

DRAFT—NO LEGAL VALUE

Minutes

Planning Board Meeting

November 2, 2017

Members of the Planning Board in attendance were Charles Moreno, Chairman, Terry Hyland, Scott Young, and Donald Coker, Alternate member. The Chairman opened the meeting at 7:40 PM and announced the members present. The closing date for applications to appear on the agenda for the December 2017 regular meeting is 5 p.m., Tuesday, November 14, 2017. The Chairman advised that the Board has a policy setting time limits for meetings and that the Board will not consider any new business after 10:30 PM and that the meeting will adjourn by 11:00 PM.

The first item of continuing business was the application of CECIL C. ABELS II for Non-Residential Site Plan Review for a Concert and Outdoor Event Venue to be located at his property at 664 First Crown Point Road (Tax Map 19, Lot 73A). Cecil Abels and Julie Labranche were present for this item. Board members took a few minutes to review new materials submitted by Mr. Abels, and then the Chairman briefly summarized the status of the application. Mr. Abels then briefly noted some of the items included in the revised materials presented for this meeting. It was noted that Mr. Abels is using a 2005 subdivision plan as the base for his site plan. It was noted that the abutters should be updated on the plan, with current owners listed. Driveway turnouts have been added to the plan. There was a brief discussion about the brook at the rear of the property; it was agreed that this is a tributary to the Berry River and that the facility would be located well away from the river at about 500 to 600 feet distant. They have indicated parking areas on the plan by showing several 100 foot areas. They plan LED solar lighting. The Fire Chief looked at the fire pit areas before the season and gave Mr. Abels burn permits for the fire pits. It was noted that this information should be put into the plan. There was some question about whether topography, wetlands, ledge etc. would need to show on the plans. Food is either brought in by attendees or provided by food trucks or catering services. Mr. Abels noted that he runs a barbeque catering business. Mr. Abels advised the Board that he wants the venue to provide opportunities for what he calls "back-country" use of the land, such as hiking, and asked if this would be considered as part of the proposed commercial use.

Board members discussed the site plan requirements for basic information about the land, including contours, wetlands, etc. The Chairman advised that the consensus is that wetlands, topography, ledge etc. are not applicable for the moment, pending the site review. It was noted that wetlands information is required for building permits for the site. It was suggested that Mr. Abels prepare a waiver request letter regarding the requirement that these items be shown on the plan.

Mr. Abels then began a presentation of his overall plan. He said that he wants to host music concert events, and he would be happy to limit these large events to 6 per year; he wants a maximum of 300 people, but thinks the crowd is usually 200 or so, and people come and go over the course of the day. He also wants to host smaller outdoor events of all kinds, including instruction, hiking, workshops, etc. in an outdoor setting, as well as limited camping, and in the future, food service. He noted that the proposal for food service would be a future upgrade, as he does not know the cost of a commercial kitchen. He wants people to be able to walk, hike, mountain bike, cross-country ski etc. They have measured out the parking. Previously, the Tottens have outdoor pasture land that they allowed Mr. Abels to use for parking. They feel that they have enough parking on site, but they could use the Tottens if needed. The Totten property is not part of the current application. They have measured the parking at roughly 9 or 10 feet by 20 feet per typical space, so they believe 10 cars for every 100 foot area indicated on the plan. These areas would combine to allow about 75 cars on high ground with angle-in parking. The overflow parking area is flat and level but they do not plan on using it. Mr. Abels said that the site is already landscaped and mowed and buffered from neighbors and the road by the woods.

Mr. Abels indicated that he has already built at least one of the proposed tent platforms. On the detail plan submitted for this evening, #1 is the existing barn (under construction), #2 is the stage, and #3 is a 14 by 32 foot tent platform. They also have four campers that they want to rent to people. Additional tent camping would be inside the plan area on the north end, they suggest no more than 10 campsites, a combination of campers and platforms. They would like to be able to rent for camping outside of the event. The existing campers are not connected to

utilities; they are thinking about solar batteries for power. Charlie Moreno noted that tent platforms are used by the AMC and are considered better for the environment. Donald Coker asked if Mr. Abels could ask the Tottens for a letter of approval. Mr. Abels noted that the Tottens are aware of the application and have received the notices for the meetings. He also advised that the names the Tottens as additional insured for his events. The driveway easement across the Totten property was created as part of the subdivision that split off the Totten lot from Mr. Abels' larger piece.

Board members agreed that the Road Agent should be contacted to see if he recommends a paved apron for the driveway at the First Crown Point Road intersection. Julie Labranche spoke to the question of stormwater management. She advised the Board that they are requesting a waiver to the requirement for a stormwater management plan because there is no plan to add new impervious surface. They have calculated a total of 14,816 square feet of impervious surface on the site, including the roads. There is no pooling of water on site except along the driveway; most of the wetlands areas shown are located on the adjacent lot to the east.

