

PLANNING BOARD MINUTES
August 24, 2016

APPROVED: 9/14/16 jrl

AGENDA: 15SPR02B COMPLIANCE HEARING FOR SITE PLAN: NEW ENGLAND FAMILY HOUSING,
409 Lake St., #112-036, -037 & 224-001
PCC: DON BOOTH, 101 Lake St., #113-026
PCC: MIKE FARRELL, 87 Brown's Beach, #104-141

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), Kevin Lacasse/Kent Brown/Atty. Grant R. Gendron, Don Booth/Bill Clark, Mike Farrell

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

SIGN ORDINANCE:

Ms. DeStefano stated that the Board is looking at the sign ordinance again. She stated that we are also anticipating doing another town-wide survey and she asked if there was anyone here to speak about this.

Bill Clark, N. H. Signs and representing the Gulf Station (Stop and Go,) stated that they would like to put LED signs for the pumps. Ms. DeStefano read the section of the ordinance regarding LED lighting (Page 22 of the Zoning Ordinance, Article 4.11, D & E). She noted that a Conditional Use Permit, as part of a Site Plan, or a Variance is the only relief at this point. Mr. Clark asked why Cumberland Farms has this and was told that they are grandfathered. Mr. Clark went on to say that LED only light up the numbers and the lights shine straight ahead. Highway speed limit signs use them and they are more visible to the drivers. It is a natural evolution for gas stations. LED's are not a problem with rain, freezing, wind, etc. as the current signs are and they cost less to light.

Ms. DeStefano mentioned that The station is on the agenda for a PCC later this evening and we can discuss this more then. At this point, any change to the ordinance must be presented to the voters at the March town meeting. The Board has heard about LED lights before.

Mr. Paradis felt that the statement that it must be a part of a Site Plan Review is a problem that we should look at. Others on the Board agreed.

Don Booth, Stop & Go Station, mentioned that there are LED Open signs and some flash. Ms. DeStefano stated that they are allowed but not to flash and the Land Use Officer goes out to deal with those as we hear or see of them. Mr. Booth stated that there is no distinction between these two ---why allow OPEN signs and not on gas pumps. LED Time and Temperature signs change more often. The Board is

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SIGN DISCUSSION continued:

probably fearful of LED display images but pump signs cannot do images. The size of the sign can control images, he added. Mr. Clark said that Woodstock has just overturned their objection to these.

COMPLIANCE HEARING: NEW ENGLAND FAMILY HOUSING (Kevin Lacasse (developer), Kent Brown (engineer), Atty. Grant R. Gordon.

Ms. DeStefano explained the 3 conditions that must be met: a revised plan to be signed, the Maintenance Manual, and updated DOT Driveway Permit. The plans will be completed. As to the Maintenance Manual, Mr. Dingman stated that the Conservation Commission is okay with it. Ms. Seeler suggested that there be something to say that it applies to any subsequent owners. Mr. Paradis used the example that is written on the DOT permit. Mr. Brown stated that he is willing to add that.

Mr. Lacasse read the driveway permit language added by DOT and pointed out that 2 notes have been added to the plan to show the same. It was determined that any other issues would come in to the Board in the future as a change.

Mr. Dingman stated that he has a concern about giving final approval as we only received this yesterday. He has the sense that they have met everything at this point but, as legal counsel has been involved, he would like his input.

Ms. Seeler asked about the possible need of a caution crossing sign on Lake St. Mr. Lacasse stated that this was not part of the condition. He and Mr. Brown met with DOT and even asked that they revise what they had written to make it very clear. Again Ms. Seeler asked about the sign on Lake St. and was told by other members and Mr. Lacasse that Lake Street is not under the applicant's or the town's control.

