

PLANNING BOARD
December 9, 2015

APPROVED as amended & clarified:

1/13/16__jrl_____

AGENDA: PUBLIC HEARING ON PROPOSED ZONING AMENDMENTS
COMPLIANCE HEARING, 15SPR01: ZAREMBA PROGRAM
DEVELOPMENT LLC, 215 Lake St., #112-001
CONTINUED SITE PLAN REVIEW, 15SPR02, NEW ENGLAND FAMILY
HOUSING, 409 Lake St., #112-037 & 224-001

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

ABSENT: Elizabeth Seeler (ill)

OTHER: Applicant teams, Sandra Heaney (Conservation Commission/HDC)

The meeting opened at 7:00 p.m. with a quorum. Ms. DeStefano moved the public hearing to later in the evening as no public was in attendance at that time.

15SPR01, COMPLIANCE, SITE PLAN: ZAREMBA PROGRAM DEVELOPMENT LLC/
Attorney Richard Uchida, Erin Lambert (Engineer), Scott Holman (Developer), Fred Schneider

Ms. Lambert went over the conditions: Page L2 is the revised plan. C3 has the sign change, the 2 faux windows have been added, the time of delivery is on C3 #18. The Maintenance of the Drainage plan was then submitted, the Landscape plan is on C3 #19, and C3 #3 adjusts the waiver of the parking.

Attorney Uchida added that they have received the landscape permit permission from the State which will allow the expanded front buffer. The formal plan is being submitted to the State today. He will send the final version to the Planning Board once he gets the State's final okay.

Mr. Holman distributed copies of sign designs and added that they would prefer the one with just plantings for better vision of the building. The second depiction is for a box with a brick edifice. Mr. Dingman asked if they would use perennial flowers if they do not go with the brick rendition. Ms. Lambert stated that they have perennials in the plan and Mr. Holman added that an example would be day lilies. Mr. Paradis stated that he prefers the one with the plants and the Board concurred.

C. Dingman made a MOTION, second by D. Paradis, to APPROVE THE SITE PLAN AS THE CONDITIONS HAVE ALL BEEN MET. The motion CARRIED and the plans and Notice of Decision were signed.

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CONTINUED SITE PLAN REVIEW: NEW ENGLAND FAMILY HOUSING, Kevin French (surveyor), Ken Brown (engineer), Kevin Lacasse (representative for New England Family Housing, Fred Schneider (an owner)

The new checklist was gone over. Ms. DeStefano stated that there are a number of deficiencies: drainage is a concern, the snow removal is to be just plowed to the side which could affect the river to name a couple. She also feels that a professional needs to be hired in regard to the drainage. Mr. Dingman, Mr. Paradis, and Mr. Favorite, as well as Ms. Heaney (Conservation Commission) agreed. Ms. DeStefano explained the procedure for hiring a professional in which we get a cost estimate and then the applicant puts the money in escrow.

Mr. Dingman asked about a traffic study and Mr. Brown read the results of the study that has been done and it shows that traffic increase is not significant. The study was done by Stephen Pernaw and the NH DOT. He will send this and the drainage report to the secretary so she can forward it to the Board. Mr. Brown went on to say that the AOT permit has not been done yet and he will send that as well. He asked if we accepted the checklist and Mr. Dingman and Ms. DeStefano answered that we did not. Ms. DeStefano added that we shall probably hire the professional after the first of the year.

Mr. Dingman asked if the Board can have a copy of the revised plan in advance and this was agreed to.

Mr. Brown distributed copies of signs they have used before. Mr. Lacasse added that they are of vinyl coated wood of about 7' to 8' tall. Mr. Dingman complimented them on the renderings of the buildings. Mr. Lacasse stated that from Lake Street, you will only see the top 15'. Mr. Manganiello asked why the porches don't face the river and Mr. Lacasse answered that this way there is more room for treatment and parking. Mr. Dingman added that he likes the internal stair cases.

Mr. French explained that the NHDHR has looked at the site for historical artifacts and he will send the final report to the Board. Ms. DeStefano read that the Fire Chief wants to include the State Fire Marshall when they apply for a building permit.

C. Dingman made a MOTION, second by P. Manganiello, to CONTINUE THIS HEARING TO JANUARY 13, 2016, 7:00P.M. The motion CARRIED.

The Board agreed to have Ms. DeStefano handle the hiring of the professional. She will approach Tom Ballestero, Assoc. Professor & Director of UNH Stormwater Center.

