

## Minutes

### Planning Board Meeting

May 2, 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. The Chairman opened the meeting at 7:35 PM and announced the members present. The closing date for applications to appear on the agenda for the June 2019 regular meeting is 5 P.M. Tuesday, May 14, 2019; revised materials must be submitted by Tuesday, May 28th. 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 Board then turned to the minutes of the previous meeting; it was agreed to save the minutes for later due to the large audience.

The Chairman then briefly reviewed the agenda for the evening. 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); Mr. Abels submitted a brief letter to the Board. The Board will then turn to the application of Michael Carter, followed by the application of Eric Rowe, both for Non-Residential Site Plan Review. Finally, the Board will turn to the new application of Richard Omand for Non-Residential Site Plan Review. The Chairman advised the audience of how the meeting would be run, and advised that people need to speak one at a time and that all questions for the applicants need to come through the Board.

The Chairman then turned to the first order of continuing business and read out the letter from Cecil Abels. Mr. Abels advised that he is working on an agreement with the Tottens regarding the access easement for his property and is also working with Berry Surveying and Engineering to draft plans for a two-lane access road. Mr. Abels said that he plans to attend the June meeting with updates. Board members agreed that a letter should be written to Mr. Abels to remind him that updated plans need to be received by May 28<sup>th</sup> for consideration at the June meeting. Donald Coker noted that the letter refers to the project as event venue/camping, while the original application was for the event venue.

The Chairman then called on the second order of continuing business, 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). Atty. Stephen Bennett was present accompanied by Carey Garneau and Tobin Farwell of Farwell Engineering. There were a number of abutters and neighbors present.

Tobin Farwell of Farwell Engineering was present representing the applicant, and it was noted that this project will be going before the Zoning Board of Adjustment for a Special Exception for commercial use next Wednesday. Atty. Bennett addressed the Board noting that Mr. Carter was unable to attend this evening. Atty. Bennett said that he was present mostly as an observer, but might have answers to some of the Board's questions. He said that Mr. Carter listened to the neighbors and that the applicants think that they have addressed the concerns expressed at the last meeting. He said that this would be the second wedding venue in this area, noting the Kitz Farm venue approved several years ago. He noted similarities between the two properties—a pond, few neighbors, and a great location. He noted that Mr. Carter does not plan a lot of changes to his property; there will be no new construction, no excavation, no impervious surface except for a new gravel area for the trash, and they would only be open from May 15 to November 1<sup>st</sup>, which is only 100 days that the site could be rented. They have capped the number of events at 20, which is similar to the Kitz Farm, which leaves 80 other days with guests. Guests have been capped at 10 per night, and the total for events has been reduced to 175 guests. More typically events are about 100 people, he noted. Regarding noise, he said that music will end by 10pm, and sound levels will be limited so that the music is not blasting the neighborhood. Everyone will be out by 11PM and lights out by 11:30 pm, so again the venue will have a limited impact, he said. These are the main points that Mr. Carter wanted to address, he noted.

Tobin Farwell then presented the revised plans, and explained the updates since last month. The notes have been revised to include the timing and state the specific season that the lodge would be open. The gravel pad has been added for the dumpsters. Solar ground lighting will be used for the pathways to the parking area, and it will be

the responsibility of the on-site event manager to collect the lights at the end of the event. They have now decided to rent the new bathroom trailers for events. These trailers get hooked up to water and electricity from the house, but the wastewater goes off site. They have also added a gravel turn-around area. The plans now show the 25 foot wetlands no disturbance buffer from the pond. Mr. Farwell noted that NH DOT has requested additional information regarding the turning radius etc. and he advised that no permit has yet been received. He said that they have been working with the Fire Department regarding the emergency plan, and he said that he believes that they are close to resolving the punch list items in the Fire Chief's report.

