

PLANNING BOARD
October 14, 2015

APPROVED as amended & clarified:

10/28/15__jrl_____

AGENDA: 15MSPR03 CONTINUED MINOR SITE PLAN REVIEW: MARYANN &
FRAN PARKHURST, 90 Lake Street, #113-041
15SUB03 COMPLIANCE OF SUBDIVISION/15SUP01 SPECIAL USE
PERMIT/15SPR01 SITE PLAN REVIEW: ZAREMBA PROGRAM
DEVELOPMENT LLC, 215 Lake St., #112-001
15MSPR MINOR SITE PLAN REVIEW: EAMON MORAN/AUBUCHON
HARDWARE, 838 Lake St., #216-099

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), Steve Yannuzzi (Fire Chief),
applicants and public.

The meeting opened at 7:00 p.m. with a quorum. Mr. Paradis presided until Ms. DeStefano arrived (she was returning from a trip away).

MINOR SITE PLAN REVIEW: MARYANN & RAY PARKHURST

The revised plan was presented and the Board looked for the items to be included. Per Mr. Paradis calculations for parking, with the 25% reduction, the total should be 69. The Board had no problem with the 72 listed on the plan. Everything else had been included.

C. Dingman made a MOTION, second by E. Seeler, to ACCEPT THE MINOR SITE PLAN AS COMPLETE. The motion CARRIED.

Mr. Paradis then read the Fire Chief's letter of October 13, 2015 which lists the items required for the life safety code. Chief Yannuzzi explained that he met with Maryann Parkhurst today and the requirements (through #7) are to be completed before he can issue an assembly permit and then, once those are complete, Ms. Parkhurst will have 6 months to put in the sprinkler system.

Boake Morrison, resident, asked if this is required for everyone in town and Mr. Yannuzzi answered that this is going from business to assembly occupancy and requires the life safety code. This is a requirement for all assembly occupancies. Mr. Dingman asked if the parking spaces will be cleared and Ray Parkhurst stated that they will be clear.

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PARKHURST MINOR SITE PLAN continued:

E. Seeler made a MOTION, second by C. Dingman, to APPROVE THE MINOR SITE PLAN FOR MARYANN & FRAN PARKHURST WITH THE CONDITION THAT THEY FULFILL THE FIRE CHIEF'S REQUIREMENTS. The motion CARRIED.

Mr. Favorite asked if the ice cream stand will be moved. Ms. Parkhurst assured him that she will notify the Board if they intend to move it.

The Notice of Decision and the plans were signed.

COMPLIANCE OF SUBDIVISION: ATTORNEY RICHARD Y. UCHIDA, SCOTT HOLMAN (ZAREMBA REP.), ERIN LAMBERT (NOBIS ENGINEERING), FRED SCHNEIDER (LAND OWNER)

Ms. Lambert produced the revised subdivision plans which now show the setbacks and notes about the variance, lot percentage by structure, soil types, and that the drainage is on page C-4.

C. Dingman made a MOTION, second by D. Paradis, to APPROVE THE SUBDIVISION OF ZAREMBA PROGRAM DEVELOPMENT LLC AS COMPLETED. The motion CARRIED and the plans and the mylar were signed.

SPECIAL USE PERMIT: ATTORNEY RICHARD Y. UCHIDA, SCOTT HOLMAN (ZAREMBA REP.), ERIN LAMBERT (NOBIS ENGINEERING)

The secretary read the application, the list of abutters notified, where the application was advertised and stated that there was a letter from the Conservation Commission and e-mails from the Health Officer and Assessing Office. The Board looked at the description that was submitted. State Assessor Dave Flynn is addressing the drainage. The Conservation Commission recommends that the Board grant the permit while considering pervious pavement, a maintenance plan, and that the debris be removed by hand in the wetland area.

Mr. Dingman asked if the proposed drainage plan now is different than the previous one the Board saw. Ms. Lambert stated that it is almost the same. Everything will be caught in the catch basins now; the over-flow will go to the DOT drainage pipe in a 10-year storm event. Mr. Paradis added that they are relocating the pipe and the drain to the pipe. Mr. Dingman was comfortable with this.

Atty. Uchida mentioned that there are some considerations and alluded to Ms. Lambert to explain. Ms. Lambert went over the change of reducing storm water, reducing the impervious cover, and keeping the wetlands buffer green. All debris will be removed by hand. They will need the heavy duty pavement to accommodate the heavy delivery truck and the volume of patrons but plan on doing pervious pavement where the 6 employee parking spaces will be located.

