

Town of Enfield

Planning Board Minutes

October 26, 2016



APPROVED Dec 14, 2016

Present: Dan Kiley - Chairman, John Kluge-Selectman, David Fracht - Secretary, Kurt Gotthardt, Paula Rowe Stone-Recorder & Alternate, Nancy Scovner, Jim Bonner- Alternate & videographer, and Scott Osgood-Town Planner.

Regrets: Tim Taylor- Vice Chairman, Rita Seto

Guests: Jeff Carney-Liberty Utilities, Wayne Claflin, Bobbie-Lynn Stone, Melissa Ball, Scott Gerlach, Melissa Hutson, Celie Aufiero, Athena Nicholson, Keith Nicholson, Chris Rollins

I. CALL MEETING TO ORDER

II. APPROVAL OF MINUTES

1. Minutes of Sept. 28, 2016

Nancy Scovner made a motion to accept the minutes of Sept 28 with a second from John Kluge. Motion passed with an abstention from Kurt Gotthardt.

III. SELECTMEN'S REPORT

Tax bills are out. Fire Works Ordinance (noise ordinance) – no fireworks Mon-Thurs, fine schedule, cease by 10 p.m. Fri and Sat. – Public Hearing in the future on the matter.

IV. CITIZENS FORUM

V. PUBLIC HEARINGS

1. Case P 16-10-02 - Site Plan review for a Home Business Licensed Day Care Facility – 12 Fitzgerald Rd –Bobbie Lynn Stone presented for her new business to become a licensed child care facility, Flutter by Childcare.

Scott Osgood stated that the application is complete. John Kluge moved to open the Public Hearing with a second from Nancy Scovner with full board approval.

Nancy Scovner asked about the stream on the property. Scott Gerlach, who lives on the South side of the Stone property, said the stream is actually on Hutson/Gerlach property. He noted he would work with Bobbi-Lyn to locate the property line.

(Mr. Gerlach also noted there is a cable line from the power pole down through the woods. Liberty Utilities Forester Jeff Carney took note of the cable issues and agreed to follow up on it.)

Bobbie Lynn stated the State licensing people have been on the property and saw no problem with the stream or the lack of fencing.

Wayne Claflin, abutter to this property, said the stream is intermittent in the spring. Mr. Claflin continued and informed the audience that he is a hunter and that he and others hunt and conducts target practice on his property. He puts up targets on his property throughout. Claflin said he has spoken with Stone about this matter.

Mellissa Hutson stated she lives next door to the property and that the kids have been in her woods between the two homes leaving toys, etc; rocks have been painted, along with heavy screaming and

hollering. The Ball's who live nearby pointed out that the children are very loud and feel it is above normal hollering and screaming and noted they find it disturbing. Bobbi Lyn stated she would work to keep the noise level down.

Motion to close the public hearing came from Nancy Scovner with a second from Dave Fracht and carried.

Nancy Scovner stated that she would not approve this without a fence. Dave Fracht asked how many children, how many caretakers. Stone said, with a State License, she could have up to 12 including her own children, per the State. There are no other employees. She currently has 7 including her own. It was stated that only three children are allowed in an unlicensed daycare, not counting the daycare providers own children. Fracht asked the ages of the children. Stone said the school age children are 6 and up. She has 4 of her own whose ages are 2, 4, 6, and 8. It was noted that children over age 10 are not included in the allowable mix. Fracht felt that this was a lot of children to watch. Fracht questioned the need for a fence. Stone said that they are planning on a fenced in yard, though unknown what kind, at some time in the spring. Stone said her mother in law is retiring and will be around full time for an extra set of eyes. Kluge felt that a fence is important and noise level adjustment may be exercised. Kiley asked Stone how far in is she on Fitzgerald Drive and she said they are the first on the right. Kiley pointed out that Fitzgerald Drive only has one egress and concerns him. Kiley feels the fencing is important. Kurt Gotthardt said a fence is needed and noise should be addressed.

