

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

Fire Dept Training Room, 26 Intervale Drive
New Hampton, NH 03256

April 18, 2023

CALL TO ORDER

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

MEMBERS PRESENT

Regular Members: Mr. Kettenring, Mrs. Hiltz, Mr. Hays, Mr. Broadhurst, Mr. Shea, & Mr. Mertz. Alternate member: Mr. Anderson.
Mr. Shaw was unable to connect via Zoom.

Mr. Kettenring announced that this meeting would be his last as a member. In May the Board will hold Election of Officers. He thanked all members of the Board, Permitting Assistant Bob Pollock and Land Use Administrator Pam Vose, Town Administrators Barbara Lucas and Neil Irvine, for their work over the years and said he has served for 30+ years. The Board expressed their appreciation with applause.

Mr. Kettenring appointed Mr. Anderson to vote in place of Mr. Katz since he could not connect via Zoom.

OTHERS PRESENT

Planning Assistant Mr. Pollock and Neil Irvine (6:03 pm)

MINUTES

Mr. Anderson made a motion, seconded by Mr. Broadhurst to approve the minutes of 2/21/22 that Mrs. Vose had amended to show the Board failed to act on accepting a survey for property belonging to Fog Hill Living Trust. Vote was unanimous.

Mr. Broadhurst made a motion, seconded by Mr. Anderson to accept the survey for Fog Hill Living Trust. Vote was unanimous.

Mr. Mertz made a motion, seconded by Mr. Shea to approve the minutes of 3/21/23 with the following correction:

1. Add Mr. Shaw as being present at the meeting.

Vote was unanimous.

CORRESPONDENCE

After review of the plan, Mrs. Hiltz made a motion, seconded by Mr. Anderson to accept the easement plan for PSNH d/b/a Eversource Energy on property belonging to Philip Harker, Map R20, Lot 4. Vote was unanimous.

**Planning Board Guideline
booklets**

Mr. Pollock advised the Board that they were being provided Planning Board Guideline booklets to use as a guide during Planning Board processes.

**PRELIMINARY
HEARING/SUBMISSION
OF APPLICATION**

*Keri Camarigg & Mary Ann
Couglin, Cedar Lane, Tax*

Mr. Hays recused himself for this hearing as he is representing the applicants, who are not present. Abutters Edward & Jessica Storey were present.

Mr. Hays said they were relocating the driveway access point as it makes better sense and avoids a wetlands crossing, at approximately 100' further east than

Planning Board, April 18, 2023 (cont.)

*Map R7, Lot 22B,
Amendment to previously
approved subdivision for
John & Allia Connors, Map
R7, Lot 22.*

what was previously agreed upon when the subdivision was approved. Mr. Kettenring asked if that portion of the roadway would be widened as the plan states the 15' culvert will be widened to be an 18' culvert. Mr. Hays said he wasn't planning to widen the culvert, but is widening the road in front of the driveway access point and Mr. Kettenring said the plan doesn't make that clear. Mr. Kettenring said the Board would have to waive the requirement for the 18' culvert as shown on the plan and would have to make sound findings as to why they are allowing it to remain 15' wide. Mr. Kettenring reminded the Board that the original plan required that the driveway go onto the property prior to the wetlands due to the concern one of the abutters had on the location of the culvert, as the road was only 12' wide there. Mr. Pollock referred to the minutes sent to members which stated the Planning Board's condition on the driveway location when the original subdivision was approved. Mr. Kettenring said when he visited the site there was approximately 70' of roadway that measured less than 18' in width, and that it gets suddenly narrower at the culvert. He said it is likely 2 fire trucks could not pass each other, which was a concern brought up by Fire Chief Lang during the original subdivision process. Mr. Mertz observed the road was in very good shape when he visited the site. Mr. Kettenring said if the Board determines that the width of the road is suitable, they need to make findings as to why this particular road is being allowed to be less than 18' wide, to avoid setting a precedent. Mr. Mertz asked the Storeys whether they've had problems with the current road width & layout, or with the relocated driveway location, as the driveway was being used in this new location for building purposes. Mr. Storey said they haven't traveled the road much but haven't seen any problems. There was discussion on having a condition that if this was approved, and if any time in the future the 15' culvert fails, it be replaced with an 18' culvert and the road widened in that location. Mr. Storey asked if the present location where a porta-potty is located, would remain an open flat area, and Mr. Hays said it would. Mr. Storey said having that pullout would be helpful for vehicles to use, when there is approaching traffic.

