

# Town of Enfield

---

## Planning Board Meeting Minutes

January 24, 2018



### **APPROVED Feb 28, 2018**

**Present:** Dan Kiley; Chair; David Fracht, Vice Chair; Kurt Gotthardt, Rita Seto, Paula Rowe Stone; Jim Bonner; Alternate and videographer, Scott Osgood; Town Planner/Zoning Administrator

**Regrets:** John Kluge; Selectman Ex-officio, Tim Taylor, Nancy Scovner

**Guests:** Michael Dann, John Markowitz, Jr

I. CALL MEETING TO ORDER

II. APPROVAL OF MINUTES

1. Minutes of December 27, 2017 –Kurt Gotthardt made a motion and Dave Fracht seconded to put the minutes up for approval. With the amended minutes and corrections all were in favor with one abstention from Rita.

III. SELECTMEN'S REPORT – None this evening, due to the absence of John Kluge, Selectman.

IV. CITIZENS FORUM – None this evening.

V. DRIVEWAY PERMIT REQUEST

1. Driveway Permit for 353 Crystal Lake Road, Keith Nicholson, Parcel 46-014 Mr. Nicholson was in attendance to speak. His current driveway is in a bad spot. He has an adjacent piece of property that has never had a driveway. He has started one, though a chain is across at this time. This entry way driveway will allow better access for fire trucks should they ever need to be there. Mr. Nicholson said he would not be doing away with the current driveway. David Fracht asked Mr. Nicholson to show him where the new driveway would be as he could not see the indication on the map provided this evening. Mr. Nicholson said his and the abutting property belonging to Mr. Berube have had surveying done and this map does not show the right of way correctly. Gotthardt asked where the right of way ends and begins. Nicholson said he has no issue with the boundary right of way. Chairman Kiley reiterated that this right of way has nothing to do with his driveway. Nicholson said it was approximately 60 feet from the right of way. Mr. Nicholson pointed out the improved site distance. The boulders were placed there decades ago by Freddie Hammond. Scott asked Keith to state his position on being a driveway for a Contractors yard. Mr. Nicholson said he is not using the lot as a contractor's yard or lumber yard and holds no trailers for being a contractor. The items that are noted here are his personal pieces of equipment on his large lot and registered appropriately. David commented that it sounds like his own personal toys and Nicholson said that they were. Nicholson said that they will be putting up trees, bushes to improve the property that will cover the equipment. Chairman Kiley brought the meeting into order as Gotthardt further questioned a complaint. Kurt asked if it was a planning board decision to ask if someone had a contractor yard. He

further noted it is for the zoning administrator to answer a complaint and to determine if there is a violation. Dan clarified that the application that was before the board was for a driveway permit. David Fracht made a motion to approve the driveway permit at Map 46-014 and noted correction the original application that states that Map 45 was presented, with a second from Rita Seto. All were in favor unanimously.

## VI. PUBLIC HEARINGS

1. Final Acceptance of Conditions of Evenchance Sub Division Parcel 10-010 – Chairman Kiley asked Town Planner Osgood if the final conditions have been met. Town Planner Osgood referenced the Bond that has been approved by the insurance companies and our lawyer. Chairman Kiley asked if the public would like to speak. John Markowitz spoke and informed of the water runoff across the road down on Route 4-A in the vicinity near Paula's property. Michael Dann reiterated this and informed the board of the problem that has been created by the State of NH DOT on 4-A. Mr. Markowitz continued with water in the brook by his house, and how much more logging. Town Planner Osgood pointed out the SWPPP, Storm Water & Pollution Prevention Plan, and a State requirement, prepared for L & M by Pathways Engineering that has been prepared and will be followed by the Contractors. John and Michael asked to give their email to Scott so as to have a copy of the SWPPP.

David Fracht made a motion to approve the final Acceptance of Conditions of Evenchance Subdivision Parcel 10-010, with a second from Kurt Gotthardt. All were in favor unanimously. Chairman Kiley signed off on the Notice of Decision.

