

Henniker Planning Board

December 8, 2010

Draft Minutes

Members Present: Kristin Claire, Chairwoman; Ed Miner; Terry Stamps; Kellie Dyjak; Leon Parker, Selectman, ex-officio

Members Absent: Rick Patenaude; Jeff Roach; Dale Jennings

Others Present: Mike Fougere, Town Planner; Robert Gosse; Don Blanchard; Dr. Roger Belson; Art Siciliano; George Rennie; Peter Mellen; Tracy True-Allen; Jennifer Astholz, Recording Secretary

Minutes Review

The minutes from the November 10, 2010 meeting were reviewed and corrected. Terry Stamps asked to include the acreage that will be altered by Amendment 1. Mark Fougere stated that he will insert the information.

Ed Miner **MOVED** to approve the minutes as corrected. Kellie Dyjak **SECONDED** the motion. Motion **PASSED, 4-0-1**. Ms. Stamps abstained as she was not present at that meeting.

Board Discussion:

Public Hearings – Proposed Zoning Changes

1) **Amendment 4:** Are you in favor of amending Chapter 133, Zoning Regulations, by making the following amendments? Tabled from the Nov. 10, 2010 Planning Board meeting. *In order to increase the flexibility regarding parking requirements, remove parking requirements for multiunit dwellings, commercial uses and other like uses from the Zoning Ordinance and relocate such requirements to the Site Plan Review Regulations. In addition, make a number of other minor amendments relative to parking specified in the Zoning Ordinance.*

Mr. Fougere presented the draft of the parking requirements that are intended to be included in the Site Plan regulations. The Board wants to make it known that the same content is being moved from the zoning ordinance to the Site Plan regulations.

Ms. Stamps stated that the opening statement is not very clear. Discussion ensued, and they decided to reword the opening sentences to “This will increase efficiency for the applicant and eliminate the potential need to obtain a variance from the ZBA. The items being deleted are included verbatim in the Site Plan Regulations and are, therefore, no longer needed.”

Chairwoman Claire opened the public hearing at 7:18 pm. Dr. Belson suggested moving the requirements to the Site Plan Regulations first then asking the Town to vote to

remove them from zoning since they will no longer be needed there. If the amendment does not pass at Town Meeting, then the requirements will be written in two places.

Chairwoman Claire asked if there were any more comments. Hearing none, the public hearing was closed at 7:26 pm. Leon Parker **MOVED** to move Amendment 4 forward as amended. Ed Miner **SECONDED** the motion. Motion **PASSED, 5-0**.

2) **Amendment 6:** Are you in favor of amending Chapter 133, Zoning Regulations, Article XI Signs as follows: Amend the first sentence of Section 133-44 Sign regulations, Paragraph I, to read as follows: No privately owned sign shall project above the parapet or eaves of a building or be located in such a position as to endanger highway, street or alley traffic by obscuring a clear view or by confusing the official traffic control signs and signals. Amend Section 133-45 Sign Type, by adding the following new paragraph F. Projecting Sign: In addition to the signs allowed in this Section, businesses located in the CV Commercial Commerce District shall be allowed to have one Projecting Sign, which shall have a maximum area of 12 square feet. A Projecting Sign is a sign which is affixed to any building, wall or structure and extends beyond the building wall, structure, building line or property line more than 12 inches. Such signs shall not interfere with the health and safety of the public, shall be a minimum of eight (8) feet off the ground and shall project no more than 5 feet. The Building Inspector shall review permits for such signs.

Mr. Fougere stated that this amendment is to allow businesses to have projecting signs which are not currently allowed in the downtown area. When built properly, they are very safe. This would be very helpful to businesses by giving them added visibility. He stated that there are many issues to be considered with the sign ordinance, but this issue has come up again and should be addressed first.

Chairwoman Claire opened the public hearing at 7:29 pm. Dr. Belson stated that this is a good idea, and he would like to see several things in the sign ordinance changed. Ms. Stamps stated that the sign ordinance is a large ordinance, and it may be helpful to work on it one section at a time.

