

TOWN OF LYNDEBOROUGH

PLANNING BOARD MINUTES

December 15, 2022

APPROVED on 1-19-23

7:07 PM Call to Order & Roll Call

Acting Chair Ray Humphreys called the meeting to order at 7:07 p.m. Chairman Charlie Post took over at 7:15 p.m.

Members Present: Chairman Charlie Post arrived at 7:15pm, Mike Decubellis, Vice Chair Ray Humphreys, Alyssa Lavoie, Lou Rota, Alt. Bob Newton, Selectmen's Representative Mark Chamberlain, and NRPC Rep. Jay Minkarah. Not present: Mark Schultz and Bob Rogers.

Public present: Conservation Commission member John Pomer, Selectman Bob Howe, Tom Chrisenton, Ginny Chrisenton, and Code Enforcement Officer/Building Inspector Leo Trudeau.

There are no new cases tonight.

New Business:

Public Hearing for Zoning Amendments – second hearing

At the last meeting a public hearing was held for proposed Warrant Articles #1-4. An affirmative vote sent them all to a second hearing on January 19, 2023.

Earlier the Board voted to send Warrant Articles 5, 6, and 7 to a public hearing. The Board has a choice tonight. They can vote to move these forward if they amend them and go to a second hearing. If they are not amended, the Board can vote for second hearing. If approved, they can move to warrant or not to vote to move a warrant forward. A second hearing is not necessary if there are not changes, but it's a good idea and clearly up to the discretion of the Board.

Alyssa Lavoie suggested amendments

#3 – adjust verbiage to clarify it's supplemental.

#4 - handful of edits and adjustment to strike verbiage

There were no edits to #1 and #2.

Amendment #5, table

Create a new Subsection 300.00 to summarize relevant uses into a new table of permitted uses.

7:15 p.m. Charlie Post arrived and took over as chairman

The Board decided several meetings back to keep the verbiage and the table in.

New Amendment: Amendment #8 to add schools and daycares to RL1.

Add c and d under special exceptions.

The Board discussed what if the table is not approved.

Verbiage discussed: "To keep updated as zoning changes or to amend accordingly" or "Planning Board shall maintain the table to match the zoning"

There was a lengthy debate about private schools allowed in all zones. Dangerous roads on Mountain Road and in other areas of town were discussed. Not all members wanted to see schools in RL1 and RL3 or on Class VI roads. Jay Minkarah mentioned that a public school is governmental entity so it can go anywhere. Mike Decubellis suggested changing the table and not to have schools in RL2 and he also felt that a school in RL3 would change the character of the area. The discussion continued. Special exceptions, the ZBA process and Planning Board site plans were discussed.

It was suggested to remove this amendment for the year and come up with criteria for schools and automobile services and we owe it to do more due diligence. Babes in School Land was a preschool in the Village District years ago. It was discussed to leave it in Village District as it is and not add to RL1 and RL2.

VOTE: Ray Humphreys made a motion to amend the table to change schools in RL1 and RL2 from "SE" to "N". Mike Decubellis seconded. Motion passed 7-0.

No action on amendment #8 because it was never voted on. The plan is to have a new Note 8 and new Note 9.

Public Comments:

Bob Howe asked what is a public assembly hall definition? He asked how about a church or former church building. Would that be a public assembly hall? Mr. Minkarah listed them. A use of change was discussed. Alyssa Lavoie read from lawinsider.com: "A public assembly is a building or seating for over 100 people. It does not include a tent or place for worship; for events..." It was discussed if this is something that Board would like to take up with the Zoning Subcommittee they can work on it for next year. RSA 155:18 references a license is required and that would go to code enforcement.

VOTE: Mark Chamberlain made a motion to modify Amendment 5 to include notes #8 (text in zoning superseding table) and Note #9 (The Planning Board shall maintain the table to reflect subsequent zoning changes) and move Amendment 5 to a second public hearing on January 19, 2023. Mike Decubellis seconded the motion. Motion passed 7-0.

Amendment #6

Create a new section 1401.00 to provide that Variances and Special Exceptions granted on or after August 19, 2013, shall be valid only if exercised within two (2) years from the date of final approval.

Public Comment:

Tom Chrisenton handed the Board a printout from the New Hampshire Municipal Association regarding this issue. In summary he is agreeing to what the Board is proposing.

VOTE: Mike Decubellis made a motion, Bob Newton seconded to accept Amendment #6 and move it to a public hearing on January 19, 2022. Motion passed 7-0.

