

**PLANNING BOARD**

**AUGUST 15, 2019**

**MEMORIAL BUILDING**

**7:00 P.M.**

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

The Board introduced themselves. New Alternates Tim Bray and Dan Saulnier were welcomed to the Board.

Members present: Kevin Lee, Chairman; Peter Keene, Bryan O'Day, Darrin Patten, Ken Jacques, and Ex-Officio, George McCusker; Alternates Tim Bray, and Dan Saulnier. Absent: Michael Howard.

Others present: Don Hill, Adam Bray, Whit Smith, Steve Schneider, Scott Knabb, Robert Spano, Ed and Judi Shank, Wayne Smith, Keith and Susan Cutting.

The meeting was called to order at 7:00 p.m.

Minutes of July 18, 2019: Correction on page 2 change the word "peach" to "peace". Motion by Darrin to accept the minutes as corrected, seconded by Ken. Five voted in favor. Peter Keene abstained.

Literature and Correspondence: Notice from the NH Division of Historical Resources regarding project review for the Palazzi Pond Dam Rehab project.

**Scott Knabb: Conditional Use Hearing.** At 7:05 p.m. the Hearing for Conditional Use was opened. Scott Knabb proposes building a 30' x 50' three-car garage with living space above. Two-thirds of the living space will be a primary single-family residence for himself. The remaining one-third to be an Accessory Dwelling Unit for a family member. Scott presented a plan of the site. Test pits, location of the house, driveway, and septic are shown on the plan, and is well within all setbacks. Scott has obtained a driveway permit. Some segments of the driveway may not meet 10% grade regulations the whole way. The grade in places is between 8% and 12%. There is room to park three cars in the garage. The height of the structure is less than 35'. There is a common door between the structures. Scott stated the house is designed to meet all the requirements for ADU as per the Zoning Ordinance. The Board reviewed the driveway regulations, and slope of the driveway. The Board felt the Selectmen would be the ones to waive the slope requirements when a Zoning Permit application is received. Don Hill mentioned the fire department should be asked to review the driveway before any requirements are waived. With no further questions from the board or the public, Ken Jacques moved to approve the application as presented, seconded by Peter and unanimously approved.

**Peter LaCaillade: Continued Site Plan Hearing.** Peter submitted a request for a continuation to September 19<sup>th</sup>. Motion to approve by Ken, seconded by Darrin and unanimously approved.

**Tim Fraser: Continued Site Plan Hearing.** Adam Bray presented a scale map of the property showing ingress and egress to the building and parking spaces. There are 5 parking spaces, each 10' x 20'. At the narrowest point, the driveway is 26' allowing a full 20' for emergency vehicles to pass, even in the winter. Snow is typically removed with a snow blower or pushed way back when plowing. There will be a separate entrance into the garage with a 4' wide gravel walkway. The ground is flat and is handicap accessible. The interior includes a half wall for a small tasting room, with 4 stools. There is no extra space for people to "hang-out". The exterior of the building is lit for residential purposes. They will not be open at night. They expect to only be open one Saturday a month. This is a one-barrel brewery making 48 cases of beer at a time. Most of the product will go out into the trade, with an opportunity for people of Springfield to come sample their product. There will be no advertising. There will be low impact on the road. Darrin moved to accept the application as complete, seconded by Ken and unanimously approved. There were no further questions from the board or the public. Ken moved to approve the Site Plan for Protectworth Brewing, LLC as presented,

seconded by George Ken reminded Adam if they were to expand the gravel area and have an outdoor seating area or if they expand the business, they will need to come back to amend their Site Plan. Adam stated if they grow, they would move off-site. This is a hobby they hope to make pay for itself. The Board then unanimously approved the motion.

