

**ZBA MEETING W/THE PLANNING BOARD**

**FEBRUARY 3, 2015**

**MEMORIAL BUILDING**

**7:00 P.M.**

*These are to be considered draft minutes only until approved by the board at their next meeting.*

**ZBA Members Present:** Bryan O' Day, Susan Chiarella, Justin Hastings, Gene Hayes, and alternates Jim Bednar and Peter Crowell

**Planning Board Members Present:** Kevin Lee, Darrin Patten, Peter Keene, Ken Jacques and Bryan O' Day

**Others Present:** Barry Schuster, Ashley Romeo-Bolles, Samten Dawson, Scott Sanborn, Leigh Callaway, Kevin Roberts, Peter Lacaille, Jim Kirby, Chris Hall, Dan Gilner, and Gary Gardner

Meeting was called to order at 7:00 by Kevin Lee who turned the meeting over to Susan Chiarella

Susan started the meeting with introductions of the boards.

Barry addresses the board and hands out a letter that he wrote in regards to the list of items that both boards had requested at the previous meeting.

He addresses the rooms and meals tax stating that Natural Dharma is exempt because they are a non-profit organization. He states that a fire alarm will be installed. He talks about food licenses and permits.

Scott Sanborn addresses the board and has new plans to show where lighting will be going along with reflective, illuminated signage. He shows the boards on the map where the vegetative buffering will be by the parking lot to protect the abutters from lighting. He shows the boards the location of the porta potties and stated they would be shielded from the road. On the new plan he moved the tent sites back. He stated there would also be low level lighting on the pathway for walking. Peter Keene asked about lighting on the barn. They stated there isn't any currently on the barn. Susan Chiarella asked about the number of porta potties. Scott stated it would depend on the event and how big it was. Samten stated she can't imagine there being any more than four. Scott states they are pretty isolated. Susan Chiarella stated she had thought that one of the abutters had seen as many as eight there previously.

Ken Jacques asked about the size of the lamp post. Scott Sanborn said he wasn't positive yet, however anticipating maybe a 6 ft. post.

Jim Bednar asked about night events where people are leaving, might want to consider a motion light for safety. Jim Kirby felt if people were leaving that their cars had sufficient enough lighting. Samten explain she wants to maintain as much natural lighting as possible.

Kevin Lee states from a planning perspective he would like to see the lamp post shown on the map and stated that it is for future lighting.

Susan Chiarella asked if the tent sites shown on the map were the exact spots. Scott Sanborn states that it is just a guideline. Susan asked which bathroom the tent site occupants will use. Scott states they will use the facilities that are in the bathroom. Ken asks who provides the tents. Samten states that participants bring their own. Sampten explains that an announcement is made for anyone occupying one of the rooms who wouldn't mind sharing their bathroom.

Susan asked about the difficulty of putting out a fire in that building. Kevin Roberts stated that they had tested the pond at Philbrick Hill and after about an hour it would be dry. Barry Schuster states that the basis of the fire analysis was to get people out of the building safely. That was the primary concern and focus of the analysis. Gene Hayes asked about rooms and fire alarms. Jim Kirby states that a commercial fire alarm system would be installed.

Ken wanted to add on Susan's question regarding the fire. He stated that some years back when there was a fire at the Villa that 550 gallons of water went through the fire trucks.

Peter Crowell asked if the alarms were all tied into one central alarm system. Jim Kirby states that he could not answer that question. He states once the commercial fire alarms system is installed they will be all tied together, and he states they will get that installed as soon as they can.

Peter Lacaillaide stated that the fire extinguishers will be tied in as well. Peter Lacaillaide asked about benchmarks and timeframes. Barry stated that Jim Kirby is working with Tasco now. Barry states they have no set dates. Jim Kirby states he does have a tentative schedule but he is not willing to share it at the moment. Kevin Lee states that the board is going to need it at some point and they will ask for it. Jim Kirby stated he was still waiting for quotes, however he understands that fire safety is the number one concern.

Ken Jacques asks if the fire report mentions Carbon Monoxide. Barry stated that it did.

Susan asked about the maximum capacity and if that meant people sleeping there and they said yes.

