

**PLANNING BOARD
RINDGE, NEW HAMPSHIRE
JULY 13, 2004
MINUTES**

DATE: JULY 13, 2004 TYPE: Public Hearing DATE APPROVED: August 3, 2004

TIME: 7:00-10:35 PM. Katie Duffy, Chair

CALL TO ORDER, at 7:00 PM

ROLL CALL: Katie Duffy, David Tower, Dr. Gerry Parker Richard Isakson, Kim McCummings, James Hoard, Arthur Fiorelli, Jo Anne Carr, Robyn Payson, Cheves Walling, Paul O'Connor

NEW BUSINESS:

Informal Discussion-Site Plan Review

Franklin Pierce College-Survey Inaccuracies, limits of work and site plan removal violations

Jeff Kevan of TF Moran told the Board that he had contacted the state regarding the letters that the Board required asserting that the status the permits held by FPC were not impacted by the violations. The state informed him that the cutting did not impact the permits, to which Jeff responded he needed letters to confirm this to The Planning Board. Jeff called Code Enforcement Officer Dave DuVernay to ask status of cease and desist order. Jeff had promised a replanting plan within two weeks. Jeff thought it would be better to go to the Conservation Commission prior to submitting the plan. Dave said that the project was not in compliance as no plan had been received within the allotted time. A plan was delivered to Code Enforcement and The Board of Selectmen the morning of July 17, to have something on the table so no one could say that nothing was being done. Mr. Kevan described the plan and proposed plantings. It was made clear this was just a starting point. Jo Anne Carr presented overlays she created of the original site plan approval, with the current site plan updated July 6. Jeff Kevan said that there was confusion as to which plan was approved by the planning board. Jo Anne continued, and pointed out the correct location of the road with the appropriate tree cutting but then pointed out a discrepancy approximately sq feet Jeff felt it was 1400 sq feet Jo Anne said 1/50 scale 80x50. Jeff said that Jo Anne was referring to a plan that did not have the parking lot showing and the plan that was approved had the parking lot showing. There was confusion as to whether the parking lot in question showing in the approved had been approved with opportunity for JoAnne to study it before approval. As there was no specific discussion in the minutes regarding this particular parking lot that could be identified. It was suggested that the tape be listened to, to confirm the content of that meeting. Robyn Payson will locate the tape for review. Jo Anne will re examine the plans to resolve this issue. If the parking lot is built an amended site plan will have to be attained before construction. Jeff Kevan will be addressing the violations and any restitution plan to the Board of Selectmen and the Conservation Commission.

COMMENCEMENT OF WORK MEETING

Katie Duffy (statement)

Site Plan Amendments

Jo Anne began the discussion by briefly outlining proposed changes. This is the first draft. Jo Anne incorporated into the existing Site Plan Regulations information gathered from documents previously developed written by Scott Ames, Sharon O'Keefe, Gerry Coogan and recommendations in the Water Resources Plan and Route 202 Corridor Plan that was done by South West Regional Planning. The goal being to bring our Site Plan Regulations more in line with state and local requirements and plans and policies. Jo Anne briefly read the proposed changes and handed them over to the board for discussion. Citizen Michael Kundert who was in attendance, felt that proposed changes in site plan regulations are taking rights away from the landowners. Other members of the audience contributed to the discussion. Attendees were not identified because staff can't read the signatures. Chris Asaff asked when the public could comment or ask questions and Katie Duffy responded by saying that any citizens may do so at any time, not only at public hearings as work meetings are also open to the public. But public hearings would be held before changes to the Site Plan Regulations would be adopted. Jo Anne suggested that the public submits comments and suggestions in writing via e-mail or in a letter, there will be a record kept and all will be considered. The Board reviewed Sections 1 and 2 and made initial changes. Chris Asaff wanted to know if these changes were going to effect subdivisions and the board told him that these applied to non residential use.

Growth Management Ordinance

"The Findings of Fact" were accepted by the board at the last meeting, and the Board voted to schedule a public hearing for July 20. Katie Duffy announced to the public present that this ordinance will be voted on by the people at the election on September 14 but prior to that vote there will be two public hearings. Arthur Fiorelli asked the board for input regarding the college zone as it applied to the ordinance. Dr. Gerry Parker said that the spirit of the ordinance is to allow for catch up time for various services in town. He felt the college could be excluded. Arthur Fiorelli noted current exemptions were Elderly Housing, Commercial Construction and it is possible that the College zone could be addressed, depending on the type of building done dormitories vs condo's. Kim McCummings stated that children can become an issue in residential life. Cheves Walling suggested that the board needed to keep in mind that the ordinance expired in 2008 and impact from children born to people at the college would not be an issue. Arthur Fiorelli stated that college housing exemption would only apply in the college district. Arthur Fiorelli suggested putting a limit on the conversion of college owned condos to public housing per year. Katie Duffy felt that would not be a major impact and not fair to the owner of the building. Cheves Walling said that it would be best to be addressing the issue currently at hand which is student housing in the college zone. Katie Duffy said that there were additions that needed to be made to the ordinance. First, include an explanation of the appeals process, also RSA 675;5 that owners of 20% of the land that would be effected by a zoning amendment may file a protest petition which then requires the amendment to be accepted by 2/3's of the voters. Jo Anne Carr added, if the appeals order was going to be added, RSA in the zoning ordinance should be referred back to as a point of order as it is the same. Katie had only one other issues under Purpose states under fairness of allocation of building permits. Developers who are already being phased, is it fair to not allow any more building permits. The discontinuance of issuance of building permits was called into question. Terry Aho stated that he had heard a rumor that building permits were no longer being issued in town and he wanted to

know what is going on. The proposed zoning change will effect the issuance of a building permit. IF its application would prohibit the issuance of that permit cannot be issued until that ordinance is voted on which would be September 14. Roberta Oeser read the rest of the RSA which stated that previously accepted lot or subdivision was not effected by this. Arthur Fiorelli stated that Rick Donovan was accepting building permits but not issuing them. This was the advice of Town Council. Arthur Fiorelli will meet with Town Council tomorrow to clarify the issue. Terry Aho stated that “this was a huge issue, people that are in the middle of business are suddenly losing their livelihood and he would fight hard for it”. He feels he is being treated unethically. Dave Tower said “that was why there are public hearings.” Roberta Oester stated that “in the mean time there’s people who can’t sell their land and buy housing.” Again, Arthur Fiorelli asserted that he would consult Town Council in the morning and communicate the results to Rick. Chris Asaf also said that it was not right to have building permits held up when an ordinance is no where near complete. He understand the reasons behind the ordinance but finding out that they suddenly cannot get building permits with no prior knowledge based on a document that is no where near completion is wrong. Arthur Fiorelli apologized saying it was a misinterpretation of the RSA by legal council and it will be interpreted correctly first thing in the morning. The information will be passed on to Rick Donovan. Terry Aho suggested that the limit of building permits be lifted to 38 from 28. That 38 is too restrictive.

Growth Management Ordinance Public Hearing July 20 7:00pm
Site Plan Regulation August 10,

Dr. Gerry Parker Motioned to adjourn Katie Duffy 2nd

Meeting Adjourned 10:35pm

NEXT MEETING

Work Meeting

July 20, 2004

Respectfully submitted,

Robyn Payson