

**DRAFT**  
**Planning Board**  
**Minutes of February 17, 2009**

**Members Present: Barbara Freeman, Vice-Chair; Travis Dezotell; Deane Geddes; Jim Powell, Ex-Officio; Bill Weiler; Ron Williams; Ken McWilliams, Advisor**

Mrs. Freeman called the meeting to order at 7:05 p.m. The Board reviewed the minutes of January 21, 2009 and made corrections.

Mr. Williams made motion to approve the minutes of January 21 as corrected. Mr. Weiler seconded the motion. All in favor.

Mrs. Freeman advised the Board members to be prepared to review the minutes of January 1, 2009 and January 28, 2009 at the March 3, 2009 worksession.

**CASE: 2004-006: Angel Hawk Subdivision – Jaimie Gould aka Advanced Conception Property Development, LLC – Development Agreement**

Mrs. Freeman advised the Board that Mr. Vannatta had tried to contact Mr. Gould regarding the Development Agreement through the mail, email and telephone. He has not heard anything from him yet. Since Mr. Vannatta has been out of town, Ms. Freeman tried to contact Mr. Gould also. She informed the Board that she left a message on his answering machine letting him know that the Board would be discussing the Development Agreement, the lack thereof, and the possibility of having a hearing to consider revocation of the subdivision. Ms. Freeman said she suggested to Mr. Gould that he attend the meeting in order to give the Board an update on his intentions.

Mr. Powell asked Ms. Freeman what is the issue that would prompt the Board to consider revocation of the subdivision.

Mrs. Freeman explained that Mr. Gould has been given the opportunity to sign the development agreement and file a copy with the Town. Mr. Gould advised Mr. Vannatta that he had signed the agreement and sent it to his attorney to review, who was then supposed to file the signed agreement with the Town. The agreement has not been filed with the Town; therefore, the Town has no proof that he signed the agreement which was a condition of not revoking the subdivision last September, 2008. Mr. Gould has had a problem meeting the terms of the escrow requirement. He has not come to the Board to discuss any alternatives or extensions.

Mr. Powell made a motion to send Mr. Gould a certified letter advising him that the Planning Board is going to move forward with a public hearing to be held on March 17, 2009 at 7:30 p.m. to consider revocation of the Angel Hawk Subdivision. Mr. Weiler seconded the motion.  
Discussion followed.

Mr. Powell asked that if Mr. Gould does return the development agreement prior to the March 17, 2009 hearing, is the Board prepared to cancel the public hearing.

Mrs. Freeman said certainly.

Mr. Weiler advised that in the letter to Mr. Gould, the Board should outline a time-frame for him that he has until the end of the business day on March 4, 2009 to submit the development agreement in order to cancel the March 17 public hearing since the newspaper for public notices had a deadline of Thursdays, which will be March 5, 2009.

VOTE: All in favor.

**CASE: 2009-001: Conceptual Site Plan Review – Cottage Industry - George & Linda West – 348 Routes 103A**

Mrs. West explained to the Board that they would like to convert a private residence into a three-bedroom **Bed & Breakfast**. In 1995, the owner received an approval with conditions from the Zoning Board of Adjustment for a B&B pending proof of an adequate septic system.

*Zoning Board of Adjustment Notice of Decision*

*You are hereby notified that the appeal made by Suzanne Levine for a special exception regarding Article III Section 3.3.1 of the Newbury Zoning Ordinance, in order to locate a cottage industry use, i.e. a bed and breakfast, at her property located at 348 Route 103A has been GRANTED, subject to the condition listed below, by the affirmative vote of at least three members of the Zoning Board of Adjustment.*

*CONDITIONS:*

- 1. There shall be no use, by bed & breakfast guests, of the common land for lake access or for tennis.*
- 2. That the applicant must, under the requirements listed in 12.6.3., provide certification from the NH Department of Environmental Services that the septic system is adequate to serve the proposed use of a bed and breakfast.*
- 3. No more than five bedrooms may be used for guests of the bed & breakfast.*
- 4. The use is subject to Site Plan Review by the Planning Board*

*Signed by Dean Bensley, Chairman  
June 19, 1995*

Mr. West explained to the Board that the septic system installed is larger than what is needed for a three-bedroom B&B. The West's had decided it would be better to provide three good-sized bedrooms and a larger laundry room than to have four smaller rooms and be cramped for space.

