

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

July 19, 2022

CALL TO ORDER

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

MEMBERS PRESENT

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

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

OTHERS PRESENT

Town Administrator Mr. Irvine and Planning Assistant Mr. Pollock.

MINUTES

Mr. Shea made a motion, seconded by Mr. Katz to accept the 5/31/22 minutes as written and Mr. Shea made a motion, seconded by Mr. Broadhurst to accept the 6/21/22 minutes as written. Votes were unanimous.

CORRESPONDENCE

Memo from Town Administrator Mr. Irvine advising of RSA 676:31 effective 6/24/22, stating that Town Boards must make written specific findings of fact on approvals or denials of applications.

Letter of response from contractor to NHDES; re: steps along a lake as part of a Wetlands application.

**Continuation of 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. He said he engaged Eckman Engineering LLC as shown in a letter dated July 15, 2022, who said it would be 60 days to prepare a plan. Mr. Kettenring advised that a letter would be needed prior to the next meeting of 8/16, asking for a continuance to the September meeting date of 9/20, so the Board could vote to continue the hearing.

Mr. Vrusho said he needed to understand exactly what the engineer needs to show on the plan. Mr. Kettenring advised Mr. Vrusho to meet with Mr. Pollock for further information. Mr. Mertz said it needs to be determined exactly where the expansion is taking place so the appropriate abutters are notified.

There was discussion on the siltation coming from this expansion, going into the seasonal brook alongside the property. Mr. Mertz advised this issue needs addressing right away and not when the engineered plans are submitted. Mr. Kettenring advised immediate mitigation is needed and Mr. Vrusho said he is actively trying to engage someone for this work. Mr. Shaw asked about the area being extended and Mr. Kettenring said the site plan application was for one lot – 90A, but now it appears it affects 2 additional lots – 90J & 90K so that is why the Board requested Mr. Vrusho hire an engineer, to determine the affected lots. Mr. Kettenring advised the Town could notify NHDES of the concerns, so NHDES can visit and address it. Mr. Shaw said it should be determined if the erosion was still taking place and Mr. Pollock said he had photos that confirmed this.

As Mr. Vrusho's application remained incomplete without the plan, it was continued to 8/16/22.

**PUBLIC HEARING/
SUBMISSION OF
APPLICATION**

*Brian Meckel, 104 Store LLC,
337 NH Route 104, Tax Map R4,
Lot 81; Expedited Site Plan
review to create sales office for a
hardscape distributorship.*

Mr. Meckel was present. Mr. Meckel advised that the existing building and parking would be used and that the corporate office for his business Tri-City Masonry, is in Somersworth, MA, where all product is held and shipped from. Since a lot of business comes from NH they wanted to have a location where contractors or potential customers could see the product. He said he had to go to the Zoning Board of Adjustment, which he did, on 7/6/22, but as he was not able to be present for that hearing, he sent his father instead. For this reason, no action could be taken and that hearing was continued to 8/3/22. As the Board asked why Mr. Meckel had to go to the ZBA, Mr. Pollock explained that this was being proposed in the GR District and is not an allowed use, but due to the fact there was a pre-existing, non-conforming use of the property for a home health care office, Mr. Meckel appealed for a Change in a Non-Conforming Use, which requires he show this use is equal or less non-conforming than the previous use.

Due to the added delays in hearing this application, Mr. Katz made a motion, seconded by Mrs. Hiltz to continue this hearing to 8/9/22, 6:00 pm. in the 2nd floor meeting room at the Town Office. Vote was unanimous.

Relative to a plot plan for the site, Mr. Meckel advised that there is an aerial photo showing how the site exists.

**PUBLIC HEARING/
SUBMISSION OF
APPLICATION**

*Live Free Home Health Care, on
property belonging to New
Hampton Route 104 LLC, 345
NH Route 104, Tax Map R4, Lot
90K; Expedited Site Plan review
to create home health care
office.*

Live Free Home Health Care Executive Director Ms. Niles was present to represent the application. She said they want to move their business into one of the suites at Exit 23 Plaza. They are only an administrative office, with no treatment taking place at this location.

The Board reviewed the checklist to determine whether this could be considered for an Expedited Site Plan review. The Board agreed there was no increase in traffic with this use being the same as the previous use in that suite, and confirmed there would be no hazardous equipment/items. The Board agreed that letters were needed from Fire and Police Chiefs and the Health Officer, stating whether there were any concerns.

Mr. Mertz made a motion, seconded by Mrs. Hiltz that the application met the criteria to be considered for an expedited site plan review. Vote was unanimous.

Mr. Katz made a motion, seconded by Mr. Broadhurst to accept the application for an expedited site plan review as complete. There was discussion that findings and conditions need to be detailed in any approval. Vote was unanimous.

Mr. Katz made a motion, seconded by Mr. Broadhurst to approve the application for an expedited site plan review based on the following findings:

1. The applicant's proposal meets all the criteria for an expedited Site Plan;

2. The applicant's proposal meets all applicable zoning regulations in the Mixed Use District;
and with the following conditions:
 1. Receipt of letters from Fire and Police Chiefs, and the Health Officer, stating that the applicant has addressed any of their concerns.
- Vote was unanimous.

As Ms. Niles already had a form that required signatures from the Town and Health Officer in order to conduct business, Mr. Irvine offered to make copies for the Site Plan file to show *that* compliance, and she would only need to get letters from Fire and Police Chiefs.

Mr. Mertz advised a sign permit would be required through the Selectmen's Office.

Discussion on Site Plan review requirements for short-term rentals under Bed & Breakfast/Tourist Home definition

Mr. Katz advised he had attended a ZBA hearing in June where an applicant applied for a Special Exception to operate a short-term rental, which he considered a change in use, asking if Site Plan review were necessary.

Mr. Pollock advised that was his purpose in having a copy of RSA 674:43- Power to Review Site Plans emailed to Board members. He pointed out how it refers to non-residential uses or multifamily units. Mr. Irvine said he spoke with counsel who said the advice was to treat short-term rentals as a commercial use for transient accommodations, as opposed to long term rental of a home. He recommended this discussion be had during the work session on the ordinance and regulations. Mr. Irvine said he believed less than 30 days constitutes a short-term rental. Mr. Katz said the ordinance sub-committee was going to add to the language the requirement that a B&B/Tourist Home must go through site plan review. Mr. Irvine said he would email information & definitions from NHMA attorneys, Rooms & Meals, & Housing Standards on the period of time to be considered transient use. The Board agreed to table further discussion until 8/9.

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

There were none at this time.

Review of Standing Committees

CIP Subcommittee

Mr. Katz said he has nothing further to report but that it may be time to schedule a hearing for the ARPA monies as it may impact the CIP.

Master Plan Sub Committee:

Mr. Broadhurst said the Master Plan subcommittee has not met. Mr. Mertz said he spoke with LRPC Planner Mr. Jeffers about housing who said LRPC would be performing a regional analysis with results at the end of the year. For this reason, Mr. Mertz felt it was suitable to wait for that information before talking about changes to the Master Plan.

Zoning Ordinance and Regulations Review Sub Committee:

Mr. Katz advised they hope to have amendments determined by October. He said the proposed amendments have been emailed to members for review prior to the work session.

OTHER BUSINESS

There was none.

ADJOURNMENT

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

Respectfully submitted,
Pamela Vose

DRAFT