

**MINUTES OF THE MEETING
PLANNING BOARD
January 10, 2019
7:00 PM**

MEMBERS PRESENT: Robert Smith, Chairman; Mark Beliveau; David Cedarholm, Howard Hoff, Alternate & Wayne Lehman, Alternate

OTHERS PRESENT: Charles Cox; Seth Peters; Stephanie Deming; David Deming; Aland & Martha Ammann; Anne Tappan; Karen Gould; Rick Wolker; Erick Sawtelle, Perry Briggs; Marek Petrik; Bill Booth, Building Inspector & Caren Rossi, Planning & Zoning Admin.

MINUTES

Draft Minutes 11/08/2018

Wayne Lehman made a motion to approve.

David Cedarholm second

Vote: all, minutes approved

PB1819-8 Public Hearing on the following Zoning changes.

Redefine the definitions of Agriculture, Farm Farming, Farm Market, Roadside Farm Stand & Ag Tourism to reflect the current NH statutes.

In Article III, General Provision delete the current Section E Agriculture, Farm Market, Roadside Farm Stand, Agriculture Tourism, and replace with:

AGRICULTURE: (Agriculture, Farm, Farming, as defined by RSA 21:34a) Agricultural activities shall be permitted in all zones subject to the following regulations.

- 1. Farm stands which include any permanent structures/buildings shall be subject to the current Zoning Regulations in the Town of Lee and may be subject to site review by the Town of Lee's Planning Board.**
- 2. All temporary and permanent Roadside Farm Stand are required to be registered with the Town of Lee Code Enforcement Office. Any temporary buildings/structures are exempt from the definition of building/structures as defined in Article V, (Residential Zone) of the Town of Lee Zoning Ordinance as amended, and Article XV (Wet soils Conservation Zone) and are exempt from the Setback provisions from Article V, (Residential Zone) and Article XV, (Wet Soils Conservation Zone) however they must be removed at the end of the season.**
- 3. Farm roadside stands which do not comply with NH RSA 21:34-a, III are not permitted**

AG TOURISM: If a fee is charged, in order to be a permitted use, the farm must be actively producing agricultural products for sale. Farms where the seller is not actively producing agricultural products for sale, shall require a special exception.

Amending the terms in the Agriculture Signage section to be consistent with Article II (Definitions) and Article III, (Purpose) in the zoning ordinance.

-Extend the existing commercial zone along Rt. 4 (Concord Rd) from 60 Concord Rd (Dollar General) to the intersection of Sheep Rd and Old Mill Rd., with a width of 1000 feet, with Rt. 4 as the center line.

Robert Smith, Chairman started a power point presentation explaining the proposed change to expand the commercial zone. (In file)

Alan Ammann 7 Old Mill Rd spoke against the proposal. He submitted a letter for the file and read it into the record.

Seth Peters Old Mill Rd spoke against the proposal. He feels it should stop at the river and feels it would not have any benefits. Feels that the property should get zoning approvals as requested for the development of the sites. Feels it's detrimental to the wetlands in the area. Not gaining a lot by doing the expansion. He also commented on the limited access with NHDOT.

Mark Petrik Old Mill Rd spoke against it. He agrees with the others, as well as too much traffic on Rt. 4 already. (Letter in file)

Rick Wolker (owner of Fore on Four) spoke in favor of it. Feels it will be beneficial to the community.

Perry Briggs 104 Concord Rd spoke against the application. Concerned his taxes would go up. Doesn't feel he needs to complete the form if he's not making the changes.

Caren Rossi explained that she received from the assessor, form PA-42. If the expansion passes at town vote, residence fill this form out and your property assessment will remain as is upon passing. She continued to explain that the commercial zone has greater restrictions than the residential zone. If the property goes to the ZBA and seeks relief for the use in the residential zone, they are subject to the residential setbacks. If the zone changes and its commercial, they are subject to the commercial setbacks which are greater. Providing better protection for the wet soils and abutters etc. She also read an email from NH DOT 6 regarding the limited access. (In file)

Mark Beliveau explained that the reason we are looking into this is because when business uses continue to expand by variance into the residential zone, it appears as the zoning ordinance isn't doing its job. That is why the expansion was presented.

Public comments closed

Caren Rossi explained to the Board the options for the proposal. 1, change it and re-notice it for a public hearing on 1/24/19 or 2, send it as it is or 3, withdraw all together. She also explained on a plan provided to the Board, another option. This option was expanding it a distance of 2,000 ft. with a depth of 500 ft. and 2,400 with a depth of 500 ft.

David Cedarholm stated that looking at the map provided by Mr. Ammann, it appears there is a lot of development potential of the vacant lot, #4-08-0400, and he suggests expanding it either 2,000 ft. or 2,400 ft.

Mark Beliveau stated that he was never comfortable extending it to Old Mill Rd.

Other members agreed with extending it.

David Cedarholm made a motion to extend the commercial zone on the south side of Rt 4, all the way to Sheep Rd with a depth of 500 ft. On the north side of Rt. 4, 2,400 ft. with a depth of 500 ft.

Howard Hoff second.

Vote: all, motion carried.

Caren Rossi will notice the amendment for the meeting on 1/24/2019.

