

PLANNING BOARD MINUTES
August 10, 2016

APPROVED as amended & clarified:
8/24/16 __jrl_____

AGENDA: 16SUB02 CONTINUED SUBDIVISION: MICHAEL F. SHARP REV. TRUST/BRANDY V.
GUYOTTE & MICHAEL F. SHARP, 160 Jenness Hill Rd., #209-013, -014, -015
15SPRO2B CONTINUED SITE PLAN: NEW ENGLAND FAMILY HOUSING, 409 Lake St.,
#112-036, -037 & 224-001
PCC: TONY ROY, 411 N. Main St., #224-056
PCC: SHAWN LARKIN/JEFF SHACKETT, 20 Lake St., #113-046

ATTENDING: Denice DeStefano (Chairman), Clay Dingman (Vice Chairman), Paul Manganiello (Sel. Rep.), Bob Curtis, Steve Favorite, Dan Paradis, Betty Seeler

ABSENT: -----

OTHER: Scott Lacroix (Land Use Officer), Ray Courchaine (Filming), Sandra Hean4ey (Cons. Commission), public, applicants

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

PCC: TONY ROY

Ms. DeStefano stated that a PCC is not binding on either the applicant or the Board. Mr. Roy explained that there is a house being built next door to his property. He produced photo copies of the property line. There is a silt fence by the line and large rocks beyond it. Mr. Roy stated that rocks have fallen down onto his property and his concern is that the wall is not secure. The property has been built up 6'. Mr. Roy presented a photo copy of the driveway permit which appears to be blank and there is no building permit posted. There has been no site plan and Mr. Roy is concerned about drainage.

Ms. DeStefano explained that no site plan is required for a private residence. Mr. Lacroix stated that he has spoken with the contractor, J. P. Morrison, and this is a temporary wall; the slope will be secure, and a swale will be built.

Mr. Roy asked if a wall can be placed on the boundary line as he believes this one will be. Mr. Lacroix stated that it will be near the boundary line, which is permissible. A discussion was held as to the water run-off. Ms. DeStefano stated that the only recourse they have is a civil suit. Mr. Roy said that they are retired and cannot afford that. Mrs. Roy stated that they were not notified that there was to be a house built there. Ms. DeStefano explained that there is no requirement for that for residential homes as long as they meet town setbacks and any current regulations. She added that Mr. Lacroix will speak to the contractor about the permit and the rocks.

PCC: JOHN LARKIN/IAN GATES:

Ms. DeStefano explained the PCC process again. Mr. Larkin stated that he owns businesses and has recently leased the Shackett building (where the liquor store was). He wishes to have a restaurant

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PCC: LARKIN continued:

(called "SOUP ER HEROS") and arcade there. He plans to add one bathroom and expects it to hold 150 people. He would seat 60 on the arcade side. On the left side, he would have food, beverages, video, beer and wine. It will be all electric so no vents will be needed. It will create 20-30 jobs. He will have delivery service and his company will do the marketing. He is community minded and has dedicated time for law enforcement at one of his other establishments.

The Board determined that the use is Amusement and Restaurant which are allowed in the district. Mr. Larkin will need Site Plan which will include such issues as parking, lighting, signs, hours of operation, etc. Mr. Larkin stated that his hours are usually 11:00 to 8:00 but he may want closing to be 10:00 pm here. He added that there is a total of 7,000 sq. ft. Mr. Shackett mentioned that they had a site plan for this before and the Board explained that it is a change of use. Mr. Lacroix asked about the egress and Ms. Seeler asked about the dumpster. Mr. Larkin stated that he usually has the dumpster emptied twice a week. The Board was concerned about times for this and for deliveries. Mr. Larkin stated that he would co-ordinate these to a decent time. He might possibly add a juke box.

Mr. Manganiello suggested that he meet with the fire chief. Mr. Larkin agreed and added that the goal is to open by Nov. or Dec. He might rent out space for parties. He does mostly sandwiches. Ms. DeStefano stated that the Site Plan forms are on the town web site and if he has questions, the secretary is in on Fridays and the Land Use Officer on Tuesdays and Fridays.