Ms. Seeler and Mr. Dingman agree that the town attorney needs to look at this again. Mr. Manganiello stated that the DOT permit is clear. Mr. Brown said that he will place the intent if the owner changes on page 3 of the Maintenance Manual. Atty. Gendron asked clarification that the Board is okay to approve and just want counsel to check the language. Mr. Dingman stated that counsel will look at it and then the Board will follow up. A discussion followed as to the process for this as Mr. Lacasse has a deadline of Friday. Atty. Gendron needed a confirmation that he has met these for his deadline. Mr. Lacasse noted that the first is not complete until the project is built and they have met the 2nd and 3rd conditions. Ms. Seeler asked about a motion to say it is essentially complete but we need counsel input. The Attorney was okay with that.

C. Dingman made a MOTION, second by E. Seeler, to CONTINUE THE COMPLIANCE HEARING TO SEPTEMBER 14, 7:00P.M. The motion CARRIED.

Mr. Brown asked how many copies of the plan are needed and was told 4, 3 for us and 1 for the applicant.

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PCC: DON BOOTH

Ms. DeStefano explained the process of a PCC, which is not binding on either the Board or the applicant but is our best answer to what is presented.

As we had already been discussing this business, Mr. Paradis asked about the price and Mr. Clark answered that LED lights are costly. He would be willing to cut back on the size of the sign. Mr. Dingman explained that any change to the sign would lose the grandfathering and would mean that they would need to follow all current sign restrictions. Mr. Booth stated that the sign, as it is now, would be non-conforming. Mr. Clark feels that the State law would supersede; he believes it is RSA 679. LED is a natural evolution, he added.

Mr. Booth said that his concern is that those grandfathered puts any other station at a disadvantage. It doesn't seem fair. Mr. Dingman stated that that argument could be for anything. They can try for a Variance. It was argued that setbacks are not visible but an LED is. Ms. DeStefano stated that she has lived here for 17 years and has never bought gas at Cumberland Farms. It is too hard to get in and out of. Others agreed.

A discussion as held about a possible minor site plan for a Conditional Use Permit or a Variance as relief unless they wished to wait until March town meeting for a vote. Our last survey expressed that the folks want to keep the town small and quaint. Mr. Booth and Mr. Clark stated that they could ask for a sign permit and when it was denied, they could go for an Administrative Appeal.

PCC: MIKE FARRELL

Again, Ms. DeStefano explained the process of a PCC. Mr. Farrell stated that he has a single cottage and has owned it for 12 years. The lot is 100' x 60' x 100' x 50' and 20' x 32' is the house footprint. There is a 4' knee wall on the top level. They wish to pitch the roof for a loft bedroom. They had 2 bedrooms on the ground level but removed 1 to put in a bathroom. They will eliminate the other bedroom if they are allowed to build the loft. Mr. Paradis and Ms. DeStefano asked if the height increase will be over 1' and was told that it would be. The Board stated that it would be a Special Exception. When asked, the Board explained that the height is determined as the average ground to the roof ridge. He was thanked for coming in.

PROBLEM:

It was noted that, on page 26 of the Zoning Ordinance, Section C1a, it calls for a Special Use Permit but 3a says a Special Exception. The Board felt that it was a typing error and the secretary will check back to the original amendment. If it is a typing error, it was felt that it could be corrected right away. If not, this will have to be corrected with a vote in March.

MINUTES OF AUGUST 16, 2016:

Mr. Dingman stated that the motion made at the Aug. 10 has been edited by the town attorney. As it does not alter the meaning, it is okay to include this amendment with our Aug. 16th minutes.

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MINUTES continued:

The motion language for Conditional Approval prior to edits:

“6. All three lots are located in the Village Commercial zoning district. Lot 112-036 has frontage on NH Route 3A, Lot 224-001 has no street access. Lot 112-037 has access to NH Route 3A via an access road built along a private easement within a 20-foot right-of-way, approximately 200 feet from the state highway. Around 100 feet of this access road, at the end connecting it with NH Route 3A, is coincident with a NH DOT right-of-way.”

