

Planning Board Meeting Minutes

February 6, 2024

6:30 PM

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Chairman Scott C. Burns called the meeting to order at 6:31 PM.

Members Present: Scott Burns – Chairman, Frank Lombardi, Tim O’Neil, Shawn White – Selectmen’s Rep., and Joyce McGee – Secretary.

Members Absent: Alan Theodhor and Steve LaRoza – Alternate

Public Present: See attached

Minutes: A motion was made by Frank Lombardi to approve the minutes of January 9, 2024 as written, seconded by Tim O’Neil. All in favor, motion carries. **APPROVED**

Chairman Burns read the following:

Public Hearing(s):

1. Change of Use/Site Plan Review (Continued from the January 9, 2024 meeting)

#671 – Ikels, Frederick & Katharina – 642 Jefferson Road, Tax Map 216 Lot 029: who is/are requesting a Change of Use/Site Plan Review to convert a Single Family Home into a Short-term Rental, Article XIV Section 7: Commercial Activity.

Mr. Ikels was present, thanking the Board for their time. He stated that two of the abutters expressed concerns at the last meeting so he reached out to them via e-mail, introducing themselves (him and his wife) and why they would like to have a short-term rental. A set of rules from the management company and cell phone numbers were sent, he wants to build a good relationship with neighbors. E-mails were received again from both Ms. Doherty and the Moran Family responding to the Ikels. Mr. Ikels agreed they had valid concerns but he has reasonable mechanisms to fulfill those. Main concern is noise. Mr. Ikels measured the distance from each home, Ms. Doherty is 2 ½ football fields away with main road in between. The Moran’s is 3 ½ football fields with a treeline and road in between. He can’t imagine any issues as the rules are clear and renter signs off, if they need to remove renter a penalty is issued and no refund. The management company owner, Alex Foti gave a statistic of 3,000 booking last year and had 2 disturbances. Considering the disturbance rate, length of where the homes are located, he is willing to install an outside camera to monitor how many cars are parked in driveway as 4 is allowed. It’s very clear that no parties, the use is for families and small groups. Another concern was who answers the phone after midnight. An answering service will pick up and someone will respond. Response time can vary depending where the employee lives, some live here in Whitefield. Trash take out is every time rented out, the renter is responsible for removal as part of the contract. Security

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checks are done every time. He understands the concerns but feels he has addressed each one with reasonable solutions and ask the Board for an approval of the request.

Tammy Dubreuil who lives on the corner of Mtn. View and Jefferson Road, addressed the Board about the noise. Since the Ikels home is down in a hole you can hear everything and the noise does travel. Mr. Ikels stated the contract reads, quiet hours are from 10:00 PM to 8:00 AM. How often are you renting it out? Mr. Ikels, not sure, enough to allow us to afford the house. Not sure what is reasonable. He also stated that speaking with the management company regarding putting up a device, not a listening device but sound device with decimals. We are willing to do this. I am here to work with you guys and management company and see what options and solutions we can come up with. 8 people max with 4 parking spots, small group or families.

At this time, the e-mail correspondence from Ms. Doherty, the Moran Family, and Ms. Patterson (non-abutter) were read (see file).

Frank Lombardi went through the Absolute Criteria and Commercial Activity items again. Under noise, adding to put in an outdoor noise monitoring device. Shawn White asked how many applicants have we asked to do this? Reply, none. Frank Lombardi, it's a voluntary thing. Mr. Ikels advise he was fine with this, wants to head off at the path.

Tammy Dubreuil, understands what Ms. Doherty is saying about what will happen if you sell, it's the next person and that could be terrible. Shawn White stated that if the property sells the approval stays with the house, so it moves to the next person. We could put in to have it managed by a professional management co. and if the management company changes the abutters need to be notified along with the Town. Mr. Ikels, it's not our plan to sell. Shawn White, the stipulations would be for the property.

No further discussion, no abutters present. Secretary McGee advised that the Fire Chief has done his inspection and signed off.

