HENNIKER PLANNING BOARD
October 14, 2009

Approved Minutes

1) Call to Order/Attendance
Members Present: Kristin Claire, Chairwoman; Ed Miner, Vice-Chairman; Terry Stamps; Rick Patenaude; Scott Osgood; Ron Taylor, Selectman, ex-officio; Jeff Roach, Alternate; Thomas Howard, Alternate; Leon Parker, Alternate Selectman, ex-officio

Members Excused: Kellie Dyjak

Others Present: Mark Fougere, Planning Consultant; Jen Connor; Steve Connor; Paul Brien; Jennifer Astholz, Recording Secretary

Chairwoman Claire called the meeting to order at 7:03 pm. She stated that Alternate Jeff Roach will be voting in place of Kellie Dyjak.

2) September 9, 2009 Meeting Minutes – Review and approve
Minutes of the September 9, 2009 Planning Board meeting were read, and corrections were made. Terry Stamps **MOVED** to approve the minutes as amended. Jeff Roach **SECONDED** the motion. Motion **PASSED, 7-0.**

3) Developments of Regional Impact: RSA 36:54-36:58
Mr. Fougere stated that there are no DRI's to discuss.

4) *Case# 2009-008*, Map 2 Lot 148A & 148B. Located at 258 Western Avenue & 89 Goss Drive, located in the RV Village Proper District, the Applicants (Jeffery & Marian Towle and 50 Western Avenue Real Estate, LLC) are proposing a lot line relocation between the two adjoining properties.

Tony Lamarine, representing the property owners, Jeffrey & Marian Towle, presented the application for the lot line adjustment as described above. He stated that they are proposing to move the lot line in order to make the housing lot larger and the other lot smaller. The minimum acreage requirement for that zone is 20,000 square feet. The land included with the lot line adjustment is currently wooded and is not being utilized for any specific purpose.

Chairwoman Claire stated that both of the lots are conforming lots and setback requirements are met. She opened the public hearing at 7:10 pm.

Paul Brien, a neighbor, asked what the allowed use is for the North Branch property. Mark Fougere read the list of uses allowed in the RV zone as well as those uses that are allowed by Special Exception. He stated that the Town has a very detailed change of use procedure in place, and granting the lot line adjustment would not impact that in any way.

Terry Stamps **MOVED** to accept the application as complete. Ron Taylor **SECONDED** the motion. Motion **PASSED, 7-0.**

Audience members came forward to view details on the larger set of plans.

Leon Parker, Alternate Selectman, ex-officio arrived at 7:15 pm.

Hearing no other questions or comments, Chairwoman Claire closed the public hearing at 7:16 pm.

Scott Osgood asked if the reason for moving the lot line is to add additional property to the residential property. The applicant stated that it will do that as well as protect other lots.

Jeff Roach **MOVED** to accept the application for the lot line adjustment as described in Case #2009-008. Ed Miner **SECONDED** the motion. Motion **PASSED, 7-0.**

5) Discussion: Map 12 Lots 752 B&C. Potential campground located on NH 114 (Wear Road) in the Commercial-Recreational District (CR-1) Zoning District, Mr. Rick Humboldt. Review potential to construct a campground on the property.

Mr. Humboldt was not yet present, so the Board continued with the next agenda item.

6) Discussion: Map 1, Lot 522B, 316 Weare Road. Hours of operation, Henniker Junction Restaurant and Bar.

Mr. Fougere stated that the Board of Selectmen has received some complaints about activities at the Henniker Junction. Board members had reviewed copies of the complaints in their information packet. He stated that the restaurant's hours were originally 11:00 am to 11:00 pm. The owner came back in 1998 and requested that the hours be extended to 1:00 am. The Planning Board at that time granted temporary permission for a few months with stipulations. No issues were raised, so the operating hours became permanent. Since it was the Planning Board that amended the hours of operation back then, it is under the Planning Board's purview to review this matter.

Mr. Fougere stated that if the Planning Board agrees, he will write a letter to the owner explaining the conditions of the extended hours and request that corrections be made immediately.

Chairwoman Claire stated that the former minutes reflect that it was the understanding of the Board that as long as there were no complaints, the restaurant could extend their hours of operation.

Tom Howard stated that complaints are related to loitering problems. He suggested that patrons should either be inside the establishment or leaving immediately.

Ms. Stamps stated that it would be appropriate for the business owner to responsibly monitor the patrons and take care of them as needed. It was noted that the police are aware of problems at this business.

The Board consensually agreed to have Mr. Fougere write a letter from the Planning Board to the business owner reminding him of his responsibilities and the Town noise ordinance; a time frame for compliance will not be specifically stated. Mr. Fougere stated that he will talk with the Police Chief about this matter and ask him to speak with the business owner as well. A copy of the letter will be sent to the police department and the neighbors. Mr. Parker stated that this will give a warning that the hours of operation may have to be restricted again.

Rick Humboldt arrived at 7:30 pm and asked that his request for Board discussion (Agenda item #5 above) about his property be removed from the agenda as he is still gathering information. He stated that he will talk to the Town Planner and reschedule when he is prepared for further discussion.

7) Board Discussion on Grandfathered Active Excavation Operations

a. Update – Visits with Patenaude – Temple Road, Foster Materials – David Foster, Aucoin.

