

**PLANNING BOARD
RINDGE, NEW HAMPSHIRE
March 4, 2014**

DATE: March 4, 2014 **TYPE:** Public Meeting **APPROVED:** March 18, 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, Tim Halliday, Kim McCummings

EX OFFICIO: Roberta Oeser

PLANNING DIRECTOR:

PLANNING SECRETARY: Susan Hoyland

APPOINTMENT OF ALTERNATES

ABSENT:

OTHERS PRESENT: Ahmad Mortada, Robyn Payson, Rick and Evie Goodspeed, Charles Breault, Hosea Ketola, Sam Bouchie, Christine Bouchie, Judy and Craig Unger Clark, , Ed Rogers, Jed Paquin, Janey Cunningham, Kim McCummings, Phil Stenersen, Jared Reini (Select Concrete), Gail Smith

- **Announcements**

Roberta Oeser reported that the Town Report is in and on time. She said it is beautiful.

Tim Halliday said that this would be Kirk Stenersen's last meeting as a Planning Board member. Tim thanked Kirk for his excellent work and commitment to this Board and said that Kirk had done an exceptional job with the regulations. Planning Board members expressed their gratitude to Kirk Stenersen for his service to the Town of Rindge and to the Planning Board. He will be missed.

Roberta Oeser announced that Candidate's Night would be tomorrow evening at the Rec Center starting with refreshments at 6:30 PM and program at 7:00 PM.

- **Approval of Minutes**

a. February 4, 2014

MOTION: Phil Simeone moved to accept the minutes of February 4, 2014 with a typographical correction. Roberta Oeser seconded the motion. **Vote: 6-0-0**

Chairman Stenersen appointed Holly Koski to sit for the empty seat this evening.

- **Old Business**

a. Continued from January 21, 2014 and cancelled meeting February 18, 2014:
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.

Revised plans from Jed Paquin and Ed Rogers were distributed to the Board.

Chairman Stenersen said that he had met with Ed Rogers regarding the engineering plans (as allowed by the Board) and that Ed had supplied a letter to the Board outlining the changes made.

Jed Paquin representing Edgewater Construction said that he had addressed the comments of the board showing the house and driveway locations as proposed on the engineering plans. New plans have been submitted as well as a copy of the plat to be submitted to the Registry of Deeds. The topography and soils information have been removed from that plat. Jed Paquin asked if that plat could be reviewed at another time by the next chairman.

Jed Paquin said that, as they understood it, there were two primary concerns made by the Board:

- The long term maintenance of the drainage structures on the premises and in the public right of way.
- Limiting the impact of clear cutting or development upon the lots.

Jed Paquin invited Ed Rogers of Rogers Solutions to speak to his plans.

Ed Rogers said that after the January 24th meeting, they have made the following revisions to the plans:

- The concern has been addressed for both the upper and lower driveway. The low point is now located a minimum of 20 feet from the edge of the travelled way of Fitzgerald Road.
- The location and grading for the plunge pool has been added to the grading plan on sheet 1.
- Defined the limits of the proposed swale cleaning on the plan.
- Checked the daylight on the upper driveway culvert and adjusted so that the pipe outlet is 18 inches below the travelled surface of the road and 4.5' distant therefrom
- References to maximum areas of disturbance have been edited as to limit total clearing to ¼ per lot.
- Lower driveway design updated so that the closest impervious edge is 50.8' from wetland.

Ed Rogers said that comments presented by Kirk Stenersen, PE during their meeting of January 28, 2014 are also outlined in his letter of February 11, 2014. Ed said that these are pretty technical but he will go over them if the Board would like to hear them.

Ed Rogers said that Mike Cloutier was present during the meeting of January 28, 2014 and had said that he preferred not to have rip rap used to line the Fitzgerald Road swale. From a maintenance point of view, the potential to hit this with a plow is there and it may be more difficult to grade and clean. This has been removed from the plan. Ed Rogers said that they are relying on the catch basins and plunge pools in their design for a reduction in peak discharge and to try to improve the storm water quality coming to Fitzgerald Road, and that he can understand the Road Agent's concerns.

Roberta Oeser asked Ed to clarify that the 20 foot setback was from the ROW and not the edge of the travel way. Ed said the regulations read travel surface.

Bruce Donati asked Ed Rogers to clarify item 3a in his letter: “to a point 25 feet west of the subject property”. Was this for the 2 acre lot? Ed Rogers said it was for the entire lot, prior to subdivision.

Charlie Eicher asked Ed Rogers to speak to the long term maintenance. Ed Rogers said that the maintenance of the catch basins would be the responsibility of the landowner and that if not maintained; the landowner would be the primary party who would be inconvenienced by the lack of maintenance. Charlie Eicher said that that may not be true in this case. Charlie Eicher said that his concern is the road and damage to the road caused by run off. Charlie Eicher said that we are now trying to mitigate that run off and have made engineering changes and those engineering changes require maintenance. Charlie Eicher said he is concerned about the ongoing maintenance, because if it is not maintained, it is not going to mitigate any damage to the road and the road is his primary concern. Ed Rogers said that the slope down from the travelled way means that if these aren't maintained, there is going to be an icy pond in the driveway that this landowner can't cross. Ed Rogers said that the landowner can't ignore the sediment buildup in the catch basins. Charlie Eicher said he would beg to differ. Ed Rogers said that the low point is in the driveway and not in the road. Charlie Eicher said that a landowner could choose (if he wants) to tolerate any given situation but as a Town, we have an obligation to maintain the road.