The Chairman then asked if the Board had any questions. Scott Young said that they have stated that the music must end at 10pm, but he would like to know how they plan to enforce this, noting that weddings often mean alcohol. He questioned whether one part-time employee would be able to enforce the 10pm ending time. He noted that from last month, it seemed as if noise was one of the biggest complaints from the neighborhood and that enforcement of the curfew needs to be addressed. Tobin Farwell advised that DJs or live musicians would be professionals hired for the event and would need to follow the rules. Carey Garneau noted that their on-site coordinator has experience running events. Steve Leighton said that they do not want to limit it to just stopping the music; he advised that parties are also noisy. Tobin Farwell advised that they are giving an hour for the crowd to disperse. Donald Coker asked what the neighbors do if the noise does not stop, asking if they should call the police. Scott Young said yes. Mr. Coker asked what happens for repeated complaints. Mr. Young noted that if there were repeated complaints for the same event, that the first complaint is a warning, the second is a summonsable warning for violation of the ordinance. Don Clifford asked about repeated issues on different days. Scott Young said that it would be up to the Board to put stipulations into the decision to address this possibility. Donald Coker noted that the statement of purpose says weddings and family functions, but the plan says just "functions". Carey Garneau agreed that yes, the purpose is to provide a venue for weddings and family functions. Steve Leighton noted that this is really a zoning board issue, as the zoning board can impose conditions of approval. The role of the Planning Board is to approve the site plan; the zoning board determines what is allowable. Mr. Leighton noted that the zoning board cannot approve a use that is not provided for by the site plan, but that the zoning board could impose further restrictions. Phil Auger agreed, noting that a decision from the zoning board will need to be in place before the Planning Board can grant final approval of the site plan. Mr. Auger then asked about the 25 foot buffer to the pond, noting that he feels that there will be heavy traffic near the pond if the tents extend to within the 25 foot buffer line. The Chairman advised that whatever is represented at the meeting will be captured in the notice of decision, and the terms of the decision are binding. He noted the stormwater plan, and said that the Board will work with the waiver letter, but advised the applicants that if they need to change the parking surface, stormwater management plans will be required. Mr. Moreno suggested that it would be worth taking a site walk, and Board members agreed. It was suggested that the two boards should visit the site together, so it would make sense to schedule a site walk after the zoning board meets in a few days. Terry Hyland asked if changing the surface of the parking area would require a permit from the town or state. Board members agreed that it would not unless the Board makes additional permissions a condition of approval. Considering the situation, Steve Leighton said that he thinks that the applicants ought to have a stormwater plan on file in case parking on the grass does not work. He said that he thinks that the applicants are just assuming that they could handle the stormwater if they need to, but without having actually drawn up the plan. He suggested that running the stormwater calculations is not a big job and he said that a "future site of stormwater control" could be added to the plan. He said that driving on grass every weekend, the grass will not survive, and then the mud will run down into the pond, so you need to have some sort of stormwater retention designed if the grass parking plan fails.

Board members then went through the list from the minutes of items that were missing and/or need clarifications. Several Board members noted that they had wanted the well radius to show on the plans. It was noted that Mr. Farwell did not write up a separate list of waiver requests for waivers from the requirements for property lines, ledge, and wetlands delineations. Waiver requests for a full stormwater plan have been submitted. Discussion returned to the stormwater issue, with several Board members returning to Steve Leighton's suggestion that a back-up stormwater plan should be provided, given local soils, summer heat, and the damage that constant parking on the grass can cause. It was agreed to call on Scott Whitehouse, the Fire Chief, regarding fire protection plans. Mr. Whitehouse advised that he has given the applicants a list of requirements for occupancy and for the permit for assembly. He has not yet been called for a re-inspection, and he advised that this will be needed before the facility could open for the season. He noted that they are now proposing under 60 persons for the permit for assembly and only 10 for overnight stays, so they will only need to meet minimum requirements. Carey Garneau advised the Board that they are now proposing that all events will take place outdoors, none indoors. Scott Whitehouse asked about the hours for the part-time manager and whether that person would be staying overnight at the facility. Ms.

