

PLANNING BOARD

JUNE 21, 2019

JOINT MEETING WITH ZONING BOARD OF ADJUSTMENT

MEMORIAL BUILDING

7:00 P.M.

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

Kevin Lee, Planning Chairman called the meeting to order at 7:00 p.m. and asked member to introduce themselves. **Zoning Board Present:** Cody Patten, Justin Hastings, Peter Abair, Bryan O'Day, and Alternate Tanner Jacques. Susan Chiarella, Zoning Chair arrived shortly after introductions were done. **Planning Board Present:** Darrin Patten, Kevin Lee, Ken Jacques, and George McCusker. Bryan O'Day is a joint member of Planning and Zoning. Absent: Michael Howard. Janet Roberts announced a tape recorder would be running for transcription of minutes and asked audience members to sign in.

Others present: Arrival times varied so people signed in as they arrived. Those who signed in were: Thomas and Pat Greenhalge, Tanner Jacques, Steve Schneider from the UVLSRPC, Peter Lacaille, Whit Smith, Pierre Bedard, Jason Patten, Susan and Keith Cutting, Tim Bray, Mason Wheeler, Cory Swenson, Becky Newcomb, Barry and Cathy Wade, Claudia, Mitchell and Sheila Swenson.

Kevin announced this is a Joint meeting of the ZBA and Planning Board to expedite and help applicants who are going through the process of Site Plan and Special Exceptions for businesses who began operation after the Zoning Ordinance became effective and are not currently in compliance with regulations.

Minutes of May 16, 2019: Motion by Ken to approve the Minutes as written, seconded by George. Motion passed. Darrin and Peter abstained as they were not at the May 19 meeting.

Kevin stated the recommendation for joint meetings is to have the Zoning Board hear the Special Exception and then Site Plan Review by the Planning Board. For these joint meetings, the applicant will present to both boards first and then each board will review their applications separately.

Star Lake Properties: The hearing was opened by Kevin at 7:05 p.m. concerning a request from Star Lake Properties, Inc. for an annexation of a portion of Map 8; Lot 400-497 to Map 8; Lot 453-499. The annexation is to correct an error on an approval granted November 16, 2017 by the Planning Board. Pierre Bedard, Agent presented the plan to the Board. Pierre stated long before the 2017 annexation, there was a voluntary merger approved (2010) that did not get included in the 2017 annexation. The discrepancy was found by the Town assessor. This plan being presented is a correction to the 2017 plan, correcting acreage for the lots involved located between Stryker Road and Schoolhouse Road.

The board reviewed the annexation checklist. A motion was made by Ken to accept the application, seconded by Darrin and unanimously approved. There were no further questions

from the Board or audience. Darrin moved to approve the annexation, seconded by Peter and unanimously approved. The mylar was signed.

Planning Board and Zoning Board of Adjustment
Joint Meeting

June 20, 2019

Peter Lacaillade d/b/a/ MCNE Masons, LLC. At 7:15 Peter Lacaillade presented Site Plan and Special Exception plans to continue to operate, and store equipment and materials typically used in the existing masonry business operating at his property on 106 Johnson Farm Road. Peter stated he has had a staging area since 1998 when he moved to town. The area has been used to store equipment and materials in between setup and breakdown of jobs in his concrete business. At some point he would like to add a building to store equipment. Abutters Norman and Cathy Labonte were present. Kevin turned the hearing over to the Zoning Board.

Lacaillade Special Exception Hearing: Susan began by having Board members introduce themselves. She confirmed abutters have been notified, notice was published and posted in two public places. Pete Abair moved to accept the application, seconded by Bryan. Susan asked Pete Lacaillade for information regarding his home business. Whit noted, for the record, Peter does not qualify as a Home Business and is here because of the nature of the commercial activity done at his residence. In Mr. Lacaillade's case a Special Exception is required due to the number of employees who come and go in a day and the storage of materials and equipment outside of his residence. He will also need a Site Plan Review. Bryan O'Day stated that he levelled the lot at Peter's property 5 or 6 years ago and questioned if anyone felt he should step down from hearing the case. He does not feel he has any conflict. There were no objections to him continuing.