A motion was made by Frank Lombardi to approve the Change of Use/Site Plan Review to change from a Single Family Home to a Short-term Rental with the following conditions: 3-bedroom home with a maximum of 8 people; house rules are posted and given to each abutter with 24/7 contact information; no parties or events; trash to be stored indoors and removed after each renter; downward lighting; noise monitoring device installed outdoors; 4 parking spots (outside camera to monitor cars); property is to be managed by a professional management company 24/7, seconded by Shawn White. No further discussion. All in favor, motion carries. APPROVED WITH CONDITIONS

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Chairman Burns opened the meeting at 6:50 PM and read the following:

2. Final Public Hearing for the Adoption of the 2024-2029 Capital Improvement Program Plan.

Pursuant to RSA 675:6 and RSA 675:7, the Whitefield Planning Board will hold a public hearing on:

To allow for public input on the final update of the 2024-2029 Capital Improvement Program Plan. The adoption of the plan will follow the public hearing.

A full draft of the 2024-2029 plan can be picked up at the Town Office, located at 56 Littleton Road, and online at whitefieldnh.org

If a second hearing is needed it will be held on: **Tuesday, February 13, 2024 at 6:30 PM – Whitefield Town Office – 56 Littleton Road, Whitefield NH.**

Chairman Burns asked if the public present had any questions regarding the CIP Plan. Bob Loiacono wanted to thank the Committee for their hard work and appreciated the tremendous amount of time that went into the plan.

He stated that part of the appointment of the committee it reads, *Appointment of the Committee* - The Selectboard appoints a Capital Improvements Program Committee consisting of members from the Planning Board, Town Departments, Town Committees, and the School Board. He wondered why a School Board member wasn't on it. Chairman Burns advised that they had a hard time finding people to be on it and would reach out to him if he is still on the School Board when they begin the process again.

He asked why the two municipal parking lots weren't included as an asset for the Town, as they need improvements. Chairman Burns stated that it was never brought up. Shawn White advised the Public Works Director would have been the one to bring this forth. Also, what about the 2.6 million dollars for decommissioning of the lagoons and was that known when the project was proposed for the new facility? If so why wasn't it brought up? Shawn White stated that in 2016 the Town was told that the dollar amount was unknown, he feels the current estimated amount is steep and shouldn't be anywhere near that. The sludge removal that is happening now is saving money.

Chairman Burns asked if anyone else had questions. At this time the public hearing was closed at 7:04 PM.

A motion was made by Tim O'Neil to adopt the 2024-2029 Capital Improvement Program Plan as presented, seconded by Frank Lombardi. All in favor, motion carries. ADOPTED 2/6/2024

Chairman Burns read the following:

3.Change of Use/Site Plan Review

#672 – Chernovetz, Nancy & Peter – 201 Jefferson Road, Tax Map 226 Lot 007: who is/are requesting a Change of Use/Site Plan Review to operate a farm stand and meat processing business at said location, Article XIV Section 7: Commercial Activity.

Abutter Joan Bonsignore was present and read a letter of concern (see file). Mr. & Mrs. Chernovetz were present and spoke that they had received a letter in October of 2023 from Joan and Patricia Bonsignore regarding an odor issue. They advised an enclosure for the dumpster will be done and emptied twice a month. A 30'x60' barn will be constructed to keep manure contained. Ms. Bonsignore replied even if dumpster is enclosed every time you empty it the odor will be there. We can't even open our doors or windows!

Shawn White spoke that back in August of 2023 he had heard concerns and when driving in his vehicle he could smell it. The Board had asked you to take action at a meeting in August and file for a Change of Use/Site Plan Review as you are running a business. The Fire Chief had given you some ideas to alleviate the smell issues. It doesn't seem you have addressed the issue. Mrs. Chernovetz advised that they weren't notified until August that there was a problem. We have used lime to help with the odor.

Several abutters had concerns: Phil McMahon spoke of not being able to open windows and hearing pigs squealing and then a gun shot. Mrs. Chernovetz, stated that the pigs were playing. Mr. McMahon, not if they are in distress. You have a boar and 6-7 sows, it's a pig farm and property values are going to tank.

Kelly Fuller had a letter from her renters that have left due to the stench and smell (see attached).