Garneau said that the manager will only be on-site during the events. Charlie Moreno asked if the 'no parking fire zone' should be shown on the plan or be the responsibility of the site manager. Tobin Farwell said that normally fire zones appear on plans in order to indicate that pavement should be striped to indicate the fire zone, which is not an issue here. It was agreed that it would be inappropriate to hang 'no parking' signs on the lodge. Board members agreed that the fire zone should be added to the plan. Donald Coker suggested a dotted line on the plan as well as including the fire zone in the rental agreement. Conversation returned to the stormwater management plan. The Chairman read the stormwater management plan waiver request, which states that the applicants feels that there will be no increase in impervious surface because they intend to use the grassy areas for parking, so there would be no increase in stormwater runoff. Phil Auger said that he agrees that this would be true for grass, but that this will only work as long as the grassy parking area remains in good shape. He said that he agrees that the applicants should plan ahead in case the grass does not hold up. Steve Leighton noted again the character of the local soils. Mr. Auger said that the Board would prefer to see the applicants plan for pervious parking, by using hollow pavers with grass, for example, rather than planning for gravel or pavement, and he encouraged the applicants to look for the most pervious options. Mr. Auger then made a motion that the applicants be asked to plan for a parking area, pervious if possible, and put together a stormwater management plan if needed based on the calculations. Atty. Bennett asked for clarification, noting that it sounded as if the Board is asking for two plans, first a plan for a different parking lot surface if the grass fails, and secondly, a stormwater management plan for the parking area if the proposed surface is not permeable. In other words, a parking plan that addresses the situation if the grass area fails. At this point, Tobin Farwell addressed the Board and said that they feel that they should advise the Board that the property may be sold, and that the applicants are really looking for a one-year approval. Atty. Bennett advised that since the last Planning Board meeting, somebody has approached Mr. Carter to sell the property, not for use as a wedding venue. Atty. Bennett noted that one of the conditions of approval for Mr. Carter can be that any approvals obtained by the applicant are no longer valid after the property changes hands. Atty. Bennett also noted that the town can enforce compliance with site plans. Board members asked how he would suggest that this be handled, and he said that in his experience, the Planning Board would call in the applicant and hold a compliance hearing and pull approvals if necessary. He said that in his experience it is typically the Planning Board who would go forward with enforcement because it would be a violation of their plan.

There were no further comments, so the Chairman then opened the meeting for public comment. Steve Reinfurt observed that the Parker Mountain Lodge website is advertising up to 350 people, they believe, and said that he feels that transparency is an issue. Gloria Reinfurt said that she was also concerned about the parking area and compliance with the plans, asking who is responsible for oversight. Donald Coker noted that citizens are the best enforcers. Gloria Reinfurt noted that a wedding may be a short event, but that there is a lot of other traffic involved in set up and clean up of such events. Jim Andersen also spoke to concern with compliance. Board members noted that the proposal is that the conditions proposed are on the plan and in the rental contracts. Ashley Rowe noted that many of the neighbors concerns are more appropriate to the discussion with the zoning board. Don Clifford suggested that the Board needs to return to the question of the stormwater plan, as the applicants are on a schedule. The Chairman then noted that he needed to formally open the public hearing and asked for any other comments. Nancy Savage again spoke about the pond, and how the pond is part of the Little River system. She noted that it is not a stand-alone pond, but something that flows, and she said that anything that happens to the pond will run downstream to her pond and beyond to the river. She said that she has other concerns including the use of pesticides, herbicides and fertilizers on the property. She wants to preserve the health of the river corridor. There were no additional comments and the Chairman closed the public hearing.

Phil Auger then made a motion that the applicant modify the plans to show alternatives if the grass parking fails. Steve Leighton seconded the motion, there was no further discussion, and the motion carried by unanimous vote in the affirmative. Charlie Moreno advised that they try for a parking surface that is as pervious as possible. Atty. Bennett asked about the other waivers. Tobin Farwell advised that he had put the waiver requests for boundary survey, ledge, and wetlands delineation on the cover sheet of the plan set, although not in a separate letter. Board members noted that there is a reference plan showing surveyed boundaries of the lot, and ledge is not a big issue in this location. Steve Leighton noted that the plans show the edge of the pond, and said that he is willing to waive the full wetlands delineation. The Chairman advised that it sounds like the Board is thinking that the wetlands are sufficiently delineated. Scott Young asked the applicants to be sure and follow up with the Fire Chief. In summary, the site plan for Parker Mountain Lodge has been accepted with conditions (please note the April 2019 minutes), and with the additional conditions noted this evening. The conditions of approval include the NH DOT permit, addressing stormwater concerns/designing an alternative, preferably pervious, regarding the parking area, adding the well radius and fire zone/no parking area to the plans, and taking the application forward to the Board of