Susan asked if there were any public comments. Peter Lacaillaide, the fire chief, asked about time lines because of State laws and feels some things need to be taken care of immediately. Ken states by the town allowing them to operate leaves a lot hanging on the fire department. Ken also added that all of this should have been done long ago. Jim Kirby stated he hoped that by June 30<sup>th</sup> that the alarm would be operational.

Kevin Lee stated that he would feel uncomfortable allowing for a big retreat until the fire safety codes are met. Jim Bednar asked of any plans between now and June 30<sup>th</sup> for big retreats. Samten states that President's Day weekend there is one coming up. It will be from Thursday thru Sunday. Peter Lacaillade stated he wanted a heads up on any retreats.

Peter Lacaillade questions occupancy load. Barry stated that Allison in Risk Management can answer that question. Peter Lacaillade states its part of life safety codes.

Susan asked if there were any more questions or comments by either board or the public. Susan announced she is closing the ZBA part of the hearing to go into deliberation. The planning board adjourned for the time being.

Susan and the board members went over the application and reviewed the facts supporting the Special Exception Application.

- a. ***The proposed use would not be detrimental to the character or enjoyment of the neighborhood by reason of undue variation from the character or appearance of the neighborhood because:*** Susan felt that the area is a residential area and the use is not exactly residential. Jim Bednar feels traffic flow is going to change. Gene feels it will be a lower impact where the retreats are periodically throughout the year. The board felt it was not a bad use of the building. Susan feels to deny for use is not exactly justifiable.
- b. ***The proposed use will not be injurious, noxious, or offensive, and thus detrimental to the neighborhood because:*** The board felt that they are very quiet. They practice meditation, etc. No abutters have complained about noise thus far.
- c. ***The proposed use will not be contrary to the public health, safety or welfare by reason of undue traffic congestion or hazards, undue risk to life or property, unsanitary or unhealthful emissions or waste disposal, or similar adverse causes or conditions because:*** There was discussion around the Fire Marshal coming in to do an inspection rather than a paid entity. Gene feels that is an area that should be left to the planning board to decide. The board agreed. Susan states that conditions can be put on the special exception. The board discussed traffic congestion but felt the applicant was trying to mitigate.
- d. ***The location and size of the proposed use, the nature and intensity of the operations involved, the size of the site in relation to the proposed use and location of the site with respect to the existing or future street giving access to it shall be such that it will be in harmony with the orderly development of the District because:*** Susan states she would like something in the conditions to limit occupancy to no more than 50 and no more than 4 porta potties. The board agreed.
- e. ***The operations in connection with the proposed use will not be more objectionable to nearby properties by reason of noise, fumes, odor, or vibration than would be the operation of any permitted uses in the district which are not subject to Special Exception procedures because:*** The board discussed the character of the neighborhood and felt they were showing due diligence by asking that the tent sites not be visible, and there shall be no more than 8.

Gene makes a motion to accept the Special Exception application presented by Natural Dharma with the following conditions:

1. The load occupancy will be determined by the State Fire Marshall and to never exceed 50 overnight guests.
2. No More than 4 porta potties and they are to be in the location as indicated on the map
3. Tents are to be in designated area as indicated on the map and no more than 8
4. The ZBA approval is contingent upon Site Plan approval by the Planning Board

Justin seconds the motion and all in favor by the ZBA. Special Exception granted with conditions.

The Planning Board returns and Susan reads the decision to the Planning Board. Kevin stated the Planning Board needs more information. They need a proposed time frame for fire safety. Ken states it's uncomfortable to allow for a business to operate without compliance measures met and feels June 30<sup>th</sup> is a long time from now. The Planning Board states that the Fire Marshal signing off will also be a condition made by the Planning Board. Kevin Lee states he has no problem continuing the hearing until their next scheduled Planning Board meeting. Barry Schuster feels the fire-safety time line is critical as well. Kevin states he feels uncomfortable moving forward without it. Darrin makes a motion to continue the hearing until February 19, 2015 at 7:05, their next scheduled Planning Board meeting. Ken seconds all in favor and unanimously approved. Hearing will continue on February 19, 2015 at 7:05

Meeting adjourned @9:30

Minutes submitted by:  
Susan Abair