

**RINDGE PLANNING BOARD
PLANNING BOARD MEETING
Public Hearings
Selectmen's Meeting Room @ Town Office
December 6, 2016 @ 7:00 PM**

Pledge of Allegiance

Call to order and Roll Call by the Chairperson

Appointment of alternates, if necessary

Announcements

Approval of Minutes

1. November 15, 2016

Old Business/Continued Public Hearings

1. **CONTINUED from November 15, 2016:** Consideration of an application for a Minor Site Plan Review submitted by Philip R. Stenersen. The property is located at Tax Map 11, Lot 36-01-20 at Amalia Way- East View Common Land #1 in the Residential Zoning District. The applicant is seeking approval to clear an area of 50 feet by 300 feet within the P.U.R.D. buffer for additional field area.

New Business/ Public Hearings

1. **CONSIDERATION OF** an application for a Minor Subdivision submitted by Laurie Kandoll, Director of Cathedral of the Pines Foundation, 10 Hale Hill Road, Rindge, NH 03461. The property is located at 15 Shaw Hill Road, Tax Map 11 Lot 37-1 in the Residential District. The applicant is seeking approval for a 3 lot subdivision
2. **CONSIDERATION OF** an application for Minor Subdivision submitted by Laurie Kandoll, Director of Cathedral of the Pines Foundation, 10 Hale Hill Road, Rindge, NH 03461. The property is located at 14 Shaw Hill Road, Tax Map 11 Lot 18 in the Residential District. The applicant is seeking approval for a 2 lot subdivision
3. **CONSIDERATION OF** the proposed amendments to the Rindge Zoning Ordinance. Following the public hearing, the Planning Board will decide which amendments will be placed on the Town Meeting Warrant.

Reports of Officers and Subcommittees

Planning Office Report

Other Business that may come before the Board

Meeting Minutes
November 15, 2016
PS, BD, JK, SB, CE, BH, CW, KS

**PLANNING BOARD
RINDGE, NEW HAMPSHIRE
November 15, 2016**

DATE: November 15, 2016 TYPE: Public Hearing APPROVED:

TIME: 7:00 pm

CALL TO ORDER: 7:00 PM

ROLL CALL MEMBERS: Phil Simeone; Bruce Donati; Jonah Ketola; Sam Bouchie; Charlie Eicher;

ROLL CALL ALTERNATES: Cheves Walling

ABSENT: Jason Paolino, Holly Koski

EX OFFICIO: Bob Hamilton

PLANNING DIRECTOR: Kirk Stenersen

APPOINTMENT OF ALTERNATES: Cheves Walling for Jason Paolino

OTHERS PRESENT: Cynthia Sands, Al L'Eplattenier, Phil Stenersen

Pledge of Allegiance

Approval of Minutes

1. November 1, 2016

MOTION: Jonah Ketola moved to approve the minutes as written. Bruce Donati seconded the motion. **Vote: 7-0-0**

Planning Director Kirk Stenersen recused himself as Planning Director for this case.

New Business/ Public Hearings

1. **CONSIDERATION OF** an application for a Minor Site Plan Review submitted by Philip R. Stenersen. The property is located at Tax Map 11, Lot 36-01-20 at Amalia Way- East View Common Land #1 in the Residential Zoning District. The applicant is seeking approval to clear an area of 50 feet by 300 feet within the P.U.R.D. buffer for additional field area.

MOTION: Bruce Donati moved to accept the application as substantially complete. Jonah Ketola seconded the motion. **Vote: 7-0-0**

Phil Stenersen presented his plan before the Board. He would like to cut trees in a part of the buffer area to create a field on this common land. He said this area is abutted by state land, the land is a non-buildable lot as it is common land and it is relatively flat. Mr. Stenersen said this area abuts the state land where there are snowmobile trails and there is nothing to buffer from.

Chairman Phil Simeone asked what specific recreational purpose this was. Mr. Stenersen said just to throw balls around or for the kids to play. It is not flat enough to put an actual baseball diamond on this land. Chairman Phil Simeone asked if there was not another area on this land to put this field. Mr. Stenersen said there are wetlands on other parts of the land and this is the best place to put it.