Adjustment. Atty. Bennett noted that the applicants are in a time crunch and asked if the Boards could schedule a site walk sooner rather than later. Scott Young advised that the Board appreciates that there is a time crunch, but he reminds the applicants that they have been sent letters months in advance and part of the problem is that they were ignored. Atty. Bennett said that he understood and appreciates what the Board can do. Further discussion will be continued to the regular June meeting. Notice of the site walk will be posted once a date has been set.

The second item of continuing business was the application of the RICHARD and CHARLENE OMAND REVOCABLE TRUST for Non-Residential Site Plan Review for a machine shop and 2 apartments (Mixed Use) at 385 Province Road (Tax Map 7, Lot 39). Ashley Rowe presented revised plans; Richard Omand was present. Devin Haley was present. Charlie Moreno stepped off the Board as the owner of abutting property; Steve Leighton served as Acting Chair and Donald Coker was designated a voting member for this application. Mr. Rowe presented the plan revisions to the Board, going through the list of items noted as needing clarifications. Mr. Rowe said that he would defer to his colleague Devin Haley regarding the floor plans. Mr. Haley presented the floor plans, noting that the red emblems on the plans indicate lighting fixtures. The existing lighting will cover the area from the parking area to the building; flood lights are directed toward the ground and hit the stairs and back stairs. Donald Coker asked about the electrical inspection. Mr. Haley indicated that inspections are part of the building permit process. The lights are residential fixtures on motion sensors. Mr. Haley indicated that the Fire Chief has put together a plan for what is needed for the apartments to comply with fire and life safety. Scott Young asked if this work was completed, and Mr. Haley said that it was a proposal only, so far. There were no additional questions. Board members then turned to the waiver request. Waivers have been requested for the following plan requirements: floodplains, shoreland, driveways within 200 feet, ledge, and a stormwater management plan. Regarding floodplains, the applicants noted that no new structures are proposed. Don Clifford said that he is concerned about the wetlands to the rear of the building. Board members reviewed the test pit data shown on the plans, and noted that licensed professionals had delineated the wetlands. Steve Leighton and Don Clifford discussed the wetlands question and looked at the contours; the proposed new septic leach field will be 78 feet from poorly drained soils according to the plan. Phil Auger noted that if the wetlands have been properly delineated, the wetlands setbacks have been addressed. Board members agreed that they have no concern about the floodplain statement or shoreland zone statements since no new buildings are proposed. Turning the driveways, Board members agreed that one additional one-bedroom apartment would not add much traffic, so granting the waiver seems reasonable. Board members were in agreement regarding the requested waiver to the requirement that ledge be shown on the plans. Soils classifications are shown on Sheet 2 and it was agreed to remove them from the waiver request. Finally, Board members agreed that a waiver to the requirement for a stormwater plan makes sense because there is no proposed new construction. Donald Coker then made a motion to grant waivers number 1, 2, 3, 4 and 6; noting that waiver request number 5 has been withdrawn. Phil Auger seconded the motion, there was no further discussion, and the Acting Chairman called the vote. The vote was unanimous in the affirmative with none opposed. Steve Leighton asked if there are any other issues with the septic. Donald Coker asked how the Board would know if the state approves the septic system design. Board members indicated that there could be no certificate of occupancy granted for the new space unless the new septic system has been approved. Steve Leighton noted that the Board needs to remember to include the Fire Chief's requirements as stipulations for any proposed approval. The Acting Chairman then opened the public hearing. There were no comments and the public hearing was closed. Phil Auger then made a motion to approve the site plan for the addition of one new apartment, conditional upon the receipt of state approval of the septic disposal system and passing the Fire Chief's requirements for fire and life safety. Donald Coker and Steve Leighton both seconded the motion, there was no further discussion, and the Acting Chairman called the vote. The vote was unanimous in the affirmative with none opposed. Following the vote, Board members agreed that this is a multi-use non-residential property and the proposal will have to go to ZBA. Ashley Rowe suggested that code enforcement would be responsible.

