

**PLANNING BOARD
RINDGE, NEW HAMPSHIRE
December 18, 2012**

DATE: December 18, 2012 TYPE: Planning Board Meeting APPROVED: Jan. 8, 2013

TIME: 7:00 pm - 9:45 pm

CALL TO ORDER: 7:00 pm

ROLL CALL MEMBERS: Chairman Kirk Stenersen, , Phil Simeone, Hank Whitney, David Tower, Kim McCummings

ROLL CALL ALTERNATES: Charlie Eicher,

EX OFFICIO:

PLANNING DIRECTOR: Matt Henry

PLANNING SECRETARY: Susan Hoyland

APPOINTMENT OF ALTERNATES: Charlie Eicher to sit for Mike Quinlan

OTHERS PRESENT: Roger Hawk of Hawk Associates, John Petrou, Pattie Petrou

CALL TO ORDER:

Chairman Kirk Stenersen called the meeting to order at 7:00 pm.

ANNOUNCEMENTS

There were no announcements.

APPROVAL OF MINUTES

1) December 4, 2012

**Motion: Phil Simeone moved to “approve the meeting minutes December 4, 2012”.
David Tower seconded the motion. Minutes were approved as written. Vote 5-0-0**

NEW BUSINESS

DISCUSSION: Regulatory Review with Roger Hawk

Roger Hawk opened this question and answer period and emphasized the need to protect the rural character of the Rindge community through protection of open space, farm land and forest land. Roger Hawk said that he was providing the Board with a review of the town’s regulations and how they relate to the Economic Development Plan as well as the Plan NH Charette. During this process, he outlined some suggestions to put the town’s zoning regulations more in line with the town’s plans and goals. Roger Hawk asked the Planning Board to provide feedback towards prioritizing these tasks.

Highlights of this discussion included:

REDI Implementation Matrix Tasks

Meeting Minutes
December 18, 2012 KS, PS, HW, DT, CE, KM, MH, SH

2.2 Review the land use regulations to ensure that they protect forests, lakefronts, steep topography and open space.

3.4 Zoning to encourage agricultural activity

6.1 The Four Corners becomes a community focal point and gateway.

11.1 Pursue opportunities for younger residents to gather, socialize and seek entertainment.

13.2 Develop design guidelines in keeping with the architectural character that the community desires and serve as an attractive gateway to the community and region.

18.1 Develop design guidelines to ensure that new development and renovations to existing buildings are architecturally harmonious with rural New England architectural character.

9.2 Provide a reasonable supply of land zoned for rental and ownership workforce housing and elderly.

14.3 Review all special exceptions to see if they might be better applied as conditional use permits.

Plan NH Charrette Recommendations

2a. Evaluate the current zoning regulations to be sure that they support and promote the development concepts and building densities recommended by the charrette.

2b. Verifying that zoning at the four corners permits a mix of uses while being sufficiently restrictive to limit individual uses to 3,000 – 5,000 square feet and not allow big boxes.

2c. Ensure that the zoning in West Rindge Village will permit a mix of uses and sufficient density to grow a vibrant village center as envisioned in the charrette plan.

3. Pursue development and adoption of design guidelines or requirements to ensure new development in Rindge is built to design standards that are consistent with the community's aesthetic goals.

6. Encourage higher density housing on Mountain Road between Franklin Pierce and West Rindge Village.

7. Encourage growth of small business in the historic Rindge center.

Meeting Minutes
December 18, 2012 KS, PS, HW, DT, CE, KM, MH, SH

Further discussion included:

- Utilizing a Form Based Code (a set of design guidelines that are fully integrated within the zoning ordinance.)
- Consideration of soils based lot sizes and state regulations.
- Reaching out to the Franklin Pierce community toward stronger partnering via the Town Gown as an initial meeting forum
- Neighborhood Heritage Districts
- Reaching out to West Rindge Village residents for brainstorming and input.
- Possible formation of a subcommittee
- Traffic counts at the Route 119 and 202 intersection

Next Steps

The Planning Board will evaluate and prioritize the regulatory issues and policy concepts presented and determine which ones should receive more detailed examination and then be developed into actual zoning amendments. Many of the concepts laid out in this report are closely interrelated to the vision that has evolved for the four corners and West Rindge Village. They should be considered as building blocks needed to assemble the complete vision.

PUBLIC HEARING: Zoning Amendments

Chairman Stenersen opened the Public Hearing.

Discussion of Amendment No. 1

Are you in favor of the adoption of Amendment No. 1 as proposed by the Planning Board for the Town of Rindge Zoning Ordinance as follows:

To amend the Town of Rindge Zoning Ordinance to permit gasoline sales or service stations in the Gateway East District.

