

**PLANNING BOARD
RINDGE, NEW HAMPSHIRE
January 7, 2014**

DATE: January 7, 2014 TYPE: Public Meeting APPROVED: January 21, 2014
TIME: 7:00 pm

CALL TO ORDER:

ROLL CALL MEMBERS: Chairman Kirk Stenersen, Hank Whitney, Bruce Donati, Charlie Eicher, Phil Simeone

ROLL CALL ALTERNATES: Holly Koski

EX OFFICIO: Roberta Oeser

PLANNING DIRECTOR:

PLANNING SECRETARY: Susan Hoyland

APPOINTMENT OF ALTERNATES Holly to sit for Kim

OTHERS PRESENT: Matt Snyder, Lance Muscara, John Kucich, Peter Imse, Mark Derby, Robert Duval , Randy Burt, Kelen Geiger,

1. Announcements

Chairman Stenersen and Roberta Oeser discussed the process for filling a vacancy when a member resigns. Roberta Oeser said that one alternate should be appointed to complete the term. Chairman Stenersen read RSA 673:12 and said that his interpretation is that he could designate an alternate member of the board at each meeting until the March elections. Because the Planning Board only has two alternates at this time, he felt this was a better approach.

2. Approval of Minutes

a. December 17, 2013

MOTION: Charlie Eicher moved to approve the minutes of December 17, 2013 with one correction. Phi Simeone seconded the motion. **Vote 6-0-1** Roberta Oeser abstained

b. December 19, 2013

MOTION: Phil Simeone moved to approve the minutes of December 19, 2013. Hank Whitney seconded the motion **Vote: 5-0-2** Charlie Eicher and Roberta Oeser abstained.

3. Old Business

b. Continued from December 3, 2013: CONSIDERATION OF an application for a Minor Subdivision submitted by Hosea Ketola. The property is located at Tax Map 10, Lot 3-2 at Fitzgerald Road. Fitzgerald Road is a scenic road. The applicant is seeking approval for a two lot subdivision.

(Applicant has requested that this hearing be continued to January 21, 2014)

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Roberta Oeser said that normally the second meeting is a Work Meeting and we have public hearings. Mark Smith said that the agenda on January 21, 2014 is very light and that there would be time to hear this case that evening.

MOTION: Roberta Oeser moved to continue this Public Hearing until January 21, 2014. Phil Simeone seconded the motion. **Vote: 7-0-0**

a. **Continued from December 3, 2013: CONSIDERATION OF** an application for a Major Site Plan Review submitted by Wal-Mart Real Estate Business Trust c/o Bohler Engineering. The property is located at Tax Map 6, Lot 98 at 750 US Route 202. The applicant is seeking approval for an expansion of an existing retail store in the Business/Light Industry District

Peter Imse of Sulloway and Hollis addressed the Board this evening. With him were Matt Snyder of Sulloway and Hollis, John Kucich of Bohler Engineering and Lance Muscara of BRR Architecture, Inc. Peter Imse said that there is a very short list of items from the last meeting that will be addressed. They include the storm water system, outdoor storage, signs, and the recent letter from the Fire Chief that was received this evening.

Storm Water System

Peter Imse said that there have been no changes to the Storm Water System. It is in keeping with the Wetlands Ordinance as the system will handle a 25 year storm. Now that it has been determined that the Wetlands Ordinance does not apply, this system is larger than needed, but his client is comfortable with leaving this as it is.

Sidewalk sales and trailers

Peter Imse said that there were questions raised at the last meeting to specifically identify the parking spaces, where trailers would be situated and where outdoor sidewalk sales will take place. Peter Imse said that they have previously submitted a waiver request for outdoor storage and that they have been advised that the trailer storage would fall under this request.

John Kucich presented the plan which he said has not significantly changed since the last meeting. At the request of the Planning Board, they have identified spaces where the sidewalk merchandise would be displayed and two areas where trailers may be placed as well as identifying outdoor storage spaces. He estimated space for perhaps 6 or 7 trailers.

Fire Dept. memo

John Kucich said that they will work with the Fire Department during the building permit process to address their questions. There is one small section (where the compacter sticks out) where there is only 18 feet of aisle width. They will add a taper to the pavement to provide the 20 foot compliance for the Fire Dept.