Kirk Stenersen said, with the low point being 20 feet off the edge of the travel way, if that catch basin fills up with sediment; the ditch line becomes 20 feet off the edge of the travel way across their driveway. Roberta Oeser said that a buildup of ice at the base of the driveway could be driven over, and ultimately, ends up in the road. Kirk Stenersen said that this is no different than any other culvert. Kirk Stenersen said that that is not the criteria for approving or not approving this. Ed Rogers said this winter is a prime time to be seeing this issue. Flat or sloping into the road is the way that most driveways have been constructed in town but when you have to go down 2 percent of 20 feet, you are putting that problem off of the public road.

Ed Rogers said that the rain garden is expected to be virtually maintenance free and the Town need not be concerned about that.

Ed Rogers said that the other issue was the cutting and he feels that the Board has the power to bind, as a condition of approval, a limit to the cutting of those lots. Roberta Oeser said that the issue is monitoring. She said once they cut, it is too late. Ed Rogers said that they would need to file an “Intent to Cut”. Roberta Oeser said that a homeowner could cut many cords for his own use; she said she believed this was 10 cords.

Chairman Stenersen opened the public hearing asking for any new comments that had not been heard at prior hearings.

Evie Goodspeed said that she had done a lot of research during this process which included studying the OEP manual for Planning Boards in NH. She cited from the OEP manual for Planning Boards She outlined some issues that she wanted this Board to consider which included:

- The need for Planning Boards to look for issues in minor subdivisions that might create future difficulties. (She said that there is 90 acres behind this parcel, with potential for further development if restrictions are not placed to prevent that.)

- Scattered and premature development may be applicable in this case. Evie cited a case, Zukis vs. Town of Fitzwilliam, which stated that “A planning board may deny subdivision approval if it determines that the condition of access roads is so poor that the safety of present residents will be jeopardized further by the proposed subdivision. Development under such circumstances may properly be deemed to be premature and denied pursuant to RSA674:36.”
- The number of conditions that would need to be placed on this subdivision to protect her and Rick’s property would be considerable and if any errors are made, it will flood her property.
- The need to place deed restrictions on this to pass on to future landowners of these parcels.
- While the engineering comments may be very technical and boring, the need for the Planning Board members to understand what they might be agreeing to.
- Her disagreement with the statement on the Rain Garden. The board cannot in its wisdom approve a subdivision that puts another landowner’s property in jeopardy. .
- A conversation with a Land Use Attorney who said that if deed restrictions are not placed on this, it would require that she and Rick sue their new neighbor.
- A listing in the Master Plan that one pond in town is listed as a class A water and it is Bullet Pond. The second class of water in town if Rindge were to need it is Grassy Pond.
- The request that while she believes they have proven that this is not a good idea, if the Board does decide to approve this, that restrictions be placed to protect her property.
- A request that, if this were to be approved, the plans be clearly marked as to where the acre that may be cleared is, so that the lines do not shift.
- The Planning Board’s job is to provide for the highest and best use of the land and not to make money for one person.

Judy Unger Clark said that, in education and in business, there is a term “best practice”. She asked the board to consider that when reviewing this. Are you considering the best practice for this piece of property? Judy Unger Clark also asked who would educate each new property owner about the importance of storm water protection, rain gardens, cutting of trees, water protection and the need for ongoing maintenance? She asked how you can tell a homeowner that he owns a tree covered lot and yet is not allowed to cut his trees. She asked who is going to monitor all of this? Why are we even creating these problems for a landowner?

Bruce Donati spoke to several points which included:

- Grants that may be available for Fitzgerald Road. He said he contacted UNH and spoke with a couple of people and never received a call back.
- The New Hampshire Lakes Monitoring program might be a useful resource
- Could driveways be made pervious and would this help with the drainage? (Ed Rogers said the current design limits the peak discharge to be less than the existing conditions and they would only go to pervious surfaces if they were having trouble meeting the requirements. If the landowner chooses to put in a pervious driveway, which they probably wouldn’t as it is an added expense; it would most likely further reduce this.)

