

Haverhill Planning Board Minutes

Oct. 28, 2014

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

1. Call to Order

The Chair called the meeting to order at 7:00 p.m.

Planning Board members present:

Don Hammond – Chair

Mike Bonanno

Bill Daley

Tom Friel

Tara Krause arrived at 7:10

Also present: Ed Ballam, Clerk

Members absent, Mike Simpson

Members of the public: none

2. Designation of Alternates

No alternates to designate

3. Agenda Approval

Bill D. made a motion to approve the agenda as amended. The motion was seconded by Tom F. The vote was unanimous.

4. Approve Minutes of Previous Meeting

Mike B. made a motion to approve the minutes of the Sept. 23 meeting. Bill D. seconded the motion. The vote was unanimous.

5. Scheduled Public Appearances previously scheduled.

None

6. Correspondence/Communications

Ed B. mentioned a land use item coming up in on forestry in Enfield on Nov. 6 in the day time. Ed B. also said the North Country Council will have a final public hearing on the regional plan upon which they've been working to be held on Nov. 19 at the Rocks Estate in Bethlehem at 5:30 p.m He also said the North Country Council has legislative handbooks available at \$60 each.

Ed B. also reported that work had begun on the Old Castle, Whitcomb Concrete site including the demolition of the building. There's also work being done to close the gravel pit. The planning board received a copy of a notice from the N.H. Department of Environmental Services asking questions of the

developer and the work being done. The planning board was included on the communications in an FYI status.

Ed B. said by way of background, when equipment started arriving on the property, it raised concerns about what was happening on the site and whether they had a permit to do the work. Ed B. said he check and was given some documentation showing the site was grandfathered and needs no additional permits to do the closure work. Ed B. said the Planning Board still has the right to take a look at the work when it's completed to make sure it conforms with what the board had expected.

Ed B. also reported the French Pond Circle storage unit permit, seeking permission to build on a private or class VI road went before the Selectboard for its consideration. Ed B. said he was at the meeting, for other reasons, and the selectboard said the applicant, Robin Roystan, could go ahead with his construction plans. The selectboard discounted the Planning Board's comments, as reflected in the minutes, as not relevant to the issue.

Tara K. acknowledged that she did not attend the Planning Board meeting during which the Roystan application was discussed. She said she read the minutes from the Sept. 23 meeting and was aware the selectboard had approved the construction. She questioned why the planning board was asked for an opinion in the first place if the selectboard was going to discount what was said.

Ed B. said he'd try to summarize and asked that Tom F. add commentary. Ed B. said the selectboard believed there was no legitimate, or statutory rationale for the permit to go to the Zoning Board of Adjustment, even though the Planning Board said they thought it should. Ed B. said there are particular criterion an application must meet for it to go to the ZBA and Roystan's request to build storage buildings in the aquifer protection district did not measure up for a public hearing.

Tom F. said the applicant had indicated there would be no hazardous waste or materials stored in the units.

Tara K. said she was concerned about what abutters might say or do when the road is damaged or sees a significant increase in traffic.

Ed B. said one mitigating factor in this is the fact that a gravel pit had been approved for the very same piece of property in 2007. He said the gravel pit is in back of the proposed storage units. He said that kind of activity would like produce more wear and tear on the road than people accessing storage units.

Tara K. asked how the planning board became involved in the storage unit permit process. Ed B. said by town rules, the planning board is asked to comment on building and development on private or class 6 roads. The applicant came in to get a building permit and the town sent the application to the planning board for review. He said it's advisory and the town would be the ones to grant the building permit. He also pointed out the Planning Board is not the ZBA so it has no authority over any kind of wetlands permits or any use issues. He said the planning board would strictly have to look at just road issues only.

Tara K. said if the planning board had issues with the road and recommended that it not be built on, that should be the end of it. Ed B. said that's not case. The selectmen are the ones who make the decision on whether to grant a building permit. The Planning Board's recommendation is strictly advisory and the selectboard can agree with it and deny the building permit, or say, 'thank you planning board, we disagree' and grant the permit.

