

PLANNING BOARD
July 8, 2015

APPROVED as amended & clarified:

7/22/15__jrl_____

AGENDA: 15SUB02, SUBDIVISION: SHACKETT HOLDINGS LLC,
273 W. Shore Road, #109-030
PCC: PAUL ZAREAS
PCC: DOUG NORTON

ATTEND: Denice DeStefano (Chairman), Dan Paradis (Vice Chair), Paul Manganiello
(Sel. Rep.), Debbie Denning, Clay Dingman, Steve Favorite, Betty Seeler

ABSENT: -----

OTHER: Michael Capone (Town Administrator), Paul Zareas & Pete Demarco,
Doug & Diane Norton, Jeff Shackett & Alan Barnard with abutters

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

15SUB02, SUBDIVISION: SHACKETT HOLDINGS, LLC (JEFF SHACKETT, ALAN
BARNARD)

The secretary read the application, list of abutters notified, where the hearing was advertised and stated that there was no phone calls or correspondence nor any Department Heads comments received.

Mr. Barnard, surveyor representing the applicant, explained that this is a down-sizing of a previous condominium and the subdivision of the house from the condominium (Black Brook Villas). The condominium will now consist of the 2 remaining buildings instead of adding 6 more units. This makes a total of 4 units instead of 11. There will be a common entrance off West Shore Road. The entrance is paved to the cul de sac, which is gravel.

The Board then addressed the checklist. Two waivers were requested: #14 topography and #24 drainage plan. Mr. Barnard explained that these are on the original Subdivision plan and have not changed.

C. Dingman made a MOTION, second by D. Denning, to ACCEPT THE SUBDIVISION APPLICATION, ALONG WITH THE TWO WAIVERS, AS COMPLETE. The motion CARRIED.

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SHACKETT SUBDIVISION continued:

Mr. Barnard stated that all monuments are in place. Mr. Dingman asked about the retention area and Mr. Barnard answered that there is a large rip rap ditch to collect and carry the drainage before it flows to the brook. Ms. DeStefano explained to the audience that the Board has heard the intent of this project at a PCC and therefore know most of what is being presented this evening. She then asked for public comment.

Dave Redman, abutter, asked about the road from West Shore Rd. and Mr. Barnard explained that it is a private road but has been constructed to town specifications. Mr. Shackett added that it was never his intent to have the town take this over. It was explained that, in order for the town to take it over, the Association would have to bring it to the Select Board and would have to meet the current town specifications. It would then go before the residents at town meeting.

Mr. Redman asked what would happen if the original plan was to be brought back up. Mr. Barnard stated that the Condo Association would have to come back to the Planning Board for that to happen.

At this time, the abutters were invited to the table to look at the new plan. Robert (and Gail) Marchand (abutters) expressed concern with the culvert and the possibility of backing into it when exiting their driveway. Beth Goodrum (& Mike), abutters, agreed. This is something to address with the applicant.

Mr. Capone clarified the method of adopting the road by the town, in that as it is on an approved Site Plan, the Select Board can accept it. He was thanked for that information.

Mr. Barnard asked the Board for approval with the condition of receiving the final approval of the amended Subdivision by the State.

E. Seeler made a MOTION, second by C. Dingman, to **CONDITIONALLY APPROVE THE SUBDIVISION FOR SHACKETT HOLDINGS LLC. THE CONDITION BEING THE RECEIVAL OF THE STATE APPROVED AMENDED SUBDIVISION.** The motion **CARRIED** and the conditional approval notice of decision was signed. Mr. Barnard will bring in the final State approval and final plans when he receives them.

PCC: PAUL ZAREAS/PETE DEMARCO

Ms. DeStefano explained the process of a PCC. Mr. DeMarco stated that he represented Mr. Zareas with his Site Plan and was here this evening about a lot line adjustment that was done after the Court decision on Mr. Zareas and the Swiss View Condo. complex pertaining to the beach (by the Big Catch). He questioned why they were not notified.

