

Planning Board Minutes 01/13/2014

Planning Board

Preliminary Meeting Minutes –

Recorded by Sharon Rossi

January 13, 2013

Members present: RMarshall, JFletcher, PRenaud, KO'Connell, AMoon, and SChicoine

7:00 p.m.

PRenaud began reading the December 30th meeting minutes. One spelling correction was made; no substantive changes were made. JFletcher motioned to accept the minutes as amended. AMoon seconded. Vote unanimous in favor.

7:10 p.m. Mail Received

- Greenfield Building Permits 2013
- Planning Board Budget Report YTD 2013

RMarshall advised the Board of the numerous e-mails received responding to tonight's hearing. He asked if anyone had any old business to address. AMoon asked, "Do we want to revisit discussion of SWOT analysis at some stage?" PRenaud mentioned that the EDAC had recently completed one as well. We will revisit this in the near future.

RMarshall noted that we may be able to allow clustered developments by revising the subdivision regulations where the language that requires the well and septic be on each individual lot. This may provide an opportunity for our open space ordinance limitations to enable more compact developments. This change could be made following a public hearing rather than having to wait until the 2015 Town Meeting.

PRenaud said he is meeting with the Select Board about RSA 79-E on January 21st at 4:30p.m. He also advised that at the next EDAC meeting the committee will be crafting the language for a warrant article for Town Meeting to enable the Town to use RSA 79-E. RMarshall said, "This is important, since promoting economic development is the next step in pursuit of the Vision Statement of the Master Plan."

7:30 p.m. Public Hearing on Amendments to the Zoning Ordinance

RMarshall passed around the clipboard for audience members to sign in, as part of the public record on the hearing.

RMarshall called the meeting to order, and asked if any Planning Board member needed to recuse themselves from the meeting. None did. He advised the audience that this meeting is designed to provide public input to the Planning Board regarding two proposed amendments to the Zoning Ordinance: Expansion of the Industrial Overlay Zone and creation of a Neighborhood Heritage District. He advised the audience of the procedures and protocol for public hearing. He noted that the public hearing notice was in the paper in the January 2, 2014 issue of the Monadnock Ledger Transcript and posted on the Town website and at the Town Offices.

RMarshall spoke to proposed amendment #1 (Industrial Overlay Zone) intended to be on the ballot in March. PRenaud said this amendment came out of discussions with the EDAC to promote new business in light of diminishing industrially zoned land in Greenfield. Lots were identified on the north side of town and on the south side of town; the Planning Board decided to pursue just the northern lots for this amendment. The lots run roughly from Crotched Mountain Road to McGrath Lumber with a 300' buffer.

Public input:

JAdams thanked the Planning Board for putting this amendment forward. It's a wise move and will provide a larger tax base.

RMarshall said we were very sensitive to Sunset Lake and to preserve the CMRC sign corner. The 300' setback from the intersection is designed to preserve that intersection and the sanctity of the lake.

AHeck asked, "How many acres are there?" PRenaud responded, "There's 60 acres in one lot and 45 acres in the other but you have to subtract the 300' setback from Crotched Mountain Road."

DJarvis asked, "Who owns it and do they wish to develop it?" PRenaud explained the owners are the Coville heirs based in Alaska, and the EDAC committee will be reaching out to them regarding potential options for the land.

LWhite stated, "I believe there was a railroad siding that existed on or along Rte 31 for processing ice from Sunset Lake, and I understand railroad beds can't be disturbed. But it could be private now."

Hearing no further testimony from the public, the discussion moved on to amendment #2.

8:10 p.m. Proposed Amendment #2 Neighborhood Heritage District

RMarshall explained that based on Vision Statement work for the Master Plan, the public indicated an interest in preserving the central village while promoting economic development to broaden the tax base. There are many forms of zoning used to protect certain characteristics of land in the state: Historic Districts and Form-Based Zoning are two currently being considered throughout the state. A third, and significantly less restrictive, type of zoning is what is called a Neighborhood Heritage District. This is a process that can be used in many parts of a community. It could be used to preserve small parts of Town like Sunset Lake, agricultural sections of town, etc. In this type of regulation, the Town characterizes what a neighborhood is, defines what actions you wish to have reviewed, and then develops standards to apply to the district.

We applied for and received a Community Planning Grant to conduct our research and development of this ordinance. Some of those funds were used to conduct a reconnaissance of the village to define its character and then to prepare a model ordinance. We then used some of the grant funds to consult with professionals last July. The report (hereafter referred to as the Hengen Report) was issued in August 2013.

Public Input:

JAdams asked how many people participated in the original Master Plan survey. RMarshall responded, "About 133 townsfolk's participated in the electronic and hand written survey."

