

Haverhill Planning Board Minutes June 28, 2016

Draft Subject to Review, Correction, and Approval at Following Meeting

1. Call to Order

The meeting was called to order at 7:00 by Chairman Don Hammond

Planning Board members present:

Don Hammond

Mike Bonnano

Mike Simpson

Howard Hatch

Clerk Ed Ballam was present.

Tara Krause was absent

There were no members of the public in attendance.

2. Designation of Alternates

No alternates to designate

3. Agenda Approval

Mike B. made a motion to approve the agenda. Mike S. seconded the motion. The motion passed with a unanimous vote with no changes.

4. Approve Minutes of Previous Meeting

The minutes of the May 24, 2016, meeting were approved on a motion made by Mike S. seconded by Mike B. The vote was unanimous.

5. Scheduled Public Appearances previously scheduled.

None

6. Correspondence/Communications

None

7. Reports of Committees

None

8. Pending Business

Ed B. distributed copies of NH RSA 675:6 which outlined what the board has to do before adopting the newly revised subdivision regulations. The board needs to have one public hearing before voting to approve the changes to the regulations. Ed B. recommended the board set up a public hearing for the subdivision regulations and suggested a regular meeting night to have it done. He said he's working on the revisions and hopes to have them done soon. He said he plans to have the new wording in brackets with words to be replaced with line strikes through it so people will understand what's being changed

Don H. said that once the changes have been made, the board should look at them again in July just to make sure everything is correct and then schedule the hearing for the August meeting. There was agreement that it was good plan.

Mike S. asked how soon the changes could be approved after the public hearing. Ed B. said the board could take the vote to adopt them the same night, if there were no changes. He said if there were changes, another public hearing would be necessary.

Mike B. asked if Ed B. had a chance to look at the forms that go with the regulations. He said he had and the forms seem to be working just fine as is. Ed B. added that he knows the board has had some issues with the building permits, but that's not a planning board issue.

9. New Business (Applications)

Under new business, the board began the process of considering zoning as the requested by the board of selectmen. Ed B. said the board of selectmen asked that the planning board start looking at the possibility of implementing zoning in Haverhill.

Mike B. as the selectboard's representative to the planning board said that what Ed B. said was basically it. They want the planning board to start looking at zoning. Mike B. said that Ed B. passed out a packet of information which included Haverhill Corner's zoning ordinances, a list of towns that have and do not have zoning as well as the RSAs governing Zoning. Mike B. said he would get copies of Mountain Lakes zoning ordinances for the board to consider as well.

Ed B. said he was not advocating either way, for or against zoning, just trying to provide some information for the board to consider as they deliberate on the issue. He said the information pretty much says what zoning is and how to do it if towns want to go down that path.

Mike B. asked if zoning has to be brought to town meeting. There was agreement it would have to be consider by the voters. Ed B. said this time it would be a little different because in years past, it was put before the voters by petition articles from residents. That only required the planning board to have public hearings on the article. This time, the board is being asked to be the authors of the ordinance.

Ed B. recommended the board look for templates and maybe consider what other towns have in place. He also said Haverhill Corner has zoning as does Mountain Lakes and perhaps they should be considered, not necessarily to be a model for the whole town, but to be aware of what the rules are in certain parts of the community.

Ed B. said zoning is the planning board's issue because it involves land use regulations which the planning board is responsible for by state statue. Ed B. also said the selectmen presented the concept of zoning as a way to prevent substandard and dilapidated housing. He said that can't undo what is already standing, but it might help prevent more in the future, depending on what the planning board develops and what the residents want.

Mike B. said the town is in the process of trying clean up a few properties in town and is in legal cases with some.

Mike B. also said Mountain Lakes has a zoning regulation that prevents people from clear cutting property. However, they are finding out that the community really can't do that because the state says there's no way to regulate it.

Ed B. said he's not sure how the planning board wants to proceed with the request. He said he could look for regulations from other towns in the area or other parts of the state with similar characteristics. Don H. said he would be interested in seeing what other towns have for regulations.