Signs

Peter Imse said that they had filed an application with the ZBA for a variance for signs and asked the Planning Board to certify to the ZBA that the signs being sought are in keeping with the Master Plan.

Lance Muscara of BRR Architecture presented the sign proposal. It included the pylon which will have a replacement panel and the pole will be repainted. The illumination will remain the same. He said there will be three signs mounted on the building: the main Wal-Mart sign with spark, which will be a bit larger than what is presently there and which will be internally illuminated; the Pharmacy sign, (federally mandated) not illuminated and just over 55 sq. ft.; the Outdoor Living sign, just under 50 sq. ft. and not illuminated. Lance Muscara said that, given the scale of the building and its height, the overall size is not excessive and that this fits with the character of other retail and commercial facilities. Peter Imse said that there is currently an internally illuminated Subway sign on the building that will be removed.

Roberta Oeser asked about lighting for these signs. Lance Muscara said that the general and parking lot lighting would make them visible.

MOTION: Roberta Oeser moved that the Planning Board finds the signage for the Wal-Mart expansion is found to be appropriate and in keeping with the Master Plan and in compliance with the intent of the Sign Ordinance. Phil Simeone seconded the motion. **Vote: 7-0-0**

Chairman Stenersen read the letter from Cleveland Waters and Bass into record: (copy attached, letter dated January 7, 2014, Mark Derby to Chairman Stenersen)

Roberta Oeser said this needs to be addressed. The Wetlands Conservation District Ordinance is very specific. Zoning Ordinances can only apply if it is in the district, which is 50 feet from the vegetated wetlands. If they are not in the Wetlands District, then the Wetlands Conservation District Ordinance does not apply. Roberta Oeser said that this board needs to be definitive about how we interpret our ordinances. Either they are in the district or they are not. Charlie Eicher said that he agrees with Roberta and that is his interpretation as well. Chairman Stenersen said the Wetlands Conservation district is clearly defined.

Phil Simeone asked for clarification from Hannaford. Mark Derby said that in two previous meetings, Mr. Duval had explained that from a draw down and volume perspective, he does not believe that Wal-Mart's plan meets the requirements of 5D of the Wetlands Ordinance. He said they will agree to disagree on the interpretation. From a volume perspective, their calculations disagree. Chairman Stenersen said that in site plan regulations, volume is not a requirement for a 25 year storm and that is where the contention is from Hannaford. They believe the plan needs to meet the volume requirement. Chairman Stenersen said that he, Charlie Eicher and Roberta Oeser all believe that they are not in the Wetlands Ordinance District and therefore need not meet those requirements. Roberta Oeser said this Board needs to make a decision as a matter of record. Either this is in the district or it is not.

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MOTION: Roberta Oeser moved that the Wal-Mart Expansion Site Plan is not within the Wetlands Conservation District boundary. Hank Whitney seconded the motion. **Vote: 7-0-0**

Bruce Donati said that it was brought to his attention this week that Wal-Mart might want to know that a person this week was walking into the building when snow fell from the building. She was not hit by it but for litigation purposes, Wal-Mart may want to know that this is happening. Lance Muscara said that snow guards would be on the new design but he will pass that on.

Roberta Oeser said that she had a question about the air conditioning units and the noise they recreate. She referred to Robb Anderson's concerns. She asked if there was any way to muffle the noise and if so, could that be done. Peter Imse said the newer units are less noisy.

Mark Derby said that any notice of decision or any condition that is granted or applied with respect to the wastewater treatment plant, to please make it clear that that design will be subject to a noticed public hearing. He said that the law on 'final versus appealable' and 'when the appeals period starts' is a little complex and to the extent that the paper record is made as clear as possible would be helpful.

Chairman Stenersen closed the public hearing.

Roberta Oeser said that Mark Smith did a good job on the suggested conditions. She said they do need to address the storage trailers and outdoor storage. It was determined that there would be about 60 feet of the 480 foot building façade that would be for outdoor storage and sales.