Andy D'Amico was present stating due to some recent noise issues on Route 4A he has been asked by some residents to go to some Select Board meetings. He suggested to the Selectmen to request the Planning Board to draft a noise ordinance and with that a proposal to set time limits when business can generate noise, listing those noises considered exempt. The Selectmen asked Andy to talk to the Planning Board since the Select Board is not the Board to draft an ordinance. Andy noted that it would take a lot of work to draft an ordinance that is fair to everyone as well as businesses now and in the future. Andy asked how the Planning Board felt about an ordinance. The Board discussed a process to follow. The Board agreed there is not time enough to get an ordinance ready to go for the March 2020 town meeting. They are willing to work on drafting an ordinance and holding public hearings for next year. Ken suggested the Upper Valley Lake Sunapee Regional Planning Commission be asked to assist. Alternate, Tim Bray is willing to look at some examples of other town ordinances and work with UVLSRPC rep, Steve Schneider. Kevin Lee addressed the variables such as weather and geography that impact noise and noted his concern regarding enforcement and how an ordinance would get handled in a fair manner. Steve stated an Ordinance could identify an enforcement official and the Board could seek to find someone who is comfortable in that role. There was further discussion of examples of noise and ongoing issues. Kevin stated the Board already has a lot going on with the Site Plan Review, but he has no problem with the Board exploring options for a noise ordinance. The Board agreed. Steve will look at other ordinances to find something to customize for Springfield. Tim Bray is willing to assist.

Wayne Smith asked when the police are on call? On weekends he has had to call the State Police to come from Keene when he has had issues with barking dogs. He asked if the State Police are enforcing local regulations or State regulations? Kevin stated the local regulations and state regulations are similar. The Planning Board has no knowledge what the hours of the

Police Department are. Janet reported the Town does not have a full-time Police Department. There are two full-time officers, who get paid to work 40 hours a week each. They are not paid for overtime. The Chief is responsible for work and call hours.

**The continued hearing regarding amendments to the Planning Board Rules of Procedure began was opened at 8:15 p.m.** Whit submitted some notations regarding formatting and ambiguities that need to be clarified. Kevin reviewed those with the Board. Janet stated Susan Chiarella, Chair of the ZBA, reported she has read the draft of the Rules of Procedure as they relate to the joint meetings and has no problems with the proposed amendments. The Board discussed the role of alternates. Ken stated that active alternates should be utilized to fill vacancies on the Board as much as possible. There were no substantive changes to the Rules of Procedure presented. The draft will be reformatted. Darrin moved to adopt the Rules of Procedure, seconded by George and unanimously approved. The hearing closed at 8:30 p.m.

George reported Whit and the Board of Selectmen would like guidance from the Planning Board when tradesmen such as electricians, painters, audio equipment installers, etc., require a Site Plan Review. Whit stated these people typically operate like a home occupation, using a pickup truck, or a panel van like a "tool box on wheels". There are several people who are not doing anything at their residence, except perhaps paperwork within the house. Ken sated he thought the distinction between the two were to gain baseline data as a starting point. If the business were to grow, the town can monitor the growth. Darrin stated having a baseline at the town level creates a record and "insurance" if someone were to make a complaint. The Board discussed the differences between home occupation and home business. A home occupation can be in an accessory structure less than of less than 750 square feet. Ken stated the reason for the push to have people come forward

with compliance is to be equitable for all people. Whit stated in his conversations, people are willing to comply.

Miscellaneous Business: Keith Cutting asked the Board if they had a decision regarding high tunnels and whether they are structures. Tim stated under the Zoning Ordinance definitions, a high tunnel is a structure. Brian agreed. Keith stated a high tunnel is an implement of agriculture and the State says implements of agriculture are exempt from town rules. He has spoken with some authorities from the State, but they couldn't be here because they are busy with Cornish Fair. Whit has said it is a structure. The Selectmen have said it is a structure. Keith stated he is not confident that the Select board's decision accurately reflects the Planning Board's decision. Keith referred the Board to RSA 72:12. Kevin researched RSA 72:12 on his phone and found it referenced exemption from taxation. He was able to find other definitions of agriculture and agricultural structures from the State OEP website. The information references a high tunnel as a permitted agricultural structure. Ken stated taxation is a different issue than whether a high tunnel is a structure. The Planning Board is not against the structure. Tim felt the issues are being mixed. No one is against farming or agriculture. A high tunnel fits the definition of a structure. Brian O'Day moved to take a vote; according to the Zoning Ordinance a High Tunnel meets the definition of a structure. The motion was seconded by Peter. Kevin, Peter, Bryan, Ken and George voted in favor. Darrin abstained. Tim or Dan had not been asked to stand in for Michael Howard.

The meeting adjourned at 9:40 p.m.

Submitted by,

Janet Roberts,  
Administrative Assistant