

PLANNING BOARD MINUTES
May 10, 2017

APPROVED as amended:
5/24/17 __jrl_____

AGENDA: 17SPR SITE PLAN REVIEW and 17SUP02 SPECIAL USE PERMIT, ALAN BARNARD FOR KENNETH A. & LINDA D. ROSSI, 861 Lake St., #216-022

ATTENDING: Denice DeStefano (Chairman), Paul Manganiello (Sel. Rep.), Bob Curtis, Steve Favorite, Dan Paradis, Elizabeth Seeler.

ABSENT: Clay Dingman (Vice Chairman – conflict), Brian Howe (Alternate – conflict)

OTHER: Sandra Heaney (Conservation Commission), Alan Barnard, Andy O'Hara Jr., Eugenio Ianniciello

The meeting opened at 7:00p.m. with a quorum.

17SPR02 SITE PLAN REVIEW, ALAN BARNARD FOR KENNETH A. & LINDA D. ROSSI

The secretary read the application, the abutters notified, where the hearing was advertised and stated that she did not receive any phone calls or written responses. There were no Department Head comments and that the State Fire Marshall shall be involved with the building permit. The new Health Officer, Christina Goodwin, had no comments.

The checklist was gone through. Mr. Paradis stated that, now that we have architectural standards, we need to add them to the checklist. Mr. Barnard stated that the Rossi's main business is custom exhaust. They have included a showroom here for the possible sale of wheels, etc. All work is to be done inside. Mr. Favorite felt that they may need a sign to indicate that the shared driveway entry to this property is separate from Mr. Ianniciello's private way. Mr. Barnard stated that the plan is to pave the entry and have in an out arrows. Mr. Dingman had sent in a comment asking if they might have 2 or 4 fewer parking spaces. Mr. Barnard stated that they wished to keep all that they have shown on the plan.

E. Seeler made a MOTION, second by B. Curtis, to ACCEPT THE APPLICATION AS COMPLETE. The motion CARRIED.

Mr. Barnard presented the drainage plan, pointing out the retention pond. He added that the green area is the grading in the Wetlands buffer setback. The well radius relief is done by the State.

Public comment was asked for and abutter, Eugenio Ianniciello, stated that he is concerned about the shared entrance draining down into his private driveway. He added that he welcomes the project, however. Mr. Barnard assured him that they have addressed that.

Mr. Barnard shared a sample photograph of what the building will look like. He added that it will be metal siding to look like Board and Batten wood. Ms. DeStefano questioned the use of metal which is not in line with other businesses in the area. Mr. Paradis said that the metal roof is okay. Mr. Favorite felt that it has a good look however. Ms. DeStefano asked about a sign design and Mr. Barnard stated that they have not done one as yet. There will be no sign on the building itself. Ms. DeStefano asked if

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ROSSI SITE PLAN continued:

any outside display is planned and was told that there will not be. She then asked about the parking surface and was told that the driveway and parking areas are all to be paved. This is figured in with the impervious percentage. Mr. Paradis asked about noise and Mr. Barnard explained that exhaust systems have to be a certain standard. Ms. DeStefano asked about lighting. Mr. Barnard said that they would only use them during business hours. Mr. Favorite mentioned that most businesses use security lighting and Mr. Barnard was not sure if they wanted to have any motion detector lighting. He added that they are to have a cupola to match what is next door. Also a farmer's porch to break up the size of the building.

Mr. Ianniciello asked about the big door shown in the photo and Mr. Barnard explained that the big door will be in the back on this building. The front will have a walk-in door and a couple of windows. A discussion followed regarding the entry drive and the State allowance for it. Also, plowing of snow there.

Ms. DeStefano stated that we should consider the lighting factor and a written agreement. Mr. Paradis added that the Special Use Permit is also needed. Mr. Favorite would go along with a maintenance agreement between the two parties.

S. Favorite made a MOTION, 2nd by E. Seeler with an amendment (see below), to APPROVE THE SITE PLAN WITH CONDITIONS: EXTERIOR LIGHTING TO BE DOWN LIT, A MAINTENANCE AGREEMENT BETWEEN THE TWO PARTIES, AND A SPECIAL USE PERMIT.

Ms. Seeler amended, with agreement from Mr. Favorite, to add: THE MAINTENANCE AGREEMENT TO BE WRITTEN AND MADE PERMANENT.

Mr. Ianniciello stated that he just doesn't want snow pushed onto his property. Mr. Curtis questioned the lighting and Ms. DeStefano felt that, if lights were to be used all night, they should be down lit. Mr. Barnard stated that there is soffit lighting under the porch roof. He added that he felt that the town could have an issue in the future by requiring a maintenance agreement. Mr. Curtis asked if the driveway plowing should be included for Fire access and Ms. DeStefano answered that the Insurance Company will require that it be plowed. Mr. Barnard added that they could also deal with a fire from the main road.

The Board voted in favor unanimously and the Notice of Decision was signed.

17SUP02 SPECIAL USE PERMIT: ALAN BARNARD FOR KENNETH A. & LINDA D. ROSSI

Ms. DeStefano and Mr. Paradis stated that we need to review the Zoning Ordinance, page 58, Article IX, Section 9.6A that requires that the Conservation Commission and Health Officer are notified for review and comment 30 days prior to the hearing. Mr. Paradis felt that we cannot get around that (the 30 days won't be up until May 14th). Mr. Barnard stated that the secretary had told him about that when he applied. He added that they are only in the 50' buffer. A Special Use Permit waiver was questioned. Mr. Barnard will look into it and send it to the secretary if a change is necessary.

