

Westmoreland Planning Board
Minutes
December 1, 2025

Attending: Lauren Bressett, Bruce Smith, Mark Terry, Liana Capra, Alison Fissette, Tim Thompson.
Alternates: John Stronk, Larry Siegel. Excused: Lisa Prince, Kristen Riley.

Members of the public were in attendance. The meeting was recorded.

Lauren Bressett called the session to order at 6:00 PM. John Stronk was seated for Kristen Riley. She noted because there were no application hearings, Larry Siegel could participate in board activity.

John Stronk moved, Tim Thompson seconded that the minutes of November 3 be approved as printed. All voted in favor. Tim Thompson moved, Alison Fissette seconded that the minutes of November 11 be approved as printed. All voted in favor. Bruce Smith moved, Tim Thompson seconded that the minutes of November 17 be accepted as printed. All voted in favor.

Lauren opened the public hearing for review of ordinance changes and site plan regulation revisions.

Ordinance Reorganization

Lauren explained why the board asked Southwest Regional Planning Commission to reorganize the ordinances. The board feels the result is much more user friendly. The chart comparing the old ordinance reference numbers to the newly organized structure was viewed. It was noted that no changes were made to the ordinances during the reorganization other than changing the terms Zoning Administrator and Zoning Permit to the terms changed by the Select Board to avoid confusion. These now read Land Use Administrator and Land Use Permit. There were no comments from the public. Liana Capra moved, Alison seconded that the reorganized ordinance structure be put on the town ballot for vote. All voted in favor.

Lauren noted that in the reorganization process, some grammatical errors were noted by SWRPC. The following errors were reviewed and corrected:

1. Under Section 104 Terms
 - a. Retail Store or Services - "This shall exclude any drive-through/drive/up service..." corrected to read : "This shall include any drive-through/**drive-up** service..."
 - b. Home Business - "Will require site plan review."corrected to read "**It** will require site plan review."
 - c. Sign, Flag - "A lightweight material carrying a design or words designed to fly or hang from a pole.: corrected to read "**A sign made of** lightweight material carrying a design or words designed to fly or hang from a pole."
2. Section 301.2 B (2.4.2) Application Requirements - "Information as to the existing and intended use of each building, lot, or part thereof, and as to the number of families, lodgers, or other occupants any building upon the premises is designed to accommodate." corrected to read "...or other occupants **that** any building upon the premises is designed to accommodate."
3. Section 431:2 (8.2) Signs in Residential Districts - "The combined area of all signs shall not exceed 18 square feet for all uses and are not contiguous with the primary sign." Corrected to read "for all uses and **shall** not be contiguous with the primary sign."
4. Section 453.3 (13.4): Construction Performance Requirements, item 2 "towers shall be set back a distance equal to 125% of the height of the tower from any non-related on-site structure, or off-site structure within 200%." Corrected to read "within 200 **feet**."
5. Building Ordinance 7:02: Penalties and Remedy for Violations - "Every person, persons, firm, or corporation violating any of the provisions of this Ordinance may be subject to a fine by the

Board of Selectmen of not more than one hundred dollars (\$100.00) for each day of said violation, plus any legal costs resulting in the enforcement of said violation."corrected to read "...plus any legal costs **incurred** in the enforcement of said violation."

As all of these changes are grammatical and do not lead to any change in the meaning of ordinances, town vote is not required. The board was in agreement with accepting these corrections.

Proposed Ordinance Changes

Lauren explained that any changes to Zoning Ordinances are proposed by the Planning Board but must be put on the ballot for town voting in March. The board reviewed the changes to ordinances or new ordinances being proposed.

Section 307 Conditional Use has not been used since the adoption of the Zoning Ordinances decades ago. The recommendation is to repeal this section as unnecessary. Alison moved, Larry seconded that section 307 be sent to town vote for repeal. The vote was unanimous.

The term "setback" is used throughout both the regulations and the ordinances but a definition is not provided. The Planning Board recommends adding the following definition to 104 Terms:

Setback -A line delineating the minimum distance between the front, side, or rear property line and a building or structure on a lot, within which no building or other structure shall be placed except as otherwise provided. A few questions from the public were answered. Alison moved, Time seconded that this definition be put on the ballot. All voted in favor.

The state legislature voted that no more than one parking place per dwelling unit be required. The following change is proposed to meet state changes:

428 - 4.3.5 Off-Street Parking - For every building hereafter erected, altered, extended, or changed in use, there shall be provided year-round off-street parking spaces at least as set forth below, unless a Special Exception is granted. A required driveway shall be at least twenty feet clear in width, except for one- and two-family uses where width is not specified. Additional parking may be set by the Planning Board based upon documentation in the application of clientele served per hour.

