

PLANNING BOARD MINUTES
July 13, 2011

APPROVED as Amended:
8/10/11_jrl_____

- AGENDA: CONTINUED SUBDIVISION/MERGER: PEMI-VALLEY HABITAT
FOR HUMANITY, South Main St., #115-008 & -009
SITE PLAN REVIEW: STEPHEN & NANCY BLEILER, 231 Lake St.,
#112-002
PCC: FRAN PARKHURST
PCC: FRED SANTUCCI
PCC: RAIN BURNS --- canceled
PCC: ROBERT HOEY
- ATTENDING: Dan Paradis (Chairman), Denice DeStefano (Vice Chairman), Murray Campbell,
Clay Dingman, Elizabeth Seeler
- ABSENT: Phil Dion (Sel. Rep. – company), Janice DellaCroce (away), Steve Favorite
(alternate – FEMA)
- OTHER: Michael Capone (Town Administrator), public

The meeting opened at 7:00 p.m.

CONTINUED SUBDIVISION/MERGER: PEMI-VALLEY HABITAT FOR HUMANITY
Mr. Barnard had called Mr. Paradis again and asked to continue this to our October meeting. He understands that this would mean re-notification of abutters.

C. Dingman made a MOTION, second by D. DeStefano, to CONTINUE THE SUBDIVISION/MERGER FOR PEMI-VALLEY HABITAT FOR HUMANITY, WITH RE-NOTIFICATION, TO OCTOBER 12, 2011 AT 7:00 P.M. The motion CARRIED.

SITE PLAN REVIEW: STEPHEN & NANCY BLEILER/COLIN BROWN

The secretary read the application, list of abutters notified, where the hearing was publicized and stated that there were no telephone calls nor correspondence received. Mr. Paradis explained the 2-part process for a hearing.

The Board addressed the checklist at this time. #13. The expiration date is needed on the plan. Waivers were asked for #28, 30, 35, 42, 43, and 49. With #35, Mr. Paradis explained that the Board cannot waive anything in the Zoning Ordinance and, therefore, 4.5 should be deleted from the request. The Ordinance does give the Planning Board the right to waive this, so the rest of the request is fine as written. It was also determined that #49 is really for any additional requirements that the Board desires and does not need to be waived. However, a waiver request is needed for section 8.5H Landscape

Planning Board Minutes
7/13/11

BLEILER SITE PLAN continued:

Buffer Strips. This portion should be on the checklist, it was determined. Mr. Bleiler stated that he talked with Ms. Schneider and she requested that they put up a fence, which is shown on the plan. Colin Brown, surveyor representing the Bleiler's, added this to the request for waivers with the reason that the abutting properties are commercial uses. It was noted that in #40, there is a problem with the size of the sign shown. This would need a Variance as it is too large. The Bleiler's and Mr. Brown will address this and determine what they wish to do.

Mr. Paradis asked for public comment and there was none.

E. Seeler made a MOTION, second by C. Dingman, to ACCEPT THE WAIVER REQUESTS OF #28, 30, 35, 42, 43 AS MODIFIED, INCLUDING 8.5H. The motion CARRIED.

C. Dingman made a MOTION, second by E. Seeler, to ACCEPT THE APPLICATION AS COMPLETE WITH THE MODIFICATION OF THE WAIVERS AND THE EXPIRATION DATE ON THE PLAN AND A DETERMINATION ON THE SIZE OF THE SIGN. The motion CARRIED.

A discussion was held as to the upward facing lights. Mr. Brown stated that these are existing lights and are grandfathered. Mr. Bleiler added that they focus on the front of the building and will illuminate the flag. The Board determined that this is okay and Ms. Seeler added that it is wonderful to see an applicant acknowledging the etiquette of the flag. When asked, Mr. Brown explained that the sign post is 8' tall with 4' arms. He will change the size of the sign in Note 7 on the plan.

D. DeStefano made a MOTION, second by M. Campbell, to CONTINUE THE SITE PLAN FOR STEPHEN AND NANCY BLEILER TO AUGUST 10, 2011 AT 7:00 P.M. The motion CARRIED.

PCC: FRAN PARKHURST

As Ms. Parkhurst had stepped out, the Chairman determined to continue the other cases until she returned. He also mentioned that, with all PCC's, anything said is not binding on either the Board or the applicant.

PCC: FRED SANTUCCI

Mr. Santucci explained that he owns 3 cottages on Tamarack Terrace. One of the cottages needs a lot of work and he would like to take it down and rebuild. He is considering a pre-fab with the same footprint but maybe raise it to a 1 ½ or 2 story building.

Mr. Paradis explained that the Zoning Ordinance has changed and raising the roof more than 1' now requires a Special Exception. Mr. Santucci could expand based on the lot coverage by structure providing he does not increase any lying in the setbacks.

Planning Board Minutes
7/13/11

SANTUCCI PCC continued:

Mr. Santucci then mentioned that he has purchased Frosty's Corner and would like to rebuild it pretty much as it is. Mr. Paradis explained that he would need a Site Plan for that as it is Commercial. When Mr. Santucci questioned the use remaining the same, Mr. Paradis stated that the use has been abandoned for over a year. Mr. Santucci stated that the last owner died and Ms. Seeler added that it was tied up awhile with the estate.

PCC: RAIN BURNS

A call had been received canceling this.

