TILTON PLANNING BOARD  
Meeting Minutes - January 24, 2012

Agenda (Approved on 2-14-12)

6:30 p.m.  Call to Order
Minutes of the January 10, 2011
Correspondence, Other Business

6:35 p.m.  Second Public Hearing for a petition warrant article received by the town from 25 registered voters.
Currently: RV Motor Sales and Repairs are an allowed use in the Resort Commercial Zoning District (RC)
“Are you in favor of also adding hospitals, self storage, facilities, car washes, motor vehicles sales and rental and sales and installation of vehicle parts and accessories.”

6:45 p.m. Second Public Hearing for proposed zoning changes to be voted on at the March 2012 Town Meeting. A complete list of the proposed Zoning changes are available at the Town Hall during business hours or on the Town web site.

Change Article 10.3. Fee changed to read: Permit fees are set by the Board of Selectmen upon recommendation of the Planning Board. Permit fee schedule are located on each permit application.

Appendix C – Table of Dimensional Values
#2 changed to read as follows:
   2. Accessory uses and structures may not occupy more than 10 percent (10%) of the area required for the side or rear setbacks, and are not permitted in the front setbacks.

7:00 p.m.  Riverfront Place to discuss parking.

Members Present: Jane Alden – Chairman, Rich Benson – Vice Chair, Mike Curley, Eric Pyra, Elaine Grace – Alt, and Sandy Plessner -Ex Officio. (Mr. Haberman called to say he wasn’t coming and Mr. Canzano is in Florida)

(Ms. Plessner swore in Elaine Grace as an alternate to the Planning Board before the meeting)

Others Present: Katherine Dawson, Pat Consentino, James Cropsey, Anna Yasharian, Dale Yasharian, and Augusta Marsh.

Meeting: Called to order at 6:30 p.m.

Minutes: The Chairman asked if the members had reviewed the minutes of January 10 draft copy revision 1. Ms. Plessner made a motion to bring the minutes of January 10, 2012 draft copy 1 to the floor for discussion and approval. Seconded by J. Alden.

Mr. Benson made a motion, seconded by Mr. Curley to accept the minutes of January 10, 2012. Vote taken, motion passed.

Correspondence:
  • NH Town & City January 2012 issue
  • DOT driveway permit application for Judy Tilton.
  • DOT proposed Dollar General Driveway application #9323 letter dated 1-6-12 with comment on the site distance plan with 2 options for them to review and resubmit plans.
  • Copy of the Notice of Decision from the ZBA granting variance to Lochmere Meadows Affordable for the density.
  • Copy of email to PB members regarding a response from LGC concerning the wording on a petition warrant article. The only changes which can be made are to spelling and to change it to read as a question

6:35 p.m.  Second Public Hearing for a petition warrant article received by the town from 25 registered voters.
"Currently RV Motor Sales and Repairs are an allowed use in the Resort Commercial Zoning District (RC) Are you in favor of also adding hospitals, self storage, facilities, car washes, motor vehicles sales and rental and sales and installation of vehicle parts and accessories."

The Chairman opened the second public hearing and read the petition warrant article into the record.

Ms. Dawson noted the petition warrant has to be written exactly as it was presented. Did the Planning Board create your own changes in the RC district and did you work with Mr. Chaille?

Ms. Plessner explained Mr. Chaille had been present at a meeting for proposed changes to the zoning regulations and due to that discussion the Board made some changes in the RC in the Chart of Permitted uses. (Copy was given to Ms. Dawson to review)

Ms. Dawson stated she didn't understand why in the Chart of Permitted Uses, Section G recreational vehicles & camping trailers including servicing and repairs is allowed by special exception but motor vehicles sales/rental and motor vehicle repairs and maintenance is not allowed. What is the difference?

Ms. Plessner explained at the time the zoning was originally changed, the committee was working to set up a resort district for tourist travel which included sales of recreational type vehicles such as campers and boats. Auto sales had nothing to do with a tourist type area.

Ms. Dawson stated in the Resort Commercial district there are non-conforming businesses which sell, repair and maintain motor vehicles which were already there. Why wouldn't you not allow it when what's already there is by special exception. If someone was coming into town and wanted to put in auto sales and it is not allowed by special exception they could question the equity of the Tilton zoning. If pollution is a fear the board should look at tightening up ordinance on storm drains to protect the groundwater and aquifer in the Resort Commercial District.

