



Home of Waterville Valley Resort

WATERVILLE VALLEY PLANNING BOARD
Summary of the Minutes for the
Regular Planning Board Meeting
Held on Thursday December 8, 2016 at 8:00 am
FINAL

- **Chairman Terry Waite called the meeting to order at 8:05 am**
- **Roll Call and seating of alternates**
 - Full members in attendance: Chairman Terry Waite, Wendi Rathgeber, Nancy Knight, Richard Rita , Ex-Officio Bill Larsen
 - Alternate Members in Attendance: Ray Kucharski, Cyndy Piekos
 - Members Absent: Cheryl Saenger, John Recine
 - Alternate Members Absent:
 - Alternates Seated: Cyndy Piekos, Ray Kucharski
 - Public in Attendance: Cheryl Moak (Wig Wag representative), Eric Pospesil (Horizons Engineering), Tim Smith, Tara Bamford (North Country Council)
- **Review and Acceptance of Minutes from November 10, 2016 Meeting**
 - Ms. Rathgeber made a motion to accept the regular meeting minutes of November 10, 2016.
 - Motion seconded by Nancy KnightMotion carried by unanimous vote
- **PUBLIC HEARING**
 - **Lot Line Adjustment Lot 104-018 ~ 49 Snow's Mtn. Rd.**

Tax Map 104-018 & 019, Kiely & McGoldrick presented by Eric Pospesil of Horizons Engineering.

PUBLIC HEARING OPENED at 8:15

 - Ms. Rathgeber requested an email when applications are received. Email was sent. Due to size of the file some servers might have rejected it. Email members that application is available at the office when received.
 - Mr. Waite made a motion that the application is complete, seconded by Mr. Larsen.
 - Eric Pospesil shared plans with the board. He presented the same information he did at the November conceptual meeting. Lot line adjustment is to make the property more marketable. Having been created in the 70s, the lots are nonconforming. Adjusting the lot line does

not change the nonconforming nature of the lots. The purpose of the adjustment is to separate the driveways creating individual entrances.

- Mr. Waite said the issue remains they are changing a nonconforming lot to another nonconforming lot. Mr. Kucharski said this was created before the ½ acre rule. Mr. Waite said by making the change now they lose the grandfathering. But in looking at the zoning ordinance, in regards to nonconforming issues, they talk about land use and the building but they aren't changing the building or the use.
- Mr. Pospesil talked about maintaining the edge of the driveway after Mr. Waite suggested moving the line to the edge of the driveway.
- Discussion regarding Mr. Pospesil explaining this plan at the November meeting and being under the assumption they were all set.
- Mr. Waite said altering the building affects the grandfathering. The zoning ordinance doesn't mention the lot line affecting it but changing the building does (deck removal).
- Mr. Waite asked for public comment. Cheryl Moak asked about people who might purchase this property having trouble with an adjustment later on. Mr. Pospesil said yes they would have to go through this at a later date. The current owners could just sell the property as is.
- Mr. Larsen made a motion to accept the lot line adjustment as drawn. Mr. Rita seconded the motion.
- PUBLIC HEARING CLOSED at 8:35.
- Mr. Larsen suggested they leave the lot line as the change is suggested. He stated the nonconforming issue is a technicality.
- Ms. Rathgeber had a follow-up question if the lot sold how would it be noted the lot is nonconforming if the buyers were to replace the removed deck. Answer is this would be up to the building inspector. Mr. Larsen suggested a note in the application this is nonconforming before and after. Mr. Waite said having this information in the meeting minutes should suffice.
- Mr. Waite asked for a vote in approving the application
 - Mr. Kucharski ~ aye**
 - Mr. Rita ~ aye**
 - Ms. Knight ~ aye**
 - Mr. Larsen ~ aye**
 - Ms. Piekos ~ aye**
 - Mr. Waite ~ aye**
 - Ms. Rathgeber ~ aye**
- Mr. Kucharski suggested that in the future to not have detailed drawings for conceptual reviews. Conceptual reviews should be coming before them with no official drawings. Applicant should be looking to them for opinions on what to do. Tara Bamford said they recommend the chairman not allow the plans to be shown, also this would be due to the public not being notified.

