

HAVERTHILL PLANNING BOARD
Public Hearing for Ordinances
Meeting Minutes
Thursday, January 11, 2024, at 6:00 PM
J.R. Morrill Building
2975 Dartmouth College Hwy.
No. Haverhill, NH 03774
And on Zoom

Thursday, January 11, 2024

CALL TO ORDER:

Chair Hebert called the meeting to order at 6:00 PM.

ATTENDANCE:

Vickie Wyman (Here), Kevin Knapp (Here), John Nelepovitz (Here), Gary Hebert (Here), and Donnie Hammond (Excused). A quorum was met.

Town Employees Present:

Assistant Town Manager: Jennifer Boucher
Police Department Office Administrator: Lorie Aldrich
Board Clerk: Joanna Bligh

Visitors in Person:

William Creamer
Nicholas Creamer

Visitors Online:

Jim McKinnon
Bob Long
Alex Nuti-de Biasi (*Journal Opinion*)
Joanne Young
Lori Brissette
Randy Berenson
E. Eliot
Mary Houde
Darlene Simboli
Roger Brissette
Randy Berenson

HOUSKEEPING

Chair Hebert stated that with the quorum four Planning Board members in attendance, there is a possibility of a split vote during this meeting. If that occurs, the members will vote a second time and Chair Hebert, as Chair, will abstain from the vote.

AGENDA APPROVAL

MOTION #1: Knapp made the motion and Nelepovitz seconded the motion to approve the Agenda as amended.

- Nelepovitz corrected that date error under Next Meetings and suggested that the next Planning Board meeting be moved from January 23 (Primary Day) to January 24th.

Voice Vote: All approved, none opposed, and none abstained. The motion passed unanimously.

PUBLIC HEARING

NOTICE OF PUBLIC HEARING: NOTICE is given in accordance with RSA 677:4 and 675:7 that the Haverhill Planning Board will hold a Public Hearing to receive public comment on the Ordinances on Tuesday, January 11, 2024, at 6:05 PM at the J.R. Morrill Building, 2nd Floor Conference Room, No. Haverhill, NH. Anyone needing assistance to attend this meeting should contact the Town Administration office 1 week before the scheduled meeting date.

Ordinances Under Consideration. See complete list of Ordinances on the Town's website at: https://www.haverhill-nh.com/index.asp?SEC=775EE069-765A-4632-8CFD-86C8EB09712D&DE=Do49D396-51ED-4D78-B10B-B482EAAE04C4&Type=B_PR

- Flood Prone Area Ordinance
- Junk & Junk Yard Ordinance
- Public Highways Ordinance
- False Alarm & Frivolous Complaints Ordinance
- Special Event Permit Ordinance and Application
- Short-Term Lodging Ordinance

Discussion:

Assistant Town Manager Boucher suggested that public comments be first on the Public Hearing agenda before the Board members' comments. Chair Hebert stated that the Board have always offered their comments first, which gives the public a base of understanding for their comments. Chair Hebert stated that the order on the agenda will remain as is.

MOTION #2: Vice Chair Wyman made the motion and Knapp seconded the motion to enter the Public Hearing at 6:05 PM.

Voice Vote: All approved, none opposed, and none abstained. The motion passed unanimously.

Discussion:

Flood Prone Area Ordinance

Chair Hebert stated that the new wording in this ordinance was an updated requirement from FEMA, and asked if there were any comments from the Board, and there were none.

Junk & Junk Yard Ordinance

Chair Hebert asked for comments from the Board members.

- Chair Hebert referred to page 1, paragraph 5, line one, under Enforcement and asked about the appointed officers of enforcement and who they would be.
- Chair Hebert noted that for the entire enforcement process, there is no appeals process listed, the “local official” is not defined, there is no process for a first warning, and the settlement should be in Haverhill District Court.
- Vice Chair Wyman addressed page 3, paragraph 5, noting that the proceeds should go to a specified fund to clean up the junk sites rather than having taxpayers fund the cleanup.
- Vice Chair Wyman noted that this ordinance is “back-door zoning.”
- Knapp had no comments.
- Nelepovitz had no comments.

