

**TOWN OF NEW HAMPTON
PLANNING BOARD
MEETING MINUTES**

Fire Dept Training Room, 26 Intervale Drive
NEW HAMPTON, NH 03256

March 15, 2022

MEMBERS PRESENT

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

OTHERS PRESENT

Town Administrator Mr. Irvine, 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 advised that the terms for Mr. Shea, Mr. Hays and Mr. Mertz were expiring in April, asking them if they would continue if the Selectmen were agreeable and they said yes.

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

MINUTES

Mr. Mertz made a motion, seconded by Mr. Broadhurst to accept the 2/15/22 minutes with the following amendment. Vote was unanimous after a roll call vote.

1. Pg 2, 2nd sentence: Change “Chief Lang said a fire truck is 20’ wide...” change it to “10’ wide”.

CORRESPONDENCE

- Notice of Decision from ZBA: Approval of Special Exception for Eversource Energy with conditions.
- Copy of letter from Planning Assistant Mr. Pollock to John Claridge, asking that he meet with the Planning board at this meeting tonight to discuss his subdivision approval of 2013.

DISCUSSION

John Claridge, Pinnacle Hill Road, Tax Map R4, Lots 11, 11A, 11B, 11C & 11D - Discussion on 2013 Planning Board approval and conditions.

Mr. Claridge was present.

Mr. Kettenring asked Mr. Claridge if it was his intention to continue with development of the subdivision. Mr. Claridge advised that he was unaware of RSA 674:29 allowing for five years for vesting after approval on a plan, has purchased some material for the dry hydrant, and is preparing to bury electrical service underground to avoid taking town trees along the road. He said the person who had started some sitework is currently facing a medical issue. Mr. Claridge said he has been in contact with Fire Chief Lang to ensure the dry hydrant will be placed where he wants it. As Mr. Claridge said he thought his subdivision approval was open ended, Mr. Kettenring advised that there was a limitation on it when no improvements had been made, as stated in the Town’s regulations (4 years) and also the State regulations (5 years).

Mr. Kettenring said the Board could work with him, advising that what remains outstanding is:

1. Draft language for no permit issuance until the fire pond/dry hydrant is installed.
2. Renewal of Wetlands Permit.
3. Dry hydrant plan needs to be submitted.
4. Draft language for fire pond and access easement to the satisfaction of Town counsel and the Fire Dept.
5. Note to be added to the subdivision plan no building permit, or conveyance of any lot in the subdivision shall occur until the dry hydrant and piping is in existence the manner and location acceptable to the New Hampton Fire Chief.
6. A 20' access easement, 10' on each side of the piping as constructed will be conveyed to the Town of New Hampton
7. An easement is conveyed should be from John Claridge, and/or successors or heirs. This should be noted on the plans as well as in the easement recorded at the county registry.

Mr. Kettenring suggested:

- The Board also look at the grading of the proposed driveways so they are cut-back, and not as steep.
- A new plan is drawn and recorded which states these conditions.
- Draft language for easements and scenic easement be submitted with the new plan.

Mr. Kettenring advised the abutters would need to be re-notified, due to these changes, with the previously approved and registered plan needing to be revoked, so the new revised plan can be registered to replace it.

Once the Planning Board reviews the revised plans and easement language, the Town will schedule the hearing and that only fees to notify abutter will be required. Mr. Claridge understood he also needs to meet with Fire Chief Lang to ensure he is satisfied with the fire pond & dry hydrant. Mr. Kettenring said that once this revised plan is approved Mr. Claridge will have 5 years to perform the improvements.

Mr. Kettenring suggested the Town's Subdivision Regulation should be changed from 4 years to five, on when the applicant has failed to perform any condition of approval within the time specified – or – when four years have elapsed without any vesting of rights and the plan no longer conforms to applicable regulations.

Mr. Katz asked if the Board was being declared “dormant” or would this be an extension. Mr. Kettenring said it would be the filing of new plans. The old plan would be revoked with this new plan, once approved, being registered.