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SPECIAL USE PERMIT: ZAREMBA continued:

Mr. Paradis directed the Board to look at page 62 of the Zoning Ordinance and it was determined that page 56 should be referred to, as well. Ms. Lambert explained that they will be enhancing what is already there and that no untreated water will drain on the buffer. A maintenance plan will be done by Dollar General.

Ms. DeStefano asked for abutter comments and there were none.

Mr. Dingman asked if the maintenance plan of the drainage and the pervious surfaces will be brought up as part of the Site Plan and was told that they would.

C. Dingman made a MOTION, second by E. Seeler, to APPROVE THE SPECIAL USE PERMIT FOR ZAREMBA PROGRAM DEVELOPMENT LLC. The motion CARRIED.

As it was getting late, Ms. DeStefano planned on doing the Site Plan at the Nov. hearing and to take the hearing for Aubuchon Hardware at this time. Atty. Uchida asked if the Board would just do the checklist so that they could address anything else needed before the continuance of this portion. The Board agreed to do so.

SITE PLAN: ATTY. RICHARD Y. UCHIDA, SCOTT HOLMAN (ZAREMBA REP.), ERIN LAMBERT (NOBIS ENGINEERING)

The secretary read the application, abutters notified, and stated that there is an e-mail from the Department Heads. The checklist was addressed. They are asking for 3 waivers: 9' x 19' and 8' x 19' parking spaces to decrease the impervious area. Ms. Seeler stated that she has a problem with the width. Ms. Lambert stated that 9' x 19' is typical for most areas. Atty. Uchida added that figures say that 25% of vehicles are compact cars. Ms. Seeler answered by saying that the majority are SUV's. Ms. Denning asked how many parking spaces do they plan on and was told 29. Ms. DeStefano stated that she has less room than that where she works. Mr. Holman added that most may have 1 or 2 bags and they just get tossed into the seat. Mr. Manganiello felt that they are trying to accommodate the wetland and what the Conservation Commission has said. Ms. Seeler mentioned that it is difficult for handicap folks.

The next waiver was for parking in front of the building. Ms. Lambert stated that this is for access for the off-street loading truck.

Also, a waiver for the front landscape buffer to be less than required. Ms. Lambert stated that, with the need of the parking in front, this needs to be narrower. Proposed is a buffer of greens. Also along the side boundaries, trees are proposed on the Auto Trends side and some trees along the fence on the other side. Mr. Paradis noted that this is relief from 9.5, I not H.

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SITE PLAN: ZAREMBA continued:

Mr. Dingman asked if the Board can accept the application as complete pending the three waivers so that they can think about them. Atty. Uchida asked to get some feedback from the Board so that they won't have to keep going back to the drawing board. Mr. Dingman addressed the parking in front and would like to see an exploration of other options for the building and the truck configuration. He is also looking at parking size based on what Ms. Seeler stated versus less impervious paving. Ms. Seeler is concerned with the parking space width and added that often the handicap space is taken already which makes it even more difficult for them. We need to consider that our population is aging.

C. Dingman made a MOTION, second by S. Favorite, to CONTINUE THE SITE PLAN FOR ZAREMBA PROGRAM DEVELOPMENT LLC TO NOVEMBER 18 WHERE WE SHALL ADDRESS THE WAIVERS AND THE SITE PLAN. The motion CARRIED.

MINOR SITE PLAN REVIEW: EAMON MORAN/AUBUCHON HARDWARE

The secretary read the application, abutters notified, where the hearing was advertised, and that there is an e-mail from the Land Use office. The e-mail was read. Ms. DeStefano asked the Board if they still feel that this should be a Minor Site Plan. Mr. Moran stated that they will not fill in the swale as the State has directed. They needed to improve the drainage as it had not been done correctly previously and they had problems at the corner of the building. They know that they are not to impede the State right-of-way. The septic was too high so they have had a licensed contractor in to lower it; something that should have been done in 2012.

Ms. DeStefano asked about paving, which calls for a full site plan. Mr. Moran answered that this paving was approved and should have been done with the previous site plan. The previous site plan was looked at and verified. Ms. Seeler asked what will be paved and Mr. Moran requested a 25% reduction of parking spaces and said that they will not pave all of them. The Board felt that Mr. Moran could continue as a Minor Site Plan.