Thomas Jackson, talked about the wastewater from the manure going into the soil. There is wetlands area behind the house where the pigs are at. The drainage runoff is going down into the creek, from there it gets to the John's River. What are you going to do to retain the wastewater? I have a shallow well in the area. I feel landowner should be able to do what they want with their land but if it's devaluating homes, I have concerns.

Ms. Chernovetz spoke that the pig manure is brought to the center of the property, there is no running water in the area. I can have someone come to look at it. We might be looking at moving it towards the back of the property.

Abutter from 192 Jefferson Road spoke that the smell is unbearable and can't open windows. They came from CT to enjoy the community and comradery. We have had to move dinner parties inside, dead animal smell. I have searched my property for dead animals but always from across the street. I'm on Town water but is it seeping into the ground, our water has a filter but still has a funky taste. Even if

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you enclose the dumpster you will still get the smell, you need a ventilation system with a charcoal filter. Something big needs to happen to address the smell issue.

William Rabida talked about growing up on a farm and pig smell. I wasn't going to say anything but when you mentioned moving to the back of the property then it would be closer to me. I just built a new home and all last summer I could smell it.

Member Tim O'Neil asked about USDA standards. Ms. Chernovetz, stated that they are allowed to raise pork and sell whole and half pigs to one buyer without permits. Mr. MaMahon stated that it needs to have food inspection per NH, the public is people not just one.

Chairman Burns asked about written sanitation inspection through HACCP and a standard operating procedure. Frank Lombardi advised that the barn hasn't been built yet but was approved by the Board. Tim O'Neil stated that NH Best Practice for Agriculture is a guide to help. Shawn White stated that a map where all the facilities will be located is needed, the concerns with the processing plant regarding the odor needs to be answered. We have given you since last August to rectify these issues, you need a plan. As a Selectboard member you will need to stop until it's deemed a commercial business.

Mr. MaMahon stated that he felt the big barn wasn't going to eliminate the odor or wastewater issue. Ms. Bonsignore agreed that building or moving things on site isn't going to alleviate the odor. If anything changes and odor continues what is the follow-up? It changes the dynamics of the area, it's a slaughter house not a meat processing business. None of us can sell!

Tim O'Neil agreed that a plan is needed and a lot needs to be addressed. Mr. Jackson again voiced his concern on control of the wastewater runoff and the environment. Just looking at the terrain and my 30 ft. shallow well plus all the streams. How are they going to control the wastewater?

Fire Chief, John Ross asked what are you raising? Ms. Chernovetz stated, pigs, chickens, ducks and turkey's, we don't cut up the birds they are whole no permit is needed for this. Chief Ross, are you actively killing animals? Ms. Chernovetz, yes. Chief Ross, then it's a slaughter house by definition. Ms. Chernovetz, we have contacted the State many, many times. We are new to farming, we need help.

A motion was made by Frank Lombardi to continue the public hearing until April 9th at 6:30 PM to allow the Chernovetz to address all the areas of concern and come up with a plan, seconded by Tim O'Neil. Chairman Burns as if any further discussion: Shawn White felt with all the questions and concerns the property needs to stop as a business. The Chernovetz asked if the mobile business could continue. The Board stated yes, as long as it stays off the property. All in favor, meeting continued on April 9th.

The board advised the Chernovetz that a cease and desist needs to happen at this time.

The abutters present were advised to take note of the continuation as this was their notification.

Chairman Burns read the following:

4. Change of Use/Site Plan Review

#673 – Timothy O’Neil Trustee of the O’Neil Family Trust – 30 Prospect Street, Tax Map 102 Lot 102: who is/are requesting a Change of Use/Site Plan Review to convert a portion of the existing Single Family Home into a Short-term Rental, Article XIV Section 7: Commercial Activity.

Mr. O’Neil recused himself from the Board at this time as he is the applicant.

Mr. O’Neil advised the Board that he would like to rent out 1/3 of the house (800 sq. ft.) to include bathroom and shared kitchen. Not sure if it will be Short-term Rental or by the month for traveling nurses. The entrances are separate and the Fire Chief has inspected stating that CO2 and smoke detectors need to be installed. It will be managed by Robert Wisnouckas who lives in Whitefield. Mr. O’Neil will be living at this residence, so owner occupied.

