

TOWN OF EPSOM  
PLANNING BOARD  
940 SUNCOOK VALLEY HIGHWAY  
EPSOM TOWN OFFICES  
MAY 13, 2020  
6:30 PM

**In Attendance:** Kathy DesRoches, Chairman; Mike Hoisington, Vice Chairman; Joe Harnois  
Cheryl Gilpatrick, Selectmen's Representative; Sharon Burnston; Bob McKechnie; Don Weaver;  
Betsy Bosiak, Alternate

**Not in Attendance:** Jay Hickey, Alternate

**Other Attendees:** Joe Wichert; Jon Rokeh; Cherylann Arvanitis; Matt Monahan; Peter  
Arvanitis; James Christie

Kathy opened the meeting at 6:30 PM. She asked if anyone had others in the room with them,  
no one did.

**Review of Audit Information – Matt Monahan, CNHRPC**

Matt noted he had some things he was working on and we need to review the definitions. Matt  
has also spoke with the Fire Chief and has his comments.

**Definitions**

Cheryl noted that Sharon and she reviewed the definitions agreed on the best for Epsom.

**Abutter** - Cheryl asked if 676:4 applied as she thought that 672:3 had a better definition for  
abutter. Matt thought that they both pertained. He thought the reference to the RSAs would be  
good. Sharon wanted to know that if a person other than the owner would be directly affected  
could they be heard, Cheryl noted that it was in both definitions.

Sharon reiterated if someone who is not a direct abutter and has an issue they should be included.  
Matt noted that easement holders are included. He thought across a pond or stream would be  
good to include. The second definition will be used.

**Applicant** - Cheryl noted that Sharon and she liked the second definition for applicant. It was  
agreed to use this definition.

**Buffer Zone** - Cheryl noted she did not choose a definition for buffer zone. Both definitions will  
be used. Joe noted that a buffer zone is usually for wetlands. He noted that he has seen buffer  
zones for solar panels. It was noted usually this pertains to setbacks from wetlands. Matt  
discussed the definition of a nuisance buffer zone. He will have to go into the document to see if  
there are other discussions.

Bob asked if there is a definition for wetlands in another area. A discussion ensued. Matt thought the term should be included in both definitions. This definition will be classified as Buffer Zone/Wetlands.

**Building** – Matt thought this should be simple. Betsy suggested including “eaves” as there have been concerns with counting them as area for determining 25% for enlarging a building. Campers or movable property was discussed. There was a consensus to accept the second definition for a building. Tiny houses were discussed with Cheryl noting tiny houses, even though they are on wheels, are taxed as property. Kathy suggested using a separate definition for tiny houses.

Sharon felt if someone wanted to construct a small house, they should be able to. Matt thought we should include a definition for tiny houses.

Kathy found a definition of tiny houses in 674:74. Cheryl read the RSA. Mike noted they are legally considered an RV. Sharon noted there are cottages, etc. that are small that were constructed many years ago.

Cheryl suggested including something for them in the definition of a building. Matt thought a definition for tiny houses could refer to the RSA. Joe noted that the use could be in a campground vs. on a private subdivision. Kathy suggested asking Matt to research.

**Easement** - Cheryl asked if there could be an easement that is not deeded and what would be a definition for a deeded easement. Sharon brought up adverse possession. Matt will check with the attorneys at NHMA.

Kathy suggested Cheryl, Sharon, Bob and Matt have a separate meeting to finalize the definitions. Cheryl thought that everyone has valid points and everyone should have input. Bob noted most of the discussion between Sharon and Cheryl was not complete. Sharon thought other people have valuable input.

Cheryl thought that if others have valuable input then it should be allowed.

**Frontage** - Matt liked the second definition of Frontage, everyone agreed.

**Grade** – It was agreed to use the second definition.

**Official Submittal Date** – Kathy noted one definition is the date the application is submitted, Jon Rokeh noted it is the date the Board uses to process the application to send out notices, etc. The second date is the date the Board accepts the application as complete.

Matt thought it should be the date the material comes into the office. Matt suggested using “when the application comes into the town office initiating the 30-day clause”. He will come up with something new for this definition.

**Street** – Matt thought this should be discussed off-line. Betsy noted the definitions came from the ASHTO definitions.

**Wetlands** – Kathy suggested using the definition of wetlands from DES. Jon suggested using a DES description of it. Jon suggested using the “most current Army Corp of Engineers”. Jon noted that the buffer is just a town definition not a State definition.

**Active and Substantial Development** - Matt noted that this was added.

Matt will return June 10<sup>th</sup> to continue the discussion. The subcommittee will determine definitions for wetlands, tiny houses easement and streets.