The third 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). Ashley Rowe of Norway Plains Associates presented updates to the application. Eric Rowe was present. Updated plans were received by the deadline. Charlie Moreno rejoined the Board and resumed as Chair. Ashley Rowe then presented the plan updates. Solar lights are now shown, and there will be a light on the barn as shown on Sheet 3. They have added a statement that they will be in compliance with the noise ordinance and they noted that there will be a family member present on-site at all times. Sheet 4 of the plan set shows the fire protection plans. Board members agreed that the Fire Chief should write a letter regarding the fire plan for consistency with the two other site plans under review this evening, either detailing fire protection plans or stating that the fire protection plans have been reviewed and approved. Charlie Moreno, noting the Parker Mountain Lodge application, asked if there was any concern regarding

fire lanes near the barn. It was agreed that there was not in this case. Don Clifford asked where the caterers would be parking and if this would be an issue for emergency access. Ashley Rowe said that he believes that caterers would unload and then park elsewhere and that Scott Whitehouse can take a look. Donald Coker asked about the surface of the parking area. Ashley Rowe noted that the area is now blueberries, and that they are undecided if the final surface will be grass or large stone. The parking area is being treated for runoff with level spreaders as if it was impervious surface although they hope to keep it pervious. Phil Auger asked what they meant by large stone and they indicated roughly 1½ inch stone, likely crushed from the fractured ledge on-site from burying their electrical lines. The other parking area is existing grass they noted, but a treatment swale is there. Board members asked why they are requesting a waiver to the requirement for a stormwater plan, and the applicants indicated that although they do have information on the plan, it is not a full stormwater management plan. They feel that they are on the mountain, and given the soils, that they do not need additional stormwater management. Board members agreed that they feel that their requirements are satisfied.

Discussion then turned to the roads. Eric Rowe has met with the Road Agent and the Fire Chief and he is hoping to turn the life safety responsibility for the road into part of the annual inspection for the permit for assembly. Mr. Rowe then submitted a proposed written agreement regarding the road. Eric Rowe then addressed the Board, advising the Board that he already has an agreement with the Selectmen and that he had been told that the Board would be briefed on that agreement. The Chairman advised that it was his understanding that the town had set things up so that the Conservation Commission now includes \$1000 in its annual budget to be paid toward maintenance of the road and that Mr. Rowe had agreed to cover materials and maintenance over this amount. Board members asked if this agreement is in writing, and it was indicated that it is not. Mr. Rowe suggested that the Board could have indicated earlier that the condition of the road would be a concern. Board members noted that Mr. Rowe is proposing commercial development on a Class VI road and traffic for 100 patrons per weekend, and it was noted that the Board had previously requested that the applicant meet with the Road Agent, Fire Chief, and Selectmen to set standards for the construction of road improvements, turnouts, etc. and maintenance plans for access to the site. Board members had requested that the proposed standards be included with the plan. Mr. Rowe advised that he had asked the Road Agent to wait for more direction.

