

**Ashland Planning Board
Ashland Zoning Board of Adjustment
Joint Meeting Minutes
Wednesday, Aug. 7th 2019**

CALL TO ORDER: Mardean Badger called the Planning Board meeting to order at 6:31pm.

PLANNING BOARD MEMBERS PRESENT: Mardean Badger, Susan MacLeod, and Kathleen DeWolfe

JOINT MEETING PROCEDURE: MBadger explained that the public hearing is to review ZBA case# 2019-01 Ashland Historical Society TML 018-002-005 to allow a variance within a setback and PB case #2019-10 for the expansion of use of the Historical Society property. During a joint meeting with both the Planning Board and the Zoning Board the chair of the Planning Board is the chair of the meeting. The Planning Board will recess their meeting while the Zoning Board reviews the case first. The public hearing was advertised on July 24th in the Laconia Daily Sun, and posted at the Ashland Post Office and town office and town website. Letters to abutters were mailed out and 7 out of 10 certified cards were signed and returned.

Planning Board recesses and ZBA meeting commences.

CALL TO ORDER: Alan Cilley calls the ZBA portion of the meeting to order at 6:34pm.

ZONING BOARD MEMBERS PRESENT: Alan Cilley, Eli Badger, Mardean Badger, (Dave Toth is absent until 7:02 pm)

OTHERS PRESENT: Kaitlyn Morse, Jane Sawyer, David Ruell, Christine Cilley, Tony Randall, anonymous person

ZBA Application #2019-01, Ashland Historical Society, 69 Depot Street, TML 018-002-005, for variance to extend a trackside platform and place a "watchman shanty" adjacent to the railroad.

REVIEW ZBA APPLICATION FOR COMPLETENESS:

- EBadger stated he cannot make a motion to accept this application as complete until we receive a letter from the state allowing the historical society to build on their land.
- JSawyer presented both boards with two letters:
 - Lou Barker from NH DOT Bureau of Rail and Transit dated 08/07 proposing a draft lease process between AHS and State of NH
 - Letter from Plymouth and Lincoln Railroad (Hobo Railroad) dated 08/06 expressing support for extending trackside platform
- MBadger made a MOTION TO ACCEPT THE APPLICATION AS COMPLETE, EBadger seconded
- All ZBA members present vote 3-0 in favor to accept the application as complete.

REVIEW OF ZBA APPLICATION FOR VARIANCE:

- ACilley explains to the applicant that there are only 3 members present from the ZBA so all 3 members will have to vote yes for approval. JSawyer allowed the ZBA to proceed.
- EBadger explains that the applicant should present her case in general terms to appeal to all audience members who have not seen the file and TRandall can explain the site plan map/survey.
- TRandall handed out revised certified site plan indicating an up-to-date parking plan, making a total of 16 parking places. TRandall gave an overview of the site plan map showing the new location of the watchman shanty and proposed build of the platform in-line with the existing one.

- MBadger- how long is the existing platform? JSawyer- 40ft
 - MBadger- how many railroad cars can be unloaded at time? JSawyer- Currently 2, a 3rd requires stepping down on to the grass and back up to the platform, and is very unstable and unsafe. With the addition of our proposed platform we could safely unload 4 cars. And by moving the watchman shanty, which we have had since 2013, passengers can see it and it will be in a historically accurate location.
 - MBadger- what is your timeline for this project? JSawyer-Ideally Sept. 14th for the 150th year celebration, if not Sept. 28th for the foliage run. And if these cannot be met, then we are looking at next year.
 - ACilley opens the floor to abutters, and other interested parties, but no one has any additional comments or questions.
 - EBadger stated with application narrative, TRandall's explanation, and letters from the state he believes that even though everything proposed in this application is towards the state of NH, another 100ft of platform will not pose a detriment, and thus he is ready to proceed to evaluating the criteria.

