installation
5. Annual inspection required

There was a NHDES notification for the dry hydrant.

Mr. Pollock advised that the referred to easement should refer to John Claridge (the owner and subdivider) *and* any subsequent owners. He said Public Works Director Mr. Boucher approved driveway permits but there is nothing on the plans that shows the grade of those driveways to avoid water draining out into the travel way.

He said there is also the question of substantial completion as it relates to this subdivision approval and the state statute, RSA 674:39. Mrs. Hiltz asked if Mr. Claridge has said he's doing any work and Mr. Pollock said he is performing site work. Mrs. Hiltz pointed out that if Mr. Claridge began developing lots he would come to the town for permits. Mr. Kettenring said Mr. Claridge should be advised that since he has not done substantial development he needs to meet with the board, who may require new plans and conditions stated as suggested by the Fire Chief in 2013.

Mr. Katz advised that the board could tell Mr. Claridge that it has been more than 8 years since his approval and there is a shortage of housing in the state, suggesting the board could consider granting an extension under the old approved plan, with several conditions. He said the Ordinance and Regulations

sub-committee just discussed “substantial completion” and had drafted a definition for this.

The board reviewed a draft letter to Mr. Claridge requesting he meet with the Planning Board on 3/15/22 and stated the conditions required, as set by the Fire Chief at the time of the subdivision approval (some of which are noted on the registered plan). Mr. Broadhurst pointed out that these lots could be sold with a new owner developing the lot, without meeting these conditions and wondered if the Planning Board had any authority and Mr. Kettenring and Mr. Pollock advised that it did have authority based on substantial completion in the regulations and RSA 374:39. The board agreed the letter should be revised to invite Mr. Claridge in meet to discuss the approved subdivision. Mr. Kettenring advised that if the board made a decision to rescind a subdivision approval because of lack of substantial improvement, something would have to be registered with Belknap County because the plan is currently registered as having 5 parcels. While some members of the board felt it may not be fair to revoke a subdivision approval the Chair and other members pointed out that the Town’s regulations and the RSA allow for this revocation.

New letter to be drafted and sent to Mr. Claridge. Chief Lang provided the board with a NHDES Wetlands Permit for the dry hydrant, which lapsed after 5 years. Mr. Pollock said the board should have required a draft easement for the record.

Mr. Katz pointed out that if a subdivision wasn’t substantially completed within the 5 years the Planning Board would also have the ability to require the approval meet current regulations. He asked if any conditions set when Mr. Claridge meets with the board in March, need to be based on rules/regulations in 2013 or can subsequent regulation revisions be considered. Mr. Pollock to check on this.

**Review of Standing Committees**

Master Plan Sub Committee:

Mr. Broadhurst said the committee said they have some items to address in the proposed Energy section based on input from Mr. Shaw. They meet again on 3/7.

Zoning Ordinance and Regulations Review Sub Committee:

Mr. Katz reviewed their last meeting with keys items being Special Use/Events permit (will get further input from Town counsel), Floodplain Ordinance (proposed to change in 2023), and review of subdivision regulations. Mr. Kettenring suggested the Planning Board review proposed changes on a per section basis.

**OTHER BUSINESS**

There was none.

**ADJORNMENT**

Mr. Hays made a motion; seconded by Mr. Mertz to adjourn at 7:15 pm. Vote passed.

Respectfully submitted,  
Pamela Vose