Fire Chief Lang was present at 6:26 pm. Mr. Broadhurst asked him if he was satisfied with the width of the culvert being 15' wide and the width of the Cedar Lane being about 18' wide for 70 feet and whether it allows for 2 fire trucks to pass each other. Chief Lang said mirrors on the truck make the width 10' but having places to pull over is satisfactory.

Mr. Mertz said a new plan should be drawn showing exactly what the width of the road is, with the culvert remaining at 15', and suggested the condition that at some future point if the culvert needs replacing, it will be lengthened and the road widened at that location. Mr. Mertz suggested that one of the findings could be that the abutters are comfortable with the present driveway location and width of road. Mr. Kettenring suggested the finding that with the applicant's driveway being widened to at least 20' to allow for 2 fire trucks to pass each other, this would satisfy the abutter's concerns.

The Board discussed revised plans that reflect the following:

1. The road is not currently widened at the culvert and needs to reflect the current width of 15 feet.
2. The location of the house, well and septic area shall be shown.

3. Add a note to the plan that states if the 15' culvert ever needed to be replaced a larger culvert would be installed to create 18 feet of width for the travel way.
4. The applicant's driveway reflected on the plan as being at least 20' wide to 35' long, to be kept clear to allow for 2 fire trucks to pass each other.

Mr. Kettenring suggested the finding that the previous driveway location, if constructed, would have the most impact on wetlands.

The Board reviewed the subdivision checklist to determine what was required. It was found that the plans either met the list of requirements or were determined to be not applicable with this amended plan.

Mr. Kettenring advised the house, well, & leach field locations need to be shown on the plan.

Mr. Broadhurst made a motion, seconded by Mr. Anderson to accept the plans as complete with the condition they be revised and resubmitted to include the items required by the Board. Vote was unanimous.

Mr. Mertz made a motion, seconded by Mr. Broadhurst to conditionally approve the plans, once amended with the conditions as discussed, including the findings that the abutters are satisfied with the current condition of the Cedar Lane travel way, that the driveway location as previously approved was more impactful to the wetlands, and if at some point in the future the culvert needs replacement to install the larger culvert to create an 18' wide travel way over the culvert. Vote was unanimous.

Mr. Hays returned to the Board.

Mr. and Mrs. Tehan were present.

**PRELIMINARY
HEARING/SUBMISSION
OF APPLICATION**

*Douglas & Doreen Tehan on
property belonging to
Filomena Rossi & CP Rossi
Trust, 322 NH Route 104,
Tax Map R11, Lot 10, Site
Plan review*

Mr. Kettenring advised that the proposal is for sale of food, local gifts, seasonal farm products & Christmas trees. Mr. Pollock said he has provided a report on the application, including a checklist and some waivers on specific checklist items requested by the applicants.

Mr. Mertz reviewed the criteria needed to determine whether this application could be considered for Expedited Site Plan Review saying it appears to meet the criteria being:

1. The plan is for a change of use or expansion of a present use – Board agrees
2. Minimum traffic impact – Board agrees
3. No alteration to access of public streets – Board agrees
4. Minimum lot grading – Board determined this is not applicable
5. Minor drainage improvements required to accommodate any increased drainage due to improvements – Board determined this is not applicable
6. Increase in gross floor area – Board determined this is not applicable
7. Expansion of pavement – Board determined this is not applicable
8. No unusual or special conditions which require full Planning Board review – Board agrees

Mr. Mertz made a motion, seconded by Mr. Hays that the application qualifies for expedited review.

Mr. Mertz reviewed the waivers requested for Section VI. Submission Requirements, B. Plat Submission Items:

#1 to #4 – Board agreed to waive; determined not necessary for application.

#5 – this was not a requested waiver but the Board agreed that this information was already on file for this property.

#6 to #9 – Board agreed to waive; determined not necessary for application.

#10 – existing and proposed sidewalks, travel direction – Board agreed the plan sufficiently showed this.

#11 – Board agreed to waive; determined not necessary for application.

#12 – Parking information has been submitted.

#13 – Board agreed to waive; no landscaping planned.

#14 – Applicant shows lighting information relative to their use proposed.

#15 to # 25 – Board agreed to waive; determined not necessary for application.

#26 – Relative to utility Mr. Tehan said there is a propane tank behind the building where they would be locating, but thinks there are bollards in place for protection. Chief Lang confirmed bollards are in place.

