



OLD VALUES - NEW HORIZONS

## COMMUNITY DEVELOPMENT

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### Planning Board Approved Minutes

April 29th, 2020

7:00 pm at Community Development Meeting Room & Zoom Video Conference  
3 North Lowell Road

#### Attendance:

- Chair, Derek Monson, Present
- Vice Chair, Alan Carpenter, Present, via Zoom video conference
- Joe Bradley, Present, via Zoom video conference
- Jennean Mason, Present, via Zoom video conference
- Ruth-Ellen Post, Excused
- Jacob Cross, Present, via Zoom video conference
- Kathleen DiFruscia (alternate), Excused
- Matt Rounds (alternate), Excused
- Gabe Toubia (alternate), Present, via Zoom video conference, seated for Ms. Post
- Heath Partington, Board of Selectmen liaison, Present, via Zoom video conference
- Dick Gregory- Planning Board Director
- Renee Mallett- Minute Taker, via Zoom video conference

The meeting opened at 7:07 with the Pledge of Allegiance and the introduction of members. On March 23<sup>rd</sup>, because of the Covid-19 pandemic, Governor Sununu created Emergency Order #12. This has relaxed the requirements of RSA 91-A, III(c) and allowed the meeting to be held while still following the CDC guidelines for social distancing and the Governor's restrictions on gathering of more than 10 people. As such most of the board members took part via Zoom video conference. The public was given a phone conference number with which to comment or ask questions while the meeting was in session.

#### Case 2020-6, Major WPOD (lot 22-L-81 & 83) 27-29 West Shore Road, Residence A District, WPOD

Mr. Joseph Maynard, via Zoom video conferencing, represented this application to merge two residential lots and to add an addition, with garage, to the existing residence. The former residence on the other lot has already been razed. ZBA approval has been received and a shoreline permit applied for. Drainage improvements are being made and the new driveway and patio space will utilize pervious pavement. All items from the Keach-Nordstrom memo regarding this application have been addressed and a response letter to Mr. Keach sent.

Vice Chair Carpenter questioned the procedural reasons why this was listed as an agenda item and not as a public hearing. Mr. Gregory said that the assessor's department made the decision. Chair Monson suggested that the merging of the two lots could be made a condition of approval. Ms. Mason concurred,

43 saying that item #3 of the Keach-Nordstrom memo made the same suggestion. Vice Chair Carpenter felt the  
44 board had faced negative consequences in the past when doing similar conditional approvals and did not  
45 think that this should come before the board until the lot merge was complete. Chair Monson informally  
46 polled the board and it was decided they would continue hearing the case.

47 Ms. Mason questioned what impact the addition would have on the seawall already along the  
48 shore side of the property. Mr. Maynard said it would stay as is.

49 Mr. Bradley asked how many bedrooms the home would have and how many the septic was rated  
50 for. Mr. Maynard told the board that the septic was built for a five-bedroom house. The home has, and  
51 will remain as, three bedrooms. It would not have an in-law apartment or ADU.

52 Mr. Partington questioned the impervious numbers, as they varied from what had been presented  
53 to the ZBA. Mr. Maynard said the numbers were lower than originally calculated and that the application no  
54 longer needed the variance received from the ZBA because it was now under 30%. This is the result of  
55 several walkways being eliminated and the driveway now being made from a porous substance. Mr.  
56 Partington continued to be concerned that the ZBA saw one plan and the Planning Board saw another. Vice  
57 Chair Carpenter, agreed, saying he would like to see the plan the ZBA saw so the two could be compared.  
58 Mr. Maynard added the .PDF plan seen by the ZBA to the screen.

59 Mr. Partington agreed that the setbacks seemed better than the original plan and he liked that the  
60 current plan sat entirely within the footprint of the original. Mr. Bradley felt the plan should be seen again  
61 by the ZBA as the driveway has been expanded and was now closer to the lot line.

62 The applicant, Mr. Murray, thanked the board and said the current plan was less non-conforming  
63 than what had been seen by the ZBA. He said he had approvals to make a much bigger house but that he  
64 did not feel it fit as well aesthetically.

65 Vice Chair Carpenter asked for more details about the lots across the street, that were also owned  
66 by the applicant. He was told the applicant had merged them previously when he built a garage on that side  
67 of the road. This current plan would merge the lots on both sides of West Shore Road.

68 Chair Monson asked for maintenance plans for the drainage and porous pavement. Vice Chair  
69 Carpenter said that it was standard operating procedure for the board that these be included on the plan  
70 and he did not yet see them. Mr. Maynard said they would be added.

