

**Ashland Planning Board Work Session
Minutes
June 25, 2014
Ashland Town Hall Conference Room**

Members Present: Susan MacLeod, Cheryl Cox, Gordon McCormack Jr., Fran Newton, Liz Cody, Miriam Brown (alternate, non-voting)
Members Absent: Phil Preston (BOS alternate)
Others Present: David Toth, Jane Felton, Steve Felton, Norm DeWolfe

The meeting was called to order at 6:30pm by Chairperson Susan MacLeod. Roll call was taken and all members were present.

CORRESPONDENCE

The electronic version update for the **OEP Directory** has been sent in.

OLD BUSINESS

Heritage Commission Update

Cristina Ashjian, chair of the Moultonboro Heritage Commission, is coming to the July 30 Work Session of the Planning Board. Susan MacLeod will check on a larger venue for the meeting. In addition to the Ashland Historical Society, she will also invite Mr. and Mrs. Hicks (Ashland Historic Commission) and the general public.

Land Use Review Committee Update

Susan MacLeod has written a draft letter to the Finance Officer and the Treasurer requesting that an identified separate line in the regular budget be used to track non-lapsing income from land use fees without co-mingling with other funds. It is not necessary to create a separate revolving account by voter approval.

Economic Development Committee Update

The first meeting is June 26, 4:00 pm, at the Fire Station. Susan MacLeod indicated that Barry Gaw is interested in the work of the committee going forward, although he is unable to attend the first meeting.

Jill White and Susan MacLeod have recently been approved for the EDC.

Scott Holman (of the Dollar General project) offered to give the Economic Development Committee some feedback from a developer's viewpoint as to Ashland's process. He noted that developers appreciate towns who can provide developers with a packet identifying areas available for development and relevant processes of the town.

David Page (of the nano-brewery proposal) has also indicated interest in the Economic Development Committee.

Dollar General Update

Dollar General closed on the property on Monday. Scott Holman of Zaremba Group (for Dollar General) submitted via email a request for revisions to the site plan:

- Many of the trees (more than initially thought) on the Dollar General side of the boundary with Pat Morrell are diseased, so they will be coming down. Dollar General has spoken with the abutter and she has agreed to the offer of Dollar General to plant replacement trees on her side of the boundary. Sue MacLeod would like something in writing from Dollar General and Mrs. Morrell to confirm the agreement.
- The dumpster location is being changed to better accommodate the waste hauler and the safety of the employees. It will still be shielded and not visible from the street.

A motion was made (Liz Cody) and seconded (Fran Newton) to approve the administrative changes to the Dollar General site plan. The motion was unanimously approved, 5-0.

Information was shared that the Ashland branch of Northway Bank will be closing on September 26, 2014, although the ATM will remain. The Planning Board will keep watch on the situation.

NEW BUSINESS

Wetlands Definition

The Planning Board received in its box a notice regarding a law requiring a change (by July 1, 2005) in the definition of "wetlands" in subdivision regulations. A handwritten note attached said "I think the Board needs to do this." Susan MacLeod will forward a copy of the notice to the other Board members. The town's current definition is a limited, more general definition. Changes to subdivision regulations only require a public hearing rather than voter approval. [The document is attached to the minutes.]

David Page Site Plan (Nano-brewery)

Susan MacLeod distributed copies of David Page's site plan application for a nano-brewery. She asked the Board to review the application for completeness and determine if anything else is needed before the hearing scheduled for the July 2 meeting.

- Abutters have been notified and all cards returned except Mill Pond Association and the property owner; there was difficulty in identifying the railroad abutter's address. Notification of the hearing was also published in the newspaper.
- The form designating David Page as the agent to represent the owner is included.

- Nothing is being done to the site itself; all changes are internal to the one building that he is renting.
- There was nothing previous in the property file which would affect the application. The map in the property file is from 1921.
- A fire/safety inspection and report from Steve Heath will be required.
- Sue MacLeod will ask David Page to update his drawing to make the map a bit more comprehensive, with the site plan checklist as a reference.

OLD BUSINESS (continued)

Review of applications, checklists, and flowcharts.

