

**PLANNING BOARD
RINDGE, NEW HAMPSHIRE
December 4, 2012**

DATE: December 4, 2012 TYPE: Planning Board Meeting APPROVED: Dec. 18, 2012

TIME: 7:00 pm -8:50 pm

CALL TO ORDER: 7:00 pm

ROLL CALL MEMBERS: Chairman Kirk Stenersen, , Phil Simeone, Hank Whitney, David Tower, Mike Quinlan

ROLL CALL ALTERNATES: Charlie Eicher, Burt Goodrich

EX OFFICIO: Roberta Oeser

PLANNING DIRECTOR: Matt Henry

PLANNING SECRETARY: Susan Hoyland

APPOINTMENT OF ALTERNATES: Charlie Eicher to sit for Kim McCummings

OTHERS PRESENT:

CALL TO ORDER:

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

ANNOUNCEMENTS

There were no announcements.

APPROVAL OF MINUTES

1) November 20, 2012

Motion: Roberta Oeser moved to “approve the meeting minutes November 20, 2012”. Phil Simeone seconded the motion. Vote 5-0-1 Charlie Eicher abstained. Minutes were approved as written.

NEW BUSINESS

DISCUSSION/WORK SESSION: Zoning Amendments

Matt Henry presented the Board with Amendment No. 1 of the Proposed Zoning Amendments.

High Priority

- 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 petroleum fuel sales & storage in the Gateway East District.

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Matt Henry said that he had received two requests to change the zoning in the Gateway East District which is just across from Payson Hill Road. Matt Henry said that there are already gasoline stations operating in this area although it is currently not an allowed use.

Roberta Oeser spoke in favor of gasoline sales but in opposition to fuel storage. She said that the parcels of land are not very wide, and that behind these it is residential.

Phil Simeone spoke in opposition to both additional gas stations and/or fuel storage.

Dave Tower said negative impacts could be regulated via Site Plan Review and protect against environmental issues, traffic and other concerns.

Matt Henry said that if this were Gateway Central, he would be opposed to gasoline or fuel sales and storage because that is the area where the plan is to develop the town center. He said that it is necessary to consider what is occurring naturally, and that there is a demand right now for fuel sales as is evident by the two requests that have been made.

Roberta Oeser said that 119 is a scenic highway and that the Industrial District would be a better choice for fuel storage.

David Tower said he had no opposition to gasoline sales if it would allow for more competition yielding better prices.

Kirk Stenersen said that he saw no difference between putting these uses on Route 119 versus Route 202, citing Route 202 as the gateway to the Monadnock Region.

Matt Henry said the Town of Rindge is experiencing difficulty in filling the Gateway East District and it is zoned for mixed use as it is smaller in size than the Gateway Central and therefore more desirable.

Chairman Stenersen and David Tower both spoke to the need for presenting this as two separate amendments.

David Tower asked for the language being used in the current Zoning Ordinance.

Chairman Stenersen read the ordinance as written in the Business-Light Industry District:

“Uses Permitted: A.1.b.

Automobile-truck sales and service establishments, garages, and gasoline sales or service stations”

Chairman Stenersen presented the amended wording:

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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.

MOTION: David Tower moved to bring Amendment No. 1 forward for Public Hearing. Roberta Oeser seconded the motion. Vote 6-1-0 Phil Simeone opposed.

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.

MOTION: David Tower moved to bring Amendment No. 2 forward for Public Hearing. Roberta Oeser seconded the motion. Vote 6-1-0 Phil Simeone opposed.

Matt Henry introduced the proposed amendment regarding camping permits:

2. *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:*

Camping Permits: Property Owners

The Board of Selectman may issue a permit for any property owner or lessee to accommodate nonpaying guests in their yard 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.]

Matt Henry said that there had been a complaint about someone having a family visit during the summer in an RV and storing it on a property. This complaint went to the Board of Selectmen who determined that campers are permitted if the owner of the property is living in the RV, however, the ordinance applied to vacant lots. It was brought to the subcommittee where it was discussed at length and determined that some type of permitting process would be a good idea.

Matt Henry said that Dave Duvernay brought up the possibility of taking the entire section out. He said that if something is a reasonable use, and it comes for enforcement, the Board of Selectmen can choose not to enforce it. If it gets out of hand, the Board of

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Selectmen can then step in and say it is not an allowed use. However, that leaves it to the discretion of the Board of Selectmen which changes year to year.

David Tower said it is common practice around lakes to have company, boat trailers, and camping trailers.