2. Consider Amendments to the Enfield Zoning Ordinance – Chairman Kiley read the public hearing notice formally.

a) Consider restrictions on Accessory Dwelling Units on Manufactured Homes, Townhouse and Condominiums per RSA 674:71 – Kurt Gotthardt made a motion to open the public hearing with a second from David Fracht and passed unanimously. Chairman Kiley asked Town Planner if this could be on a duplex. Town Planner Osgood said the definition is a guide for this. David Fracht pointed out that under Accessory Dwelling Unit A should be edited 'must be connected' should read 'that is within or attached.' This further changes 674:71 II. David Fracht asked if we should edit further with our language. Town Planner said you should just refer to the RSA and not use our language. Gotthardt questioned the single family dwelling further. Rita Seto felt that the RSA definition should be incorporated into our Land Use Definitions. Board agreed by consensus. Scott to include the language of the RSA.

b) Shoreline Setbacks in the Eastman Subdivision – Chairman Kiley asked Town Planner why we are doing this for the Eastman development. This edit removes the requirement for 300 feet separation to wetlands. Town Planner Osgood informed that the current language is solely for the Conservation District in the Eastman Subdivision. The Eastman Subdivision was built before Zoning in Enfield and has been built similarly to residential zoning districts. This change gives the residents in this part of Eastman the same rights as Enfield residents in residential districts. Kurt Gotthardt read from the Ordinance using the same language for R1, 2 & 5. Rita asked if it is the Eastman Subdivision or the Eastman District.

c) Revising abutter language. Voluntary mergers were removed from the definition because the RSA's do not require notification of a voluntary merger.

d) Size of a parking space – David Fracht has looked at the definitions and adhered to the zoning regulations and site plan. The ordinance says 18 feet, but the definition says 20 ft. Kurt noted that we

can't do this now – it will have to be next year – as it was not noticed. Kurt Gotthardt brought up a grammatical correction on Page 57 - Lawful use.” “... Lawful lot?” It should be use, and this is not grammatical. Kurt felt that there should be a complete overhaul of the structure of the Zoning Ordinance. Town Planner Osgood said he would be glad to do this to make the Ordinance easier to use.

Motion to close the public hearing came forward from David Fracht with a second from Rita Seto at 7:58 p.m. Motion passed.

Motion to accept the Amendments to the Enfield Zoning Ordinance came from David Fracht with a second from Kurt Gotthardt and carried unanimously.

## VII. BUSINESS DISCUSSIONS

1. Mailing requirements for Noticing Public Hearings per RSA 674:17 – Town Planner Osgood explained the difference between verified mail and certified mail and Certificate of Mailing to the Board and how cumbersome this is. Kurt Gotthardt emphasized the legal address. Jim Bonner asked how we know they received it. Town Planner Osgood said that we don't have to prove they received it with the Certificate of Mailing. Kurt Gotthardt said you only have to prove you sent it. Town Planner Osgood said we have a choice of two. David Fracht spoke of Registered Mail and the cost. Kurt Gotthardt asked if we want to send to abutters certified or receipt. The Board decided to go with certified mailings and the fees will fall back on to the applicants. David Fracht will look further into this and bring back any new information to the Board, per Chairman Kiley.
2. Revision to Planning Board Fee Schedule - The Board will recommend to the Selectboard the current fee schedule for the Planning Board.
3. Revisions to Site Plan Review - The change to mailing requirements is in the Site Plan review. With no change recommended by the Board the language will remain the same.
4. Revisions to Sub- Division Regulations
  - a. Mailing requirements – as stated in the business discussion and Site Plan review note.
  - b. Definition of Minor and Major Subdivision - as stated in the definitions.

## VIII. COMMUNICATION

1. Strategic Governance – David Fracht felt that this is a good idea, however did not feel if it was necessary to kick the Master Plan down the road. Perhaps merge the Master Plan and Strategic Governance together in the future and he wants to note the article by a NH resident. Chairman Kiley said that there will be a meeting this weekend with the department heads and Town Manager and anyone in the public who wants to attend. This will be the beginning of where the town is headed and one would not want to get ahead of the strategic planning. Kurt pointed out that the current Master Plan is 1995 and another year would not hurt us. Town Planner Osgood and Chairman Kiley said it could. Chairman Kiley felt that there is nothing in the Master Plan for Strategic Governance, however there is something in the strategic governance for the master plan.
2. Legislation for 2017 – Included for information. No discussion held.
3. Shoreline Permit for Retaining Wall at Bassy Lane included for information.
4. Distributed Land Use Books and CD's to those who ordered them.

5. Planning Board Annual Report – Kurt wanted the last line on edited to state only as necessary, not requested. Chairman Kiley agreed. Town Planner Osgood removed the line as requested by a majority.

IX. NEW BUSINESS

- X. NEXT MEETING – February 28, 2018

XI. ADJORNMENT –

Rita Seto made a motion to adjourn at 8:25 p.m. with a second from David Fracht and carried.