

Danbury Planning Board

January 8th, 2019

Un-Adopted

The Danbury Planning Board met on Tuesday, January 8th, 2019 at the Danbury Town Hall in accordance with the schedule adopted and posted. John Taylor called the meeting to order at 7:00 p.m. and welcomed everyone present. John asked if anyone had a conflict of interest and hearing none, proceeded with the meeting.

Present:

Roxanne Winslow

Will Cowen

Rick Swift

Jim Phelps

Bernie Golden

John Taylor, Chair

Gary Donoghue

Anna Offen, clerk

Not Present:

Tom Curren

Guests: Toni Maviki, James Farmer, Phil Hastings, Dorothy England, Leslie England, Mike Brailey, Donald and Marilyn Godfrey, Helen Kendall, Penny Bill, Dale Cook, Linda Wilson, Jess Hatch, Mary Lyn Ray, Mike Feinauer and Colin Brown

Previous meeting minutes were reviewed. Rick swift made a motion to accept the minutes of December 11th, 2018, Will Cowen seconded. **Motion passed unanimously.**

At 7:03pm John continued the public hearing on the Subdivision for SRK Holdings LLC, New Canada Road, **Tax Map 416, Lot 64.** Phil Hastings presented the Subdivision to the board and guests. A discussion was held addressing the changes that were made to the plan. Two lots have been removed from the plan due to the slope and wetlands of the lots, changing the subdivision from 6 lots to 4 lots. Gary asked about whether a covenant would be placed on the lots to restrict any future buildings to be single family homes only. There are currently not any covenants regarding this at the present time. Bernie Golden made a motion to approve the subdivision as amended, pending approval from the state, Will Cowen seconded. Roll Call Vote: Roxanne Winslow – yes, Jim Phelps – yes, Gary Donoghue - yes, Will Cowen – yes, Rick Swift – yes, Bernie Golden - yes. **Motion passed unanimously. At 7:13 closed public hearing.**

Phil Hastings also asked the board about the possible sale of a 20 acre lot that was originally included in the Development Agreement and Master Plan as future remote parking for Ragged Mountain Resort. This lot (Lot 2) will be removed from the Master Agreement. Phil provided a consent and release for this lot to be removed and to be signed by the Planning Board Chairman. Will Cowen made a motion for John Taylor to sign the consent and release, Bernie Golden seconded. Roll Call Vote: Roxanne Winslow – yes, Jim Phelps – yes, Gary Donoghue - yes, Will Cowen – yes, Rick Swift – yes, Bernie Golden - yes. **Motion passed unanimously.**

Phil also spoke about some property that SRK Holdings, LLC owns in the town of Hill. There is a 60 acre parcel that they wish to convey to the abutter in Hill. The lot is located in Hill but has been annexed to the property in Danbury. The lot is not in the Master Plan. Phil asked that a Notice of Decision be signed to be able to convey the property. Bernie Golden made a motion for John Taylor to sign the Notice of Decision, Rick Swift seconded. Roll Call Vote: Roxanne Winslow – yes, Jim Phelps – yes, Gary Donoghue - yes, Will Cowen – yes, Rick Swift – yes, Bernie Golden - yes. **Motion passed unanimously.**

John Taylor read into record an email he received from a realtor inquiring about the expansion of Ragged Mountain Resort. He provided a copy of the email to Phil Hastings so he could respond.

At 7:25pm John Taylor opened the Public Hearing on the proposed changes to the town's Land Use and Zoning Ordinances. He asked the board if they had any questions on the proposed changes that were drafted. There were no questions or amendments from the board at this time. Jim Phelps presented the proposed changes to the audience. John Taylor elaborated on the reasons for the changes, which include welfare and health and safety concerns. Rick Swift asked if tractor trailers were addressed in the changes, and per the definitions added they were not included. John Taylor opened the hearing to the audience for questions. A question was asked from the audience on how the town would know if a permanent structure was placed or not? The answer from the board - we would still need to rely on the residents to apply for the permit. Another question was asked if the town would be able to tax a storage container? The answer from the board - most likely, it might depend on whether or not the container is owned or rented. Another question can freight trailers that are on the property and registered with state DMV be taxed? The answer from the board - It was determined that because the trailers (in this particular case) are used for agricultural purposes they would not be included in the proposed changes. Future tractor trailers being used for storage would be handled on a case by case basis. What are membrane and rib structures? The answer from the board - Canvas and metal structures, like the free-standing carports. They have been included in the LUZO's for years, no change was made there. Why are the changes being made to address RV's? The answer from the board - mostly to address welfare/safety issues that have been presented to the town. What if family members want to stay in an RV for more than 30 days? The answer from the board - they could only stay