Peter stores scaffolding, mixers, saws, masonry material, blocks, stones cement, anything that is involved in masonry. The property is back on the hill across 199 Johnson Farm Road. The abutters, Norman and Cathy Labonte were present. They have no issues with what Pete does there. Cathy asked if there would be any change to house values with the business across the street. The Board did not have that information. Justin explained if in the future there were to be something added that changed what gets approved tonight, there would be a need to come back before the Board(s). Pete stated his application includes a proposed building to be used for dry storage of material and equipment i.e. dump trucks, fork-lifts, and ¾ ton trucks. He may have an office off to the side at some point. Right now, the office is in North Haverhill NH. When he is ready to build, he will apply for a permit to do so. Hours of operation will be 6 a.m. to 9 p.m. The employees are in and out but not every day. There is not a lot that takes place at the site. The road is private and road maintenance costs are shared. Susan asked Whit if there was anything the Board was missing. Whit stated if the Zoning Board reviews Peter's application and feels he satisfactorily meets the 5 criteria the Board may proceed. There were no other questions from Zoning Board Members or audience members. Susan reviewed the criteria with the Board. The findings were consistent with those noted on the application.

The Board addressed concern that a Special Exception, once granted, goes with the property not the owner. Susan stated new owners might not be as cordial as Pete, or the business could be expanded. Kevin indicated the Zoning Board would defer to the Site Plan to address that kind of

thing. Whit stated a SE, once granted continues with the property. If the use is interrupted for a certain amount of time, the SE goes away, and the property reverts to rural residential. Any

Planning Board and Zoning Board of Adjustment
Joint Meeting

June 20, 2019

successor to Mr. Lacaillade may continue the operation with the privilege of that SE. Any issues with the Site would be addressed by the Planning Board. If Mr. Lacaillade or a successor increased the number of buildings, or employees or the business was to expand or change in some way it would be subject to an amended Site Plan Review by the planning Board. There were no further comments or questions from the Board or audience.

Motion made by Susan to grant a Special Exception to conduct commercial activity as per the plan presented. Motion seconded by Justin and unanimously approved.

Lacaillade Site Plan Hearing: Kevin Lee opened the Site Plan Review hearing for Peter Lacaillade. Kevin reviewed the application checklist. Kevin stated he knows there are a few weeks in the Spring when the road is very muddy and asked what the plans are for it. Pete says they try to suspend use of the road as much as possible during those times. The first part of the road has had upgrades. When he builds the building there will be more road upgrades done for access to the building and for emergency response. Referring to the Site Plan, Kevin noted other buildings on the site need to be shown. Peter stated he has not determined whether there will be a bathroom at the proposed office and will depend on septic requirements. Kevin stated the plan also needs to be scale. A motion was made by Ken Jacques that the application was incomplete due to the above missing information. The motion was seconded by Peter Keene and unanimously approved. The Board recommended Pete draw his plan to scale and show the proximity of buildings to property lines. The well and the existing septic system for the home needs to be shown. If there is a plan for a possible bathroom in the proposed building, the estimated location should be shown. Lighting on the proposed building should be included on the plan. Mr. Labonte stated he would like to see an increased buffer. An evergreen buffer, with a minimum of 10' was suggested. Peter stated snow is pushed back so it drains to an existing swale. The Board would like snow storage/removal on the plan as well as addressing drainage away from the proposed building. There are no wetlands, no underground storage tanks, no hazardous materials, and no fuel storage on the site. The site is stable for erosion and run-off. There is no sand or salt storage on the property. Sand is masonry sand only. A list of the items that need to be included in the Site Plan was given to Peter.

Ken moved to continue the Site Plan Review Hearing to Thursday, July 18th at 7:05 p.m. The motion was seconded by Darrin and unanimously approved.

Patten Special Exception Hearing: At 8:00 p.m. the Special Exception Hearing concerning a request from Jason Patten for storage and use of equipment and typical materials used in existing wood processing, beef production, and agricultural business was opened. It was determined part-way through the hearing, that Peter Abair was an abutter. He recused himself and Tanner Jacques was asked to step in. Susan confirmed that abutters had been notified and legal notices posted. A motion was made by Justin to accept the application, seconded by Peter and

unanimously approved. Jason reported his existing business has been ongoing since 1998 and consists of logging and firewood processing. Logging equipment is stored on his property in-between jobs. There is miscellaneous agricultural selling hay, raising cattle, sometimes pigs, and

Planning Board and Zoning Board of Adjustment
June 20, 2019
Joint Meeting

making maple syrup. His plan includes a building for his wood processing equipment so he can process wood in bad weather. He has a zoning permit for an additional barn for hay and equipment storage which he has not built yet. There were not abutters present. Hours of operation are typically from 7 am to 7 pm Monday through Saturday and sometimes on Sunday. The lot size is adequate for the use and the processor is located well off the road or abutters. The Board reviewed Special Exception Criteria and found the details included in the application were in keeping with criteria requirements. There were no further questions or comments from the Board or audience members.

