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## Planning Board Minutes 01/12/2015

Planning Board  
Preliminary Meeting Minutes –  
Recorded by Sharon Rossi  
January 12, 2015

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

### 7:00 p.m. Meeting Minutes

PRenaud began reading the meeting minutes for December 22, 2014. Several spelling, punctuation and replacement of words were done. No substantive changes were made.

### 7:06 p.m. Mail Received:

- SWRPC Invoice #6463 totaling \$2005.53 (work completed to November 2014)
- SWRPC Invoice #6464 totaling \$1494.47 (remaining balance per contract for 2014)
- Stephenson Memorial Library Notice, book discussion group

Public Notice from the Town of Antrim ZBA, for a meeting on January 7, 2015, from applicant, Industrial Tower LLC

Planning Board Budget Report Y-T-D

2015 Town Calendar

Town of Greenfield List of Departments, Boards and Officials

Monadnock Ledger Transcript Invoice #7948 totaling \$123.00

SWRPC Invoice #6474 totaling \$196.00 for 2014-2015 Planning & Land Use Manuals

Newspaper notice for Public Hearing 2015 Zoning Ordinance changes: petitioned article to amend the zoning ordinance, Section III-E.3,

### 7:10 p.m. Old Business

RMarshall has contacted GLeedy concerning the final report on the September charrette. It should be in soon.

RMarshall has printed a copy of the Rules of Procedure which are to be reviewed annually. The last time the Rules were reviewed was in 2004. He asked the Board to review the rules and to prepare any questions about the current procedures or to bring up new procedures if needed. PRenaud commented that a public hearing isn't needed and he read the paragraph from the NH Planning and Land Use Regulation handbook confirming no hearing needed.

On Feb 9 LMurphy plans to be here for a final review on the Economic Development chapter and maybe, the Construction Materials Chapter

RMarshall handled out a copy of the Earth Excavation Regulation which has been reviewed by MSerge and updated to assure it complies with current RSAs. The revisions were identified by MSerge and another attorney who specializes with Earth Excavation law in his office. They include both format changes and legal revisions.

### Review of Rules of Procedures:

Since time remained before the public hearing, the Board then began review of the Rules of Procedures:

- Correction: under authority, updated to reflect the actual date of acceptance.
- Correction: change administrative assistant to town administrator
- Correction: KO'Connell asked if a Board member has a personal question say to LGC, does the Board member have the authority to call LGC. Consensus: this need to be deliberated on at a later time.
- *Offices:* (Items listed)
- Chairman-Ok
- Vice Chairman-Ok
- Secretary- this needs discussion
- Corresponding Secretary- this needs discussion
- Length of officer terms- OK, add: "any vacancy in Board office that during the year shall be filled by vote of the Board for the balance of the term."
- Alternates #6-needs more specifics on how an alternate participates

*Meetings:*

- #1 to be discussed

The continuation of the review of Rules of Procedure will be later in this meeting.

**7:30 p.m. Public hearing 2015 Zoning Ordinance Petitioned Change**

RMarshall informed the audience that the purpose of tonight's meeting is to consider a petitioned change of the zoning ordinance which has been presented to the town. He advised that there is a copy of the petition for audience members to look on the table.

RMarshall advised of procedures for a public meeting. SRossi advised of the legal posting in the paper. RMarshall said the notice was posted at the Town Hall.

RMarshall said that the purpose of the meeting is for the Planning Board to hear public input before they take a vote to either support or oppose the petition, something the Board is required to do by RSA 675:4. We will hear the positive comments and then those in opposition will speak after. He noted that Atty JReimers is here as well. He then read the petition.

**7:37 p.m. Audience members in favor of the petition:**

KPaulson said "public highway, to me, means a state highway, not a town road." RMarshall advised that the Board can't change how the petition is written. He asked KPaulson, "Does your concern about public highway, affect your thinking?"

Paulson, said, "I signed the petition to have this happen. This building has been there for a long time, and Michele has put a lot of time in this building, and it is something that I believe the town would like to have as a business in this town. We want businesses in town and this is the type we want. I am definitely in favor of this petition and would like to have it added to the ordinance."

SLockwood said there are residences on this road have suffered. MS Perron's home had been closed for over a year. Her purchasing the home and remodeling it has been a wonderful improvement for our street. I wouldn't want the regulation to stop her from having her business.

