

Present: Vice Chair Jack Karcz, Jack Downing, Roger Barham, Paul Powers, alternate member Mike Wason, Senior Planner Jenn Rowden, and Land Use Administrative Assistant Casey Wolfe

Also Present: Mike Rislove, Gary Merrill, and Marty Ferwerda

Mr. Karcz opened the meeting at 7:00 pm. He appointed Mr. Wason as a voting member in place of Mr. Kohlhofer.

I. MINUTES

Mr. Powers made a motion to table the minutes of July 11, 2018. Mr. Downing seconded the motion. The motion passed 5-0-0.

II. NEW BUSINESS

2018 Earth Removal Permit Renewals

Mr. Karcz asked Mr. Rislove, Mr. Merrill, and Mr. Ferwerda if they got their letters from Dan Tatem of Stantec. These letters, dated June 19, 2018, estimate how much surety should be required for each of their gravel pits. The pits owned by Merrill, Rislove, and Galloway have been estimated for \$83,583 and Ferwerda's has been estimated for \$53,665.92. Each of these businesses currently have 75% of last year's estimate in escrow with the Town (\$59,895 in the case of the pits owned by Merrill, Rislove, and Galloway). Mr. Merrill stated that he was very surprised to see that the number jumped up again from last year's estimate. He felt that he already had a sufficient amount of surety in place for his gravel operation. Mr. Rislove asked why his Stantec report states that his surety estimate is based on five acres when he does not have five acres open. Mr. Barham explained that he can voluntarily amend his permit so that he can only have 2.5 acres open. This would reduce his surety estimate. Mr. Rislove also read from Article 12 Section 12.1.1 of the Excavation Regulations, a section that states that stockpile areas do not need to be bonded. He explained that he does not need five acres open at a time because he is just working on one "face" of the quarry. The areas that Mr. Tatem included in his calculation are stockpile areas, areas for trucks to travel through, and areas for Altaeros Energies. Mr. Barham suggested that he amends his permit so that he can only have 2.5 acres open at a time (or whatever amount appropriate).

Mr. Rislove also stated that 2,662 yards of topsoil would be needed to reclaim the five acres. According to Dan's numbers, that would be \$31.00 per cubic yard. Mr. Rislove felt that this number is too high. He explained that it does not make sense to use NHDOT's weighted averages for a job like this. Mr. Wason stated he agrees that the numbers Mr. Tatem used are not correct. Mr. Rislove handed out to a few of the Planning Board members a sheet that shows how he calculated his estimate. Mr. Barham would like to see a breakdown of how Mr. Tatem calculated his estimate. Mr. Rislove explained that his estimate is exactly what he would charge a customer for the same job. Ms. Rowden suggested that the Board extends their 2017 earth removal permits. Mr. Ferwerda felt that Mr. Tatem picked a cross reference that is inappropriate for this kind of job. Mr. Barham stated that the Board could go to two other engineering firms and ask them to do estimates as well. He suggested getting these numbers and then discussing

them at the next meeting. Mr. Barham made a motion to extend all four 2017 earth removal permits until August 31, 2018. Mr. Powers seconded the motion. The motion passed 5-0-0. This issue has been continued to the August 15th agenda. Mr. Rislove and Mr. Merrill left at 7:25 pm.

Marty Ferwerda

Mr. Ferwerda explained that his wall has been designed by a licensed professional engineer, however, Dan Tatem of Stantec engineering is requesting to review the design for an estimated \$1,500. Mr. Ferwerda stated that he has been before ten different Planning Boards in the last fifteen years and has never had as much trouble as he does with Stantec. He felt it was highly inappropriate for an unlicensed engineer to review his professional engineer's work for such a cost. Mr. Barham stated that it is normal for the Town to have their third party engineer review an applicant's plans before final approval. Mr. Ferwerda felt that this was no longer a simple review anymore and this it was harassment at this point. Mr. Ferwerda stated that he strongly objects, however, he will pay the \$1,500 if it is the Board's wish. Mr. Ferwerda left at 7:30 pm.

III. CIRCUIT RIDER BUSINESS

Ms. Rowden stated that the Board's subcommittee has been working on definitions and zoning districts and uses for the Zoning Ordinance over the past couple of months. The Board looked at a draft of the proposed definitions section for the Ordinance. The definitions in gray were proposed definitions to the Ordinance and the definitions in black were existing definitions that Ms. Rowden pulled from other sections. She reminded the Board members that there may be more specific definitions in the Ordinance that only apply to specific sections. The Board briefly went through each of these definitions. There was some discussion about the definition of a structure. Ms. Rowden suggested that the Board hosts a meeting to discuss these proposed changes with the public before the formal public hearing in the winter. The Board also discussed the proposed changes to the residential district. There was some discussion about renaming the "Commercial Highway District" to "Main Street District" and the "Corporate Commercial District" to "Shirkin Commercial District."

For the residential district, Ms. Rowden explained that the proposal is to define the district, allow single family homes and duplexes, and allow multifamily housing with a conditional use permit. This conditional use permit would give the Board some discretion of where multifamily housing should be permitted. Ms. Rowden also explained that she and the subcommittee consolidated the Table of Uses in the Ordinance. While it is currently three pages, the proposal is only one page. There was some discussion about the proposed use table. Mr. Karcz asked how the Town would handle a use that is not listed in the use table. Ms. Rowden stated that if a proposed use does not fall into one of the categories, then the use is not allowed. There was some discussion about adding in a note stating that the Ordinance is a permissive Ordinance. There was also some discussion to change the title of the types of uses in the table to "use categories." Finally, Ms. Rowden showed a zoning map to the Board that illustrated the proposed changes to the Flexible Use District. Ms. Rowden suggested that the Board hosts a public meeting in September. Later in the year when the Board moves this to Public Hearing, the Board can decide how to break this up into Warrant Articles. There was some discussion about methods to advertise the September public meeting.

IV. OTHER BUSINESS

After some discussion, Mr. Powers made a motion to approve the 2019 Planning and Zoning budget proposal for \$42,002. Mr. Barham seconded the motion. The motion passed 5-0-0.

Ms. Wolfe announced that the Board got a letter from Eversource informing the Town that they will be doing some trimming on North Road, which is a designated scenic road.

Mr. Karcz asked why the Board does not consider conditional use permits before an applicant applies for a site plan application. Ms. Rowden stated that the Board would need a complete application for them to have the information they need to make a decision on a conditional use permit. She explained the information required for a conditional use permit is often times similar to the information required for a site plan application. Mr. Karcz felt that the conditional use permit should be considered before the applicant applies for a site plan application. Mr. Barham asked if the Board could have approved the site plan application at their last meeting even though both conditional use permits were denied. Ms. Rowden stated that the Board could have approved the site plan, however, the applicant would have been unable to get building permits without the conditional use permits granted. There was some more discussion about the conditional use permits that were required for the applicant at the last Board meeting.

Mr. Powers made a motion to adjourn at 8:29 pm. Mr. Downing seconded the motion. The motion passed 5-0-0.

Respectfully Submitted,

Casey Wolfe
Land Use Administrative Assistant