

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

June 21, 2022

CALL TO ORDER

Chairman Kettenring called the meeting to order at 6:00 p.m. Mr. Mertz led the Board in the Pledge of Allegiance.

MEMBERS PRESENT

Regular Members: Mr. Kettenring, Mrs. Hiltz, Mr. Shea, Mr. Hays, Mr. Broadhurst, Mr. Katz; Mr. Shaw. Alternate Member: Mr. Mertz

OTHERS PRESENT

Town Administrator Mr. Irvine, Planning Assistant Mr. Pollock and Fire Chief Lang

MINUTES

Mr. Katz made a motion, seconded by Mr. Shea to accept the 5/17/22 minutes with the following amendment:

1. Pg 2, in correct date which Mr. Shea he advised Mrs. Vose of, which she corrected.

Vote was unanimous.

CORRESPONDENCE

- ZBA Notices of Decision:
 1. Application for Sean Hutchinson – Variance Rejected without prejudice, for lack of information.
 2. Application for Marcos & Jennifer Duran – Approval for Special Exception for short-term rental use & Denial of Variance for short-term rental for more than 6 persons.

**PUBLIC HEARING/
SUBMISSION OF
APPLICATION**

Granite State Greenhouse on property belonging to New Hampton Route 104 LLC, 337 NH Route 104, Tax Map R4, Lot 90A; amend Site Plan

Paul Vrusho was present to represent the application.

Mr. Kettenring advised that the plan doesn't show dimensions of the area of expansion and it seems the expansion may span additional lots, including a right-of-way, owned by New Hampton Route 104 LLC. For this reason, it appears not all abutters were notified.

Mr. Kettenring advised the hearing would need to be continued but said he would take input from Mr. Vrusho and any abutters present.

Mr. Vrusho said he is permitted for his present location and use and had spoken with the Dept of Agriculture who advised him there were rule changes allowing for agricultural uses. He said 4 months ago he decided he'd expand to the left to fit more trees, started doing the work, and then received a call from Mr. Irvine on his expansion. Mr. Irvine said he would allow the work so the trees could be put in place so they wouldn't die, while Mr. Vrusho amends his site plan. Mr. Vrusho said a snowmobile trail goes through this expansion area but this area would be open for them during the winter months while the nursery is closed.

Mr. Kettenring said a plan is needed that clearly shows the lots the expansion is taking place on, with dimensions.

Mr. Katz made a motion, seconded by Mrs. Hiltz to continue this hearing to 7/19/22 and for submission of a definitive set of plans with dimensions. Mr. Vrusko advised he would engage an engineer or surveyor.

Mr. Mertz advised that it appears there is silt/erosion from this expansion, going into the seasonal brook that runs alongside the property, behind the Plaza, which must be addressed immediately.

Vote was unanimous to continue the hearing.

**INFORMATIONAL/
CONCEPTUAL**

Holly Emerson & Craig Hall, on property belonging to Free Land Properties LLC, Cortland Circle, Tax Map U16, Lots 1 & 2; requirements to complete portion of original subdivision

Ms. Emerson and Mr. Hall were present. Ms. Emerson advised they want information on what they can do with the property they purchased on Cortland Circle (U16-1 & 2) and Apple Tree Lane (Map U9, Lot 3) in fall 2021. Ms. Emerson said they received a letter from the Selectmen's Office after their purchase which was read into record. In brief it advised that the garage located on the premises cannot be used commercially, but can be used for personal use and storage. Ms. Emerson said what was represented to them when they purchased the property was that there was an existing mechanics business, and there were other commercial uses prior on the property prior to that. Mr. Hall said they also learned there was another dwelling on the lot which was torn down several years ago and wanted to know if they could construct another in its place.

Mr. Hall said they'd also like to know what they can do with the two vacant lots on Cortland Circle. Mr. Kettenring advised that the road would need to work with the Public Works Director to bring the road up to Town Class V specifications, including suitable turnaround, and a bond posted prior to the road work. He said there may be wetland or alteration of terrain permits needed. Ms. Emerson asked if the other property owner of the 3rd lot on Cortland Circle would be responsible for any of these related costs and the Board said probably not. Mr. Katz asked what is being proposed for the Cortland Circle land and Mr. Hall said they'd construct homes; nothing commercial.