PCC: ROBERT HOEY

Mr. Hoey and his brother explained that they are looking at a property that is up behind the Sugar Hill Mobile Home Park (#223-023). There is a 16' right-of-way for this property from Summer Street. They would like to subdivide the property and were wondering if they could use the Mobile Home road, if they got permission.

Mr. Paradis stated that he did not know the status of this but it sounds like that is a private road and they would have no frontage, which is required for a subdivision. Mr. Dingman added that the road would have to be a real road and up to town specifications to provide frontage. Ms. Seeler stated that they could build but not subdivide. Mr. Paradis directed them to the State law on this (RSA 674:41).

CONFIRMATION: PAUL ZAREAS/ATTY. BRIAN REY

Attorney Rey stated that he is here to help Mr. Zareas with the process to get his restaurant open. He added that the public assembly permit goes along with the back-up septic system and the Notice of Decision states the same. However, the Conditional Approval is inconsistent with this. They have come back to try for the need of more seats.

Mr. Paradis explained that the Compliance hearing was held some time after the Conditional Approval and there was some confusion. He was under the impression that they were going to the back-up system right away. The remaining Board agreed. Mr. Paradis then asked if the back-up system has been constructed. Mr. Zareas stated that it has as he was concerned that the old system might fail, having been unused for some time. Mr. Paradis stated that the old system was for 70 seats and the Board went along with the State need for a back-up design. Now that it has been built, it becomes a concern as we have no way of knowing if they switch to the new system with the lower seating requirement. Atty. Rey stated that Mr. Zareas wisely built the new system business wise and Mr. Zareas stated that it is not connected. The engineer he had looked at the old system and said that it is still working. Mr. Rey stated that this restaurant is a nice facility.

Planning Board Minutes
7/13/11

ZAREAS CONFIRMATION continued:

Ms. DeStefano asked, if a failure happens and they have 70 customers, how they will drop to the allowed number. Mr. Zareas stated that he would call and have the old system emptied. He added that he only has seating for about 60. He assumed that he would be able to use the deck. Mr. Paradis stated that he has spoken with Fire Chief Yannuzzi and the limit is governed by the septic. Mr. Yannuzzi also stated that he would write this up according to the Planning Board. Mr. Zareas stated that when he purchased the property he had looked at the tax card which said it was a 90 seat restaurant. He intends on keeping it seasonal and people want to sit outside, he added. He is not sure that the restaurant would survive with so few seats.

Attorney Rey again mentioned the terms for compliance on the original Notice of Decision. Mr. Paradis stated that the terms were for 70 seats and a back-up septic plan. He again stated that he was under the misconception that they were going to the back-up plan right away. He then asked for verbal confirmation for a notice to the town if they change to the new system. Mr. Zareas verified that he would notify the town and he was told that he should notify the Town Administrator.

MINUTES OF JUNE 22, 2011:

The following amendments and clarifications were made:

Page 3, Cell Tower Checklist, 2nd and 3rd line, delete "has determined" and replace with "suggests". Delete the next 3 sentences, continuing with 5th line beginning with "If we go". Page 5, Variances, 1st line, insert "and they do not expire" following "land".

C. Dingman made a motion, second by D. DeStefano, to approve the minutes as amended. The motion carried.

COMMUNICATIONS:

A River Road DES permit was looked at. Mr. Paradis read the cover letter for the DES Wetlands permit application for Mr. Messina. The June 2011 Town and City magazine will be held in the office for anyone to read. Mr. Paradis also received an e-mail from Steve Whitman, NLRA, who has volunteered to talk with the Board. Mr. Paradis explained that the Board's focus is now on the Master Plan and Mr. Whitman is willing to work with us on that. The Board stated that they are willing to have Mr. Whitman in at one of our workshop meetings.

PCC: FRAN PARKHURST

Ms. Parkhurst apologized for being away and then stated that she would like to add an overhang in the back of the building like the one that they have in front. It would be about 80' x 8' and would help to keep snow from falling on customers as they enter.

Mr. Paradis explained that any new commercial additions require Site Plan but only if they are adding square footage. The Board can waive up to 400 sq. ft. As long as the area is not enclosed, it counts as no sq. footage. He would ask Ms. Parkhurst to ask to waive Site Plan review, which she did.

Planning Board Minutes
7/13/11

PARKHURST PCC continued:

E. Seeler made a MOTION, second by C. Dingman, to WAIVE SITE PLAN REVIEW FOR THE ADDITION OF AN 80' X 8' ADDITION TO THE REAR OVERHANG AS LONG AS IT IS NOT ENCLOSED. The motion CARRIED.

REPORTS:

Historic District – Mr. Dingman stated that they met last night and have now revised their Design Guidelines. They expect to have the final draft done at their next meeting.

Selectmen - Not in attendance.

Capital Improvements – To meet this coming Tuesday night.

NEXT MEETING: The Board decided to cancel the July workshop meeting. The next meeting will be held on August 10, 2011 at 7:00 p.m. with the continued Bleiler hearing and any others that might come in by this coming Friday at noon. Ms. DeStefano stated that she will e-mail the checklist draft to the Board.

With no other business, E. Seeler made a motion, second by C. Dingman, to adjourn at 8:40 p.m.

Respectfully submitted,
Jan Laferriere, recording secretary