Chairman Phil Simeone said that the Conservation Commission has looked at these plans. They have concerns that this 50 foot by 300 foot field could be used for a rifle range or something similar. Phil Stenersen said we live in New Hampshire and if someone wanted to have a rifle range, that is an acceptable use.

Meeting Minutes
November 15, 2016
PS, BD, JK, SB, CE, BH, CW, KS

Sam Bouchie asked if this area was for residents of the subdivision only. Phil Stenersen said it was.

Cheves Walling asked if this Board has authority to change the original PURD (Planned Unit Residential Development) requirements. Chairman Simeone said that they had received an opinion from our Town Administrator, Joe Byk, and the Planning Board does have the authority to consider amending a previous site plan for this PURD.

Bob Hamilton said that while this area abuts the state forest, and it is not expected that that will be clear cut, the requirements of a PURD call for a landscaped buffer. Mr. Hamilton asked if the tree buffer could be left at 20 feet, as a compromise. He said he **did not** want to set a precedent that would affect other tree buffers. Mr. Stenersen said it is his **thought** that this is unique as it abuts the state forest, which is a recreational use. The intent of the law is that you have neighbors that you are trying to protect. In this case, there is nothing to protect, one recreational use abuts another recreational use.

Chairman Simeone said that the intent is also to preserve the natural beauty of the land. Mr. Stenersen pointed out that the actual development is quite a distance from the property line, and if you look at it that way, there is a huge buffer.

Chairman Phil Simeone and Bob Hamilton asked Mr. Stenersen if he would be willing to compromise on the footage of tree buffer. Mr. Stenersen said he was willing to compromise.

Sam Bouchie said that this piece of property is unique and there would be no impact on the abutter by allowing this.

Cheves Walling said that buffers are a hot point right now with some citizens. He is in favor of some sort of compromise.

Cynthia Sands, abutter, said that what she remembers of this original PURD approval, there would be 100 foot tree buffer that would not be cut and that was part of the common land. She said that she does not have the original documents with her, but also recalls that a portion of tree buffer had already been cut on this property to create a detention pond as well. She has concerns where this will lead in the future. She is concerned about noise, as this neighborhood is quite noisy. Cynthia Sands said the state land is recreation open to the public, this land is private and not adding additional recreation lands. Mrs. Sands said that this change goes against the requirements of the PURD and she is very much against this. She asked the Board not to approve this change.

Mr. Kirk Stenersen said he did the original plans on this and that the 100 foot buffer was not counted as part of the common land unless it was part of the common land.

Board members discussed what rules stand at this point in time. The original PURD ordinance that was in force at the time this PURD was approved, had different acreage and buffer requirements as the PURD ordinance does today. Charlie Eicher said that you may get approval on something based on one ordinance, and then return later to make changes if the requirements have changed with a new ordinance. Charlie Eicher said that each case is individual and each Board could change rulings made by prior boards. Mr. Eicher said, we are talking about a landscape buffer, not a tree buffer, we

Meeting Minutes
November 15, 2016
PS, BD, JK, SB, CE, BH, CW, KS

have approved wood chips and fences and buffer areas other than tree buffers. Mr. Eicher said we should look at this as one individual case, and decide accordingly. Mr. Hamilton read from the ordinance,

F. Landscaped Buffer: A vegetated or landscaped area that provides a transition between the PURD and existing roadways and abutting properties which shall be maintained in its vegetated or landscaped state.

Chairman Simeone read from the PURD ordinance:

A. By preserving the natural beauty of existing rural roads, topography, and wooded areas, and providing usable open space and recreation facilities in close proximity to dwelling units;

Al L'Eplattenier asked if this subdivision has been built out at this time. Mr. Stenersen said no, not all lots have been built upon or sold at this time. Mr. L'Eplattenier asked if the people in this subdivision have some say in this change. Phil Stenersen said they have by way of the HOA. (Home Owner's Association) Cheves Walling asked if Mr. Stenersen has received feedback from the HOA. Mr. Stenersen said there was no negative feedback. Mr. Walling said it would have an effect on the Planning Board what the HOA would like. Mr. Stenersen said he was coming to the Planning Board first, to see if this can be done, and then he will communicate with the HOA. Kirk Stenersen said each lot gets one vote on the HOA. Currently, there are 12-13 of the 19 lots are still owned by Mr. Phil Stenersen, so in actuality, Phil has control of the HOA until such time as he doesn't own over 50 percent. Mr. Walling said that disclosure was relevant.