**Discussion – Recreational Facility – Peter Arvanitis – Tax Map U 08, Lot 82 – Gauthier Drive**

Jon Rokeh noted that he had developed a design for the sports facility. It is an indoor sports arena and he reviewed the plan. He noted it is less than 100,000 square feet. They would like to obtain approval to begin construction by July 1 for an October opening date.

Sharon asked if they had an elevation of the building. Mr. Christie noted that this is not complete yet. Kathy noted we would require that for the public hearing.

Kathy noted that we require an escrow account for drainage and construction review. Kathy reviewed that Escrow Information from Mike Vignale. Jon noted that he has worked with Mike on reviews. There was a consensus that the Board accepts the escrow amounts. Mike confirmed Gauthier Drive has been accepted as a town road, he thought a bond should be included for the road. Kathy will follow thought with Mike Vignale and Scott.

Mike asked if the building would be sprinkled. Jon will check on this, but he thought it would be.

**Discussion – Hawkers Ordinance**

Kathy asked if Hawkers would receive a permit or license. Sharon had the same question. Sharon noted the food trucks would be inspected by the health officer. Kathy thought they should be licensed by the town. Mike noted they should have a State food license and a permit from the Town Health Officer.

Cheryl thought the 1.02 definition was long and the paragraph should be broken down. Kathy thought it was confusing as it discussed people walking on foot.

Kathy and Betsy had questions regarding people moving from place to place rather than being in one place (i.e. ice cream truck).

Any form of retail sales that is in a permanent location would be a Hawker. Don asked if a home business selling items from their home, i.e. Mary Kay, etc. would be considered a Hawker. He suggested a mention of home vendors.

Betsy asked about a person who is hired to do a person’s roof, etc. There was a discussion as to gray areas. This would include someone who is paving the neighbor’s driveway and comes to your house and says they can do yours cheap as they have left over material and would already

be mobilized. Cheryl thought the gray area be separated out to state they have to notify the town, but do not need a license. Sharon wanted to revise “to include” to solicit household repairs.

It was discussed they could put a sign on the property. Bob noted they are not always soliciting contracts but work. Bob suggested adding soliciting door to door for profit. Kathy requested Cheryl work on this.

Kathy asked if it should be a permit or license. Betsy noted the State grants the license; the Town should grant a permit.

Mike asked if the Selectmen could delegate to someone else to grant the permits. He noted that someone from Town Office should oversee the process and determine who should sign off on them.

Cheryl suggested the Selectmen should be asked who they want to oversee the process. Mike noted the Selectmen should review the ordinance before it is adopted for their input.

Cheryl will check the references in the RSA’s. Bob asked if the Selectmen have to approve the permit in other towns. Cheryl thought it was a good idea to check on this.

Sharon asked where it was included that food vendors have to have a state license. It was discussed they have to show their license as part of the approval process.

Bob asked about Exception (1.07) – non-profits – they should announce they are non-profit. Bob suggested they get the permit, not be charged for it, so the Police Department knows they are out there. Mike agreed with Bob.

Bob noted for a non-profit they should provide a certified copy of their 501(c) 3 or other documentation to show they are hosting a fund raiser.

Cheryl will put the information together.

Cheryl thought under 1.07 there should be a separate section. She will add a notification section under this.

2.01 – Cheryl wondered who would fall under who will police permits. Kathy thought people would call the Town with complaints.

Betsy was concerned that a person could continue to sell items until a hearing. It will be added that a permit will be suspended until the completion of a hearing process.

2.02 – Cheryl asked if fines could be issued for violating the ordinance. There is a Penalty Section (2.07) not to exceed \$100.00 – Betsy suggested it not to exceed \$500.00.

2.05 – Term – The number of days was discussed; the consensus was that 30 days was too long. Bob discussed having a license for a period greater than 30 days going before the Planning Board. He did not think the Board should be involved once this is accepted. Cheryl will check with other towns to see what they do for people who want more than 30 days.

Fees – Bob questioned the fees. He felt it should be \$75.00 for 15 or fewer consecutive days and \$150.00 for 30 or fewer consecutive days. Cheryl questioned defining a range of days.  
Penalty

Discussing the violation fees – Cheryl will check on a schedule.

## **Administrative Session**

### **Minutes**

The minutes of April 22 and 29 will be finalized at the next meeting. Betsy will add the changes from Cheryl and Kathy and e-mail to everyone.

Cheryl will try to have a Hawkers changes for next meeting.

Kathy asked about the completion for the Master Plan and CIP. Betsy suggested contacting Mike Tardiff. Kathy will contact him.

### **Mail**

There was no mail.

### **Old/New Business**

Kathy adjourned the meeting at 8:51PM.

Respectfully Submitted,

Betsy Bosiak  
Recording Secretary