6:45 p.m. Second Public Hearing for proposed zoning changes to be voted on at the March 2012 Town Meeting. A complete list of the proposed Zoning changes are available at the Town Hall during business hours or on the Town web site.

Change Article 10.3. Fee changed to read: Permit fees are set by the Board of Selectmen upon recommendation of the Planning Board. Permit fee schedules are located on each permit application.

Appendix C – Table of Dimensional Values
# 2 changed to read as follows:
2. Accessory uses and structures may not occupy more than 10 percent (10%) of the area required for the side or rear setbacks, and are not permitted in the front setbacks.

Change Article 10.3. Fee changed to read: Permit fees are set by the Board of Selectmen upon recommendation of the Planning Board. Permit fee schedules are located on each permit application.

Ms. Dawson agreed with this change to the building fees which needs to be increased to be in line with the surrounding towns.

Change Article 10.3. Fee changed to read: Permit fees are set by the Board of Selectmen upon recommendation of the Planning Board. Permit fee schedules are located on each permit application.

Ms. Dawson asked why the Planning Board would include structures so that anything could occupy the 10% of the side or rear setback.
Ms. Plessner stated the Planning Board would look at a request for anything being placed in the setback on a case by case basis. Ms. Plessner stated she discussed the way this was written with LGC and was told that if it ever went to court, the court would look at the Board's history. There have been cases where parking has been permitted in the setback area but the area had to remain a pervious surface to allow water to drain through. LGC stated this is a gray area and if the Board wanted to clear it up and incorporate items which come up like a shed, driveway or parking area the wording should be changed.

Ms. Dawson questioned that by adding the word structures to our zoning would basically make non-conforming lots. The property that abuts the Town's property (the Grange) is presently before the ZBA and if they allow a variance to setback, part of the driveway will be 2 ft. from the Grange boundary and 7 ft from the well. The parking shown on the plan is 4 ft from the back of the Grange building. If this accessory structure change is allowed then you would not need to seek a variance. What does accessory use mean?

Ms. Plessner explained accessory use means what is secondary to the main part of the lot. If you have house and the garage is free standing away from the house which may be slightly into the setback area would be an accessory structure and could be permitted. This was primarily done because of the number of non-conforming lots we have in town. Ms. Plessner stated there are many residential lots in Tilton that are non-conforming because of how small they are and by allowing the homeowner to go into the setback a little they are able to have a garage or shed but have also gone for a variance as their lot was so narrow, they needed the variance as the home they wanted build went into the setbacks a little. Businesses have been allowed to expand the parking lots into the set back on the side and rear of the properties.

Ms. Dawson feels this should be left as it is an accessory building. The Town's zoning should create good neighbors and you don't want to create multitudes of non-conformance. This would essentially be giving a variance to the setbacks. I suggest the Board should tighten up the definition on what could go into the setback.

The Chairman stated one can only put an accessory building in the side and rear setback currently. If we open this up to accessory uses and structures we are talking about anything man made. This could go anywhere in the setback even right up to the property line. If the Planning Board turns down a request to be in the side or rear setback they would still have the option to go for a variance with the ZBA. I think one of our responsibilities as a Planning Board is to protect the home owner and his property.

After discussion, the Planning Board agreed to take this issue under advisement.

K. Dawson would like to suggest the Board should look at some changes to the driveway ordinance in the Subdivision Regulations to add more language as it pertains to the change of use for a private driveway such as adding a business. There is a trenching ordinance which requires a person to get a permit if they are going to dig through a town road but nothing for a sidewalk. We need to have a permit required for sidewalks so they would put the walk back as it was after they complete the work.

7:05 p.m. Riverfront Place to discuss parking.

James Cropsey introduced Anna Yasharian and Dale Yasharian to the Board.

We have moved into Phase II. We don't have the property leased in Phase II as out of 10,500 sq ft available we have 6,000 sq ft available space to rent. We lost several businesses. The Mill Street parking lot was approved by the Planning Board in 2000, in 2009 we applied for and were permitted to use permeable pavers. In July of 2009 we received a demo permit to remove the foundations from the property in order to prepare it to become a parking lot. In November of 2010 the parking area was graveled. Mr. Cropsey stated that his Mill Street property has been graveled and regraded but has some areas that need brush removed. Right now it is being used for
snow storage.

We have been using a large room upstairs as a function hall for a number of events and Anna Yasharian would like to make arrangements for other functions. Ms. Yasharian explained she has an event degree and would like to have wedding rehearsals, weddings, receptions, and large venue parties which are usually booked about 6 months out.

