

## Minutes

### Planning Board Meeting

April 4, 2019

Members of the Planning Board in attendance were Charles Moreno, Chairman, Scott Young, ex-officio member, and Donald Coker, Alternate member. 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 May 2019 regular meeting is 5 P.M. Tuesday, April 9, 2019; revised materials must be submitted by Tuesday, April 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. Noting that there were only two regular members present, and a third, the newly elected Phil Auger, who would be late in arriving, the Chairman then designated Donald Coker as a voting member for this meeting. The Board then turned to the minutes of the previous meeting. Before beginning, the Chairman acknowledged Don Clifford and thanked him for his service on the Board. The Chairman advised that Mr. Clifford has indicated his willingness to remain with the Board as an Alternate member. Donald Coker suggested that Mr. Moreno explain the role of an Alternate member to the audience, which he then did, noting that Alternate members attend meetings and may contribute to discussion, but cannot vote unless they have been designated as a voting member in place of a regular member who is absent. Mr. Moreno then advised that he would entertain a motion. Donald Coker then made a motion, seconded by Scott Young, to appoint Mr. Clifford as an Alternate member of the Board. There was no further discussion and the vote was unanimous in the affirmative of the three voting members. Mr. Clifford then joined the Board at the table. Mr. Moreno, noting the absences, then designated Mr. Clifford as a voting member for the evening. The Board then turned to the minutes of the previous meeting. Donald Coker, voting member at the last meeting, made a motion to accept the minutes as presented. Scott Young seconded the motion. There was no additional discussion and the vote was unanimous in the affirmative.

The Chairman then briefly reviewed the agenda for the evening. The first item of business was the application of Public Service of New Hampshire/Eversource for permission to trim trees along scenic roads. 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); this application has been continued forward to the late spring/early summer. 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 first order of new business was the request from PSNH d.b.a. EVERSOURCE ENERGY for a public hearing in accordance with NH RSA 231: 158 and the Strafford Scenic Roads Ordinance for permission to trim and/or remove trees and brush for routine maintenance along power distribution lines located along Jo Al Co Road and Northwood Road, designated Scenic Roads in the Town of Strafford. The Chairman opened the public hearing and called on Bob Berner, the regional arborist for Eversource. Mr. Berner advised that the clearing specifications remain the same: 8 feet to the side, 10 feet below, and 15 feet above the lines. They also will be removing brush below the lines. Only one tree, a dying scarred pine on top of a berm on Jo Al Co Road has been listed for removal. The contractor doing the tree work will be Lewis Tree Service; property owners will be notified by mail 45 days in advance. The work is scheduled for mid third quarter. Mr. Berner said that he had checked the area again before the meeting to be sure that there were no other trees that they might propose to remove, and there were none. Don Clifford noted that he had checked the area. There were no other comments or questions. Don Clifford then made a motion to write a letter approving the trimming as requested and the removal of the one pine. Scott Young seconded the motion, there was no further discussion, and the vote was unanimous in the affirmative.

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). Michael Carter was present accompanied by Carey Garneau and Tobin Farwell of Farwell Engineering. There were a number of abutters and neighbors present. The Chairman advised that the goal of this evening's meeting is to review the site plan application to see if it is complete enough to accept for consideration. The immediate purpose is not to approve the plan but to review the materials and see if all the needed information has been provided. Mr. Moreno advised that if

the plan is accepted for consideration as complete, the logical next step would be for the Mr. Carter to begin working with the Zoning Board of Adjustment because the proposed use is not in conformance with the agricultural-residential zoning of the town. Mr. Moreno advised that the Board of Adjustment cannot really work with the application until the Non-Residential Site Plan is complete enough for review. If the Board of Adjustment approves the commercial use, then the project would come back to the Planning Board for final approval of the Non-Residential Site Plan. Scott Schroeder asked why review by the Board of Adjustment was needed. The Chairman advised that the proposed wedding venue would be commercial use, even if the occasional renting of rooms as described at the December meeting might be allowable under zoning. Finally, the Chairman noted that there is no residential use of the property.

