

Town of Deering

762 Deering Center Road
Deering, NH 03244

Planning Board Meeting Unapproved Minutes

Wednesday, January 10, 2024
7:00 PM

Members Present: Chair Katherine Jenkins (KJ), Tom Walters, Olivier Raoust, Tim Maskiell
Also Present: CNHRPC Matthew Monahan (via Zoom), Conservation Commission Michael Thomas

Opening of the Public Hearing by the Chair at 7:05pm

NEW BUSINESS:

Chair KJ opens the public hearing to review Article 4, Section 5, related to Watershed Protection Ordinance and a new conditional use permit process.

The Planning Board discusses the need for changes in the ordinance and affirms the need for clearer conditional use permits. Chair KJ clarifies the existence of a standalone watershed ordinance and the need for updates. Matthew discusses the importance of the Conditional Use Permit (CUP) process for enforcement. The goal is to have the Planning Board issue the permit for the applicant with instructions on next steps. These instructions would describe the expectations, so it is much clearer whether the applicant has met these conditions.

Chair KJ emphasizes that the CUP process also prepares the applicant, and it would give them a roadmap to have everything before coming to the Board. Michael adds that it could act as a pre-process prior to issuing a building permit.

Olivier raises concerns about property owners potentially bypassing the process. Matthew outlines the enforcement mechanisms, highlighting the building inspector's role and the planning board's involvement in reviewing and approving various applications.

Discussion on the Variance Process and Planning Board's Role at 7:24pm

Michael seeks clarification on the variance process and the subsequent involvement of the planning board. Matthew explains the process, detailing the potential for conditional use permits even for prohibited uses that obtain a variance. He also clarifies the Zoning Board's decision-making criteria (5.4.9 Waivers).

Chair KJ reflects on past difficulties in collaboration between the planning and zoning boards, emphasizing the importance of improved communication and joint efforts.

Suggestion for a Special Town Meeting at 7:46pm

Chair KJ suggests holding a special town meeting for public input on the revised ordinance. Matthew supports the idea, discussing the enforcement benefits of the revised ordinance.

Discussion on Zoning Board Criteria and Subjectivity at 7:49pm

Olivier addresses the subjectivity in zoning board criteria, particularly concerning the interpretation of the 'spirit' of projects. Chair KJ and Matthew provide clarifications on the legal definitions and the importance of adhering to these criterias:

5.4.9a Waivers

- The granting of the waiver will not be detrimental to the public safety, health or welfare or be injurious to other property and will promote the public interest
- The waiver will not, in any manner, vary the provisions of the Town's Zoning Ordinance or Master Plan
- The waiver will substantially secure the objectives, standards and requirements of this section
- A particular and identifiable hardship exists or a specific circumstance warrants the granting of a waiver. Factors to be considered in determining the existence of a hardship shall include, but not be limited to, topography and other site features, availability of alternative site locations, and geographic location of the property.
- Size/magnitude of the project and availability of co-location has been evaluated

Closing of the Watershed Ordinance Hearing and Opening Hearing for FEMA Floodplain Development Ordinance Changes at 7:53pm

Chair KJ closes the watershed ordinance hearing and opens the hearing for FEMA floodplain development ordinance changes. Matthew explains the necessity for towns to update their flood ordinances to comply with FEMA requirements and ensure eligibility for flood insurance and disaster funds.

Olivier motions not to send the current draft of the watershed ordinance to the town meeting, seconded by Michael. The motion receives unanimous approval from the board. Motion Passed 4-0 at 7:53pm.

Matthew elaborates on the need for updating flood ordinances to comply with FEMA standards, emphasizing the impact on insurance and federal funds. Chair KJ confirms that town meeting approval is required for these changes.

Chair KJ motions to recommend the changes to the town meeting, seconded by Tim. The board unanimously approves the motion. Motion Passed 4-0 at 8:02pm.

Chair KJ motions to pass changes to the site plan and subdivision regulations to comply with FEMA flood regulations. The board unanimously approves the motion. Motion Passed 4-0 at 8:07pm.

Chair KJ closes the public hearing on the floodplain development ordinance changes at 8:09pm.

Tim M. motions to adjourn the meeting, Olivier seconds. Meeting adjourns at 8:09pm.

Respectfully Submitted,

Nicole Zheng
Assessing Clerk