TOWN OF TILTON
PLANNING BOARD AND ZONING BOARD
MEETING AND WORKSHOP
SEPTEMBER 26, 2006

MEMBERS PRESENT:

Planning Board: Sarah Paratone, Mike Curley, George Helwig, Sandy Plessner
Zoning Board: Foster Peverly, Vici Virgin

OTHERS PRESENT:

Mark Puffer, Joe Plessner

AGENDA:

6:30 PM Call to order
Minutes of 8/22/06 & 9/12/06
Any other business
The Planning and Zoning Boards will have a work session on the recent changes to land use law.

MEETING:

6:30 PM Call to order. Sarah Paratore assumed the Chairman role for the evening. The workshop with Attorney Mark Puffer began right away.

Mr. Puffer went over changes that had occurred in recent times and answered the Boards questions regarding various items discussed.

Some of the topics covered included possible amendments to the right to know law that would include electronic emails. As of this date, nothing has passed.

There was a general discussion on ethics and when a board member should recuse himself. A good way to think of it is if you feel you could not sit on a jury, you should not sit on the case before the board.

Planning Board is required to meet at least once a month; Zoning Board when there is a case to be heard.

ZBA is a judicial board; Planning Board is primarily a Legislative Board.

Nonconforming uses were discussed. Both Boards felt the definition Mr. Puffer gave of a nonconforming use was good. It was: “A use of land which, at the time a restriction on that use went into effect, was established (or vested), and has not been
discontinued or abandoned, can continue indefinitely. The use can not be changed or substantially expanded without being brought into compliance.”

To determine whether or not a particular activity is within the established nonconforming use, consider:

1. To what extent does the use in question reflect the nature and purpose of the prevailing nonconforming use?
2. Is it merely a different use or does it constitute a use different in character, nature and kind?
3. Does this use have a substantially different effect on the neighborhood.

New laws governing Use and Area Variances were discussed. The courts felt the old criteria for variances was not fair and handed down new criteria for hardship to consider. The other criteria remain the same.

Other items discussed included: growth management regulations, impact fee regulations, and a working capital improvement plan all require a current Master Plan.

After the discussion, the Zoning Board members left. The Planning Board went over their correspondence. Correspondence included:

1. Letter dated September 21, 2006 from the Land Use office to Pamela Lees regarding a proposed home business she had questions about.
2. Vollmer’s July construction observation report regarding the Winnisquam Village site.
3. Vollmer’s July construction observation report regarding the Kohl’s site.
4. Hampton Inn maintenance plan, stormwater and new site plan came in for review.

Board members were shown the Hampton Inn plans that reflected the conditions of approval. Sandy Plessner told the Board if they had any comments after looking at the reports to let her know and she would forward the comments to Rick Fink, the engineer for the job.

Winnisquam Village developers contacted the office regarding whether or not an amended site plan was needed to add a swimming pool to the site. Discussion included questions regarding if the pool would be open to the public or not. Ms. Plessner told the Board it was her understanding the pool would be for the individuals that lived in Winnisquam Village. Suggestions were made regarding checking with the fire department on the proper storage of pool chemicals, an as built would be required and mylars would have to be recorded to reflect the changes.
Board members discussed a scoping meeting DOT had regarding the proposed Walgreen’s drug store. There was discussion concerning sending the DOT a letter regarding the meeting and the Board’s thoughts on the driveway access for the site. Mike Curley will write the letter.

9:00 PM Meeting adjourned.

Minutes prepared by,
Sandy Plessner