

1 **TOWN OF LYNDEBOROUGH**
2 **PLANNING BOARD MINUTES**
3 **December 21, 2023**

4 *Draft 1*

5
6
7 **7:00 PM Call to Order & Roll Call**

8
9 **Members Present:** Chairman Charlie Post, Vice Chair Ray Humphreys, Mike
10 Decubellis, Bob Rogers, Lou Rota, Bob Newton, Selectmen's Rep. Mark Chamberlain

11 **Public present:** Code Enforcement Officer Leo Trudeau, NRPC Circuit Rider Jay
12 Minkarah, Tom Chrisenton, Ginny Chrisenton and Eversource representatives Allison
13 Marcotte, and Peter Bednarz

14 **New Business:**

15 **Scenic Road Tree Cutting Proposal - Dutton Road**

16
17 Allison Marcotte, Arborist Vegetation Management NH and Peter Bednarz from Eversource were
18 present.

19
20 The plan is to install eight (8) new poles to extend 500 feet and remove eight (8) trees. A resident
21 is requesting new electrical service. All the wood will be removed but residents can request chips.
22 There was a discussion on the 10 feet distance to wires.

23
24 *The public hearing closed at 7:11 p.m.*

25
26 **VOTE: Mark Chamberlain made a motion Bob Rogers seconded to allow Eversource to cut**
27 **eight (8) trees on Dutton Road to extend the electrical service 500 feet from Center Road**
28 **to the location. Motion passed 7-0.**

29
30 **Warrant Articles Changes to Zoning Ordinances:**

31 *Public Hearing opened at 7:14 p.m.*

32
33 **VOTE: Bob Rogers made a motion to suspend a full reading unless there is a request from**
34 **the public. Mark Chamberlain seconded. Motion passed 7-0.**

35
36 **Amendment 1**

37 Amend Section 200.29 to update the definition of "Wetland" and Amend Section 1000.01 –
38 (Wetland) District Boundaries to provide the easiest way to identify the wetland areas of the town
39 as the official source material becomes updated and to permit an analysis of a specific site in
40 case of a dispute.

41
42 This improves some of the definitions to identify where your property lies within the soil map.

Ray Humphreys asked about the soil survey, dated 1985, because he could not find it at Town Hall or the library. Hillsborough Soil Survey Western Half. It was suggested to contact John Nute. Jay Minkarah will see if they have a copy. Tom Chrisenton said he has a copy the Town can have. Also check the NRCS website can see online.

VOTE: Bob Rogers moved to recommend Amendment 1 be submitted to the Selectmen to be included in the Warrant Articles for Town Meeting in March 2024. Bob Newton seconded the motion.

The resources were discussed. The question was asked if GRANIT was the “go to” source or the other sources.

Amend: after May 1995, add “or”.

VOTE: Bob Rogers moved to recommend Amendment 1, as amended to insert the word “or” after May 1995, be submitted to the Selectmen to be included in the Warrant Articles for Town Meeting in March 2024. Bob Newton seconded. Motion passed 7-0.

Amendment 2 **Fences**

Amend Section 410.00 – Fences to provide that no fence be erected in a way that blocks safe sight distance.

VOTE: Bob Rogers moved to recommend Amendment 2 be submitted to the Selectmen to be included in the Warrant Articles for Town Meeting in March 2024. Bob Newton seconded. Motion passed 7-0.

Amendment 3

Amend Section 200.12 to provide a new definition for “Home Business” and create a new Section 200.13 to provide a definition for “Home Occupation.” Amend Section 1200 to include updated definitions of Home Occupation and Home Business and to change to conditions for approval of home businesses.

Update sentence under home business, after “but which has” and add “has one or more of the following” and has the issues.

Remove one of the “2” on page 5, this was a typo. It should be numerical; Item 1 then Item 2.

Page 6, under #7 for off street parking is “9x18 ft., but change to 9x20 ft.

VOTE: Bob Rogers moved to recommend Amendment 3 be submitted to the Selectmen to be included in the Warrant Articles for Town Meeting in March 2024. Ray Humphries seconded the motion.

Home Occupation, section B, item 1, first sentence said permitted in district as a matter of right. Mark Chamberlain felt the second sentence should be removed; “No Site Plan Review or Special Exception by the Zoning Board of Adjustment is required for a Home Occupation”.

Permitted uses were discussed.

Mike Decubellis questioned under the use, that as long as an applicant didn't check off any "yes", they were good but, if a yes was checked then it goes to a site plan review. Jay Minkarah said this makes it clear they don't need more review.

The Board agreed to remove it.

Three amendments:

-add word "or" on page 3, home business, One "or" more of the following.

-#7, leave it.

-1200 A General Requirements, correct the numbers so it reads sequential 1 then 2.

-Removal of sentence on B of home occupation.