Mr. Fougere reported on active excavation operations. He stated that some of the area at the Temple Road site needs to be restored. One area has been totally excavated and will need a reclamation plan. He stated that there will be some bonding considerations needed.

Mr. Fougere stated that the gravel pits operated by David Foster were immaculate and no erosion issues were found. He reported that Mr. Foster is addressing a fuel storage issue with the State.

Mr. Fougere reported that Leo Aucoin's excavation pit never had any approval by the Planning Board. He stated that it is a very small pit, and the owner is coming in to the office to discuss the matter.

A representative from Cousineau's site is coming to the Planning Board for site plan review. Denis McComish is scheduled to meet with Mr. Fougere tomorrow to discuss the expired permit as he missed the two-year process.

Mr. Fougere stated that he has one more pit to visit to complete the inspection process.

Ron Taylor stated that Michie Corp. has begun reclamation of a 150'-200' area.

b. Workforce Housing Report.

Mr. Fougere stated that RSA 674:58-61 goes into effect January 1, 2010. He analyzed Henniker's zoning and housing stock and reported his findings in a report dated October 8, 2009. He stated that the 'Henniker region' is tied to the Merrimack County records. He reviewed his written report with the Board. Mr. Fougere recommended that no changes be made at this time. He stated that, like a GMO, he would recommend that the Board review this topic every year to make sure that Henniker is in compliance. He stated that when looking at zoning, a majority of the Rural Residential areas are in 10-acre minimum zones, and this could make it challenging in the future.

Mr. Fougere stated that the purpose of this is to accommodate future demand as the market grows. However, this is very difficult to project in today's economy. He stated that there are new houses being built that are below $220,000.

Ms. Stamps asked him to verify the numbers recorded for the town of Washington in the report.

Mr. Osgood stated that Henniker's zoning is unique in that it is tied to roads. Paving a gravel road changes the zoning requirement. This contributes to the lack of control and inability to forecast.

There was discussion about the viability of a Town build-out plan in the future.

Rick Patenaude stated that it would be hard to do since no one can foretell the wealth of the community. Mr. Osgood stated that other factors contribute to a Town-wide build out plan such as waterways, topography, wildlife, etc.

Mr. Parker stated that it may be worthwhile to look at the build-out capacity as the Town stands now, and base it on the existing roads, etc.

Ms. Stamps stated that it could be a valuable project if the Regional Planning Commission could be given detailed assumptions.

Mr. Patenaude asked how much it costs for the Regional Planning Commission to do a build-out plan. Mr. Fougere stated that it depends on providing accurate variables; it could be +/- $10,000.

Mr. Osgood stated that it would be helpful to decide if rezoning would be appropriate as there is not much diverse zoning currently. He stated that good zoning protects the future. Chairwoman Claire stated that it is also helpful to have a build-out plan to decide where growth should be encouraged.

Mr. Fougere offered to get samples of build-out plans from other towns. He stated that they can be very helpful, but he has also seen very poor ones.

Mr. Taylor stated that designating areas as larger or smaller acreage revalues all of the land.

Mr. Patenaude stated that he believes there is a high probability that central planning could cause problems. He stated that when someone buys property, they believe they are getting something. He cautioned the Board to be conscientious with the power that they have over people as a government arm. He stated that they need to make sure that the Board does not arbitrarily infringe on the rights of the people they serve in Town.
Mr. Howard stated that he understands these concerns.

Chairwoman Claire stated that she likes the idea of quantifying what is in Henniker, so that the Board can wisely evaluate the next step. She stated that the Planning Board should utilize all resources available such as the detailed natural resources mapping that Denise Rico provided. These resources are helpful in determining which areas of Town need to be protected, in which areas to encourage growth, etc.

Ed Miner stated that this information will be included when upgrading the Master Plan.

GIS & computer mapping were discussed. The Board would like to have access to computerized mapping. Ms. Claire stated that the Town needs computer software to do it and a knowledgeable person to manage it.

8) Member Binder Update: Review proposed 2010 schedule
The Board reviewed the 2010 Planning Board meeting schedule. The Board may change the meeting dates to prepare zoning amendments in November so that the schedule is not too hectic during December.

9) Miscellaneous
Chairwoman Claire asked Mr. Fougere to provide the most up-to-date budget sheet showing expenses and the detailed report at the next meeting. Town budgets are to be presented on October 31, 2009.

Mr. Fougere stated that the Energy Committee got a proposal to do an energy audit of six Town buildings. Mr. Parker stated that a lot of work was done to the Town Hall building last year as a result of last year's energy audit.

Mr. Osgood stated that the Transportation Advisory Committee will be looking at Smart Routes to School at 8:00 am October 15, 2009. Mr. Parker stated that he attended the first committee meeting about the Safe Routes to School program, and this program involves much more than just building sidewalks.

Ms. Stamps reported that the Conservation Commission submitted a packet to the Board of Selectmen about the Class VI Road policy. The Board of Selectmen will be reviewing procedures for making any changes to Class VI roads.

There was discussion about discontinued and abandoned roads. The Town voted in 1812 to discontinue the road except for gates and bars for the passage of cattle.
There was also discussion about a person's ability to build a house on a lot that has no road frontage.

10) Adjournment
Terry Stamps **MOVED** to adjourn at 8:45 pm. Ed Miner **SECONDED** the motion.
Motion **PASSED, 7-0.**

Respectfully submitted,

Jennifer Astholz
Recording Secretary