

Draft

Planning Board

January 10, 2006

Members Present: Barbara Freeman (Chair), Bill Weiler (Vice-Chair), Ron Williams, Al Bachelder, Deane Geddes (Alternate), Lacy Cluff (Alternate), Ken McWilliams (UVLSRPC).

Case: Code – 007 – Amendments to Building Regulations and Zoning Ordinance

Mrs. Freeman opened the hearing at 7:09 p.m.

The public notice read as follows:

Notice is hereby given that the Newbury Planning Board will conduct a public hearing on Tuesday, January 10, 2006 at 7:00 p.m. in the Newbury Town Office Building, Route 103, Newbury, N.H. to receive public input on amendments to the Newbury Building Regulations and the Newbury Zoning Ordinance proposed by the Planning Board. The proposed amendments to be discussed at this public hearing are summarized below. Copies of the full text of the amendments proposed by the Planning Board are available in the Town Office Building.

Mrs. Freeman suspended the hearing to wait for public comment.

Case #: Adm1-061 - Master Plan – Community Attitude Survey

Mr. McWilliams asked for the Board's input. He said that he would like the survey to go out January 24, 2006.

Mr. Weiler said that for question #19 he would like to see a column for excellent. He also suggested that for question #25 putting less than 5 years, 5-15 years and 16-30 years.

Mr. Thayer said that question #29 should include kindergarten.

Mrs. Freeman agreed.

Mr. Williams was concerned about there being more than one person in the house who would want to fill out the survey.

Mr. McWilliams said that the cover letter said to pick up copies at the Town Office or to go online and submit it electronically.

Mrs. Freeman said that copies should be available at the library too. She also suggested that the cover letter say that anyone over 18 years old could fill out the survey.

Mrs. Freeman said that the cover letter needed a new due date.

Mr. McWilliams said that it should be due three weeks after it goes out.

Mr. McWilliams asked about recycling.

Mrs. Freeman said that Clay Rucker sent her an email that said that the Town was going to start recycling cans and plastic in the spring, but she thought that they should leave the question as it was.

Mr. Dezotell asked if there were descriptions of each quadrant. He was speaking specifically of Bly Hill because the property owners had access to the lake and he felt that it should be in quadrant 2.

Mr. McWilliams said that all of the houses were in quadrant 4.

Mr. Dezotell said yes, but he thought they should be in quadrant 2 because they had access to the lake.

Mrs. Freeman disagreed. She said that they were not trying to get at any particular issue in this question. They were just trying to get an idea of where people lived.

Mr. McWilliams said that they could cross tabulate the results. For example, see how many people in a certain age group felt a certain way.

Mrs. Freeman said that they would probably want to see everything by age.

The Board had no further comments on the survey.

White Star Auction Hall

Mr. Weiler read a letter that he had drafted to Paul LaCasse regarding White Star Auction Hall. They are operating a gift shop which is not part of their site plan. His letter states that a change of use requires a new site plan. Their lighting is also in violation.

Mrs. Freeman asked why the Board could not just write directly to them since we know that it is a change of use and have Mr. LaCasse address the lighting.

Mr. Weiler said that he thought a personal visit would be better.

Mr. Geddes disagreed and felt that a letter would be less threatening.

Mr. McWilliams said that he thought that a letter to Mr. LaCasse addressing both issues would be the right avenue.

Procedures

Mrs. Freeman said that a committee had been formed to track what happens to the Planning Board's projects. Mr. Williams has agreed to be the chair of the committee and Mr. Bachelder will track everything by computer. Dennis Pavlicek and Paul LaCasse will be on that committee as well.

Mrs. Freeman said that she brought the amendments to the Selectmen. They were concerned that we did not have anything in place for enforcement and asked that the Board postpone amendment #4 until a procedure was in place. She thinks that it is a reasonable request. The Selectmen are worried about who would be making the final decisions on the issues. It is sensible for them to worry about such things. If the Selectmen do not back the amendment, it will never pass. Part of the enforcement problem is a tracking problem. Some of these things can be followed by a consultant that the applicant would have to pay for.

Mr. Weiler said that is not working either. He said that Angel Hawk has submitted a request to cut.

Mrs. Freeman said that she thought that it was a different piece of property, not the subdivision that the Planning Board approved. It is on Cheney Road because they got a driveway permit off of Cheney Road. However, she thinks that the Board needs to write a letter informing them that if they make roads and then subdivide, they would not be able to use those roads.

Mrs. Freeman re-opened the public hearing on the Zoning Amendments.

Mary Thayer agreed with Mr. Weiler and felt that amendment #4 needed to be kept because there were so many things that slide through the cracks like Matt Inicki's property.

Mrs. Freeman said that the problem with that site is that they could not find a site plan.

Mr. Williams said that he found minutes he had taken.

Mrs. Cluff said that he gave them to her to type quite a while ago and said that she would send them out to the Board members.

Mrs. Freeman said that the Planning Board had good relations with all the Boards and that it had not always been that way. She said that she would like to keep that. She felt that if the Planning Board tried to push something through that it would change that relationship. She said that she felt that the lack of enforcement was in part the Board's lack of persistence with the Selectmen.

Mr. Thayer said that the Town voted to have a Code Enforcement Officer. They are in violation of what the town voted on. Mr. LaCasse is only doing building permits.

Mrs. Freeman said that she told the Selectman that. The rationale for this amendment said “In 2003 the town voted to establish the position of Code Enforcement Officer to enforce the town’s building, planning and zoning regulations. This amendment brings the zoning ordinance into conformance with that vote.” The Selectmen disagreed with that rationale. They said that the Town voted to have that position.

Mr. Dezotell believed that most people want a code enforcement officer.

Mrs. Freeman agreed.

Mr. Weiler said that he felt that Mrs. Freeman was speaking with wisdom in terms of maintaining good relationships with the other Boards.

Mr. Weiler suggested getting procedures in place early and asking the Selectmen to delegate them to Mr. LaCasse and see how it works.

Mrs. Freeman thought that was an excellent idea.

Mr. Bachelder agreed that waiting one more year would not hurt.

Mr. Geddes said that he had talked to Mr. LaCasse quite a bit and felt that he gave good advice. He cannot keep up with the contractors that are building houses. He cannot keep up with his work load.

Mrs. Freeman said that they had also reduced his hours.

Mr. Geddes said that he felt that the Board should take this year to iron out the details and not rush it to town meeting.

A motion was made to withdraw Planning Board Amendment #4. It was seconded. All were in favor.

Mr. Dezotell left the meeting.

The Board discussed Planning Board Amendment #1. There were no comments on this amendment.

The Board discussed Planning Board Amendment #2. Mr. Weiler said that the second definition should say “...permission to relax one or more...” There were no comments from the public.

The Board discussed Planning Board Amendment #3. Mrs. Freeman commented that Mr. McWilliams needed to red line all of it. There were no comments from the public.

A motion was made to send all the amendments as corrected to ballot. It was seconded. All were in favor.

Mr. Thayer asked if the Board still needed to have the public hearing on January 31, 2006.

Mr. McWilliams said no, the Board did not have to have that hearing.

Mrs. Freeman said that there would be no work session for February.

A motion was made to adjourn. It was seconded. All were in favor. Meeting adjourned at 8:32 p.m.

Respectfully Submitted,

Lacy L. Cluff
Recording Secretary