71  
72 **Vice Chair Carpenter made a motion to approve Case 2020-6 as presented with the conditions**  
73 **that the three lots be merged into one and that this be fully approved before construction began, that**  
74 **maintenance for the porous pavement be added to the final plan, that a NHDES shoreline permit be**  
75 **approved before any work be done, and that the residence remain a three-bedroom structure with no**  
76 **ADU. Chair Monson suggested amending the conditions to state that a maintenance and operating plan for**  
77 **all BNPs, not just porous pavement, be added to the final plan. Vice Chair Carpenter agreed to this and**  
78 **added it to the motion. Ms. Mason seconded the motion. The motion was passed with the following roll**  
79 **call vote:**

80 **Chair Monson, aye**  
81 **Vice Chair Carpenter, aye**  
82 **Mr. Bradley, aye**  
83 **Ms. Mason, aye**  
84 **Mr. Cross, aye**  
85 **Mr. Toubia, aye**  
86 **Mr. Partington, aye**  
87

88 **Case 2020-7, Major WPOD (lot 22-B-29) 112 South Shore Road, Residence A**  
89 **District, WPOD**

90 This application to add a deck onto an existing residence is being represented by Mr. Maynard. The  
91 existing structure has no drainage, dripline drainage will be added to part of the building. Shoreline  
92 approval has been granted and Mr. Keach has signed off on the plans.

93 Mr. Partington asked for copies of the ZBA approval, as the ones in the plan are hard to read. Mr.  
94 Cross confirmed that the plans being shown were identical to what was presented to the ZBA.

95  
96 **Chair Monson checked that no public comments had been received by the board.**

97  
98 **Mr. Bradley made a motion to approve Case 2020-7 as presented. Mr. Cross seconded the**  
99 **motion. Vice Chair Carpenter suggested amending the motion to include the conditions that a shoreline**  
100 **permit be received and that, per the Keach-Nordstrom memo, that Sheet Two be expanded. Mr.**  
101 **Maynard said the expansion was already reflected. Mr. Bradley amended his motion to include the**  
102 **shoreline permit and Mr. Cross said his second still stood. The motion was passed with the following roll**  
103 **call vote:**

104 **Chair Monson, aye**  
105 **Vice Chair Carpenter, aye**  
106 **Mr. Bradley, aye**  
107 **Ms. Mason, aye**  
108 **Mr. Cross, aye**  
109 **Mr. Toubia, aye**  
110 **Mr. Partington, aye**

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113 **Case 2020-8, Major WPOD (lot 16-P-189A, 800 & 801) 37 Second Street, Residence**  
114 **A District, WPOD**

115 This application to merge three lots, raze the existing houses, and to build a new residence is  
116 represented by Mr. Maynard. There is currently a septic easement on an abutting lot. The new residence  
117 will have dripline infiltration and is three hundred feet from Cobbetts Pond. The ZBA has granted variance  
118 relief for setbacks and a shoreline trench. The merging of the three lots is conditional on approval of the  
119 application for the new home.

120  
121 **Ms. Mason made a motion to approve Case 2020-8, with the condition that the three lots be**  
122 **voluntarily merged and that all items addressed in the Keach-Nordstrom letter regarding the application**  
123 **be met to staff's satisfaction. Mr. Toubia seconded the motion. The motion was passed unanimously with**  
124 **the following roll call vote:**

125 **Chair Monson, aye**  
126 **Vice Chair Carpenter, aye**  
127 **Mr. Bradley, aye**  
128 **Ms. Mason, aye**  
129 **Mr. Cross, aye**  
130 **Mr. Toubia, aye**  
131 **Mr. Partington, aye**

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133 **Case 2020-10, Customary Home Occupation Conditional Use Permit 15 Bear**  
134 **Hill Rd. (lot 20-E-15) Rural District**

135 Applicant Ms. Kate Westervelt said there would be no employees and all shipments received at her  
136 home would be standard UPS/FedEx style trucks. No customers would come to her home and she did not  
137 intend to put a sign on her property for the business. She did not foresee any disturbance to her neighbors.  
138

139 **Chair Monson checked for public comment and saw none.**  
140

141 **Vice Chair Carpenter made a motion to approve the conditional use permit as presented. Mr.**  
142 **Cross seconded the motion. The motion was passed unanimously with the following roll call vote:**

143 **Chair Monson, aye**

144 **Vice Chair Carpenter, aye**

145 **Mr. Bradley, aye**

146 **Ms. Mason, aye**

147 **Mr. Cross, aye**

148 **Mr. Toubia, aye**

149 **Mr. Partington, aye**  
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152 **Case 2020-11, Customary Home Occupation Conditional Use Permit 64 No. Lowell**  
153 **Rd. (lot 6-C-400) Rural District**

154 Ms. May Wan is seeking to expand her conditional use permit from a limit of five children to eight  
155 for her afterschool program. Mr. Toubia clarified that the residence used for the program was primarily Ms.  
156 Wan's home.

157 Ms. Mason expressed concern that NH DHHS and the fire department had not weighed in yet on  
158 the plan. The applicant stated that she had been told that procuring planning board approval was the first  
159 step of the process. DHHS permitting needs to know that the plan meets zoning approval before they will  
160 accept the application.

161 Some questions followed from Mr. Cross and Mr. Bradley regarding if the application was better  
162 suited as a daycare rather than a home occupation. Chair Monson said they both required the same form,  
163 so it did not make a difference.