Motion made by Justin to Grant the Special Exception as presented, seconded by Bryan and unanimously approved.

Patten Site Plan Hearing: Kevin opened the Site Plan Review hearing. Darrin Patten stepped down. The application checklist was reviewed. The Board was familiar with the site. There is an existing tree buffer surrounding the property and the processor is located on the back of the lot. A proposed sign is shown on the plan. Ken moved to accept the application, seconded by George and unanimously approved. The Site Plan checklist was reviewed. Jason reported his skidder and logging truck are stored on the site in a couple of locations while in-between jobs. Kevin suggested and a proposed equipment parking area was added to the plan at the hearing. Jason stated snow is pushed back and out of the way. There are no drainage issues or wetlands on this property. Topography of the lot is shown. There were no further questions or comments from the Board or audience. Ken Jacques made a motion to approve the Site Plan as presented, seconded by George and unanimously approved.

Swenson Special Exception Hearing: At 8:20 p.m. Susan opened the Special Exception Hearing concerning a request for Cory Swenson to continue storage and use of equipment and material used in logging, wood processing, construction and agricultural business on property owned by the Robert H. Lane Trust, Claudia Swenson, Trustee. Before review of the application began, Whit Smith reported the Trustee, Claudia Swenson objected to Cory Swenson being the agent and she has not signed the applications giving Cory authorization to present the proposal. He stated Claudia is present at the hearing tonight. Claudia stated that she objected to Cory being the Agent. Susan felt the hearing could not continue. Whit stated Claudia is present and can represent the Trust and proceed with hearing if she wishes. Claudia stated they need to make a change on the application. In trying to determine if the hearing should continue Susan confirmed with Claudia that she did not sign the application. Claudia stated that was correct, she was advised not to. Susan stated she was uncomfortable moving forward without getting some advice of legal counsel regarding what to do. Claudia stated the Trust has no concern on the application other than the logging equipment and that is not permitted on the property. Claudia stated the Trust does not have a problem with the storage of the other equipment and materials if it is done to the satisfaction of the town. She would like the storage of logging equipment to be

removed from the application. Susan also questioned if the application could move forward because it did not appear to her that all abutter information was included. The Board reviewed the abutter information and found it to be complete. Susan advised the Board she did not feel comfortable moving forward until things can be straightened as to who needs to sign the application. Cory asked if he should have his attorney check in to this. Susan told him that was an option if he wanted to. Cory stated he wants to get this worked out so he can get something done. Susan asked Whit if he thought it would be helpful to have the Trust documents to review. Whit said he did not know the answer to that. The Board agreed it was up to the trustee whether she was willing to share that. Whit stated if the trustee were to sign the application with whatever amendment the trustee feels is appropriate there is a basis for continuation. Claudia stated if the storage of the logging equipment is pulled out, she would have no problem signing the application. Whit stated it would be ok to continue without new notices because nothing is being added to the application only something being taken away. Susan clarified the application is not coming from Cory. Whit stated that is in error. Claudia can present the proposal as the Trustee. The Board clarified Claudia's lawyer advised her not to sign the application authorizing Cory as the agent. Susan asked Claudia if she was ready to present the application. Claudia stated she was, but without the logging. Susan stated Claudia should sign as the applicant and remove Cory as the owner or agent. Susan asked Claudia if it was a problem if the hearing was continued to July 2. Susan is not comfortable with the way the application is worded and would like Claudia and Cory to work out however it should be between them first. Justin agrees with Susan. He wants to know this has been worked out by both parties. Susan asked if Claudia would be willing to share the trust or the section that specifies any activities the Trust says can take place on the property. Claudia did not have a problem sending a copy of the Trust to Susan. Cory stated he would like to have their attorneys work this out and resolve the issue. Susan stated this hearing could be continued to July 2 and the Trust can come forward with an amended application. The Hearing does not have to be noticed again. Justin made a motion to continue the Special Exception Hearing to Tuesday, July 2, 2019 at 7:05 p.m., seconded by Bryan. Motion passed. Peter Abair abstained as he will not be here July 2.