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ROSSI SPECIAL USE PERMIT continued:

E. Seeler made a MOTION, second by S. Favorite, to CONTINUE THE SPECIAL USE PERMIT TO MAY 24, 2017 AT 7:00 P.M. The motion CARRIED.

Mr. Barnard asked for a copy of the Conservation Commission comments to be sent to him as soon as we receive them.

ANDY O'HARA JR. PCC:

Mr. O'Hara asked about the progress on his complaint against Auto Trends. Christina Goodwin (new Land Use/Health Officer explained that the State has informed us that they have two approved driveways. However, the additional paving is in violation of the Site Plan and she needs direction as to how to progress on that. Does she bring him in for an amendment to his Site Plan? Mr. Curtis said that we were to get legal advice. A discussion followed in which Ms. Goodwin asked what the Board wanted in this case. Ms. DeStefano referred us to the Site Plan/Subdivision Regulations, page 35, in regard to amending Site Plans. It was felt that Mr. Schneider needs to either put everything back as was approved or come in for a PCC to discuss this with the Board. Mr. O'Hara was thanked for coming in.

MINUTES OF APRIL 26, 2017: The following amendments and clarifications were made:

Page 2, Selectmen's Report, 2nd line, following "delivery" insert "to Auto Trends" and 9th line, following "ballot" insert "for Budget Committee". Last paragraph, 3rd line, replace "#34,000" with "\$34,000" and leave 1 space. Page 3, 1st paragraph, 2nd line, replace "handing" with "Handling".

P. Manganiello made a motion, second by S. Favorite, to approve the minutes as amended. The motion carried.

COMMUNICATIONS: There was one Wetlands Permit for Mary Cotter-Lemoine, 305 Wulamat Rd., #102-022.

REPORTS:

HDC = Mr. Dingman sent in a report saying that they had no hearings. He attended the State OEP Conference and has a lot of information on the Accessory Dwellings Law. He is willing to work with whoever is assigned to that change for our workshops. This law goes in on June 1st.

SELECTMEN = Mr. Manganiello stated that he was absent from the last Selectmen's meeting. He amended his last meeting statement as they have learned that Ashland voted to hold a special election for our State Representative so we shall have to hold that.

CIP = Don't meet again until July.

LAND USE = Ms. Goodwin explained that there is a West Shore Rd. garage that is built in the right-of-way (grandfathered). As it is dangerous to back out onto that road, the owner would like to change the entry to the side which will need to be enlarged (24' x 24'). It is in the Shoreland Protection area so would need to go to the State for that. The Board determined that it would need a Variance and Mr. Favorite advised that they speak to the State Shoreland Protection and to the State DOT first.

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LAND USE REPORT continued:

Ms. Goodwin stated that we are working to track information better. She is making up spreadsheets for this so that we can track both Land Use and Health issues which will allow us to update them until they are complete. She has 8 Health issues right now. Land Use is very busy. She has 3 new buildings to go up in Sunset Heights. Ms. DeStefano mentioned that they have architectural and setback standards in their association, as well. Ms. Goodwin is to get Class VI road waivers from them also.

Ms. Goodwin continued with the Mexican Restaurant who have gotten their sign permit. There are no changes of use. They own 5 other Mexican Restaurants, she added.

North Woods, 23 Central Square (Tukey Building) has come in for a sign permit. Jon Shackett is looking to move to the Abel building. Ms. Goodwin has told him that he is fine to move as a Nano Brewery but would need to come in to the Board for a Brew Pub. It is the same situation as he had previously in which he either tries for a Variance or waits the year for a change in the Ordinance. Newfound Family Housing has applied for their permit. In absence of Building Codes, the State Fire Marshall will be involved.

NEW:

Ms. DeStefano stated that there is a change to our June 28th meeting as the facilitator is not available to attend that joint meeting. Also, the NLRA was double booked and want a July or August date instead. Ms. DeStefano will try for our July 26th workshop.

Ms. DeStefano then asked the Board to think about what they would like the part-time Planner (3 days a week) to do for us. The secretary mentioned that this must be spelled out in the Planning Board bylaws as well and can only be a recommendation (as spelled out in the OEP Planning Board Handbook (which she and Ms. Goodwin hope to scan for the Board soon. Ms. DeStefano asked the Board to think about this.

NEXT MEETING: Our next meeting is to be held on May 24, 2017 at 7:00 p.m. We shall have the Special Use Permit Hearing and will meet with the Conservation Committee about the Wetlands Section of the Zoning Ordinance.

OTHER: Mr. Favorite stated that there is a new requirement for variance voting that is stronger. Also, the State Building Codes are being revised, along with the State Fire Codes, docks, accessory buildings, and accessory dwelling units. They are looking to take away RSA79-E and doing trial situations on Zoning. The Weirs Times has an article on building regulations that is of interest.

With no other business before the Board, S. Favorite moved to adjourn at 9:12p.m. with a second by Mr. Manganiello.

Respectfully submitted,
Jan Laferriere, recording secretary
Land Use Assistant