

Minutes

Planning Board Meeting

September 7, 2017

Members of the Planning Board in attendance were Charles Moreno, Chairman, Donald Clifford, Terry Hyland, and Donald Coker, Alternate member. The Chairman opened the meeting at 7:35 PM and announced the members present. Donald Coker was designated as a voting member due to absences. The closing date for applications to appear on the agenda for the October 2017 regular meeting is 5 p.m., Tuesday, September 12, 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. Board members turned to the minutes of the August meeting. Donald Coker made a motion to accept the minutes as presented. Don Clifford seconded the motion, there was no further discussion, and the motion was approved by unanimous vote in the affirmative. Rick Ferreira, Susan Arnold, Charles Burnham and Herman Groth, members of the Board of Adjustment, were present for the first part of the meeting. Bill Booth, Building Inspector, was present.

The first item of formal 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 a friend, Chris Kofer, Don Ash, and Raenell Hunter were present for this item. The Chairman briefly explained the Site Plan application review process, advising the audience that Mr. Abels has submitted his application, and that the first step is for the Board to review and add comments. The Board will likely request additional information. He advised that some of the members of the Zoning Board are here this evening because the proposal does not meet Strafford's zoning, so the proposal will need a Special Exception from the Zoning Board. He said that the Board welcomes an entrepreneur bringing forward an idea, and explained that the job of the Boards is to be sure that the proposal fits into the community, that there is no hardship on neighbors and abutters, and no impact on municipal infrastructure. The Chairman noted that the Fire Chief is unable to attend this evening but that the Building Inspector, Bill Booth, is here. Mr. Moreno then briefly noted some of the various items to be reviewed under the Non-Residential Site Plan checklist: parking, traffic, toilets and sanitation, public safety and crowd control, demarcating property lines, facility location, noise, infrastructure such as water and electricity, and waste disposal. Mr. Abels worked with the town back in 2015 when he began holding more music parties/events at his property. He is now applying for a more formal business/commercial approval of the concert venue. Over the course of this summer, there have been several concert events at the site. Several of these events have been advertised regionally. For most of the events this year, the venue has been leased by Mr. Abels to local music producers who have brought their concert programs to the First Crown Point Road location.

Don Clifford and Charlie Moreno then reviewed the application with the checklist. On the question of easements, Mr. Abels said that there is a driveway easement through the Totten property to access the northerly side of the Abels property, created at the time of subdivision to allow access to Lot 73A before there was an approved driveway. Current use area was noted; more land will need to come out of current use assessment to reflect the area of the property now being used for the concert venue. The question of drainage was noted. Mr. Abels said that his road/driveway has proper drainage. The proximity of the Berry River to the rear boundary of the property was noted. Soils information may be available from earlier subdivision plans, and the plans should show roads and buildings. Stone walls in the area of the concert venue are sketched on the new plan.

Board members then turned to the Site Plan specific questions. The first question concerned access. Mr. Abels advised that he had worked with Berry Surveying and their wetlands scientist a number of years ago to secure wetlands permits for construction of his driveway. He said that the driveway runs just inside the property lines to the back field area, which is about 1100 feet. He said that there are 5 pull-outs, put where it would be convenient based on the terrain. Board members asked about the width. Mr. Abels said that his driveway meets the specifications for driveway design, and that the pull-outs range from 25 feet to 60 feet in length. Board members asked if two-way travel was possible and Mr. Abels said that it might be possible in some places, and that they had never had a problem. Mr. Moreno asked about the surface, which Mr. Abels replied was stone and crushed gravel. They consider the ROW through the Totten property as an emergency access, and keep it blocked off with a tractor and signage during shows. Board members asked how parking is handled, and Mr. Abels indicated that he has volunteers assist with parking. Mr. Abels again noted that a wetlands scientist had been involved with the design and permitting of the driveway. Mr. Moreno asked Mr. Abels to provide a copy of the permit application materials

for the Planning Board files. Don Clifford noted a concern with the width of the road, saying that he feels that it needs to be able to handle two-way traffic. Cecil Abels again said that they had never had a problem. The discussion moved to the number of attendees, which would impact total traffic. Mr. Abels said that 300 people is the ideal, but that it would not be crowded with 400 or 500. Don Clifford urged Mr. Abels to apply now for what he wants in the future, and urged him to pick a maximum number of potential attendees and plan for that number. Donald Coker asked Mr. Clifford to explain why the numbers mattered, and Don Clifford advised that the number of attendees would impact everything else, from traffic and emergency access to sanitation. Charlie Moreno asked if the Fire Department had requested any additional upgrades for access. Mr. Abels said that they had been happy with the current set-up, but agreed that they were looking at the site for a private party. Mr. Moreno said that it would be important to have a sign-off from the Fire Department and Police regarding the adequacy of the emergency access.