Chairman Phil Simeone said that there is nothing in the original approval about whether or not this is a tree buffer or a vegetative buffer, but perhaps there might be something in the minutes from that approval.

Mr. Phil Stenersen said that he thought this was going to be a straight-forward, simple thing. Chairman Phil Simeone said that tree buffers have become a hot topic within town and many people have complained about it.

Charlie Eicher asked Mr. Stenersen is there is a delay, does this present any hardship? Mr. Stenersen said, no, it would not be a problem.

MOTION: Bruce Donati moved to continue this public hearing until December 6, 2016 at 7:00 PM to allow the Planning Board time to research the original approval. Charlie Eicher seconded the motion. Vote: 5-1-1 Sam Bouchie opposed, Jonah Ketola abstained.

Planning Director Kirk Stenersen returned to the table.

Reports of Officers and Subcommittees

The Master Plan Subcommittee is working on Chapter Three and making progress.

Planning Office Report

The Planning Office has two new minor subdivision applications from Cathedral of the Pines that will be heard on December 6, 2016.

Planning Director Kirk Stenersen updated the Board on Mr. Kohlmorgen's excavation. Mr. Kohlmorgen expects to have a plan by the end of the year. Chairman Simeone said he was fine with that.

1. Update on Proposed Zoning Amendments

Planning Board members reviewed the current language for the Zoning Amendments. Kirk Stenersen said that the wording in italics would be for the voter's guide.

Charlie Eicher said he had spoken with Dave Tower and asked him if the Planning Board could explain the articles at the Deliberative Session. Dave Tower said that would be fine. Charlie Eicher said these articles could not be amended at Deliberative Session, but the Planning Board could address Article 5, and someone from the board who is eloquent could explain the Planning Board's reasoning for the article. Charlie Eicher said he would like to see the Planning Board answer questions from the public before they are asked.

Jonah Ketola said that as we have a Phased Development ordinance in place, the impact fee ordinance is not needed. Bruce Donati said someone might question that as well. Bruce Donati said it might be nice to find out what Jaffrey paid toward school fees through impact fees. Chairman Phil Simeone asked Charlie Eicher if he could find that information. Charlie Eicher said he could try to find out, but his approach to this would be a bit different. Mr. Eicher said the impact fee ordinance was to provide mitigation for the infrastructure including schools, fire, police and recreation and the point in fact is, since 2007, the school district enrollment has dropped by 350 students, so instead of a growth situation, we have declining enrollment which does not require impact fees. Mr. Eicher said that the Town of Rindge has a police revolving fund, a fire revolving fund and a recreation dept. revolving fund. The reason we established revolving funds is so that we have some stability –around planning and use of money which you don't have with impact fees, as you don't know what you will be getting from year to year, and so, you cannot plan on putting in a skating rink or tennis courts, because you don't know if you will have that money from impact fees. That's why you have a revolving fund. Charlie Eicher said he thinks the necessity of an impact fee is no longer here and a good case could be made for that.

Charlie Eicher said that he will assist with whomever on the Board is decided to present this to the voters, but he cannot present it as he is Moderator. Vice Chairman Bruce Donati thanked Charlie Eicher for this input. Bob Hamilton said that as Jason Paolino is not here this evening, he should be volunteered to present this at deliberative session.

Chairman Phil Simeone and Kirk Stenersen discussed having Joe Byk, Town Administrator, provide a legal review of the wording of the proposed zoning amendments.

Members reviewed wording of the following proposed amendments and then voted to send them to Public Hearing on December 6, 2016.