-Clarify the frontage requirement in all sections of the ordinance to include the word "contiguous" in order to be consistent with the definition of frontage.

Caren Rossi explained that the town attorney stated that this change although it's not necessary it is good housekeeping. It will clean up any confusion in further applications. She has made the change in the entire regulations as it pertains to all parts of frontage.

There was not any issues with Board members.

No public comment.

Howard Hoff made a motion to recommend that this change go on the ballot.

Wayne Lehman second.

Vote: all, motion approved, it will be sent to the ballot.

-Include Airbnb and Bed and Breakfast in the definitions

Caren Rossi read the definition drafted at the work session:

Bed and Breakfast: An owner-occupied dwelling providing sleeping accommodations for no more than 10 people, with each person staying no more than 10 consecutive days, which may also offer a morning meal.

Public comment

Erick Sawtelle suggested the we add the following wording to clarify any confusion. *The term “Bed and Breakfast” shall include all such accommodations regardless of the manner or form such accommodations are being offered to the public.*

The Board members agreed that it would help clarify any confusion.

Caren Rossi will post this as well for the 1/24/2019 meeting.

Redefine the definitions of Agriculture, Farm Farming, Farm Market, Roadside Farm Stand & Ag Tourism to reflect the current NH statutes.

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- 3. Farm roadside stands which do not comply with NH RSA 21:34-a, III are not permitted**

AG TOURISM: If a fee is charged, in order to be a permitted use, the farm must be actively producing agricultural products for sale. Farms where the seller is not actively producing agricultural products for sale, shall require a special exception.

Amending the terms in the Agriculture Signage section to be consistent with Article II (Definitions) and Article III, (Purpose) in the zoning ordinance.

Caren Rossi stated that after the last meeting she sat down with Erick Sawtelle and went over the suggested changes. The existing definitions of agriculture etc. are being replaced with the NH State Statue as amended so we will stay current with the state as it changes. We clarified the Farm Market and Roadside Farm stand to be consistent to what they really

are. When most people think of a farm market, they think of the traditional Farmers Markets that are common where multiple farms gather and sell their products. However, what the definition was for a stand at a farmer. This has been clarified.

The Board review the proposals. The concern was the potential safety, traffic and parking hazards if all farm stand site review is waived.

Mark Beliveau read NH RSA 672:32b *Any new establishment, re-establishment after abandonment, or significant expansion of a farm stand, retail operation, or other use involving on-site transactions with the public, including agritourism as defined in RSA 21:34-a, may be made subject to applicable special exception, building permit, or other local land use board approval and may be regulated to prevent traffic and parking from adversely impacting adjacent property, streets and sidewalks, or public safety.*

Other board members agreed and were not comfortable with stating that they would be exempt from site plan review.

Mark Beliveau suggested adding *all temporary seasonal roadside farm stands shall be placed and operated in such a manner that does not create health or safety risks and may be subject to site review.*

The other members agreed. This will be added as #4 in General Provisions.

Caren Rossi will make this change and post it as well for the 1-24-2019 meeting.

Caren Rossi also explained that the word seasonal need to be added in the Temporary Roadside Farm stand title and definition. It should read *Temporary Seasonal Roadside Farm Stand*. As well as remove the last sentence as it's covered in Article III, *However, they must be removed at the end of the growing season.* These changes were just an oversight.

Erick Sawtelle agreed.

Mark Beliveau stated, in the definition of Temporary Seasonal Roadside Farm Stand, as follows: *Permitted activities include: but are not limited to; the marketing of agricultural products, products that are agriculture-related, including specialty foods, gift items, mass produced items that reflect the history and culture of agriculture and rural America; crafts, pick-your-own fruits, vegetable and nuts; community supported agriculture (CSA), agricultural tourism.* He feels that *pick-your-own fruits, vegetable and nuts; community supported agriculture (CSA), agricultural tourism.* Should be removed as it's not an activity of the farm stand.

The Board all agreed.

Caren Rossi will make this change for the 1-24-19 hearing.

1/10/19

Caren Rossi explained in Article III, General Provisions Section E, and Agriculture now will reflect the NH RSA 21:34a. The entire article is proposed to be removed and replaced with this new wording. In this there are a couple spelling mistakes that we caught after the posting. As well as adding in #2, instead of just *end of the season* it should state *however they must be removed at the conclusion of the seasonal activities*.

Caren Rossi will make this change as well as the addition of #4 from previous discussion.

Caren Rossi will make all the changes and post the meeting for 1-24-2019 at 7pm.

Robert Smith, Chairman stated he would like to move Wayne Lehman up to a permanent position. Historically, it's the person who was an alternate first. That would be Howard Hoff but he has declined.

The Board agreed.

David Cedarholm made a motion to appoint Wayne Lehman to the fulltime position.
Mark Beliveau second.
Vote: all,


Caren Rossi will fill out appointment slip to make Wayne Lehman a fulltime member.

MINUTES TRANSCRIBED BY:



Caren Rossi, Secretary

MINUTES APPROVED BY:



Robert Smith, Chairman



Howard Hoff, Alternate



David Cedarholm

Mark Beliveau


Wayne Lehman, Alternate