

PLANNING BOARD MINUTES

October 9, 2019

APPROVED:

10/23/19 __jrl_____

AGENDA: 19SPR03 SITE PLAN REVIEW: ELIZABETH A. SEELER, 66 & 68 Danforth Brook Rd.,
#223-071
19MSP04 MINOR SITE PLAN: VERY EXCELLENT IMMOVABLES, LLC, 290 Lake St.,
#112-066 & -026
PROPOSED ZONING AMENDMENTS

ATTENDING: Denice DeStefano (Chair), Evan Hickey (Vice Chairman), Don Milbrand (Sel. Rep.), Paul Barnett, Jackie Elliott, Bruce Beurivage (Alternate)

ABSENT: Clay Dingman (excused), Betty Seeler (excused)

OTHER: Christina Goodwin (Land Use Manager), Tyler Simonds (Planner)

The meeting opened at 7:05pm. Mr. Beurivage sat in for B. Seeler.

CONTINUED SITE PLAN: BETTY SEELER

Ms. Seeler had requested a continuation.

E. Hickey made a MOTION, second by B. Beurivage, to CONTINUE THIS CASE TO NOVEMBER 13, 2019 AT 7:00PM. The motion CARRIED.

MINOR SITE PLAN: VERY EXCELLENT IMMOVABLES LLC/HECTOR HSU

Ms. Laferriere read the application, abutters notified, where the hearing was advertised, and stated that there were no phone calls nor written correspondence received. Concerns from the Fire Chief and the Water Superintendent were received. Ms. DeStefano explained the process for a hearing.

Ms. Goodwin stated that Mr. Hsu wishes to reopen the restaurant, add 6 B&B rooms upstairs (where 2 apartments were previously) and utilize the 3 existing bedrooms on the first floor for staff (these were never legally put in). Because of the latter, Ms. Goodwin was not certain that this could still come under a Minor Site Plan. Ms. DeStefano read the requirements for a Minor Site Plan. Mr. Barnett did not feel that a Major Site Plan is needed and Ms. DeStefano and Mr. Milbrand agreed.

D. Milbrand made a MOTION, second by J. Elliott, to ACCEPT THIS CASE AS A MINOR SITE PLAN. The motion CARRIED.

The checklist was then gone through. Mr. Simonds questioned parking for the employees and Mr. Milbrand felt that, whether or not the employees lived on the premises, they would need parking which was already calculated.

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HSU MINOR SITE PLAN continued:

E. Hickey made a MOTION, second by P. Barnett, to CONSIDER THE APPLICATION AS COMPLETE. The motion CARRIED.

Ms. DeStefano then read the definition of a B&B, Mr. Hsu stated that he will provide breakfast to the B&B occupants and the staff before the restaurant opens. Ms. DeStefano stated that parking is okay for the restaurant and B&B. She added that the Planning Board can determine this further if they desire. Again, Mr. Milbrand reminded all that the employees park whether they live or work there.

At this time, Ms. DeStefano read the concerns of the Fire Chief (the building will need a sprinkling system) and the Water/Sewer Superintendent (may need to adjust the number of units. They also just show the restaurant and 2 apartments).

The sign request was addressed: Mr. Barnett asked if the digital sign is asked to stay on all night. Mr. Hsu felt that this would be up to the Board. The same message will stay on all day with changes overnight for the next day. The Board was having trouble with the digital sign and cited Cumberland's and Parkhurst's which were denied. Ms. DeStefano read the pertinent parts of the sign ordinance and it was determined that a digital sign is prohibited by the Zoning Ordinance and would need a Variance. Mr. Hsu explained that they would only make changes and then it would go back each day and changed to something new the next day. Ms. DeStefano stated that it would still need a Variance and mentioned that we need to look at the sign ordinance again.

Ms. Goodwin stated that the floodlights need to be down lit. They are in the back of the building. Mr. Hsu agreed to do this and said that he would like to get rid of the shed. Ms. Goodwin was fine in doing that. Mr. Barnett asked if there is a barrier around the propane tank and was told that the tank is on an elevated section of the yard. Ms. DeStefano asked when he wishes to open and Mr. Hsu answered that he hopes to open the Take Out area November 18th, the restaurant over the winter when he gets all the permits, and the B&B in the Spring. Mr. Hickey asked about snow removal and Mr. Hsu was not certain, being from the city. Ms. Goodwin stated that there is a cement wall behind the parking area that is behind the building. The parking lot across the street was towards the trees. Ms. DeStefano cautioned him not to move any snow onto someone else's property. We will need a note on the plan to show the snow removal.. Ms. Goodwin mentioned that there is a drop off at the back of the parking lot that drops into wetlands so he will not want to push snow there either. Mr. Hsu stated that he has the same maintenance person as before who should know all of this.

