

## Minutes

### Planning Board Meeting

July 11, 2019

Members of the Planning Board in attendance were Charles Moreno, Chairman, Phil Auger, Terry Hyland, Steve Leighton, Scott Young, ex-officio member, and Donald Coker and Don Clifford, Alternate members; Mr. Clifford arrived at about 7:35 pm. The Chairman opened the meeting at 7:30 PM and announced the members present. The Chairman advised that the meeting is being audiorecorded, which will then be a public transcript of the meeting. Donald Coker noted that people should state their name and address when speaking. The Chairman advised that all regular Planning Board members are in attendance; Alternate members may participate in deliberations but will not vote. It was noted that the July meeting is being held today due to the Independence Day holiday. The closing date for applications to appear on the agenda for the August 2019 regular meeting was 5 P.M. Tuesday, July 9, 2019; revised materials must be submitted by Tuesday, July 23rd. 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 Chairman then called on Police Chief Michael Richard who was in attendance and requested an opportunity to speak. Chief Richard then addressed the Board, and said that to prevent issues, if anything involving the police department is before the Board, would the Board please contact the Chief to have him attend the meeting or table the item if scheduling allows. Scott Young agreed that the Board should table items that need input from the road agent, fire chief, or police chief, even if it was not foreseen before the meeting. It was noted that it might also be possible to conditionally approve, based on input from departments. Chief Richard again said that he would rather be at the meeting than not if something involving his department might be discussed and said that he wants to be sure that decisions are not made that involve departments without them knowing.

Mr. Moreno then briefly reviewed the lengthy agenda for the evening while Board members reviewed the minutes of the June meeting. The minutes of the April meeting were again saved for later due to the lengthy agenda. Regarding the minutes of the June meeting, Don Clifford, noting that he had been a voting member in June, then made a motion to accept the minutes for the June meeting as presented; Steve Leighton seconded the motion, and there was no further discussion. The motion to approve the minutes was passed by majority vote in the affirmative of the members present for the June meeting.

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). There was nobody present for this item. Don Clifford asked that the Board return to this item prior to the close of the meeting.

The next item of continuing business was the application of MICHAEL CARTER for Non-Residential Site Plan Review for a Wedding/Event Venue (PARKER MOUNTAIN LODGE) to be located at his property at 496 Parker Mountain Road (Tax Map 10, Lot 3). Mr. Carter was present accompanied by Atty. Steven Bennett and Carey Garneau. Several abutters were present. The Site Plan received conditional approval at the June 2019 meeting; one of the conditions of approval was for the applicant to bring forward information on a plan for replacing the grass surface of the parking area in case of damage, and to submit stormwater calculations for the replacement surface. Board members had recommended that the applicant find a pervious surface treatment if possible. Tobin Farwell submitted revised plans showing all plan updates and the stormwater calculations for replacing the grass surface with a GrassPave<sup>2</sup> or Gravelpave<sup>2</sup> system, accompanied by installation specifications for the pervious paving systems. Mr. Moreno noted that the stormwater calculations seem very thorough. Board members agreed and had no questions. It was noted that the driveway permit has been given a number and queued for final signature although the final copy is not yet in the town files. Chief Whitehouse has issued a permit for assembly. Atty. Bennett submitted a notarized request for the applicant to revoke the Site Plan approval after November 1, 2019. The Chairman then called on Mr. Farwell to make a formal presentation of the plan updates and stormwater plan. Tobin Farwell explained that the plans now include the note that no fertilizers or pesticides shall be used within 25 feet of the pond. The stormwater plan provides guidance in case of damage to the parking area, giving various options depending on the level of damage. Using the Grasspave<sup>2</sup> system, pre and post construction stormwater flows are matching, so no additional runoff would be going toward the pond.

Returning to the Site Plan, the Chairman asked Mr. Farwell do go through the various waiver requests, now that the stormwater plan has been addressed. Mr. Farwell said that they are requesting waivers to a full boundary survey, showing ledge, and delineating all wetlands on site. Mr. Farwell noted that the edge of the pond and associated wetlands were field surveyed but not professionally delineated. They are not proposing any changes near the required setbacks, he noted. The site is large and the buildings established, and there is a boundary survey from the original boundary adjustment that defined the lot. There is no proposed soil disturbance, so identifying ledge does not seem necessary. They have submitted stormwater calculations for the parking area but are requesting a waiver to the requirement for a stormwater management plan for the full site because there is no new construction. Scott Young agreed that most of these waivers seems reasonable; there is a full survey on file, there is no need to worry about buildable area calculations so no need to calculate ledge, and storm runoff seems to be addressed enough in the plan updates presented this evening. Following a brief discussion, Phil Auger then made a motion to grant a waiver to the requirement for wetlands delineation. Scott Young seconded the motion, there was no further discussion, and the majority of Board members voted in favor of the motion with no nay votes and Steve Leighton abstaining from voting on this case. Phil Auger then made a motion to waive the requirements for a full survey. Terry Hyland seconded the motion. There was no further discussion, and the majority of Board members voted in favor of the motion with no nay votes and Steve Leighton abstaining from voting on this case. Terry Hyland then moved to approved the waiver to the requirement that ledge be shown on the plans. Scott Young seconded the motion. There was no further discussion, and the majority of Board members voted in favor of the motion with no nay votes and Steve Leighton abstaining from voting on this case. The Chairman advised that conditional approval was granted at the last meeting and asked if the Board would like to make a motion to approve the Site Plan, saying that he believes that all conditions have now been met. Steve Leighton noted that the conditional approval had already been voted and that all that is needed is a signature. There was no further discussion.