Burt Goodrich said that he felt it was very important to have this rewritten. He said that the greatest majority of people in town would not be impacted at all by this. They are on 2 acres or more and if someone were visiting in an RV, the neighbors may not even know. But for lake property owners, this could have a huge impact as most lots are small in size. He said that, as a homeowner, he would like to have a place to weigh in, should a problem arise. He spoke in favor of this amendment to the ordinance.

Roberta Oeser spoke to the potential problem of selective enforcement of this ordinance as written.

Matt Henry said that he would prefer three separate paragraphs to address three separate issues: Unoccupied trailers, Trailers owned and used by owner of property; trailers owned and used by guests of owner.. He said that might be clearer years down the road when this Planning Board is not here.

Matt Henry said that he wanted to mention that a resident, Mr. John Petrou, had attended the subcommittee meetings and was not in favor of this amendment as written. Mr. Petrou recommended allowing such a use for two separate two-week periods. Matt Henry referred the Planning Board to an email from Mr. Petrou.

The Board discussed the wording of the amendment and made some changes for clarity.

3. 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:

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

Camping Permits: Property Owners

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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.

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The Board of Selectmen may issue a permit to 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].

MOTION: Roberta Oeser moved to bring Amendment No. 3 forward for Public Hearing. Mike Quinlan seconded the motion. Vote 7-0-0

Chairman Stenersen asked Matt Henry to introduce the next of the proposed amendments.

Matt Henry said that our current Excavation Regulations state that Excavations are allowed where permitted by Zoning. Our Zoning Ordinance does not allow excavations anywhere. This amendment would permit excavations in the Res-Ag and Business-Light Industry Zones and eliminate the need to get a Variance.

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 amend the Town of Rindge Zoning Ordinance to permit excavation in the Residential-Agricultural and Business-light Industry Zones.

[This amendment is intended to allow reasonable excavation opportunities. Our current Zoning Ordinance does not permit the excavation of earth materials in any district and therefore is allowed only by Special Exception in non-residential zones].

David Tower asked why it wasn't allowed. Matt Henry said because it wasn't listed as a permitted use.

David Tower said we should be sure that it includes the need for Site Plan Review.

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Matt Henry said excavations require a permit be issued from the Planning Board and applicants would be held to the regulations of RSA 155-E. Abutters would be notified via Public Hearing before a permit could be issued.

David Tower said excavations can be extremely intrusive and disruptive.

Roberta Oeser spoke to the need for gravel and the need to allow excavation while also setting proper conditions .

4. 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 amend the Town of Rindge Zoning Ordinance to permit excavation in the Residential-Agricultural and Business-light Industry Zones.

[This amendment is intended to allow reasonable excavation opportunities. Our current Zoning Ordinance does not permit the excavation of earth materials in any district and therefore is allowed only by Special Exception in non-residential zones].

MOTION:* Roberta Oeser moved to bring Amendment No. 4 forward for Public Hearing. Charlie Eicher seconded the motion. Vote 7-0-0

Matt Henry said that the Town of Rindge has a Roadway Advisory Committee and Charlie Eicher had brought to their attention that the make-up of the Committee made no sense. The Selectmen are on the Advisory committee and the Committee is set up to advise the Selectmen. This amendment would change the requirements for members of this committee.

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:

To amend Article II Section K1 to change the makeup of the Roadway Advisory Committee to include the DPW/Road Agent, Roadway Committee Member, Planning Board Member, and Budget Committee Member .

[This amendment is intended to change membership of the road advisory committee to not include the Board of Selectmen since they, by statute, are the body that votes to accept town roads.] The Planning Board does/does not recommend this amendment.

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Charlie Eicher said that the committee only addresses acceptance, it should be renamed the Road Acceptance Committee.

Matt Henry passed out an email from Carlotta Lilback Pini recommending that the Roadway Committee be the entity recommending to the Selectmen what roads to accept.

Roberta Oeser said the Roadway Committee was voted on by the town's people and this is the avenue they chose to advise the Selectmen.

David Tower said that the Town of Jaffrey accepts roads via Town Meeting. This might be a good means for the Town of Rindge.

Charlie Eicher said that it was voted on by petition to accept a road at the last town meeting.

David Tower pointed out that the Town via the Selectmen has the authority now to add whatever people they feel are necessary to this committee.

David Tower asked how many roads had been accepted.

Roberta Oeser said that this is a low priority amendment as it has happened only once in ten years.

