

**TOWN OF HENNIKER
PLANNING BOARD**

January 6, 2010
Draft Minutes

Members Present: Kristin Claire, Chairwoman; Ed Miner, Vice-Chairman; Terry Stamps; Scott Osgood; Rick Patenaude; Jeff Roach, Ron Taylor, Selectman, ex-officio; Leon Parker, Alternate Selectman, ex-officio

Others Present: Mark Fougere, Town Planner; Jennifer Astholz, Recording Secretary

Call to Order: Chairwoman Claire called the meeting to order at 7:00 pm.

Board Discussion:

a) Review Zone Changes for 2010 Town Meeting

Mark Fougere, Town Planner, stated that he made some changes and wanted the Board members to review them before the public hearing occurs on January 13, 2010.

Amendment 1: Mr. Fougere stated that “Houses of Worship” has been added to various districts in Town. He stated that the amendments will be consolidated for easier reading on the ballot.

Amendment 2: This amendment deals with the issue of having one principle building per lot. Mr. Fougere explained that this was changed, but a new ordinance was not created. There are two sections dealing with multi-family units. He stated that he re-wrote the ordinance to limit this to the downtown area and would only apply to the RV and CV districts where Town sewer and water are available. There was discussion about this probably only affecting four or five existing lots.

Rick Patenaude stated that impervious area is tied to the open space requirements. He questioned the type of density that could be allowed and asked for a description of what this could look like. Mr. Fougere stated that the ratio would limit the number or size of units in a project. He stated that the requirements listed are not new, but are highlighted as they are in the current ordinance.

Mr. Patenaude stated that it would be helpful to explain that this zoning amendment allows more flexibility in creating aesthetically-pleasing developments.

Chairwoman Claire asked Board members if they thought this was worth changing if it only affected four or five lots in Town.

Scott Osgood stated that he has not changed his mind from what he has expressed in previous meetings. He stated that he feels that changing the ordinance is dangerous at this time because the ramifications of such a change are not clear. He stated that the concept is much different than what the Town currently has. He stated that “multi-family” dwellings and “multi-unit” dwellings are not interchangeable terms, and this could create less than desirable scenarios that they have not thought of yet.

Leon Parker stated that he believes the wording really just changes whether the buildings have to be connected or not. He stated that the purpose of the proposed change is to correct a problem that currently exists.

Terry Stamps stated that she understands the concern that the criteria currently used in the ordinance may not be the right criteria to use when considering multi-unit dwellings.

When asked how many times Mr. Fougere has seen these types of developments in his career, Mr. Fougere stated that developers can get very innovative in their designs, and the Town may get something that was not foreseen.

Chairwoman Claire stated that she has seen some very innovative community housing plans that utilize community design with beautiful green-technology houses that share a central heating-system for example. She has also seen beautifully-designed low-income cottages that were designed very attractively. These were more unusual uses with innovative designs.

Mr. Osgood asked them to remember that the Town has not even adopted the State building code yet. A Certificate of Occupancy is only required if there is bank financing. Mr. Osgood suggested that a set of performance criteria could be established to be evaluated by the Planning Board.

The Board discussed the dilemma of trying to solve current problems without creating new ones.

Mr. Patenaude stated that he hates to discourage creative thinking and design. He suggested that the proposed change be pursued as a first step in addressing upcoming applications in a better way; other criteria can be examined and put in place next year.

Jeff Roach stated that the problem with trying to implement other standards next year is that they may or may not pass; the Town may be left with a plan that is only partially completed.

Mr. Osgood stated that it must be clear that this is tied to current zoning requirements. He would like to make it clear that the applicant has to follow all of zoning. He suggested adding "it will be built in accordance with RSA 133-41 & 133-42.

Mr. Fougere stated that clarifying that it is tied to Sections 41 and 42 is not a substantial change and can be amended without a second hearing.

Mr. Roach stated that they want to create flexibility of design in these zones, but it must be tied to zoning regulations.

Amendment 3: ZBA Criteria: Mr. Fougere explained that these changes have legally been made effective January 1, 2010. The ordinance will refer to the RSA so future changes will automatically occur. Mr. Fougere stated that he will change the applicable forms to reflect these changes.

Amendment 4: Wireless Communication Towers: Mr. Fougere stated that a change was made regarding calculating the average tree height of the proposed site. Ms. Stamps recalled that AT&T pointed out that the wording of the ordinance encouraged bad behavior and the cutting down of smaller trees.

After discussing the matter, the Board crafted the following change: “A personal wireless service facility located in a wooded area shall not project higher than twenty feet above the average height of the five tallest trees of the proposed site. This average height shall be determined by measuring the 5 tallest trees located within a 180’ radius around the tower...”

Section 133-134 Waivers: Mr. Fougere stated that this gives the Planning Board the authority to grant waivers in order to make cohesive decisions.

Chairwoman Claire stated that the Board may want to look at including this in other zoning areas next year.

Amendment 5: Mr. Fougere stated that “schools” were added as permitted uses in some areas and by special exception in other areas.

The Board discussed the upcoming public hearing process and decided to put these amendments forward.

Miscellaneous

Driveway permits: A letter dated 11/12/09 from Peter Flynn, Town Administrator, was discussed. It was clarified that the Planning Board has purview over driveways in new subdivisions; the Board of Selectmen has purview over existing lots. If the Board wishes for this to continue, the Board must officially delegate it to the Board of Selectmen. It will be added to their next agenda.

Mr. Fougere distributed a written explanation for the Board of Selectmen’s 1/5/10 meeting about the use of Warner Road. Upon request, the Planning Board had made written recommendations to the Board of Selectmen; however, the Board of Selectmen chose to decline those recommendations. According to Town Counsel, objections to what happened on another lot were not applicable to this discussion.

In explaining what was discussed at the Board of Selectmen’s meeting, Mr. Parker commented that member(s) of the Planning Board did not personally like the applicant. Ms. Stamps stated that if the letter indicated in any way that that the Planning Board personally objected to the applicant, that was not the intent. The Board had consensually decided to wait until they received answers from other agencies about the issues that were raised. Mr. Osgood stated that it was his recollection that the Planning Board recommended that everyone wait for the dust to settle about DES actions.

Currier & Ives Scenic Byway: Scott Osgood volunteered to be part of this committee. He stated that he is the Henniker representative to the CNHRPC; he is willing to serve in that role even after his term on the Planning Board expires this year.

Other: Mr. Fougere stated that he has been unsuccessful in several attempts to contact Caleb Dobbins about his gravel pit operation.

Adjournment: Terry Stamps **MOVED** to adjourn at 8:30 pm. Ron Taylor **SECONDED** the motion. Motion **PASSED UNANIMOUSLY**.

Respectfully submitted,

Jennifer Astholz
Recording Secretary