Mr. Cropsey noted that any improvements would require getting the proper building permits. We currently have a function hall with an assembly permit. We will need to add the proper lighting and get the fire department and building inspection done for the proper certificate of occupancy. The fire department has increased our capacity to 362 people. As we get the parking lot and the sidewalk connected in the spring it would give customers a safe way to get to and from the building.

Ms. Yasharian wanted confirmation from the Board that this would be a permitted use before she invested monies for marketing.

Ms. Plessner explained the whole building was site planned for retail use so Ms. Yasharian doesn't need to do an additional site plan for this space.

Ms. Dawson asked Mr. Cropsey if this would be a good time to work out the sidewalk maintenance and lighting issues.

7:40 p.m. The Chairman closed the public hearing.

The Chairman asked for the recommendation for the zoning changes presented at the 1st public hearing.

Motion made by Mr. Benson and seconded by Mr. Curley to recommend placing the following on the March ballot for the 2012 Town Meeting:

**Zoning Regulations:**

- **Add Article 3.3 Impact Fee Ordinance** to allow the Town to use impact fees methodology to charge fees for development in the Town for offsite improvement.
- **Add Article 3.4 Seasonal Resort Community Regulations** (uses found in the Resort Commercial District) to provide regulations and guidance for seasonal cottages and recreational vehicle oriented resorts with special attention to preserving and enhancing the existing land uses, vegetation, visual landscape and amenities for future generations.
- **Change Article 10.3. Fee changed to read:** Permit fees are set by the Board of Selectmen upon recommendation of the Planning Board. Permit fee schedule are located on each permit application.
- **Remove Article 10.3.1, 10.3.2, 10.3.3 and 10.3.4.**
- **Chart of Permitted Uses: Article VI**
  - **A. Residential, #3:** Change to (S) Special Exception Apartments, Condominiums & Multi-Family in the Resort Commercial District. (RC)
  - **A. Residential, #7:** Change to (S) Special Exception for Conversion of an existing residential structure to multiple dwelling units in the Resort Commercial District. (RC)
  - **B. Public and Institutional,#2:** Schools to change a. Elementary, b. Secondary, c. Trade or Vocational, and d. College, University to (S) Special Exception in the Resort Commercial District (RC)
  - **B. Public and Institutional,#3:** Hospitals/Sanitarium change to (S) Special Exception.
  - **3. Recreation & Entertainment # 3.** Indoor Commercial Recreational/ Amusement Facilities to Permitted in the Resort Commercial District (RC)
  - **D. Offices, #2.** Medical, Dental, or Health Service Office or Clinic change (S) Special Exception in the Industrial District. (IN)
  - **D. Offices, #3.** Banks change to (S) Special Exception in the Industrial District. (IN)
  - **E. Commercial, #2 b.** Personal & Business Services change to (S) Special Exception in Resort
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Commercial District. (RC)
F. Restaurants, #3. With no limitation on Type of Service changed to add under Mixed Use District

G. Automotive & Transportation, #3. Motor Vehicle & Maintenance change to (-) Not Permitted in the Resort Commercial District. (RC)
G. Automotive & Transportation, #4. Gasoline Sales change to (-) Not Permitted in the Resort Commercial District. (RC)

The Chairman hearing no further discussion took a vote and motion to recommend these zoning changes and place them on the ballot for Town Meeting.

The Board after some discussion determined the change from accessory buildings to add accessory uses and structures should not be placed on the March ballot.

Motion was made by J. Alden and seconded by R. Benson to remove the following from being placed on the March ballot:

1. Accessory uses and structures may not occupy more than 10 percent (10%) of the area required for the side or rear setbacks, and are not permitted in the front setbacks.

Hearing no further discussion, the Chairman called for a vote and motion passed by a majority vote.

The Chairman asked if the Board if they would recommend the petition warrant article which reads as follows:

“Currently RV Motor Sales and Repairs are allowed used in the Resort Commercial Zoning District (RC)
Are you in favor of also adding hospitals, self storage, facilities, car washes, motor vehicles sales and rental and sales and installation of vehicle parts and accessories.”

After some discussion a motion made by M. Curley and seconded by R. Benson to not recommend the petition warrant article. Vote taken and motion passed by all members present.

Motion made and seconded to adjourned meeting at 7:50 p.m.

Minutes prepared by Augusta Marsh.

(Minutes are subject to the review and the approval by the Planning Board at the next scheduled meeting.)