

Washington Planning Board

Public Hearing and Meeting Minutes - Draft

January 4, 2022

- 0.0 Assembly: 6:00PM, on 2nd floor of Town Hall and by Zoom
 - 0.1 Members present: Hatch, Revane and Schwartz at Town Hall, Crandall and Kluk on Zoom
 - 0.2 Alternates present: Kapteyn
 - 0.3 Members and Alternates Absent: Terani and Chidester
 - 0.4 Visitors: Peder and Linda Halverson, Richard Caughey (on Zoom), Jim Garvin, Lori Dube, Allan Dube and Tom Marshall

Hatch opened the Public Hearing at 6:00PM.

- 1.0 **Public Hearing** on proposed changes to the Land Use Ordinance – Hatch introduced board members in person at the hearing and those joining on Zoom. He acknowledged that we have a quorum of the board in person and 2 others attending by Zoom. He stated that he would go through the proposed changes one by one and then take questions or comments after each.

200.4 Business Use – Hatch stated we are deleting the 2/3rds vote of town meeting for a business building over 10K sf on advice from the Town’s attorney as an improper use of the voting body and adding Commercial Shooting Ranges as a non-permitted business. He asked for comments. Garvin asked if wording can be changed to be more specific that the 10K of building space refers to one building only or all buildings on a site. Marshall asked that the entire sentence be struck (no restriction on size of building on a site, just use setbacks to determine the size of building(s). L Dube agreed that the entire sentence should be struck. Revane agreed that size shouldn’t be restricted.

Marshall made a point of order asking if it was legal to have a public hearing in person and by zoom simultaneously. Hatch will look into the legality of this.

Marshall felt we should strike Commercial Shooting Ranges, as it is discriminatory, they are no worse than Golf courses, Pickle ball courts and outdoor movie theaters. He has a problem that an indoor shooting range, such as Morse’s, would not be allowed. Revane agreed that this doesn’t belong in this section. L Dube thinks the other things included in this section are safety issues and Commercial Shooting Ranges are a rural pursuit and should be allowed. Schwartz said that this type of business brings noise issues too. P Halverson asked about Montfort’s shooting range and Hatch said it is private and part of their camp program and would be allowed.

#304 BUILDING EXTERIORS – Hatch read through the change and Revane commented that this came from BoS wanting to tidy up the language. Hatch asked for comments. Marshall thinks Certificate of Occupancy shouldn’t be used to catch issues with exterior siding, that the Assessors can catch this. Garvin thinks the title should refer to Dwelling Exteriors only (Schwartz said it is meant to refer to both buildings and dwellings). Hatch suggested a Certificate of Completion, along with the CO, is needed for all new construction. Marshall said this is a complex issue and a moving target.

#305 MINIMUM DIMENSIONS – Hatch said we are proposing to change the title to **MINIMUM HABITABLE DWELLING REQUIREMENTS** and strike the word “new”. He said the Tiny Home concept brought this up. We expect, in the near future, that the state will require towns to allow Tiny Homes as they did

with ADUs. We already allow 320sf dwellings which qualify as tiny homes. He asked for comments. L Dube questioned our striking out “new”, Schwartz said this also covers converting an existing small structure to habitable space. No comments made on title wording change.

#306 RECREATION VEHICLES – Hatch stated that the only change is in the temporary use of RVs during construction and we are adding the word “substantial” to take the place of “visible”. Hatch asked for comments. Marshall has a problem with “substantial”, as it is subjective. He asked us to strike “state approved” from 306.0, as the state doesn’t approve functioning waste-water containment systems and substitute “Manufacturer’s” approval. Garvin wants to strike extra 6-month(s) periods completely, thinks one year is enough when building, then that’s it, he feels you are inviting litigation. Revane said he is OK with the 6-month period(s), and wants a way to call people on it if they are cheating the system, he is also OK with “substantial” being subjective. Marshall agreed. L Dube thinks it is a good start but we should move the phrase “and there are substantial signs of construction progress” into the next line with the other requirements for renewal by the Selectmen.

#501 LAND USE COMPLIANCE FOR CONSTRUCTION PERMITS (LUCC) – Hatch stated that we are adding “and will require a separate permit from the Board of Selectmen” to the Temporary structures line. He asked for comments. Marshall thinks it should be “but will require a separate permit...” instead of “and will require a separate permit...”

#502 OCCUPANCY – Hatch stated we are adding “interior” to D. and adding F, which requires the building to adhere to the requirements of the LUCC permit issued by the BoS. We also added Non-Dwelling Structures to 502.3 and some clarification of requirements. He asked for comments and there were none.

Dwelling - Hatch read through the proposed definition changes to Dwelling and asked for comments. Marshall thinks this is overkill, he asked about the trailers. Revane said they are not intended to be used as a dwelling. L Dube asked about the mention of motel, hotels, boardinghouses, etc. Schwartz said they are commercial and are covered by the business permit process.

Seasonal Building – Hatch read through the new definition and asked for comments. Revane suggested we need a “Seasonal Occupancy Permit” from the BoS. Marshall suggested we need a definition for “Seasonal Dwelling”. A Dube asked if the proposed questions will be separate on the ballot for Town Meeting and Schwartz said they would be separated by sections. The board agreed that we will discuss the comments we heard tonight and decide what changes we want to make. We will hold another hearing if substantial changes are made.