Meeting Minutes
November 15, 2016
PS, BD, JK, SB, CE, BH, CW, KS

2017 Proposed Zoning Amendments

Article #2:

Are you in favor of the adoption of this Amendment as proposed by the Planning Board for the Town of Rindge Accessory Dwelling Unit Ordinance and generally described as follows:

To amend the Accessory Dwelling Unit Ordinance by revising the 4th bullet under the "Requirements/Limitations" section as follows:

"An ADU shall only be permitted in a principal dwelling unit in which the owner of record of the property will personally reside in either the principal dwelling unit or the ADU; except for bona fide temporary absences."

(The Planning Board recommends this amendment. Vote: 0-0-0)

This amendment is intended to bring the Accessory Dwelling Unit Ordinance into compliance with a new State Statute that will take effect on June 1, 2017 (Senate Bill 146).

MOTION: Charlie Eicher moved to accept the Article 2 amendment and move it to Public Hearing on December 6th at 7:00PM. Cheves Walling seconded the motion. **Vote: 7-0-0**

Article #3:

Are you in favor of the adoption of this Amendment as proposed by the Planning Board for the Town of Rindge Accessory Dwelling Unit Ordinance and generally described as follows:

To amend the Accessory Dwelling Unit Ordinance by revising the 9th bullet under the "Requirements/Limitations" section as follows:

"The gross living area of an ADU shall not be less than 300 square feet or shall not be greater than 750 square feet for principal dwelling units less than 2,250 square feet or shall not be greater than one third (33.3%) of the total floor area of the principal dwelling for principal dwelling units 2,250 square feet or greater."

(The Planning Board recommends this amendment. Vote: 0-0-0)

This amendment is intended to bring the Accessory Dwelling Unit Ordinance into compliance with a new State Statute that will take effect on June 1, 2017 (Senate Bill 146).

MOTION: Charlie Eicher moved to accept the Article 3 amendment and move it to Public Hearing on December 6th at 7:00PM. Cheves Walling seconded the motion. **Vote: 7-0-0**

Article #4:

Are you in favor of the adoption of this Amendment to the Town of Rindge Zoning Map as proposed by the Planning Board and generally described as follows:

To amend the Zoning Map such that all of Map 33 Lot 12-1 lies within the Village Zoning District and all of Map 6 Lot 35-3 lies within the Residential Agricultural Zoning District. Currently, the two parcels are bisected by the Zoning District Line due to a recently approved lot line adjustment between the parcels. This will result in each parcel being entirely within a single Zoning District.

(The Planning Board recommends this amendment. Vote: 0-0-0)

This amendment is intended to have each parcel fall entirely within a single Zoning District and for the Zoning District line to follow the property lines.

MOTION: Charlie Eicher moved to accept the Article 4 amendment and move it to Public Hearing on December 6th at 7:00PM. Bob Hamilton seconded the motion. **Vote: 7-0-0**

Article #5:

Are you in favor of the adoption of this Amendment as proposed by the Planning Board for the Town of Rindge Zoning Ordinance and Town of Rindge Impact Fee Ordinance and generally described as follows:

To amend the Zoning Ordinance by repealing the Impact Fee Ordinance in its entirety. The Impact Fee Ordinance was enacted pursuant to RSA 674:21 as an Innovative Land Use Control and adopted on March 8th, 2003. Impact Fees will no longer be collected for any occupancy permits obtained on or after January 1st, 2017.

(The Planning Board recommends this amendment. Vote: 0-0-0)

Meeting Minutes
November 15, 2016
PS, BD, JK, SB, CE, BH, CW, KS

This amendment is intended to no longer assess and collect impact fees as an innovative land use control for new development in the Town of Rindge.

