

APPROVED

**Town of Grantham-Planning Board
Meeting Minutes
June 3, 2010**

Charles McCarthy, Vice Chairman called the meeting to order at 7:00 p.m. The meeting was held in the Jerry Whitney Memorial Conference Room, Grantham Town Hall located at 300 Route 10 South in Grantham, NH.

Present: Charles McCarthy, Vice Chair; Karen Ryan; Alden H. Pillsbury; Warren Kimball, Selectmen's Rep.; Bob Barnes, Alt.; Larry Fuller, Alt; Jessica Smith, Clerk; Becky Newton, Town Administrator; Constance Howard; Curtis Ward; Clayton Platt

Absent: Carl Hanson, Chairman;

Vice Chair C. McCarthy appointed B. Barnes as a voting member for tonight's meeting.

APPROVAL OF MINUTES

C. McCarthy asked the Board if there are any corrections to May 6, 2010 minutes. A. Pillsbury stated that he was not in attendance at the last meeting but the minutes reflected he was. J. Smith will correct this.

C. McCarthy requested a couple of minor changes; on page 1 paragraph 5 last sentence, it should say "Now all of a sudden". On page 3 paragraph 5 where it says "includes the road new construction road" The first road should be removed. Paragraph 7 on the same page "(wooden Median)" should state (Wooded Median).

K. Ryan stated that on page 4, paragraph 2 "will only be on Sunday mornings. Which" should say "will only be on Sunday mornings, when" and on page 6 paragraph 5 "The traffic" should state "For traffic".

With no further corrections brought forth, *C. McCarthy entertained a motion to approve the May 6, 2010 minutes as amended. Motioned by B. Barnes and seconded by K. Ryan.*

APPROVED BY MAJORITY VOTE

CORRESPONDENCE

C. McCarthy informed that an invitation was received to the Upper Valley Lake Sunapee Regional Planning Commission Annual Dinner Meeting, Wednesday June 9, 2010.

C. McCarthy requested a copy of the New Hampshire Workforce Housing Law – RSA 674:58 through 61 be sent to each Planning Board Member for discussion at the July meeting.

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NEW BUSINESS

Curtis & Jan Ward; Tax Map 212 Lots 121 & 122 (Merger/Annexation Application)

C. Ward confirmed that the merger/annexation is part of the purchase and sales agreement; that his home is on lot 121 and he purchased lot 122.

With no further questions, *a motion was made by K. Ryan to approve the merger/annexation application for Tax Map 212; Lots 121 & 122 as submitted; seconded by A. Pillsbury.*

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Town of Grantham (Recreation Park); Tax Map 241, Lot 6-Shedd Road (Subdivision Application)

C. Platt and Town Administrator B. Newton represented this subdivision application. C. Platt explained that the Town is proposing a subdivision of the Wien House 2.46 acres; that everything else will remain owned by the Town. The Town will retain a right of way through the driveway that is 50 feet wide to the culvert feeding the pond, reducing to 35 feet wide from there on. The Subdivision has only 80 feet of road frontage and 200 feet is required.

C. McCarthy asked about the existing frontage. B. Newton explained that if the boundary line was moved out 200 feet, it would be very close to the pond and felt that anyone who bought the property would not want to be so close to the pond due to liability issues.

Newton explained that the towns are exempt from their own Zoning Ordinances, and stated that she had sent C. Hanson an e-mail regarding this. Hanson had replied to the e-mail stating that Grantham complies with its own Zoning Ordinances whenever possible and agreed that Towns do not have to comply by law.

C. McCarthy stated that he is aware of the law; that it has been the policy of the Planning Board that if others have to comply to the ordinance then the Town should comply as well.

C. McCarthy suggested that a better solution would be to go to the Zoning Board of Adjustment and ask for a variance. B. Newton agreed to go this route if the Board required her to do so, but stated it was not required.

C. McCarthy stated that he is not sure if the Planning Board can actually waive the ordinance, and would feel much better if C. Hanson was in attendance. B. Newton and W. Kimball both confirmed that the Planning Board does have the authority to waive the ordinance for the Town; that legally the Town does not have to go before the Planning Board except for subdivisions under State Law.

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A. Pillsbury stated that this is really to benefit our Town and that he understands that this is what we require other applicants to do, but this is Town property.

L. Fuller asked if the 200 foot frontage had been waived for any applicant. C. McCarthy stated that the avenue for this kind of situation would be for the applicant to go before the Zoning Board of Adjustment. K. Ryan stated that in the past they have asked applicants to create road frontage.