Tobin Farwell of Farwell Engineering addressed the Board and presented a new site plan. In addition, Mr. Carter has submitted a more detailed narrative and several supporting documents regarding waste disposal and the servicing of the septic disposal system. Mr. Farwell presented the project to the Board and audience. Mr. Carter is applying for commercial use of his roughly 7.5 acre property as a wedding venue. The plan updates detailed on the new site plan sheets include the addition of parking areas. They plan to host 15 to 20 events a year, running from May to November, with a maximum of 200 guests. There will be no full-time employees. There will be deliveries before an event, including tents, chairs, catering, portable toilets, etc. They propose bringing guests to the site by bus. There is only limited space for overnight guests. The Chairman asked for details on the May to November proposal. Mr. Carter said that the proposal is for seasonal use. Mr. Moreno asked if he could be more precise, and Mr. Carter responded May 15<sup>th</sup> to October 31<sup>st</sup>. Indoor events would be capped at 100 persons, outdoor at 200. It was clarified that this would mean a maximum of 200 persons if using both indoor and outdoor spaces. Tobin Farwell said that they plan on contracting with a site manager to be on the property during events, although they have not yet added this information to the site plan application materials. Phil Auger, the newly elected Board member, arrived at 8PM.

Mr. Moreno asked about the buses and parking. Mr. Carter said that the guests would be parking at the hotels, and that the buses would pick up the guests as the event winds down. They are expecting that they would need about eight round trips with either school buses or private coaches per event. They are working with NH DOT to meet state requirements for the driveway permit. Mr. Carter advised that NH DOT is in agreement with their new proposal as shown on the new site plan to make Xavier Drive a one-way loop by adding a second exit from the property onto Parker Mountain Road/NH Route 126. Mr. Moreno asked if they planned to park the buses on-site. Mr. Carter said no, that the buses would drop-off and pick-up only. The applicants were asked if they had completed a stormwater management plan. Mr. Farwell said that they are requesting a waiver to this requirement because they think that because they are proposing to keep the parking areas grassed, that there will be no increase in stormwater runoff. They are planning for 37 parking places in one area and 6 additional parking spots in another area. Phil Auger asked if they planned any treatment of the water running off the site. Mr. Farwell suggested that it would be trial and error and if they ran into problems later, they would then design stormwater treatment. Mr. Auger asked about the soils and Mr. Farwell responded that these are Paxton soils. Mr. Farwell said that it is in the applicant's interest to keep the grass looking good. Mr. Farwell advised that they have a 4-bedroom septic and have planned for portable toilets for 200. Only the overnight guests would use the septic system he said, because the bathrooms are upstairs in the lodge building. Don Clifford advised that he is concerned with 14 guests on a 4-bedroom system, and whether the septic system would hold up.

Board members then reviewed the new site plans with the application checklist. It was noted that the property boundaries are shown on an earlier boundary adjustment plan, and Mr. Moreno suggested that boundaries be added to the waiver request. The following items were noted as missing and/or needing clarifications: setback lines to the pond (wetlands buffer) especially as regards the proposed tent location, emergency/safety features and floor plans, proposed dumpster location, lighting plan for exterior lights including lighting for access to the parking area—it was noted that lighting must be dark-skies compliant, fire plan, add a note to the plan regarding signage, and DOT permits. Tobin Farwell said that they will adhere to the 25 foot required wetlands buffer to the pond. The Chairman asked about the plan for noise control. Tobin Farwell noted that there is some information in the revised narrative and that noise is part of the contract that people will sign. He suggested that noise is limited to 100 db, 60 db at the property line. Phil Auger asked about staffing. Mr. Farwell said that there would be one person staffing the venue. Mr. Moreno suggested that they work things through regarding whether full-time or part-time, etc. Mr. Auger asked if they are planning for live music/bands, and the applicants advised that they are. It was noted that the well location is part of the septic plan of record. Mr. Moreno suggested that the well radius should show on the plan. Mr. Farwell indicated that the state would not test the well water as a public water supply unless they are

serving to the public; caterers will be required to bring in all their own foods and drinks. The Chairman then recapped the items needed further clarification that have been mentioned during discussion so far or during review with the checklist:

- Event season specifics (dates)
- Specifics regarding the number of possible guests
- State permits
- Dumpster pad
- Lighting plans
- Fire protection
- Statement on signs and landscaping
- Wetlands buffer to the pond
- Floor plans, including information on emergency access/egress.

