



**Town of Henniker
Planning Board
Tuesday December 13, 2023 6 PM
Henniker Community Center**

Members Present: Chairman Scott Dias, Vice-Chairwoman Heidi Aucoin, Dan Higginson, Ryan Haley, Kyle Carson, Keith DeMoura, Paul Mulcahey (alternate) Selectman Bill Marko

Member's Excused:

Town Planner: Mark Fougere

Recording Secretary: Hank Bernstein

Guests: See attached Sign-In Sheet

1) CALL TO ORDER / PLEDGE / ATTENDANCE

Chairman S. Dias opened the meeting with recitation of the Pledge of Allegiance and called the meeting to order at 6:00pm.

2) NOVEMBER 8, 2023, MEETING MINUTES – REVIEW AND APPROVE.

K. DeMoura and R. Haley noted corrections. **D. Higginson moved to approve the minutes with corrections, seconded by P. Mulcahey. Motion carried unanimously.**

3) 2024 PROPOSED MEETING SCHEDULE – REVIEW AND APPROVE.

The board discussed the proposed meeting schedule:

K. Carson moved to approve the 2024 Proposed Meeting Schedule, seconded by B. Marko. Motion carried unanimously.

7) DISCUSSION: LETTER FROM TUCKER FREE LIBRARY

The Planning Board discussed a complaint on the Capital Improvement Committee from the Tucker Free Library. S. Dias noted that the meeting the letter refers to has detailed minutes. S. Dias further noted that it is not up to the Planning Board to control freedom of speech and things said publicly can be fact checked. He shared that this matter should go to the CIP to discuss and handle it on the committee level.

Tia Hooper, Chairwoman of the CIP, shared that the individual in question is a volunteer and that reading the CIP minutes will show that the compounding interest will speak for itself.

2024 Planning Board Schedule			
Application Submission Deadline (4:00pm)	Revised Application Material Submission Deadline (4:00pm)	Conceptual Consultation Material Deadline (noon)	Meeting Date 6:00 p.m.
Typically on a Wednesday, 4 weeks prior to meeting.	Typically on a Wednesday, 2 weeks prior to meeting.	Typically on a Wednesday, 1 weeks prior to meeting.	Typically meets 2nd & 4th Wednesdays. 4th Wednesdays are typically Work Sessions only (no cases).
December 13, 2023	December 27, 2023	January 3, 2024	January 10, 2024
January 17, 2024	January 31, 2024	February 7, 2024	January 24, 2024
February 14, 2024	February 28, 2024	March 6, 2024	February 14, 2024
March 13, 2024	March 27, 2024	April 3, 2024	February 28, 2024
April 10, 2024	April 24, 2024	May 1, 2024	March 13, 2024
May 15, 2024	May 29, 2024	June 5, 2024	March 27, 2024
June 12, 2024	June 26, 2024	July 3, 2024	April 10, 2024
July 17, 2024	July 31, 2024	August 7, 2024	April 24, 2024
August 14, 2024	August 28, 2024	September 4, 2024	May 8, 2024
September 11, 2024	September 25, 2024	October 2, 2024	May 22, 2024
October 16, 2024	October 30, 2024	November 6, 2024	June 12, 2024
November 13, 2024	November 27, 2024	December 4, 2024	June 26, 2024
			July 10, 2024
			July 24, 2024
			August 14, 2024
			August 28, 2024
			September 11, 2024
			September 25, 2024
			October 9, 2024
			October 23, 2024
			November 13, 2024
			November 27, 2024
			December 11, 2024

4) APPOINTMENT OF ALTERNATE PLANNING BOARD MEMBER – REVIEW AND APPROVE.

M. Fougere shared that the applicant, Mike Foster, had a scheduling conflict and will attend the January 10 meeting.

5) PROJECTS OF REGIONAL IMPACT N/A

No projects of regional impact.

S. Dias asked Selectman Marko if he had received any updates about the intersection of 202, old Concord Rd and 127. Selectman Marko shared that there were no updates at this time.

6) PUBLIC HEARINGS

- A) PBCase 2023:11 Proposed lot line relocation between two adjoining properties, 1044 & 1065 Bear Hill Road, Applicant: Higginson Land Services – Owners: Richard B. Morgan, Map 7 Lot 559-X and D’Elia Pruiksmas Revocable Trust, Map 7 Lot 625-A, Zone RR. **Application Acceptance and Public Hearing.****

D Higginson rescued himself.