Chair Hebert asked for comments from the public.

- W. Creamer commented that on most farms, construction sites, logging operations, gravel pits, and auto repair shops, there is equipment everywhere. The Town has to be careful about being vague in their Junk Ordinance. W. Creamer stated that it sounds like zoning and that a fund is needed to aid cleanup.
- N. Creamer stated that junk yard and old vehicle complaints are common. In NH, the RSAs already have a law about unregistered vehicles.
- Vice Chair Wyman noted that Mountain Lakes precinct has zoning, and continued asking about enforcement and the costs to the Town.
- Chair Hebert commented that Junk Yards are not under Health and Welfare—abutters and the public considers some sites a nuisance. Chair Hebert noted that the Health Officer has no enforcement abilities.
- W. Creamer asked about business licensing.
- Aldrich stated that there are several locations that are businesses, and they do not register with the Town.
- W. Creamer stated that some sites may have environmental impacts with leaking oil.
- Aldrich stated that when they contacted the State about leaking oil, the State asked if the Town has a Junk Yard ordinance.
- W. Creamer stated that everywhere in Haverhill is a watershed of the Connecticut River, and the EPA should be interested because there is a federal Clean Waters Act (<https://www.epa.gov/laws-regulations/summary-clean-water-act>). W. Creamer stated that the Town cannot be ambiguous because it opens legal challenges.
- Nelepovitz agreed and noted the ordinance is too broad and reference to the RSA should be included.
- Vice Chair Wyman stated that this ordinance is too broad and ambiguous, and health and safety regulations are needed.
- Tann stated that she supports the discussion and that there needs to be enforcement authority.
- Long stated that a legal opinion should be obtained.

Chair Hebert asked if there was any other discussion, and there was none.

Public Highway Ordinance

Chair Hebert asked for comments from the Board members.

- Chair Hebert asked about the fines and if the Town uses a municipal form in which the funds will come to the Town, especially for speeding.
- Aldrich stated that the Chief has been updating old ordinances. and the Town form is not used. The speed limit form was used to send money to support the police academy, but that does not apply anymore.
- Chair Hebert stated that the money now goes to the courts and witness programs. Chair Hebert referred to page 2, Violations, Double Parking, “shall be subject to a fine” noting that the with that wording there is no discretion in ticketing for the officer, and the wording “shall” express a mandate and should be changed to “should.” Chair Hebert noted that speeding should not be on this list , and that snow parking needs a timeframe.
- Assistant Town Manager Boucher noted that the snow parking rules coincide with night parking.
- Vice Chair Wyman asked about the livestock ordinance.
- Clerk Bligh noted that she researched RSA 466:19, and it is about dog owners restraining their dogs from livestock attacks.
- Nelepovitz noted that there is an ordinance in Woodsville, and Assistant Town Manager Boucher stated that in 1947 an ordinance was written for Woodsville only.
- Vice Chair Wyman stated the Mountain Lakes precinct has an animal ordinance, and asked how the Town can supersede a precinct ordinance.
- Assistant Town Manager Boucher stated that the ordinances would have to be updated and combined with any local ordinance still in place and noted that the stricter ordinance applies.

Chair Hebert asked for comments from the public.

- W. Creamer stated that the ordinance is vague and ambiguous, that it has to be specific, and that it opens the Town for harassment.
- N. Creamer noted that it opens the door for family feuds, and, about winter parking, there are no signs in place on Woodsville roads for limiting winter parking.
- Nelepovitz stated that there is a problem with enforcement, and there are no building inspectors.
- Chair Hebert stated that the Town has the authority to incorporate laws in ordinances, but they should concentrate on parking.

Chair Hebert asked if there was any other discussion, and there was none.