A more general discussion of the proposal followed. Mr. Abels noted his hope to be off-grid for utilities. He noted again that he would want up to 6 larger events a year, the concerts, and any number of smaller events. 50 to 100 people are not an event, he said, as these are the same numbers as many private parties. Mr. Abels noted that he would like to be able to hold instructional events, workshops, retreats, etc. There was a general discussion of evolving business plans and the need to meet the market. Board members agreed that Mr. Abels' venue is not a farm and the business would not qualify as agribusiness. Turning again to waste, it was noted that the plan should reference a 'licensed contractor' rather than naming one particular waste removal service. It was also suggested that there must be standard ratios for portable toilets. Mr. Abels said that the portable toilet service knows the requirements and that they have a regular service schedule. Mr. Abels again noted that people are leaving little waste and are generally following the pack-it-in/pack-it-out rules. Cecil Abels said that he wants to address Don Ash's concerns, and then handed out a packet regarding noise levels. Mr. Abels advised that his last event, an acoustic concert, had noise levels of 87 decibels at the perimeter of the grove. He said that he would agree to keep the noise level at 90 decibels at the property line, and noted that below 85 decibels, OSHA does not require hearing protection. Mr. Abels said that he can control the noise levels of the events because he is willing to make it a condition of employment. As for hours, he suggests Noon to 10 PM. Scott Young noted that the Police Department had not received any noise complaints, so he feels that the noise is not an issue. Charlie Moreno noted that the issues for abutters are noise, traffic and people wandering off the site. Donald Coker advised that Mr. Abels consult the state statutes regarding recreational campgrounds (RSA 216-I), which apply to any camping facility with two or more sites.

Board members then reviewed the plan with the checklist. The following items were missing and/or need clarification: update abutters; deed reference; indicate the wet areas/watercourses and culverts along the driveway using the wetlands application materials put together by Berry Surveying several years ago; provide more detail on the parking areas; add lighting specifications to the plan; landscaping, drainage, and screening from abutters; attach the building permit for the stage to the plan; provide additional details regarding the portable toilets, including the number, servicing schedules, and adding the provision for handicapped access toilets to the plan; work with the Road Agent regarding a possible paved apron at the driveway entrance to mitigate any impacts to First Crown Point Road, add the proposed noise/decibel level limits at the property boundaries to the plan; and meet campground requirements under RSA 216-I. It was also suggested that building permits be secured for the tent platforms, as they exceed 100 square feet in area. Finally, the site plan should list all of the proposed uses: concert venue, educational/workshop venue, and recreational camping facility, as well as the suggested numbers of attendees/visitors for each type of event/activity. Board members agreed that several of the basic site plan requirements would be considered during the site review, including wetlands, property boundaries, and screening. There may be additional items that need to be added to the plan once the application goes forward to the Zoning Board of Adjustment. There being general agreement that the basic outlines of the proposed site plan have been provided in the material submitted for this meeting, Scott Young then made a motion, seconded by Terry Hyland, to accept the application for Non-Residential Site Plan as complete for consideration, with the condition that the items noted above be completed. The Chairman called the vote; the vote was unanimous in the affirmative of the members voting. The Board then tentatively scheduled an on-site review for November 13th, 15th, or 20th, weather and schedules depending. Notice will be posted for the confirmed date.

The next item of business was to consider the BRIAN and SANDRA PAYNE conservation subdivision project (Tax Map 7, Lots 8 and 8-1 and Tax Map 37, Lots 11 and 11-1), conditionally approved at the November

2015 meeting. Scott Young recused himself from the discussion as a new member and Donald Coker was designated as a voting member due to absences. The conditional approval was extended by a maximum of one year at the November 2016 meeting in response to a written request from the applicants. There have been no additional contacts from the applicants since that time, and the conditions of approval have not been met. Donald Coker made a motion, seconded by Terry Hyland, to prepare a letter to the Paynes advising them that the conditional approval has lapsed in accordance with Subdivision Regulations 2.6.16 and that the conditional approval is therefore null and void. Any further action would require a new application in accordance with the zoning ordinances and subdivision regulations in force at the time that any subsequent application is submitted. The letter shall be accompanied by an invoice for reimbursement of the cost of legal services incurred by the Planning Board in review of the proposed conservation restriction deed submitted as part of the application in accordance with the Zoning and Land Use Ordinance, Article 1.4.3 and NH RSA 676: 4 I (g). There being no further discussion, the Chairman called a vote. The vote was unanimous in the affirmative of the members voting on this item.

There being no other business before the Board, a motion to adjourn the meeting was made and seconded. The vote was unanimous in the affirmative and the meeting adjourned at 10:15 PM.

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