Agenda for Planning Board meeting - September 15 - 09/15/22

Date and time:	09/15/22 06:30 pm to: 09/15/22 08:30 pm
Organizer:	Bill Chaisson
Participants:	Patricia Brown, Scott McCullough, Linda Scofield, Jeff Gill, Heather Mather, Mark Kozikowski, Jonathan Schwartz, Andrea Cass, Polly Crocker
CC:	Meghan Foley
Location:	Wilmot Town Offices, 9 Kearsarge Valley Road and via Zoom Meeting ID 883 4205 2553
Link:	http://app.meetingking.com/meetings/384580

Topics

1. Attendance

2. Acceptance of Meeting Minutes from Previous Meeting

Note Meeting minutes from August 18, 2022
PLAN_minutes_08-18-2022_DRAFT.pdf

3. Review of Correspondence Received

Note From Andrea:
I reached out to counsel at the NHMA regarding the transfer of property on class VI roads (as it was a question at the last planning board meeting). I wasn't sure if this was covered at the class VI workshop meeting, but I figured I'd share what I found. Pat, it is up to you whether you would like me to explain in-person or if the paragraph below suffices at the next planning board meeting. Either way, works for me!
When a waiver like this is executed where the owner agrees to waive liability against the town in the event emergency vehicles are unable to access their residence via a Class VI road, the waiver needs to be registered at the registry of deeds so that future purchasers will find the documentation when they do a title search. A properly filed waiver will run with the property and not the owner so issues don't arise down the road when the property is sold. If that process was not properly followed when the building permit was granted for the residence on this particular road, I do not believe the town has any authority to intervene into a private sale and attempt to attach additional requirements to the deed. Essentially, the opportunity to obtain that liability waiver was likely lost. The fact still remains that the town has no duty to maintain a Class VI road and the town will still have some liability protection that automatically applies to Class VI roads. That being said, you may want to consult with town counsel in the event this particular road is so bad that emergency vehicles cannot gain access to the residence. Because if that is the case, the town may want to consider designating it an emergency lane or engaging in some form of maintenance. Through town counsel, you may also be able to execute a new agreement with the next owner.

Note Information about issues germane to recent discussions:
NH_Laws_Pertaining_to_Animal_Sanctuaries.docx
Mixed-Use_Ordinances.docx
New_Regulations_for_Planning_Boards.docx

Note PLANNING LUNCHES AT NOON Monthly Webinar Series
The next webinar in the NH Office of Planning and Development (OPD) Planning Lunches at Noon (PLAN) Monthly Webinar Series is "Overview of 2021 Municipal Land Use Regulations Survey Results" on Thursday September 15, 2022, from 12 to 1:00 P.M. Join us to hear Noah Hodgetts, Principal Planner and Alvina Snegach, Assistant Planner at the NH Office of Planning and Development (OPD) present the results of the 2021 Municipal Land Use Regulations (MLUR) Survey. The 2021 MLUR survey conducted by OPD and completed by all 234 municipalities includes information on land use regulations, local land use boards, master plans, economic development, planning and development techniques, and water and shoreland regulations. Noah and Alvina will also provide a tutorial on how to use the survey results' interactive map. The webinar will conclude with a question-and-answer session.
Registration for this webinar is open, please register by filling out this webinar registration form. You will receive a confirmation email from Microsoft Teams, which will include an attached calendar meeting that can be saved to your calendar (you may need to check your spam folder).
Can't make it? This webinar will be recorded and posted to the NH Office of Planning and Development YouTube Page.
Information including links to previous webinar slides, recordings, handouts and resources can be found at: https://www.nh.gov/osi/planning/planning-training.htm.
For assistance or if you have any questions, please e-mail planning@livefree.nh.gov.

Note FEEDBACK FROM SELECT BOARD ON CLASS VI ROADS
BOS_minutes_with_feedback_for_Class_VI_considerations_09072022.pdf

Note RESPONSE FROM TOWN'S ATTORNEY RE: MORATORIUM

4. Public Matters

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Note CONTINUED PUBLIC HEARING
SITE PLAN REVIEW: PARK N GO MARKET, 18 ELKINS ROAD (011-040-0000)
The market installed new, additional lighting above the gas pumps. They shine out onto the roadway, blinding drivers; the town has asked the market to make them downward facing. This hearing is being held because the market made the change to the site plan and therefore needs approval from the PB.

- 2022-01_SPR_Park_n_Go_011-040-0000_lights.pdf
- Park_n_Go_Lights_1_and_2.pdf

5. Old Business

Note CLASS VI ROADS - EVALUATION PROTOCOL and ZONING ORDINANCE REVISION
The evaluation protocol is a list of questions that the planning board will consider when the select board sends them an application for a certification of zoning compliance (CZC) on a Class VI road. It will be in effect as soon as the planning board votes on it, as it is an addition to the PB rules of procedure.
The zoning ordinance language will be presented at least one public hearing before the voters in March 2023.

- SECTION_XVI_CLASS_VI_ROADS_DRAFT_with_8-31_edits_js_additions.pdf
- SECTION_XVI_CLASS_VI_ROADS_amendment_final.pdf
- Evaluation_Protocol_for_Class_VI_Roads.pdf

Note Text in red in above document was added 8/31. Text in green was suggested by Jonathan Schwartz in ensuing correspondence with BC.

Note TOWN COUNSEL NIXES DEED ADDITION
Nathan Fennessey deemed it impossible to police adding a reference to the liability waiver in deeds during property transfer. He felt that adding signs at the entrance to all Class VI roads is a more reliable way of ensuring that property owners know the status of the road.

Note REVERSING WELL RADIUS EXPANSION OF 2019
The state review process does not allow the town to see septic plans before state approval, so we are unable to enforce a radius larger than the 75-foot limit imposed by the state.

- Revised_language_for_2023_well_radius.pdf

6. New Business

Note ADDING MIXED-USE OPTION TO ZONING ORDINANCE
At present the Wilmot ordinance does not allow commercial and residential uses together on one parcel unless it is owner-occupied (i.e. home occupation or cottage industry). A single grandfathered mixed-use parcel remains in Wilmot, the post office as an apartment over it.

- Mixed-Use_Ordinances.docx

Note Town of Campton zoning ordinance
http://www.camptonnh.org/nh/wp-content/uploads/2018/05/Zoning-Ordinance.pdf

Note Town of Pelham zoning ordinance
https://www.pelhamweb.com/sites/g/files/vyhlif4856/f/uploads/zoning_ordinance_revised-_march_2022.pdf

Note Town of Wilton zoning ordinance
https://wiltonzba.org/ordinance/ordinance_07.html

Note Town of Littleton zoning ordinance
https://www.townoflittleton.org/sites/g/files/vyhlif5401/f/uploads/zoning_ordinance_2020.pdf

Note Town of Wakefield zoning ordinance
https://www.wakefieldnh.com/sites/g/files/vyhlif1366/f/uploads/2020_wakefield_zoning_ordinance_with_amendments_through_march_2020_002_2.pdf

7. Miscellaneous Business

8. Workshop Session (if applicable)

9. Adjournment

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