Mr. O’Neil advised that there is plenty of parking, total number of people will be 2 people + 1(child) as its 1 bedroom. Nothing will change on the outside of the building.

No abutters were present.

Frank Lombardi stated it’s always a plus when the owner is living there. Shawn White advised that the abutters need to know who the contact is.

A motion was made by Frank Lombardi to approve the Change of Use/Site Plan Review application as complete, seconded by Shawn White. Chairman Burns stated this is for the completion of the application only, no further discussion was brought forth. All in favor, motion carries. APPROVED

The Board went through the Absolute Criteria and Commercial Activity List (see case file). Items noted: 2 parking spots, need to install CO2 and smoke detectors, 1-bedroom, occupancy is for 2 people + 1 (child), provide contact information to abutters if not available, the booking agent will be through Airbnb.

A motion was made by Frank Lombardi to approve the Change of Use/Site Plan Review to convert a portion of the existing Single Family Home into a Short-term Rental with the following conditions: 2 parking spots, need to install CO2 and smoke detectors, 1-bedroom, occupancy is for 2 people + 1 (child), provide contact information to abutters if not available, the booking agent will be through Airbnb, seconded by Shawn White. No further discussion. All in favor, motion carries. APPROVED WITH CONDITIONS

Chairman Burns read the following:

5. Change of Use/Site Plan Review

#674 – Owner: Robert & Lois Stiles Trustees of the Robert Stiles Sr. Rev. Trust/Applicant: Transport Leasing Corp. – Tower Drive, Tax Map 219 Lot 059: To construct a 6,000 sq. ft. commercial building (3,000 sq. ft. of office space and 3,000 sq. ft. of warehouse for cable boxes/cable & connections), Article XIV Section 7: Commercial Activity.

Mark Vander-Heyden was present along with owner Robert Stiles and applicant Mark Sanborn. Mr. Vander-Heyden pointed out that the current 2.5 acres is a stand alone lot which is accessed by Tower Drive. The building is going to be 6,000 sq. ft. with office space and a storage area. A memo from the Assessor regarding the road access was discussed and how 911 numbering was going to be handled. Is it going to be Tower Drive or keep Harvest Drive as the main access and do away with Tower Drive? Much discussion took place, the Fire Chief had concerns and needs to talk the Assessor, ultimately it's up to the Selectmen to make the decision.

Mark Sanborn spoke about Eversource bringing power to the location, still trying to figure that out. Water/Sewer is private line per DPW and located in the area. Shawn White stated that it is private but the water isn't near the lot to his knowledge. He advised Mr. Sanborn to talk with the Superintendent of the Water Department. Looks like it might be down by Rte 3 and would need to be brought up the R.O.W., the sewer has a manhole close by.

Donald Gooden an abutter was present and asked about who maintains the road as there is a big pothole and you need to navigate around it. Everyone agreed it was Robert Stiles, however the deed spells out the terms and should be looked at. It is nothing for the Town to be concerned with as it's a private road and the Town prepares a Private Road Agreement for landowner to sign, stating Town isn't liable. It was asked how many employees. Mr. Sanborn stated 7 employees but when a safety meeting is taking place it would be 20 people which is usually every other week. The vehicles will be mostly pickup and bucket trucks. The company coming in will be good for Whitefield as it will be bringing cable to the area.

A motion was made by Frank Lombardi to accept the Change of Use/Site Plan Review application as complete, seconded by Shawn White. Chairman Burns advised this is only the application. All in favor, motion carries. APPROVED

Frank Lombardi went through the Absolute Criteria and Commercial Activity Criteria, the following was noted: Conflict with the roadway maintenance – private issue, a Private Road Agreement needs to be signed; downward lighting; use is for office space and warehouse; building height is 26'; noise would only be trucks running before they head-out; screened area, dumpster will be placed on the northwestern side, 32 parking spaces; Private water/sewer lines. Donald Gooden asked if flood lights were going to be used. The Board advised all downward lighting for exterior. The Board didn't recommend any screened areas. Mr. Gooden was fine with it as building is about 110' away from the nearest corner of this property.