Steve Leighton asked Mr. Rowe what he is proposing. Don Clifford asked if the town has any liability for Class VI roads; Mr. Young and Mr. Leighton suggested that there is none. Scott Young said that it was felt that the town should contribute to the maintenance of the road because there is public land at the top of the mountain, and that is why funds are included in the Conservation Commission budget. Scott Young said that he knows that Mr. Rowe has done a lot of work and put a lot of money into the road, and as long as the Fire Chief is satisfied and it is inspected once a year, he feels that the proposed agreement would be acceptable. Phil Auger said that he disagrees, noting again that this is proposed commercial development on a Class VI road, so this is setting a precedent and that the Board needs to think about this issue. He noted that it is .6 miles from Ken Berry's to Mr. Rowe's driveway, and that there is about ¼ mile where they cannot modify the road to allow two cars to pass. Mr. Auger said that the town does have a responsibility because of police and fire protection. It was noted that the Road Agent was going to look at the road. Steve Leighton noted that this is an agrotourism proposal, so an allowed land use. Don Clifford suggested that the issue here is much like the situation with Cecil Abels, and the concern with being able to get fire trucks and safety vehicles into the site while people are trying to leave. Donald Coker said that the road has to be able to support the use. The Fire Chief has to be satisfied and the Road Agent needs to determine what it is going to take to accomplish what is needed. Terry Hyland said that he feels that the project is saving a farm and that the Board should not second guess the Fire Chief and Road Agent. The Chairman noted that the Board had covered the question of agrotourism and supporting the proposal at the last meeting, but advised that there was an understanding that the Road Agent and the Fire Chief would come together to establish specifications for what is needed for access. Scott Young noted that the applicant has said that he asked the Road Agent to wait. Mr. Rowe began talking about the reserve right for a parking area written into the conservation easement on the public land on Evans Mountain. Mr. Auger noted that there is no intention of building a parking area for the Evans Mountain property at this time. Board members noted that they are concerned with what is required for Mr. Rowe's project. Scott Whitehouse asked if there are any required specifications, such as pull-outs every 400 feet, etc. Board members agreed that it is up to Mr. Whitehouse and Mr. Messenger to decide. Phil Auger noted that it is about 390 feet from Ken Berry's to the stream, and there is no place for a pull-out. Steve Leighton suggested an agreement that no vehicles would leave Mr. Rowe's property until police and fire personnel arrive. Discussion continued, with Board members saying that if the Fire Chief and Road Agent should agree on specifications, and noting that the Board had said this last month, as well. Board members suggested that Mr. Whitehouse and Mr. Messenger should walk the

road, agree on what is needed, and get it in writing. Mr. Rowe said again that he does not intend to change the character of the road from Mel Liston's to the creek. There was a brief discussion of the road classification and votes taken regarding the Evans Mountain Road. The Chairman then opened the public hearing on this application. Scott Schroeder said that it is important to save farms and that it is worth the time to work out the issues. Gloria Reinfurt noted that the applicants have done an engineered plan and are not asking for a lot of waivers, but she asked about the additional traffic on open town roads such as Parsons Hill Road, etc. leading to the site. Eric Rowe noted the summer traffic to the camps on Willey Pond Road on weekends as well as forestry traffic, etc. Scott Whitehouse agreed that the camps generate traffic so the additional traffic from Mr. Rowe's venue is less concerning because it would be smaller numbers of vehicles, so the issue is really the Class VI section of the road. The Chairman then closed the public hearing. The Chairman advised that the Board needs the information on the road to go further. Don Clifford noted that this information has already been requested. Donald Coker suggested that the Board write a letter and request that the Road Agent and Fire Chief get together on this and decide what Mr. Messenger would need to plan for satisfying what the Fire Chief needs for public safety access, as well as annual maintenance plans. The Chairman agreed and noted that the only other outstanding issue are the waiver requests, which are all straightforward. Don Clifford suggested a site walk after the road plan has been received. Scott Young agreed, as did the rest of the Board. Ashley Rowe asked if it would be acceptable if they flew the road with drones to produce an image for the proposed road plan to be submitted along with a list of what is needed and where, and Board members agreed that this is a good idea. Phil Auger noted that the culvert into the old Evans cellar hole should be removed/repositioned, and it was agreed that Mr. Messenger should include this item. Further discussion was continued to the next regular meeting.

There were no items of informal business. There being no further business before the Board, Phil Auger made a motion to adjourn. Scott Young seconded the motion. There was no further discussion and the vote was unanimous in the affirmative and the meeting adjourned at 10:40 PM.