Change to:

“6. All three lots are located in the Village Commercial zoning district. Lot 112-036 has frontage on NH Route 3A, Lot 224-001 has no street access. Lot 112-037 has access to NH Route 3A via an access road built along a private easement within a 20-foot right-of-way across Lot 112-036, approximately 200 feet from the state highway. The requested merger will absorb the 20-foot easement into the merged property. Around 100 feet of this access road, at the end connecting it with NH Route 3A, is coincident with a NH DOT right-of-way.

The following amendments and clarifications were made to the minutes of Aug. 10th:

Page 1, under OTHER, remove the “4” from “Hean4ey”. Page 2, 1st paragraph, first line, replace “it” with “the restaurant/arcade” and line 3, before “vents” insert “kitchen”. Page 4, 2nd paragraph, 1st line, replace “OFNEW” with “OF NEW”.

c. Dingman made a MOTION, second by E. Seeler, to APPROVE THE MINUTES AS AMENDED AND ALSO THE AMENDMENT TO THE MOTION FOR CONDITIONAL APPROVAL. The motion CARRIED.

COMMUNICATIONS:

An Eagle Scout sent an e-mail requesting any regulations needed for erecting stairs at Wells Field. This was given to the Land Use Officer to follow up on.

REPORTS:

HDC: Did not meet.

SELECTMEN: Mr. Manganiello announced another Eagle Scout project for the mica lot. The intent is to do the grass area. The fence will be put up and then this will be done. It is expected to be done by the end of October. The Smith lot clean-up is to be done and the HDC may want to photograph things before the project gets moving. There is a section of the North Main St. sidewalk that will not be completed as there is no funding for it. Mr. Favorite stated that originally we were to use old curbing for this section but some of that was used in the downtown project.

CIP: They will meet again next Tuesday. The last meeting was for organization.

LAND USE: On the Smith property: the propane tanks have been moved. Eversource needs to take out the meter. Chad Flanders gave an estimate of \$2300.00 to clean out the buildings in one day. Dollar General is doing the sheet rock. The dumpster pad is down. Chris Dolloff, acting Fire Chief, will handle

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LAND USE continued:

the sprinklers. Ms. DeStefano questioned the two dye lots on the outside. Mr. Lacroix will ask about that.

Family Dollar has had trash complaints and it has been found that the dumpsters are not behind the fence as is on their site plan. They have been asked to comply with no results. The Planning Board stated that they are in violation of their Site Plan and asked Mr. Manganiello to report this to the Selectmen.

Kathleen's Cottage has missed their target date. Mr. Dolloff and Mr. Lacroix went to check this out. The trailers have not been moved yet and the sprinkler system is not in as the installers have been too busy, they were told. The sprinkler system is on the list for the 2nd or 3rd of Sept. The Board feels that this needs fining. It is long overdue for the trailer removal and the sprinkler system was to be done in June (a 6-month extension). It was noted that the Occupancy permit is out of compliance, as well. This should also be brought to the Selectmen.

A discussion was held as to town liability for situations that we know of but are still not taken care of. The Land Use Officer has sent a few letters and the Health officer is involved with one.

INTERNATIONAL PROPERTY MAINTENANCE CODE:

Mr. Lacroix distributed copies to the Board and, due to the late hour, asked the Board to read it over and bring in their questions to the next Planning Board meeting. The intent is to propose this to the town. Ms. DeStefano felt that it will not pass and questioned why we should work on it, especially with no budget or staff to enforce it. Mr. Lacroix stated that he is here for the enforcing. Mr. Dingman mentioned that the last vote for building codes was closer than the first one and our last survey showed that more were interested in having them. Some felt that it might be time to look at it again.

NEXT MEETING: The next meeting is scheduled for Sept. 14th. We have the continued Smart Subdivision, a PCC for Alan Barnard, the continued New England Family Housing compliance, and questions on the above code.

With no other business before the Board, C. Dingman moved to adjourn at 9:10p0.m.

Respectfully submitted,
Jan Laferriere, recording secretary