<u>Use</u>	<u>Parking Spaces Required</u>
One- and two-family dwelling units	Change 2 to 1 for every unit
Multi-family dwelling units	Change 2 to 1 for every unit

Alison moved, Liana seconded that this change be put on the ballot. All voted in favor.

Due to some issues that have arisen the board feels clarifying the current ordinance is needed:

421:1 (4.8.1) Portable and small structures (as defined under Terms) must have at least a 20 feet setback from side and back yards and must meet all other regulations, **including front setback**, for the zone in which they are placed. ***These shall not be used as a dwelling.***

Liana moved, Tim seconded that these changes go on the ballot. All voted in favor

There are a number of changes proposed to accessory dwelling units due to state legislation that were passed this year. As a result, the process is also changed. A property owner would still first go to the Land Use Administrator but no longer needs a special exception, just a building permit, as long as some other issue does not exist with the property.

407.2 (5.1) Accessory Dwelling Units - Definition: Pursuant to the authority granted under RSA 674:72, as used in this ordinance, "accessory dwelling unit" means a residential living unit that is within or attached or detached to a single-family dwelling **on a one family residential lot**, and that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation on the same parcel of land as the principal dwelling unit it accompanies.

Purpose - For the purpose of providing expanded housing opportunities and flexibility in household arrangements to accommodate family members or non-related people of a permitted, owner occupied, one family dwelling., ~~while maintaining aesthetics and residential use compatible with homes in the neighborhood.~~ **One** Accessory Dwelling Unit (ADU) shall be permitted by ~~Special Exception granted by the Zoning Board of Adjustment~~ in all zones **on a one family residential lot** providing the following conditions are met:

- A. ~~Only one ADU shall be allowed per lot.~~ The ADU shall be located within the primary dwelling or a new or existing, attached or detached accessory building that also has a non-residential, accessory purpose.
- B. An ADU shall be secondary and accessory to a one family dwelling.
- C. ~~In granting a Special Exception, the Board of Adjustment must find that the ADU is developed in a manner which does not alter the character or appearance of the lot as a one family residential lot.~~
- C. The person or persons who own the lot shall reside in either the accessory dwelling unit or the primary dwelling, except for temporary absences.
- D. Two means of egress from the ADU ~~shall be provided~~ **are recommended**. If the ADU is in the primary dwelling, ***it shall have an independent entrance/exit or one through a common space (ie shared hallway) shared with the principal dwelling unit.*** ~~there shall also be an interior door connecting the two spaces.~~ Any necessary additional entrances or exits shall be located to the side or rear of the building whenever possible.
- E. The area of an ADU shall not be less than 300 square feet or be greater than ~~900~~ **950** square feet.
- F. Adequate provisions shall be made for water supply and sewage disposal to the ADU. The existing or proposed septic system must be certified by a licensed septic designer or engineer as adequate to support the ADU and primary dwelling unit in accordance with New Hampshire RSA 485-A:38. State septic approval required.
- G. Adequate off-street parking shall be provided to serve the combined needs of the primary dwelling unit and the ADU. ***One additional parking space shall be provided for the ADU.*** ~~minimum three (3) parking spaces to serve both the primary dwelling unit and the ADU.~~
- H. Adequate provision must exist or be made for motor vehicle ingress or egress and turning of vehicles within the site.
- I. A building permit for an ADU must be approved and issued prior to its construction. An ADU shall have an interconnected fire alarm system and shall meet all fire safety and building codes.
- J. Accessory Dwelling Unit Certificate of Occupancy: If a property containing an approved ADU is conveyed and the new owner wishes to maintain the accessory unit, the new owner shall apply for a Certificate of Occupancy for the ADU. The purpose of this section is to ensure that one of the two dwelling units is owner-occupied.

Alison moved, John seconded that these changes be put on the ballot. All voted in favor.

A noise ordinance already existed and the state already had legislation relating to agricultural noise but the legislature mandated that a statement needed to be added to any noise ordinance.

438:1 (4.9.1) Noise - **This shall not apply to agriculture, farms, and farming which are following best practices; but does apply to agritourism**

There were questions from and discussion with the public about what this ordinance means. It was noted that to cover all scenarios some towns have multipage policies. Mark Terry, Selectman, felt that this simpler statement was enough for the Select Board to act if an issue was brought to their attention and that it is always advisable for a friendly conversation with neighbors about an issue is a good place to start. Tim moved, Liana seconded that the adjusted ordinance be put on the ballot. Discussion ensued about whether adding a few words might be helpful. Larry Siegel moved to amend the first sentence of the ordinance to read: No **constant or** permanent use shall emit noise in excess of seventy (70) decibels.

Tim seconded the amendment. All voted in favor of the amendment. All then voted in favor of the amended ordinance being put on the ballot.