#27 – Board agreed to waive; determined not necessary for application.

Mr. Mertz reviewed the waivers requested for Section VI. Submission Requirements, C. Other:

#1 to #3 – Board agreed to waive; determined not necessary for application.

#4 – NHDOT driveway permit is approved with conditions.

#5 – Report is provided from Police Chief. Mrs. Tehan said the Fire Chief did visit the building interior to advise them of what they needed to do. Chief Lang confirmed he met with the Tehans, but once further improvements are made, he will perform a final inspection and a letter on any requirements will be provided.

#6 to #10 – Board agreed to waive; determined not necessary for application.

Mr. Mertz made a motion, seconded by Mrs. Hiltz to accept the application as complete. Vote was unanimous.

Mr. Kettenring asked if there would be any interior seating and the Tehans said there would be no seating inside. Though their planned Hours of Operation initially will be Wed – Sun; 11am to 6:00 pm; Friday, Saturday & Sundays – 11:00 am to 8:00 pm. Mr. and Mrs. Tehan asked for the hours of: Seven (7) days a week, open 8:00 am to 9:00 pm. Mr. Tehan said when they are open at the same time as Rossi's Restaurant some of the parking those customers have been using will not be available as some portion along the western side of the building (as shown on the plan) will be for the Tehan's outdoor seating, but there should be sufficient parking for both uses as shown on the plan.

Mr. Kettenring advised that the exit from Rossi's through the Tehan's portion of the building will need to be kept clear for egress. Mr. Tehan said Chief Lang advised them of this requirement.

Mr. Tehan said they would be installing split rail fencing around the seating/display area which will have 5-foot openings for exits and will be temporary in nature so the Fire Dept could move them as needed.

Per Mr. Pollock's recommendations:

- i. Mr. Kettenring suggested restriping the parking lot and Mr. Tehan said he is working to get that done.
- ii. Sign permit has been approved by the Selectmen.
- iii. Input from Fire Chief on requirements are ongoing.
- iv. Waivers have been reviewed and approved.
- v. Mr. Irvine said he had spoken with NHDOT relative to the driveway permit approval, for which they've added the condition that there would be no obstruction, temporary or otherwise, within the State ROW. Mr. Irvine said he visited the site with Mr. and Mrs. Tehan and confirmed all their activity including seasonal, would remain out of the State's ROW.

Mr. Mertz made a motion, seconded by Mr. Broadhurst to approve the site plan with the conditions discussed relative to NHDOT's concerns, any concerns of the Fire Chief, with any inspection and comments by the Fire Dept after the renovations are completed - be adhered to, and that the parking lot be restriped. Vote was unanimous.

Mr. Broadhurst said the ordinance requires one space for every 2 seats and asked if the Planning Board can waive that requirement, for example, in the case of a picnic table being able to seat 6 people. Mr. Kettenring said the Board can waive a rule imposed by the Planning Board but not a rule in the ordinance that was voted on by the residents.

Workforce Housing

Mr. Anderson provided the Board will some handouts related to workforce housing from LRPC relative to RSA 674:59. He reviewed: Population changes for the Lakes Region (LR) & town based on census data; LR residency age group changes (getting older), workforce changes, current housing types, rental markets (very little vacancies). Information showed it is very difficult for people moving into the lakes region to buy or rent in the area. Due to the increase in remote working, more people are moving into the region. With the lakes region tourism, many workers needed in the industry cannot find housing to suit their income. Limited available land and some zoning restrictions make affordable housing more difficult. Studies show New Hampton needs more housing including rentals to accommodate growth. Mr. Anderson said the State is considering setting workforce housing requirements for all municipalities so towns need to start considering how it would hand that.

Mr. Broadhurst said when considering an increase in workforce housing, how does the Board balance what the desires of the residents and property owners in town feel towards this increase in affordable housing vs their responses to Master Plan survey used for its development? Mr. Anderson said this was not discussed during the presentation he is reviewing. Mr. Irvine said with the State mandating regulations relative to workforce housing, it is not the town which must create this housing but that the town doesn't limit the ability for someone to create workforce housing. Mr. Irvine said there should also be discussion within the state on property investors purchasing property for use as short-term rentals, further limiting housing stock. Mr. Broadhurst pointed out that the Conservation Commission is trying to conserve certain lands, which could be in conflict with these types of development. Mr. Kettenring advised that New Hampton's lack of town water and sewer in most areas makes it more difficult for large developments. Mr. Mertz pointed out the increasing costs for land, materials,

employees, etc. in this area, with less return on investment with rentals, it becomes difficult for developers to build workforce housing in New Hampton.