Dr. Belson distributed several suggestions regarding the sign ordinance. Discussion ensued. Mr. Fougere stated that one property owner cannot encumber someone else's property. The commercial buildings downtown take up most of the lot space. A sign may be allowed in zoning; but the legalities about airspace would require permission from the adjoining property owner.

The Board discussed which zones would benefit from this zoning amendment. Mr. Parker stated that they may want to limit it to all of the commercial districts (CH, CM, CR).

Sign sizes were discussed. Chairwoman Claire stated that signage up to 8' is allowed in residential areas and up to 40' in commercial areas. Projecting signs are considered

additional signage for a business. Dr. Belson reminded the Board that the dimension table in Section 133-46 will need to be updated to include this change.

The Board agreed with Dr. Belson's suggested statement about sign height. The amendment will be changed to read, "The sign will be at an adequate height so as to not interfere with pedestrians, vehicular traffic, or snow removal activity." The Board agreed to remove other redundant phrases.

The Board agreed that a business with more than one location may have one of these types of signs at each location.

Kellie Dyjak **MOVED** that the new draft of this amendment be brought forward to the 1/12/11 Planning Board meeting for review. Mr. Miner **SECONDED** the motion. Mr. Fougere stated that he will revise the amendment based on the discussion and will have it ready for review. The dimensional table shall also be updated. Motion **PASSED, 5-0.**

Case PB 2010-11: Proposed Major Subdivision involving Lot 77-X – 57.2 acres, which will be subdivided into four lots. The property is located at the corner of Hemlock Corner Loop and Ray Road, Lot 77-X. The property is owned by Tracy True-Allen, 212 Hemlock Corner Loop and is located in the RR Rural Residential district. Case tabled from Nov. 10, 2010.

Mr. Fougere stated that some members of the Board participated in a site walk of the property. He went on another site walk with members of the Conservation Commission last week. A letter has been received from the Conservation Commission stating that they have no comments about the property. A letter from the Fire Department was received stating that homes will have to have sprinkler systems as there is no adequate water supply.

Peter Mellen, LLS, stated that they adjusted lines on two of the lots in order to decrease the angle from the street. He showed plans which eliminate the dog-leg configuration. He showed buildable areas.

Mr. Parker stated that the previous plan was accepted as complete. Since this plan is different, he suggested that the Board review completeness.

Chairwoman Claire stated that they can see the changes that have been made in response to their concerns. Mr. Miner stated that he likes this plan better than what was previously proposed. Mr. Parker stated that the plan has been improved.

Mr. Fougere stated that one major change is that there is now adequate buildable area on each lot, so this requirement has been met. He said that there are still two waiver requests to be acted upon (202-9F & J): 1) topography on entire property; 2) identification of waterways and buildings 200' off of the property line.

Mr. Parker stated that there should be a way to waive the requirement of providing topography on the entire lot when it is clearly not necessary. Mr. Fougere stated that this issue will be addressed in the Subdivision Regulations.

Chairwoman Claire opened the public hearing at 8:11 pm. Dr. Belson asked why the Fire Department said that there was not adequate water supply when the property is on Long Pond. Mr. Fougere stated that the pond is not counted if there is not a hydrant or cistern at the source. A fire pond is considered an acceptable option when it is contained on the property. The Board confirmed that this plan is complete, and the public hearing was closed at 8:15 pm.

The Board members stated that they have no concerns about the waivers. Mr. Miner **MOVED** to approve the waivers requested from Sections 202-9J and 202-9F. Ms. Stamps **SECONDED** the motion. Motion **PASSED, 5-0.**

Mr. Miner **MOVED** for to approve this application with the following conditions:
1) State subdivision approval of Lot 77-X3 for shoreline requirements;
2) Final plans submitted;
3) Mylars

Ms. Dyjak **SECONDED** the motion. Motion **PASSED, 4** (Ms. Claire, Mr. Miner, Ms. Stamps, Ms. Dyjak) – **1** (Mr. Parker).