John Kluge made a Motion to approve this site plan review with the condition of the business having the play area fenced in, with positive locking gate provision, and meeting the specifications of the State of NH Child Care licensing rules. (Refer to *NH Code of Administrative Rules Chapter He-4000 Child Care Licensing Rules part He-C 4002, pages 42 and 43*) with a second from Nancy Scovner seconded. The vote was approved, 4 to 1. Gotthardt voted no. Kiley, Scovner, Kluge, Fracht voted yes. A notice of Decision of conditional approval will be sent to the applicant.

2. Case P 16-10-01 - Boundary Line Adjustment – 353 Crystal Lake Road – Scott Osgood, Planner said the application is complete. Chris Rollins, surveyor for the Nicholson's presented. Dave Fracht made a motion to accept the application as complete with a second from John Kluge and carried. Nancy Scovner made a motion to open the public hearing, with a second from John Kluge. Motion carried. It came to light that a small part of a building on the Nicholson property is over on the Anderson property. The Andersons and Nicholson's have come to a resolution that will change the boundary line minimally with a 1.7 foot setback. The Nicholson property does not meet the current zoning setback. With this change it continues not to meet the zoning setback. They met with the Zoning Board of Adjustment recently and they approved the setback with two conditions: 1. The Enfield Planning Board approve the boundary line adjustment. 2. The same mapping is presented to the Enfield Planning Board as was presented to them. Rollins read a letter to the board that Sara Anderson wrote to Nicholson encouraging approval of this plan. Nancy Scovner made a motion with a second from John Kluge to close the public hearing at 7:59 p.m. Motion carried.

In Planning Board discussing Board members Gotthard and Fracht questioned the ability to approve this plan with a minimal non conforming setback. It was noted by Town Planner Osgood that the issue was decided by the Zoning Board of Adjustment, and could not be used to not approve this request. If there are other issues with the Boundary Line adjustment, not addressed by the Zoning Board, the Planning Board is free to discuss and use them in coming to their decision.

There being none brought up; John Kluge made a motion to approve this adjustment. Kurt Gotthardt seconded this. Abstaining was Nancy Scovner and Dave Fracht. John Kluge, Kurt Gotthardt, Dan Kiley approved. Motion carries.

Mylar was presented to Chairman Kiley and Signed. The Town will send to the Grafton County Registry for recording.

3. A Presentation and Hearing of a proposal to trim vegetation on Scenic Roads was done by Liberty Utilities Forester Jeff Carney in accordance RSA Section 231:158. He has toured the roads of Enfield to address safety concerns staying within the guidelines of the PUC. Work will be done on Ibey, Oak Hill, Kolbe, Mud Pond Lockehaven, Kluge and Boys Camp Road. Some of the work on Lockehaven, Kluge, Boys Camp, will be addressed next year. John Kluge said that the trees that he has marked for removal on our roads have been very conservative. Carney said he is sensitive to the rural character. He provided an informative presentation answering the questions of the Board. He noted that all landowners along the route must give permission for Liberty to cut vegetation on their property. Nancy Scovner made a motion to close the public hearing with John Kluge seconded. Nancy Scovner made a motion to approve Liberty Utilities vegetation trim with a second from John Kluge and carried. *(Written consent of the presentation to be forwarded to Liberty in accordance with the RSA.)*

VI. BUSINESS DISCUSSIONS

1. Close out Conditions on LP Gas Site on Whaleback Mtn Road – Scott Osgood planner, presented a complete lighting submittal to the board. Dave Fracht pointed out lighting concerns around the tanks. Mr. Osgood said that this site plan does not include the tanks and was corrected by Fracht who further noted his concerns with the lighting plan. Gotthardt agreed with Fracht. Scott Osgood said they have met their conditions of the conditional approval with the final condition stating all the lights will be downcast.

Gotthardt and Mr. Fracht stated he is concerned of the absence of lighting detail, and the late presentation of the final plan for review. Mr. Osgood stated the applicant and design engineer had been putting the package together for quite a long time, and finally had the package complete and delivered on Tuesday, October 25. All information received to the date of the mailing was included in the mailing. The package delivered at the meeting including the formal transmittal from the owner the Town. Mr. Osgood further noted the applicant plans to move into the facility and approval of this lighting package is necessary for a certificate of occupancy and that the duty of the board is to review and approve the application for completeness and sign the approved notice in a public hearing.