JAdams asked, "Out of 133 surveys, how many people said they wanted to protect the downtown." PRenaud responded that an overwhelming amount of responses said they wished to maintain the rural character of the town. PRenaud said that in his opinion, "I interpreted that as a priority, coming before fixing the roads and broadening the tax base." RMarshall said there were many comments about preserving the downtown area and this information had been located on the town website. He said he can provide that information via e-mail or re-post it on the Town Website. PRenaud commented that one section of the survey asked what type of growth they would like to see. Many said, "Keep it as is or have a very slow growth."

SSeigars asked, "Was there a petition from residents to create this NHD?" RMarshall said, "No, this was in response to the survey results and feedback from Community Conversations."

RMarshall said, "We are not telling anyone to do anything. We feel we got a directive from the community in responding to the survey to protect our community. We tried to find an answer to the question and crafted the NHD to help keep the character of the downtown area." RMarshall said he will post the LHengen's report which defines the character of downtown Greenfield.

RGriffing, a resident of the proposed district, said, "Why not talk to the people in this room to see what they want in creating this NHD?"

BFulton commented that the business district is all tied up now. "It's very small area, and it appears you are trying to protect a very small area. This looks like a way to restrict the businesses in town. It bugs me, how this would work. It will affect the value of our property, negatively on some. The minority of people who live in the center could have this voted in by the majority of the town."

MSparling asked, "Why aren't all of the colonial houses in the district?" RMarshall responded that most are but the boundaries of the village are defined by both geography and the kind of development there, not exclusively one or the other.

SMoller said, "I want to preserve the town. Unfortunately, this language comes across as restrictive. I'm not sure what one would do to change it. There are many layers, processes to this amendment and I agree that I want to preserve the sense of the town, but am not sure if it is with this."

DBatty, Slip Rd said, "I own one of the oldest houses in town. We moved from Salem and know what it is like to live in a restrictive historic town. We like this town and don't want to change it."

LWhite asked, "Is there a Plan B? After March, it is going to be decided, but what is the Plan B? We all want to preserve the town, but I'm not sure the way this is written.... Wasn't there talk of a potential tax incentive path?" PRenaud said we may be considering RSA 79-E in March on the ballot, but that is not directly related to this NHD. This would provide tax relief incentives for further economic development in the district.

RMarshall said, "You don't go promoting first; you need to protect first." T/DSmith said it sounds like you are naming a separate location as the Neighborhood Heritage District and expressed concern that it made the center of town sound like it's no longer part of Greenfield. LSeigars expressed concern about the broad discretion of the language and it seems like there would be financial encumbrances to the landowner with this regulation.

TAtherton said, "Ultimately it will be up to the Planning Board and why do we need 3 other people to review first, discuss it, and then go to the Planning Board, when the Planning Board makes the final decision?"

JPlourde said, "As it is proposed, to me... I am all for preserving the downtown area, but the way this is written, this is restricting me. This makes me jump through hoops to maintain my property."

LDodge said, "I remember the survey. I am for preserving the town; I don't want fast food places as that isn't in keeping the town's character. The district should be extended to the town lines of Lyndeborough, and Peterborough. Fences are to be only wood or stone? What about the cemetery fence? Will it be torn down?"

WAldrich commented, "This seems like we are now doing a controlling environment. Why can't this be turned around into a positive experience? Such as a reward for best makeover in town, a reward for what was done well, or a free consult with an architect?"

SSeigars asked, "What percentage of the town does this involve? How many residences are in this district?" RMarshall said, "Not sure; we haven't done that analysis." SSeigars continued, "Why did you stop at those boundaries? And in LHengen's original report of 2008, she talks about this heritage district as a prelude to enacting a historic district, can you assure us now that the historic district will not follow?" RMarshall said, "The boundaries are defined based on the character of the village and its geography. It was clear to me from anyone who answered the survey, came to one of the Community Conversations, or even that I talked to in town that the overall response was, don't you dare bring a historic district to this community. Lisa Murphy, Liz Hengen, and Maggie Stier were all told that no historic district was to be discussed." SSeigars said, "This is too restrictive." SMoller said, "I don't live in the village, but anything that restricts in an inappropriate way, restricts me too." RGriffing said, "How about taking the votes of those that live in the center of town?" JFletcher responded, "You did have that opportunity – and, without this ordinance, is the village going to remain protected by the love of this town? What happens if something goes in between the Library and the Inn, how many would like that? Without this amendment, there is no control."

DSmith said, "I attended some of the meetings and how many towns have this?" RMarshall said, "None in this state. We would be the first town to have this." DSmith asked, "Is this is why you received grant funds to try and propose this to Greenfield because there is someone in the State of NH who is trying to promote this?" RMarshall said that the US Department of Housing and Urban Development as well as the NH Housing Authority are both trying to promote development while preserving and protecting what you have through innovative land use.