for 30 days or find their own piece of property to put the RV on. Bernie Golden elaborated on this answer referencing that the Planning Board referred back to the state definitions of RVs and the regulations surrounding them as temporary housing. Can this be extended from 30 days to 60 days? The answer from the board - This is something that the board can take into consideration, 30 days was deemed reasonable at the time of drafting the changes. Does a tiny home that is built on a trailer fall into these changes? The answer from the board - tiny homes are not currently in any state statute, the town is waiting on legislation to be passed before proposing anything. What about people that come for the summer months, can the time be extended? The answer from the board – The 30 day limit can be reconsidered. If someone were to have an RV for an extended period of time do they really need a septic, or can they use dump stations? The answer from the board - the town would not be able to monitor this if a permit was not applied for to see if waste was dumped illegally or not. Bernie Golden asked the audience how they felt about the 30 day restriction. A suggestion from the audience was made asking could a person go to the Board of Selectmen if they wanted to stay for more than 30 days and could display proper waste disposal? This idea was agreed to by the Planning Board.

Will Cowen made a motion to amend section 3.4.1.1 by adding the extension, Jim Phelps seconded. Roll Call Vote: Roxanne Winslow – yes, Jim Phelps – yes, Gary Donoghue - yes, Will Cowen – yes, Rick Swift – yes, Bernie Golden - yes. **Motion passed unanimously.**

John asked if there were any additional questions from the audience. There was one more question about whether or not a septic system should be required for an RV used as a temporary residence. The answer from the board – Yes. How would storage containers be taxed? The answer from the board – we don't have a definitive answer yet, the tax assessor would assess them as they do other buildings on property. Hearing no other questions, the public hearing was closed at 8:15pm.

Jim Phelps made a motion to put forth the proposed changes of the Land Use and Zoning Ordinances, as amended during this hearing, to the town for a vote on the March ballot, Will Cowen seconded. Roll Call Vote: Roxanne Winslow – yes, Jim Phelps – yes, Gary Donoghue - yes, Will Cowen – yes, Rick Swift – yes, Bernie Golden - yes. **Motion passed unanimously.**

At 8:18pm John opened the public hearing on the application for the Lot Line Adjustment for Richard D. & Frances D. Brough Revocable Trust and Richard T. & Susan R. Frazier. Colin Brown presented an overview of the Lot Line Adjustment to the board to explain what is being requested. Will Cowen reviewed the checklist with the board, against the application submitted. The application was found to be complete. Bernie Golden made a motion to approve the application as complete, Rick Swift seconded. Roll Call Vote: Roxanne Winslow – yes, Jim

Phelps – yes, Gary Donoghue - yes, Will Cowen – yes, Rick Swift – yes, Bernie Golden - yes.
Motion passed unanimously. Closed public hearing on the application.

At 8:28pm John opened the public hearing on the Lot Line Adjustment for Richard D. & Frances D. Brough Revocable Trust and Richard T. & Susan R. Frazier. John opened the hearing to the public for questions. There was a question about whether or not the house on the lot could be habitable, given that there is no septic. It was determined that the Lot Line Adjustment would not affect whether or not the house would be habitable and that any new building would have to be brought before the Board of Selectmen for a building permit. Gary Donoghue made a motion to approve the Lot Line Adjustment, Jim Phelps seconded. Roll Call Vote: Roxanne Winslow – yes, Jim Phelps – yes, Gary Donoghue - yes, Will Cowen – yes, Rick Swift – yes, Bernie Golden - yes. **Motion passed unanimously.** Closed the public hearing on the Lot Line Adjustment.

John read into record a letter that was sent to him, as the Chair of the Planning Board, from the State of New Hampshire Department of Transportation. The letter was in regards to a project that will replace the bridge that carries US Route 4 over the Northern Rail Trail. The purpose of the letter was to request any concerns that the board had for potential impacts of the project. It was realized that the same letter was sent to the Board of Selectmen and they had already taken care of responding for the town.

John read the following building permits into record:

Crown Castle – Verizon Wireless, Top of Ragged Mountain, **Tax Map 416, Lot 060-001**, Swapping antennas and adding ancillary equipment. No change to tower height or ground space.

At 9:02pm Bernie Golden made a motion to adjourn, Will Cowen seconded. **Motion passed unanimously.**