

Minutes

Planning Board Meeting

December 7, 2017

Members of the Planning Board in attendance were Charles Moreno, Chairman, Don Clifford, Terry Hyland, Steve Leighton, Scott Young, and Donald Coker, Alternate member. The Chairman opened the meeting at 7:30 PM and announced the members present. The closing date for applications to appear on the agenda for the January 2018 regular meeting is 5 p.m., Tuesday, December 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.

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. Mr. Abels presented new materials to the Board, partially revised since updates were submitted to the Board last week in advance of the meeting. Noting the many updates, Donald Coker advised that he feels that the plan has changed significantly from the plan that was accepted as complete back in November, and he expressed concern about notice and deadlines for Board action. Terry Hyland asked whether the site plan layout was separate from the overall business model, and it was agreed that both are part of the non-residential site plan. Steve Leighton suggested that the Board might be overthinking the meaning of acceptance of the plan for consideration, although he noted that the clock is now ticking, so Mr. Abels would be advised to extend the review period since he is submitting major changes. Despite some discomfort with the magnitude of the updates, it was agreed to move on and hear what Mr. Abels is proposing. The Chairman then called on Julie Labranche to go over the changes in the plan.

Ms. Labranche advised the Board that a number of items requested by the Board have been added to the plans. She also advised that the Board had advised Mr. Abels to think forward, and Mr. Abels has now worked to include this forward thinking into the plan. The use area is unchanged, and the structures that support the uses within that area are unchanged, but the uses are expanded—e.g. they now propose up to 10 major events a season with up to 500 persons along with additional smaller events, as well as opening the camping area throughout the season. There was some discussion of whether it would be necessary to provide copies of all the local permits, such as driveway, wetlands, and the building permits for the barn and stage. She advised that the project narrative has been expanded and updated to include the new thinking as well as to provide information requested by the Board. She noted that they are still asking for a waiver to the requirement for a stormwater management plan. Don Clifford noted that more building permits will be needed for the tent platforms, and suggested that a larger area will be shedding water if there is more construction. Board members then went through the checklist regarding the various missing items. Ms. Labranche noted that some items are addressed in the narrative and some have been added to the plan.

Regarding wiring and electrical service, Mr. Abels said that for now they have multiple solar arrays that are portable, and some wired areas. The Board asked for details regarding what is portable, what is wired, and where. Regarding landscaping, drainage, and screening from abutters, Mr. Abels is asking for a waiver because they say that the area has sandy soil and is flat and they do not intend to landscape but to keep the natural woodland appearance. They have added some screening from abutters to the plan, and noted that there is forest to the east and it is all buffered by forest on the Totten property between the house and the site. Regarding portable toilets, Mr. Abels said that all the requirements given for the number of toilets per person are based on work sites not events. The range is 30 to 80, he noted, and he uses 50. All the companies give you an idea of what they feel is required, he noted. Steve Leighton suggested that Mr. Abels should use the DES subsurface standards for bathrooms based on capacity to determine the number needed. Regarding the RSAs for campgrounds, Mr. Abels said that they are showing the space requirements. Mr. Leighton advised that there are a whole host of very expensive requirements and required setbacks, including required sewerage and water, for campgrounds. Board members suggested that the plans should include a detail of the main use area. Mr. Abels said that he did not wish to pin down the tent areas or camper locations, saying that he feels that he has more than enough room for 10 spots. Steve Leighton said that he should mark out an area, a block, where the tents or campers will go. Don Clifford noted that the Board is responsible for oversight. Mr. Moreno said that the Board needs to see more detail and suggested a 40-scale detail of the commercial area, so that the Board can see where everything lays out, water, power, parking, structures, etc.

Don Clifford noted that the Board appreciates that Mr. Abels is trying to include everything that he might want. Steve Leighton noted that the question of whether Mr. Abels wants a full campground changes everything. Returning to the question of toilets, Terry Hyland asked whether the toilets were brought in for events or whether there are portables that stay. Ms. Labranche suggested that they would show the cabin tents areas on the plan, and Cecil Abels noted that the Airstream trailers have holding tanks that they will contract with people to pump out. Board members noted that the locations for portable toilets should be identified, so that campers have easy access and do not just go into the woods in the middle of the night. Scott Young asked when they plan to build the platforms, and Mr. Abels suggested in 2018, perhaps finishing in 2019. The plan is to capture graywater from the platforms in holding tanks, he said. Mr. Moreno asked that details on the holding tanks be provided. Noting the RSA, Don Coker noted that a designated area must be provided for the fire pit, as well.

Summing up, Board members requested a detail of the proposed commercial use area (shown in pink on the current plan) and requested that setback lines show on the detail, noting that Article 1.5 requires greater setbacks for commercial use. Special concern is the stage area, which appears not to meet the required setback of 50 feet. Julie Labranche argued that the stage should not be considered a structure and should not require setbacks. Board members disagreed, noting that a building permit had been required, and it was agreed that the question of the stage and its setback appears to be going to the Zoning Board of Adjustment either way.