Discussion then turned to the traffic question more generally. Board members advised that the number of events proposed and event frequency, as well as the number of attendees/car count are all questions that would impact traffic. Terry Hyland noted that as a public venue, a maximum capacity should be determined and then everything would need to fit around that number. Cecil Abels said that he does not want too many people, and said that people tend to come and go during an event so it is hard to know how many people stay or are on the premises at any one time. He said that anything more than a few hundred would be unmanageable; he would hesitate to say a number but he feels that 500 would be too much. Terry Hyland said that if there is a venue and Mr. Abels is leasing to a production company, there must be a ticket count available. Mr. Abels said that he was unaware of any ticket count numbers. He said that he has a contract with the lessees, and noted that there are also a number of volunteers on-site at any time.

Board members then asked about parking. Cecil Abels said that he has made several parking areas by clearing stumps and creating fields; these are shown in red on his plan. People park themselves and follow signage. Charlie Moreno advised that the site plan needs to show definite parking areas, and the car capacity should be based on established standards for the area needed to safely park a vehicle. He advised Mr. Abels to dimension it out and figure out how many cars can be accommodated. Toilets and sanitation were the next item. Mr. Abels said that the Fire Chief said that his sanitation plans are fine, but the Building Inspector has never seen the area. The portable toilet vendor provides the appropriate number of toilets for the expected crowd. Mr. Abels said that event producers want to keep things clean, so they plan accordingly. They do have portable handicap-accessible toilets. Their company collects after an event and weekly for Mr. Abels' personal use. It was agreed that more specifics on sanitation should be provided. The stage has now received an after-the-fact building permit. Mr. Moreno noted that the stage is located close to the property line, and it was noted that fencing or a similar solution needs to be included in the site plan and put in place in order to demarcate the property line to prevent trespassing. He suggested that it might be better to move the stage and facilities deeper into the property. Mr. Abels said that the venue uses the natural amphitheater of the old mica mine with some old maple trees, hence the name of his venue, which is advertised on the facebook page as Rock Maple Woods. The next item was noise. Cecil Abels said that he is willing to put controls in place so that it is not too loud. Board members said that the plan for noise attenuation will need to be added to the site plan. Mr. Abels indicated that he ends the concerts at 10PM to comply with the noise ordinance. Waste disposal is handled by keeping a pack-it-in/pack-it-out policy he said. He does have some friends with access to Shipyard waste disposal, so they are sometimes used, but waste will not go to the Strafford Transfer Station, he said. Cecil Abels said that he wants a nature-based venue, and still maintains that priority in the management of the remainder of his property, which is still forested. Mr. Moreno asked about recycling. Mr. Abels said that recycling poses a problem because people misuse the containers. Board members said that if the facility will continue to be leased out, it will be important to have waste disposal plans in place. Mr. Abels said that he thinks that the people who come to his events will be more respectful because of the kind of music. He said he would not let people use the venue if they do not appreciate the surroundings, and said that they curate their audiences. He knows the people he is leasing to, he said. It was noted that the specifics noted by Mr. Abels at the meeting need to be included in the site plan documents. The next category was infrastructure. The facility is off-grid, Mr. Abels noted; run off of generators and batteries. The Chairman indicated that this information needs to be detailed in the Site Plan, including inspection schedules, etc. Mr. Moreno asked about water supplies. Cecil Abels said that sometimes water is brought in for events, but that the facility is BYOB, which he identifies as "bring your own bottle". The stage now has a building permit, and the Building Inspector will provide the Board with a copy. The next item was wetlands. The Chairman again asked Mr. Abels to provide a copy of the permit for the driveway, which would show some of the wetlands areas. The Chairman noted concern with identifying any wet areas, vernal pools, etc, that might be in the field areas that are now being used for parking. Mr. Moreno noted that Strafford's zoning ordinances require setbacks for parking etc.. It was agreed that any requirement for further study by a

wetland scientist could wait until after an on-site review. It was again noted that the current use status of the property needs to be updated. Mr. Abels indicated that the barn area, which is now out of current use assessment, is not tied to the concern venue. Finally, the question of stormwater management was raised. The Board advised that stormwater management is a required component of a Non-Residential Site Plan Review. Mr. Abels advised that the does not intend to increase the amount of impervious surface. Board members advised that stormwater will still need to be addressed; the Chairman noted that stormwater carries pollutants, causes erosion, etc. and increased use or traffic could have an impact. It was agreed that the Board would also be able to look at this question during a future on-site review.