Mr. Pollock advised that he was unaware that Ms. Emerson and Mr. Hall were coming to discuss the property on Map U9, Lot 3, only a discussion the vacant lots on Cortland Circle so for this reason he had not prepared comments as they relate to Map U9, Lot 3 property.

Relative to the property at Map U9, Lot 3 Mr. Mertz advised that this property is now in the BC3 District, which was the GR District prior, when the previous owner had this property. Mr. Mertz pointed out that a prospective buyer came to the Planning Board to inquire as to expanding the use on this lot. At the time the Town believed this garage was being used personally, not commercially. He said the lot is also a mix of uses, being multiple dwelling units on the property which are pre-existing, non-conforming and would not be approvable today under existing zoning regulations. Mr. Katz advised that BC3 doesn't permit any service industries in the District's table of uses. Mr. Shaw advised that they either have to meet the table of uses or they have to prove that there is a use that is pre-existing, non-conforming or seek a Variance.

Mr. Katz asked what their intentions are with Map U9, Lot 3. Ms. Emerson said they own an excavation business and when they are away in the winter, they want to park/store their equipment there with no plans for a building. Mr. Hall said they currently run their business from a different location and don't even need a sign at this location off Route 104. The garage would be used for their family's personal use. Mr. Katz confirmed that there were dwellings on the property that were being rented out and with parking of the excavation vehicles on this same site it could be considered commercial. He wondered if they should appeal to the ZBA for a Variance. Mr. Kettenring said he is in agreement with Mr. Katz's opinion. Mr. Shaw said if vehicles are just being parked there, he doesn't see this as an issue. It was the consensus of the Board the owners could park their equipment here when they are away.

Ms. Emerson asked what the Town's regulations were on Airbnb rentals and the Board advised her that it can be allowed through a Special Exception process but Mr. Katz said that it is only allowed in the GR District.

The Board advised them that they could reconstruct the home that had been torn down on the same footprint but that an enlargement or change in the footprint could only be done through a Special Exception with the ZBA.

2023 CIP (Capital Improvements Program)

Mr. Katz he is working on it but in the future this can be moved to review of standing committees.

Mr. Shaw advised that there are additional ARPA monies that may be utilized for some items in the CIP so it could affect when items are planned for purchase.

Open issues on Planning Board Approvals for which conditions have not been met.

There were none at this time.

Review of Standing Committees

Master Plan Sub Committee:

Mr. Broadhurst said the Master Plan subcommittee has not met.

Zoning Ordinance and Regulations Review Sub Committee:

Mr. Katz advised the private events regulation will become a special events ordinance with town Administrator Mr. Irvine working to draft that language. Selectmen to review and place on 2023 warrant.

Floodplain Ordinance is with Town counsel.

Reworking building height after discussion with Mr. Irvine.

Mr. Katz reviewed additional possible amendments for continued discussion.

OTHER BUSINESS

Mr. Shaw asked what could be done differently, such as the case with Mr. Vrusho not providing appropriate detail, to ensure all abutters are properly notified when an application is submitted. Mr. Kettenring explained that it was a set of circumstances that didn't immediately catch the insufficient drawing and that Mr. Vrusho had been allowed to move forward with his plans after speaking with Mr. Irvine. Mr. Kettenring said he wasn't as concerned with the continuation as Mr. Vrusho is already utilizing the space but that in the future applicants should go through the process prior to being allowed to make changes. Mr. Kettenring during the Planning Board process many times more

information is needed. Mr. Mertz advised that Mr. Vrusho should have been given a cease and desist as soon as it was seen he was expanding. Mr. Pollock said he had spoken with Mr. Vrusho who said the state told him he could perform the expansion because it was an agricultural use. Mr. Pollock had then advised Mr. Vrusho that he must comply with local zoning and site plan regulations, that his interpretation of what the state told him was incorrect, and advised him to speak with Mr. Irvine. Mr. Vrusho then spoke with Mr. Irvine, learned he had to comply with the regulations, agreed to submit an application, but expressed concern with having trees he had purchased, die – if they weren't moved to the site right away.

ADJOURNMENT

Mr. Katz made a motion; seconded by Mr. Mertz to adjourn at 7:19 pm. Vote passed.

Respectfully submitted,
Pamela Vose

DRAFT