- **NEW BUSINESS**

- Ms. Rathgeber suggested when they have long meetings they have two per month rather than one long one. Mr. Waite said since the meetings are open to the public that might be an issue. Ms. Bamford said one way to solve that is to have one meeting per month for the public and another as a work session.
- Item added to the Tickler File for future discussion.

- **OLD BUSINESS**

- **Tara Bamford of North Country Council ~ Review suggested Zoning Ordinance wording changes.**

- Ms. Bamford shared revised wording changes.
- Sign changes are put on hold in order for the planning board to review it thoroughly.
- 2-family residential unit had revisions.
- Page 23 home occupation parking.
- Page 24 paragraph regarding adequate parking (now included in the table)
- Page 26 added to parking table
- Discussion on what a parking analysis is. Ms. Bamford suggested language regarding parking analysis *"by a parking analysis deemed by the Planning Board to adequately document reduced need"*.
- Mr. Larsen suggested looking at home occupation on page 23 and wondered if they should be taking out delivery vehicles in this section. Discussion on this. Mr. Waite's suggested language (page 23) *"to accommodate associated employee parking and other vehicles as appropriate"*. Page 26 table add the word *"receiving"* to delivery vehicles.
- Page 24 discussion on retail home occupation. It is decided this is a topic for future discussion. A change that will take place now is change nursery to home daycare.
- Ms. Bamford said they need to schedule a public hearing. Mr. Waite asked for a motion to approve zoning ordinance changes as discussed this day, and amended, to be moved to public discussion. The public hearing will be held at the January 2017 planning board meeting. Notices will be posted. Ms. Knight seconded the motion. Planning board all in favor. Motion is approved.
- If the board thinks they might need a 2nd hearing they might want to make note of this on the public hearing notice. They can take things out of wording at the meeting but they cannot add things. It is decided to notice two meetings. February 7th is the deadline to file any proposed zoning ordinance changes with the town clerk.

- **Ski Resort continued discussion regarding potential Site Plan Application for the Skate Park**

- Tim Smith, General Manager for Waterville Valley Resort. Mr. Waite reminded everyone that anything that is discussed at this meeting is simply a discussion; nothing is binding on the part of the ski resort or the planning board.
- Tim Smith refreshed everyone on the issue. The skateboard park has been operating on a waiver for the past 15+ years and they would like to correct that. It has yet to be determined, by the ski resort, if operation of the skateboard park will continue. In reviewing the October meeting minutes there was a lot of discussion and the major piece was parking. He is at this meeting for the information he needs to submit a site plan application.
- Mr. Waite said the complicated part of this is the involvement of parking spaces which were significant in the approval of other site plans. Mr. Smith asked if they checked with counsel regarding the easements.
- Mark Decoteau said as far as the review with town counsel the easements are for shared parking; the planning board will have to determine what is shared. If they get a count of the shared parking spaces and show the board it is adequate for the use they then meet the easement requirements. Easements (from Waterville Co.) don't state how many spots a particular establishment has.
- Mr. Larsen said the issue again is; the skateboard park is specifically on land that was designated as parking for someone. It's not a question the skateboard park is an allowed use (VC), question is do they have a right to waive the parking. He continued with he wondered how an application is going to help them. They would have to amend an approval that was granted years ago.
- Mr. Waite responded the issue is the ski resort owns Town Square as well as the skateboard park. The application can be from the ski resort or an amendment to the parking requirement and the use of the skateboard park in that spot. Waterville Company owns that property and granted an easement for parking to Town Square when they were given site approval. It would be an amendment to their site plan approval.
- Mr. Kucharski reminded the board about a parking study done in 2007. They took the requirements of Town Square and went through town regulations. They figured out how many parking spaces there were supposed to be and how many were there. At that time 277 parking spaces existed; 480 were required by town regulations. 21 spaces have been taken from the 277 for the skateboard park. Mr. DeCoteau added these parking requirements would probably be different today due to the difference in businesses at Town Square.
- Discussion on the easement and amount of designated parking spaces.
- Mr. Larsen commented he agreed with Mr. Waite's suggestion that they make it an exception based on current conditions; if those conditions