L. Fuller requested confirmation that the Town does have to bring the application to the Planning Board for approval of the subdivision. B. Newton stated that State Law requires a subdivision be approved by the Planning Board and reiterated that the Town is exempt from their local ordinance.

K. Ryan asked if creating this non-conforming use was allowed if there would be any ramifications on what the potential buyer of that property could do to the house. B. Newton confirmed that this would not be non-conforming as it is exempt. L. Fuller asked what that exemption would mean to the person buying that lot. B. Newton explained that only the Town is exempt; that the buyer would need to comply with everything in the future.

K. Ryan stated that some Town's do give the Planning Board permission to waive the frontage requirement if they feel it is adequate; that our Zoning bylaws do not state that but felt they should.

B. Newton asked if the Planning Board had received a copy of the letter from Simon Mayer & Cynthia Whitney and read the letter to all in attendance. The letter stated that they supported the subdivision only without the Right of Way to the Town of Grantham as they felt it devalued the property.

B. Newton stressed that the Right of Way is necessary for construction equipment to access the playground. There are plans to build roads between the ball fields on the Town Parcel but there is no funding at this point. The Selectmen can tailor the Right of Way any way they want, they can make it seasonal, and construction only; that it's not the intent of the Town to have cars driving in front of the house on a daily basis. The idea that someone is going to be driving up and down in front of that house every day is not the Town's intent.

L. Fuller asked if any other members of the Planning Board felt uncomfortable not making the Town follow its own rules. A. Pillsbury felt this was the best solution for the Town.

C. McCarthy confirmed that this was all discussed in the Town Meeting to the public and printed in the Town Report. B. Newton also confirmed that if that they have to go before the Zoning Board of Adjustment for a variance then the actual cost to the town would increase and another month before the property can go on the market.

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Resident Connie Howard stated that she would not want to live there being so close to the recreational area due to noise and all the children running around. She also felt that as the recreational fields develop more it will have an impact on the neighborhood. And stated that last year, during the July Fourth celebration she could hear the music loud and clear from her residence. Howard felt that if there is going to be a lot of night time activity then it could generate some concerns regarding lighting and noise.

L. Fuller stressed his discomfort with saying that we have one set of rules for us as a Town and another set of rules for everyone else.

With no further questions, ***a motion was made by A. Pillsbury to approve the Subdivision Application for Shedd Road as submitted; seconded by K. Ryan. UNANIMOUSLY APPROVED***

Old Business:

C. McCarthy asked about the road side signs that are appearing all over town. These signs are not being brought in every night, Spenser's Closet, 65 Roses, Knit Shop, Dunkin Donuts, and Phi Baby Kappa Children's Society. We discussed this issue during last month's meeting, but did not ask for any action to be taken.

B. Newton explained that all enforcement decisions are at direction of Board of Selectmen by request of the Planning Board.

K. Ryan stated that she has received complaints regarding all the toys out in front of the consignment store Closet Treasures. B. Newton confirmed that she too has received several complaints regarding this issue and stated that the approved site plan application does not indicate outside usage.

A motion was made by W. Kimball to request the Selectmen to look into enforcing sign issues; seconded by K. Ryan. UNANIMOUSLY APPROVED

B. Newton stated that, as requested, a letter had been sent to Pizza Chef regarding the lighting on their roof. There is a lot of new lighting with red lights pointing up and down.

C. McCarthy recalled the question of illumination of a sign. It can be exterior illuminated but not interior illumination. W. Kimball stated that their sign permit application should be reviewed to see if exterior lighting was approved.

B. Newton asked if the Planning Board was satisfied with Pizza Chef's roof sign. C. McCarthy and A. Pillsbury thought that it was found at the February meeting that it was not a problem.

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B. Newton asked if the Planning Board was going to address Closet Treasure tonight.

C. McCarthy confirmed that they will request the Selectmen to look into enforcing site plan approval with regards to outside usage.

A motion was made by K. Ryan to request the Selectmen to look into Closet Treasure's site plan approval for outside usage; seconded by W. Kimball.

UNANIMOUSLY APPROVED

Other Business:

With no further business before the Board, A motion was made by A. Pillsbury to adjourn the meeting; seconded by W. Kimball.

The Planning Board voted unanimously to adjourn at 8:10 pm.

The next meeting of the Planning Board will be held on July 1, 2010 at 7pm in the Jerry Whitney Memorial Conference Room.

Respectfully Submitted,

Jessica Smith
Planning Board Clerk