Roberta Oeser said that developers pay a lot of money to build a road to town standards and then the town has no path to accept the road. She said this is unfair to the contractors.

Hank Whitney asked about the need for an odd number of members. In the event of a tie, this is not a big concern as this is merely an advisory committee.

4. 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:

To amend Article II Section K1 to change the makeup of the Roadway Advisory Committee to include the DPW/Road Agent, Roadway Committee Member, Planning Board Member, and Budget Committee Member .

[This amendment is intended to change membership of the road advisory committee to not include the Board of Selectmen since they, by statute, are the body that votes to accept town roads.] The Planning Board does/does not recommend this amendment.

MOTION: Mike Quinlan moved to accept Amendment No. 5 as written and make it a low priority, not going for Public Hearing. Phil Simeone seconded the motion. Vote 7-0-0

Matt Henry introduced the next amendment which was discussed at length during the November 20, 2012 meeting.

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 adopt the Small Wind Energy System Ordinance as presented.

[This amendment is intended to regulate Small Wind Energy Systems].

5. 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 adopt the Small Wind Energy System Ordinance as presented.

[This amendment is intended to regulate Small Wind Energy Systems].

MOTION: Phil Simeone moved to bring Amendment No. 6 forward for Public Hearing. Charlie Eicher seconded the motion. Vote 7-0-0

Matt Henry introduced the next of the proposed zoning amendments and said that these were 'low priority' with respect to the quantity of zoning amendments and could be put on the 2014 ballot.

Matt Henry said that the sign ordinance had two changes that in the interest of the number of warrant articles proposed, he had put together into one amendment. He said that Dave Duvernay had a concern that real estate signs be put in the right of way. The second concern was in changing the words 'portable signs' to 'moveable signs'. They are called 'portable signs' in the ordinance but defined as 'moveable signs'.

Low Priority

6. *Are you in favor of the adoption of Amendment No. 7 as proposed by the Planning Board for the Town of Rindge Zoning Ordinance as follows:*

To amend Article III Section I of the Town of Rindge Sign Ordinance to eliminate the phrase "No real estate directional sign may be placed in the Right of Way" and to amend Article IV Section G and Article XII Section 21 to replace the "portable signs" with "moveable signs".

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[This amendment is intended to allow Real Estate signs to be placed in a public right of way since the intention of such signs is to redirect traffic along state/municipal highways. This amendment is also intended to make terminology in the ordinance more consistent and clear]. The Planning Board does/does not recommend this amendment.

The Board decided to eliminate proposed Amendment no. 7 at this time.

7. *Are you in favor of the adoption of Amendment No. 8 as proposed by the Planning Board for the Town of Rindge Zoning Ordinance as follows:*

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.] The Planning Board does/does not recommend this amendment.

Matt Henry said that the next proposed amendment came as a result of a recent case where an owner of a mobile home in a mobile home park had to seek a variance to build within the zoning setbacks. 50 feet seems excessive for mobile homes located within a community and on a private road.

8. Are you in favor of the adoption of Amendment No. 8 as proposed by the Planning Board for the Town of Rindge Zoning Ordinance as follows:

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: David Tower moved to bring proposed Amendment No. 8 as written forward for Public Hearing. Phil Simeone seconded the motion. Vote 7-0-0

9. *Are you in favor of the adoption of Amendment No. 9 as proposed by the Planning Board for the Town of Rindge Zoning Ordinance as follows:*

To amend Article III Section J to read:

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

The Board discussed the number of amendments being proposed and decided to reconsider the vote on the Excavation, Amendment No. 3.

MOTION TO RECONSIDER*: Roberta Oeser moved to reconsider Amendment No. 3, Excavation. Charlie Eicher seconded the motion. Vote 7-0-0

10. Are you in favor of the adoption of Amendment No. 9 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

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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 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 bring proposed Amendment No. 9 as written forward for Public Hearing. Hank Whitney seconded the motion. Vote 7-0-0

Are you in favor of the adoption of Amendment No. 10 as proposed by the Planning Board for the Town of Rindge Zoning Ordinance as follows:

To amend Article V Section A,1 to read:

It shall be a district of farms, and single and two family dwellings only. Up to one Home-Based Business is permitted per residence only upon the granting of a Conditional Use Permit by the Planning Board when said Board is satisfied that the proposed use meets the requirements imposed by Article XII and the following specific provisions:

