

Minutes

Planning Board Meeting

April 7, 2016

Members of the Planning Board in attendance were Charles Moreno, Chairman, Don Clifford, Steve Leighton, and Donald Coker and Denise Markow-Speed, Alternate members. The Chairman opened the meeting at 7:30 p.m. and introduced the members present. The closing date for applications to appear on the agenda for the May 2016 regular meeting is 5 p.m., Tuesday, April 19, 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 continuing business. The first order of new business was the application of CHARLES and ALICE GOODWIN (Tax Map 18, Lot 29) and DEREK and KATIE BETTS-LEVINE (Tax Map 18, Lot 29-1) for boundary adjustment between their two properties located on First Crown Point Road. Daniel O'Lone of Berry Surveying and Engineering presented the plans. Denise Markow-Speed recused herself from the Board for this discussion as an abutter; there were no other abutters present. Mr. O'Lone advised that the Goodwins subdivided Lot 29 back in 2008 to create the lot now owned by the Betts-Levines. They now propose to basically double the lot from about 15 acres to 30 acres. The Goodwin's lot will be reduced from about 100 acres down to 86. They have submitted a lengthy waiver request, noting that most of the information requested was provided on the 2008 plan. Noting that paragraph 2.7.1E of the Subdivision Regulations regarding large lots, Board members reviewed the subdivision plans, the new application, and the soils map. It was agreed that there are no known cemeteries on the lot.

Board members then reviewed the plans with the checklist. There were no items missing, except those included in the waiver request. Steve Leighton then made a motion to accept the plans as complete for consideration. Don Clifford asked a procedural question about whether the waiver request needed to be addressed first. Mr. Leighton said that the plan should be accepted for consideration first. Don Clifford then seconded the motion, there was no further discussion, and the vote was unanimous in the affirmative. Board members then addressed the request for waivers to the requirements that the following items be shown on the plans for these two large lots: metes and bounds for the whole tract; wetlands and wetlands scientist seal; perc test; natural features, topographic contours and elevations; and building and septic setbacks. Mr. O'Lone noted that they did survey to show that the lot is above the 800 foot elevation, so minimum lot size is 5 acres. They have put a note on the plans. Mr. O'Lone advised the Board that they are requesting the waivers because this is just a boundary adjustment rather than a plan creating new lots, and the smaller lot is expanding in area, while the larger lot retains a large enough acreage to insure that minimum requirements are met. The lots were proved out in 2008, including the natural features, contours, etc. and there are many acres of buildable land on both. They feel that it would be inappropriate to show building setback lines where full wetlands delineations have not been done. Finally, they noted the unnecessary financial costs for conducting a full survey. Board members all agreed that additional detailed information is not needed given the 2008 plan and the reduced requirements under 2.7.1 E for large lots. Steve Leighton then made a motion to grant all of the requested waivers. Don Clifford seconded the motion, 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. Noting that the plans are complete as presented with the approval of the waivers, Steve Leighton then made a motion to accept and approve the plans for boundary adjustment as presented. Don Clifford seconded the motion, there was no further discussion, and the vote was unanimous in the affirmative. Mr. O'Lone was directed to bring the plans and appropriate recording fees to the office for signatures once monuments have been set.

The second order of new business was the application of SEAN MANNING, WHITE BIRCH AMMO LLC for Non-Residential Site Plan Review for use of a building located at 20 Payne Drive on property owned by BRIAN T. and SANDRA M. PAYNE (Tax Map 37, Lot 11). The Chairman designated both alternate members as voting members for this application. David Witcher, Atty. Jocelyn Weise, Lissa D'Anjou and Bob McLellan were all present. Scott Whitehouse, the Fire Chief, and Bill Booth, the Building Inspector, were also present. Mr. Moreno began with a brief history, noting that Sean Manning came in to see the Board in January regarding his business, and had been advised to go forward with applications. Since that time the Building Inspector and Fire Chief have made inspections and there are letters on file. Mr. Manning is now coming before the Board for

approval of a site plan on the property for which the Board has granted conditional approval for a conservation subdivision. The first question raised by the Board was whether the Board needs an engineered plan detailing Lot 11 for the Site Plan. Mr. Manning has submitted a copy of the subdivision plan which shows the lot, but without great detail. There was discussion among Board members. The question of whether the Planning Board or the Board of Adjustment should review the application first was also raised. It was noted that both Boards need to review the application, and that under the zoning ordinance, Board of Adjustment approval of business, commercial, or industrial use must be based on an approved site plan. Noting the information in the application, Don Clifford noted that Mr. Manning's business plans have expanded since the first discussion, and now seem to include sales. Steve Leighton said that the key issue is that the business is changing everything on that lot. The use of the lot is changing to commercial and taking home business out of the equation. There are two structures on this lot, he noted, and both are located on the same lot both under the new subdivision and on the lot as configured by deed. Don Clifford suggested that requiring paving as far as the commercial structure would be appropriate. Steve Leighton said that engineered plans should be submitted showing the roads, drainage, etc. to meet commercial standards. Don Clifford said that he feels that the Board should expect continued commercial use, given the expansion of the business within the short time that the Board has known about the situation. Steve Leighton noted that this approval, if given, would be just for this use as described in Mr. Manning's application. If they change what they are doing, they must come back to the Boards, he said. The Planning Board's job is to establish that the site is feasible for the commercial use proposed, and he said that the Board needs plans in order to do that. It was agreed that the Board should help facilitate by making it clear what additional information will be needed.

