

**PLANNING BOARD MINUTES
DECEMBER 14, 2004**

ROLL CALL:

Lee Maloney, Chairman – Present
Ross McLeod, Secretary – Excused
Phil LoChiatto, Regular Member – Present
Ruth-Ellen Post, Alternate Member – Present
Chris Doyle, Selectman Alternate – Excused

Nancy Prendergast, Vice Chairman – Present
Walter Kolodziej, Regular Member – Present
Pamela Skinner, Regular Member – Excused
Bruce Breton, Selectman – Present

STAFF:

Al Turner – Director of Planning & Development

Following a closed meeting with Attorney Campbell, Ms. Maloney opened the meeting at 7:40 p.m. The Chair introduced Board Members present and announced that Ruth-Ellen Post, new Planning Board Alternate, fills in for Ross McLeod. Ms. Post agreed to take the minutes in his place.

TOPIC: Reviewing Proposed Amendments with new revisions drafted by Staff pursuant to Attorney Campbell's recommendations.

Mr. LoChiatto motioned to adopt ICC Building Code and move to public hearing dated 12/14/04 and initialed by the chairman. Mr. Kolodziej seconded. Passed 6-0.

TOPIC: Amendment #1 to section 200 regarding manufactured housing, etc. Mr. Wayne Morris, Trails Committee, asked if the new wetlands definition is different from that of the Army Corps of Engineers. Mr. Turner explained that the new definition is necessarily consistent with the State of New Hampshire's new definition. He will provide information to the Board at a future date as to why this new definition is mandatory. Mr. Turner further explained that "manufactured housing" is defined elsewhere and is not subject to impact fees. However, "modular housing" and "presite-built housing," as defined here, are subject to impact fees. Ms. Lisa Linowes offered a correction: "Manufacturing housing" should read "Manufactured housing."

Mr. Kolodziej motioned to adopt Amendment #1, amending Section 200, to move to public hearing including changing "manufacturing" to "manufactured" in the "Presite Built Housing" section. Mr. LoChiatto seconded. Passed 6-0.

TOPIC: Amendment #2 to Section 405 regarding replacement of pre-existing non-conforming structures. Mr. Turner pointed out that the RSA's do not allow expanding of a non-conforming structure but that expansion is allowed on the conforming side of the structure, or in some cases, vertically. A Board member recalled that this section was intended to address structures on extremely small lots.

Mr. Kolodziej moved not to forward Amendment #2 to the public hearing to amending Section 400. Seconded by Mr. LoChiatto. Passed 6-0.

TOPIC: At the request of a member of the public, Amendment #8 regarding Section 612.1 Village Center District was moved forward for early discussion. Possible confusion was noted regarding this amendment's creation of overlay districts as opposed to entirely new districts. If overlay districts are what is contemplated, language probably would have to be changed. Mr. LoChiatto emphasized that the goal of these districts was to create more commercial/retail opportunities. Ms. Post asked about the "development guidelines" and "special conditions" mentioned in this amendment: are those guidelines and special conditions in place? Mr. Turner responded that new site plan development guidelines are proposed and that those will go to public hearing in the near future. Mr. Turner also noted that a petition to rezone a parcel under section 612.1 has been submitted.

Motion by Mr. LoChiatto to move Amendment #8 to public hearing with the following changes: change 310.10 to 301.11 and add Section 706. Second by Ms. Prendergast. Discussion ensued regarding combining proposed amendments #8 and #9 as they both pertain to the village center district.

Mr. Kolodziej motioned to reconsider prior motion of Amendment #8. Mr. LoChiatto seconded. Passed 5-0-

1. Ms. Post abstained.

Mr. LoChiatto motioned to combine Amendment # 8 and 9 with the following changes: change 310.10 to 301.11 and add Section 706 and adopting language in revised document dated December 15, 2004 and initialed by the Planning Board Chair for Section 612.1 Purpose. Mr. Kolodziej seconded. Passed 5-0-1. Ms. Post abstained.

TOPIC: Amendment #4 (new Amendment 2) to Section 601.6. Mr. Turner noted that this applies to non-residential site development only. Ms. Maloney recommended that, in the public notice for this amendment, it also be described in layperson's terms. Mr. Breton questioned the use of specified trade names; more generic language was urged. Mr. Turner pointed out that the goal of this amendment is to bring state-of-the-art technology to drainage issues. Based on counsel's observation that this amendment seemed to grant a blanket exemption from the provision of the WWPD for non-residential development Mr. Breton, Mr. Kolodziej, and Ms. Post questioned the wisdom of this amendment. Ms. Prendergast proposed additional language regarding monitoring and enforcement. Mr. LoChiatto pointed out that a favorable vote on this amendment only means that it will go to public hearing for further input and possible revision.

Mr. Kolodziej motioned not to move Amendment #4 (new Amendment 2) to public hearing regarding Section 601.6. Mr. Breton seconded. Failed 3-3. Ms. Maloney, Ms. Prendergast and Mr. LoChiatto opposed.

Ms. Prendergast motioned to move Amendment #4 Section 601 to public hearing as described in 12/15/04 revisions publication with provisions that systems be maintained in proper working order and this maintenance be logged in a manner to be submitted yearly to the Town. And that a maintenance plan be submitted with the application. Mr. LoChiatto seconded. Passed 4-2. Mr. Breton and Mr. Kolodziej opposed.

Ms. Prendergast motioned to move Amendment #3 regarding Section 601.2 to public hearing. Mr. Kolodziej seconded. Passed 6-0.

Mr. Kolodziej motioned to move Amendment #5 regarding Section 607 to public hearing. Mr. LoChiatto seconded. Passed 6-0.

Ms. Prendergast motioned to move Amendment #6 regarding Elderly Housing to public hearing. Mr. Kolodziej seconded. Passed 5-1. Mr. Kolodziej opposed.

Mr. LoChiatto motioned to move Amendment #7 regarding Open Space (new #6) to public hearing. Mr. Kolodziej seconded. Passed 5-0-1.

Mr. LoChiatto motioned to move Amendment #10 (new Amendment #9) Section 706.5 on sign with time and temperature to public hearing any delete "exception". Ms Prendergast seconded. Passed 6-0.

Mr. Kolodziej motioned to move Amendment #11 (new Amendment #10) Section 706.6 regarding grading for the sign to public hearing. Mr. Breton seconded. Passed 6-0.

Mr. Kolodziej motioned to move Amendment #12 (new Amendment #11) Section 706 sign height from 14' to 12' to public hearing. Ms. Prendergast seconded. Passed 5-1. Ms. Prendergast opposed.

Mr. Kolodziej motioned to strike the words "Mobile Homes" and substitute "Motorized recreational vehicles or recreational campers" and move Amendment #13 to public hearing. Mr. Breton seconded. Passed 6-0.

Mr. LoChiatto motioned to move Amendment #14 Section 715 regarding School Impact Fees, as shown in the revised document dated 12/15/04 under Section 715.9 to public hearing. Ms. Prendergast seconded. Passed 6-0.

Mr. Kolodziej motioned to adjourn. Mr. Breton seconded. Passed 6-0. Meeting ended at 10:40 pm.

These minutes are in draft form and have not yet been reviewed and approved.

Respectfully submitted, Ruth-Ellen Post