

COÖS COUNTY PLANNING BOARD  
Lancaster, NH  
May 24, 2017

**Present from the Board:** John Scarinza – Chair; Fred King – Vice Chair; Jennifer Fish – Clerk; Ed Mellett, Rep. Wayne Moynihan and Scott Rineer; alternates Tom McCue, Mark Frank and Leon Rideout; and Board Secretary Suzanne Collins. (*Commissioner Tom Brady, Mike Waddell and Rick Tillotson were excused*).

**Also in Attendance:** Tara Bamford, North Country Council; Art York, York Land Services; a member of the public and members of the press.

John Scarinza, Chair, called the meeting to order at 6:00 PM. The Chairman appointed alternate Mark Frank to sit in for Mike Waddell and alternate Tom McCue to sit in for Rick Tillotson.

**APPROVAL OF MINUTES OF APRIL 26, 2017:**

Fred King made a motion to approve the minutes of April 26, 2017 as distributed. Scott Rineer seconded the motion. There was no discussion and the minutes were approved by majority voice vote. (Two members not present at the 4/26 meeting abstained).

**PUBLIC COMMENTS NOT RELATED TO AGENDA ITEMS:** None.

**NEW BUSINESS:**

**Millsfield:** Art York distributed copies of a preliminary 2-lot subdivision plan. The land is located on the north side of Route 26 bounded by Clear Stream on the west. He noted that the property is near the old moccasin shop in Millsfield. The proposed subdivision entitled “**Lori Bach, Tax Map 1623, Parcel 35**” depicted two building lots on an open field and riverbank. Mr. York explained that soils are gravelly. There would be a common driveway between the two lots. A state driveway permit has not been obtained yet. The subdivision is located in a Development District – General (DD-G).

John Scarinza noted that this review is preliminary as no formal application has been submitted. Mr. York stated that he has filled in the application form and will submit it to Jennifer. John inquired about the soils on the property to be subdivided. Mr. York replied that in addition to gravel, 23A and 27 – sandy loam. Fred King noted that if the applicant is subdividing these for building lots then sooner or later the Board will need permits for septic systems. John noted that based on state requirements for septic the first lot 35.2 has a large percentage of minimum soils required for septic.

Tom McCue asked about access to the remaining land as the original parcel is some 400 acres. Mr. York replied that the owners have several thousand feet of frontage on Route 26. Tom added that he wanted to see clear evidence on the plan that by taking out these 2 lots, there is other access to the backland.

Art York stated that he had met with an abutter (Jackie Hines) and showed her the survey boundary pins as she had been mowing a portion of this property that she had assumed was hers.

Mark Frank stated that the owner should meet with the abutter to settle any potential property line problems. Mr. York replied that there is no question where the line is located.

Mark Frank asked why the map did not include contours. Mr. York replied that the land is basically flat and that he will indicate elevations on the final plan.

John Scarinza noted the common driveway. Mr. York replied that this design conforms to the Board's subdivision regulations. When asked if this plan would be submitted as a minor or major subdivision, Art York replied that he was thinking of submitting it as a minor subdivision.

It was agreed that Mr. York would submit an application with checklist and that if it is submitted timely, a public hearing would be noticed for the same time as the next meeting. Mr. York asked if test pits will be required. Tara Bamford replied that if the plan does not include test pit data, Mr. York should request a waiver.

### **OLD BUSINESS:**

**Zoning Ordinance Review:** Tara Bamford hoped that most of the remaining major issues would be decided tonight. Final tweaks to the ordinance can be made at the June meeting and a public hearing held in July.

**Question 1. What district should the WMNF (White Mountain National Forest) lands be in?** Tara noted that previously these lands were labeled nonjurisdictional so they were not included in either the MD (Management District) or DD (Development District). Sue Collins stated that she had reviewed the planning board documents from the Town of Lincoln since the majority of the property in Lincoln is owned by the WMNF and the Franconia State Park. Lincoln's documents state the acreage for both ownerships but the planning documents relate to the non-public lands in Lincoln. Sue suggested creating a separate district for state and federal lands including a statement that all private entities doing something on public lands in unincorporated places must comply with the County's planning and zoning regulations. In the first instance any private activity needs the written permission of the public land owner. There was a discussion about private activity on federal lands (Wildcat Ski Area for example).

Tara stated that she will try to write something up to address a new district that includes federal and state lands.