164 Mr. Partington agreed with Ms. Mason that he would like to see commentary from the fire  
165 department. Ms. Wan said the fire department was not currently visiting homes for non-emergency  
166 matters, due to the Covid-19 pandemic. Vice Chair Carpenter said that DHHS would not grant approval  
167 without a positive report from the fire department.  
168

169 **Chair Monson made a motion to approve Case 2020-11, conditional on fire department approval.**  
170 **Mr. Toubia seconded the motion. The motion was passed with the following roll call vote, with Ms.**  
171 **Mason opposed as she did not feel she had enough information on the state licensing process to approve**  
172 **the application:**

173 **Chair Monson, aye**

174 **Vice Chair Carpenter, aye**

175 **Mr. Bradley, aye**

176 **Ms. Mason, opposed**

177 **Mr. Cross, aye**

178 **Mr. Toubia, aye**

179 **Mr. Partington, aye**  
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182 **Old/New Business**

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Chair Monson confirmed with the board that they wanted him to approach the Board of Selectmen again for funding for a new Master Plan. The board agreed, with Mr. Partington saying he felt the chance of approval would depend on how it was presented and for what amount.

Mr. Gregory gave a price quoted by the Southern NH Planning Commission. Mr. Cross had researched the companies used, and prices paid, by area towns like Bedford and Derry for their Master Plans. Vice Chair Carpenter suggested that the board could save time and money from the process if they started surveying residents and coming up with a vision themselves. Ms. Mason concurred with this idea and agreed that she liked the idea of setting aside money yearly to pay for annual master plan updates.

Vice Chair Carpenter made clear that the board rewrote several sections each year so the master plan met state RSAs.

**Vice Chair Carpenter made a motion to approve the minutes of December 11, 2019. Ms. Mason seconded the motion. The motion passed, with Ms. Mason and Mr. Cross abstaining as they were not present for the meeting, with the following roll call vote:**

- Chair Monson, aye**
- Vice Chair Carpenter, aye**
- Mr. Bradley, aye**
- Ms. Mason, abstain**
- Mr. Cross, abstain**
- Mr. Toubia, aye**
- Mr. Partington, aye**

**Mr. Partington made a motion to approve the minutes of December 18, 2019. Chair Monson seconded the motion. The motion passed, with Mr. Cross abstaining as he was not present for the meeting, with the following roll call vote:**

- Chair Monson, aye**
- Vice Chair Carpenter, aye**
- Mr. Bradley, aye**
- Ms. Mason, aye**
- Mr. Cross, abstain**
- Mr. Toubia, aye**
- Mr. Partington, aye**

**Vice Chair Carpenter made a motion to approve the minutes of January 8, 2020. Mr. Toubia seconded the motion. The motion passed, with Ms. Mason abstaining as she was not present for the meeting, with the following roll call vote:**

- Chair Monson, aye**
- Vice Chair Carpenter, aye**
- Mr. Bradley, aye**
- Ms. Mason, abstain**
- Mr. Cross, aye**
- Mr. Toubia, aye**
- Mr. Partington, aye**

228 Mr. Bradley made a motion to approve the minutes of February 5, 2020. Ms. Mason seconded  
229 the motion. The motion passed, with Mr. Cross abstaining as he was not present for the meeting, with  
230 the following roll call vote:

- 231 Chair Monson, aye
- 232 Vice Chair Carpenter, aye
- 233 Mr. Bradley, aye
- 234 Ms. Mason, aye
- 235 Mr. Cross, abstain
- 236 Mr. Toubia, aye
- 237 Mr. Partington, aye

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239 Vice Chair Carpenter made a motion to approve the minutes of February 19, 2020. Mr. Partington  
240 seconded the motion. The motion passed, with Mr. Cross abstaining as he was not present for the  
241 meeting, with the following roll call vote:

- 242 Chair Monson, aye
- 243 Vice Chair Carpenter, aye
- 244 Mr. Bradley, aye
- 245 Ms. Mason, aye
- 246 Mr. Cross, abstain
- 247 Mr. Toubia, aye
- 248 Mr. Partington, aye

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250 Ms. Mason made a motion to approve the site walk minutes of March 7, 2020, with the  
251 amendment that the spelling of her name be rectified in the approved minutes. Mr. Bradley seconded  
252 the motion. The motion passed, with Mr. Cross, Mr. Toubia, and Mr. Partington abstaining as they were  
253 not present for the site walk, with the following roll call vote:

- 254 Chair Monson, aye
- 255 Vice Chair Carpenter, aye
- 256 Mr. Bradley, aye
- 257 Ms. Mason, aye
- 258 Mr. Cross, abstain
- 259 Mr. Toubia, abstain
- 260 Mr. Partington, abstain

261  
262 Vice Chair Carpenter made a motion to adjourn the meeting. Mr. Toubia seconded the motion.  
263 The motion passed with the following roll-call vote:

- 264 Chair Monson, aye
- 265 Vice Chair Carpenter, aye
- 266 Mr. Bradley, aye
- 267 Ms. Mason, aye
- 268 Mr. Cross, aye
- 269 Mr. Toubia
- 270 Mr. Partington, aye

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