MOTION: Charlie Eicher moved to accept the Article 5 amendment and move it to Public Hearing on December 6th at 7:00PM. Jonah Ketola seconded the motion. **Vote: 7-0-0**

Adjourned 8:14 PM
Respectfully submitted,
Susan Hoyland
Planning Secretary

DRAFT



OFFICE OF THE PLANNING BOARD
30 PAYSON HILL ROAD, PO BOX 163
RINDGE NH 03461
PH. (603) 899-5181 FAX (603) 899-2101 TDD 1-800-735-2964

Memorandum for Record

To: Planning Board
From: Kirk Stenersen, Interim Planning Director
Date: Tuesday, November 23, 2016
RE: Minor Subdivision
Map 11 Lot 37-1

Background Information:

- 1) Paquin Land Surveying, PLLC on behalf of Cathedral of the Pines Foundation has submitted for approval of a 3-lot subdivision of land located at Tax Map 11 Lot 37-1 - 15 Shaw Hill Road.
- 2) The applicant has requested a waiver from Section V.1.B.3 of the Subdivision Regulations regarding the requirement for a boundary survey of the entire parcel. Due to the large size of the parcel, 52.9 acres, I believe the waiver request is a reasonable one.
- 3) If the Planning Board grants the waiver request then the application can be considered substantially complete and the Planning Board will have the information necessary to make an informed decision on the application.

Proposed Motion: "I move to accept the Minor Subdivision application for Tax Map 11 Lot 37-1 as presented as substantially complete and grant the waiver from Section V.1.B.3 of the Subdivision Regulations as requested."

Regarding the Application:

- 1) The proposed minor subdivision is located in the Residential District.
- 2) There is no public infrastructure or utilities proposed.
- 3) The existing parcel (Lot 37-1) is 52.9 acres.

4) The proposed lots are as follows:

<u>Lot#:</u>	<u>Area (sq. ft.):</u>	<u>Area (acres):</u>	<u>Frontage (ft.):</u>
37-1-1	---	48.8± acres	1,000+ ft.
37-1-2	89,970 sq. ft.	2.065 acres	565.45 ft.
37-1-3	88,730 sq. ft.	2.037 acres	250.00 ft.

- 5) There is an existing home on proposed Lot 37-1-3 which is accessed off of Shaw Hill Road.
- 6) Proposed Lot 37-1-2 is proposed to be accessed off of Shaw Hill Road.
- 7) The proposed Lot 37-1-1 has over 1,000 feet of frontage on Shaw Hill Road.

Recommendation:

I recommend approval of this minor subdivision subject to the following conditions:

- 1) Monumentation (iron pins) shall be set at all new lot corners, as required.
- 2) All applicable governmental permits shall be obtained, including but not limited to NHDES state subdivision approval.
- 3) Prior, during and after recording of the decision, the applicant shall be made aware that any conditions placed on this subdivision plan through other governmental or permitting agencies are hereby included in this approval.
- 4) This subdivision is subject to the Impact Fee Ordinance.

Proposed Motion: "I move to grant approval of this Minor Subdivision as presented with the 4 aforementioned conditions"



**OFFICE OF THE PLANNING BOARD
30 PAYSON HILL ROAD, PO BOX 163
RINDGE NH 03461**

PH. (603) 899-5181 FAX (603) 899-2101 TDD 1-800-735-2964

Memorandum for Record

To: Planning Board
From: Kirk Stenersen, Interim Planning Director
Date: Tuesday, November 23, 2016
RE: Minor Subdivision
Map 11 Lot 18

Background Information:

- 1) Paquin Land Surveying, PLLC on behalf of Cathedral of the Pines Foundation has submitted for approval of a 2-lot subdivision of land located at Tax Map 11 Lot 18 - 14 Shaw Hill Road.
- 2) The applicant has requested a waiver from Section V.1.B.3 of the Subdivision Regulations regarding the requirement for a boundary survey of the entire parcel. Due to the large size of the parcel, 88± acres, I believe the waiver request is a reasonable one.
- 3) If the Planning Board grants the waiver request then the application can be considered substantially complete and the Planning Board will have the information necessary to make an informed decision on the application.

Proposed Motion: "I move to accept the Minor Subdivision application for Tax Map 11 Lot 18 as presented as substantially complete and grant the waiver from Section V.1.B.3 of the Subdivision Regulations as requested."

Regarding the Application:

- 1) The proposed minor subdivision is located in the Residential District.
- 2) There is no public infrastructure or utilities proposed.
- 3) The existing parcel (Lot 18) is 88± acres.
- 4) The proposed lots are as follows:

<u>Lot#:</u>	<u>Area (sq. ft.):</u>	<u>Area (acres):</u>	<u>Frontage (ft.):</u>
18-1	---	85± acres	2,000+ ft.
18-2	115,370 sq. ft.	2.649 acres	494.56 ft.