Board members then identified a number of items that they need to see on the plans: all buildings on Lot 11, utilities, and the road upgraded to NH DOT standards for commercial use. It was noted that DOT will require a larger pavement apron for the commercial entrance. The current permit is only for a residential subdivision. The stormwater checklist will need to be completed and a stormwater management plan submitted. Mr. Leighton advised that the Board will need to have complete information on the other building on Lot 11, and he advised that the other building will also need to meet commercial fire and building code specifications. The Board then turned to Scott Whitehouse, the Fire Chief. He said that up until now he has only looked at the White Birch Ammo building as he had no cause to inspect the other. Board members advised that he will need to look at the other building as part of the approval process. There was some general discussion of the situation. Don Clifford suggested that the Paynes plan the final build-out for Lot 11. Steve Leighton noted that as an alternative, the Paynes could consider subdividing off the smaller building now occupied by White Birch Ammo. Denise Markow-Speed noted that the road will need to change, probably to a 24 foot width. The need for additional paving was noted. Sanitation requirements were also noted. The Building Inspector indicated that potable water and bathroom facilities are required if there are non-family workers. DES has received an application for a septic system on the lot, but it is not known whether the proposed system would serve one building or two. Mr. Manning has suggested using a porta-potty. It was noted that the certificate of occupancy for construction of the garage on Lot 11 is listed as commercial. However it was agreed that the use of the building in 2008 was as an accessory building for the family business on the adjacent lot, which required a commercial-grade garage for the building moving equipment and trucks.

Board members then reviewed the application with the Non-Residential Site Plan checklist. Board members requested additional information on traffic in and out (per day, week, month) and on the required codes for commercial buildings. They asked the Fire Chief why sprinklers would not be required for the ammunition business, and he noted the different requirements for different items. He said that the ammunition is considered as a Class A fire risk, not hazardous, and he noted that the square footage is under the threshold for requiring sprinklers. Board members agreed that the Fire Chief should approve the Fire Protection Plan. A copy of Mr. Manning's Fire Protection Plan was given to the Chief. It was noted that there should be no signs on telephone poles. Summing up for the Board, Steve Leighton said that what Mr. Manning had submitted was great, but that it is only a part of what the Board needs. Donald Coker noted the stormwater issue and suggested that broader engineering would be needed. Don Clifford suggested that Brian Payne should be listed as the applicant as he is the person going for commercial by renting the space. Board members then turned to the audience. Sean Manning again noted the history of the application, stating that he had received a commercial lease so assumed that the use was permitted and had then come to the town for a letter stating that the property was properly zoned. Learning that applications to the Boards would be required, he started to put together an application. He tried to get the existing engineering from the subdivision plan and focused on the building that he is renting. He said that he is disappointed to hear the Board now suggesting that they need information on the whole lot because he has signed the lease and planned just to conduct his own business. He has received a letter from the Building Inspector listing a number of violations. He

now understands that he cannot conduct business here until he has approval from the Zoning Board for commercial use under Article 1.5. He has a hearing scheduled with the Zoning Board, but there are paving etc. questions that are things that Brian Payne would need to address. He said that he is feeling that he cannot conduct business in Strafford, so he would like to know what he can do to help. Donald Coker said that he wanted to make it clear that Mr. Manning had stepped into a situation that was not a permitted use on a property with a conservation subdivision. He said that the Board has to treat everyone equally, but that the Board also understands what Mr. Manning is saying. David Whitcher then asked about the conservation restriction deed that was drafted for the conservation subdivision. He noted that want to conclude the deed in advance of filing their applications with DES. Atty. Jocelyn Wiese of Sheehan Phinney & Bass then said that she was present on behalf of the Paynes and that it would be helpful to find out what is missing from the site plan. She noted that they submitted the existing plan in hopes of speeding the review, and they did not think that they needed more because the engineering was so recent. However, she said that they will work on getting together the information going forward. She noted that she did not think that the traffic would be impacted much from the current project. In closing, she noted that she just is asking for clarification. Don Clifford noted that the most important issue is changing the zoning for the whole lot, and noted that it is just a process that needs to be followed.

The Chairman then recapped what information the Board has requested. Engineered plans for Lot 11, including stormwater management; investigate and meet NH DOT requirements for commercial access for Payne Drive; update the floor plan with the septic information and provide floor plans for the larger building/garage to whatever standard the Building Inspector advises is required for the proposed use; submit a fire protection plan approved by the Fire Chief (the Chief was given a copy of the proposed plan submitted with the application); provide a clarification on the number of customers expected per day/week, and make future plans as clear as possible. Sean Manning noted that he has a Type 7 firearms license for manufacturing and that firearm transfers were never a large focus of his proposed business. He suggested that there would be no more than 10 people coming to the site a day. Regarding parking, it was agreed by all that the lot is open and that there is adequate parking. It was also noted that a statement of purpose should be written for the larger building on the lot. Mr. Payne asked about a lot line adjustment to separate the two buildings now located on Lot 11. Board members agreed that this idea could offer possibilities because it would be the same number of lots, but the Board noted that the project would reopen the subdivision application. Denise Markow-Speed noted that the stormwater for the subdivision road has been overengineered, so she suggested that they will already have most of the numbers that they would need for the site plan. She also noted that NH DOT will required a longer paved apron coming in from Roller Coaster Road for the commercial use—typically 50 feet rather than 25 feet. There were no other comments. It was agreed to continue discussion to the next meeting.

Board members then turned to the minutes. 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 9:00 PM.