There was some brief discussion among Board members. Donald Coker noted a concern about insurance. Mr. Abels indicated that he has an umbrella liability policy. Mr. Coker suggested the Mr. Abels look into adding the Town as a named insured on his liability insurance, noting that he feels that this normal and customary in business and that this is done for many large events in other towns, such as Portsmouth. He suggested that the town attorneys should review the final plan documents for any liability concerns before final approval. There was a question about what regulations are in place regarding camping. Finally, there was a question about whether the Board should consider this application as an application for a project of regional impact.

Cecil Abels responded to several of the above questions, stating that June to September is the expected season, and that he thinks no more than 2 events per month. Board members advised him to be specific in his request. Raenell Hunter addressed the Board, noting that she is a friend of Mr. Abels from out of town, but asking about the application process. It was noted that the application will need to go in front of both Boards, and that there will be an on-site review, probably including both Boards.

The Chairman advised that the application has not yet been accepted as complete because there are many items for which the Board has requested more specific and/or additional information. The public hearing on the application would take place after the application has been accepted as complete, however the Board would like to hear from abutters if they have any questions at this point. Don Ash, an abutter, addressed the Board, stating that he enjoys the acoustic and bluegrass music, but that he is scared for the town and for his own property. The last event was not 'Americana' music, he noted, but growling hard rock. He can listen from his deck, and he said that it also seems to him that some of the events go beyond 10PM. He then went through a list of concerns: he is concerned about parking; he is concerned about the impact of this application on overall zoning as this would be a major shift that would mean a lot of traffic on the road. He worries about fire or another emergency. He would trust Mr. Abels, he said, but if this is zoned commercial, the venue could sell and there would be no control over a subsequent owner. He is also concerned for the town and for maintaining fairness. If you subdivided a property, he noted, you would have to build a road to town specifications, so why not for access to a commercial venue. He is further concerned about the camping, which he did not know about. He is concerned that people will stray onto his property. How long will campers be allowed to stay, he asked, and what about big campers, RVs, etc. He is also concerned about the BYOB policy and alcohol use. He asked who monitors for underage drinking, and asked whether the town is liable. He asked if Mr. Abels is required to obtain a liquor license if alcohol is available at the venue, and said that he was unaware that the venue was being sublet to outsiders. He asked if there were contracts. He said that he is concerned about the presence of the venue affecting the value of his property, which he is concerned might be affected by being next to a commercial venture. He said that there is no way to move back from the noise during an event. He said that he wants Mr. Abels to have the freedom to use his land as he wants, but that the venue is also affecting the neighbors, and he does not want Mr. Abels' venue to become another Meadowbrook. If it keeps to acoustic theatre, he would probably enjoy it, he noted, but changing the zoning of the parcel by Special Exception is no small thing, as he knows from his experience with zoning for his office space in Rochester. He said he is also concerned about the vendors, stating that he does not want the site turning in a Rochester Fair type atmosphere with people selling food, etc. Finally, he mentioned the decibel levels, and asked about whether the intent was to keep the events specific to summer, or whether fall events, snowmobile events etc. would be allowed. He again asked what would happen if Cecil is not there and the venue is sold. Donald Coker thanked Mr. Ash for bringing his concerns forward early in the review process. It was noted that the Board has received a letter from another neighbor with similar concerns. Board members asked Mr. Ash about the traffic question. He noted that there has been quite an increase in traffic on the road over the past few years, including people going to Blue Job, so he is not sure how much the venue impacts traffic.

The Chairman again thanked the audience. It was agreed that there are so many items for which the Board is requesting additional information, it makes sense to continue the Planning Board review to the October meeting

before encouraging Mr. Abels to move forward with an application to the Zoning Board of Adjustment. The Site Plan should be close to complete before the Zoning Board begins their review, although some overlap in the review period makes sense so that the on-site review can be coordinated for both Boards.

Ashley Rowe then met briefly with the Board, and the Chairman signed the Super/LeClerc and Daudelin and Vahey plans. 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 10:00 PM.