Comments and recommendations:

- The Board again discussed the need to update the fees for application/abutters to cover costs and processing time. Fee changes can be approved after a public hearing.
- Norm DeWolfe asked if there has been follow-through with Jim VanValkenburgh regarding doing some of the clerical tasks for applications.
- The appropriate checklist should be part of the application packet that is handed out and should be part of the application that is downloaded from the website.
- There are discrepancies between the site plan application and the regulations --e.g., number of copies required and number of days for submission. The application will be easier to change.
- Since changes in the regulations require a public hearing, it is advisable to propose all changes at the same time.
- All application forms should have the latest revision date at the bottom of the form.
- The link title for the flow charts on the website do not necessarily agree with the actual title on the document.
- A decision tree (with all steps in the process) should be developed and made part of the application.
- Use consistent terminology throughout all documents. For example, "optional preliminary conceptual consultation" vs. "pre-application consultation."
- Create a sample of a well-prepared site plan.

- For conditional approvals, require the applicant to come back (compliance hearing) or submit documentation that the conditions have been met.
- Create a comprehensive packet (or envelope) of all required pieces that can be handed out by the office. The same complete packets should be available online to print out. Include a cover sheet that lists when items are due, who to talk to, who to contact, etc.
- Limit jargon.
- Have a rubber stamp "*pending approval*" to label all pieces of an application. There are 2 stamps already used -- "*received*" and "*paid*."
- Have a checklist on the file folder, to indicate when each step is done.
- The site plan checklist does not mention driveways. The Planning Board is responsible for driveways, including slope, etc.
- Abutter list: simplify the definition of abutter. Add the requirement to list all licensed professionals named on the site plan (currently in a note at the end of the application).
- Review the form/process for waiver of full site plan review.
- Review the home occupation form.
- The Board's Bylaws and Rules of Procedure do not need to be online as it is an internal document. Obtain the MSWord version of the rules for editing.
- It was suggested by Cheryl Cox to change the abutter fee to \$10 per abutter.
- Send out to Board members any MSWord versions of all the documents, to enable making and tracking suggested changes.

OTHER BUSINESS

Members have been given the password to the town email account for the Planning Board. Susan MacLeod will be changing the email address for all notices coming in from NHMA, etc. so all workshop information is available for the members.

The motion was made (Liz Cody) and seconded (Fran Newton) to adjourn the meeting. The motion was approved unanimously to adjourn the meeting at 8:12 pm.

Minutes submitted by Mardean Badger

Does your town's wetlands definition need revision?

HB 1148, passed by the last session of the Legislature, amended RSA 482-A (Dredge and Fill in Wetlands) to add a definition of wetlands: "Wetlands' means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions." (RSA 482-A:2, X) This definition has been used by both Wetlands Bureau rules and federal agencies for some years, as well as by many municipalities that have amended their wetlands regulations since the state and federal governments settled on this common definition.

The same bill also added a section to the Planning and Zoning statutes: RSA 674:55 requires municipalities using the term "wetland or wetlands" in regulations or ordinances to use the definition above and the delineation procedure described in the Wetlands Bureau Rules and the 1987 US Army Corps of Engineers manual. But RSA 674:55 will not take effect until July 1, 2005, so municipalities have until then to modify their ordinances and regulations to comply with this new requirement.

NHACC *Bulletin* that was sent last summer had a note in bold print intended to alert conservation commissions to this new requirement. If a local ordinance defines "wetland" differently, it should be amended either to: (1) use the required definition and delineation procedure, or (2) replace the word "wetland" with another, such as "wet soil" or "wet area".

From *Conservation Commission News*, the newsletter of the NH Association of Conservation Commissions, Fall 2004

 Centrix Bank

I think the Board needs to do this.

Subdivision Regulations
Define Wetlands

Public Hearing needed

CHAPTER 243

HB 1148 – FINAL VERSION

11Mar2004... 0595h

05/06/04 1536s

25May2004... 1670CofC

25May2004... 1695eba

2004 SESSION

03-2305

06/10

HOUSE BILL **1148**

AN ACT defining a wetland for the purpose of fill and dredge in wetlands and for local land use planning, relative to the wetlands council appeal process, relative to Smith Pond in Enfield, and relative to site plan review of certain trails.