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ZAREAS PCC continued:

The secretary explained that she showed Mr. Zareas the Site Plan which the Board approved previously and she now has been given a copy of the Court decision. The Board looked at these and showed that the pipe is still shown as was determined. The secretary assured everyone that there has never been a lot-line-adjustment done by the Board on the beach property. The applicant was satisfied with this and thanked the Board.

PCC: DOUG AND DIANE NORTON

Ms. DeStefano again explained the procedure for a PCC. Mr. Norton stated that he has owned the building at 11 Pleasant St. for 10 years and they have had a hard time renting it. They wish to open a retail store that is like an old time store. They are thinking of having antiques, house plants, penny candy, crafts & woodworked items. Also, thinking of coffee and hot chocolate like a hospitality item, as well as popcorn, snocones, furniture, and possibly refurbishing furniture. They have a pool table and a fooze ball table in the basement. They may consider having consignments down the line. Also, possible small craft lessons for kids and parents for after hours. They would like a bulletin board for businesses to put up their business cards, etc.

Mr. Norton mentioned that they may want to open up the wall between the 2 units and make it just 1 unit. He asked if this would make it become just 11 Pleasant St. instead of A & B. Also, could it later be changed back to 2 units? Ms. DeStefano asked if they wanted to make it just 1 and, if so, they would need to come back to the Planning Board again as it would be an expansion of the business to return to 2 units.

Ms. Denning asked if they were intending on having a restaurant and Ms. Norton stated that they could cross that off the list. Mr. Norton asked if he would need a restaurant license and Ms. DeStefano answered that he would need state permits. She then advised the Norton's to look at the Zoning Ordinance, which is on the town web site, to see what is allowed by the town. They should also chat with the Fire Chief. They might want to look at the Subdivision/Site Plan Regulations, page 33 and 34 as to what constitutes the need for a Site plan. Mr. Paradis explained that the Planning Board looks only at the site, not the inside. Ms. DeStefano added that Site plan is based on any increase of the uses. Ms. Norton mentioned the possibility of vending machines.

The Board stated that they should look at the definition for retail sales, which is an allowed use. Ms. DeStefano mentioned that they should also see the HDC as it is in the Historic District. Mr. Dingman, who is also Chairman of the HDC, explained that they look at the outside of the building, windows, and signage. They are not concerned with general maintenance (like for like) but will want to see them if anything on the outside changes. Mr. Capone added that any renovations over \$2,000 would need a land use permit and they may need energy improvement per the Public Energy Commission.

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NORTON PCC continued:

Mr. Norton asked about having a wood stove and the Board explained he would need to speak with the Fire chief about that. Mr. Dingman mentioned that, though HDC has no jurisdiction for the inside of the building, he would like to see them re-use the tin ceiling and, if needed, it is easy to get reproductions.

Mr. Norton asked about placing saleable items on the sidewalk. The Board did not think that the sidewalk is wide enough there as they cannot impede walking traffic. However, this is a Select Board issue and he would need to see them.

Mr. Norton asked for guidance with the process. The Board stated that he would need to meet state requirements, see about state sales tax, see the Fire chief, get a land use permit for anything over \$2,000., get a sign permit (the regulations for these are in Article 4.11 of the Zoning Ordinance, and see the HDC about anything being done to the outside of the building. Mr. Dingman directed them to the Historic Section of the Zoning Ordinance as well as the HDC General Guidelines, also on the web site.

Ms. DeStefano mentioned that the secretary is available on Fridays and the folks in the town office are also very helpful. He can come back to the Board for any other questions at any time, as well. The Norton's were then thanked for coming in.

