

# Town of Enfield

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## Planning Board Meeting Minutes

December 27, 2017



**APPROVED January 24, 2018**

**Present:** Dan Kiley; Chair, David Fracht ; Vice Chair, John Kluge ; Selectman Ex-officio, Kurt Gotthardt, , Paula Rowe Stone; Alternate and minute taker, Jim Bonner; Alternate and videographer, Scott Osgood; Town Planner/Zoning Administrator

**Regrets:** Nancy Scovner, Tim Taylor, Rita Seto

**Guests:** Tim Sidore, Ledgeworks Inc., John Dore- UVLT Vice President Stewardship and Strategic Initiatives, Butch Dixon- UV Automotive, Allison Flint, Annabelle Nicholson.

I. CALL MEETING TO ORDER

Chairman Dan Kiley called the meeting to order at 7:01 p.m.

II. APPROVAL OF MINUTES

1. Minutes of November 8, 2017

John Kluge made a motion to accept the minutes as written. Fracht pointed out necessary edits at the end of page 2 (ancient history reference). Page 3 first paragraph – re vacant town land, 2<sup>nd</sup> paragraph negative vote was Bonner.

III. SELECTMEN'S REPORT

Selectman John Kluge reported on the public hearing of the water and sewer rate increase and the Rte 4a sewer test.

IV. CITIZENS FORUM

V. CONCEPTUAL HEARING

Allison Flint asked to present a conceptual subdivision of her land, Parcel 23-008 on Bonneyview Lane and Shaker Boulevard, at the head of the Lake Mascoma. The Board agreed by consensus to hear her presentation.

It was noted that she requested a Variance for the ZBA on Dec 12, 2017 for the right to have two detached dwelling units on the site. The Zoning board denied her request.

Allison described the existing conditions and a subdivision concept. She noted there is a house and a garage on the site. They are separated from each other by a drainage ditch and a large old oak tree. The second unit would be over the existing garage. The second unit would be occupied when the house is rented out. She is now considering subdividing the land to be able to live in the unit above the garage when renting out the house.

Issues discussed included setback requirements, road frontage and what the access would be for each lot. Plans presented show that Bonneyview Lane on paper runs past the property. The actual condition noted by Allison is that it stops at the west abutter and is currently a lawn on the abutting property. Current access to Allison's Lot is on the driveway to her dad's land, which is on the east side of her lot. The subdivision presented shows frontage on Shaker Blvd. Kurt noted that if Rte 4a is providing the frontage, permission from the State would be necessary

Allison thanked the Board for their input and noted she will consider their advice and her options.

## VI. PUBLIC HEARINGS

1. File P 17-12-01 Boundary Line Adjustment Upper Valley Land Trust Parcel 07-005 & Hathaway Parcel 20-002.

Town Planner Osgood noted the application is complete. Fees have been paid, the application was complete and the abutters and general public were notified of the hearing in accordance with State law.

John Kluge made a motion to accept the application as complete with a second from David Fracht. Board voted in the affirmative. A motion to open the Public Hearing came from John Kluge with a second from David Fracht. All moved to accept the motion.

David Fracht made a motion to grant the request from the applicant to waive the requirement 5.04 minor Subdivision Final Review under item A7 that the entire UVLT parcel being subdivided be shown on the survey. This is an un-surveyed part of 995 acres owned by the UVLT. A second was made by John Kluge and the request for this waiver was approved.

John Roe, Vice President, Stewardship and Strategic Initiatives of the Upper Valley Land Trust presented the request. He noted the UVLT has recently acquired land abutting Mr. Hathaway's Land. In going over the boundaries, it was found that a small pond is bisected by the property line with Mr. Hathaway's land, Parcel 20-002. The UVLT requested that the property line be moved to have the pond fully on Mr. Hathaway's Property. Potential liability issues were noted as one of the reasons for the boundary line adjustment requested.

A motion was made to approve the Boundary Line Adjustment. Town Planner Osgood noted that there is no information in the file that shows that Mr. Hathaway has agreed to this arrangement. John confirmed that he was party to the adjustment, but that no written correspondence has been done. Mr. Roe agreed to get a letter from Mr. Hathaway confirming his acceptance of this action

A motion was made by David and seconded by John to approve the Boundary Line Adjustment with the condition that correspondence from Mr. Isiac Hathaway be received that acknowledges his agreement with this boundary line adjustment.

Motion carried unanimously.

2. File P17-12-02 Site Plan Review –U-Haul dealership at Upper Valley Automotive 675 NH Rte 4A – Town Planner Osgood noted the application has been received, fees have been paid, and notices to the public have been sent, with all those within 200 ft sent by certified mail, and residents of Wilsons Trailer Park outside the 200 ft limit have been notified by regular mail. Osgood noted he worked with the Land owner, the Chase family to have the application prepared but that not all the requirements for a site plan review were fully presented .