[This amendment is intended to allow gasoline sales or service stations in a district where there are two existing stations currently]

David Tower said that this would make the two stations situated in the Gateway East District no longer non-conforming and asked that that language be included in the article explanation.

Are you in favor of the adoption of Amendment No. 1 as proposed by the Planning Board for the Town of Rindge Zoning Ordinance as follows:

To amend the Town of Rindge Zoning Ordinance to permit gasoline sales or service stations in the Gateway East District

Meeting Minutes
December 18, 2012 KS, PS, HW, DT, CE, KM, MH, SH

[This amendment is intended to allow gasoline sales or service stations in a district where there are two existing stations currently. This amendment will also make the two existing gasoline stations no longer non-conforming.]

MOTION: David Tower moved to approve the final form of Amendment No. 1 as proposed by the Planning Board as presented and discussed. Phil Simeone seconded the motion. Vote 4-2-0. Phil Simeone and Kim McCummings are opposed.

Discussion of Amendment No. 2

Are you in favor of the adoption of Amendment No. 2 as proposed by the Planning Board for the Town of Rindge Zoning Ordinance as follows:

To amend the Town of Rindge Zoning Ordinance to allow petroleum fuel sales and storage in the Gateway East District.

Kim McCummings spoke to not limiting this to just petroleum sales, but to include some of the new types of energy being used today. It was agreed to add the words “ bio fuels” to this amendment.

Matt Henry said that he would recommend that the Planning Board take a position on these amendments. He said it gives the voters some guidance on what they are proposing and that what they are proposing should be in the best interest of the town.

Hank Whitney said that the approval of this amendment would create potential for an existing business now located in the Gateway Central District to consider relocating to this district, thereby creating land available in the future for perhaps a motel or some other entity to move to Gateway Central District.

Are you in favor of the adoption of Amendment No. 2 as proposed by the Planning Board for the Town of Rindge Zoning Ordinance as follows:

To amend the Town of Rindge Zoning Ordinance to permit storage and sales of petroleum and bio fuels (not retail gasoline sales) in the Gateway East District.

[This amendment is intended to allow sales and storage of petroleum and bio fuels in the Gateway East District]

A second Public Hearing to continue discussion on Amendment No. 2 will be scheduled on January 8, 2013.

Discussion of Amendment No. 3:

1. *Are you in favor of the adoption of Amendment No. 3 as proposed by the Planning Board for the Town of Rindge Zoning Ordinance as follows:*

Meeting Minutes
December 18, 2012 KS, PS, HW, DT, CE, KM, MH, SH

To rescind Article III Section N as written and replace it with Article III Section N as follows:

Camping Permits: Property Owners

Campers, travel trailers and motor homes may be stored unoccupied in any district in the Town of Rindge for any period of time.

The Board of Selectmen may issue a permit for any property owner to accommodate him/herself or nonpaying guest(s) on their property to reside in campers, travel trailers or motor homes for a period not exceeding 60 days in any one year (Tents do not require permits). In granting the permit, the Board of Selectmen shall take into consideration legitimate concerns raised by abutters. The units shall demonstrate that proper sanitary facilities are available, as determined by the Health Officer and all applicable life safety codes are met. No unit may be used for permanent dwelling at any time.

[This amendment is intended to allow guests to visit an owner of a property subject to a properly issued permit from the Board of Selectmen. The current language does not address whether a visitor of a property owner is permitted to occupy such a vehicle and is therefore, not permitted.]

John Petrou of 37 Coot Bay Drive addressed the Board in opposition to the wording of the proposed amendment and said he was seeking a more limited permit.

Mr. Petrou said that he and his wife, Pattie Petrou, moved to Rindge full time in June of 2012. They had previously resided in a small town in Massachusetts where he said he was active in town government for 30 years. He expressed his appreciation for the work involved in being a member of the Planning Board.

Mr. Petrou said that he was probably the cause or the trigger for this amendment. He said that he had concerns that the ordinance as written burdens the abutters.

Mr. Petrou offered a proposed amendment which addressed setbacks, duration, and storage.

Setbacks: Mr. Petrou said that rigorous enforcement of zoning setbacks is the ultimate right of an abutter. He said he was opposed to the Planning Board's decision to not reference setback

Meeting Minutes
December 18, 2012 KS, PS, HW, DT, CE, KM, MH, SH

requirements in the proposed amendment and requested that compliance with setback requirements be incorporated for both occupied usage and for storage.

Duration: Mr. Petrou proposed a 14 day permit, allowing no more than 2 permits a year. He expressed opposition to the Planning Board's recommendation of 60 days per year.

Storage: Mr. Petrou was opposed to the Planning Board's decision to allow storage of campers, travel trailers or motor homes not owned by the property owner and asked that the words "owned by the property owner" be inserted in the first paragraph of the amendment.