The Chairman then turned to the question of the adequacy of the road access. Don Clifford noted that he is not comfortable with having a road where cars cannot pass. He agreed that Mr. Abels said there had never been a problem, but noted that the maximum proposed capacity is getting bigger and bigger. He said that he although he realizes that there is an emergency egress, he thinks that the road needs to be upgraded and widened, saying that he is concerned for life safety, and for a commercial entity, you need a commercial road. He said that the Fire Chief indicated that they could use the emergency egress lane to access the area in an emergency, but noted that it would then not be possible to use the emergency egress to evacuate the area. Scott Young said that he thinks that two exits would be enough to evacuate 300 people and did not feel that it would need widening. Mr. Abels said that he plans to smooth out and improve the passing areas, and Scott Young noted that there would be wetlands issues in several areas if the drive was widened. It was also noted that part of the driveway crosses onto the Totten land and it is not clear if there is any legal language needed regarding the commercial use of this area on the adjoining lot. Mr. Moreno advised that the width of the road needs to show on the plan. Board members agreed that they would need to see a copy of the deed and a reference for the emergency egress easement and also would like to see a legal agreement regarding the section of the main driveway on the Totten's land. It was agreed that this project is different from many commercial projects because there is limited proposed building, but it was agreed that there are still infrastructure needs. It was noted that the Road Agent has informally suggested that he would like to see a paved apron at the First Crown Point Road intersection and would also like to see two lanes at the intersection, at least past the first culvert, so that traffic does not back up onto the town road. Steve Leighton said that the Board needs to know if there are deed restrictions on Totten's regarding the emergency egress, and said that if there is any question, the primary driveway will need to be a full two lanes. Mr. Abels said that the largest crowd over the past three years has been about 400 people and that there were plenty of places to pull over. Scott Young said that the Strafford Police Department had done an event there a couple of years ago and that people come and go and that it never got overly busy at any one time; 'not Meadowbrook' he noted. The Chairman suggested that there be formalized easements regarding access and language added to the plan to lock it in. Reflectors on the turn-outs were suggested, as well as adding the 'emergency exit' signage to the plan. Donald Coker asked Mr. Abels when all changes to the proposal would be submitted, and Mr. Abels indicated that once the Board votes, the plan will be final.

Board members then asked Mr. Abels to review the changes between the revisions submitted for the December meeting and the proposal submitted at this meeting.

- 1) Changed the number of events on weekends May to October; was 6, now up to 10 total—8 weekends with 300 person events and 2 weekends with 500 person events;
- 2) tent camping—was 20, now up to 50 if a big event;
- 3) cabin tents, added square footage (number of sites did not change);
- 4) added setback of 25 feet (it was noted that this will need to increase or a variance will be required);
- 5) added sound levels of 90 dB at the boundaries, including the boundary with the Tottens.

Board members noted that 90 dB at the boundaries may meet certain federal requirements, but still may cause complaints. Mr. Moreno asked for some specifics on where the sound is directed. Steve Leighton suggested that

Mr. Abels consider a boundary adjustment with the Tottens to address the setback requirement for the stage, as a variance would require him to show hardship. Jule Labranche noted that the stage is in a natural dip so it is a character of the land, and puts the stage functionally in the best place. There followed a brief discussion of procedure and timing. Ms. Labranche noted that it would make sense for Mr. Abels to have a site plan that the Planning Board is comfortable with before going before ZBA. Mr. Leighton noted that the Zoning Board determines the feasibility of the project, while Planning Board works on the logistics, although it was agreed that the two are linked. Donald Coker again noted the state RSAs for recreational campgrounds and noted that those requirements would need to be met. A discussion of permitting followed, with Mr. Leighton again advising Mr. Abels to work with DES on the campground regulations. The possibility of phasing the project was noted, based on a spreadsheet of when certain steps have been accomplished. It was noted that the DES approved engineered driveway plan requires guard rails along the access road, and finally, Board members requested a detail sketch of the First Crown Point Road intersection. Further discussion was continued to the next regular meeting.

The Board then called on Rick Turner, who had requested an opportunity to meet with the Board regarding possible further subdivision of Tax Map 11, Lot 33, located behind the Town Hall and extending along the southeast side of Scribner Cross Road. He is considering cutting off several lots along the Scribner Road. There was extensive discussion of the road surface, as the project could significantly increase traffic along the road, which has a gravel surface. After extensive discussion, it was agreed that the subdivision regulations do not address upgrading the gravel surface of an existing Class V road, although some limited paving has been required for certain projects in the past. It was noted that the first stretch of the road running from the Route 126 intersection up the hill, is already paved. Scott Young said that he would check with the other Selectmen to see if there were any new requirements.

The first order of new business was the application of R. STEPHEN LEIGHTON for the renewal of his permit for Excavation of Earth in accordance with NH RSA 155-E for his gravel excavation located on Sloper Road (Tax Map 12, Lot 52-2). Bruce Smith, an abutter, had been present earlier in the evening, but had no questions. There were no abutters present. It was noted that there have been no changes to the excavation or reclamation plans nor are there any proposed changes to the hours of operation since the last renewal in 2012. Excavation and reclamation were completed on Lot 52 in 2013. State permits are all current and in order and the financial guarantee is still in place. There has been no contact from abutters and no complaints have been received during the five years since the last renewal. Don Clifford then made a motion to approve a 5-year renewal of the existing permit with the same conditions of approval. Scott Young seconded the motion, there was no further discussion, and the vote was unanimous in the affirmative.

The final item of business was to review the final plans for 3-lot subdivision for Glen and Christina Foss (Tax Map 19, Lot 28A). The remaining condition of approval was the construction of the shared driveway crossing Lot 1 and providing access for Lot 2 as agreed at the November 3, 2016 meeting of the Planning Board. The first stretch of the shared driveway has now been completed, and was noted during the Board's site visit to Cecil Abel's nearby property. Mr. Foss submitted photographs showing the completed section of the driveway for the files. Noting that the conditions have now been met, the Chairman signed the final 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 10:15 PM.