

PLANNING BOARD

November 27, 1990

Members in attendance: Richard Smith, Sr., Chairman; William DiProfio, and Mel Keddy

Others in attendance: Sarah Campbell, Rockingham Planning Commission, Larry Smith, Cons. Commission and Austin Carter, Fire Dept. Rep.

The meeting was called to order at 7:35pm by Mr. Smith.

Ham/Ewald Mr. Smith recognized Ms. Dorothy Ham who represented Wayne Ewald of Tilton's Lane. Ms. Ham explained that Mr. Ewald wants to purchase acreage abutting his six acres. The abutting land is now owned by Mr. Corbett and it has been subdivided. Her objective this evening is to determine how to incorporate the abutting properties and dissolve the subdivision.

Ms. Ham asked if a lot line adjustment and moving the lot line over would resolve the problem. She noted Mr. Ewald wishes the present lot owned by him to be two acres. He wishes to put all remaining acreage into current use.

Ms. Ham noted that she has been to the Town Office several times and Ms. Kaste has assigned lot numbers.

Mr. DiProfio asked if Mr. Corbett would be dissolving the subdivision prior to the closing with Mr. Ewald.

Ms. Ham answered yes.

Ms. Ham stated there would be a fine line for withdrawal of the subdivision and having a new lot line established. She stated that when Mr. Corbett comes before the Board he will do the lot line adjustment.

Ms. Ham stated there were questions of the engineering regarding this adjustment.

Mr. Ewald only wants two acres with the house to give to his daughter.

Mr. Smith stated that Mr. Corbett can come in and erase the subdivision.

A February agenda item was tentatively agreed upon.

It was noted that Mr. Ewald cannot file until he takes ownership which is expected January 15, 1991.

Mills Mr. DiProfio asked Mr. James Powers if he received the letter from the Board of Selectmen regarding Andrews Lane questions he had posed.

Mr. Powers stated that he has received the information.

Mr. Smith read a letter from Mr. Pica, Engineer for Mr. Mills requesting an extension of 150 days.

Ms. Campbell read the September minutes regarding the Board's request for a letter for the extension.

Mr. Powers asked if the 90 day clock ran out before the October meeting.

Mr. DiProfio stated that Mr. Pica's request is for 150 days total.

There was discussion about the way extensions are granted.

Mr. Smith said that Mr. Pica had phoned him this day and requested to be placed on the December agenda. Mr. Pica also promised to have the drawings in the hands of the Town Engineer for review this week.

Mr. DiProfio motioned to grant the extensions to the day of the December meeting..December 19, 1990.

Mr. Keddy second.

The motion passed 3-0.

Mr. Powers asked what would happen if nothing happened on December 19.

Mr. DiProfio explained that the Board will render its decision.

Mr. Powers asked about the issue of the road and if there would have to be state permits granted.

Mr. Larry Smith stated that there have been no Dredge & Fill applications filed to date.

Mr. Keddy noted the Board could approve subject to approval of these items.

Mr. Keddy asked if there has been any activity on the Mill's site.

Mr. Powers stated as of last week they were logging in a certain area.

Mr. Larry Smith asked what permits are still in existence for this area.

Mr. Powers stated this was a new cutting.

Mr. Larry Smith will check with Mr. Donald Clark to see if they have overcut on the previous permit allowance.

Public Hearings for Zoning Ordinance Changes The Public Hearing was opened by Mr. Smith at 8:03pm.

Mr. DiProfio stated that he was not opposed to a single family cluster development as long as it does not resemble "trailer parks".

Mr. Keddy asked if the ordinance has been reviewed by Town Counsel to be sure it is not too restrictive for compliance with the State Statutes.

Ms. Campbell stated it has been reviewed, but not the question as posed by Mr. DiProfio specifically. She noted the law is quite specific.

Mr. DiProfio stated the Town has always allowed trailers in any area in town.

Mr. Powers stated there are building permits for mobile homes and asked if the two categories, regular and mobile home permits would be merging.

Mr. DiProfio stated the two permitting systems were developed to eliminate discrimination against mobile home permits.

Mr. Powers asked if there were any precedent for changing this.