Chairman Stenersen asked for response from the Planning Board members.

Dave Tower said that Mr. Petrou attended the subcommittee meetings. He said that the original ordinance, adopted in the early 2000's required setbacks. Dave Tower said that most of the lake lots are substandard and less than an acre, and therefore, complying with existing setbacks was determined to be not possible nor feasible. He said that they had checked with Dave Duvernay and that both Dave Duvernay and Matt Henry felt that the proposed wording would allow to happen what they wanted to happen which is for people who owned lake property to be allowed to have relatives or friends come visit and stay for a period of time. At the suggestion of Burt Goodrich, it was agreed that the Board of Selectmen could use their discretion, take a view and exercise their judgment as to whether the location of the proposed camping unit was unreasonably intrusive and then could regulate or do whatever they felt was appropriate under each circumstance.

Kim McCummings said that she had concern with the wording in the second paragraph, "any property owner" and would suggest making that any "residential property owner".

Chairman Stenersen said that he was in favor of eliminating the setback line citing that, in the town of Rindge, a driveway can be right up to your property line and we cannot enforce setbacks of a camper parked in a driveway.

Charlie Eicher spoke in favor of the amendment as written. He said that this ordinance satisfies two important elements. One, that it is temporary and secondly, that it provides oversight, that the selectmen may address whether this particular camper or motor home is suitable for the situation.

Kim McCummings spoke in favor of the 60 day timeframe.

Mr. Petrou distributed a copy of his proposed amendment which is attached to these minutes.

1. Are you in favor of the adoption of Amendment No. 3 as proposed by the Planning Board for the Town of Rindge Zoning Ordinance as follows:

Meeting Minutes
December 18, 2012 KS, PS, HW, DT, CE, KM, MH, SH

To rescind Article III Section N as written and replace it with Article III Section N as follows:

Camping Permits: Property Owners

Travel Trailer/Motor Homes: campers, travel trailers and motor homes may be stored unoccupied in any district in the Town of Rindge for any period of time.

The Board of Selectmen may issue a permit to any residential property owner to accommodate him/herself or nonpaying guest(s) on their property to reside in campers, travel trailers or motor homes for a period not exceeding 60 days in any one year (Tents do not require permits). In granting the permit, the Board of Selectmen shall take into consideration legitimate concerns raised by abutters. The units shall demonstrate that proper sanitary facilities are available, as determined by the Health Officer and all applicable life safety codes are met. No unit may be used for permanent dwelling at any time.

[This amendment is intended to allow guests to visit an owner of a property subject to a properly issued permit from the Board of Selectmen].

A second Public Hearing to continue discussion on Amendment No. 3 will be scheduled on January 8, 2013.

2. Are you in favor of the adoption of Amendment No. 4 as proposed by the Planning Board for the Town of Rindge Zoning Ordinance as follows:

To adopt the Small Wind Energy System Ordinance as presented.

[This amendment is intended to regulate Small Wind Energy Systems

MOTION: Kim McCummings moved to approve the final form of Amendment No. 4 as proposed by the Planning Board as presented and discussed. Phil Simeone seconded the motion. Vote 6-0-0

3. Are you in favor of the adoption of Amendment No. 5 as proposed by the Planning Board for the Town of Rindge Zoning Ordinance as follows:

Meeting Minutes
December 18, 2012 KS, PS, HW, DT, CE, KM, MH, SH

To amend Article V Section A,5 to allow mobile homes situated within a mobile home park community need not comply with dimensional requirements so long as they are accessed via a private road.

[This amendment is intended to ease restrictions on mobile homes constructed within a private community to allow them to build within the setback. Nothing in this amendment is intended to permit mobile homes to be constructed within a setback if it is not part of a mobile home park community or built on an existing vacant lot with frontage on a class V Road.]

MOTION: Kim McCummings moved to approve the final form of Amendment No. 5 as proposed by the Planning Board as presented and discussed. Phil Simeone seconded the motion. Vote 6-0-0

1. Are you in favor of the adoption of Amendment No. 6 as proposed by the Planning Board for the Town of Rindge Zoning Ordinance as follows:

To amend Article III Section J to read:

Any bona fide resident of the property and up to one non-resident may conduct up to one home occupation within an existing home provided that:

1. It shall be clearly incidental and subordinate to the principal residential use
2. Does not change the residential character or appearance of the home or any accessory buildings
3. Does not create any unusual noise, dust, odor, or light that would distinguish it from other residential properties
4. Does not occupy more than 25% of the gross building area of the home
5. Has no more than four visitors or deliveries to the home on a daily basis.
6. Has no exterior storage of materials
7. Has no more than one vehicle regularly parked on the property associated with the home occupation. Said vehicle shall not have more than six wheels.