PUBLIC HEARING ON PROPOSED ZONING AMENDMENTS:

Using Town Attorney Bernie Waugh's Proposal Numbers, the Board began. Only Ms. Heaney remained in attendance as public.

Proposal #1, PARKING AND OFF STREET LOADING

Atty. Waugh had agreed to moving this from the zoning ordinance earlier but was having second doubts. Mr. Dingman and Ms. DeStefano thought that this can be modified once it is moved to Site Plan. Mr. Manganiello questioned how it would work and Mr. Dingman read Atty. Waugh's earlier statement on this. Mr. Favorite added that in the previous Site Plan tonight, for example, the Board would be able to look at the need of visitor and handicap spaces beyond the required spaces based on bedrooms, as we have now. The present regulations provide for the minimum. A discussion followed. Mr. Dingman stated that we will be making this easier on the applicant where we can waive the requirement if it is not needed. Ms. DeStefano added that the applicant would get relief from the Planning Board.

C. Dingman made a MOTION, second by P. Manganiello, to APPROVE PROPOSAL #1, MOVING PARKING AND OFF STREET LOADING TO SITE PLAN FROM THE ZONING ORDINANCE AND BRING IT TO VOTE IN MARCH. The motion CARRIED.

Proposal #2, ABANDONMENT

This deals with consideration of abandonment of non-conforming uses. With no comments, C. Dingman made a MOTION, second by S. Favorite, to APPROVE PROOSAL #2, ABANDONMENT AND BRING IT TO VOTE IN MARCH. The motion CARRIED.

Proposal #3, NON-CONFORMING STRUCTURES IN THE LAKE DISTRICT

This was for abandonment of 1-year. Atty. Waugh suggested that, as we have it, it might cause confusion and ambiguity. It was felt by the Board to need more thought. C. Dingman made a MOTION, second by P. Manganiello, to STRIKE PROPOSAL #3 FROM CONSIDERATION. The motion CARRIED.

Proposal #4, NON-CONFORMING STRUCTURES IN THE LAKE DISTRICT

This would change "by Special Exception" to "by Special Use Permit". Atty. Waugh pointed out that a Special Use Permit is for standards aimed at wetland impacts. He feels that this is not clear enough. Following discussion, C. Dingman made a MOTION, second by P. Manganiello, to STRIKE PROPOSAL #4 FROM CONSIDERATION. The motion CARRIED.

PROPOSED ZONING AMENDMENTS continued:

Proposal #5 & #6, EXTERNAL ILLUMINATED SIGNS

Proposal #5 would direct applicants to Proposal #6, Section 4.20 standards for External Lighting. Proposal #6 would allow the addition of an exception of downward lit signs where illumination can be confined wholly to the area of the sign. C. Dingman made a MOTION, second by S. Favorite, to APPROVE PROPOSAL #5 AND BRING IT TO VOTE IN MARCH. The motion CARRIED. C. Dingman made a MOTION, second by S. Favorite, to APPROVE PROPOSAL #6 AND BRING IT TO VOTE IN MARCH. The motion CARRIED.

REQUEST FROM SANDRA HEANEY

Ms. Heaney had e-mailed a request to consider prohibiting Fast Food Restaurants based on the response of the 2013 community survey and the proposed changes to the Land Use Chapter of the Master Plan.

Mr. Paradis stated that the Board did three types of restaurants several years ago with much deliberation. He personally does not wish to discriminate against Fast Food and questions if the Board can do so legally.

Ms. Heaney mentioned that there are rumors of a McDonald's coming in and she wanted to get ahead of this. She mentioned the survey in which folks expressed that they did not want Fast Foods. Ms. Heaney would at least like to see it kept out of the Downtown area. Mr. Favorite stated that we used to have a Subway Downtown and Mr. Paradis read the definition of a High Impact Restaurant. A discussion followed. Ms. DeStefano questioned what constitutes a limited menu. Mr. Dingman thought the Board might modify High Impact. He added that McDonald's is one franchise that has several building designs available.

Ms. Heaney feels that Fast Food is not healthy for children, she is not crazy about the looks of the buildings and they generate trash. She does not want one in the Downtown. Mr. Dingman added that he wouldn't want one with a drive-through next to a residence. He is willing to debate this and possibly require a Variance. He would accept modifying High Impact.

