

Washington Planning Board

Meeting Minutes - Draft

July 2, 2019

- 0.0 Assembly: 6:30PM, Town Hall
 - 0.1 Members present: Hatch, Dulac, Crandall, Revane and Schwartz
 - 0.2 Alternates present: Kluk, Chidester
 - 0.3 Members and Alternates Absent: Terani and Shifflett
 - 0.4 Visitors: Jim Garvin, Ed Thayer

Hatch opened the Public Hearing at 6:30 PM

- 1.0 **Public Hearing** for Crestwood Landscaping LLC – Hatch spoke about the site walk that was held June 8th for the business. He asked for any comments on the business permit that we determined was complete previously and there were none. There was no public present and Schwartz said no comments were received by mail or email. Hatch closed the public hearing at 6:35PM.

Hatch opened the regular meeting at 6:35PM.

- 2.0 **Minutes: May 14th meeting** – Hatch asked if there were any comments on the minutes, there being none, Dulac made a motion to approve as written, Crandall seconded the motion and all voted in favor.
- 3.0 **New Business:**
 - 3.1 **Jim Garvin**, suggesting a change to the LUO regarding RV section 306 – Garvin had previously sent the board a copy of his proposed change to the LUO. He asked about the process of changing the LUO and Schwartz said it has to go to a hearing and town meeting for approval. Hatch said the board is in the process of reading through the LUO and considering changes so we will consider what he is proposing when we get to that section. Garvin said he is trying to downsize and met with a builder who gave him a high price for a small house. He said they spend the winter in Florida in their RV and they are toying with selling their house and stay in the RV full time. He said they have deep ties here and want to stay in Washington. He realizes that septic is a big concern. He wants to pour a pad, dig a well and install a septic system and stay in the RV on his land. He said it would cost him considerable money to do what he wants to do. He wants 183 days of residence so he can claim residency here, register his car and insure it in NH. He suggests that the day count starts when the RV is parked on the lot and the permit is issued. He feels removing the RV is good because people don't want to look at a vacant RV on a lot. He said in terms of septic, RVs have tanks that are not approved by DES and it is a pain to have it pumped out or go to a far away pump out station, which is costly. Hatch said there is a pump out station in nearby in Deering. Hatch said that we have looked at the RV section of the LUO many times and that proliferation of RVs would be detrimental to the way the town looks. When we redid the Master Plan it was felt by a majority that this isn't the way we want the town to be. He said we encourage building, seasonal parking of RVs and proof of pump outs and this is what was decided. The Master Plan will be updated in 2025. Kluk had the page from the Master Plan that showed single-family dwellings and seasonal homes were encouraged and mobile homes and others were discouraged. Garvin said that an RV is not a mobile home and there

are 4 seasons in a year. Hatch said that at present 4 months are allowed and we made it less restrictive than it was before, when we updated it 2 years ago. Kluk said the 4 months don't have to be consecutive so people can hit different seasons. Hatch said Garvin's approach to the treatment of wastewater is different. Garvin asked the process if we don't approve. Schwartz said you could do a petition article. Dulac asked where Garvin stands with his request if we want to change the LUO. Kluk asked what it means if we do allow it; 2 dwellings on a lot, the septic system load would go up with another bedroom. You would need to certify that the system could handle an additional bedroom. Thayer suggested fine-tuning to say one RV, one septic system to a lot. This is more of a clarification of the LUO and expansion of property rights. Hatch said it would be a state approved system, he wonders about the concrete pad and septic and whether it would be contingent on a building permit. Schwartz thought you would need a permit but Thayer said you could pour a pad without a building permit. Revane thought the time limit is the only issue, change it to 183 days and let things be handled by what is in place. Thayer said someday he might like to sell his house and live on his land with a septic and well. He said no one wants to look at RVs parked in the woods, rotting away like in the 1960's. He would like to see us update things to allow people to do things right. Kluk said we spent a lot of time hashing this out and loosened the regulations some. People would be getting the benefit of town services and not paying for a building. Dulac doesn't remember a discussion of people setting up as a mobile home with well, slab and septic. Hatch said this would have to be in addition to what we have, not instead of the current regulations. Revane suggested creating another seasonal permit with different criteria (slab, well, septic with setbacks met with a seasonal duration. Dulac said if we change the LUO it is a process, if we change it to another procedure that goes to the ZBA, you don't change the LUO and just go on a case-by-case basis. Revane said there is no process with the ZBA. Kluk said she researched the ZBA and it is the appeals board for all LUO challenges. Hatch said the ZBA has a very specific function and criteria for decisions. Thayer said they want to clean up the language to let taxpayers do what they want to do. Revane suggested a check off box for a seasonal permit and let people get a time variance. Kluk said hardship would need to be proved for a ZBA variance. Hatch said that the ZBA asks what the variance is for, the variance is permanent with the property, and he doesn't think the ZBA is the right vehicle for this. Schwartz said we would look at the issue and consider it. Hatch said we will discuss and work on the issue and bring something forward. Dulac said we need to consider everyone with the LUO not just individuals.