change the exception goes away. They don't mention skateboard park but just current conditions. Mr. Waite asked what initiates the change.

- Mr. DeCoteau added what they are trying to solve is getting a plan before the board that follows the regulations and the law and have them vote on it. This doesn't need to be complicated but the wording of their approval needs to allow for flexibility in the future.
- Mr. Waite responded they need to start with an application. Mr. DeCoteau said it doesn't necessarily need all the attachments as this is a site plan review. As long as they have the language regarding what triggers the area going back to being used for parking which is what they can consult town counsel on. Tim Smith could submit an application and the board can talk to town counsel about the language to return the area to parking and if the board can approve that, conditionally, that way it makes it clear there was a site plan application submitted and acted upon by the board.
- Mr. Waite said the application has to address they are requesting the requirement for those parking spaces being waived.
- Mr. Kucharski said the resort owns the park and they have the easement for that area. Would they only need a letter from them stating they prefer to use those spaces for the skateboard park rather than parking? Mr. DeCoteau said yes and it should be attached to the application.
- Tim Smith asked the board what they want him to do/what they need from him. At the November meeting the board said they would inform him, at the December meeting, what they wanted. Would a letter from the Public Safety Dept. be sufficient that the skateboard park has performed adequately for the last 15 years?
- Mr. Waite replied the process would be to make the application and the planning board would determine if it was adequate. If not they would let him know what else is needed.
- Mr. Larsen added if Mr. Smith got a letter to demonstrate that based on today's conditions the easement doesn't affect anything could they grant conditional approval based on the conditions not changing. Mr. Waite answered he supposed they could. Mr. Kucharski asked if they could have conditions subsequent. Mr. DeCoteau answered that is the language that would be the way out.
- Mr. Larsen suggested a letter from the abutters that parking is not a problem. They could grant a conditional approval based on conditions not changing
- Mr. Waite went over what the board is going to need in order to consider the application:
 - ◆ Drawings of some sort (sketches will be fine);
 - ◆ Where it is, easements, show parking, enough information to show who the land owners are and what the easements are;
 - ◆ Number of parking spaces;
 - ◆ Number of parking spaces the skateboard park uses;

- ◆ Number of parking spaces available to Town Square;
 - ◆ Mr. Waite suggested the map that shows the parking spaces available to all entities involved;
 - ◆ Letters from abutters, land owners, easement providers, and the Public Safety Dept.;
 - ◆ Any information that might help the planning board be able to relax the parking requirements in order to allow the skateboard park to use those particular spaces.
- Mr. Waite said that information will enable them to get the discussion started. It is possible once they start the discussion they might need more information.