Ms. Campbell noted the law stated mobile homes should not be treated different than conventional homes. She said in the past regular housing permits were used in total, ~~while~~ mobile home permits have never be totalling issued. *and 12-19-90 njm*

There was discussion by Mr. DiProfio about the removal of the Cluster Ordinance to prohibit mobile home parks. He also

discussed the meaning of nonconforming use.

Mr. Larry Smith questioned a possible contradiction with Article V.C reference to statement #1.

Ms. Campbell stated she went with the words of the RSA.

There was much discussion about #1.

Mr. DiProfio stated the Town Counsel wants to go with the wording as in the RSA's.

Mr. motioned to table the first Zoning Ordinance change as proposed pending legal opinion from the Town Counsel on the conflict of manufactured housing and subdivisions and suggested bringing the article again for the hearing at the December meeting.

Mr. Keddy second.

The motion passed 3-0.

The second article of discussion and change concerned Home Occupation fees.

Mr. DiProfio stated the RSA prohibits towns from raising revenues by fees.

The Board of Selectmen feel the annual fee should be \$25.00 which would cover cost incurred to process the application.

Mr. DiProfio motioned the Article as presented be accepted.

Mr. Keddy asked if \$25.00 would be charged for each permit issued.

Mr. DiProfio stated this was not passed to make money, but to control the proliferation of home businesses.

Mr. DiProfio motioned to repost the change and make the figure \$40.00 and take it up on December 19.

Mr. Smith second.

The motion passed 3-0.

The third article for discussion adds an item to require Home Occupation signs be in compliance with the ordinance for all other signs.

There was discussion regarding housing permits based on previous discussion. Housing permits were used while mobile home permits were still available.

Mr. DiProfio motioned not to approve this change.

Mr. Keddy second.

The motion carried 3-0.

The Board will request documentation from Joe Conti when this happened, when all mobile home permits were issued. *12-19-90 - njm*

#6 by recommendation of Town Counsel.

Mr. DiProfio motioned to accept as recommended.

Mr. Smith second.

The motion passed 3-0.

#7

Mr. DiProfio recommended this be accepted as submitted.

Mr. Powers asked if there are checks and balances to Mr. Conti's (Building Inspector's) figures.

Mr. DiProfio stated these are checked through the Selectmen's office, however, there are no formal rules for this procedure.

Mr. DiProfio noted that Mr. Conti keeps a running total as Building Permits are issued.

Mr. DiProfio stated there are no required checks and the Selectmen need the same information for other purposes.

Mr. Keddy second.

The motion carried 3-0.

#8

Mr. DiProfio motioned to accept as submitted.

Mr. Smith second.

The motion passed 3-0.

#9

Mr. DiProfio motioned to accept as submitted.

Mr. Smith second.

The motion passed 3-0.

Mr. Larry Smith, Chairman of the Conservation Commission submitted a letter to Mr. Richard Smith regarding the Commission's motion to oppose the elimination of Cluster Residential Development. Mr. Smith read the memo and a copy of same is attached to these minutes.

Mr. Larry Smith believes it will not be passed if this is eliminated this year and resubmitted next year. He suggested the Board should attempt to fix it this year and keep it on the books. He encouraged submission of two conceptual plans for reasons that are specifically outlined in the minutes of the Conservation Commission dated Nov 5 1990 and attached to these minutes. *The card to require 12/90 mjm*

Mr. Larry Smith stated the Conservation Commission is interested in preserving open space and believes the Cluster concept can be adapted to serve this purpose.

Mr. Richard Smith stated that he agrees with Larry Smith.

Mr. DiProfio asked who would fix it, the Conservation Commission or the Planning Board.

Ms. Campbell suggested a joint session be held by the two Boards.

The two Chairpersons then agreed to hold a joint meeting on December 3, 1990 at 7:30pm at the Town Offices.

Mr. Smith stated Mr. Mills should be prohibited from cutting prior to subdivision approval.

Mr. Vernon Dingman, Engineer explained 100,000 sq. ft. of disturbance rule.

The discussion about Cluster Zoning was tabled until December 19th in order to get input from the Conservation Commission.

A motion was made to table this Article until the December 19th meeting.

Mr. Keddy second.

The motion passed 3-0.