[This amendment is intended to ease restrictions on home occupations to allow reasonable uses by right while setting parameters. By-right home occupations are

Meeting Minutes
December 18, 2012 KS, PS, HW, DT, CE, KM, MH, SH

currently limited to exclusively office type uses consisting of a mailbox, computer and personal vehicle.] The Planning Board does/does not recommend this amendment

MOTION: David Tower moved to approve the final form of Amendment No. 6 as proposed by the Planning Board as presented and discussed. Hank Whitney seconded the motion. Vote 6-0-0

PLANNING DIRECTOR REPORT

Matt Henry reported the following:

1. Subcommittee Meeting Times and Updates
 - a. Driveway: Completed
 - b. Site Plan: Thursday, December 27, 2012 at 4:00PM
 - c. Zoning: Completed
 - d. Sign: Completed
 - e. Master Plan: TBD
 - f. Wind Energy: Part one completed, January 2, 2012 at 3:30PM
 - g. Economic Development Task Force: Monday January 1, 2013 at 8:30AM
2. Updates
 - a. Round 2 – CPG – up to \$30K
3. Workshops/Meetings
 - a. January 7, 2013 – CPG Writing workshop
4. Bonds
 - a. Michaels Drive – LOC to be renewed 4-5 weeks from Nov 6, 2012
1. January 8 and January 15, 2013
 - a. Technical Subdivision: Coburn Lane
 - b. Minor Subdivision: Map 9 Lot 13-2
 - c. Zoning Amendments – Public Hearing #2
 - d. Change of Use: Former Cypress Grove Restaurant
 - e. Potential Retail/restaurant in former Sears building

Matt Henry tendered his resignation citing family reasons for this decision. The Planning Board regretfully accepted his resignation and thanked him for his leadership and expressed their appreciation for all he had made happen in this past year, His last day will be January 18, 2013.

Meeting Minutes
December 18, 2012 KS, PS, HW, DT, CE, KM, MH, SH

ADJOURNMENT 9:45PM

NEXT MEETING
January 8, 2013

Respectfully submitted,

Susan Hoyland
Planning Secretary

John Petrou's suggestion

STATEMENT REGARDING MODIFICATION TO CAMPER-TRAILER ORDINANCE

DECEMBER 18, 2012

We request that the Planning Board consider additional input to the proposed Amendment regarding Article III Section N.

We do not take issue with the concept of allowing camper-trailer permits in the Residential Zone. However, we urge that appropriate limits be incorporated in the ordinance to give specific relief to the legitimate concerns of abutters

DURATION

We request that the Board give consideration to the right of abutters as well as to those very few who seek to allow "full season" camping in established neighborhoods. We seek a more limited permit. We propose the permit be limited to 14 days and that a property owner could obtain no more than 2 permits in a calendar year.

As a practical matter 60 days is the entire period between Independence Day and Labor Day, the most likely season for camping. In addition, the most likely locations for camping are on or close to waterfront.

If every lot in Town were a full 2 acres and had full 250 foot frontage the presence of a single camper-trailer would have no meaningful impact on abutters regardless of the duration of any permit. However, a very substantial fraction of the developed lots on Monomonoc and Coontocook are one half acre or less. The impact of camper-trailers on these smaller parcels can be substantial.

SETBACK

Rigorous enforcement of zone setbacks is the ultimate right of an abutter. We request that compliance with setback requirements be incorporated for both occupied usage and storage.

It is important that the Board recognize that modern camping units and RVs can be 30 feet long and 8 feet wide not including porches and other retractable elements, larger than many garages and sheds. It would be grossly inappropriate to allow these very visible units to encroach on the setback margins.

STORAGE

The existing ordinance allows unoccupied storage within the setbacks by a unit owner on his own property. The proposed modification would allow any unit, owned or unowned, to be stored for any period without regard for the setback requirements. This, in effect, would allow a property to become a multiple unit storage facility. We request that the existing language be retained.

John Petrou's suggested changes

PROPOSED SUBSTITUTE LANGUAGE

ARTICLE III SECTION N

Camping : Property Owners

Campers, travel trailers and motor homes owned by the property owner **may be stored unoccupied in any district in the Town of Rindge for any period of time** provided that such units meet required setbacks.

The Board of Selectmen may issue a permit for any property owner to accommodate him/herself or nonpaying guests on their property to reside in campers, travel trailers or motor homes for a period not exceeding 14 consecutive days. A property owner may obtain 2 permits in any calendar year. (Tents do not require permits). In granting the permit, the Board of Selectmen shall take into consideration legitimate concerns raised by abutters. The units shall demonstrate that proper sanitary facilities are available, as determined by the Health Officer, all applicable life safety codes are met and shall be located so as to meet required setbacks. No unit may be used for permanent dwelling at any time.