False Alarm & Frivolous Complaints Ordinance

Chair Hebert asked for comments from the Board members.

- Chair Hebert noted that definitions are needed, and that the liability may affect the Town insurance.
- Chair Hebert noted that under 5. a. the word “shall” is used, and the Town cannot dictate that inspection process. Under 5. b. and d., Chair Hebert asked who the inspectors are.
- On page 2, under Frivolous Complaints, Chair Hebert stated that it may lead to civil action, and, under paragraph 6, RSA 641:4 related to False Reports, this may lead to criminal action.
- Chair Hebert stated that the officer, chief, and Town could be sued.

- Vice Chair Wyman noted that the Town is open to liability.

Chair Hebert asked for comments from the public.

- N. Creamer stated that he calls the HPD frequently about neighborhood concerns.

Chair Hebert asked if there was any other discussion, and there was none.

Special Event Permit and Application Ordinance

Chair Hebert asked for comments from the Board members.

- Chair Hebert stated that definitions are needed, the public gathering wording is ambiguous, the State statute is not referenced, and the authorization of who signs the document is not clear.
- Vice Chair Wyman noted that this affects every event in Town – Railroad Park, the school events, and others. Vice Chair Wyman stated this ordinance means the Town has “carte blanche” referring to page 1, paragraph 8, and page 2, paragraph 1.
- Assistant Town Manager Boucher stated that the No. Haverhill Fair has an RSA as its permitting.
- Knapp had no comments.
- Nelepovitz had no comments.

Chair Hebert asked for comments from the public.

- Berenson (online) stated that the Town of Haverhill has control over all events.
- Houde (online) stated there needs to be better definitions, and in Mountain Lakes, there needs to be better control over large gatherings of people outside of the community.
- Vice Chair Wyman asked if there was a camping area in Mountain Lakes. Vice Chair Wyman stated that the Town ordinance states that it “supersedes” all local ordinances, which affects every part of Haverhill.
- Houde (online) stated that it needs regulations with tighter language.
- Vice Chair Wyman stated that Mountain Lakes taxpayers need to have input, and that the Town cannot change the district zoning.
- Long (online) stated that this is a Mountain Lakes issue not a Town issue, and that there is a designated campground in the district.
- Assistant Town Manager Boucher stated that the HPD covers the entire Town.
- Chair Hebert noted that we can only make recommendations, the Select Board is the legislative body.

Chair Hebert asked if there was any other discussion, and there was none.

Short-Term Lodging Ordinance

Chair Hebert asked for comments from the Board members.

- Vice Chair Wyman stated that there needs to be definitions; that seasonal rentals, ABNBs, etc. are the homeowners’ choice; that item #6. about occupancy should be septic requirements per bedroom not per person; that short-term rentals have refurbished the community by keeping the vacant houses maintained; that parking, item #7, should be

re-examined; and that short-term rentals bring revenue to the Town. Vice Chair Wyman also noted that increasing short-term rentals does not limit long-term rentals.

- Knapp stated that he agrees.
- Nelepovitz noted that there will be conflicts with Mountain Lakes.
- Chair Hebert asked if ABNBs are registered with the State, and Vice Chair Wyman responded, Yes.
- Chair Hebert stated that on page 2, item #9, the Planning board has no authority, and that there is no listing of how appeals can be made or how lawsuits can proceed.

Chair Hebert asked for comments from the public.