In addition the following two items were also noted:

- Employees (see Note 11 on the plan—adjust as necessary, perhaps by stating “at least one part time employee”)
- Waiver request (items noted for possible waiver requests include stormwater management, property lines, ledge, and wetlands delineations)

Donald Coker suggested that any approvals should include a statement that any representation made by the applicants to the Board in the course of plan review are made part of the approval, for example the statement that all music stops at 10PM. It was agreed that a statement of this kind can be included in the final approval and a notice of decision.

Noting the large audience, the Chairman then opened discussion to the audience. Rick Hodges asked when events would end, saying that even if the music has stopped, large gatherings of people are noisy. The applicant suggested midnight. Gloria Reinfurt asked if the proposed on-site manager would be responsible for noise. The applicants said yes, but noted that the rental agreement says that the renter is responsible, thus the renter would be responsible for any fines, etc. Steve Reinfurt said that having the owner on site would mean that you would be less likely to have an issue. He noted that he had issues last year during an event at the site, and although the manager was friendly, that was not the response he was seeking. He said that he does not feel that the project reflects their own website description. Nancy Savage advised that this property is immediately uphill from her home and said that she is concerned about the pond and wetlands; she suggested that the pond may be the start of Little River and noted the town’s Shoreland Protection ordinance and questioned whether that might apply here. She expressed concern for the wetlands and pond and advised that the drainage all flows downhill to her property. Ken Berry advised that he is concerned about the noise and lights and noted that you see more lights every year. He said that you can hear the bands several times a summer, and he said that a little is okay but every week is not. Gloria Reinfurt noted concern about the fact that the speed limit on NH Route 126 in this section is 50MPH. Scott Young noted that this is a good point, and said that he believes that NH DOT will consider this issue as they consider the applicant’s permit application. Nancy Savage asked/remarked that this is a commercial business already in operation, stating that the place has been rented for several years now and that the house seems to be rented daily, not just on 20 weekends. She asked if there is anyone on site who supervises lodgers, their noise, and their fireworks.

Michael Carter said that he would like to take a couple of minutes to explain. He said that since 2001, it has been an extraordinary experience and a labor of love to rescue and restore the lodge building and hopefully the community is proud of the restoration. They have hosted many family events, and he wants to continue to maintain the property. They put the lodge on AirBNB and had so many inquiries regarding weddings that they want to accommodate this use. They want to work with the community, he said, and to maintain the property. They want people to be proud of the place and do not want to be thought of as a detriment to the community. Given the lateness of the hour, the Chairman then moved to close discussion on this application.

Board members then turned to the question of whether they should accept the plans as complete for consideration. There was a brief discussion of whether there would be any advantage or disadvantage to accepting the plans. Don Clifford said that he was concerned that there are too many items that need clarifications. Donald Coker suggested that most of the updates are quite “do-able”. Don Clifford noted that he is still concerned about the

septic capacity. Phil Auger then made a motion to accept the plans as complete for consideration, conditional upon the completion of the nine items listed above. Donald Coker seconded the motion, and there was no further discussion. The Chairman called the vote; there were four aye votes and one nay vote; the motion was passed by majority vote in the affirmative. Cal Schroeder, an abutter, asked about conditions and restrictions, for example if Mr. Carter could sell the business, etc. The Board agreed that this is a good question that will be considered as the Board moves forward to consider the project now that the application has been accepted as complete. Sheila Varden-Straffin asked how the neighbors will know. Board members explained that this item will continue to the next meeting in May and advised that the neighbors watch for public notice regarding the application to the Board of Adjustment. Further discussion will be continued to the May meeting.