Amendment #7

Amend Sections 502.03, 702.03, 802.03 and 903.03 to provide that septic systems, wells, and well radii, swimming pools, antennas, satellite dishes, solar panels and other similar structures are not permitted within a setback area.

The Board discussed this proposal, and some questions were related to if the well radii is not allowed in the setbacks, that means the 75-foot well radii has to be outside the setbacks. Some members felt that a leach field should be allowed in a 50-foot setback. It was explained that the code enforcement officer came to the Board and asked for clarification of what is allowed in the setbacks.

An example was a proposed house that plans to have their well about 7-feet from the lot line with the well radii under the road and into the abutting property. In this, situations the road is heavily salted therefore well contamination is a big concern.

Leo Trudeau said that last line in DES is, "A municipality can supersede the State". Examples were discussed. Lyndeborough is not a pre-approved septic town, yet so Code Enforcement does not see the plans first.

VOTE: Mike Decubellis made a motion to strike "well radius" and adding new sentence, "well radii must be located within the subject parcel" and to send it to the second public hearing on January 19, 2023. Mark Chamberlain seconded the motion.

Bob Howe left at 8:37 p.m.

Public comment:

Mike Decubellis said that satellite dishes have gotten a lot smaller and questioned if they need this anymore. It was determined to leave it in.

VOTE: Motion passed.

The Public Hearing was closed at 8:40 p.m.

Jay Minkarah suggested an article and handed out language for the Board to review. "Are you in favor of the adoption of a resolution to authorize the Planning Board to require preliminary review of subdivisions and site plans in accordance with RSA 674:35 I, 674:43 I and 674:44 II (j)?"

A written explanation will be provided. It can be posted for a public hearing.

This needs to be approved at Town Meeting. Some members questioned why this is needed. It was explained this process won't impact all applications. It would be for larger subdivisions and other application requiring more review time.

Mark Chamberlain suggested a second sentence in the article. "These regulations allow the Planning Board to do due diligence within the regulated timeline." After a discussion this was changed to, "Sufficient time to adequately ..."

The Planning Board has 30-days to accept the application and 65-days to approve it. Up until last August, the Board could apply to the Board of Selectmen for another 90-days but that has been removed. If the applicant agrees, they can get an extension. We can't get an automatic extension every time and if not, the Board has 65-days to act or not. This allows the Board to review more of up-front exploratory activities before an application starts that timeline.

Alyssa Lavoie said the proposed new application would have "required preliminary review" checkbox. Jay Minkarah said if this passed the Board would have a series of workshops to flush out that process.

VOTE: Alicia Lavoie made a motion to move the proposed resolution to a public hearing on January 19, 2023 as amended. Bob Newton seconded the motion. Motion passed 7-0.

Minutes:

February 17, 2022 minutes

It needs to be determined who took these minutes and have an original copy available for amendments. Adding Attorney Drescher's comments was discussed.

Tom Chrisenton asked if he could make a comment. He was not allowed to.

July 21, 2022 minutes

Numerous changes were suggested by Mark Chamberlain.

Public comment

Tom Chrisenton said to look at line 92. He looked through the minutes and could not find a reference to "a feeling this does not apply" and he does not see where that occurred. He still contends that Cordell Johnson received a document, he's a municipal associate attorney. He had a concern he does not see where the feeling does not apply and said there is an RSA he gave on this.

Tom Chrisenton said he has no problem with the wetlands national inventory, in fact, he copied a map today, done by NPRC for Mont Vernon and it has a national wetlands inventory shown on the map. (*a printed copy was available during the meeting*) Jay Minkarah said we did agree we would bring one for the public hearing. Tom Chrisenton handed out a document titled, "Recommended changes to proposed Zoning Changes", *no date or name was listed on the document for reference*. T. Chrisenton figured that NRPC probably has this map already for Lyndeborough and added there is no reason we can't display this map so the public can see where this falls. T. Chrisenton asked if there going to be another committee meeting. Jay Minkarah said there is public hearing on January 19, 2023. It was discussed there will be future Zoning Committee meetings. T. Chrisenton referenced the Mont Vernon

It was mentioned that wetlands is a zone.

Correspondence:

None.

Other Business Not on Agenda:

The NRPC planner who worked a weekly shift at the town office has resigned

Adjournment:

**VOTE: Ray Humphreys moved, Bob Newton seconded to adjourn at 9:34 p.m.
Motion passed 7-0.**

Respectfully Submitted,

Kathleen Humphreys
Planning Board Secretary