The second item of continuing business was the application of ERIC A. ROWE for a Function Hall/Wedding Venue to be located at his property at 414 Evans Mountain Road (Tax Map 5, Lot 26). Eric Rowe was present. Letters have been received from the Road Agent and Fire Chief, and Chief Whitehouse was still in attendance at the meeting. The Chairman began by recapping where things had left off at the May meeting, noting that the Board had requested letters from the Road Agent and Fire Chief and that the letters have been received. He noted that the Board had suggested holding a site review after the road information had been received, a drone flight/mapping of the road upgrades had been discussed, and the drainage around the cellar hole mentioned. For approval, they would need a permit for assembly from the Fire Chief. There had been a question about parking for the caterers; Steve Leighton said that he thought that they had agreed that the caterers would park away from the barn. Scott Whitehouse said that the plans have been approved. The Chairman noted that the Board was hoping for a plan/map of where improvements would be needed. Eric Rowe said that he thought that the Board had been asked if they needed a drone flight and that the Board had said no, and he said that he had had permission of the landowner at the time when he diverted drainage into the old cellarhole. Scott Whitehouse said that the request was for him and the Road Agent to walk the road and that the two of them had not felt that the drone was necessary. Mr. Rowe spoke about hiring the Messengers to do the road improvements, and then expressed his frustration with the process and left the room. Mr. Moreno said that he did not want to close out the application. Steve Leighton suggested that the Board table the application for the moment. Board members agreed to table the application by consensus and the Chairman called the next item on the agenda.

The first item of new business was the application of ROBERT and ELAINE WHITE/WHITEHOUSE EARLY LEARNING CENTER for Site Plan Review for an expansion of their day care/preschool facility located at their home at 352 Province Road (Tax Map 7, Lot 38). Ted and Elaine White were present; there were no abutters present. Chief Whitehouse was departing but advised Board members that the daycare/pre-school expansion will use parts of the White's home which have already been approved for use, and that he has only asked for one additional exit sign over a door. It was noted that the Fire Chief will need to sign off on applications to the State of New Hampshire. Ted White briefly presented their plans for expansion, advising the Board that there will be no changes except that they plan to widen/deepen the parking area to the right of their driveway to provide additional parking for residents/employees. They are applying to the Board for site plan review for expansion, as requested by the Board in 2010 when the Board last reviewed the daycare. The Chairman explained the site plan process, and explained that the Board is hoping to make the process more formal. He asked that the Whites make their presentation and then the meeting will be opened for questions. Following acceptance of the plan, the Board will hold a public hearing, after which the plan could be considered for approval.

Ted White explained the proposed changes to the parking area, noting that the area outlined in red on his drawing is the proposed new parking area. He said that cars in the yard yield to cars coming off the road in order to

prevent traffic issues, and people in the lower yard yield to cars coming down the hill to the back side of the building. They have never had a problem, he noted. Currently they have seven parking spaces on the lower level behind the building and three spaces at the top of the driveway. They plan to use the upstairs part of the ell originally constructed for the daycare center to accommodate the new students. Lately they have been using only the downstairs section because it is more convenient to the outdoor play area on the lower level; with the expansion they would go back to using both the up and downstairs sections. They hope to increase by 12 children, going from 24 children to 36. He noted that they have a permanent waiting list, and that the other daycare center (Kindercampus) in Strafford is closing, and he noted that keeping a daycare facility in Strafford is a service to the community. The Whites advised that traffic concerns are at a minimum because children are dropped off and picked up over an hour or two, so not all the families arrive at once. They have a 6-bedroom septic system for the house and daycare, and they have the system pumped every year. They will now have a commercial well. They have a dumpster for trash and it is emptied every two weeks. It was noted that daycare centers are closely regulated by the state. Steve Leighton then departed, noting that the proposal has his support.

Don Clifford then began working through the site plan checklist. Donald Coker asked that the Whites provide copies of their state approvals for the files. In response to a question, Elaine White advised that the number of employees will be increasing by up to two more full-time persons if the state approves their application to expand. Fire, health, and state reviews and inspections for approval would all follow the local zoning approval. The Chairman asked if they have a stormwater management plan or waiver request. Ted White advised that they are not making changes to the site, so would not impact stormwater. At this point, the Chairman addressed the Board and asked if Board members wanted to see a fully engineered plan for this project, stating that he wants to be consistent between the various site plan applicants. Ted White advised that if they need to submit a fully engineered plan, they cannot afford to go forward with the project. There followed a lengthy discussion on whether formal engineered plans are or should be required for Site Plan, noting that all Site Plan applications are processed under the Non-Residential Site Plan Review Regulations, even if the use is an approved land use under zoning. Ted White explained that they need to move forward with the application to the state in order to be ready for the beginning of the school year in the fall, because it can take several months for the state review.