The checklist was addressed. Ms. DeStefano questioned the garden area and propane filling station needing to be included for parking. Mr. Favorite felt that this was not a building space. Mr. Moran stated that he looked at page 20, 4.E and felt that this is not the principle use. Mr. Paradis felt that this was not asked in the Parkhurst case when they had plants. Mr. Moran stated that the sales would be done inside the main store. Mr. Dingman felt that it should be counted as storage space and would need a couple more parking spaces. Ms. DeStefano said that 66 spaces are required and a 25% reduction brings this to 49 1/2, a total of 50 so they need to show 2 more spaces on the plan. Mr. Dingman asked what size spaces are being used and was told 10'. Ms. DeStefano suggested that he ask for 9' and Mr. Dingman suggested that only a couple would need to be 9' in order to get the 2 spaces in. Mr. Moran suggested that #18-34 could be changed to 9' so as to get the needed additional 2. This is an unpaved area and will

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AUBUCHON MINOR SITE PLAN continued:

not make a big difference. This was agreed to and must be shown on the plan. Ms. DeStefano added that the waiver should be on the plan also

C. Dingman made a MOTION, second by D. Denning, to ACCEPT THE APPLICATION AS COMPLETE WITH PARKING AND WAIVER ADDED. The motion CARRIED.

Mr. Moran stated that the waiver will be note #11.

Ms. DeStefano stated that the swale will not be closed and the sign will be moved out of the State right-of-way. Mr. Paradis asked about fire protection. Mr. Capone answered that he spoke with Chief Yannuzzi today and a sprinkler system is not needed. Mr. Dingman asked when he plans on opening and Mr. Moran answered November.

Ms. DeStefano asked for public comment. Jim Hurley, abutter, stated that he is sensitive with what was done with Parkhurst and asked how close the propane tank station should be from a residence. Mr. Parkhurst stated that theirs was set up by the propane company. The immediate danger is someone driving into it so a butters is required. There is a safety that will shut down in case of a problem and it gets inspected by the State. Mr. Hurley then asked what part of this plan lies in the residential portion of the lot. He added that the previous owner Benjamin Johnson said that they had to maintain a buffer. Ms. DeStefano explained that the only part of this plan in the residential area is some parking and Mr. Hurley was shown the plan. He was then okay with it. Mike Capsalis, abutter, welcomed these folks to the area and stated that they have been fantastic.

C. Dingman made a MOTION, second by S. Favorite, to APPROVE THE MINOR SITE PLAN OF EAMON MORAN/AUBUCHON HARDWARE WITH A REVISED PLAN SHOWING THE ADDITIONAL PARKING SPACES AND A NOTE #11. The motion CARRIED and plans will be signed October 28, 2015 if they are ready.

Mr. Favorite asked about the septic and if it drains well now that they have lowered it. Mr. Moran answered yes.

MINUTES OF 9/23/15: The following amendments and clarifications were made:

Page 2, next to last paragraph, 6th line, close the parenthesis and on the 7th line, following "points" insert "from the 2013 public opinion survey executive summary." 9th line, replace "changed" with "changes". 12th line, following "questioned" delete "the form of the building or the structure and" replacing with "about form based zoning versus our current zoning and".
Page 3, 1st paragraph, 1st line, replace "Planning" with "Site Plan". 3rd paragraph, 2nd line, close the parenthesis. 4th paragraph, 6th line, insert "bookkeeper of" before "Trustee of Trust Funds,"

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MINUTES continued:

Page 4, 1st paragraph, following "Police Dept." replace "We" with "the CIP Committee". 2nd line, before "fund" insert "cruiser". 2nd paragraph, 5th line, replace "approved" with "agreed". 4th paragraph, next to last line, replace "release" with "relief". Page 6, 1st paragraph, 2nd line, delete "received some and will", replace "e-mail" with "e-mailed".

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

COMMUNICATIONS:

The Board received the latest Source bulletin, DES approvals for operation for John Murphy and Donald J. Caldwell 1994 Trust. Also, a survey for Edward and Rhonda Tracy. There was a scanning ad. The Land Use office e-mailed an update on Hemlock Brook Rd. which was read. The NHDHR found no historic items for Red Fox, 205 Lakeside Rd. and there was a wetlands permit for Eugene Brune.

REPORTS:

HDC: Didn't meet. The Old Town Hall is on the National Register as of Sept. 29, 2015.

SELECTMEN: DOT Musgrove Bridge: The electric company wishes to eliminate 5 lights in that area to save on electricity. Mr. Capone felt that it is a ploy to get the town to take over the lights and he does not intend to do so. The Selectmen are also looking at the tax rate for next meeting. They are still waiting for the school figures. Ms. Seeler explained that the school must satisfy the auditors first before their figures can be set.

CIP: Done for the year.

NEW BUSINESS: Mr. Capone would like the new budgets from Planning and HDC.

NEXT MEETING: The next meeting will be on Oct. 28, 7:00pm, with possible signing of the Aubuchon Hardware plans and is also a workshop.

With no other business before the Board, E. Seeler made a motion to adjourn at 9:45 p.m.

Respectfully submitted,
Jan Laferriere, recording secretary