3.2 Planning Board Handbooks – Kluk said she was searching online for information at NH OSI and found they have handbooks available for both the Planning Board and ZBA. Schwartz had her copy of the handbook from 2007 and said it is a helpful guide to have. Hatch suggested we purchase 10 copies; so all members can have one. He made a motion to buy the books, Schwartz seconded the motion and all voted in favor. Schwartz will order them.

3.3 Business Permit Violations – Kluk asked for a discussion about violations of business permit. Schwartz said there has to be a complaint made to the BoS and then they will act on it. She said a business is displaying outside and their permit says inside only. Hatch asked if she was asking about a wider business permit issue and if so we can put it on the agenda for discussion. Crandall wants to institute a review of business permits every few years. Hatch said this is about

scope creep and asked Schwartz to put it on the agenda for next month. She suggested the BoS walk over and speak with them.

4.0 Old Business:

4.1 Business Permit, Noah Chidester – Hatch asked for a motion to approve Chidester’s business permit for Crestwood Landscaping, LLC. Dulac made a motion to approve, Crandall seconded the motion and all voted in favor. Chidester paid the fees and Schwartz will send him a signed permit.

4.2 Business Permit, Jon and Camille Gibson – The Gibson’s sent a letter stating their intent to use their winter showroom as a year round artists’ gallery space. We approved last month and Schwartz will put the letter in their file.

4.3 Business Permit, Shifflett – Shifflett provided a letter to accompany his business permit application for his farm business. He stated that this is just a new name for an existing farm business. Hatch asked for a motion to transfer the permit from Chute to Shifflett. Dulac made the motion to transfer the permit, Hatch seconded the motion and all voted in favor. Schwartz will send the permit.

4.4 LUO list priorities – Hatch stated that we were tasked with looking at Article II for this month’s discussion. Kluk suggested a work session on this. Hatch said we are reading through the section as a group and we can discuss it. He read the article aloud. In section 200.1 Kluk commented that we need to be consistent and 2-family is confusing. She said the building permit will need a new name soon. She said there is confusing language and we should look to #301 for language and reference this. Revane said that we should cross out “for more than 2 families”. Dulac asked what we are trying to accomplish tonight, not wordsmithing. Kluk asked to schedule a work session. Hatch said we are going through a methodical process to work through the document. Under 200.2 Schwartz asked what we are referring to in Article III, we should be specific. Kluk objected to the words “no permit required”, it should say no Site Plan review required. In 200.3 Kluk said Home Business is not consistent and should read Home Occupation as in the Site Plan review document. Crandall said that “includes Contractors” here is inconsistent and should be removed. also “see Article III” isn’t specific enough. Schwartz said in 200.4 Junkyards should be a new paragraph. Hatch questioned whether we have to go to Town Meeting with wordsmithing. Schwartz said that typos and clarification that doesn’t change the intent don’t need to. Revane said we should be clear with intent. Schwartz will check with the town attorney about what needs to go to Town Meeting. In 200.5 Schwartz had a question about the requirement for restoration after an excavation project. In 200.6 Schwartz said we should directly reference the Cell Tower ordinance. Schwartz questioned the reference to 3.07 in the Subdivision Regulations. We should just say the PB sets a fee schedule that will apply. We will continue through Article II section 201 and on for next month. Kluk said we should consider adding steep slope areas to #201.

4.5 Town Center Vision Committee – Schwartz said she and Gilbert have met to discuss their assignments. Crandall said that his road group met with Ed Thayer and will present something at a larger meeting. She thinks a full subcommittee meeting could happen soon. Schwartz said that Penny Whitman sent information about a grant opportunity from CIRD and her office would be happy to partner with us. It was a short deadline and required a matching \$10K but it is an annual grant. We may consider it for next year and go to Town Meeting with a request.