PLord, Justice of Peace, said he had performed a wedding there in October. There is ample parking and he has received many inquiries for this type of location. The tent was out back in a good location. The property works well as a wedding venue.

SMoller said I feel the work Michele has done on this property is wonderful. As we want to make the town grow, it is incumbent upon us to vet the kinds of

exceptions, and this idea of a business will bring life to our road and doesn't impinge on my life style. Everything she has done has been in good faith. Any exception of this type should be granted to Michele.

RThompson said he seconds SLockwood and SMoller's comments in their sense that this is a great project and business for MPerron.

LNichols, Dodge Rd, said she never heard any noise from MPerron's property. In general, I would like to support this business. If you want to keep the historic buildings in the town, then this business would do least damage and I support the project and the business. I also would like to say that I have no idea what the implication of this change would have on future businesses.

ELindsey said she is new to town, but, supported Michele Perron. She has done a beautiful job in restoring this place, and the weddings will bring a positive feeling and tourism to this town.

PLindsey, 733 Forest Rd, is in favor of this petition so that this business can be put in this location.

JReimers, attorney representing the Allrose Farm, said the public highway is in the ordinance, but it does apply to all the public roads in the town of Greenfield. It's not an exception for just Allrose, but would change all residences in the General Residence. There is an exception already in place and the 30 foot setback doesn't change the character of the district. It won't change the district. It won't result in new construction. The amendment isn't contrary to the ordinance. The 30' is sufficient for access, right of way and will promote district rural character. Many people have signed the petition. Near neighbors, are supporting this. This change only applies to older homes and does not add a new setback distance. This amendment furthers the objectives of the Master Plan and promotes economic development by attracting new businesses. There are no implications of unintended consequences and I don't see any Pandora's boxes with this amendment. This amendment allows the owners to be flexible in the use of their property.

JReimers asked if he could respond to any negative comments.

KPaulson said PRenaud has spent the past two years working on the EDAC, and I feel it would send the wrong message if this wasn't allowed to continue.

DThompson, said as a member of the younger generation, I plan to be here for a while. I like to idea of the old houses being restored. It's not affecting us, so I say "go for it."

RMarshall read an e-mail into the record that he received JTimmons, 135 Woodland Hill Rd., in support of MPerron's wedding business.

**8:05 p.m. Audience members in opposition of the petition:**

MHedstrom, abutter to Allrose Farm, questions the subdivision comment in JTimmons e-mail. Ms Timmons is implying the we have an intent to subdivide our abutting property and there is no intent to subdivide our property.

DHedstrom said that there was no offer from MPerron to buy our property. I was on the Planning Board for 10 years and the language of the ordinance show what the Planning Board's intent was. But there is a potential threat to our property if there are weekend weddings. This language has existed for a long time as well as surrounding towns with the same language. This petition affects the General Residence District in the entire town. This language was to protect the town to not create "suburbia".

JGryval asked if there is a third category. "The not in favor or not opposed category."

RMarshall said before I allow JReimers to speak again, and before I allow DHedstrom the same courtesy, I will allow JGryval to comment.

JGryval, New Boston Rd, Chairman, ZBA, I don't usually speak to these issues because I don't want to be seen as in favor. On site walk, the property looks fabulous. MPerron had an appropriate answer for every question the participants had, and she indicated that she would address any question for this property.

We need to be cautious in doing change by petition. There will be unintended consequences but what they are, we don't know. We need to be cautious when we start changing our ordinances by petition, rather than having the Planning Board sit down and review extensively to make changes.

JGryval strongly suggested to protect the integrity of the Board, you should take a position of not taking a position on this amendment. RMarshall said he sought legal counsel and the Board has to take a position either for or against. We can't take a position of not taking a position.

MHedstrom commented Michele has done a beautiful job at the farm. But by doing something like this, it sets a precedent in this town. As the owners of 63 acres, we had a buyer and the buyers wanted to know what the situation was with our abutter. We weren't aware that Allrose Farm was having these events. She didn't have the approval from the town for these events and when the buyer heard about this, the sale was voided. Again, this change will set a precedent throughout the town.

JReimers agreed with DHedstrom that MPerron did not offer to buy the 63 acres, as was stated in the Timmons e-mail. As for unintended consequences, by making this very narrow change, they hoped to reduce the potential for unintended consequences. This amendment can make the zoning ordinance better. This is one of two very valid and often used ways of amending the zoning ordinance.