1. *There is at least one resident employee of the business and no more than five (5) non-resident employees.*
2. *The home-based business will not adversely affect the property involved, or neighboring properties, by reason of any unusual light, noise, dust or odor.*
3. *The home-based business does not change the residential character or appearance of the home or any accessory buildings,*
4. *The home-based business does not occupy more than thirty-five (35%) of the gross building area of the home or any accessory buildings,*
5. *The home-based business has no more than sixteen (16) visitors or more than eight (8) deliveries to the home on an average daily basis,*
6. *The home-based business has exterior storage of materials related to the business that does not exceed ten percent (10%) of the gross building area of the home and any accessory buildings, provided that said exterior storage is located to the side or rear of the home and is screened from view beyond the property line by a suitable stockade fence and/or landscaped screening.*
7. *There are no more than two passenger cars or other vehicles associated with the home-based business that are regularly parked on the property. Said vehicles shall not have more than six wheels.*
8. *All vehicle parking shall be accommodated off-street and on the existing residential driveway.*

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[This amendment is intended to ease restrictions on home based businesses to allow reasonable uses through a Conditional Use Permit while setting parameters. Home Based Businesses are currently allowed by Special Exception and are subject to Site Plan Review. It is the Planning Board's intention to eliminate the need for an applicant wishing to start a Home Based Business to appear before two boards thereby lessening the time, cost, and overall burden associated with an approval]. The Planning Board does/does not recommend this amendment.

The Board decided to continue work on proposed amendment 10 and bring it forward in 2014.

11. Are you in favor of the adoption of Amendment No. 11 as proposed by the Planning Board for the Town of Rindge Zoning Ordinance as follows:

To amend Article V Section B3 to read: "no lot shall have an area of less than two (2) acres"

[This amendment is intended to add a two acre minimum lot size to non-residential uses. The current dimensional requirements in the Residential-Agricultural Zone only mention residential dwellings. There are some non-residential uses permitted and therefore should be addressed.] The Planning Board does/does not recommend this amendment.

The Board decided to continue work on proposed amendment 11 and bring it forward in 2014.

Matt Henry thanked the Board for their patience with these amendments as we only have one time per year to make changes.

DISCUSSION/WORK SESSION: Form/Fee Revisions

Susan Hoyland presented the updated applications and explained the need for changes to fees and presentation made.

Chairman Stenersen said that the new Driveway Regulations would be containing some changes to the Bond procedure.

The Board agreed to authorize Matt Henry to make those changes when they are presented.

MOTION: David Tower moved to approve the Form/Fee Revisions as presented and to give authority to the Planning Director to make changes as it relates to Driveway Bonds. Roberta Oeser seconded the motion. VOTE: 7-0-0

- a. **DISCUSSION:** Tax Increment Financing

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Matt Henry presented a new graphic outlining the proposed TIF district of 2008 and the new proposed TIF district of 2012. The idea was to capture the revenue from the southern portion where Walmart is located.

David Tower spoke to the discussion last meeting about putting enabling legislation before the voters this year and the specified district to be voted upon another year. David Tower said that after thinking about it, he thinks it would be better to present both parts at one time.

Chairman Stenersen said that he would agree that it would be a better approach to sell it as one package and offer both questions on the ballot at the same time.

Matt Henry spoke in support of doing both parts of the legislation at the same time, and that he was willing to forego it this year in order to present it in complete next year.

Burt Goodrich spoke in favor of waiting another year. It would give the Board time to educate the public, define the district and take a year to really sell this idea to the voters.

Roberta Oeser spoke in favor of waiting for another year and presenting this as one package.

Charlie Eicher spoke in favor of presenting this another year.

Chairman Stenersen asked to have a further TIF discussion at another meeting.

PLANNING DIRECTOR REPORT

Matt Henry reported the following:

1. Economic Development Summit- December 13, 2012, Matt Henry will be attending.
2. Subcommittee Meeting Times and Updates
3. Updates
 - Regulatory Review – Undergoing analysis
4. Workshops/Meetings
5. Bonds
 - Michaels Drive – LOC to be renewed 4-5 weeks from Nov 6, 2012
6. Upcoming Meeting/ Review Status
7. January 1st is the first Tuesday of January. The Board agreed to hold their first January meeting on January 8, 2013 and the second meeting on January 15, 2013.

a. December 18, 2012

Public Hearing
Regulatory Review

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b. **January 8, 2013**

Technical Subdivision: Coburn Lane
Minor Subdivision: Map 9 Lot 13-2
Zoning Amendments – Public Hearing #2

ADJOURNMENT 8:50PM

NEXT MEETING
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Respectfully submitted,

Susan Hoyland
Planning Secretary