 - ACilley said at this time we will close the public hearing and proceed to discuss and address the 5 criteria regarding this variance.
- 1. Variance is not contrary to the public interest**

MBadger- There is no adverse effect on the public, the plan is just lengthening the platform, so when trains come through it is safer for the passengers to get off.
ZBA Voted: MB yes; EB yes; AC yes -- 3-0
 - 2. The spirit of the ordinance is observed**

MBadger- The general ordinance is to protect the property owners, orderly conditions, make changes, and protect the public.
EBadger- The proposed platform fits in with the existing one and doesn't change the use of the property.
MBadger- The proposed platform and moving of the shanty has no adverse effects on any roadways.
ZBA Voted: MB yes; EB yes; AC yes -- 3-0
 - 3. Substantial justice is done**

MBadger- Allows for better and safer facilities for a train and it follows the purpose of this property.
EBadger- This plan allows for the best use of this property.
ZBA Voted: MB yes; EB yes; AC yes; DT yes -- 4-0 (Please note that Dave Toth was present for this criteria and was thus included in the votes from this point forward.)
 - 4. Values of the surrounding properties are not diminished**

EBadger- This is the toughest criteria to prove unless the applicant got comparable property values. The project abuts state forest that will not go away or be sold and the plan doesn't change it.
MBadger- The property abuts mostly trees and forest, the state and railroad property do not get diminished, and thus there is not impact on other properties.
ZBA Voted: MB yes; EB yes; AC yes; DT yes – 4-0
 - 5. Literal enforcement of ordinance results in an unnecessary hardship**

MBadger- If we do not grant permission to work within the setback this project could not be completed. There is no other logical place, or appropriate place for the purpose of the platform.

The shanty could be placed differently, but for the purpose of the building and property the plan should be followed.

EBadger- Look at B. Conditions of hardship, special conditions of property: Nature of the property and nature of what is there to be used.

JSawyer- This plan allows for the use of the platform and watchman shanty to be used as a museum for the historical society without restrictions.

ZBA Voted: MB yes; EB yes; AC yes; DT yes -- 4-0

- ACilley- Now that we have voted on the criteria are there any other additional comments to be made before our final vote?
- EBadger- I am hesitant because there is not a letter from the state that exactly states that they are allowing the Ashland Historical Society to build on their land. I would prefer a conditional approval.
- JSawyer asked for clarification on what a conditional approval is. EBadger- The Ashland ZBA needs a piece of paper that allows the Ashland Historical Society to build a boardwalk on State property. Thus, a variance would be accepted upon our receipt of a signed contract/ lease between the Ashland Historical Society and the State of NH.
- MBadger makes the MOTION: TO APPROVE A VARIANCE TO THE ASHLAND HISTORICAL SOCIETY T/M/L 008-002-005 FOR MOVING THE WATCHMAN SHANTY WITHIN THE SETBACK AND FOR THE CONSTRUCTION OF AN EXTENDED BOARDWALK UNDER CONDITION THAT WE RECEIVE AN APPROVED SIGNED LEASE BETWEEN THE ASHLAND HISTORICAL SOCIETY AND THE STATE OF NH THROUGH THE GOVERNOR AND COUNCIL.
- ACilley seconded the motion and asks if we need further discussion.
- MBadger noted that in the 1997 application the difficulty working with the state was also noticed. EBadger concurred stating that any dealings with Scribner Forest and DOT is difficult.
- ZBA Voted: MB yes; EB yes; DT yes; AC yes. The motion is approved 4-0.
- JSawyer clarified that emailing the notice from the governor council will be sufficient.
- ACilley recessed the ZBA hearing on case # 2019-01 application for variance.

Planning Board reconvenes. 7:23 pm

PB Application #2019-10, Ashland Historical Society, 69 Depot Street, TML 018-002-005, for Site Plan Review for the construction and use of a trackside platform and moving a "watchman shanty."