A motion was made by Nancy Scovner, seconded by John Kluge and voted on to accepting the conditions for the application reviewed on April 27, 2016 have been met, with the final condition requiring the exterior lighting be full cutoff units.

Nancy Scovner, John Kluge, Dan Kiley voted yes. Kurt Gotthardt and Dave Fracht voted no.

Final approval of the work at the tank area was not addressed as conditions were not yet complete.

2. Close out Conditions for Stonewhale Realty Phase I self storage at 100 Whaleback Mtn Rd – The plan highlights the locations of the lighting on the building locations and cut sheets were provided showing the fixtures to be all downcast lighting.

Nancy Scovner made a motion to accept the conditions with a second from Dave Fracht. Motion carried unanimously.

Approval of the Phase II conditions was not addressed the work has not been started as yet.

3. Amendments for 2017 Town Meeting Zoning Ordinances– Mr. Osgood Town Planner noted he has generated a draft list of changes, to be presented at the next meeting.
4. Site Plan Review Changes – Minor corrections.
5. Master Plan Update – Status and recommendation for the process to be presented at the November meeting.

6. Watershed/Wellhead Protection plan – To be finalized and presented as reference material for the Zoning Ordinance and Regulations.

VII. COMMUNICATION

1. Family Dollar drainage – DOT has looked at this and suggests a conduit with catch basins on the Family Dollar and SAU property. They need DOT approval and may need a Wetlands Permit. A consensus from the board was that a hearing before the Planning Board was not seen as a necessity.
2. Wetlands Permit Rebuild Retaining Wall 25 NH Rte 4a, Map 18 Lot 30 – permit obtained.
3. Intents to Cut 48 Wescott Rd and George Hill Road were noted as received.

VIII. NEW BUSINESS

- Discussed timing of mailing the packets. Kurt asked that he receive the packet no later the Wednesday prior to the meeting. Mr. Osgood agreed to have a packet ready for Kurt on Wednesday, noting that information often comes in after that date, so would need to be supplemented at the meeting.
- Mr. Osgood noted he attended the bi annual meeting of Upper Valley Housing Coalition with Realtors, Planners and Engineers, and Legislators on Oct 29. Noted vacancy rates are around 1% in Hanover and Lebanon, and 3 to 4% in the surrounding Towns.
- Reported on a meeting on Sept 29 with the Town Appraiser Norm Bernaiche regarding Lots 44 and 46, aka the Mascoma Lakefront Park. Noted details which limit the use of the land. We expect an appraisal in a few weeks.
- Reported on a meeting on Oct 26 with UVLSRPC on a Brownfields Grant. Attended by EPA, DES, Claremont, Lebanon, members from the South West RPC and local Engineer Dan Nash. A committee will be formed to rank sites needing a Brownfields assessment.
- Reported on a meeting with Benoit Lamontagne from DRED Division of Economic Development on Oct 21. Discussed what his office can do to locate sites for business. Toured the Town and showed him the assets Enfield has that would attract businesses. Noted he offered to return to give a presentation to any Town Board with Michael Bergeron, Director of Business Development.
- Listened in on an audio Webcast from the Orton Family Foundation on Oct 20 regarding small business in small Towns. Had a few good ideas presented.
- Attended a workshop on Adaptation to Climate Change in the DHMC auditorium on Oct 25. Attendees were a broad coalition from NH and Vermont with a wide array of professions attending.
- Met with the Budget Committee on Oct 13 and provided details on the line items with particular attention to the mapping money. Noted it is shared with Zoning and DPW and the assessing office.
- Reported on a meeting with DRED representative Chris Way and Northern Border Regional Commission Director Mark Scarano on the grant request.

IX. NEXT MEETING- Regular Planning Board Meeting – November 16.

Board discussed what day to hold the next meeting. Nov 16 is an off schedule day, but was chosen so it is not the day before Thanksgiving nor too soon after the current meeting. By consensus agreed to the next meeting being November 16 (*Meeting was cancelled, next meeting was Dec 14*)

X. ADJOURNMENT