

PLANNING BOARD MINUTES
December 12, 2012

APPROVED as amended:
1/9/13_jrl_____

AGENDA: PUBLIC HEARING FOR PROPOSED 2013 ZONING AMENDMENTS

12MSPR05, MINOR SITE PLAN, ROBERT & DOROTHY HERMANN,
401 Lake St., #112-038, to change apartment to commercial space.

ATTEND: Denice DeStefano (Chairman), Dan Paradis (Vice Chair),
Murray Campbell, Janice DellaCroce, Clay Dingman, Elizabeth Seeler

ABSENT: Phil Dion (Sel. Rep. – ill), Steve Favorite (alternate – work away)

OTHER: Michael Capone (Town Administrator)

The meeting opened at 7:00 p.m. with a quorum.

12MSPR05, MINOR SITE PLAN: ROBERT & DOROTHY HERMANN

The secretary read the application, abutters notified, where the hearing was advertised and stated that there were no telephone calls or written correspondence in regard to this hearing. She added that there is a copy of the letter that Fire Chief Yannuzzi sent to Mr. Hermann.

The Board addressed the checklist. Mr. Paradis asked about the parking calculations. They were determined to be on the plot plan and Mr. Hermann was asked to write them on the application. He was also asked to put “Unknown Retail” in the detailed description area of the application as well as to note under lighting that there is no change at this time. Mr. Hermann did so. Mr. Paradis asked about the channel easement shown on the plot plan but not mentioned on the application. As Mr. Hermann did not know what the channel easement is, Mr. Capone pulled the deed and found that it also mentions right-of-ways. This was noted on the checklist along with the deed referencing rights-of-way with Mr. Hermann’s permission.

Ms. DellaCroce asked if the parking spaces are 10’ x 20’ and Mr. Hermann answered that they are. Ms. DeStefano read the Fire Chief’s letter at this point. Ms. Seeler questioned if the Board shouldn’t include the letter in our conditions. The Board could not find anything that requires them to do so. Mr. Paradis questioned hours of operation as any new business will not be required to come back to the Board. Ms. DeStefano stated that we could add a condition that they come in to the Planning Board before they can open. Ms. Seeler and Mr. Paradis felt that this could lose the business for the applicant as it holds up opening. The Board felt that they can set the hours of operation as a condition.

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HERMANN MINOR SITE PLAN continued:

Mr. Dingman mentioned that we should mark the plot plan as 1 of 2 and the tax map as 2 of 2 as the location is not shown on the plot plan. This was done. The tax map lot number and the applicants' names were added to the plan, as well. Ms. Seeler mentioned that Mr. Hermann may need a lawyer and possibly a surveyor to straighten out the language on the deed before he is able to sell the property.

C. Dingman made a MOTION, second by E. Seeler, to ACCEPT THE APPLICATION AS COMPLETE.

There were no public comments.

The Board discussed restrictions and Ms. Seeler suggested that they set the hourly restriction at 6:00 a.m. to 10:00 p.m. with exterior lights out at 10.00 p.m. The Board agreed. They then told Mr. Hermann that any future changes to the exterior lighting must come before the Planning Board and that any signage must comply with the Zoning regulations and a sign permit is needed. If the applicant wishes an internally lit sign, they must come back to the Planning Board.

E. Seeler made a MOTION, second by C. Dingman, to APPROVE THE MINOR SITE PLAN FOR ROBERT & DOROTHY HERMANN WITH THE CONDITION THAT HOURS OF OPERATION ARE TO BE WITHIN 6:00 A.M. TO 10:00 P.M. WITH EXTERIOR LIGHTS OUT AT 10:00 P.M. THE APPLICANT IS ALSO TO FOLLOW REGULATIONS OF THE TOWN AS WELL AS THOSE INDICATED IN FIRE CHIEF YANNUZZI'S LETTER. The motion CARRIED. The Board signed the plan and Notice of Decision.

MINUTES OF NOVEMBER 28, 2012:

The following amendment was made:

Page 3, 1st paragraph, 3rd line, replace "avail and" with "avail an".

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

PUBLIC HEARING ON 2013 PROPOSED ZONING AMENDMENTS:

No public in attendance. The Board then went over the remarks from Attorney Waugh.