Mike B. asked why zoning didn't pass in years previous. There was some discussion about certain citizens banning together to defeat it. Don H. said that when Wal-Mart came in, he believes everybody in town would have voted for zoning. He said people asked if there was anything the town could do to keep Wal-Mart out, and the answer was no because the town didn't have zoning. Don H. said whatever the planning board is going to do, it should be careful not to make any rules too stringent.

Howard H. said it might be difficult to accommodate all the different interests in town, business, and historical and agricultural.

Mike B. said there is no time limit to having this done and it was mostly idle conversation. Ed B. said it was mostly Selectboard Chairman Wayne Fortier who mentioned the need for zoning.

Howard H. asked if there was a vote of the board to direct the planning board to pursue Zoning. Ed B. said there was not and the planning board wasn't obligated to act in anyway.

Don H. said he thought it was time to consider zoning, but the board would need to be very careful on how it goes about it. He said the board already has minimum lot sizes so probably won't have to do anything about that. Ed B. said the board might want to think very carefully about lots sizes. He said for instance, the board might suggest lot sizes be bigger to preserve more agricultural land and open space. Ed B. said the board will really need to think about zoning because it affect not just now, but 100 years from now. He said it is a document that can be changed at any time by the people, but it really needs to be looking far in the future, not just the current and immediate future.

Don H. said zoning can only prevent things from happening in the future, it can undo anything that has already happened. Don H. said if the town passes zoning with some restrictions toward junk it might help. Ed B. said there are already laws and rules in place to take care of that kind of stuff, but it take fortitude for enforcement. Howard H. agreed and said the board just needs to follow through with the rules and committees it already has. Howard H. said he was concerned about the selectboard being committed to supporting zoning. He said the planning board could do a lot of work to come up with zoning regulations and the board would say who wants this and then loose support.

Mike B. said there's a new selectboard in place now and he thinks that's why the board is going in this direction now on dilapidated housing and zoning. Don H. said before going on too far with the exploration of zoning, the planning board should have a commitment of support from the full board. Howard H. said he'd like to see a vote by the selectboard to direct the planning board to pursue zoning. Don H. to make any zoning happen, it will need support of the full board. He said he'd like to see that support in writing backed by a vote. Mike B. said the

planning board ought to ask the selectboard for exactly that. Mike B. said the board should put the request out for support from the selectboard before the planning board does any work on it. Don H. suggested that the board could at least start looking at sample regulations.

Ed B. asked which ones the board wanted. Mike S. asked for Piermont's. Don H asked for Lisbon's. Howard H. said Lisbon doesn't have any agriculture or farm. Mike S. asked to look at Littleton's zoning.

Mike B. said he wanted to make a motion requesting 100 percent backing from the selectboard before the planning board works on the zoning issue. Howard H. said the planning board should just ask for a vote on the issue, not 100 percent backing, just a vote. Ed B. said that makes sense because it's possible not all selectboard members would vote for zoning. Mike B. asked if the Planning Board would be happy with a majority of the selectboard to work on the zoning issue. Don H. said it should be more than one person asking for zoning.

Mike B. suggested the board asked for a majority vote. Ed B. suggested the board just keep it simple and ask for a vote of the selectboard on whether they want the planning board to work on zoning. The result of that vote will answer the board's question about whether it should spend a lot of time on zoning.

Mike S. made a motion to ask the selectboard to take a vote on whether or not to pursue zoning in Haverhill. Howard H. seconded the motion. The vote was unanimous. Howard H. said the vote will give the planning board direction. Howard H. said the board needs to have more than just one selectboard member asking for zoning before the planning board commits to all the work. Don H. agreed. He said the board needs to see how the rest of the selectboard feels about it. Mike B. said it was pretty much just Wayne Fortier making the directive to the planning board. Mike B. said the rest of the board didn't say anything. Mike B. said there is no sense of having the planning board waste time if the selectboard isn't going to support the move.

Ed B. reminded the planning board members that they are the ones responsible for zoning and they can act as they see fit, with or without the selectboard's support. Mike B. said it would be nice to have the board's support.

Howard H. said the town has never had a selectboard stand up in unison and say we think zoning is a good idea. He said there have individual board members, but never the full board. Mike B. said a majority will be good enough. Howard H. it's got to be more than one fifth of the board.