D. Higginson presented the case. Both lots are larger than the required minimum. This adjustment is a relocation of some land from one lot to the other. **K. Carson moved to accept the application as presented, seconded by Selectman Marko. Motion carried 7-0-1.**

S. Dias asked about the included waivers. D. Higginson shared that while he had included waivers, the regulations for Lot Line Adjustments are different than the regulations for Subdivisions, and these waivers were unnecessary.

S. Dias opened the public hearing.

Richard Morgan, owner of lot 7-559-X, shared that Ross D’Elia, owner of lot 7-625-A, is a very good neighbor and that this adjustment will be very helpful in estate planning.

With no further comments S. Dias closed the public hearing.

B. Marko moved to approve PBCase 2023:11, seconded by H. Aucoin. Motion carried 7-0-1.

- B) Proposed Zoning Amendments.**

D. Higginson returned to the board.

1. Amend Article VIII, Commercial District Regulations by deleting paragraph E, Section 133-28 Regulations for all Districts, in its entirety. ~~Multi-unit dwellings of three or more, up to 40 units, shall be permitted in the CR, CR-1, and CM Commercial Districts by special exception only, provided that the ratio of area of unimproved land to the total combined area of living area, including all habitable floor area, driveways and roadway stated in Article X, is maintained. Multi-unit dwellings greater than 40 units are not permitted in any commercial district. No multi-unit dwellings are permitted in the CH District.~~

M. Fougere summarized that this change is an effort by the Planning Board to loosen regulation to entice development and expand the tax base.

S. Dias opened discussion to the public.

Peter Conklin, of Ruffled Rd, asked how this changes the process. M. Fougere shared that before this was allowed by special exception through the ZBA before. B. Marko further shared that after this change the process will be easier.

With no further comments S. Dias closed public discussion.

2. Amend Article IV General Provisions, by deleting Section 133-17 in its entirety. ~~One principle building per lot There shall be only one principal building on a lot, except for Multi-unit dwelling(s) developments that are located in the RV Village Proper & CV Village Commerce Districts, Commercial Uses located in the CH, CM, CR, and CV Districts and condominium developments. This~~

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~~restriction shall not be applicable to those educational uses permitted exclusively in the Educational Overlay District (EOD).~~

M. Fougere summarized that only having one principle lot is an outdated way of looking at things. Mixed use properties are a common occurrence in today's world.

S. Dias opened discussion to the public.

With no further comments S. Dias closed public discussion.

3. Amend Article II Definition by amending the definition of Campground as follows; An area used for overnight seasonal occupation **(closed November 1 – April 30)** in temporary facilities (such as tents, campers and trailers).

M. Fougere summarized that this change came recommended by Town Counsel. B. Marko asked if these dates have a significance. M. Fougere noted that it is reflective of an agreement between the Selectmen and an existing Campground. K. DeMoura asked how this would affect the existing Campgrounds. M. Fougere shared that the existing Campgrounds are grandfathered in.

S. Dias opened discussion to the public.

With no further comments S. Dias closed public discussion.

4. Amend Article VIII Commercial District Regulation, Section 133-31 Commercial Uses in CR Commercial Recreation District by deleting multi-family dwelling use by Special Exception and allowing the use as Permitted, in addition allow excavation uses as Permitted uses. Also delete Section 133-31 Commercial uses in CR Commercial Recreation District CR-1 regulations in its entirety. Also amend Article III Establishment of Districts, Section 133-4 Zoning District to delete reference to CR-1 Commercial Recreation District. In addition delete Section 133-4 paragraph C. reference the CR-1 District and amend the Official Zonin Map to rezone all property presently zoned CR-1 to CR.

M. Fougere summarized that this is the biggest change, although the net affect is insignificant. All uses in CR1 are allowed in CR. This would also allow excavation and multifamily use by right. M. Fougere noted that as proposed House of Worship is not an allowed use in the CR zone, and recommended that this item be tabled and discussed at a public hearing in January so that he can correct the language to include House of Worship.

S. Dias opened discussion to the public.

With no further comments S. Dias closed public discussion.