DJarvis said she read LHengen's report, in which it said to form a group of people that were in the district to provide input. "This is over the top. The Planning Board went too far in this ordinance. I have a list of 38 people who are in the district and do not want this." JAdams said, "I don't want this happen to my neighborhood. I hope you get that people don't want this, and I don't either. I ask that Planning Board kill this now, tonight. Pull this off the ballot."

RMarshall said the Planning Board would decide tonight. If the Planning Board decides to make significant changes, we will have a second hearing. If no substantial changes are made, we will vote to present this on the ballot in March. It will be decided either way tonight.

LWhite said, "I applaud the Planning Board in going through the meeting tonight to exercise what they believe the survey responses directed them to do. It is an attempt to present to the voters of the town a well-crafted ordinance. But I concur with those present that this is premature due to the restrictive criteria and that it should be tabled and be presented again after further consideration by the Planning Board."

DSmith asked if the Planning Board members would speak to how they will vote at town meeting. RMarshall said, "I reserve my right of privacy in not answering on how I will vote in March. But I favor putting this amendment to the voters." DSmith said, "I can read people pretty good, and I see that some of the members appear to not be happy with this."

SFox asked, "Was anybody from this proposed district on this voluntary committee and were they in favor of this? You need to have people who live in this district to work on this ordinance." RMarshall responded that members of the committee were residents, four of whom are residents of the proposed district.

SAtherton asked who picks this voluntary committee. RMarshall said they would be appointed by the Select Board. RMarshall said the committee we have right now volunteered for 1 year of service.

LBrooks commented they this type of ordinance this in Amherst, and it is very restrictive. This is not a good ordinance. "Why should anyone tell me what to do?"

LWhite commented, "I never heard an answer to Plan B? PRenaud alluded to the RSA 79.E, would this be the Plan B?" PRenaud said, "No, that is a separate item."

MSparling and JPlourde both advised the Planning Board to decline this tonight. "This group of people is most affected by this ordinance and we are disagreeing with this ordinance."

SAtheron said the language and the details and the wording are scaring everyone. This needs to be looked at more closely.

9:07p.m. Public Hearing Closed

Break

9:15 p.m. Deliberation

RMarshall opened the deliberations. He noted changes in the ordinance based on legal advice from MSerge.

District Boundaries:

Lots are to be listed at each boundary of the district.

Actions to Review:

Mature Trees:

1. Add **Visible from a Public Way** to title
2. Change circumference to **diameter** and remove other qualified professional and add **or CEO/designee**

Standards for Review:

Update first paragraph to read: "The following criteria (**see report by LHengen, titled: Greenfield Village Neighborhood Heritage District, August 26, 2013**) are the guiding standards...."

Demolition or Removal of Structures that are visible from a public way:

1. Remove the word considered and insert **would be encouraged**

Fences:

1. Add: **New or replacement fencing consistent with the appearance of other fencing in the village is encouraged. Chain link and stockade fencing are discouraged.**

Removal or Significant Alteration of Mature Trees:

1. Add **Visible from a Public Way**
2. Change circumference to **diameter**

Procedure:

#1 after *Actions to Review* insert: **As part of the Planning Board review for application completeness,** the Planning Board shall make a

#4 after "...in making their decision" insert: **which shall be made within 65 days of acceptance of the application.**

#4 add: **Planning Board reserves the right to waive any or all costs associated with the application.**

Discussion:

PRenaud said that Section G #1 doesn't address how the Planning Board would have completeness of review. Planning Board would advise of its completeness, and then pass the application onto the advisory committee for review. This will necessitate 2 notices in the paper. RMarshall responded that the Planning Board is required to notice the hearing and could notice the second meeting at the same time.

JFletcher questioned the last sentence concerning costs borne by applicant. RMarshall gave an example of an engineering study being warranted then the cost would borne by applicant. JFletcher said there is a big difference between a resident and a business bearing this cost.

JFletcher also noted that a lot of language talks about recommendations. Do we really want to say the decisions of the advisory committee and the Planning Board are something that is going to require in the end a fine of \$100/day. RMarshall said, "Ultimately, this is a decision of the Planning Board and this is the standard penalty for violation of any portion of the zoning ordinance in place now."

RMarshall said we are trying to do things that are positively reinforcing our ordinances. The Greenfield Meeting Place is a perfect example.

PRenaud asked is the map sufficient for this ordinance or do we need specific language in the ordinance that defines it. RMarshall said the proposed map will be available. KO'Connell and PRenaud want lot numbers listed in the ordinance. AMoon agreed we need descriptive language similar to other descriptions of our districts. KO'Connell was volunteered to draft language for inclusion in the ordinance.

Under the heading Demolition or Removal of Structures, JFletcher felt that changing “*considered*” to “*encouraged*” is a substantial change and would warrant another public hearing. RMarshall said he feels that the changes we’ve made are descriptive and not substantial. PRenaud agreed, “I don’t consider this substantive, we are fine tuning the document.” AMoon agreed.