#1. Land Use Officer, Code Enforcement Office, Permit Coordinator changed to Land Use Office:

C. Dingman made a MOTION, second by J. DellaCroce, to BRING PROPOSAL #1 TO THE MARCH TOWN BALLOT. The motion CARRIED.

PUBLIC HEARING continued:

#2. Change all reference to Building Permit to Land Use Permit:

E. Seeler made a MOTION, second by C. Dingman, to BRING PROPOSAL #2 TO THE MARCH TOWN BALLOT. The motion CARRIED.

#3. Article III, 3.2G Industrial District:

E. Seeler made a MOTION, second by M. Campbell, to BRING PROPOSAL #3 TO THE MARCH TOWN BALLOT. The motion was WITHDRAWN.

Ms. DellaCroce questioned the wording as written. Mr. Paradis suggested that it should be “to move Retail Sales from Special Exception to a Permitted Use. The Board agreed.

E. Seeler made a MOTION, second by M. Campbell, to ACCEPT THE NEW WORDING AND BRING PROPOSAL #3 TO THE MARCH TOWN BALLOT. The motion CARRIED.

#4. Article VIII, 8.144 Structures

The Board read the comments from Attorney Waugh. Ms. DellaCroce questioned how a billboard would be addressed if we approve this proposal. Mr. Paradis stated that the sign ordinance regulates that. Ms. DellaCroce was fine with that. Ms. Seeler mentioned that signs were probably listed under structures back when we did not have a sign ordinance.

E. Seeler made a MOTION, second by D. Paradis, to APPROVE THE WORDING AS PRESENTED AND BRING PROPOSAL #4 TO THE MARCH TOWN BALLOT. The motion CARRIED.

#5. Article III, 3.2E Rural District

The wording was changed to say the Restaurant is to be allowed by Special Exception.

E. Seeler made a MOTION, second by C. Dingman, to BRING PROPOSAL #5 TO THE MARCH TOWN BALLOT. The motion CARRIED.

#6. Article IV, 4.21 Fire Safety Requirements

It was noted that this amendment was to be for “any new structures” This needs to be added to both C. & D. As it was not in the writing that was available to the public for this meeting, the Board determined that it should be brought back.

E. Seeler made a MOTION, second by C. Dingman, to ADD “NEW STRUCTURE” IN TWO PLACES AND BRING TO A SECOND PUBLIC HEARING ON JANUARY 9, 2013. The motion CARRIED.

PUBLIC HEARING ON ZONING AMENDMENT PROPOSALS continued:

#7. Article VIII, 8.112A Recreational Vehicle

The Board read Atty. Waugh's comments and questioned what RSA 216-1:1, VIII is (as referenced by Atty. Waugh). Mr. Capone ran copies of the RSA for the Board to look at. It was felt that we should use Attorney Waugh's suggestion with the exception of D. in which "form" should be "from". The Board determined that the types of vehicles that the RSA covers should be listed in the information portion for the public.

M. Campbell made a MOTION, second by C. Dingman, to ACCEPT PROPOSAL #7 AS WRITTEN BY ATTORNEY WAUGH WITH THE CORRECTION OF THE TYPING ERROR AND TO BRING IT TO A SECOND PUBLIC HEARING ON JANUARY 9, 2013. The motion CARRIED.

COMMUNICATIONS:

The Board looked at a merger for Jonathan & Zoe Hawkins, and a DES Approval for Operation for Kenneth Dearborn and for Angela & Ronald Dalphonse. Some members took down the information for a Grant Writing Workshop by the NH Community Planning Grant Program to be held at LGC in Concord on Jan. 7th and at North County Council in Bethlehem on Jan. 9th.

REPORTS:

Historic District Commission – Mr. Dingman reported that the HDC met last night. They reviewed the status of the CLG grant which is now with the Attorney General. Following that, we shall need to submit an RFP and the money is to be spent by Sept. 2013. The commission also went over goals for 2013: to research CLG grants for the Master Plan and for Old Town Hall reuse. They also plan to go through the Historic District Section of the Zoning Ordinance to update it.