5. Amend Article XXII Wetland Conservation Section 133-116 Special Provisions B to read as follows:
Wetland areas excluding surface waters may be used to satisfy minimum lot area requirements provided that seventy five (75) percent of the minimum lot area is contiguous non-wetland. ~~No part of a wetland may be considered as part of the minimum size requirement of any lot.~~

M. Fougere summarized that this change would allow a more realistic use of the land, as wetlands are common in Henniker. He emphasized that Department of Environmental Services rules still apply.

S. Dias opened discussion to the public.

P. Conklin asked some clarifying details.

With no further comments S. Dias closed public discussion.

B. Marko asked if the wetlands on the GIS layer of the maps are all the designated wetland. M. Fougere and D. Higginson explained that wetlands are delineated on a case by case basis based on plant species and soil types by a soil scientist. This change applies to the creation of new lots which would be triggered during the subdivision process, and DES guidelines still must be met.

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6. Amend Article XXI Floodplain Development as necessary to comply with recommended amendments required by the National Flood Insurance Program. These amendments are necessary to remain compliant with the FEMA floodplain development insurance program available for residents.

M. Fougere summarized that this change comes from the Federal Government and if it does not pass those in the floodplain could lose their insurance. It is mainly clarification, nothing substantial, and the board does not have a say. The board discussed if the word “recommended” is appropriate if they do not have a choice.

S. Dias opened discussion to the public.

Tia Hooper, of Hillside Dr, shared that she believes that emergency officials, the Fire and Rescue Chiefs, would highly recommend this change. She reminded the board that if this does not pass residents in the floodplain could lose their insurance.

With no further comments S. Dias closed public discussion.

M. Fougere further shared that the board can include details as to why they are making these changes.

7. Amend Article XIII Administration by adding a new section 133-54a as follows:

During the construction of a single family home, the proposed owner may temporally reside within a camping trailer for a period up to two years upon issuance of a building permit. Such units may be parked and occupied as temporary housing on the same lot where a dwelling is being constructed provided: (1) The unit will only be occupied a maximum of twenty-four (24) months from issuance of a building permit unless extended by the Board of Selectmen, regardless of (2)(a) below. (2) Sanitary (domestic) sewage will be disposed of by using one of the following methods: (a) The unit will be connected to the Town sewer system. (b) The unit will be connected to a State-approved septic system. (c) The unit will be served by a State-approved portable toilet facility. (d) The unit will have its own self-contained sanitary system and formal provisions will be made to have the sewage disposed at the Henniker Treatment Plant.

M. Fougere summarized that this change would allow someone constructing a home to live in a camper on that property during the time the building permit is active. D. Higginson noted that when designing a septic tank for a 3 bedroom house the septic on site may not be approved for a camper and he is uncertain how DES will feel about that. K. DeMoura asked if someone were to park their camper on their land if that would be an allowed use. M. Fougere clarified that there are zoning ordinances that discuss that. K. DeMoura noted that if you pay taxes on a property, you should be allowed to live on it.

S. Dias opened discussion to the public.

T. Hooper reminded the board that mortgage companies also have requirements.

P. Conklin recommended that part 2(d) should be edited to not specify the Henniker Treatment Plant.

With no further comments S. Dias closed public discussion.

D. Higginson moved to accept the proposed zoning changes, without zoning amendment 4 which will be discussed at a public hearing in January; B. Marko seconded.

K. DeMoura moved to amend the motion, to accept the proposed zoning changes and place them on the March ballot items 1, 2, 3, 5 and 6. B. Marko Seconded. The amended motion passed unanimously.

B. Marko moved to approve and place on the March ballot zoning amendment 7, with language of the last sentence to be updated; D. Higginson seconded. Motion carried 7-1.

K. DeMoura opposed.

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H. Aucoin moved to table proposed change number 4 until a public hearing at the January 10 meeting, seconded by R. Haley. Motion carried unanimously.

Motion to accept the proposed zoning changing, without item 4 which will be back at January,

8) OTHER BUSINESS

M. Fougere updated that board that he had received a call about a potential change of use in a commercial zone- a proposed automotive dealership. He asked if the board would like to see a site plan. The board asked to see something so they can get some parameters on how this will impact the community.

D. Higginson noted that he will be absent from the January and February meetings.

The CIP will be at the meeting in January.

9) ADJOURNMENT

D. Higginson moved to adjourn at 7PM, seconded by B. Marko. Motion carried unanimously.

Respectfully submitted,

Hank Bernstein
Minute Taker

Minutes Approved: 01/10/2024

1044 Bear Hill Rd.