AMoon made a motion advising the changes proposed are not substantive and would not require another public hearing. PRenaud seconded. Vote tally: JFletcher nay, AMoon, PRenaud, SChicoine, KO’Connell yeas.

RMarshall said we made minor changes based on legal input and thoughts of others and decided that the changes are not substantive. Therefore a second public hearing is not needed.

His third question is, “Are we going to go forward with presenting this ordinance at town meeting?”

PRenaud said, “Let’s not forget the Industrial Overlay Zone. I motion to put the Industrial Overlay Zone on the ballot.” JFletcher seconded. Vote unanimous in favor.

RMarshall said under Section III Special Districts paragraph #2 we need an amendment to add Neighborhood Heritage District to this section. KO’Connell and JFletcher feel that they don’t have to vote on adding this amendment as it will be automatically be added to the ordinances, if passed, after town meeting. JFletcher motioned not to vote on adding “Neighborhood Heritage District” to Section III of the Zoning Ordinance. PRenaud seconded. Vote unanimous in favor.

RMarshall asked if we are going to bring this forward to the ballot.

AMoon feels this is a recommendation based ordinance, and is concerned that the flexibility we need to maintain for residential considerations may not be an asset in commercial reviews. She is concerned that the language as written may not be defensible in court, and wonders if we should split the language and speak specifically to commercial with more definitive language. JFletcher said commercial has to have a site plan review, and this will give us an additional layer to leverage in those reviews. KO’Connell agreed that we shouldn’t be concerned as commercial has to go through site plan review.

PRenaud agreed that the more subjective it is, the less defensible it will be. RMarshall said, “We are trying to make decisions that are in the best interest of our community and not based on what will happen 15 years down the road. It is not possible to anticipate those events.” He also noted that our attorney MSerge has reviewed the proposed language and provided positive feedback.

PRenaud said, “As EDAC Chair, I am concerned this ordinance is overly restrictive. Commercially, we have other regulations too. This is going to cost additional expense and time, and that could be the difference in businesses coming to town.”

RMarshall said, “Jarvis said 70 people isn’t representative of the total residents of the town and the same can be said here – that the number of residents in attendance tonight isn’t necessarily an accurate representative of the town’s total population. This has been a year-long process with many opportunities for public input. I feel that the majority of the residents should have the opportunity to have a say here.”

PRenaud suggested that the charrette this fall could be a better forum for this to be presented. RMarshall countered, “The evidence that we had to work with, including this past December’s community conversation, has been used to prepare this ordinance. What do we think will change come fall?”

In response to concerns that this would be a majority of townspeople making a decision for a minority of residents, KO’Connell commented, “Majority voting for a minority happens all the time.” He noted our wetlands language as one example. AMoon said “I am getting increasingly upset with the continued implication that I and other residents outside of the district would arbitrarily vote for something simply because we don’t live in the affected area.”

KO’Connell said, “Do we think that this could use a bit of work? If we feel that this is something that we can tailor or get more buy-in from more education, as I heard a lot of misinformation being offered by the audience, can we work on this, get more information and bring it back next year? This is my biggest hesitation.”

RMarshall commented, “The education progress has been happening for the past year. A final session is planned for late February/early March to help voters with their decision. A special edition of the Spirit speaking about town meeting and the warrant articles is scheduled for next month. A special mailing will go out as well before town meeting and more information will be on a website. This document is going to be imperfect. Many of our ordinances are amended over and over again, so a determination tonight will help in doing the education. The next grant will cover all the administrative items.”

AMoon reiterated concerns about this being legally defensible and providing sufficient specifics for commercial concerns. RMarshall said businesses look for clarity and our ordinances are very clear. This ordinance is making it clear what the standards are for NHD. Preservation and promotion are our two goals.

JFletcher motioned to strike the last sentence from the NHD draft ordinance under G #4. (*Any costs of the application process beyond notification and initial hearing cost shall be borne by the applicant.*) AMoon seconded. JFletcher said if we strike that sentence and cost issues arise, then the Planning Board will determine whether or not to waive those costs. PRenaud said if we strike this, the implication is that the cost will borne by the town. We need something in there as to who will be absorbing the cost. He offered, "The Planning Board reserves the right to waive any or all costs."

JFletcher modified his motion to replace the original language with "The Planning Board reserves the right to waiver any or all costs associated with the application." AMoon seconded. Vote unanimous in favor.

JFletcher then motioned to present the NHD ordinance to the town on the Town Meeting ballot. KO'Connell seconded. No further discussion ensued. Vote tally: PRenaud nay; AMoon, KO'Connell, SChicoine, and JFletcher yeas. Affirmative vote of 4-1, the motion carried.

11:18 p.m. Adjournment

PRenaud motioned to adjourn. AMoon seconded. Vote unanimous in favor.