Selectmen: Mr. Capone explained that the flu is going through Mr. Dion's home so he could not be here tonight. He added that a committee was formed to look at the Old Town Hall and the Old Fire Station. CCI looked at the Old Town Hall and determined that it would cost around \$100,000. just to keep it from falling in. The Old Fire Station just needs to be cleaned up. The committee is to do a report on their findings. If we are to keep the Old Town Hall, we could do the correction of drainage ourselves as a starting point. Mr. Paradis felt that there are 3 options: to fix it up, to tear it down, or to sell it. Ms. DellaCroce felt that, in order to sell the repairs to the public, they will need a vision of use. A discussion followed in which Mr. Capone mentioned that, as a meeting space, it would need parking. He continued to say that we could sell it to the Historic Society for a dollar, however, it needs to be tested for mold. That test is about \$1500.00. He also mentioned that another option is to have it moved.

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REPORTS: SELECTMEN continued:

Mr. Capone continued the report by saying that the Library is ahead of schedule and they feel that it may be completed by mid-February. As to the Downtown project, they have one more thing that they can do and then they will have to stop until probably March. They figure that the sidewalks will be done in May or June so it will probably be July before the project is completed.

Capital Improvements Plan: Nothing new to report.

Possible Alternate: Ms. DeStefano mentioned that we may have a possible alternate in Joe Lukeman. Mr. Campbell added that Mr. Lukeman will not be available until March however.

OTHER:

Wind Farms: Mr. Campbell mentioned the Wind Farms that the public is opposed to. He stated that there may be 3 developers now and he understands that our Selectmen have voted to oppose any more development than what is already in place. Mr. Capone stated that the Selectmen have expressed that they are very concerned about the number of towers being proposed and of the location. They have asked Mr. Capone to research this. What was said is on the tapes of the 11/15/12 meeting, 48th minutes and the 11/29/12 meeting they talked a little more about it.

Mr. Capone explained that he has learned that these are only subject to the FCC and are not subject to local zoning. Mr. Campbell expressed that, if the town selectmen vote against this, he is willing to listen and feels that the Planning Board should cast their support one way or another. He was then assigned to craft something for the Planning Board to consider.

Annual Report: Ms. DeStefano asked for any thoughts the Board may have for her to include in the annual report (the deadline is Dec. 31st).

Work with Steve Whitman: Mr. Dingman stated that he would like to work with Mr. Whitman on a view map. He was given the “go-ahead”.

Other items: It was mentioned that Ms. Cogean received her retail sales variance for her winery and will be coming back to the Planning Board for Site Plan. Mr. Campbell stated that Ms. Parkhurst says that she will have Mary Ann come in to do her Minor Site Plan.

Ms. DellaCroce asked what has happened to the Planning Board’s request for persistent offenders. Mr. Capone stated that he spoke with LGC (Local Government Center) and they explained that this is covered by an RSA which states that a first offense can be charged \$275.00 a day and a 2nd offense \$550.00 a day, following a letter that allows 7 days to complete before fines are applied.

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OTHER ITEMS continued:

Ms. DellaCroce asked if we have an agreement with Lakes Region Planning (LRPC) for work on the Master plan yet. Ms. DeStefano stated that they are working on the agreement but if she does not receive it soon, she will do it and send it to them.

Mr. Paradis asked about Attorney Waugh's annual Legal Updates workshop. Mr. Capone asked for a couple of dates to suggest to Atty. Waugh. The Board determined that they would prefer it to be held at their workshop meeting on January 23, 2013 at 7:00 p.m. Mr. Capone will ask for this.

Ms. DellaCroce asked how to know about upcoming meetings of the other Boards. She was told that they are on TV Channel 24 and on the web site under agendas and minutes.

NEXT MEETING: As we have nothing on the agenda for our workshop meeting on Dec. 26th, Ms. DeStefano asked if the Board would like to cancel it. The Board agreed and determined that they will hold their next meeting on January 9, 2013. As of now, that agenda is for the 2nd public hearing of the Proposed #6 & #7 Zoning Amendments.

Mr. Capone mentioned that the Board might want to authorize Ms. DeStefano to execute the agreement with LRPC on behalf of the Planning Board. The Board agreed to this authorization.

With no other business before the Board, C. Dingman made a motion to adjourn at 9:20 p.m.

Respectfully submitted,
Jan Laferriere, recording secretary