Relative to the Wetlands Permit with NHDES, Mr. Kettenring advised that the original permit had lapsed, so he would need to reapply to DES.

**INFORMATIONAL/
CONCEPTUAL**

*Mark McDonough, NH Route
104, Tax Map U8, Lot 1B,*

Mr. McDonough was present.

Discussion on proposed commercial use of the site.

Mr. McDonough submitted photos which showed examples of a proposed business (stored storage containers/pods) for lot 1B, next to the lot they are constructing the self-storage buildings on.

He pointed out that there had been previous discussion on what commercial business could go on these lots that didn't have much of a traffic impact. He and his family have portable storage boxes for use in a separate business, for which there are several depot locations serving local customers. Utilizing lot 1B would create a depot location central to the Lakes Region. Mr. McDonough said the traffic is insignificant for this use, with no office or plumbing, with most trips on the busiest day being 8 trips. He said it is a separate business. He said they are agreeable to merging lot 1B with lot 1, which will have the self-storage buildings, and revise that application if the Planning Board prefers, or to develop lot 1B as the separate lot it is currently.

Mr. Kettenring said this business would be considered outdoor display which falls under Article IV, Section E.v & vii.c – any use of outdoor areas for product display shall also be in accordance with the Maximum Lot Coverage (30%) and will require a Conditional Use Permit.

Mr. Kettenring advised this proposal would require a Conditional Use Permit and a Variance from the ZBA.

Relative to the limitation on outdoor display, Mr. Shaw pointed out that these storage boxes would not be very visible on Route 104 due to the trees along the road. Mr. McDonough agreed that would be the case and that he's not trying to draw attention to them. There was discussion that this outdoor display is similar to used car sales (had been located at Rossis) and the sheds for sale next to the highway, where there was a limitation on how much could be on site, based on the calculations dictated in the ordinance. The Board reviewed the definition of Outdoor Display with some members stating that this proposal did not seem to apply in this case. Mr. Kettenring said the Board could make a finding that it doesn't see this as outdoor display.

Mr. McDonough said there would be a paved section where pods would sit. Mr. Kettenring asked if they would only be empty containers and Mr. McDonough said they typically are but if someone wanted their container of items removed, they would bring it back and store it on-site. There will be a gate and fence around this area.

Mr. McDonough said they feel it would be difficult to sell this property due to the limitations in that district and that this use has a very low impact.

Relative to merging the two lots together and adding this business to the self-storage business, Mr. Mertz pointed out that it wouldn't be allowed per the ordinance and Mr. McDonough said he would prefer to keep the businesses separate. Mr. Mertz advised that relative to the limitation on outdoor display, these containers are not for sale and that as they could be somewhat shielded from view by the motorists, when it is seen, it would appear to look similar to the self-storage buildings. He stated further support as this use would be less impactful in an area where motorist's safety is a concern.

Mr. Irvine, after review of the definition of Outdoor Display, said the Board could consider whether the containers/pods constitutes display of a “product” or “service” – and – whether they’re designed for the advertising or identifying a business, product, or service, and to what extent would these be visible. Mr. Irvine asked how the business is run when there is no office on-site. Mr. McDonough said the office is located in Sunapee, but will re-locating it to Pembroke, with this location in New Hampton being a depot.

Mr. Kettenring said a Variance would be necessary for the lot coverage in the BC3 District and for the outdoor display limitation to a maximum of 5,000 sq. ft. The 2nd Variance wouldn’t be needed if the Planning Board made a finding that this use would not apply to outdoor display.

As the Board could not make a determination on how they would interpret this use relative to outdoor display because it was an informational/conceptual, so Mr. McDonough would know what would be required from the ZBA, Mr. Kettenring advised him to submit the Site Plan application without engineering plans, at which point the Board would discuss it to determine what appeals would be needed. Mr. Kettenring said it would definitely be necessary to seek a Variance as this use is not one of the Permitted Uses in the BC3 District. Mr. Kettenring advised that Lot Coverage of impermeable area may also be an issue at 30%. Mr. Mertz suggested looking into use of permeable surfaces.