Elaine White advised the Board that one problem that they are facing is that the state recently changed their requirements and now counts household members as well as children in daycare when assessing water supply, so that they would actually need to reduce the number of children that they serve. The alternative is to have their well approved as a public water supply/commercial well, which is costly. So they either need to shrink their business or expand. The news about the other daycare has also factored into their decision to try and expand. Discussion then returned to the technical aspects of the plans presented for this evening. The Chairman advised that he does not feel that the plans submitted meet the requirements. Donald Coker, noting that there are two questions, site plan and zoning, asked if the Board could sign off on the zoning question in order to allow the Whites to forward their application for expansion to the state. Board members looked at the zoning verification form and reviewed the language of Article 1.4.2 of the Zoning and Land Use Ordinances. Board members agreed that the proposal meets zoning requirements because it is one of the land uses allowed. It was agreed that Mr. Moreno could sign the verification form, and could leave blank the question regarding the number of children allowed or leave it up to the state. The Whites could then move forward with the application to the state and separately work through the site plan with the Board. Board members all agreed by consensus and the Chairman signed the verification form.

The next item of new business was the application of Nicholas & Lindsay Lanzer, for the 2-lot subdivision of their 6.27 acre property located at 500 Pond Hill Road in both Strafford and Barrington (Tax Map 20, Lot 23; Barrington Tax Map 201, Lot 13). Daniel O'Lone of Berry Surveying and Engineering presented the plans. The Lanzers propose to create one new lot which will be wholly located in Barrington. Their existing home will be located on a smaller lot located in both towns (.82 acres in Strafford and 3.54 acres in Barrington). There is no proposed change to the part of the lot in Strafford and the new lot that includes the Strafford land would meet minimum lot size requirements for Strafford with 3.89 acres of contiguous uplands and well over 350 feet of frontage on Pond Hill Road. Because there are no proposed changes in Strafford, Board members agreed by consensus that they did not need to review the subdivision checklist for compliance with Strafford requirements. Don Clifford then made a motion to accept the plans as complete for consideration. There was no further discussion and the vote was unanimous in the affirmative. The Chairman then opened the public hearing on the application. There were no comments. The Chairman then closed the public hearing. Donald Coker then made a motion, seconded by Don Clifford, to approve the plans for subdivision based on the fact that no change is proposed in Strafford and the Strafford land will continue to be part of a lot meeting Strafford zoning requirements. There was no further discussion and the vote was

unanimous in the affirmative. Mr. O'Lone was directed to bring the final plans to the office for signatures and recording.

The Board then briefly turned to one item of informal business. Ren Evans has written to the Board regarding her proposal to open a part-time massage therapy business in her home located at 1283 Parker Mountain Road (Tax Map 11, Lot 100). Donald Coker stepped off the Board for this item. The massage therapy office will be located in finished space in the ell. There is adequate parking in the driveway with an additional space beside the existing barn and Ms. Evans suggests that there would only be two to three clients per day between 11AM and 4 PM, by appointment only. There would be no other employees. There is no waste, and the existing septic is rated for two full families so should be more than adequate. Any future signage will conform with requirements, and additional lighting should not be required, given the hours. Board members noted that working with one client at a time will minimize traffic and parking concerns. As presented, it was agreed that the proposal seems to qualify as a home business, as long as there is just one employee. It was agreed to send a letter regarding the Board's consensus.

The final order of formal business was the application of Robert and Jennifer Shone for Voluntary Merger under NH RSA 674:39-a of their two contiguous lots located on 293 Drake Hill Road (Tax Map 4, Lots 16 and 17); Lot 17 includes their home and Lot 16, located across Drake Hill Road, has historically formed part of the farm, and would be considered contiguous under NH case law that suggests that land fronting a road includes half the roadway. The Shones have no mortgagees. There were no additional questions. Don Clifford then made a motion to accept and approve the request for voluntary merger of Lots 17 and 16 on Map 4. Donald Coker seconded the motion; there was no further discussion, and the motion passed by unanimous vote.

The Board then returned to the application of ERIC ROWE, tabled earlier in the evening. There was still nobody present for this item. The situation was briefly discussed and a motion was made and withdrawn. Board members agreed that they are willing to work with the applicant, and a motion was made by Terry Hyland to continue the application forward to next month. Charlie Moreno seconded the motion, there was no further discussion, and the motion passed by majority vote of the members present.

There being no further business before the Board, a motion to adjourn was made and seconded. There was no further discussion and the vote was unanimous in the affirmative and the meeting adjourned at 11:10 PM.