There were no other comments on the proposed changes to the LUO and definitions so Hatch closed the Public Hearing at 7:17pm and thanked the members of the public for their input.

Hatch opened the regular Planning Board meeting at 7:18pm.

2.0 Minutes: December Meeting – Hatch asked if any changes were needed, Kluk made a motion to approve the minutes as written, Revane seconded the motion. Garvin restated his objection to the minutes from RC Adventure’s Public Hearing referencing Barton’s comment about drug dealing. He said that the comment was made to answer a flippant remark made by someone with no foundation and it was negative. Schwartz said that the comment was a genuine concern and

Barton's remark was positive toward the applicant. Garvin continued and asked why remarks toward him and his desire to join the board as an alternate member were not included in the minutes from the December meeting. Kluk felt that it is not necessary to include them it was a general discussion by members. Garvin said he felt attacked and demanded they are included. Hatch said it was an airing of concerns and there is no need to include it. Garvin thinks we are being discriminatory to him and thinks we put Chidester and Kapteyn on the board without any discussion or vote. Hatch doesn't understand why Garvin is conflating the circumstances and why he is more interested in complaining than talking about why he wants to be on the board. Garvin wanted to know who has authority to appoint alternates to the board. Hatch said that, as an elected board, the PB were responsible for appointing alternates, not the BOS. Revane agreed that it is the PB's call. Hatch said we have a motion and a second to approve the minutes as written and called for the vote, all voted in favor.

3.0 New Business –

- 3.1 Application for Restoration of Involuntarily Merged Lots** – Nonno T Realty Trust, Joseph Toffoloni, South Main Street, TM 21-4. Schwartz said that the BoS sent us a copy of the application and has asked for any comments. Revane said that they received the application from the Assessors. It concerns a property that by deed has 2 tracts but has been taxed by the town as one lot. The owners would like to restore the property to two lots as they never voluntarily merged the tracts. There are no dwellings on the lot and it is in current use. Schwartz suggested that they get a copy of the original 1955 deed (which was referred to in the application but the book and page provided were not correct). Kluk said that a couple of tax abatements were made (1974 and 1976) and it was put into current use in 1983, she thinks they should check the property file for any pertinent information. Crandall suggested they look at the record of taxes as they were enjoying the tax advantage of having one lot. Revane will take our suggestions back to the BoS.

4.0 Old Business:

- 4.1 LUO Proposed Changes** – Hatch asked about the window for making changes and holding another hearing. Schwartz said that the last day we can hold another hearing is January 31st. The finished ballot for Town Meeting will need to be turned over to the Town Clerk on February 1st. Kluk asked Schwartz to pull together a document with the input we receive tonight to send out to members. Hatch set a working meeting for January 11th, Tuesday at 6:30pm, to work through the LUO document. Schwartz will set up a zoom meeting and post it for the public.
- 4.2 RC Adventures, Business Permit Application and Site Plan Review** – Hatch commented that after December's meeting we were waiting on a further legal opinion from the Town Attorney (which we received and took under advisement) but we were made aware that the property was sold. We have had no formal notice from Cullen that he was abandoning his application but we will consider the issue moot at this point unless we hear otherwise.
- 4.3 Town Center Vision project** – Revane reported that the article for the warrant for access and driveway work is written and they have had discussions with Chidester and Thayer about the project. They put in an estimated \$30K for the project.
- 4.4 Old School House project** - Revane said the contractor is coming back to do the interior work on the Schoolhouse. The insulation contractor gave them an estimate and is coming in to do the work. The windows are off getting rehabbed.

Revane mentioned that the Schoolhouse is on the cover of Town and Country magazine (NHMA) for recognition in the coming month's issue.

4.5 Master Plan – this is a placeholder.

4.6 ZBA Report – Hatch said ZBA are meeting tomorrow night on the continued case that he had to recuse himself from.

4.7 UVLSRPC – Hatch said he has nothing to report. Revane said that Thayer contacted them about mapping all the culverts but their estimate to do it was too high. They are going to do it themselves using GIS with Florence's help.

5.0 Unresolved Business

5.1 Georgann Casey – No news.

5.2 Kathryn & Steve Becker and Jane Shamaly – No news.

6.0 Driveway Permits: None

7.0 Mergers: None

8.0 Communications:

8.1 Copy of application for restoration of involuntarily merged lots from Deb.

8.2 Copy of lot plan for Persechino, 2381 East Washington Rd. TM 23-50

Discussion – Hatch said that Mark Florence had sent a reengineered version of the online mapping tool that he has developed for the town so the Assessors can update the back end with property transfers or changes in lot lines (subdivisions, mergers, etc). Several other members had been asked to beta test the version. Marshall commented that they have an article for the warrant to support the mapping work. L Dube said that AxisGIS does other town's mapping and they have a disclaimer stating that the maps are for tax purposes only and may contain mistakes, she thinks our app should also have this.

8.0 Meeting date for next Planning Board meeting – Working Meeting on LUO changes, **January 11, 2022**, at 6:30 PM, on Zoom. **Regular monthly meeting - February 1, 2022** - at 6:00PM, at 2nd floor at Town Hall and Zoom.

9.0 Adjournment: Time: 8:06PM
Motioned by Crandall, seconded by Kluk, all voted in favor.

Respectfully Submitted,
Nan Schwartz