There were no new applications.

10. Other New Business

Howard H. said he's been following gravel pits for a long time. He said he's particularly been following the Blaisdell pit. He said when it first open in 1986, it was a small plan. He said the plan and the pit has grown to several parcels and now to parcels being bought and houses being taken down. He said there has been very little reclaiming done. He said he's concerned that the excavating is getting very close to the water table. He asked if the permit and reclamation plan is intact. Don H. said yes it is. Howard H. asked if the reclaiming has to be done before more is

opened. Don H. he thinks maybe the owners believe the town is going to let the digging go deeper. Howard H. said the water is at 61 feet and the pit is already at 40 feet. Don H. said the last time the board looked at the pit, the measuring pipe had been covered up. It has been since uncovered and it can now be sounded. Don H. said the water was sounded at 48 or 52 feet from the top of the pipe to the water. Ed B. said the board was out there within the last three years. Don H. said the last inspection included a recommendation to remove the crushed asphalt and uncover the pipe.

Don H. said it's been about two or three years when the board last inspected Blaisdell's pit. Don H. said Brown's pit has been closed. Don H.

Howard H. asked when is it appropriate for someone to say something about a close gravel pit and have someone with higher authority listen. Howard H. said he's particularly concerned with Morrill's pit on French Pond Road. He said Morrill is selling all the property. He said there's lots of stuff buried in the pit. Don H. said understands the same thing. Don H. said Morrill must have set aside money to close the pit. Howard H. said there are Jersey barriers, pipe, granite and other stuff on the property and there has not been any reseeded. Don H. said maybe the planning board should take a look at it sometime. Howard H. asked when should someone look at it. Should the town wait until it comes up for sale? Don H. said the board should look at it sooner. Howard H. said if someone were to borrow money for the property, it would have to pass a clean test. Howard H. asked if it was a closed pit or what the status is.

Ed B. said he'd have to check. Ed B. also said just because the pit is fallow for a period of time, it doesn't mean it's closed. It just means they don't need the material now and as long as all the plans and permits are in place, there's really no violation and the planning board doesn't need to be involved. When there's a move to officially close the pit, that's when the planning board steps in and makes sure it's closed in accordance with the plan on file.

Don H asked Ed B. to check on the status of Morrill's pit. Ed B. asked if the planning board had checked the last time it was inspecting pits a couple of years ago. Don H. said he doesn't think the board had inspected that pit since Sandy Schmidt was the chairperson of the board which would have been at least 10 years ago. Don H. and Mike B. said neither of them believe the planning board had been on the property for 10 years. Don H. asked Ed B. to check to see when the last time the planning board had inspected the Morrill pit and report back. Don H. said it might be time for the board to go out and look again, especially if it's been longer than 10 years. Howard H. said how long should the town let inspection slide. Mike B. asked if there was a bond on the property. Ed B. said he'd have to check on it.

11. Public Appearances (Not Previously Scheduled)

None

12. Comments of the Clerk

None – clerk not present.

13. Comments of the Planning Board

Mike B. asked about Cumberland Farms, he said he remembers the planning board had somethings to say about it when it was being proposed. Ed B. said the planning board did not

review the new Cumberland Farms location, but the ZBA did for an aquifer protection ordinance exemption. Mike B. asked if the Planning Board had anything to say about the disappearance of the crosswalk on Central Street when it was covered over by repaving. Don H. said the planning board has nothing to say about it. Don H. said it was the state's decision to not replace the cross walk between Shaw's and Cumberland Farms. Don H. said the selectboard could ask that it be repainted, but the planning board has nothing to do with the issue. Don H. said there's a definite need for it. He suggested the selectboard ask for the crosswalk installed.

Don H. asked about the subdivision regulations and if Ed B. was going to have them done in time for review at the next meeting. Ed B. said he would have it all set to go.

14. Other

None

15. Adjournment/Next Regular Meeting

Don H. asked for a motion to adjourn which was offered by Mike B and seconded by Mike S. The vote was unanimous. The meeting concluded at 7:47 p.m.

The next meeting scheduled meeting is July 26, 2016.

Respectfully submitted,

Ed Ballam, Planning Board Clerk