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). Paul Blanc of Norway Plains Associates presented updates to the application. Eric and Rowe was present; Ashley Rowe was also present. Ken Berry, a neighbor, was also present. Updated plans were received by the deadline. The Chairman said that he wanted to open with the question of whether this project would also require a Special Exception for commercial use. Scott Young asked if there was any new information. He said that he thought that it was clear that this would qualify as agrotourism. The Chairman advised the audience that agrotourism is an approved land use. He noted that it is the Board's understanding that Mr. Rowe has a blueberry farm, perhaps not so active, but they have plans to activate the farm again. Donald Coker said that he feels that it does not qualify as agrotourism under the state statutes, noting that the statutes refer to agrotourism as an accessory use to the primary farm operation, and that it is his understanding that state statutes would supersede less stringent local regulation. Mr. Coker said that he supports this application and is not trying to stop the project, he only wants to be sure that it is processed correctly and is concerned with precedent. There was a brief discussion of the legal meaning of accessory, incidental and ancillary. Don Clifford said that the wedding venue is a commercial venture. The question is whether it qualifies as agrotourism. Scott Young said that he feels that it fits. Board members then turned to the definition of agrotourism in the zoning ordinance, which includes on-farm weddings. Board members discussed the Kitz Farm venue, and it was noted that it was approved as a farm operation, although prior to the adoption of the town definition. Ashley Rowe noted the discussion of the values of agrotourism at town meeting. The Chairman asked Mr. Rowe about the blueberry operation, and Ashley Rowe explained the work that they have done over the past years. Phil Auger suggested that the Board take a straw vote on whether Board members feel that the Rowe project will need a Special Exception. Board members agreed, and the Chairman called the straw vote. The vote was one aye and three nay votes, with the Chairman abstaining. It was agreed to go forward with the Site Plan Review.

Paul Blanc then presented the plan updates. Given the hour, the Chairman then moved straight to the question of road improvements and emergency plans. Greg Messenger, the Road Agent, was in attendance. The Rowe venue will operate from May 15<sup>th</sup> to October 15<sup>th</sup>. As regards off-site road improvements, Mr. Rowe met with the Fire Department and has agreed that the road will be widened for emergency vehicles and pull offs and the Fire Department review of access to the pond. The Chairman asked about specific plans for improvements, where the turnouts would be located, what the improvements would look like. Ashley Rowe said that the Fire Chief had signed off on the proposal. The Board asked if the Fire Chief had given Mr. Rowe any specifications. Ashley Rowe said that he did not know; Eric Rowe said that he would work together with the Fire Chief. The Chairman asked if there was a set of directions. Don Clifford noted that the concern is for safety. Donald Coker said that at a minimum, a letter from the Fire Chief would be required. Phil Auger noted that the Road Agent is present and that the Road Agent is the one responsible for approving and overseeing improvements to town roads. Mr. Auger noted that Mr. Rowe is proposing a commercial development on a Class VI road and that you do not want to set up liability to the town. He said that the Fire Chief is responsible for safety, but that the Road Agent has to be involved for the design of the road improvements. Scott Young said that the Fire Chief did say that more work is needed on the road. Phil Auger again noted that the Fire Chief is safety and the Road Agent is construction. After a brief discussion, the Board returned to the plans and the items remaining on the checklist. A letter and sketch has been submitted regarding current use; it was agreed that the information does not need to be added to the main plan sheet. It was agreed to get copies of the perc test data from the Building Inspector's files. The proposal is for events on Saturdays, May 15<sup>th</sup> to October 15<sup>th</sup>, with events ending at 10 PM. They propose a maximum of 100 guests. The septic disposal plan was originally planned for the blueberry operation, but will be suitable for the 100 guests. It is rated for 1600 gallons per day and includes a pre-treatment system and large tanks. The tanks have been installed and they plan to finish the field this year. Mr. Moreno asked if there was adequate space for portable toilets if needed; Mr. Rowe said that there is ample space. The revised plans include a floor plan for the barn. To one side of the bathroom area is a catering sink and to the other side is an open air roofed patio. They are planning solar