Parking is currently referred to in passing in a number of places in the ordinances. With the legislative mandated changes and some ongoing issues, the Selectmen requested that a clear standalone policy be added.

Add to 438.5 (4.3.5) Parking Proposed Ordinance - There shall be no on-street parking without a permit by the selectmen.

Larry moved, John seconded that this ordinance be put on the ballot. Bruce Smith was concerned that oil deliveries, contractors, and other services could possibly be in violation and this would mean property owners would need a permit first. It was noted most of the time this would be for a short amount of time and that friendly discussion with neighbors would likely avoid issues not being brought to the Select Board attention. Mark felt that this gives the Select Board authority to act when common sense doesn't prevail. All voted in favor with Bruce Smith abstaining.

As a result of some issues in the recent past, the Selectmen asked the Planning Board to address the issue of snow being left on roadways. After discussion, the board felt that debris besides snow could also be of concern. The intent is not to prevent necessary snow removal or maintenance activities but to make it clear that roadways must be left clear and no other property should be affected without prior permission.

Debris Removal Proposed Ordinance - No person is allowed to rake, blow, or place brush, leaves, grass, other debris onto any part of a sidewalk, street or highway, including the right of way of such streets—unless they have permission from the road agent and the property owner whose land the debris would be placed upon.

Snow Removal Proposed Ordinance - No person is allowed to shovel, plow, blow, or place snow or ice across the road or onto any part of a sidewalk, street, or highway that people travel on—unless they have permission from the road agent and the property owner whose land the snow or ice should be placed upon, under specific conditions such as placing snow and ice along the edges of roads or sidewalks as a normal part of clearing them.

There was some discussion with the public about placing snow when plowing and what debris meant and why it was a concern. Alison moved, Liana seconded that these ordinances be put on the ballot. All voted in favor.

As a result of two issues in town over the past year, the Selectmen requested we look at special events permitting. It is important to note that the Selectmen have the authority to establish a permit process on their own but there are times when it is advisable to have it be part of the town ordinances. The feeling is that private parties that are managed in a safe and orderly manner are not meant to be addressed by this. While the board is still waiting for town counsel suggestions, there were recommendations from NH Municipal Association that an introductory paragraph noting the conditions that might be of concern and establishing that the Selectmen may require review and set a fee for the process should be included in any ordinance.

7.4 Special Public Events Proposed Ordinance - The purpose of this ordinance is to protect the public health, safety, and welfare by regulating large or special public events held within the Town of Westmoreland. The ordinance ensures proper planning, emergency access, traffic management, parking, waste disposal, food safety, and responsible use of alcohol, while supporting community and cultural activities.

7.4.1 Pursuant to NH RSA 644:2, the Select Board may require a special event permit for any gatherings in the Town of Westmoreland open to the public that are advertised via print, social or other media, and/or for which there is any form of revenue gathering. The following exceptions apply:

A. Properties with an approved site plan for event hosting.

B. Community events sponsored by the Town of Westmoreland, Westmoreland School, or churches located in Westmoreland.

7.4.2 The Select Board may establish a fee to cover administrative costs for this permit and may:

- A. require a bond or any other form of security that they feel is warranted for the event,**
- B. prepayment for anticipated town services.**

7.4.3 The Select Board may request and take into consideration recommendations of any authorities including but not limited to fire, health, law enforcement, and emergency management and may seek public input and consider impact on abutters and others in the neighborhood.

7.4.4 No further land use approval shall be required for events with a permit occurring only one time per year.

7.4.5 Any property owner who violates this ordinance shall be subject to:

- A. A civil penalty up to \$500 per violation, and/or**
- B. Suspension of the event by the law enforcement or other authorities.**
- C. Each day of violation constitutes a separate offense.**

There were some questions and discussion with the public about what is considered a private or public event. Liana seconded that this ordinance be put on the ballot. All voted in favor.

The board then reviewed the proposed changes to the Site Plan regulations. Lauren noted that this is the final step, that because it is board regulations it does not go to town vote but after the hearing the changed regulations are sent to the Select Board for posting. A paragraph suggested by Alison to give context to why regulations are needed was added. Some typos and formatting corrections were made. There was discussion about whether we wanted to consider web based materials as official copies yet. Mark felt with only one administrator already very busy, that official records still come directly from the Town Office. Bruce moved, Alison seconded that the board send the amended Site Plan regulations to the Select Board for posting. All voted in favor. The new regulations are attached to these minutes.

Lauren closed the public hearing. She asked if there were any other items the board needed to discuss. None were proposed. Liana moved, Alison seconded that the meeting be adjourned. All voted in favor.

The meeting adjourned at 7:25 PM.

Lauren Bressett and Liana Capra, recorders