▪ **Phased Subdivision**

- Mr. Waite recapped the discussion regarding Phased Subdivision approval process. He requested the board members review the draft on their own time.
- Mr. Larsen asked if the phased portion is approved will they be putting a time frame on there. Mr. Waite answered he has not added that into his draft; should be broken down in the phases. Mr. DeCoteau answered they must have substantial completion in four years. That subdivision could stay that way forever.
- Discussion on site plan review and a developer moving on to other phases of the subdivision, as well as lot line adjustments.
- Mr. Waite said they need to address the completion time for the phases of the subdivision. Mr. Larsen added what is substantial completion in this case.
- Discussion on substantial completion.
- Mr. Larsen added when they do subdivisions they generally have an idea of what the buildings will look like, but that isn't required under subdivision. If a developer intends to change lot lines that is something that should be discussed up front.
- Mr. Waite asked if site plan regulations are adequate. Mr. Larsen added they (developer) need some flexibility in order to go forward and recognize if their intent is to merge or change lot lines in future applications they need to present this up front so that is known.
- Mr. Waite added they could approve phase 1 without knowing anything about phase 2. If the developer was to come in for phase 2 and had the statement *"this final plat complies with the requirement of Article 6.6.c and has the following exceptions which involve changes to the previously submitted subdivision application for this project"* the developer will have to list those changes. If one those of those changes would be a lot line adjustment they would say *"each subsequent final plat shall be given final consideration of the planning board who shall act in accordance with Section C Paragraph 2 within 65 days of final plat submission"*. This will offer the same review time as the original one.

- Mr. Kucharski asked if they approve a phase does this give permission to build and put up for sale signs. Mr. Waite added the developer was looking for a "thing" called phased approval which doesn't exist. There is no overall phase approval stamp.
 - Discussion on the developer's intent.
 - Mr. Waite commented that at this point the board feels there is no need for site plan phased regulations and perhaps the possibility of eliminating the phased or partial subdivision paragraph or perhaps rewording in the regulations.
- **Sign Ordinance Review Update (Bill Larsen)**
 - Mr. Larsen reported they have a year to come up with new sign regulations. The current regulations are not in conformance with the Supreme Court sign ruling.
 - Mr. Larsen continued they will divide into two types: public land and private property. Land belonging to private owners will have a set of regulations that deal with the number of signs, color of signs, and will not deal with content. Public land there will be a proposal the Select Board is responsible for this and they can redact a sign for any reason. The Select Board will be the final arbitrator and will have to create a set of guidelines that will offer guidance as to what people will need to do to have an acceptable directional sign. Zoning will basically state if someone wants a sign they will need to submit an application and the only thing; most likely, to be approved is a directional sign.
- **On-going Request for Conservation Commission Planning Board Ex-Officio**
 - Mr. Waite reported there have been no updates on this.
- **COMMITTEE REPORTS**
 - Ms. Rathgeber reported they are waiting on the TAP grant. The Our Town Grant money is in the budget and it is hoped something will be heard by town meeting.
 - Discussion on how a commission, versus a committee, gets formed.
 - Mr. Decoteau hands out CIP spreadsheet to the board for review. At the January meeting CIP will be an agenda item. Mr. Waite pointed out a new column has been added for accumulated reserve for maintenance items (vehicles, roads, etc.). Mr. Larsen added at the Select Board meeting they are working on appropriation to solve the issues with the wells. Discussion on ladder truck and insurance rating for the town.
 - Mr. Larsen said the Select Board has agreed to retain Russ Hilliard to help with the dam. They decided to notify DES that their decision to reclassify the dam 10 years ago, which caused these requirements, is unreasonable. Mark added he has the email from Ms. Bamford on the changes to zoning ordinances in 2017. She estimated the work on signs and other changes that have been discussed at a budget cost estimate

of \$10,000. The board decided, at this point, to not put any money into the budget. Mark needs to let Ms. Bamford know, prior to town meeting what, if anything, they are going to put in. This is a decision for the planning board.

- Discussion on what items to consider. Mark responded this is for items already discussed. Add to January agenda.

- **COMMUNICATIONS**

- Forest Laws for Municipal Officials Workshop

- **TICKLER FILES**

- Research on lighting
- C1 Density; Shared Parking; Restricted Parking; Extension of Boulder Path
- One meeting/month for public hearing/applications; second work session for other items.

- **Adjournment**

Mr. Larsen made a motion to adjourn the meeting at 11:05 am

Ms. Piekos seconded the motion

All in favor

Respectfully submitted,

Mary Pelchat

Planning Board Assistant

Waterville Valley Town Office