- W. Creamer noted that septic requirements are by bedroom not by number of people. W. Creamer stated that it is solely the concern of Mountain Lakes, and they should solve it in their own district.
- Nelepovitz stated that there is no building inspector in Haverhill.
- Vice Chair Wyman stated that it is not only Mountain Lakes.
- Vice Chair Wyman stated that septic systems should be cleaned every 4 years and every 2 years if near a body of water.
- Long (online) stated that he agreed with the Short-Term Lodging Ordinance, but some of the wording is incorrect. Long stated that there are 28 short-term rentals in Mountain Lakes and 15 are registered with the State for Meals and Lodging tax. Long noted that there are no rules from the State, and this ordinance is good to address the issue throughout Town.
- N. Creamer thanked Long for his statements.
- Vice Chair Wyman stated that considering long-term versus short-term rentals – short-term rentals are more profitable.
- W. Creamer stated that there are positives with short-term rentals, and houses are better maintained.
- Vice Chair Wyman noted that the community has become vibrant with short-term rentals.
- Aldrich stated that the Health Officer has no enforcement related to short-term rentals. They deal with health issues only.
- Chair Hebert asked if there were any fees for businesses, and Assistant Town Manager Boucher stated that, No, there are no fees under this ordinance.
- Tann asked if there were light or noise ordinances being reviewed tonight, and Chair Hebert stated, No, they were not on the list.

Chair Hebert asked if there was any other discussion, and there was none.

MOTION #3: Vice Chair Wyman made the motion and Knapp seconded the motion to exit the Public Hearing at 7:38 PM.

Voice Vote: All approved, none opposed, and none abstained. The motion passed unanimously.

Board Vote

MOTION #4: Vice Chair Wyman made the motion and Knapp seconded the motion to approve the **Flood Prone Area Ordinance** for the Town of Haverhill, NH.

Roll Call Vote: Nelepovitz (Aye), Knapp (Aye), Wyman (Aye), Hebert (Aye). The motion passed unanimously.

MOTION #5: Vice Chair Wyman made the motion and Nelepovitz seconded the motion to DENY the **Junk & Junk Yard Ordinance** for the Town of Haverhill, NH.

- Knapp noted that we denied this ordinance last year.
- Vice Chair Wyman stated that the ordinance is not specific enough.
- Knapp stated that it needs to be rewritten, and asked if the Board should table this ordinance for vote after it has been rewritten.
- Chair Hebert stated that the Board can vote on this tonight because then the Board will have done it due diligence.

Roll Call Vote: Nelepovitz (Aye), Knapp (Aye), Wyman (Aye), Hebert (Aye). The motion passed unanimously.

MOTION #6: Vice Chair Wyman made the motion and Nelepovitz seconded the motion to DENY the **Public Highway Ordinance** for the Town of Haverhill, NH.

- Vice Chair Wyman stated that this denial is because of too many corrections.
- Assistant Town Manager Boucher stated that from 1947, an ordinance is still on the books.
- Vice Chair Wyman asked if there were any updates, and stated that this is “back-door zoning.”

Roll Call Vote: Nelepovitz (Aye), Knapp (Aye), Wyman (Aye), Hebert (Aye). The motion passed unanimously.

MOTION #7: Vice Chair Wyman made the motion and Knapp seconded the motion to DENY the **False Alarm & Frivolous Complaints Ordinance** for the Town of Haverhill, NH.

- Chair Hebert stated that this ordinance as written is too ambiguous.

Roll Call Vote: Nelepovitz (Aye), Knapp (Aye), Wyman (Aye), Hebert (Aye). The motion passed unanimously.

MOTION #8: Vice Chair Wyman made the motion and Nelepovitz seconded the motion to DENY the **Special Event Permit Ordinance and Application** form for the Town of Haverhill, NH.

- Vice Chair Wyman stated that there is control of the events in the hands of one person.
- Chair Hebert stated that the ordinance only needs to be rewritten.

Roll Call Vote: Nelepovitz (Aye), Knapp (Aye), Wyman (Aye), Hebert (Nay). The motion passed.

MOTION #9: Vice Chair Wyman made the motion and Knapp seconded the motion to DENY the **Short-Term Lodging Ordinance** for the Town of Haverhill, NH.

- Chair Hebert stated that the ordinance only needs to be rewritten and has support of the community.

Roll Call Vote: Nelepovitz (Aye), Knapp (Aye), Wyman (Aye), Hebert (Nay). The motion passed.

