

PLANNING BOARD

NOVEMBER 21, 2019

MEMORIAL BUILDING

7:00 P.M.

These are to be considered draft minutes until approved by the Board.

The meeting was called to order at 7:00 p.m. Board members introduced themselves.

Planning Board members: Kevin Lee, Chairman, Darrin Patten, Michael Howard, Bryan O'Day, Ex-Officio, George McCusker; Alternates Tim Bray, and Dan Saulnier. Absent: Peter Keene and Ken Jacques. Dan and Tim were asked to step in for absent members.

Others present: Roger Smith, Zoning Coordinator; Peter Lacaillade, Justin Hastings, Steven Schneider, Circuit Rider from the Upper Valley Lake Sunapee Planning Commission, Charlie Baughman, Nicholas Cote, Scott Cote, and Keith Cutting.

Minutes of October 17, 2019: Darrin moved to approve the minutes as written, seconded by Dan. Bryan and Kevin abstained. The remainder of the Board voted in favor.

George moved to appoint Tim and Dan to sit in for absent members. Motion seconded by Darrin and unanimously approved.

Literature and Correspondence: None

Peter Lacaillade, d/b/a MCNE Masons: The continued site plan hearing was opened. A new sketch was presented which included missing items the Board requested previously.

The Board reviewed the checklist for application completeness. Missing items:

- Setback lines
- Topo contours
- Structures located within 200'
- Location of utilities – poles within 100'.

Abutter info is included on the separate tax map submitted. There is a septic design and the subdivision plan includes contours and is on file at the office. The terrain where the business takes place has been altered. The Board discussed waiving missing items and the rationale for doing so. The area is reasonably flat and does not generate a lot of water run-off. There are no designated wetlands on the property. There is no storage of masonry sand on the site. The plan is to scale so there is a good sense of how the buildings are to be located on the plan. Utility poles are on the neighbor's property. A proposed pole with a light is shown on the plan. The power will go over the driveway to the proposed pole, and then will be underground to the building. A motion was made by Mike Howard, seconded by George McCusker to waive the missing items. Further discussion followed. Darrin suggested it would take minimal time for someone to put the missing items on the plan and continue the hearing for one more month. This would eliminate the concern of changing precedents on requirements. Tim agreed. Mike stated the intention of his motion was consistent with the way the Board has handled other applications

at this point, and was to waive contours, poles, neighbors within 200' and setbacks. Those items are covered with plans presented or available in the office. The Board voted and unanimously approved Mike's motion. The Board discussed construction drawings. The building is a proposed building. There is no immediate plan for a building. A Zoning Permit would be required before building can take place. Whit commented that most of the applications for Zoning Permits do not include construction details unless they are for new houses. Whit noted for the record, good local resources are not available for applicants to get good and accurate topo contours. The mapping that is available is not comprehensive. This borders on a hardship for applicants if contours are going to be required by licensed surveyors. Tim suggested reviewing this outside of public hearing. A motion was then made by Mike Howard to accept the application as complete. The motion was seconded by Bryan O'Day, and unanimously passed. Mike then moved to approve the Site Plan with the waivers as noted. The motion was seconded by Bryan and unanimously approved. George expressed his concern regarding the hours of operation from 6 am to 9 pm. Operating before 7 and after 7 seems excessive. Pete stated the hours of operation are so his employees can get to the site and leave with their work vehicles. His jobs are often far away, and they leave early and gets back late. Kevin stated there have been no issues with noise.

At 8:07 the continued Site Plan Hearing concerning the request by Scott and Priscilla Cote (property owners) and Nick Cote (business operator) to process firewood, and storage and use of equipment and typical materials used in wood processing, tree work, logging, and snow plowing was begun. A Special Exception with conditions was granted by the Zoning Board on November 6, 2019. The plan was reviewed. The status of Old Grantham Road was discussed. The Board of Selectmen have determined Old Grantham Road is Class V from Bog Road to where the town plows turn around, in the area adjacent to the telephone pole. (# 5080/2). Beyond that point, the road was discontinued and is not Class VI. The Cote's had shown Old Grantham Road as the route for log delivery. Given the recent information about the road status, Scott amended the plan for logs to be delivered through his property. The Board suggested might Scott seek an easement from the Ryan's if they want to use the discontinued road. Chainsaws and a wood splitter are used on the property. The lot is gently sloping toward the pond. The lot is reasonably clear, with wooded buffers at the neighbor's lot line. Scott noted there is a natural berm on the property. They located the wood processing area as far down the hill as they could to abate noise. The application checklist was reviewed. Setbacks are not shown, but the Board agreed they are covered by the scale of the plan. Other missing items were discussed.

- Topo map with contours
- Structures within 200' of property
- Public and Private Utilities

Scott will amend the plan and come back with the missing items. A motion was made by Mike Howard to accept the application as complete, noting the missing items. George seconded the motion and was unanimously approved.

George stated the Zoning Board limited the hours of operation. He asked if Scott is limited by the business hours when cutting wood for his personal use. Most everyone who processes wood for a business also burns wood in their homes. Mike Howard stated business use should not encumber a property owner's personal use. Scott stated he processes his own personal wood up near his house, separate from the business area. Mike Howard moved to approve the Site Plan with conditions as noted above. The motion was seconded by Dan and unanimously approved. The Site Plan will be amended and brought back for the Board to review at their next meeting. Whit stated he would like the Board to prepare a simple list of Site Plan requirements to make things easier moving forward. The hearing adjourned at 8:55 p.m.

Review of agricultural literature: The Board discussed the State Statute information that was presented by Keith Cutting and Seth Wilner last night. Tim noted from the literature there is a clear distinction between tax exempt status for a high tunnel. A high tunnel is defined as equipment for the purpose of taxation but is a structure per the Zoning Ordinance. A Special Exception is not required for agricultural activity, but a Site Plan is required. A Zoning Permit is required for putting up a high tunnel. Keith stated his issue is not specific as to whether he needs a Zoning Permit. That has been addressed by both Planning and Zoning. He is looking to get a specific definition and understanding of the rules focusing on agriculture, not other businesses. The legislature recently changed RSA language making agritourism an accepted AG practice which has progressed to the high tunnels and other areas. Keith noted a lot of planning boards in other towns are having conversations relative to decisions of the courts and legislature. The three issues he has are 1.) taxation, 2.) land use, and 3.) whether some implements used in farming are defined as a structure or equipment. Some towns have considered certain sized sap gathering tanks and vacuum pumps as structures. After discussion, Dan noted it appears the goal is to get the Planning Board to re-evaluate how it addresses agriculture and agricultural equipment and propose some guidelines and language for that. Keith stated legislatively towns may appoint agricultural commissions. The Selectmen on their own won't put this on a warrant. He is pursuing it through petition. An AG commission allows for in-town experts to advise the Planning Board, Zoning Board, Conservation Commission and Board of Selectmen in agricultural and forestry practices. These are also important areas addressed in the Master Plan.

Tim summarized the Board should move forward with understanding the goals they want to get to and improving the application requirements for consistency moving forward. The Board agreed. The meeting adjourned at 9:40 p.m.

Submitted by,

Janet Roberts,
Administrative Assistant