With no further questions, Ms. DeStefano listed the conditions needed as the occupancy, sprinklers, time for the lighted sign to be off, the snow removal on the plan, flood lights down lit, the 4' x 2' digital sign prohibited. Ms. Goodwin asked about the 1' x 5' sign and was told that he would need a Special Exception for that and it has been crossed off the application. A discussion resulted in a 10:00pm shut-off time for the grandfathered sign.

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HSU MINOR SITE PLAN continued:

E. Hickey made a MOTION, second by B. Beaurivage, to APPROVE THE MINOR SITE PLAN OF VERY EXCELLENT IMMOVABLES LLC WITH THE FOLLOWING CONDITIONS: OCCUPANCY AS DETERMINED BY THE FIRE CHIEF, THAT THE BUILDING WILL BE NEEDED TO BE PROTECTED BY AN AUTOMATIC SPRINKLER SYSTEM IN ACCORDANCE WITH THE STATE FIRE CODE AND AS APPROVED BY THE FIRE CHIEF, LIGHTED SIGN IS TURNED OFF BY 10:00PM, FLOODLIGHTS TO BE FACING DOWNWARD AND AWAY FROM NEIGHBORS, 4' X 2' SIGN WITH DIGITAL DISPLAY IS NOT ALLOWED, AND SNOW STORAGE TO BE ADDED TO THE PLAN. The motion CARRIED.

If it is ready, the revised plan and Notice of Decision will be signed at our workshop meeting on 10/23/19.

PROPOSED ZONING AMENDMENTS:

Ms. DeStefano asked the Board to think about these for our next workshop.

ACCESSORY DWELLING UNITS (ADU'S): Mr. Simonds explained that the Board had discussed detached ADU's. Mr. Barnett asked where he got 750' for the maximum size and Ms. DeStefano answered that this is from the model ordinance from the State. Mr. Barnett asked if we are excluding tiny houses as ADU's. Ms. DeStefano stated that right now we only allow them if they are attached. Ms. Goodwin said that we need to consider minimum and maximum sizes and Ms. DeStefano added so we know when it becomes a second residence on the lot.

COMBINED DWELLING AND BUSINESS: Ms. DeStefano read the definition versus that of occupation.

LIST FROM THE SUBCOMMITTEE:

Ms. DeStefano felt that we will not have time to get to the Mixed Use Ordinance. This could be determined as a Zoning District or as an Overlay. The committee will work on it and not rush through it. A developer would need a Variance in the meantime. Mr. Milbrand and Ms. DeStefano both agreed to the Overlay idea. Ms. Goodwin stated that she has calls into other Planners and the attorney for input and hopes to have something for the Board for the next workshop.

MINUTES OF SEPTEMBER 25, 2019: The following amendments and clarifications were made: Page 1, ADU paragraph 1, 1st line, replace "and has amended" with "as proposed amendments". 2nd line, replace "change being" to "suggestion is to allow" and following "units" insert "and clarify language about architecture." Page 2, Fence and Structure, 1st line, before "Fence" insert "proposed". Page 3, 3rd paragraph, 1st line, replace "felt" with "reminded the Board".

D. Milbrand made a motion, second by J. Elliott, to approve the minutes as amended. The motion carried with two abstentions.

COMMUNICATIONS:

Ms. DeStefano read the notice for a public hearing for a cell tower in Holderness on Oct. 15, 2019.

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REPORTS:

HDC – They approved some changes of the Historic District Ordinance for our next workshop.

Selectman – Mr. Milbrand will be away for our next workshop meeting.

CIP – No quorum

LAND USE – Mr. Simonds needs to know who wants Land Use books as he has to order them tomorrow. Please respond via e-mail. For the Redi Initiative, Melissa Levy would like to meet with us in Nov. or Dec. We shall have to look at that as we have no workshop meetings in Nov. and Dec.

Ms. Goodwin explained that the office will be open Tuesday, Oct. 15th but we shall have no computers or phones after that. We will be shut down for the move 10/16-10/23. The next Planning Board meeting will be held at the new building. On 10/26, there is to be a dedication and tour. Also, LRPC is questioning our membership people for the Transportation Advisory Committee (TAC) – 2 positions, and the LRPC Commission – a member and an alternate. Steve Favorite is believed to be the first member. Ms. Goodwin will reach out to Steve and any others who might be interested (also will find out what it entails).

Ms. Goodwin continued to say that the staff and Ms. DeStefano attended the NHMA Law Conference last weekend. We received booklets with a lot of legal information. Ms Goodwin will scan them and send them to the Boards (Planning and Zoning). There is to be a 2-day NHMA Conference in Manchester, and registration has to be in by Friday. The Conference will be held Nov. 13 and 14.

NEXT MEETING: Wednesday, Oct. 23, 2019. We shall work on the proposed amendments.

With no other business, D. Milbrand made a motion, second by B. Beurivage, to adjourn at 9:00pm. The motion carried.

Respectfully submitted,
Jan Laferriere,
Land Use Admin. Assistant