**Question 2. Is the language in Section 4.13 what the Board has in mind for cluster development?** The draft includes the model language that Tara had written for NH DES. Tara noted that Section 4.13 starts on Page 39 of the working draft dated 5/22/2017. John Scarinza stated he did not read anything that he thought might not work. There were no further comments from Board members.

**Question 3. Zoning Permits versus Building Permits?** Tara stated that she was unclear how the Board wanted to proceed based on the discussion of this topic at the 2/22/17 meeting.

Discussion ensued about whether the County needs a building inspector. Tara advised that if the County wants to have **"Building Permits"** it will need to adopt the state building code which is costly as it will require among other things a building inspector. However, if the Board changes the name of the application document and actual permit to **"Zoning Permit"** or **"Zoning Ordinance Certificate of Compliance"** then current practice can continue. Board members agreed that at this point it was not in favor of expanding the regulations to include adopting the

state building code. Tara stated that she can tweak Section 10 Occupancy Permit and get rid of building code language from the zoning ordinance.

**Question 4. Does the new Section 2.xxx on Page 5 address the BMP (Best Management Practices) adequately for the Board?** All Board members were in compliance with the language of the new section in Article II General Provisions.

**Question 5. Does the combination of 7.07(d) 2 and Article IX adequately address the needs of owners of small camps and camp lots on water bodies?** Tara stated that several changes regarding small camps were made during the last round of zoning ordinance updates. Then there was discussion regarding this topic again at the last meeting. John Scarinza stated he recently was asked question regarding an existing small non-conforming corner lot. How do you determine the front? Discussion ensued about determining the front of a lot. Is it the 911 address?

Tom McCue spoke about the new **Accessory Dwelling Unit law** and thought there were 3 choices relative to compliance – 1. It’s a matter of right; 2. Board can consider it as a conditional use permit; or 3. Assign it as a ZBA duty. Tara Bamford replied that the new state law says it’s a matter of right and doesn’t know why the Board would want to go beyond a clearly stated state law. Tom replied that he understands that it is a matter of right but said that the Board could amend its language to make it subject to a Conditional Use Permit or assign it to the ZBA. Tara stated that the way it is addressed in the Zoning Ordinance, an accessory dwelling unit will be treated as any other zoning permit application.

**Zoning Permit Application Form:** John Scarinza explained that because the Board needed to provide some application materials to the Mount Washington Cog Railway he had asked Tara to develop a new application form. Copies of the new form dated 4/13/17 were distributed. Upon review of the form, Rep. Moynihan noted that it appears to be way too much for someone who only wants to build a deck or a small storage or wood shed. Discussion ensued about ease of use of this form and the comments recently made by one County Commissioner who thought the old form was onerous. In addition to this form, the Board may want to consider developing a “short form” for small projects.

Tara also distributed a new matrix of all the zoning districts with the various uses allowed without a permit, permit required, conditional use permit required and uses not allowed. She noted that it was a first draft but would be a helpful document for the board to use when it receives a zoning permit application.

#### **RATIFICATION OF BUILDING PERMITS:**

Ed Mellett made a motion to ratify the following building permits issued by the Chairman. Leon Rideout seconded the motion:

- #473 – **Dixville** – David Lacasse – 12’ roof extension over existing camp; new 9’x12’ deck
- #474 – **Crawford’s Purchase** – Omni Mt. Washington LLC – Warming Hut

Ed Mellett inquired about the elevation for the warming hut. John replied it was not in a high elevation zone.

All board members voted in favor of the motion to ratify these permits.

#475 – **Cambridge** – William Bonney – 6’x 12’deck. John explained that this application was sent to the ZBA and a variance was granted.

Jennifer Fish presented an application from Richard Fournier – **Dix’s Grant** – for a 12’x 6’ addition to a building located on a leased lot – Wagner land. When reviewing the application it was unclear if the addition was 12x6 or 12x16. Dimensions will have to be verified and John will also need to inquire if this addition will change the number of bedrooms and if the septic will be adequate.

**TIME AND DATE OF NEXT MEETING:**

Meetings are being regularly scheduled on the 4<sup>th</sup> Wednesday of the month at 6 PM; therefore, the next meeting will be held on June 28th. Location will be the North Country Resource Center in Lancaster unless it has been previously booked for another function.

**ADJOURNMENT:**

Rep. Moynihan made a motion to adjourn. Scott Rineer seconded the motion and all voted in favor.

Meeting adjourned at 7:45 PM.

Respectfully submitted,

Suzanne L. Collins  
Secretary to the Planning Board