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**Town of Henniker
Planning Board Meeting
December 14, 2016
Henniker Town Hall**

Members Present: Ron Taylor, Chair; Jonathan Lapointe, Aaron Wechsler, Dean Tirrell, alternate Dan Higginson

Non-Voting Alternates:

Members Excused: Rick Patenaude, Scot Dias, Jason Michie, Tia Hooper

Town Planner: Mark Fougere

Guests: Spencer Bennett, Linda McGuire, Cogswell Spring Water Commissioners William Hall, Jr. & Jerry Gilbert

Recording Secretary: M. Fougere

1) Call to Order/Attendance

Chairman Taylor called the meeting to order at 7:00 pm.

2) Approval of Minutes – October 26, 2016

Chairman Taylor noted that given the missing members, the minutes should be tabled. Motion by D. Higginson to table the minutes, seconded by Aaron Wechsler all in favor.

3) Projects of Regional Impact

Mark Fougere stated that there are no projects of regional impact.

4) Public Hearing

Chairman Taylor opened the public hearing on the proposed zoning change and explained the proposal.

Amend Chapter 133, Zoning Regulations, amending Article VIII Commercial District Regulations by amending the following Section as follows: Section 133-27 Regulation for commercial districts, A: All uses permitted in the particular Commercial District are specified in 133-29 through 133-32 of this Article, ~~except that no building or commercial enterprise is permitted~~ However, should any change of use occur within 1,000 feet of town-owned land used for the Cogswell Spring Waterworks that contains a town well, then the proposed use shall obtain a Special Exception from the Board of Adjustment. ~~except by Special Exception.~~ The goal of this provision is to ensure the protection of the Town's valuable water supply.

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Mark Fougere also noted that this matter came to light during the Dollar General case. The intent of the ordinance, when written, was to protect the town's wells. Since that time Cogswell constructed the water tank on Davidson Road and the existing language requires a review of any new use within 1,000 feet of their property.

In addition, he noted that a letter had been sent in from Mr. Trivellini suggesting that the proposed amendment by a conditional use permit (CUP) process instead of involving the ZBA through a Special Exception process. Mr. Fougere noted that he had drawn up a CUP amendment that outlines specific criteria that would have to be met.

Mr. Wechsler stated that he preferred the CUP process instead of the ZBA.

Water Commissioner Hall noted some concerns the Commissioners have with the proposed language. The proposed language does not request input from the Commissioners, it does not relate to a well radius, and does not note source water protection. Commissioner Gilbert supported these concerns.

There was general discussion relative to the 1,000 radius and where it should be measured from; the well head or property line. The Board felt that measuring the 1,000 feet from the property line would provide the best protection.

Mr. Wechsler noted a concern with Mark's version; the first provision is not very specific "The Town's water resources are protected."

Water Commissioner Hall noted that it would be appropriate for any applicant to submit the BMP's they will follow as part of their operation. Mr. Wechsler commented that state statute should be referenced.

The Chair asked for opinion of all the members, all agreed that the CUP process would be best, keep review with one Board instead of two.

The Chair opened the Public Hearing, no comments.

The Board agreed that a CUP process was the most appropriate way to address this matter. The Chair asked Mark to amend his version to add specifics to the CUP provisions. Mark noted that he would re-write the ordinance and repost for the January 11 Board meeting.

The Water Commissioners asked that they be provided with a copy of the proposed language.

The Chair asked that the amendment to the Board's Rules of Procedure be put off to the next meeting.

The Chair asked if there were any questions on the 2017 Meeting Schedule, no questions raised.

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Motion by Mr. Tirrell to adjourn the meeting, seconded by Mr. Wechsler; all in favor. Meeting ended at 7:45 P.M, Motion passed

Adjournment

A motion was made to adjourn the meeting at 7:30 pm by Mr. Dias and seconded by Ms. Hopper. Motion passed 5-0.