

**PLANNING BOARD
JOINT HEARING WITH ZONING BOARD OF ADJUSTMENT**

JANUARY 21, 2016

MEMORIAL BUILDING

7:00 P.M.

The following are to be considered draft minutes only until approved by the Board at their next meeting.

A Joint Hearing with the Zoning Board of Adjustment was scheduled for 7:20 p.m. at the request of Sue-Ann Connary and Audrius Kazenas.

Planning Board members present: Kevin Lee, Chairman; Ken Jacques, Mike Howard, Bryan O'Day, Peter Keene. Leigh Callaway stood in as Selectman's representative in Don's absence.

Zoning Board members present: Susan Chiarella, Chairperson; Bryan O'Day, Justin Hastings, Peter Abair, and Rick Corbett.

Others present: Mike McCrory, Planner from Upper Valley Lake Sunapee Planning Commission; Jeff Haley, Marla Binzel, Christine White, Bill White, Victor Rifkin, B. Manning, Fred Davis, Donna Newton, Wayne and Roxanne Smith, Emily Cleaveland, Judy Gurka, Pamela Laurie, Mary Bleier, Michael Chiarella, George McCusker, and Cynthia Bruss.

At 7:00 p.m. a hearing concerning the request by Victor Rifkin for an amended Site Plan Review for Camp Sunapee was called to order. Bryan O'Day stepped down. Victor reported he has applied for building permits to replace the workshop and gazebo; a permit to add four staff cabins in the boy's area. Per State requirements there is not enough staff in the boy's area needed for safety and supervision. He also applied for a permit for an addition to the theater. The State requires more space and more egress in the building which was built 40 years ago and is within the setbacks of a neighbor's boundary. He has applied for a setback variance with the ZBA. Victor stated he is not expanding the number of campers. The changes are for utilization and distribution of staff, and wellness and safety issues to meet current State Standards. Victor stated the gazebo is almost completed and is in the area where the previous canopy was in 2009. The Board looked at the 2009 plans and did not see a canopy. The workshop was also two temporary canopies and the plan is to now make it one building.

Ken questioned if Victor has spoken to the Fire Chief about construction. The Board agreed Victor needs to have a discussion with the fire chief about emergency vehicle accessibility through the roads and areas around the cabins. They would like to see the road show up on the plan. The cabin names should appear on the plan and the Fire Department should visit the site to familiarize themselves with the layout. The Board would like to hear comments from the Chief. The theater expansion is pending a zoning hearing for expansion of a non-conforming, existing structure. A decision of the Zoning Board is required before the Planning Board can grant a decision on the amended Site Plan.

Kevin reviewed the application for completeness.

1. The Site Plan needs to show the location of the abutters, including map and lot numbers.
2. Arrangements need to be made with the Fire Chief and provide recommendations as to the site and emergency access to the cabins.
3. Approval of a Variance by the Zoning Board is required.

Motion made by Mike Howard that the application is incomplete until the above three conditions are met. Motion seconded by Ken and unanimously approved.

Ken moved to continue the Site Plan Review hearing for Victor to February 18th at 7:00 p.m. Motion seconded by Peter Keene and unanimously approved.

Kevin Lee turned the meeting over to the Zoning Board for Special Exception Hearing, concerning a request by Audrius Kazenas (property owned by Sue-Ann Connary) to operate a dog kennel. Chair, Sue Chiarella opened the Hearing. Board members had an opportunity to review the application. Motion by Bryan to accept the application as complete; motion seconded by Peter and unanimously approved. Sue stated the Board would like to hand the hearing back to the Planning Board. The ZBA will listen to the presentation, but will not complete further fact finding until their next meeting. Bryan moved to continue the Special Exception Hearing to February 2; motion seconded by Rick and unanimously approved. Kevin stated, the Planning Board had recommended the applicant put together the type of kennel and sound reduction they planned to use and to go before the ZBA for their decision before the Site Plan continued.

Audrius Kazenas (Andy) presented information regarding Acoustifence. The product blocks sound and reduces noise from the kennels by changing sound waves and noise distribution. Noise would dissipate and reflect away from neighbors and abutters and be reduced to 30-40% of the total noise. All but two kennels would be moved away from the existing outbuilding to the North side of the house. The Board reviewed the documents submitted. Mike Howard noted there needs to be a clearer document to clarify what is happening. There is too much going on in the packet presented and it is difficult to understand. The Board agreed there needs to be one "master" site plan map, properly labeled and clarifying the functions of the business. The plan or a narrative should also address hours of operation, numbers of dogs, how noise will further be mitigated if there are problems. This type of plan and the process is what the Board has required of others. They recommended the applicants review plans that are on file with the town for assistance. Sue-Ann stated she felt what was presented addresses the requirements.