REVIEW PB APPLICATION FOR COMPLETENESS:

- SMacLeod -- Can we get more clarification of the parking?
- TRandall -- The parking lines are just on paper. If there are lots of people a yellow rope with stakes in the ground will need to be used to section off parking boundaries.
- MBadger makes the MOTION TO ACCEPT THE APPLICATION AS COMPLETE.
 - SMacLeod -- I have the same issue as the ZBA, but I do not regard the email from Lou Barker as sufficient.
 - DRuell -- We cannot build anything unless the governor and executive council approves.
 - MBadger -- There are 2 levels of approval from the state, and we need both.
 - SMacLeod -- Who approves first? But in the end nothing can be done until the DOT staff, Governor and Executive Council's approval.
 - TRandall -- Why is it required for the Ashland Historical Society to submit a site plan review to the planning board?

- SMacLeod -- A site plan review is required by a business, non-profit or profit, for any expansion of use or change in use. The society was granted a special exception for use as a museum in the original 1997 planned footprint. The expansion as explained will allow for 4 cars to unload, which doubles the people that can be on the platform.
- JSawyer -- And this will also help generate more income for the Ashland Historical Society.
- SMacLeod seconded the motion. EBadger -- Do you have enough evidence to make a decision?
- PB Voted: SM yes; MB yes; KD yes – approved 3-0.

REVIEW OF PB APPLICATION FOR SITE PLAN REVIEW:

- SMacLeod -- We have 60 days to make a decision, I would like to ask for a continuance so we can get all the required evidence from the state showing us that the Ashland Historical Society can build on their land.
- JSawyer -- Would a continuance mean that we cannot move the shanty within the setback?
- SMacLeod -- Well, because moving the shanty is within the same application of the platform instead of how we originally discussed it to keep it separate. The purpose of moving the shanty is dependent on the continuance for getting the platform built.
- EBadger -- Do you have enough information to give a conditional approval of the site plan?
- KDeWolfe -- What is the difference between a continuance and a conditional approval?
- SMacLeod -- From what I have read and in a consultation with the Office of Strategic Initiatives (OSI) it is better to allow for a continuance than make a decision without all the information.
- TRandall -- Yet the state of NH may just say they can wait on their hearing because the town of Ashland has a continuance on the case?
- SMacLeod -- A continuance gives the applicant 60 days and it will stay on the agenda until the application is completed in full. I am not comfortable approving this until we have all the information on the table. We need approval from the property owner. The state's "thoughts" or actions should not be speculated on here. We don't have any objections to this plan, we just need to see the lease from the state as the property owner.
- JSawyer -- Other than receiving a signed lease is there anything else on the site plan we need to worry about?
- KDeWolfe -- I think you need to put up a demarcation line for parking to tell drivers where they stop.
- DRuell -- We do have a handicap sign.
- SMacLeod suggests the MOTION: TO APPROVE (1) THE RELOCATION OF THE WATCHMAN SHANTY AS INDICATED ON THE PLOT PLAN AND GRANTED BY THE ASHLAND ZBA FOR VARIANCE, (2) CONTINUE THE SITE PLAN REVIEW REGARDING THE EXTENSION OF THE PLATFORM.
- SMacLeod "We don't have to make the decision on the first night of seeing an application. My basic premise is that we cannot rule when the property owner is not here and they have not given consent"
- KDeWolfe made the motion, SM seconded the motion. PB Votes: KD yes; SM yes; MB yes – approved 3-0.
- The Site Plan Review for PB Case 2019-10 will continue at our next meeting which is Aug. 28th at 6:30pm at the Water and Sewer Conference Room. The case will remain on the agenda until approved or denied.

Public hearing is now closed

ZBA MEETING MINUTES: ZBA postpones review of their meeting minutes until their next meeting.

Ashland Planning Board & Zoning Board

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2020 PROPOSED BUDGET: MBadger asked everyone to review the planned 2020 budget. Both boards need to decide what to request, and she suggests that all ZBA members give input to ACilley, and all PB members give input to MBadger and then MBadger and ACilley meet to draft a proposed budget.

ZBA WEBINAR: ZBA Basics in NH Wed. Aug. 14th 12-1 through NHMA.

ZBA adjourns their meeting.

PB MEETING MINUTES: The Planning Board votes 3-0 in favor to approve the 07/24/019 draft meeting minutes as final.

PB adjourns their meeting at 8:15pm.

Meeting minutes recorded by Kaitlyn Morse