

Minutes

Planning Board Meeting

February 4, 2016

Members of the Planning Board in attendance were Don Clifford, Terry Hyland, Steve Leighton, Lynn Sweet and Donald Coker and Denise Markow-Speed, Alternate members. Steve Leighton served as Acting Chair and opened the work session at 7:05 p.m. and the public meeting at 7:30. He then introduced Board members. The closing date for applications to appear on the agenda for the March 2016 regular meeting is 5 p.m., Tuesday, February 16, 2016. 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.

There were no items of formal business before the Board. Mariana and Chris Thorne attended to meet with the Board regarding Mariana Thorne's proposed home business. Mrs. Thorne is proposing to open a hair styling salon in her basement. She ran a similar business in their previous home in Hopkinton. She advised the Board that their home has a direct basement entrance, and she plans to have only one styling chair. She has a half-bath for clients. She only intends to work part-time. Mrs. Thorne has provided the Board with a letter explaining her proposed business including a floor plan for the basement area. Board members thanked Mrs. Thorne for her nice presentation, and asked about waste disposal. Chris Thorne advised that he has a business dumpster that they will use. Donald Coker noted concern about their well and septic system. The Thornes advised the Board that they have never had a problem with well and septic while running the salon, and Mr. Thorne noted that they have the septic pumped once a year as a precaution because of the extra hair. Mariana Thorne noted that she needs a letter from the Board in order to apply for state licensing. Donald Coker then made a motion that the salon meets the zoning requirements for a home occupation, and that the Board write a letter. Lynn Sweet seconded the motion, there was no further discussion, and the vote was unanimous in the affirmative.

The Board then called on David Whitcher and Brian Payne, who had attended the meeting to discuss various issues regarding the Payne property and the conservation subdivision that was conditionally approved at the November meeting of the Board. Mr. Whitcher said that the declaration of conservation restriction document as approved by the Planning Board had been forwarded to their attorney, later Fish and Game had comments on the document, and last week, they had forwarded those comments to the Board, noting that their attorney is not sure where the Fish and Game comments should be inserted in the document. There are also a few things in the document approved by the Planning Board that the applicants feel should be added or clarified. Dave Whitcher identified three areas of concern with the restriction deed on the part of the Paynes and their attorney. These are 1) they would like notice before an inspection visit, in part so that Mr. Payne can be sure to be home at the time of inspection, 2) they are concerned about maintenance of the road as part of the road runs through the restricted area, and they may need a road maintenance shed and they feel that the document needs verbiage so that they will be able to maintain the road and culverts. 3) they feel that there needs to be a provision that if the homeowners/future owners want animals that that some sort of shelter is available to be built on the open land, up to a certain size.

Steve Leighton said that buildings could be put on the individual lots and he did not understand why they felt that something was needed on the conservation land. David Whitcher suggested that maybe one building could be allowed for both/either animals or maintenance. Steve Leighton, speaking on behalf of the Board, said that the major issue is that there should be absolutely no structures on the conservation land, and he said that he does not think that the Board will move on that point. The conservation land is not designed to have structures, he advised, and he noted that the applicants have other land that can be built upon. David Whitcher asked about a building for road maintenance, and Mr. Leighton advised that it is the same thing. Returning to the original list of concerns, Steve Leighton noted that it makes sense to give notice before inspection, and there was general agreement from Board members on that point. Mr. Leighton then noted, on behalf of the Board, that the Board has no issue with the further restrictions suggested by Fish and Game, as they are above and beyond what the Board has requested. David Whitcher asked that the town attorney find where to insert the Fish and Game language, as the applicants are not sure where it should be added to the document. Don Clifford asked if the applicants needed to complete the conservation restriction document before they applied for a wetlands permit. Mr. Whitcher advised that they could submit their wetlands permit applications now, but they feel that DES will require the language suggested by Fish

and Game, so they want to have the conservation restriction deed completed before submitting their applications. Mr. Payne asked about a barn, and there was general agreement that he would need to put a barn on his own lot.

Mr. Leighton then addressed Brian Payne, and noted that there was another subject—the tenant and non-residential use of one of Mr. Payne’s buildings. Mr. Payne said that his agreement with Sean Manning of White Birch Ammunition was specific, and only concerned storage. He said that Mr. Manning and his partner are only doing distribution of ammunition. He agreed that Mr. Manning expected to receive deliveries. Don Clifford noted that Mr. Manning had told the Board that they were remodeling the space to create offices. Mr. Payne said that they had told him that they were making the office spaces in order to have a place to work while waiting for deliveries. Brian Payne said that if they wanted to conduct their business from the building, it would change things with him, because he does not want people coming onto his property, does not want a paved road, and does not want customers coming to the building. Donald Coker noted that ATF will have specific requirements. Mr. Payne noted that Mr. Manning had mentioned manufacturing to him the other day, but the situation is not clear. Mr. Payne did note that he will be getting a leach field constructed for the building as payment for a debt. Mr. Coker asked if Mr. Payne did not consider the use of the building as commercial, if it included storage and office space. Don Clifford said that it sounded like a business. Mr. Payne agreed, but suggested that it would be very limited use. Don Clifford noted that it would be a home business for Mr. Payne, but would not be home business for a tenant. Lynn Sweet suggested that the issue is the office space, and she suggested that adding the offices totally changed the use, as the partners will be working on-site. Steve Leighton advised that the Selectmen will need to look into the situation. Lynn Sweet, as ex-officio member, agreed, and said that the other two Selectmen will need to investigate. Donald Coker asked what would happen if they found a business. It was suggested that the Selectmen will probably send the building inspector/code enforcement officer to investigate, and if a business is found, the owners will be directed to apply for a Special Exception for business use. Board members asked if they needed to make a formal request to the Selectmen, and Lynn Sweet indicated that her role as ex officio member took care of the issue. It was noted that the Town will give Mr. Payne notice before inspecting. Brian Payne said that he will have to contact his tenant for security access to the building. Don Clifford then asked about the previous tenant, mentioned by Mr. Manning last month. Mr. Payne said that he had rented space to Eastern Fire Apparatus to store their equipment. He said that they worked only occasionally and had serviced perhaps 12 vehicles last year. Board members thanked Mr. Payne for attending to begin to address the situation.

Board members then turned to the minutes. Don Clifford then made a motion to accept the minutes for the January meeting as amended to correct a typographical error; Terry Hyland seconded the motion and there was no further discussion. The vote was unanimous in the affirmative with Lynn Sweet and Steve Leighton abstaining because they had not attended the meeting. There being no further business, a motion to adjourn the meeting was made and seconded. There was no further discussion. The vote was unanimous in the affirmative. The meeting adjourned at 8:30 PM.