- 5) There is an existing home on proposed Lot 18-2 which is accessed off of Shaw Hill Road.
- 6) The proposed Lot 18-1 has over 1,000 feet of frontage on both Cathedral Road and Shaw Hill Road.

Recommendation:

I recommend approval of this minor subdivision subject to the following conditions:

- 1) Monumentation (iron pins) shall be set at all new lot corners, as required.
- 2) All applicable governmental permits shall be obtained, including but not limited to NHDES state subdivision approval.
- 3) Prior, during and after recording of the decision, the applicant shall be made aware that any conditions placed on this subdivision plan through other governmental or permitting agencies are hereby included in this approval.
- 4) This subdivision is subject to the Impact Fee Ordinance.

Proposed Motion: "I move to grant approval of this Minor Subdivision as presented with the 4 aforementioned conditions"



OFFICE OF THE PLANNING BOARD
30 PAYSON HILL ROAD
RINDGE NH 03461
PH. (603) 899-5181 x 117 FAX (603) 899-2101 TDD 1-800-735-2964

2017 Proposed Zoning Amendments

Article #2:

Are you in favor of the adoption of this Amendment as proposed by the Planning Board for the Town of Rindge Accessory Dwelling Unit Ordinance and generally described as follows:

To amend the Accessory Dwelling Unit Ordinance by revising the 4th bullet under the “Requirements/Limitations” section as follows:

”An ADU shall only be permitted in a principal dwelling unit in which the owner of record of the property will personally reside in either the principal dwelling unit or the ADU; except for bona fide temporary absences.”

(The Planning Board recommends this amendment. Vote: 0-0-0)

This amendment is intended to bring the Accessory Dwelling Unit Ordinance into compliance with a new State Statute that will take effect on June 1, 2017 (Senate Bill 146).

Article #3:

Are you in favor of the adoption of this Amendment as proposed by the Planning Board for the Town of Rindge Accessory Dwelling Unit Ordinance and generally described as follows:

To amend the Accessory Dwelling Unit Ordinance by revising the 9th bullet under the “Requirements/Limitations” section as follows:

”The gross living area of an ADU shall not be less than 300 square feet or shall not be greater than 750 square feet for principal dwelling units less than 2,250 square feet or shall not be greater than one third (33.3%) of the total floor area of the principal dwelling for principal dwelling units 2,250 square feet or greater.”

(The Planning Board recommends this amendment. Vote: 0-0-0)

This amendment is intended to bring the Accessory Dwelling Unit Ordinance into compliance with a new State Statute that will take effect on June 1, 2017 (Senate Bill 146).

Article #4:

Are you in favor of the adoption of this Amendment to the Town of Rindge Zoning Map as proposed by the Planning Board and generally described as follows:

To amend the Zoning Map such that all of Map 33 Lot 12-1 lies within the Village Zoning District and all of Map 6 Lot 35-3 lies within the Residential Agricultural Zoning District. Currently, the two parcels are bisected by the Zoning District Line due to a recently approved lot line adjustment between the parcels. This will result in each parcel being entirely within a single Zoning District.

(The Planning Board recommends this amendment. Vote: 0-0-0)

This amendment is intended to have each parcel fall entirely within a single Zoning District and for the Zoning District line to follow the property lines.

Article #5:

Are you in favor of the adoption of this Amendment as proposed by the Planning Board for the Town of Rindge Zoning Ordinance and Town of Rindge Impact Fee Ordinance and generally described as follows:

To amend the Zoning Ordinance by repealing the Impact Fee Ordinance in its entirety. The Impact Fee Ordinance was enacted pursuant to RSA 674:21 as an Innovative Land Use Control and adopted on March 8th, 2003. Impact Fees will no longer be collected for any occupancy permits obtained on or after January 1st, 2017.

(The Planning Board recommends this amendment. Vote: 0-0-0)

This amendment is intended to no longer assess and collect impact fees as an innovative land use control for new development in the Town of Rindge.