downcasting lights along the driveway; these are not yet on the plan. The downcast lights on the barn will be centered over the door. The intent is to have no permanent signage; they may put event signs out as far as Route 126 if needed for certain events. The intent is to use dynamic rather than permanent signage. It was agreed that this would be the least impact. Noise is not specifically addressed; the plan states that they will end by 10PM. Phil Auger asked if they would have bands, and if so, indoor or outdoor. The applicants said that they would allow live music. It was agreed that noise will carry from this location. A brief discussion followed regarding decibel levels and the difficulties in policing decibel levels. Mr. Rowe indicated that the fire pond can be accessed from flat areas either side of the parking area; Board members agreed that the reference to improving the road surface to the pond was in reference to the Tasker pond near the Parsons Hill Road intersection. Regarding the road, Phil Auger noted that the Scott Whitehouse, the Fire Chief, and Greg Messenger, the Road Agent, need to get together to set standards for required off-site improvements to the road access. Recapping the discussion and consulting the checklist, the Board noted that the following items still need clarifications:

- Add the solar lights along the driveway for safety lighting to the parking areas,
- Add a statement about noise to the narrative, including a statement about adhering to the town ordinance,
- Delete the word "residential" before the word barn on page 2, paragraph 5 of the narrative,
- Provide a copy of the Fire Protection Plan, listing the Fire Chief's recommendations,
- Add a waiver request regarding the Site Plan requirement for a Stormwater Management Plan,
- 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 and provide the Board with a copy of the standards for inclusion with the plan.

Further discussion of this application was continued to the next meeting.

The first item of new 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 the plans, Richard Omand was present. Devin Haley was present. Charlie Moreno stepped off the Board as the owner of abutting property; Phil Auger served as Acting Chair. Mr. Omand has an existing machine shop with an apartment on the second floor. As he heads toward retirement, Mr. Omand hopes to add a second apartment in existing empty space over the machine shop. The application package includes a site plan sheet and a septic disposal design for an upgrade to include the new space. The applicant is waiting to see what other items might be needed, given that few changes are planned and the space is existing. Mr. Rowe noted that the new septic plan would accommodate up to 10 employees at the machine shop, plus two 2-bedroom apartments. The machine shop is currently run by Mr. Omand with only one employee and the apartments are one bedroom, so there would be adequate capacity. The plan shows a number of reference plans; the boundaries shown are based on these previously existing surveys. Wetlands are only shown enough to show that there is adequate land area for the proposed use, including adequate acreage for two-unit residential use. There is a large beaver pond to the rear of the property.

Board members then reviewed the plans with the checklist. The following items were missing and/or need further clarifications:

- Deed reference,
- Current use status and approximate location (Sheet 2),
- Soils data layer to be added to Sheet 2, including hydric symbols, to address watercourses, etc.
- Floor plans,
- Lighting and emergency exits,
- Waiver requests regarding floodplain statement, shoreland statement, driveways within 200 feet and buildings within 100 feet,
- Fire Protection Plans including a letter from the Fire Chief listing recommendations,
- Add to the narrative [mirroring the checklist] to include a statement regarding items such as drainage, landscaping, utilities, waste disposal, signage, etc. that are not proposed to change as a result of the change in use to include an additional residential unit.

It was agreed that waste disposal is not applicable because the proposal involves the addition of one residential unit. Utilities, including power lines, are existing. A new parking area is shown on the plan; the driveway permits were approved for the original construction in the 70s and 80s. Food preparation is not applicable; water sources are existing. Devin Haley will help draw up floor plans for the existing and proposed space, to include lighting and emergency access/egress. It was agreed that it will be important for the applicant to add to the existing narrative as noted in the list above, even though many of the items listed will not be changing as a result of the addition of a second apartment. There being no further discussion, Donald Coker make a motion to accept the plans as complete for consideration, conditional upon the completion of the items noted above. The motion was seconded and the vote was unanimous in the affirmative of the members voting. Further discussion of this application will take place at 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. Donald Coker seconded the motion. There was no further discussion and the vote was unanimous in the affirmative and the meeting adjourned at 11:15 PM.