The Public Hearing for posted changes to the Zoning was closed at 9:20pm.

Bodwell

The Public Hearing for Mr. Daniel Bodwell was opened at 9:23. Mr. Vernon Dingman, IV, Engineer was present as was Mr. Timothy Bodwell.

Mr. Dingman explained that Mr. Bodwell proposed subdividing his one lot into four.

Mr. DiProfio asked where the kennel would be located.

Mr. Bodwell stated they may have to move it.

Mr. Dingman stated each lot would have a minimum of three acres each. Mr. Conti has witnessed the test pits.

The center of the stream will be the rear boundary.

Mr. DiProfio stated that the regulations require that the bounds be set at the rear along the long boundary line.

Mr. Dingman stated he will place bound markers for projection purposes and asked for conditional approval pending the setting of the bounds.

Ms. Campbell stated that the deeds will reflect the common drives.

Ms. Campbell said a copy of the State Driveway Permit will be required.

Mr. Dingman stated he will give a copy of this permit to the Board.

Mr. Smith asked if there was any input from the Fire Dept.

Mr. Austin Carter stated that the nearest water supply was too far down on Route 107. He stated the site would need a water hole within 1200 ft. of the nearest lot.

Mr. Carter suggested that Mr. Bodwell has the equipment and suggested that he dig a hole in the wet area. This would also be

accessible from Route 108.

Mr. Larry Smith reminded Mr. Dingman that if the Bodwell's go through the wetland, they will be required to go to the State for a Dredge & Fill Permit. This would also require going to the Board of Adjustment for a Special Exception. He suggested they push the pond out of the Very Poorly Drained soils to the upland soils which would not require and Dredge & Fill.

Mr. Carter stated that the pond must have a capacity of 30,000 gals. however, 40,000 would be recommended. He requested that a gravelled area be provided with space to pull off the street.

Mr. DiProfio stated the Board would be able to sign the plans after it shows the fire pond area, State driveway permits are presented and the markers are placed.

Mr. Smith stated the Board should wait until next month.

Mr. Dingman noted the regulations allow for conditional approval and requested one as there is already one structure on the property at present.

Mr. DiProfio motioned the approval of the subdivision contingent on showing the fire pond and building it, showing and installation of the bound markers along the sides of the lot, DOT curb cut and permits.

Mr. Keddy second.

The motion passed 3-0.

The Public Hearing for Mr. Bodwell was adjourned at 9:45pm.

Ms. Campbell requested a photocopy of the letter from Mr. Pica requesting an extension of Mr. Mills time.

#### Incoming correspondence

Mr. Richard Smith read the incoming correspondence.

Fire Pond There was discussion concerning subdivision done by Carlton Cottuli. Mr. Larry Smith said that a fire pond has not been constructed at this subdivision to date. It was a requirement.

It was discussed that KV Development <sup>has yet To</sup> ~~was never required to~~ install a fire pond for the large number of houses that were built on this subdivision.

Required fire protection devices 12-19-90  
ujm



Impact Fees There was discussion about Impact Fees regarding the Bodwell proposal. Mr. Carter questioned State access approval for Mr. Bodwell's fire pond.

Mr. DiProfio noted that the access would still be within the ROW of Route 108.

Minutes The minutes of October 17, 1990 were reviewed.

Mr. DiProfio motioned to accept them as printed.

Mr. Keddy second.

The motion carried 3-0.

Conservation Commission Zoning proposals Mr. DiProfio motioned to post changes to the Zoning Ordinance proposed by the Conservation Commission. The hearings will be held at the next Planning Board meeting. This includes any flood hazard regulations if referenced within the Flood Plain Ordinance.

Mr. Keddy second.

The motion carried 3-0.

Septage Ordinance proposal Ms. Campbell submitted a proposal for Septage/Sludge Disposal Facilities and suggested they be reviewed by the Board of Selectmen and then posted by the Planning Board.

Mr. DiProfio requested Mrs. Marden to skim past minutes for possible changes to Zoning Ordinances which have not been addressed to date.

The meeting was adjourned at 10:30pm.

Respectfully submitted,

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Nancy J. Marden, Secretary

Typed: December 7, 1990