Tom F. said he did not think anyone the planning board was particularly happy about the whole process. Tara K. said she was just trying to understand the chain of command and she said she was not pleased the selectboard disregarded the planning board's decision and said it was like a vote of no confidence directed at the planning board. Ed B. said he wouldn't suggest anyone take it that strongly. The selectboard, he said, recognized the planning board didn't have the authority to send the application to the ZBA and didn't.

Tom F. said there were four people on the selectboard who had previously been on the planning board so they were familiar with the process.

Ed B. said if there had been some egregious problem with the road and were able to present that to the selectboard with a justification why it should not be allowed, and then the selectboard said they were going to issue it anyway, then the planning board could interpret it as a vote of no confidence. But that didn't happen, he said.

Tom F. said there are so few regulations the town can enforce regarding land use and zoning, that there was no way to deny the building permit application. Ed B. said people may not like the idea of a storage facility on the shore of French Pond, but there's little anyone can do to stop it using ordinances and regulations.

Tom F. said his personal opinion is that any commercial use of property in the aquifer protection district ought to go before the ZBA. Ed B. said there are no regulations or rules that require it goes to the ZBA.

Ed B. said the larger issue raised by Bill D. about allowing commercial development on private and class VI roads might be something the planning board could pursue and ask the ZBA to take a look at as well.

Bill D. said he didn't think commercial development on those kinds of roads is appropriate and said the board might want to look at revising that part of the ordinance.

Also under communications, Ed B. mentioned that the Haverhill Corner Planning Board is looking at a request to reduce lot sizes on private roads in the Agricultural zone. Ed B. said this board, the Haverhill Planning Board has nothing to do with the issue, but he wanted this board to know about it.

7. Reports of Committees

None

8. Pending Business

Gravel pits – Ed B. said he's working on the report.

9. New Business (Applications)

None

10. Other New Business

None

11. Public Appearances (Not Previously Scheduled)

None

12. Comments of the Clerk

None

13. Comments of the Planning Board

Tom F. said the board has said enough and expressed its distain for the process regarding the storage unit on French Pond Circle. Tara K. said she didn't think it was distainful, but she did want to better understand the process.

Don H. said he hoped that if someone has something to say, it's said before the vote is taken. Bill D. said he mentioned his opinion three times and it's reflected in the minutes. Don H. said if he did say it before the vote, he was sorry the board didn't pay attention to his comments. Ed B. said the issue is not lost. The board could still take up the issue of developing commercial property on private or Class VI roads, especially when applications are slow. He said there are lots of land use issues the board could look at during the slack time.

Don H. said he didn't see applications picking up dramatically anytime soon. He said the board the board might want to spend time going through the regulations, updating them, reviewing them. He said the board wouldn't have to spend hours and hours at each meeting doing that, but spending some time might be beneficial.

Tara K. asked if the board should start from the beginning or target areas where it knows there are some issues. There was some consensus that the review should start from the beginning and if there are no issues with some parts, they can be moved over quickly. Ed B. said in Haverhill Corner, the planning board started on page 1 and went through every section over the course of a year. Don H. asked the clerk have copies of the regulations available at the next meeting.

Don H. said he had a prior commitment on proposed date of the next meeting Nov. 25, and it being Thanksgiving week, he suggested another meeting time.

Ed B. said the board can call a meeting whenever it wants with the proper notice. There was some discussion about alternate dates. Ed B. said the board could decide to do a combined Nov./Dec. meeting and avoid both Thanksgiving and Christmas week. He suggested one combined meeting early in December. He reminded the board that meetings might have to be held to comply with RSAs regarding public hearings for applications. He said he knows of no applications pending for anytime in the immediate future.

The board decided to hold its next meeting on Dec. 2 and have it be a combined Nov./Dec. meeting. Mike B. made a motion to schedule the meeting for Dec. 2, the motion was seconded by Tom F. and the vote was unanimous. Ed B. said he would post the change in at least three public places as required.

14. Other

None

15. Adjournment/Next Regular Meeting

The meeting was adjourned at 7:35 p.m. on a motion made by Mike B. seconded by Bill D. The vote was unanimous.

The next meeting is scheduled for Dec. 2.

Respectfully submitted,

Ed Ballam, Planning Board Clerk