When looking to the time line to hold public hearings, the secretary mentioned that there is a new law on mailing. If the change affects a district or any change-of-use, all owners affected must be notified by first class mail if there are 100 or less properties involved. This is added to the regulations we have in place already (abutters notified by registered mail, notice in a newspaper, and posted in 3 places).

Mr. Dingman felt that the Board should modify High Impact anyway. Ms. Heaney requested that Fast Food be eliminated from Downtown Commercial and Village Commercial. This would allow them in the other 4 districts. Mr. Dingman thought that they might be moved to Special Exception. Ms. Heaney was for a change in the definition of High Impact.

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HEANEY PROPOSED ZONING AMENDMENT continued:

Ms. DeStefano felt that the Board needs to think more about this and not rush into it. We do not want to cause problems elsewhere. Mr. Dingman suggested adding “food served in wrappers” and move the present allowed use in the 2 present districts to Special Exception. More discussion followed. Mr. Paradis thought the Board might consider moving to smaller numbers allowed and the two present districts to be by Special Exception. Ms. DeStefano stated that if we do this now, a business owner who is affected could get patrons to vote “no” on the proposal. It was determined that the Board needs to consider this further.

MINUTES OF NOVEMBER 18, 2015:

The following amendments and clarifications were made: Page 1, last paragraph, 3rd line from the bottom, delete “reduced parking space” and replace with “goal”. Page 2, next to last paragraph, move the next to last sentence to the 4th line following “legally”. Page 3, 4th paragraph, last line, replace “ad” with “and”. Page 4, last paragraph, 5th line, replace “questioned” with “asked about” and following “lettering and” insert “the possible use of”. Page 5, 3rd paragraph, 1st line, replace “6:99” with “6:00”. 4th paragraph, next to last line, following “shingle” insert “or cement board”. 5th paragraph, 2nd line, before “10” insert “no more than”. Page 6, next to last paragraph, 1st line, replace “cut” with “but”. Page 7, 1st paragraph, 3rd line, replace “pictures” with “renderings” and 4th line, delete the last sentence. Page 8, 1st paragraph, last line, delete “and this went better this year”.

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

COMMUNICATIONS:

The Board looked at a DES notice of a permit application for Parillo, W. Shore Road. A copy of Atty. Uchida’s application to DOT on the landscape permit was observed and Ms. DeStefano mentioned that she sent a letter of support for this.

REPORTS:

HDC = the contract for the Master Plan Historic Section was signed with LRPC.

Selectmen = Mr. Manganiello asked the secretary if the folks on Hemlock Brook Rd. had come in for their Special Use permit. They had not. He explained that this is dealing with work done on a Class VI road within an area of a brook. Mr. Paradis asked what is happening with Northern Pass and Mr. Manganiello that the Board is to write a letter with surrounding towns. He added that the Northern Pass application is to be complete January 18th. Mr. Favorite stated that LRPC has cautioned that, if we don’t reduce cost of energy, businesses will move out. Ms. DeStefano asked about the hiring of a Town Administrator and Mr. Manganiello stated that they have made an offer. Ms. DeStefano asked about any concern for her to hire an engineer on the drainage and Mr. Manganiello said that he will bring it to the Select Board.

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REPORTS continued:

CIP = Done until March.

NEXT MEETING: Our next meeting will be held January 13, 2016 at 7:00pm. Ms. DeStefano will be away. We have the continued hearing for New England Family Housing. Applicants have until Dec. 18th to apply.

OTHER:

Ms. Heaney had looked up McDonald's on the internet and could only find that they use 50,000 sq. ft. (no # of patrons). Mr. Dingman suggested that we do a definition for Fast Food and move the 2 to Special Exception. Ms. DeStefano would like to research the definition better. She would hate to do this by rumor or innuendo. Mr. Dingman thought we might tighten it in Site Plan. Ms. Heaney would prefer it is in the Zoning Ordinance. The Board again said that they need more time to work on this. They thanked Ms. Heaney for bringing it in.

Mr. Manganiello stated that his neighbor, Bob, is interested in becoming a member on the Planning Board and will be in to see the secretary on Friday. The secretary mentioned that Richard LaFlamme (Zoning Board) is interested in HDC and she told him to see the Selectmen.

With no other business before the Board, Mr. Dingman moved to adjourn at 10:04p.m.

Respectfully submitted,
Jan Laferriere, recording secretary