

Present: Chair Brett Hunter, Vice Chair Jack Karcz, Members Jack Downing, Andy Kohlhofer, Roger Barham, and Tom O'Brien, RPC Senior Planner Jenn Rowden, and Land Use Administrative Assistant Casey Wolfe

Also Present: Patty Blair, Tom Nisbet, Josh Manning, and Harold Morse

Mr. Hunter opened the meeting at 7:01 pm.

## **I. MINUTES**

After an amendment, Mr. Kohlhofer made a motion to approve the minutes of August 2, 2017. Mr. Downing seconded the motion. The motion passed 6-0-0. Mr. Barham made a motion to approve the non-public minutes of August 2, 2017. Mr. Karcz seconded the motion. The motion passed 6-0-0.

## **II. CONTINUED BUSINESS**

### **Public Hearing for Marty Ferwerda who seeks a site plan amendment and lot line adjustment at Governor's Forest [Map 3 Lot 2]**

After some discussion, Mr. Karcz made a motion to continue this hearing to September 6, 2017 at the Fremont Library. Mr. Kohlhofer seconded the motion. The motion passed 6-0-0. Mr. Barham explained that Mr. Ferwerda requested to get Town Counsel opinion about the easement. Mr. Barham read the letter from Town Counsel aloud for the record. The August 15<sup>th</sup> letter stated, "*Dear Town Administrator Carlson: I reviewed the August 10, 2017 letter from Attorney Ratigan who represents Marty Ferwerda. The Town requested that I review the February 6, 1991 Easement Deed from Albert and Joyce Witham to Litchfield Properties to determine the scope of the easement. Litchfield Properties is a predecessor in title to Mr. Ferwerda. I did not review the title to determine the accuracy of the notes attached to Attorney Ratigan's letter. As you know, the Easement Deed states: 'The within described property is for the sole and exclusive benefit of the Grantees, their heirs, successors, and assigns for servicing the units within the Indian Hill Estates Mobile Home Park. Said easement or right-of-way shall not be used for public purposes or as a public right-of-way and shall be used for emergency access only.'* The February 12, 2003 plan approved by the Planning Board and recorded as Plan D-31391 required Ferwerda Development Co., Inc. to provide an emergency access easement from the proposed private way to the abutting parcels owned by Albert and Joyce Witham. Mr. Ferwerda must comply with that condition and is able to do so based upon the 1991 Easement deed." Mr. Ferwerda will have access to this letter before the next meeting.

## **III. OTHER BUSINESS**

### **Tom Nisbet to discuss the Village District Ordinance**

Mr. Tom Nisbet was present to discuss the Village District Ordinance. He requested for Map 3 Lot 37 to get rezoned. Ms. Rowden made a suggestion to keep the lot in the Village District but to allow light manufacturing with a conditional use permit. If this change was made to the

Ordinance, it would apply to the whole district. Mr. Kohlhofer felt it would be best to take these lots and carve them out of the Village District and make them commercial or industrial. Ms. Rowden explained that the way the ordinance reads currently, light manufacturing would not be allowed in this district unless it was already an existing use. If the Town adopted this conditional use permit, then there would be more flexibility in the Village District. The Town could get some light manufacturing businesses.

There was a discussion about having these two options on the Warrant Article. Mr. Kohlhofer pointed out that there could be some debate on how to define “light manufacturing.” Ms. Rowden suggested that it could be controlled by the size of the building, or it could be a function of the Zoning Board. There was a discussion about the size of Mr. Nisbet’s units. They are each 3,000 square feet so that would be smaller than a 7,000-foot threshold. Mr. Nisbet felt that doing a conditional use permit would work. Ms. Rowden suggested making a sub-committee to create the language for the ordinance change. Mr. Kohlhofer stated that there could be a more generous limit to the size of a light manufacturing business. Mr. Nisbet stated that a conditional use permit could scare tenants away. After some discussion, it was decided that a subcommittee would meet at the town hall in the upcoming months to discuss this zoning change. Mr. Karcz, Mr. Kohlhofer, and Mr. Nisbet will be members of this subcommittee. Mr. Nisbet left at 7:35 pm.

#### **Josh Manning & Harold Morse, Lewis Builders Development, Inc.**

Mr. Morse, referring to a letter that he submitted earlier in the month, expressed that he wants a different town engineer to perform the construction review work. He felt that the current Stantec engineer is out of control and that the Planning Board should hire a new one. He reminded the Planning Board that the statute states that they must make a reasonable response. Ms. Rowden felt that this decision should be made in non-public session because the Board was ultimately dealing with a personnel issue. Mr. Morse stated that he doesn’t need any more certificates of occupancy and that the Board does not have any leverage in this situation. Ms. Rowden stated that the Board can decide to change engineers or to keep the same one. The Board decided to address this issue in non-public session at the end of the meeting.

#### **IV. BUILDING INSPECTOR’S REPORT**

Mr. Rick Foye reported to the Board that he issued three new house permits this month. He has issued a lot of permits this year, about 190. He stated that he hears a lot of complaints from people in town that they cannot build too much because of setback restrictions. Mr. Kohlhofer felt that the Board should look at these restrictions. Mr. Foye felt that the current zoning is holding back some progress. Ms. Rowden suggested doing a charrette or a forum about the topic and to keep this in mind when writing the department’s budget proposal. Mr. Foye commented that he needs to start enforcing the re-inspection fee.

#### **V. NON-PUBLIC SESSION**

Before the Board went into non-public session, Mr. Morse made it clear that he is not trying to get away with not complying with his site plan, he just wants a different engineer doing the review work. Ms. Wolfe passed out a letter from Stantec dated August 16th.

Mr. Kohlhofer made a motion to go into non-public session per RSA 91-A:3(e). The motion was seconded by Mr. Hunter. The motion passed by a unanimous roll call vote.

Mr. Kohlhofer made a motion to leave non-public session. Mr. Barham seconded the motion. The motion passed with a unanimous roll call vote.

## **VI. ADJOURNMENT**

Mr. Hunter made a motion to adjourn the meeting at 8:17 pm. Mr. O'Brien seconded the motion. The motion passed 6-0-0.

Respectfully Submitted,

Casey Wolfe  
Land Use Administrative Assistant