VOTE: Bob Rogers moved to recommend Amendment 3, as corrected, be submitted to the Selectmen to be included in the Warrant Articles for Town Meeting in March 2024. Ray Humphreys seconded the motion. Motion carried 7-0.

Amendment 4

Amend Section 200.02 to include detached Accessory Dwelling Units in the definitions of an Accessory Dwelling Unit and Amend Section 411.00 to conform to the new definition.

VOTE Bob Newton moved that Amendment 4 be submitted to the Selectmen to be included in the Warrant Articles for Town Meeting in March 2024. Bob Rogers seconded the motion.

Ray Humphreys asked to reopen the discussion because he felt this topic of detached ADUs was not vetted enough. He would want to change his vote from last meeting to "no"

A lengthy discussion occurred about size, location of ADUs in relation to the primary residence.

Tom Chrisenton pointed out the Master Plan addresses a maximum of 800 square feet for ADUs. Discussion continued.

Motion passed 5-2-0. Mark Chamberlain and Ray Humphreys voted no.

Amendment 5

Short Term Rentals

Amend Sections 200 and 400 to provide definitions for "Short Term Rentals" and "Resident Owner" and to establish requirements to permit Short Term Rentals as a Conditional Use.

Need to fix number numbers.

VOTE: Bob Newton moved to approve Amendment 5 be submitted to the Selectmen to be included in the Warrant Articles for Town Meeting in March 2024. Bob Rogers seconded the motion.

VOTE: Bob Newton moved to approve Amendment 5, as amended, be submitted to the Selectmen to be included in the Warrant Articles for Town Meeting in March 2024. Bob Rogers seconded the motion. Motion passed 7-0.

Amendment 6

Amend Section 400 GENERAL PROVISIONS to create a new section 413.00 to authorize the use of a Conditional Use Permit (CUP) to allow the Planning Board to approve uses as defined within this ordinance and amend Section 302 (Table of Permitted Uses), and sections 503.00, 603.00, 703.00, 803.00, 1303.00 to replace the term "Special Exception" with the Term "Conditional Use Permit".

Change 413.00 to 412.

Mark Chamberlain said the amendment is missing the language. Jay Minkarah said because it is so extensive. There is a documentation on how Conditional Use Permit works.

Bob Newton suggested adding a definition to website. Ginny Chrisenton suggested an explanation because residents may not know what this is.

VOTE: Bob Rogers made a motion to move Amendment 6 be submitted to the Selectmen to be included in the Warrant Articles for Town Meeting in March 2024. Bob Newton seconded the motion.

Jay Minkarah will add the text so it can go to the January public hearing.

VOTE: Bob Newton moved, Bob Rogers seconded to make a correction to Amendment 6 and bring it to the January 18, 2024 Public Hearing. Motion passed.

Section 412 should be updated since it's not 413.

Amendment 7

Amend Section 400 - GENERAL PROVISIONS to delete existing Section 404.00 – Exclusive Optional Method of Developing Large Tracts of Land, and Section 404.10 – Conservation Lands to replace them with a new section 404.00.

VOTE: Mark Chamberlain made a motion that Amendment 7 be submitted to the Selectmen to be included in the Warrant Articles for Town Meeting in March 2024. Bob Rogers seconded.

There was a lengthy conversation from the Board as well as the public.

Motion pass 6-1-1. Mike Decubellis voted No. Bob Rogers abstained.

Public hearing closed at 8:54 p.m.

Amendment 8

Amend Section 1400.00 to include an alternate member and to include Equitable Waivers under the allowable actions (for the Zoning Board of Adjustment -ZBA)

VOTE: Mark Chamberlain moved, Bob Rogers seconded to send Amendment 8 to the Public Hearing on January 18, 2024. Motion passed 7-0.

The Board will bring back Amendment 6 and Amendment 8. Amendment 9 was already moved.
Master Plan Subcommittee

193 The next meeting is January 4, 2024.
194 The Chair asked the other town committees to provide feedback relative to their roles.
195 Mark Chamberlain said that the Conservation Commission will be attending a meeting.
196

197 **Intent to Cut Permits.**
198 Collins Road, Map 243, Lot 1, Messiel.
199

200 **Minutes:**
201 No vote was taken.

202 **Correspondence:**
203 None

204 **Other Business Not on Agenda:**
205 **Feel Good Farm Two-Year Renewal:**
206 The two-year report is due for the February 2024 meeting. The office has been in touch with
207 Larry and Sharon Boisvert. A Notice of Decision was requested.
208

209 **Adjournment:**
210 **VOTE: Bob Rogers moved, Mike Decubellis seconded to adjourn at 9:04 p.m. Motion**
211 **passed 7-0.**

212
213 Respectfully Submitted,
214

215
216
217
218 Kathleen Humphreys
219 Planning Board Secretary