David Fracht made a motion to waive the condition of a formal plat, John Kluge seconded this. Bonner, Rowe, Kluge, Fracht, were in favor, Gotthardt and Kiley, said no. Town Planner Osgood provided photos showing U-Haul Trucks Parked on the adjacent land owned by Chosen Vale.

Osgood was asked if there was feedback from the abutters. He noted the only comments came from the owner of the Park and the home across the street from the business. Her concerns were on what the scope of the U-Haul Dealership would entail and there were concerns that the activity did not overflow on the other lands, or to interfere with traffic on Foster Circle.

Kurt felt that the application is not complete with what he has received and this is in the R1 district and an expansion of a non compliant use.

David Fracht made a motion to accept the application as complete with a second from Kluge. Motion passed with one no from Gotthardt.

Osgood noted the definition in the Zoning Ordinance of Accessory Use and noted it is different from an expansion of the use. John Kluge felt that this was a principle use of the existing business and allowed. Gotthardt felt that this needs a variance for a change of use.

Butch, (aka Leon Dixon) the lessee of the property noted that U-Haul often delivers vehicles to his property without his knowledge or permission. He noted he got advice that one needs to be careful to not become a parking lot for U-Haul. He acknowledge the problem and agreed to properly deal with it.

David Fracht made a motion to approve the site plan as presented with the following requirement: the applicant keep no more than 5 U-Haul vehicles within the boundaries of the lot. It was noted the definition of vehicles includes trailer as well.

Butch agreed to this requirement. Jim Bonner seconded, Kluge, Rowe, Fracht, Kiley, and Bonner approved.. Gotthardt did not.

### 3. Discussion on 60 Main St –

File P17-09-01 Tim Sidore, Property Manager for Ledgeworks Inc., the building owner, was present for the continuation of the hearing of November 8, 2017. Sidore reported he had spoken further for agreements with Dr. Hettleman and stated Hettlemans requirements are that Ledgeworks, Inc. must purchase a section of the town property on Blacksmith Alley Parcel 31-027. The Selectboard has stated the Town does not want to sell this property but will consider a two year lease on part of it.

Tim confirmed he has not received an agreement with Dr. Hettleman, and that Hettleman said a lease is not acceptable. Osgood stated he had a discussion and received an email with Bruce that confirms that no agreement is in place to allow him access though his land for the parking spaces behind 62 Main Street.

Tim noted he wants to organize the site. Possibly putting parking spaces in the leases has done a lot improve the quality of the units, and they support a future Riverwalk . David asked if they would consider reconfiguring the units. Tim said it not practical to do so.

The Board engaged in a lengthy discussion with Mr. Sidore on this predicament suggesting some idea's, including going to the ZBA for a variance on the parking.

The condition has not been met and the Board by consensus noted it will not continue forward with this.

VII. BUSINESS DISCUSSIONS

1. File P 14-01-023 Final Acceptance of “Evenchance “ Insurance Documents - Osgood included in the packet correspondence between the Towns Insurers Primex and Legal counsel for the Insurance Company and the Towns counsel. Insurance Company counsel email states that with the final rider they are comfortable with the Insurance Document.

Town Planner Osgood will update the status of the list of conditions confirming that all conditions have been met for final signatures of approval of the subdivision.

VIII. COMMUNICATION

1. Supreme Court Hearing on Foley Case – Osgood gave a summary of the Supreme Court hearing on the Foley ZBA case. He noted both attorneys did a good job expressing their stand on the case, and were given a number of questions from the Court. There were only three members sitting for the hearing. Pertinent points debated were the ex- parte communication, which had information that was not available to the opposing attorney, and the question of allowing incremental zoning violations. Final decision is unknown.
2. Progress on Jake’s Market – Nothing received. Waiting for the State review of the traffic plan presented by the applicant.
3. Wetlands Permit – Wilson’s Park Parcel 22-005 – small part of a wet area in Wilson Trailer park.
4. Shoreland Permit – Permit on a retaining wall has not been received by the planning office as yet.

IX. NEW BUSINESS

Kurt Gotthard asked that future public hearings be scheduled for once a month instead of twice a month. Board generally concurred, with exceptions made when an applicant requires a closer date.

Kurt also stated packets must be mailed out 14 days ahead of the hearings and include full size plats. Any more than three full size plans would be available at the Planning Office instead of in the mail.

It was noted the board needs one more alternate and stands with 7 full members.

X. NEXT MEETING –

4<sup>th</sup> Wednesday of January, the 24<sup>th</sup>, 2018.

XI. ADJORNMENT

Motion to adjourn came from John Kluge with a second from David Fracht. Motion carried.