

**Ashland Planning Board  
DRAFT Minutes  
April 27, 2016**

CALL TO ORDER: The meeting was called to order by Susan MacLeod at 6:30 PM.

MEMBERS PRESENT: Members present for the meeting were Fran Newton, Mardean Badger, Carol Fucarile, Cheryl Cox and Susan MacLeod.

OTHERS PRESENT: Others present for the meeting was Normand DeWolfe.

DISPOSITION OF MINUTES

The disposition of minutes was tabled for this meeting. It will be taken up at the Board's next public meeting on May 4.

CORRESPONDENCE

The meeting opened with the Election of Officers for the Planning Board. Fran nominated Susan MacLeod as Chair. Mardean seconded the motion. Carol nominated Mardean as Vice Chair. Fran seconded the motion. Cheryl was nominated as Secretary by Carol and seconded by Fran. It was a unanimous vote of the Board.

The Board received an email from **Clifford Mask** regarding the property at 177 North Ashland Road (**formerly owned by Steve Baker**). He was inquiring how many buildings could be built on his 5 acre property. He advised there was a garage already built on the property. There was an established well and septic system on the property. There was a 24' x 36' foundation in place for the footprint of a barn. He intended to build a house further back on the property. The proposed buildings would need to be 250 feet from the river and 40,000 square feet of **lot per dwelling unit**. If the proposed buildings were within the Pemi Overlay there needed to be a less than 15 degree slope and the building lot would need 60,000 square feet. This was explained to him in an email sent by Susan MacLeod, Chair of the Board.

An email was received from Marshall Chapman and Bethany Gilson concerning some plans they had for their property at 43 Winona Road. They were inquiring what the process or procedure was if they were to build a small apartment over the garage or a small house on the property. Susan MacLeod advised them of the recent legislation about apartments being able to be attached to established residences for caregivers or independent living in two units. An in-law apartment attached to the residence **would have to meet setbacks of 35 feet from the road and 25 feet from the property line**. A garage is an allowable *accessory* building. Any new living space needs to be minimum of 750 square feet. The construction of a small house on the property would be considered a **separate dwelling unit building and needs the 40,000 sq ft of lot**. It was suggested that they contact Steve Heath for further guidance concerning their tentative plans and Heather Thibodeau, Town Administrator, to contact the present Interim Building Inspector.

Susan has finalized the letters to town businesses concerning their input and suggestions concerning the Design Standards process and procedures. There will be 30 letters going out to town businesses for a meeting at the school cafeteria on May 25, 2016 at 6:30 PM.

Mardean Badger signed the mylar for the Sharps Site Plan since she was the secretary of record at the time of the initial application process. Chair also signed.

The Board received an Application for New Commercial Tenant at 79 Main Street Tax Map 016-012-003. The present owner of 79 Main Street is asking for a Site Plan Review Waiver. He explains that the property has not changed, has been inspected within the past year by Steve Heath at the owner's request. There is only a change of tenants but not change of use. There is no place on the Application Form to designate the name of the business and no place for an owner's signature or the name of the new tenant. Mardean will check to see if a copy of the present Application Form can be found and updated at a future meeting. The Application for a Site Plan Review Waiver will be put on the agenda for the next scheduled meeting of the Planning Board on May 4.

The Board discussed the upcoming Compliance Hearing for the Northern Lakes Veterinary Hospital, 83 Depot Street, Ashland. It is presently owned by Dr. Donald Lester. The Board was concerned that as of April 27, there were no certified letter receipts received from Dr. Lester, the attorneys, and the abutters to the property. There has been no acknowledgement of certification from DES as required. There is no receipt of an updated Site Plan. There is no confirmation of a Site Walk planned for Tuesday, May 3 at 5:30 PM. The Board determined that since the necessary documents have not been received by the Board by Wednesday, April 27 that this might mean that the scheduled Compliance Hearing on this property will need to be continued.

The Board discussed at length the Site Plan Review for the Electric Department Project. The following concerns about the Electric Department Site Plan Review were discussed:

- Susan raised the question with Margaret Byrnes, Attorney, if the Planning Board had jurisdiction in this matter. She was sent the RSA 674:54 pertaining to municipal projects being reviewed by the Planning Board. The Planning Board would be one of the parties to the conversation.
- Per letter of April 29, 2011 from NH Land Surveyors Association, only a licensed surveyor or the Courts can determine property boundary lines. Boundary lines assessed by parties other than licensed surveyors or the Courts should not be accepted.
- Landowner for the Electric Department property is the Ashland Board of Selectmen
- Since the Water and Sewer Department and the Electric Department occupy the same building, the Water and Sewer Department is considered a co-habitant of the building
- The Water and Sewer Department and the Department of Public Works would be considered "Parties of Interest" in a public hearing
- Concern that the Water and Sewer Department added carports to their building without coming before the Board of Selectmen or the Planning Board. The Electric Department questions why they need to come before the Planning Board for their project.
- The Water and Sewer situation referred to above is a separate issue from the Electric Department's present project. The Water and Sewer Department obtained a building permit as required; project further expanded without additional approvals.

- There need to be written plans for the Electric Department Project submitted to the Planning Board 60 days in advance of any public meeting.
- Walter Mitchell, Town Attorney, will be at the May 4 Planning Board meeting to advise the Board regarding the Donald Lester Compliance Hearing. The Electric Department Project will be coming before the Board at the same meeting. Atty. Mitchell may be able to advise the Board concerning questions pertaining to the Electric Department Project. He will hear the inquiries and concerns of both the Planning Board and the Electric Department representatives.

Susan MacLeod drafted a letter to **Chris Owens, abutter to 3 Lakes Landscaping, LLC** apprising him of the **status of the** property owned by Keith Philbrick. Keith Philbrick was notified by the Planning Board that any plans for future commercial enterprises on his property need to be brought before the Ashland ZBA for a Special Exception before the commercial business will be allowed to open.

Susan MacLeod advised the Board of a recent Court ruling that states that when a resident or business comes before the ZBA and their plans are denied by the ZBA, the concerns of the ZBA about the project in question need to be completely addressed. If this same party reapplies the plans before the ZBA without addressing all the ZBA concerns or the plans are not materially different from the previous plans the ZBA does not have to accept the plans. This is referred to as the Fisher **Doctrine, and this year the court upheld that this doctrine also applies to Planning Boards.**

The OEP Workshop scheduled for Saturday, April 23, 2016 has been rescheduled for Saturday, June 4.

#### ADJOURNMENT

The next meeting of the Board, will be Wednesday, May 4, 2016, 6:30 pm at the Ashland Elementary School Library.

With nothing more to come before it the Board adjourned. The meeting adjourned at 7:45 PM.

*Minutes submitted by Paula Hancock*