SPONSORS: Rep. Camm, Rock 79

COMMITTEE: Resources, Recreation and Development

AMENDED ANALYSIS

This bill:

I. Defines "wetlands" for purposes of RSA 482-A, fill and dredge in wetlands, and for local land use planning and regulation.

II. Establishes a criterion for timely filing of an appeal to the wetlands council.

III. Authorizes the department of environmental services to undertake repairs to the dam and dikes impounding Smith Pond in Enfield to the extent that funding for such work is available from outside the department. The department shall first obtain consent from the dam management review committee.

IV. Exempts trails for snow travelling vehicles from site plan review by a planning board.

Explanation: Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [in brackets and struckthrough.]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

11Mar2004... 0595h

05/06/04 1536s

25May2004... 1670CofC

25May2004... 1695eba

03-2305

06/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Four

AN ACT defining a wetland for the purpose of fill and dredge in wetlands and for local land use planning, relative to the wetlands council appeal process, relative to Smith Pond in Enfield, and relative to site plan review of certain trails.

Be it Enacted by the Senate and House of Representatives in General Court convened:

243:1 New Paragraph; Definitions; Wetlands. Amend RSA 482-A:2 by inserting after paragraph IX the following new paragraph:

X. "Wetlands" means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

243:2 New Subdivision; Wetlands. Amend RSA 674 by inserting after section 54 the following new subdivision:

Wetlands

674:55 Wetlands. Wherever the term "wetlands," whether singular or plural, is used in regulations and ordinances adopted pursuant to this chapter, such term shall be given the meaning in RSA 482-A:2, X and the delineation of wetlands for purposes of such regulations and ordinances shall be as prescribed in rules adopted under RSA 482-A. Nothing in this subdivision shall be construed to limit the powers otherwise granted under this chapter for municipalities to plan land use and enact regulations based on consideration of environmental characteristics, vegetation, wildlife habit, open space, drainage, potential for flooding, and protection of natural resources, including critical or sensitive areas or resources and groundwater. In the context of such authority, municipalities may define and delineate resources or environmental characteristics, such as wet soils or areas, and shoreline or buffer areas, in a manner different from the common meaning and delineation of wetlands required herein.

243:3 Appeals; Receipt by Wetlands Council. Amend RSA 482-A:10, IV to read as follows:

IV. An appeal from a decision of the department after reconsideration shall be filed with the wetlands council within 30 days of the department's decision. ***An appeal shall be considered timely filed and received by the wetlands council if postmarked or hand delivered to the wetlands council on or before the thirtieth day from the date of the department's decision.*** Filing of the appeal shall be made by certified mail ***or hand delivery*** to the [chairperson of the] ***wetlands*** council, with a copy sent to the department. An appeal to the council shall contain a detailed description of the land involved in the department's decision and shall set forth fully every ground upon which it is claimed that the decision complained of is unlawful or unreasonable.

243:4 Smith Pond Repairs. Without prejudice or effect as to determinations of ownership or liability for the dam and dikes impounding Smith Pond in Enfield, the department of environmental services is authorized to undertake repairs to dikes which are located within the boundaries of the fish and game

department's Enfield Wildlife Management Area; provided, that the owners of land needed for access to the work grant permission for such access, and to the extent that funding for such repair work is available from sources other than the department of environmental services. The department is authorized to accept contributions and grants for such purpose. The department of environmental services shall obtain the advice and consent of the legislative dam management review committee prior to undertaking any such work.

243:5 New Paragraph; OHRVs; Regulation by Political Subdivisions; Site Plans; Review of Trails for Snow Travelling Vehicles Exempted. Amend RSA 215-A:15 by inserting after paragraph V the following new paragraph:

VI. The local legislative body of a municipality shall not by ordinance or resolution authorize the planning board to review and approve or disapprove site plans for the development, siting, maintenance, or use of trails on private property for snow travelling vehicles, as defined in RSA 215-A:1, XIII.

243:6 Repeal. Section 4 of this act, relative to Smith Pond repairs, is repealed.

243:7 Effective Date.

