**Planning Board**

**January 15, 2019**

Approved on February 19, 2019

**Members Present:** Bruce Healey, Chair; Regina Cockerill, Howard Maurer, Bill Weiler, Richard Wright, Members; Deane Geddes, Alternate; Russell Smith, Ex-officio Member, Ken McWilliams, Advisor.

Mr. Healey called the meeting to order at 7:00 p.m.

**Public Hearing:**

**Administrative Business**

**Minutes:**

The Board reviewed the minutes of December 18, 2018. Corrections were made.

Mr. Wright made a motion to accept the minutes as corrected. Mr. Smith seconded the motion. All were in favor.

**New Fire Station Proposal**

Mr. Maurer made a request to have Selectman Russ Smith update the Board on the meeting that took place last Saturday. Mr. Smith distributed pamphlets to the board members that were handed out at the informational meeting. Mr. Smith explained that the project would be $3.86 million which would equate to 37 cents/thousand for taxpayers. Discussion ensued about the proposal.

**7:15 p.m. – Case 2018-013 – Conceptual Subdivision –** Lutra NH 1, LLC (owner), Jaime Contreras (agent) – for properties located at 5 and 7 Frazier Ave., Newbury, NH Tax Map 020-328-428 and 020-323-437 – Discussion of 3-unit subdivision.

Mr. Healey gave an explanation of what a conceptual is and what is involved to Mr. Contreras.

The lot size for 5 Frazier is .34 acres and the lot size for 7 Frazier is .04 acres. Mr. Contreras showed the Board photos of the properties. There are three buildings on the two properties. 7 Frazier has a house and 5 Frazier has a house and an unattached two-car garage with a two-bedroom apartment above the garage. Mr. Contreras also showed the updates they made to both of the houses. Mr. Contreras said the two properties were purchased amongst three families. One of the families has since decided to not own this property anymore. Mr. Contreras would like to ask the Board what their thoughts were in regard to the preliminary proposal. The owners would like to create a third lot. The units would share the well, septic and driveway. He would like to know what the best approach is to proceed. Mr. Healey said this is a significant zoning issue because they are going to be in violation of many ordinances including, but limited to:

* Making these two nonconforming lots even more nonconforming (lot size)
* The lots are not compliant with road frontage or setbacks
* In violation of the envelope requirements
* In the shoreland district which has its own set of regulations (including setbacks)
* Septic would need a permit from DES stating the onsite septic system could be designed to serve a new lot

Mr. Healey suggested he receive the septic system permit first.

Mr. Weiler said the fact that this is under a two-acre lot, is enough to say this subdivision cannot be approved.

Discussion took place as to whether this could be considered a condominium. Mr. Weiler read the definition of condominium. It was decided after much discussion that there would be no impact on this project if it was indeed considered a condominium.

The Board members explained they would need to go to the Zoning Board and prove hardship. If this gets approved by the Zoning Board, they would need to go to the Planning Board for a subdivision approval.

Mr. McWilliams explained that even if they get approval from ZBA, they would then need to get approval from the Planning Board which will be looking at all of the requirements involved in a subdivision.

Mr. Contreras thanked the Board for their time.

**Other Business:**

Mr. Weiler asked to approach the Board. Mr. Weiler said it is not the job of the Board to bail out landowners in these situations. He said the town has great regulations and the Board has worked very hard at it creating these regulations and it is not the job of the Board to try to solve their problems. Mr. Wright agreed with him. Buyers should be aware of what they are buying.

**Personal Wireless Service Facility Ordinance Update** – Mr. McWilliams distributed the 2019-2020 Zoning Amendment Schedule. He wanted to point out that the bulk of the work needs to be done by June since he will be away for four months.

Mr. Healey suggested three members be involved in a subcommittee. He asked the Board members to decide whether there should be a subcommittee or all work together. It was decided that Regina Cockerill, Howard Maurer and Bruce Healey will be on the subcommittee. Mr. McWilliams suggested the initial meeting be the 12th of February at 9:00 a.m.

Mr. Healey suggested that we make an administrative change to the zoning ordinances. He would like to change page 17 where he found a typo. The Board agreed this typo should be changed.

Mr. Geddes made a motion to adjourn. Mr. Smith seconded the motion. All in favor.

The meeting adjourned at 8:31 p.m.

Respectfully submitted,

Donna S. Long

Recording Secretary