

**Town of Henniker
Planning Board Meeting
Wednesday, January 13, 2010
Henniker Town Hall
Approved March 10, 2010**

Members Present: Kristin Claire - Chairman, Leon Parker, Kellie J. Dyjak, Ronald Taylor, Terry Stamps, Richard R. Patenaude, Tom Howard, Scott Osgood, Mark Fougere (Planner)

Absent: Edward Miner, Jeff Roach

Guests: Gerald Eisen

Recording Secretary: Nicole Gage

Chairman Claire called the meeting to order at 7:01 p.m.

Chairman Claire noted that Scott Osgood and Ed Miner will be absent, so for voting Tom Howard will step in.

Review and Approve Dec. 9, 2009 Meeting Minutes

Kellie abstained from reviewing minutes since she was not in attendance.

Scott Osgood arrived 7:04 PM.

Terry stamps MOVED to approve the minutes as amended. Ron Taylor SECONDED the motion. Motion PASSED unanimously.

Chairman Claire polled the audience to see if there was a general topic of interest. Mr. Eisen noted no, he was here just to learn.

Public Hearing for Proposed Zoning Changes

Chairman Claire opened the Public Hearing for Proposed Zoning Changes for 2010 Town Warrant

Amendment 1: Ron Taylor asked how the amendment will appear on the warrant. On the 1st amendment proposal, all special exceptions could be pulled into two paragraphs, instead of listing each district. Mark Fougere noted he will reformat the articles like previous years. Chairman Claire asked for public comment. Mr. Eisen asked how this amendment came up. Chairman Claire noted that a clause called “institutions” was cleaned out last year, which now made churches and schools no longer permitted in any

area except via special exception. She noted that much of what the Planning Board is proposing is cleanup of an oversight.

Terry Stamps asked what type of description will go into the Herald. Mark offered to expand on the written explanations being reviewed during the meeting. Discussion ensued about how a church had to get a variance. Chairman Claire suggested adding a sentence to the explanation "Prior to this, 'Houses of Worship' fell under the term 'institutions' that was eliminated last year." Discussion ensued. Terry Stamps made a MOTION to move Amendment #1 forward to the Warrant. Kellie Dyjak SECONDED the motion. Motion PASSED unanimously.

Amendment #2: Mark noted that the purpose of the revised amendment language was to make sure Sections 41 & 42 were being adhered to. Mark proposed an amendment to the language to read:

"Except for multi-unit dwelling(s) developments that adhere to the requirements of Sections 133-41 and 133-42 and are located in the RV Village Proper and CV Village Commerce Districts, there shall be only one principle building on a lot."

Chairman Claire noted the ratios are all the same. Mark noted that there is no change in his proposal, but rather clarification. Chairman Claire asked the opinion of the public. Mr. Eisen gave a summary of how he understood the purpose and intent. A diagram was reviewed, giving a better picture of the proposal. Chairman Claire noted that this amendment could encourage multi-unit development, therefore it is being restricted to the more denser areas of the community, the RV & CV Districts, where town water and sewer is available.

Rick Patenaude suggested adding the words "allowing flexibility." Mr. Eisner suggested the words "more appealing design." General discussion ensued on the wording for the Herald to help the public understand that the purpose is to allow flexibility and support more appealing design. Mark will research what options the Planning Board might have, if any, to add 1-2 sentences of description on the ballot itself.

Scott Osgood made a MOTION to move Amendment 2 forward to the Warrant. Rick Patenaude SECONDED the motion. Motion PASSED unanimously.

Amendment #3: This purpose of this proposal is to adhere to the new variance criteria required by state statute to update our zoning ordinance. If the voters vote this down, Mark Fougere will attach a note to the zoning ordinance referencing the new statute. Chairman Claire asked for public comment. There was none.

Terry Stamps made a MOTION to move Amendment 3 forward to the Warrant. Ron Taylor SECONDED the motion. Motion PASSED unanimously.

Amendment #4: Mark Fougere noted we want to clarify how we measure the tree canopy. The way it is currently written encourages the removal of trees prior to the

Planning Board application, rather than trying to meet the canopy criteria. Also, the current canopy review area is only within 50 feet of the base of the tower, which is too limiting. Chairman Claire asked for any public comment. Mr. Eisner noted that we will likely never have a request for a tower under this ordinance; rather they will request a variance every time. Chairman Claire noted that Amendment 5 was added to counter that approach.

Terry Stamps made a MOTION to move Amendment 4 forward to the Warrant. Scott Osgood SECONDED the motion. Motion PASSED unanimously.

Amendment #5: This would allow the Planning Board to grant a waiver if certain goals were met, allowing the Planning Board to negotiate and have input. Terry Stamps asked if Town Council had looked at these. Mark stated yes he has.

Kellie Dyjak made a MOTION to move Amendment 5 forward to the Warrant. Terry Stamps SECONDED the motion. Motion PASSED unanimously. Mark noted he maintains a list of future cleanup amendments that the Planning Board may want to address down the road.

Amendment #6: Chairman Claire noted that, in addition to not allowing “Houses of Worship” anywhere in town, schools were also not permitted anywhere in the community, including the educational district without a variance. This may have been covered previously by the term “institutions.” This issue came up in 2009 when a private school moved to town. Mark noted that he will group together all the permitted uses. Chairman Claire requested public comment. No comments were given.

Terry Stamps made a MOTION to move Amendment 6 forward to the Warrant. Scott Osgood SECONDED the motion. Motion PASSED unanimously.

Member Binder Update. Mark noted there were no updates.

Driveway Permits: Mark noted that, at this time, all driveway permits are issued by the Selectmen and have been for about 15 years. State statutes give the Planning Board authority to issue driveway permits, but no history could be found showing when the authority was passed from the Planning Board to the Select Board. The request is to give the Selectmen the authority to issue driveway permits, except for in the case of subdivisions and site plan applications. This will require a change to our subdivision and site plan regulations and a public hearing. The Planning Board agreed to move forward on this request.

Future Meetings: Chairman Claire polled the attending board members on their availability for January, February and March meetings. The Chairman may be gone for extended periods and the Vice-chair may be moving, so the Board may need to address the need for a new Vice Chair soon. Kellie noted that her term expires this March and that she will run again. It was noted that Scott Osgood’s term also expires this March and

his intention is to not run again. Ed Miner may resign prior to town meeting. And multiple members may be unable to attend certain meeting dates.

Rick Patendaude made a MOTION to cancel the 2/24/2010 Work Session due to school vacation week. Terry Stamps SECONDED the motion. Motion PASSED unanimously.

Rick Patenaude made a MOTION to cancel the 1/27/2010 meeting. Tom Howard SECONDED the motion. Motion PASSED unanimously.

River Survey: Chairman Claire asked about a recent letter from Planning Commission requesting town officials complete a survey regarding use of the River. Various members of the board noted that they received the survey request directly and many had completed the survey already. Responses are due back no later than January 15, 2010.

Rick MOTIONED to adjourn 8:02 PM. Ron Taylor SECONDED. Motion passed unanimously.