A motion was made by Frank Lombardi to approve the Change of Use/Site Plan Review to construct a 6,000 sq. ft. commercial building with the following conditions: Private Road Agreement to be signed; downward lighting; water/sewer connection permit with the Town; State of NHDOT driveway permit, seconded by Tim O'Neil. No further discussion. All in favor, motion carries. APPROVED WITH CONDITIONS

Chairman Burns read the following:

6. 2-Lot Subdivision

#675 – Robert & Lois Stiles Trustee of the Robert Stiles Sr. Rev. Trust – Freds Way & Tower Drive, Tax Map 101 Lot 017: who is/are requesting a 2-Lot Subdivision, said lot is currently 9.18 acres. Lot 1 to be 3.60 acres which will include an existing storage & shop/garage building and Lot 2 to be 5.58 acres. Surveyor Mark Vander-Heyden.

Mr. Vander-Heyden explained the configuration of each lot. Lot 1 will be 3.6 acres and accessed by Freds Ways (private) off of Rte 3 and Lot 2 will be 5.58 acres and accessed by Harvest Drive/Tower Drive (private) off of Rte 3. As stated earlier looking at doing away with existing road name. Concerns were brought up at the consultation meeting in January, as the frontage requirements of 75' for Lot 2 was not met. A cul-de-sac was created further into the lot to create more frontage off of the private R.O.W. as shown on the current plan. Mr. Stiles stated that an existing salt shed on the property was going to be moved.

A motion was made by Shawn White to approve the application for the 2-lot subdivision as complete, seconded by Tim O'Neil. Chairman Burns advised this is only the application. All in favor, motion carries. APPROVED

Chairman Burns asked if there was any further discussion on the 2-lot subdivision.

A motion was made by Shawn White to approve the 2-Lot Subdivision plan as submitted, seconded by Tim O'Neil. No further discussion. All in favor, motion carries. APPROVED

Other Business:

Development Permit(s): Transport Leasing Corp. – Tower Drive, Tax Map 219 Lot 059: To construct a 6,000 sq. ft. metal building to be divided by a 2-hour rated partition with 3,000 sq. ft. office and 3,000 sq. ft. warehouse with 2 large 14'x14' overhead doors and 3 egress doors. **A motion was made by Shawn White to approve the Development Application as submitted, seconded by Frank Lombardi. No further discussion as it was part of the Change of Use/Site Plan Review approval. All in favor, motion carries. APPROVED**

Demolition Permit(s): Judd, Barry & Karen – 254 Jefferson Road, Tax Map 226 Lot 077: To demo existing 10'x51' 1965 mobile home, disposal location will be Bethlehem Landfill by MD Trucking &

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Logging. A motion was made by Frank Lombardi to approve the Demolition Application as submitted, seconded by Shawn White. No further discussion. All in favor, motion carries. APPROVED

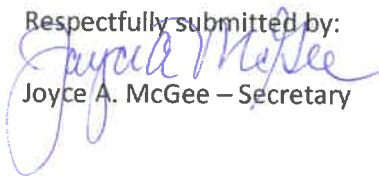
Development Permit(s): Roussau, Robert & Victoria – 127 Twin Mountain Road, Tax Map 232 Lot 009:
To convert garage into a workshop, 360 sq. ft. **APPROVED BY CODE ADMINISTRATOR ON 1/19/24**
WITH THE CONDITION OF NO LIVING QUARTERS ALLOWED.

Case #660 – Proctor, Luke & Amanda: 63 Maple Street, Tax Map 104 Lot 048: Secretary McGee advised the Board that the conditions set forth by the Fire Chief had been completed, he signed off on 2/5/24.

No further business.

A motion was made by Tim O'Neil to adjourn the meeting at 8:40 PM, seconded by Frank Lombardi. All in favor, meeting adjourned.

Respectfully submitted by:


Joyce A. McGee – Secretary


Scott C. Burns - Chairman