MOTION: Roberta Oeser moved to give conditional approval to the Wal-Mart Site Plan with the following:

1. That a variance shall be applied for from the Board of Adjustment for signage proposals. Sign approval is dependent on securing said variances.
2. A Performance Bond/Letter of Security shall be provided for all landscape improvements, in an amount to equal 125% of the cost of said improvements.
3. This project is subject to an impact fee of \$17,374.57 which shall be paid prior to a Certificate of Occupancy being issued.
4. Conditioned by Site Plan Regulations, Section XCI, a building permit shall be applied for within 12 months of final site plan approval.
5. The applicant shall apply for and be granted approval of a wastewater plant design and construction from NH Dept. of Environmental Services. The Town of Rindge Planning Board shall notice and hold a public hearing for said wastewater treatment plant.
6. That all construction and site work shall be consistent with the most recent set of plan sheets (dated 12/9/2013) the most recent set of building elevations (submitted 12/30/2013 and associated documents (eg. Drainage Report dated 11/21/2013)
7. Addressing the requirements of the Fire Department
8. Also to include a waiver for outdoor storage and for trailers as requested and outlined on the plans.

Phil Simeone seconded the motion. **Vote: 7-0-0**

Chairman Stenersen requested that Peter Imse notify the Town of Rindge Planning Dept. as soon as the wastewater treatment plans are complete and that they be submitted to Hannaford's prior to the public hearing. Chairman Stenersen said that once we have the plans, we will notice and hold the public hearing.

4. Planning Department Report

a. Appointment of representative to SWRPC

Mark Smith said that BOS has decided not to fund SWRPC and therefore, it makes no sense to appoint a representative. The Board agreed.

b. Consideration of Tim Halliday's letter to be appointed as an alternate.

Chairman Stenersen read Tim Halliday's letter into record. He also said that he had received an email from Kim McCummings requesting appointment as an alternate. Chairman Stenersen said that as Kim was not on the agenda this evening; we should place her request on the agenda for the meeting of January 21, 2014.

MOTION: Roberta Oeser nominated Tim Halliday to be an alternate for a term ending in 2015. Phil Simeone seconded the motion. **Vote: 7-0-0**

MOTION: Roberta Oeser nominated Hank Whitney to serve as Vice Chairman for the next six weeks. Phil Simeone seconded the motion. **Vote: 7-0-0**

c. Departmental Work Program – 2014

Mark Smith distributed the work program for 2014 as well as two citizen petition amendments. There will be a Public Hearing on January 21, 2014 for these two citizen petitions. Chairman Stenersen said these cannot be changed but can be discussed/explained at Public Hearing. Roberta Oeser said that the Planning Board can then vote on whether or not they recommend these amendments.

Mark Smith explained the work plan to the Board which included:

- Energy Chapter in Master Plan
- Land Use Chapter in Master Plan
- Zoning changes later in the year
- Site plan Regulations
- NH Bicycle and Pedestrian Grant still outstanding (private grant)
- EDTF (Economic Development Task Force)

He said he is looking for feedback from the Board as to what they would like him to work on. He said that one area that may be considered would be a Land Use Map which would require use of

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some contracted services to create. (\$50-\$80 per hour through SWRPC, approximately a few thousand dollars). Kirk asked what the purpose of having this map would be. Mark Smith said the most recent we have is from the 1990 Master Plan and this would provide baseline data.

Mark Smith asked about appointing subcommittees to begin work on Site Plan Regulations. Roberta Oeser said that she thinks this should wait until after the elections. Roberta Oeser said that there will be no special town meeting in September due to cost. (approx. \$5000). Chairman Stenersen said that there were some items left over from this year that did not make it to the ballot and those should be brought forward for next year. Wetlands and Sign Ordinances still need work. Driveway Regulations which were worked on last year are ready to be put to Public Hearing. Roberta Oeser and Mark Smith said that another path grant may be coming up in March that includes money for construction. This is a state grant.

Non Public Session

MOTION: Roberta Oeser moved to go to Non-Public Session per RSA 91-A:3IIc for reputation. Holly Koski seconded the motion. Roll Call Vote: Charlie Eicher-AYE; Hank Whitney-AYE; Kirk Stenersen-AYE; Phil Simeone-AYE; Roberta Oeser-AYE; Holly Koski-AYE; Bruce Donati-AYE.

Adjourn 8:45PM

**Susan Hoyland
Planning Secretary**