MINUTES OF JUNE 24, 2015: The following amendments and clarifications were made: Page 2, 5th paragraph, 1st line, following "asked about" insert "the effect on" and delete "/Cell Service". Page 3, 1st paragraph, 1st line, following "#3" insert "(regular review and recommendation)". Following "to include" insert "a review of our current land use chapter and how to update it." and delete the rest of that sentence. 2nd line, before "Broadband." Insert "a review of". 3rd line, before "survey" insert "2013 town opinion". 6th line, following "NH DHR" insert "said that town wide opinion surveys are" and delete "it is". Last paragraph, 2nd line, change "Creamer" to "Creamery". Page 4, under OTHER, 1st paragraph, 2nd line, before "landscaping" insert "temporary".

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

COMMUNICATIONS: There were 5 DES approvals, notice of acceptance, request for more information, and a wetlands permit.

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REPORTS:

HDC – They meet next week.

SELECTMEN – They held a public meeting for Mr. Hertrick to allow approval for 79-E tax exemption for 5 years (no increase in taxes during the time of doing his renovations). Mark Bucklin, Highway Superintendent, is doing a chip seal on Peaked Hill Road and work on Ten Mile Brook Road. They are addressing Space Needs.

CIP – Haven't met yet.

UPDATE ON CU NA MARA, HOG WILD BBQ

Ms. DeStefano explained that, when she came in and met with the secretary and Mr. Capone, we learned that the town office had been approached when MaryAnn wanted to re-open the restaurant portion. A mistake was made as to the difference with take-out (an allowed use) and a full restaurant (allowed by special exception) and MaryAnn was allowed to re-open. As it would be unfair to ask Mr. Means (Hog Wild BBQ) to now do the Special Exception, the secretary notified him (by phone and a follow-up in writing) that he could open up right away but would need Site Plan if he wanted outside entertainment.

LAPSED USE:

Mr. Dingman questioned the regulations on lapsed use and Ms. DeStefano put this on the agenda for our workshop on July 22nd.

OTHER:

It was noted that Zaremba is coming back for a new variance on parking (for a smaller building) on August 4th. Mr. Dingman questioned if the Planning Board can do a 25% reduction in addition to a Variance. Mr. Capone stated that he will check this with LGC (Local Government Center). Ms. Seeler questioned if this would allow us to question the previous Variance in which wrong information, from what the Planning Board said, was given. It was determined that this was done for the Variance to the business already on the property and was separate from the Zaremba variance.

Ms. DeStefano stated that a letter is being sent to the Creamery which has opened at Parkhurst Plaza without necessary Site Plan (expansion of use).

Mr. Favorite distributed copies of the RSA on Joint Meetings between the Planning and Zoning Boards. This had been mentioned at a Selectmen's meeting. He then went on to say that he was disappointed in the meeting in which the Planning Board was "thrown under the bus" with only Mr. Capone's support of the Board. He thanked Mr. Capone for this and continued to say that the Board had worked with what was allowed and told Mr. Means that he could open the Hog Wild BBQ with an outside tent. In the meantime, Ms. DeStefano was going to look into the history of this property with the secretary and Mr. Capone to see if anything else could be done.

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OTHER continued

Mr. Favorite was upset that the Boards are being labeled as “not business friendly” when we spend so much time trying to help an applicant. He added that he spoke with Mr. Means after who stated that he (Mr. Means) just needed to vent and only coffee and donuts were served inside last year. Mr. Dingman felt that Mr. Capone and the Select Board should support the Board. More members of the Board thanked Mr. Capone for his part. Ms. DeStefano stated that there are misrepresentations all over but they do not affect her sleep. The Board works hard and does their best to work with the applicants and still follow the Zoning Ordinance voted in by the residents of the town. She added that opening a business anywhere is difficult. Mr. Manganiello stated that the Economic Development committee (of which Mrs. Manganiello is a member) are trying to have more of a road map for businesses to follow.

A discussion followed about Joint Meetings of Boards and it was noted that we have held one in the past.

With no other business before the Board, C. Dingman made a motion to adjourn at 8:50pm.

Respectfully submitted

Jan Laferriere, recording secretary