**Review of Standing
Committees**

Mr. Broadhurst said the Master Plan subcommittee met recently and continued discussion on a Regional Concerns chapter. He said once that chapter is complete, they want to consider a Housing chapter, which may require contracting with a consulting firm.

Mrs. Hiltz said the Ordinance and Regulations subcommittee has been discussed the Table of Uses in the various zoning districts in town and provided the Board with copies of what they are proposing. She disclosed that she has properties that would be affected by this discussion.

Mrs. Hiltz said they have been discussing expanding the Mixed Use District further down Route 104. She said she doesn't think water & sewer will ever be constructed along this road, which limits some developments. It needs to be determined why BC2 and BC3 have different uses than the Mixed Use District. Mr. Mertz advised that the biggest concern has been with the traffic and speed and the number trips/turns/ curb cuts onto a lot from Route 104, that is being developed. Mr. Kettenring said this is why frontage roads have been encouraged. Mr. Mertz said the Planning Board saw how Tilton grew and the effect that growth has had on that area, taking that into consideration when drafting and amending the zoning ordinance. Mr. Mertz said there could be development that could substantially affect New Hampton and Route 104 without there being town water and sewer along the route. Mrs. Hiltz recommended considering some changes in permitted uses to allow for more possibilities without allowing everything. Mr. Mertz said NHDOT has wanted to avoid any lights in New Hampton on Route 104 to keep traffic moving, further limiting some developments. Mr. Irvine said every property owner (on 104) is allowed an access on that road, for which there are many lots, and property owners may not be agreeable to a frontage road, which is what happened when the Mobil Station was unwilling to connect to Dunkins.

There was discussion on what the subcommittee was proposing be allowed in which district compared to what is currently allowed and suggested changing some uses from being allowed by Special Exception to be allowed through Conditional Use Permit. Mr. Irvine said the reason for having uses permitted by Special Exception, is that it allows approval for some uses on a case-by-case basis, with the example of a McDonalds vs a small, one-seating a night, fine dining establishment, and the difference between them and the effect on the road system. Mrs. Hiltz suggested BC2 and BC3 could just become Mixed Use. Mr. Mertz said the Mixed Use District was created to allow more uses which could mix with residential and make a more walkable district. Mrs. Hiltz asked how the Board could allow for more uses, as with the potential applicants who have come before the Board lately, such as the people who wanted to sell sheds from property on Apple Tree Lane. Mr. Mertz said that property is currently very much out of compliance and this would add another use in an already congested location, creating even more trips in and out of the property. Mr. Irvine said in January the Ordinance and Regulations subcommittee had been given the charge to completely re-write the ordinance, as opposed to making so many amendments to zoning over several years' time and the discussion on uses in districts is completely different, so the Board should consider these changes as

part of the discussion on the complete revision to the ordinance. Mr. Irvine said the Master Plan needs to be referred to when changing the ordinance to ensure amendments align with the plan, which the entire Planning Board needs to consider. Mrs. Hiltz said knowing the Board's opinion on permitted uses and districts will help with the complete re-write as those changes affect other parts of the ordinance they would be rewriting. Mr. Mertz pointed out that creating uses allowed by special exception are a good way to approve specific applications for a use on a case-by-case basis. Mr. Kettenring advised that one of the reasons for BC2 and BC3 uses to be different than Mixed Use is due to the characteristics of the land in those areas and there being wetlands the further east you go from Route 104, especially on the left side. Mrs. Hiltz suggested the Board revisit this issue at the May meeting to determine how the Board wants to proceed with a rewrite of the ordinance.

OTHER BUSINESS

Mr. Pollock advised that he has provided a handout that may help guide the Board in its consideration of amendments or re-write of the ordinance, including pertinent RSA's and information from the Master Plan – which is the driver to the ordinance.

Mr. Shea advised that the Ordinance and Regulations subcommittee did not meet but will be meeting on 5/9/23.

ADJOURNMENT

Mrs. Hiltz made a motion, seconded by Mr. Anderson to adjourn the meeting at 8:36 pm. Vote was unanimous.

Respectfully submitted,
Pamela Vose