4.6 Municipal Buildings project update – Revane said the Propane tank was emptied and removed from behind the Schoolhouse. A pole was put up to move the electrical service temporarily. The fire escape was removed and all the water lines were found and the well is on the other side of the church but the electricity

and breaker for it is in the Town Hall, he said they need to straighten this out. The DPW crew is going to remove the annex with some help and they will keep track of their hours and save the town money.

- 4.7 Master Plan** – This is a placeholder.
- 4.8 ZBA report** – Hatch said they have continued the hearing on Longval to their next meeting. The ZBA had some questions they needed answers on. Schwartz had a copy of the 2011 LUO in place when he bought the property in 2013. The setbacks were identical to the present LUO. Hatch said they are trying to use Subdivision Regulations - 5.09 for an exemption. Schwartz said it isn't relevant they are past the 4-year vesting period. Hatch said a realtor from Verani Realty was trying to claim his land is being taken and the town should pay. Kluk said the lot was conforming in 2006 when it was created and later became a non-conforming lot of record. Hatch said Longval's contention is that he bought the three lots as a good faith legal subdivision. Schwartz said the setbacks have been in place, he needs to meet them. Hatch said that they told him they would speak with the Planning Board. He went to speak with the BoS, who also didn't agree with his arguments or documents. Hatch said he was seeking clarifying points tonight to understand the issue fully. Revane said the ZBA would still have 2 variances to consider. Hatch said that CC chair came to speak and they were concerned with the wetlands; it is a high priority wetland and part of a vast wetland area feeding Highland Lake. He said another abutter wrote to ask them to place the mobile home, as far away from the road as possible, they were concerned about the visibility. Hatch said he is looking for a 25-foot variance from the wetlands in two places.
- 4.9 UVLSRPC** – Dulac said that in the last 2 weeks the RPC has closed on \$1M in grant money. He said the bigger towns have more influence but we have a chance to propose things. They have \$490K from DOT (being used for the rotary on Lebanon), \$300K from the EPA for brown fields projects, \$175K in USDA money for rural development (mainly for green projects) and \$3K to \$5K for small planning projects. Dulac wants us to be aware of what is available to apply for. He said we could suggest projects, take them to Town Meeting and get local support, then go to UVLSRPC for money.
- 4.10 Noise Ordinance** – Schwartz had sent the newest version of the noise ordinance to Chief Murdough and got his feedback. He is still questioning some of the language. She then sent it to NHMA for an opinion and they suggested sending it to the town attorney. Schwartz asked the BoS for permission to send to Matt Serge and they said yes. She will send it to him this coming week.
- 4.11 Building Permit** – Schwartz and Kluk worked on another version and Kluk added drawings to make it clear what is being requested and a new fee schedule. They passed it along to Revane, who will take it to the BoS for review.
- 4.12 Town Owned Lots** – We attended a BoS meeting where they spoke to us about selling the town owned lots. The BoS have engaged an auctioneer company to do the sale. We were invited along with the Conservation Commission to evaluate and comment on the lots. They will be offering them as is but are willing to put in restrictions into the P&S agreements. Another condition of sale is that if the buyer doesn't do what was agreed on the lot goes back to the town.
- 5.0 Driveway Permits:**
- 5.1 Peter Ofman**, on East Washington Road, TM 16-94, Ed checked and recommended construction as per the wetland permit design, Schwartz checked the site and had no further comments. Crandall made a motion to approve, Dulac seconded and all voted in favor

5.2 Brian and Barbara Quinn, King Street, TM 19-33, Ed checked and recommended a water bar to keep the runoff moving into the existing ditch, Schwartz checked the site and explained where it was on King Street, at the far end but before the Class VI section. She said they know the road is not maintained in winter and will sign off on liability to the town. Dulac made a motion to approve, Crandall seconded and all voted in favor.

6.0 Mergers: None

7.0 Communications:

7.1 Intent-to-Cut, Meghan Tweedy, TM 11-27, Lempster Mountain Rd.

7.2 NH Div. of Historic Resources, copy of project review for CM beach and field project

8.0 Meeting date for next Planning Board meeting – August 6, 2019, at 6:30 PM, at the Town Hall.

9.0 Adjournment: Time: 8:57 PM
Motioned by Dulac, seconded by Crandall, all voted in favor.

Respectfully Submitted,
Nan Schwartz