Case PB 2010-12: Proposed Minor Subdivision involving Lot 1/97 – 105.1 acres, which will be subdivided into two lots, a 3.10 acre lot and a 102 acre lot. The property is located along the west side of NH Route 114, 255 Bradford Rd. The property is owned by Ralvin Realty Trust and is located in the CM Medium Commercial District.

Mr. Fougere stated that the required information was provided, and the surveyor is taking care of a few typographical errors on the plans. The applicant intends to subdivide existing structures from the rest of the property.

There is a request to waive the requirement of surveying the entire lot. State subdivision approval has been granted already. The driveway already exists, so that is also not necessary. The applicant has demonstrated that there is buildable area on the newly created lot.

Mr. Parker stated that the abutter's name from Lot 1/92-X needs to be corrected. Mr. Parker **MOVED** to accept the application as complete. Mr. Miner **SECONDED** the motion. Motion **PASSED, 5-0.**

Chairwoman Claire opened the public hearing at 8:30. Hearing no comments, the public hearing was closed.

Mr. Parker **MOVED** to approve the waiver request from Section 202-9E as the survey of the entire property is not necessary. Ms. Stamps **SECONDED** the motion. Motion **PASSED, 5-0.**

Mr. Parker **MOVED** to approve the application with the condition of correcting the ownership of Lot 1/92-X. Ms. Dyjak **SECONDED** the motion. Motion **PASSED, 5-0.**

Discussion

Scott Osgood was on the agenda; however, he was not able to make it to the meeting.

Don Blanchard – Preliminary discussion relative to a one lot subdivision on Old Concord Road. Mr. Blanchard stated that this is necessary to appease the bank in order for the property owner to secure a mortgage. They are trying to get a straight residential loan on a commercial property.

Mr. Fougere stated that this property will not allow for neat perpendicular lot configurations, and he wanted the Board to review potential ideas.

The well on the front side of the property supplies the cottages. If the lot is sold, they would have to put in a driveway. Mr. Blanchard showed where the State took some property to make a boat ramp about 20 years ago. He showed where there is an area of steep slopes greater than 20% down to the pond. There are gateposts showing where a road may have been along the slope to the pond.

Board members were not able to offer other solutions for the proposed lot configurations, but suggested that the lot be made as wide as possible. Mr. Blanchard thanked the Board for the discussion.

Miscellaneous

Michael Lambert is working with Ross D'Elia to propose changes to boundary lines; doing so will affect three properties. He showed where his home is located and how he would like to create protection. The proposed lot lines are based on the corner of a rock wall to the corner of the lots. Mr. Lambert asked if they would have to survey the entire property and provide complete topography to satisfy the requirements. He stated that he will reference a survey of the entire tract from 1973.

Discussion ensued about changing lot lines on nonconforming lots and road frontage. Chairwoman Claire stated that they are allowed to make a lot less nonconforming; however, she does not think that the triangular shape is the best way to accomplish their goal. Ms. Claire suggested a plan to create a deed restriction to protect Mr. D'Elia's property and have abutters give up less land to make it happen. Ms. Stamps stated that she prefers more geometric lot shapes but understands that they have to consider all of the details.

Mr. Parker stated that he does not feel that topography of the entire property is necessary since there is an existing lot of record (though they will have to request a waiver).

Mapping: Mr. Parker stated that the Board of Selectmen had a presentation by the firm that currently does mapping for the Town. For \$2,500 setup fee and \$1,000 annually,

they can go to digital mapping. Board members stated that this would be very beneficial for applicants.

CIP: The Board discussed their involvement in Capital Improvement Planning.

Adjournment: Ms. Stamps **MOVED** to adjourn at 9:45 pm. Ms. Dyjak **SECONDED** the motion. Motion **PASSED, 5-0.**

Respectfully submitted,

Jennifer Astholz
Recording Secretary