Swenson Site Plan Review: Kevin began the Site Plan Review Hearing. Darrin Patten stepped down. The application was reviewed. The application needs to be amended to correct the agent and owner however it gets worked out. The plan needs to show contour lines to show the topography of the site. Parking location needs to be shown. There will be no exterior lighting. There are no issues with snow removal. Cory stated the equipment would be parked all winter, and just stored. Parking is 500' to 600' away from the house and mostly out of site. Kevin stated the location of the house, septic and well should be shown on the plan. Culverts and power poles and driveways need to be shown and labeled. There are no underground storage tanks. Cory stated the only fuel tank is in the back of his pickup. Whit stated there are designated wetlands in the middle of the 75-acre parcel, but nothing within 300' or 400' feet of what Cory has in mind. There is a culver that crosses Sanborn Hill Road and flows into the pond across the road. Cory stated he will not have a sign other than the street address. Due to the incomplete items, a motion was made by Ken to deem the application as incomplete. The motion was seconded by George and unanimously approved. Ken moved to continue the Site

Plan Review Hearing to Thursday, July 18 at 7:10 p.m. The motion was seconded by Peter Keene and unanimously approved. A list of incomplete items was given to Cory and Claudia.

Planning Board and Zoning Board of Adjustment
Joint Meeting

June 20, 2019

Bray/Wheeler Consultation: Tim Bray stated he has applied for a lot line adjustment for next month's meeting. He is an abutter with Mason and Posy Wheeler. He is looking to add 2 acres to the Wheeler property increasing their acreage from 8 acres to 10 and reducing his from 5 acres to 3.25 at 110 Bowman Road. The lot has been resurveyed. Tim asked if there was anything else that was needed from him before the hearing. Kevin Lee addressed the septic. Tim stated the septic was replaced in 2002 and is located behind the house. The 110 Bowman Road parcel is decreasing from 5.25 to 3.25 acres so it creates a lot that is less than 5 acres and will require a test pit and subdivision approval from the State DES. Tim will have a soils test done and complete what is required by the State. The hearing for the lot line adjustment will be scheduled next month.

Alternates:

The Board of Selectmen put an appeal on the Town website for Planning and Zoning Alternates. Tom Greenhalge, present at the meeting has expressed an interest in being a Planning Alternate. A letter from another interested applicant was also received. Kevin asked Tom to write a letter explaining his experience with Planning and the reason for his interest. The Board tabled further discussion and will review the applications next month.

Whit Smith will be getting some information to the Zoning Chair regarding voting criteria on applications which he learned at a recent workshop. Whit also has a very good summary of criteria for alternates he will send to Kevin and Susan.

Kevin reviewed criteria from the 2018 Planning Board Handbook regarding Planning Board Members serving on more than one land-use Board. "Pursuant to RSA 673:7 the law continues to prohibit more than one Planning Board Member from also serving on the Conservation Commission, the Board of Selectmen, or any other local land use Board, such as the Zoning Board of Adjustment, Historic District Commission, etc." Currently there is one member of Planning on the Zoning Board, another on the Conservation Commission, and one that is a Selectman. The Board discussed whether this means that only one Planning member can sit on one other Board or may more than one person on Planning sit on another Boards if it is a different person on each Board. Bryan is also on Zoning and Ken is also on Conservation so is that ok. Whit suggested checking further on this, as it may be changing on July 1. George stated he thought that whatever is being passed would cover this issue.

Planning Board and Zoning Board of Adjustment
Joint Meeting

June 20, 2019

Kevin thanked the Zoning Board for being willing to jointly hear these applications.

Whit stated Tim Fraser will be applying for Special Exception and Site Plan hearings for Thursday, July 18 for his new business, Protectworth Brewing.

Whit stated he expects to have a couple of straight-forward applications from one or two local plumbers for August.

The meeting adjourned at 9:10 p.m.

Submitted by,

Janet Roberts,
Administrative Assistant