DISCUSSION

Wes Hays – Discussion on conditions of two-lot subdivision approval for John & Allia Connors, Tax Map R7, Lot 22.

Mr. Hays recused himself from the Board. Mr. Hays said that the Connors sold the lot they just received approval for as a subdivision. He said the Board approved it with the driveway being moved to a different location than planned based on the neighbor’s complaint that Cedar Lane was too narrow NE of the culvert it crosses. Mr. Hays said it was his understanding that the roadway needed to be 18’ in width unless the Board determined it wasn’t required. After some lot clearing was done it was found that the safest location to enter the new lot was about 100’ past the driveway access agreed upon when the subdivision was approved. He said the new owners have put in gravel at the proposed driveway access they desire and asked if the road could be widened to that access point to address the neighbor’s concerns. Mr. Hays said the steep portion of Cedar Lane that the abutter mentioned during the subdivision process is not in the vicinity of this proposed driveway location.

Mr. Kettenring read the condition set by the Board when the subdivision was approved, that the 18’ width wasn’t required for the portion of Cedar Lane, which was after the planned driveway location. Mr. Hays advised that besides the new location proposed being a safer entrance, it avoids wetlands crossings.

New plans would be necessary and abutters would need to be notified of a revision to an approved subdivision. Mr. Hays expressed concern with the abutter who had concerns with the driveway, having a different problem with the subdivision in another hearing and Mr. Kettenring said that likely wouldn’t happen as he already had an opportunity to speak to the subdivision at the prior hearing, but it would also be based on what is brought forth. Mr. Mertz asked how soon the new property owners were hoping to get this issue resolved and Mr. Hays said they would like to begin construction in the fall. Mr. Mertz asked the board if they wanted to consider a site visit but pointed out that there is no amended plan submitted yet. Mr. Kettenring said it seemed reasonable for

the board to approve a change in driveway location if the roadway was widened to that point on Cedar Lane. Mr. Kettenring advised Mr. Hays to submit a new application, to include new driveway location and widening of Cedar Lane, and the Board may decide to schedule a site visit.

Mr. Hays returned to the Board.

**INFORMATIONAL/
CONCEPTUAL**

Eversource Energy, Discussion on rebuild of E115 Line between Ayers Island Dam and Holderness, through New Hampton.

There was no one present.

Mr. Irvine advised that this work is similar to the work being done on the A111 line. He said they met with Conservation Commission who had no concerns other than asking for submittal of environmental monitoring reports. He said the ZBA granted the Special Exception for the project within the Pemigewasset Overlay District. He pointed out that the Planning Board had no issue with the A111 line project and Eversource Energy just wanted to ensure the Board had no issue with the E115 line work. Mr. Shea asked about the pole replacements and Mr. Irvine said it would be the same as the A111 line, with pole being replaced by weathered steel structures, some poles will have to be taller to comply with new regulations with the largest increase being just over 20'. Mr. Shaw's greatest concern was the pounding of holes and its effect on local residents, and the heavy equipment traveling the town roads. Mr. Kettenring asked if the Town could have Eversource Energy repair any road damage and Mr. Irvine said the Town could require posting of a bond.

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

Mr. Pollock advised there was nothing for the Board to review tonight.

Review of Standing Committees

Master Plan Sub Committee:

Mr. Broadhurst said the committee is ready to hold a hearing on the proposed Energy section, which was revised after input on energy insecurity and explained the changes. Mr. Broadhurst made a motion, seconded by Mr. Mertz, to send the updated Master Plan with the new Energy Section to Public Hearing on 4/19/22 at 7:00 pm. Vote was unanimous after roll call vote.

Zoning Ordinance and Regulations Review Sub Committee:

Mr. Katz advised that were unable to meet the week prior but has received some comments back from NHDES on floodplain management and may be ready for the Board's review in April.

OTHER BUSINESS

Mr. Shaw said the requirement of Mask Required in the notices should be removed.

ADJORNMENT

Mr. Hays made a motion; seconded by Mr. Mertz to adjourn at 7:31 pm. Vote passed.

Respectfully submitted,
Pamela Vose