Public Input:

Jeff Haley noted concerns with the delay. This is the same information that was presented in November. He and several others were discouraged with the ZBA for not hearing the case tonight. He questioned going forward with the Site Plan Hearing until the ZBA makes a decision. Kevin stated the applicant was offered an opportunity to apply for a joint hearing so concerns, issues, and public comments could be heard at one session. The Site Plan cannot be completed until the ZBA has made a decision. The Planning Board has concerns with how fully developed this plan is at this point. The ZBA determines if this business can be run in this

neighborhood. The Site Plan determines where things are located. Mike McCrory stated the Planning Board is able to do more give and take than the Zoning Board. It is totally within the Zoning Board's purview to defer a hearing to another time. Ken noted the scope and size of the business needs to be determined. Usually this takes place before a business starts. This process, like many, came about due to neighbor's complaints with noise issues.

Pam Laurie questioned if anyone had determined if this is an in-home business versus commercial? Kevin stated the Planning Board determined in November this fits with the definition of a commercial operation in the Zoning Ordinance. The town is rural residential. Because of that, businesses exist with Special Exception and Site Plan approval.

Selectman, George McCusker questioned what types of sound barriers would be in place to mitigate the noise. Would the dogs still be on runs? The end result needs to be that the neighbors not hear the noise. Andy stated the dogs are not on "runs". They are let out in fenced areas and supervised.

Wayne Smith commented that he lives up on the hill, and is concerned tall fences with barriers will not keep the noise from reaching him. He would like to see provisions to make sure the noise is not an issue for him.

Justin questioned how long the business has been there. Sue-Ann stated she bought the house in 2005. Her husband ran the business before he passed way. Up until recently she had been downsizing. Now Andy is building the business back up. They have taken measures to mitigate the noise when complaints have been received, but has never received communication back from the neighbors. Andy stated the dogs go out about three at a time, about three times a day. There are now 15 dogs there. Sue-Ann stated the town is rural, and there are no laws about someone owning dogs. If they are not approved to operate a business there, they will still have dogs. They would like to find a resolution to keep everyone happy.

Emily Cleaveland commented on duration and intensity of the barking. The noise seems to have gotten worse this past summer.

Jeff Haley stated when the kennels were run by Sue-Ann's former husband, most of the time one wouldn't know there were dogs there. He agreed, this summer things have escalated. Sometimes the noise would be ok, and sometimes it was unbearable.

Donna Newton noted that this grievance seems to be in clear violation of zoning, and questioned why they were still in operation.

Leigh reported in August he received an e-mail complaint from Mr. Smith on Hogg Hill. Mr. Smith then attended the next Selectmen's meeting. A certified letter was immediately sent, advising Sue-Ann of the process. When there was no response to that letter, the police department hand-delivered another letter. There is a process the Selectmen must follow to bring

about compliance or before a formal cease and desist order can be issued which involves the courts.

Roxanne Smith questioned what the recourse is if the correction to the situation is not acceptable? Kevin stated the recourse will be part of the decision made by each board.

Board members agreed the process is moving forward. This business came before approvals were in place which usually is not the case. The applications have been received (Jan 4th) and the boards must go through the process, and can also include a site visit.

The Board advised Sue-Ann and Audrius to submit a clearer plan 15 days before the next hearing.

Motion by Ken and second by Mike, to continue the Site Plan Review hearing on February 18, at 7:30 p.m. Motion unanimously passed.

At 8:45 p.m. Kevin opened the public hearing regarding the proposed changes to the Springfield Zoning Ordinance. The changes were those proposed last year, but did not go to town meeting as they had not been vetted by legal counsel. The substance has not changed. Some enforcement criteria has changed.

Mike Howard explained the existing wetlands ordinance was clumsy and didn't necessarily protect wetlands that needed protecting. The amendments decrease the protection in some areas but add protection to more valuable wetlands. Mike stated, Rick Van de Poll, targeted valuable wetlands and has enhanced the national wetlands map. Wetlands also are determined if they meet 3 out of 7 possible criteria. The map is to be used as a guide. The Planning Board wanted to make the ordinance more understandable and the review process streamlined for the general public. Mike noted the Board tried to balance protection of wetlands with property owner's rights, and not make the ordinance too onerous. Public comments were heard. Concerns were addressed regarding the wetlands that aren't on the map and won't be protected by this Ordinance. The Board agreed the ordinance is a living document and is always a work in progress. These changes are a starting point, to work with, and can be increased within a 12 month turn-around time if necessary.

A couple minor clerical changes were made which does not change the content or scope of the document. Mike McCrory will make the changes and forward the documents that must be on display no later than February 2. Mike briefly reviewed the language for the warrant article and will forward that as well.

Ken Jacques moved to recommend the Zoning Amendments to voters at Town Meeting. The motion was seconded by Mike Howard and unanimously approved.

At 9:35 p.m. motion by Ken and second by Mike to close the public hearing. Motion passed unanimously.

Minutes of December 17, 2015: Ken moved to approve, Mike seconded. Passed unanimously.

Board members reviewed their operating budget numbers. Kevin asked Mike McCrory to forward information as to the total # of annual hours for circuit rider coverage. The Board was in agreement to maintain the same budget.

The meeting adjourned at 9:45 p.m.

Minutes submitted by,

Janet Roberts

DRAFT