Mrs. West explained that they are also proposing to install a commercial quality kitchen and obtain all necessary state approvals in order to provide light meals (e.g. breakfast, soup, sandwiches) for the guests.

Mr. West explained that the lighting would be very low intensity, 25 – 40 watts on both sides. He asked for clarification regarding the sign requirements.

Mr. McWilliams explained that the zoning ordinance outlines the signage requirements for a cottage industry as 2 ft. x 2 ft.

Mr. Weiler clarified that under 14.4.1 General, the total width can be up to 8 ft. in order to accommodate a holder.

The Board reviewed the requirements of cottage industry vs. Bed & Breakfast in the zoning ordinance and decided that the Wests need to comply with the requirements of cottage industry, as per the decision by the Zoning Board of Adjustment.

Mrs. Freeman advised Mr. and Mrs. West that the final site plan review siteplan that the Board is going to sign needs to have all of the criteria per Article 13.8.

Mr. McWilliams advised Mr. and Mrs. West that if they want to have a final site plan review hearing in March, they need to have their completed application in to the Town by February 24 in order to meet the deadlines for a March 17 hearing.

#### **CASE: Code-019 – Cottage Industry**

Mr. Powell asked, in light of the discussion regarding the B&B as commercial use or cottage industry, if the regulations are clear enough regarding what is considered a cottage industry use.

Mr. McWilliams commented that it is clear, but since the previous owner had obtained an approval for a cottage industry not a commercial use, the Planning Board needs to view this application as a cottage industry. The Board may want to consider moving the B&B use listed in the commercial uses to a cottage industry use.

Mrs. Freeman commented that the Board should first look at revising the sign ordinance.

Mr. Powell agreed to put a list of specific issues that the Board of Selectmen have encountered as examples of why the sign ordinance needs to change.

#### **CASE: 2008 -021: Final Site Plan Review – Cottage Industry - Joan Morena – Rollins Road – Massage Therapy Business**

Mr. McWilliams provided a letter from Ms. Morena to the Board that was dropped off prior to the meeting, giving Sandy (? last name?) permission to represent Ms. Morena at tonight's hearing. The letter does not ask for a continuance.

Mrs. Freeman commented that without Sandy (? last name?) present or a letter asking for a continuance, the Board has no choice but to not hear the application or continue the hearing.

Mr. Weiler commented that additionally, there are no documents such as a site plan or narrative to support the application. Consequently, Ms. Morena needs to re-apply to the Planning Board and follow all requirements outlined in the regulations.

**CASE: Code-003: Subdivision Regulations & Issues – Recording Plans with Deeds**

Mr. McWilliams advised the Board that the Town's Assessor, Norman Bernaiche, identified a need for annexations and lot mergers to be required to record new deeds reflecting the new lot line descriptions at the same time that the mylars are recorded. Also, there is no time frame given for which a subdivision is required to be recorded after a conditional approval is given. Not updating the language in the deed to reflect new lot lines creates a problem for the assessors, because they depend on the language of the deed to help determine a value for the assessment of a lot.

The Board agreed that this issue can be discussed at the next worksession meeting in March.

Mr. Powell advised the Board that the Board of Selectmen is coordinating a recruitment day for volunteers to serve on the various Town Boards. The recruitment day will be sometime in April.

Mr. Dezotell made a motion to adjourn. Mr. Geddes seconded the motion. All in favor.  
Meeting adjourned at 8:15 p.m.

Respectfully submitted,

Linda Plunkett  
Recording Secretary