CONTINUED SUBDIVISION: MICHAEL F. SHARP REV. TRUST/Colin Brown

The Board went through the request for waivers and then Mr. Favorite asked about the slope of the land for drainage. Mr. Brown answered that there is a large retention pond there. He added that they are still waiting State approval and would like to ask for a continuance.

C. Dingman made a MOTION, second by E. Seeler, to CONTINUE THE SUBDIVISION FOR MICHAEL F. SHARP REV. TRUST TO SEPTEMBER 14, 2016, 7:00 PM. The motion CARRIED.

CONTINUED SITE PLAN: NEW ENGLAND FAMILY HOUSING, Kevin Lacasse (owner), Kent Brown (engineer), Kevin French (Surveyor), Stephen Pernaw (engineer regarding the driveway access)

Ms. DeStefano explained that we have begun a new plan due to the addition of a new lot to be included. We have gone over the previous checklist to determine if there is anything else needed. Mr. Dingman asked if we have 11' x 17' copies of the new plan and Mr. Brown answered that he only made large plans.

Mr. Brown stated that they have supplied the new merger plan for the 3 lots. Mr. Dingman read the Board's Reasoning #7 that states that "the Board is generally satisfied that the merger and revised layout of the apartment buildings and site, as proposed, if the conditions listed below are met, will satisfy the Town's Site Plan Regulations, as well as the conditions imposed by the Board's decision of May 11, 2016."

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NEW ENGLAND FAMILY HOUSING continued:

Mr. Dingman then asked about frontage and Mr. French explained that there is 137' along Lake Street and there is also frontage on the State right-of-way. Mr. Dingman stated that they cannot use a bridge as a frontage and shouldn't use snippets of land to combine for the frontage and would need a Variance. Mr. Dingman read the opinion of our town attorney for this. Mr. French felt that they do meet the frontage along the right-of-way and Mr. Dingman stated that it could if the right-of-way is maintained by the State. A discussion followed. Mr. Dingman felt that the State needs to determine who maintains the right-of-way. Mr. Pernaw felt that it provides adequate access. Mr. Manganiello stated that there is 97' along the right-of-way. Mr. French said that they have a permit for the driveway and Mr. Lacasse asked if the maintenance agreement could be a condition of the approval. Ms. Seeler said that we want it to town standards and both Mr. Lacasse and Mr. Brown answered that it is to town standards. Mr. French added that it is Mr. Lacasse's intention to maintain it. Mr. Dingman stated that the frontage is legal on the right-of-way if DOT says it will be maintained by them. The frontage will be a little less than 120'. Mr. Lacasse intends to maintain it and it is the same if the State maintains it.

Mr. Dingman read #8 of the Board's Reasoning: "The frontage along the NH DOT right-of-way – once the merger takes place, and if the conditions of the approval are met – will address the issues of frontage and compliance with RSA 674:41, as discussed in the May 11 decision. The Board finds that the construction of the access roadway to the standards of Section 5.10 of the Subdivision Regulations, the improvements recommended by the letter from Stephen Pernaw dated June 6, 2016, as well as the construction of the sidewalk as presented in the revised plans, will together satisfy Condition #3 from the May 11 decision. However since the Board is in doubt as to the status of the State Right-of-Way, and the Applicant's authority to alter, repair or maintain it, the Board will insert a condition in this decision requiring clarification."

Ms. DeStefano stated that nothing has to be re-done that was submitted earlier and Mr. Dingman felt that those met everything needed now. Ms. Seeler questioned the number on the plan and Mr. Lacasse answered that it is pending the actual sale. Mr. French asked about recording the merger or Planning Board approval. Ms. DeStefano and Mr. Dingman both answered that the Board approves the Site Plan. Ms. Seeler felt that there are two conditions: the driveway and the merger. Ms. DeStefano added notification to the town on drainage maintenance as requested by the Conservation Commission. A copy of the Commission's request was given to Mr. Brown.

C. Dingman made a MOTION, second by P. Manganiello, to APPROVE THE APPLICATION AS COMPLETE. The motion CARRIED.

Ms. DeStefano asked for public comment and there was none. She then asked if the Board had any further questions and there were none.

C. Dingman made a MOTION , second by P. Manganiello, to APPROVE THE SITE PLAN OF NEW ENGLAND FAMILY HOUSING WITH THE FOLLOWING CONDITIONS AS WRITTEN UNDER "ACTION OF THE BOARD (AUGUST 10, 2016).