MHedstrom agreed with JReimer's comment that amendments like this bring change.

#### **8:20 p.m. Public portion closed.**

As there was no further public input, RMarshall closed the public portion of the meeting. He said no further input will be taken. He reminded his colleagues of the advice from our legal counsel, and that our decision will be attached to the petition on the ballot.

#### **Deliberation**

KO'Connell said he was disappointed that the proposed amendment wasn't addressed when it came before the ZBA. Because that statement is in there, the ZBA didn't have a lot of latitude to address the non-conforming issue. We heard a lot of discussion on this particular project. And we are changing the entire ordinance for the General Residence district. I'm not against this project, but I am against bad planning.

SChicoine said I am uneasy in changing the ordinance for one project.

PRenaud said this is a question of spot zoning. The way I look at it, this can be considered spot zoning. PRenaud asked if the legal opinion we received should be read into the record.

RMarshall said MSerge suggested that if there was a "public need" or a "compelling reason", it may not be considered spot zoning.

JFletcher said what we are dealing with here, "is there a public need for this?"

We don't need to suggest this is bad planning. To me this particular change in this ordinance allows those properties that have buildings within this area a little more freedom to do things that would help them economically. Giving a little bit of freedom, gives owners a change to improve. Is this a good thing that we should have now? We can in a year's time, go over the ordinance and make further changes or clarify the current ordinance if necessary.

PRenaud said if this passes, we would have to look at the proportional requirements of the amendment for the non-conforming lots. If you have a

property of less than two acres, you can go down to 30.

RMarshall said that I agree with both of you, we have a problem with Section 6 that we weren't even aware of. It doesn't make sense for us to be against this amendment, because the problem is with Section 6. What is driving me is the compelling public interest, which has been abundant. The testimony I heard last fall and I am hearing tonight is that the public feels there is a compelling public interest and this is something we should be paying attention to. These old properties with large buildings bear heavy tax burdens. This amendment will allow flexibility for property owners. In our Master Plan Vision statement, there are three goals the community identified:

1. The need to maintain our rural character and cultural heritage, of which this property is a significant part.
2. Need to promote economic activity, which this clearly supports.
3. The need to protect and preserve open space, agriculture and other interests, which this property surely is.

How are our agricultural interests going to sustain themselves is a question being asked in all of our communities? This is a permitted use within the district in which the building lies.

What hasn't been mentioned is that this amendment only enables one to prepare an application for such an activity. The site plan review process is still in place and if the activity was not consistent with existing ordinances and in the best interest of the community, the Planning Board could deny the application. This petition just enables the applicant to pursue this use.

This language has been in place for 30 years, when we were scared that our town would be exploding with homes, buildings, roads, etc. I'm not worried about this being spot zoning.

This petition serves compelling interests. We will still be able to preserve what we value through the site plan review process.

Schicoine said the bottom line is that the town residents will get to vote on it.

#### **8:51 p.m. Motion**

JFletcher motioned the Planning Board support this petition. Penaud seconded. No further discussion ensued.

#### **8:53 p.m. Vote**

Affirmative: JFletcher, and PRenaud Negative: SChicoine and KO'Connell  
Tie-breaker vote: RMarshall affirmative. 3 – Affirmatives 2 Negatives Motion passed.

#### **Excavation Regulation Review:**

The Board decided to work on the Excavation Regulation rather than Rules of Procedure in order to be ready for a Public Hearing on the Earth Excavation Regulation at the January 26 meeting. Rules of Procedure review will continue at a later date.

RMarshall said MSerge reviewed our current regulations and recommended the following changes to insure compliance with the RSAs:

The Board then began to review the proposed changes page by page

- Pg 2-formatting in fees needs to be corrected
- Pg 3 Ok
- Pg 4 formatting corrections for b & c
- Pg 5 Ok
- Pg 6 Ok

- Pg 7 add at the end of sentence....."restrictions defined by the Greenfield Wetlands Conservation District also apply."
- Pg 8 OK

RMarshall said he has to check on the fees on the application. Also on the top of the first page a revised date will be added. The Earth Excavation Public Hearing will be on January 26, 2015 at 7:30 p.m. SRossi will send the notice to the paper tomorrow.

**9:25 p.m. Adjournment:**

PRenaud motioned to adjourn. KO'Connell seconded. Vote unanimous in favor.