- I. Section 5 of this act shall take effect upon its passage.
- II. Section 2 of this act shall take effect July 1, 2005.
- III. Section 6 of this act shall take effect December 31, 2005.
- IV. The remainder of this act shall take effect July 1, 2004.

(Approved: June 15, 2004.)

(Effective Date: I. Section 5 shall take effect June 15, 2004.

- II. Section 2 shall take effect July 1, 2005.
- III. Section 6 shall take effect December 31, 2005.
- IV. The remainder shall take effect July 1, 2004.)

TITLE L

WATER MANAGEMENT AND PROTECTION

CHAPTER 482-A

FILL AND DREDGE IN WETLANDS

Section 482-A:2

482-A:2 Definitions. – In this chapter:

- I. "Commissioner" means the commissioner of environmental services.
- I-a. "Council" means the wetlands council established in RSA 21-O:5-a.
- I-b. "Department" means the department of environmental services.
- II. "Division" means the division of water resources, department of environmental services.
- II-a. "Local governing body" means "local governing body" as defined in RSA 672:6.
- III. "Local legislative body" means "local legislative body" as defined in RSA 672:8.
- IV. "Mean high tide" shall be determined according to the published tables and standards of the United States Coast and Geodetic Survey, adjusted to the locality from such tables.
- V. "Municipality" shall include cities, towns, and village districts.
- VI. "Person" shall mean any natural person, firm, partnership, association, corporation, company, organization or legal entity of any kind including municipal corporations, governmental departments and agencies, or their subdivisions.
- VII. "Sand dune" shall mean a hill or ridge of sand piled up by the wind and commonly found on the seacoast.
- VIII. "Boat slip" means:
 - (a) On water bodies over 10,000 acres, means a volume of water 25 feet long, 8 feet wide, and 3 feet deep as measured at normal high water and located adjacent to a structure to which a watercraft may be secured.
 - (b) On water bodies of 10,000 acres or less, a volume of water 20 feet long, 6 feet wide, and 3 feet deep as measured at normal high water mark and located adjacent to a structure to which a watercraft may be secured.
- IX. "Structure" means, notwithstanding any other provision of law, something installed, erected, or constructed, but shall not include a bench, landing with dimensions no larger than 10 feet wide by 10 feet long, or stairs with a width not exceeding 6 feet, provided that such benches, landings, or stairs are installed, erected, or constructed without regrading or recontouring of the shoreline and are not over water. Structures include, but are not limited to, the following: fence, dock, breakwater, post, pile, building, bridge, culvert, and wall.
- X. "Wetlands" means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.
- XI. "Wetland functions" means the practical measurable values of wetlands. The 12 primary wetland functions are ecological integrity, wetland-dependent wildlife habitat, fish and aquatic life habitat, scenic quality, educational potential, wetland-based recreation, flood storage, groundwater recharge, sediment trapping, nutrient trapping/retention/transformation, shoreline anchoring, and noteworthiness.

Source. 1989, 225:2; 339:1. 1991, 20:1, 2. 1996, 296:12, 296:39, eff. Aug. 9, 1996. 2002, 272:14, eff. May 18, 2002. 2004, 243:1, eff. July 1, 2004. 2012, 235:4, eff. Aug. 17, 2012.

TITLE LXIV PLANNING AND ZONING

CHAPTER 674 LOCAL LAND USE PLANNING AND REGULATORY POWERS

Wetlands

Section 674:55

674:55 Wetlands. – Wherever the term "wetlands," whether singular or plural, is used in regulations and ordinances adopted pursuant to this chapter, such term shall be given the meaning in RSA 482-A:2, X and the delineation of wetlands for purposes of such regulations and ordinances shall be as prescribed in rules adopted under RSA 482-A. Nothing in this subdivision shall be construed to limit the powers otherwise granted under this chapter for municipalities to plan land use and enact regulations based on consideration of environmental characteristics, vegetation, wildlife habit, open space, drainage, potential for flooding, and protection of natural resources, including critical or sensitive areas or resources and groundwater. In the context of such authority, municipalities may define and delineate resources or environmental characteristics, such as wet soils or areas, and shoreline or buffer areas, in a manner different from the common meaning and delineation of wetlands required herein.

Source. 2004, 243:2, eff. July 1, 2005.