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NEW ENGLAND FAMILY HOUSING continued:

Mr. Dingman read "Action of the Board (August 10, 2016). Ms. Seeler made an amendment to the Findings section #6, 2nd line: to delete "has 87.71feet of" . C. Dingman gave the 2nd and Mr. Manganiello agreed. The amendment carried.

C. Dingman made a MOTION , second by P. Manganiello, to APPROVE THE SITE PLAN OFNEW ENGLAND FAMILY HOUSING WITH THE FOLLOWING CONDITIONS AS WRITTEN UNDER "ACTION OF THE BOARD (AUGUST 10, 2016) AS AMENDED. The motion CARRIED.

Mr. Brown asked if they need to come in again. They shall need to appear for a Compliance Hearing and the Board set this Hearing for August 24, 2016 at 7:00p.m. If the applicant is not ready by then, it will be held on Sept. 14, 2016 at 7:00p.m. instead.

MINUTES OF JULY 27, 2016:

The following amendments and clarifications were made: Page 1, under PCC, 2nd paragraph, 5th line, replace "lab" with "lav". Page 2, 1st paragraph, 1st line, replace "site" with "sight"; 3rd line, replace "Dingham" with "Dingman" and insert "classified as" before "automobile". Page 3, 2nd paragraph, 3rd line, replace "Floodsmart.com" with "Floodsmart.gov". Page 5, 1st line, replace "Dingham" with "Dingman". Page 6, last paragraph, 1st line. capitalize "Storm Water Center".

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

COMMUNICATIONS:

An invitation was received for the 9/23/16 Small Woodlot Management & Sawmilling program by NHSFI-SIC. This is to be posted in the Land Use office for anyone interested. There was also a merger for John M. Cashell, 59 Summer St., #114-048 & -049.

REPORTS:

HDC: None.

SELECTMEN: They held the Summer Town meeting. They have found 8 sites for cell towers. The Space Needs committee looked to the Smith property and has named a sub-committee, chaired by Police Chief Lewis, to determine the estimated square footage needed for the town office. The Economic Development committee has met. Mr. Dingman added that we are looking to do another survey.

CIP: To meet next week.

LAND USE: Mr. Lacroix distributed copies of the Raimondi property on Fourth St. The old mobile home has been removed recently (it was in the setback some). Ms. Raimondi wishes to replace it in the footprint. The old one was 56' with a 4' hitch and Ms. Raimondi is asking if a 60' without a hitch would still be considered in the footprint. The Board looked at the ordinance and the definition of footprint and felt that the 60' would add 4' of living space which would create an increase in the setback which is not allowed.

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LAND USE REPORT continued:

Mr. Lacroix explained that he visits Dollar General each week. He stated that they have improved the drainage, making it better. The plumbing is to go in on Friday and Monday. Mr. Lacroix is also working on yard clean-ups. He has been asked to write up something on property maintenance and asked if the Board could address this at the 8/24 meeting and Ms. DeStefano felt that we could if there is time.

Mr. Lacroix and Ms. Goodwin have made up the invitations for downtown businesses to come in and discuss signs on 8/24. The Board felt that the invites were fine as printed. These will be delivered next week.

Ms. Goodwin had sent an e-mail in regard to Wetland permits. She and the town clerk have determined to send copies to the Land Use office before the town clerk returns them to the State so as to get our input/and any need for Special Use permits .

NEXT MEETING: The next Planning Board meeting will be Aug. 24, 2016 at 7:00p.m. It is a workshop meeting on signs with the downtown businesses (and any others who wish to attend). We shall also have the New England Family Housing Compliance Hearing if they are ready.

The secretary will be on vacation during our two Sept. meetings. Someone from the office will be doing the minutes. Our November meeting has been moved from Nov. 9 to Nov. 16th as the Chair and Vice Chair will be unavailable on the 9th.

OTHER:

Mr. Favorite stated that no-one showed up for the Economic Development at the Water/Sewer dept. They are working on the Northern Pass and effects.

With no other business, C. Dingman made a motion to adjourn at 9:15p.m.

Respectfully submitted,
Jan Laferriere, recording secretary