- Monitoring during construction/engineering review at owner's expense. (Chairman Stenersen said we don't require this on other private developments in town so why would we here?)
- Who will inspect erosion control weekly? (Note #8), (Ed Rogers said the contractor would. Bruce Donati asked if the contractor was not the applicant. Ed said he was. Bruce Donati questioned a contractor inspecting his own work? Ed Rogers said that there are considerable fines if he does not comply with the requirements. He said someone would need to file a formal complaint with Wetlands Bureau or DEA if there was a concern and they would then inspect the site.
- The potential need for a performance bond. (Chairman Kirk Stenersen said the Board could consider anything but that he is still of the belief that this is private property) Bruce asked if a performance bond could be included at the time when a motion is made. Kirk Stenersen advised against pulling a number out of the air on that)
- If a motion is made, Bruce Donati asked that the following be noted:
 - On the plan, make a note to limit the lot clearing to 11,000 sf including driveway
 - No further subdivision of lot 3-2
 - 1700 sf limit for buildings, etc., which includes decks, porches, sheds, and ADUs.
 - Maintenance of all catch basins and drainage structures shown on the plan entitled "Two lot Subdivision for Edgewater Inc. dated January 2, 2014 with any revisions".
 - On any proposed deed, in the legal description, after the lot being conveyed is described, "Premises conveyed is subject to all notes and plans shown on (plan number) specifically those restrictions and conditions described in items (list of items) inclusive which will run with the land"
- Should we be concerned about traffic control during construction, considering how this road dips?

Roberta Oeser said that she tried to get a motion to approve or actually disapprove this several months ago. She provided the following:

- Our Planning Director said in his notes, "Quantitatively, the site has notable limitations for development. Within the building envelope, slopes are 25 percent and higher."
- We don't have a steep slope ordinance but we do have our subdivision standards which Tim Halliday read into record at one of our meetings. "SECTION VI – SUBDIVISION STANDARDS 1. General A. Character of Land for Subdivision: Land that is unsafe for building development purposes (because of exceptional danger to health or peril from fire, flood, poor drainage, excessive slope, or other hazardous conditions) shall not be platted for residential, commercial, or industrial subdivision..." The state statutes are very clear that we cannot approve based on that and it is supported extremely well by our Master Plan.
- Our Master Plan specifically talks about slope and "that the slope of the land can have a great effect on development and percentage of slope can greatly impact the economic and physical feasibility of development. The steeper the slope the more it will cost for septic systems, driveways and foundations. Additionally, as a slope increases so does the potential for an increase in erosion, accelerated storm water and

nutrient movement. Frequently these factors lead to very high road maintenance cost which is our primary concern.

- The Master Plan has a chart we are supposed to go by. It says 15 to 25% limited potential. Some of these slopes are in excess of 25% and should not be developed.
- In our subdivision regulations, “The Board shall not approve a subdivision if... (there are five criteria) D5 “The subdivision does not conform to the Regulations as adopted by the Town and the applicant has not obtained a waiver there from.”
- It is rather sad that the money was spent on engineering, but all this engineering report has shown, and I understand that anything can be engineered, but all this study has shown is that this property is not really adequate for increased development. It is already one lot and we cannot change what the Board did in the past
- The engineering is so extensive in conditions subsequent and the town does not have the resources and wherewithal to monitor and enforce. The engineering is much more technical than this Board (other than possibly Kirk and Hank) can understand. Most, if not all, of the information supplied by the applicant provides more proof that this should not be considered for development.
- I really think that this Board needs to understand that we are not here to approve everything. The fact that he has 2 acres and 250 feet of frontage is not enough.
- It has to comply with our standards and statutes.

Ed Rogers said he believes that the engineering that they have done has proven that they comply. All of the concerns stated and cited from the Master Plan are all legitimate concerns, they are very general concerns and the reasons he did all the studies on slope, land cover. If this Board believed that the slope of the land automatically prohibits development on a piece of property, then it was not proper to request the applicant to do a study, when you had no intention of approving this. If you believe that the slope alone is the governing factor.

Roberta Oeser said that she herself did believe that the slope was a defining factor but that this Board wanted to give the applicant the opportunity to prove that this was appropriate for further development than the one lot that it is. We can't undo what was done, but this lot probably should not have been created in the first place or it should have had access from the adjoining lot which is a gradual slope and it could have gone up the backside instead of up the cliff.

Chairman Stenersen said, that to Ed's point, he did ask the Board by straw vote, in a prior hearing, that if there was no way that members were going to approve this, not to ask for the study. The straw vote was 6 to 1 that if this could be engineered, Board members would consider it.

Roberta Oeser said that the engineering has proved that it is too much of a burden to put on the town and there will be pages of conditions on this. The applicant would need to pay for an engineer of the Town's choosing to go out and make sure that this is done according to plan. The Town does not have engineering to monitor this nor is it the Town's job to do so. The Town's concern is the integrity of the road which is already inadequate for the property that is there. Mike Cloutier told me that that culvert cannot stand any increase. This is premature development until the Town can afford to fix the road and go for future development.

Craig Unger Clark said he has lived on that road for 35 years. That road was not a through road 35 years ago. The road was barely passable and the Town had to invest in several hundreds of cubic yards of fill to make the hill up to Sherwin Hill passable. Judy Unger Clark said the road has a spring under it where this development is being discussed. .

Hank Whitney said that he came up to the office because he knew that revisions had been made to the plunge pool and other changes. He studied these plans and found that the upper driveway is tough enough on its own. He said that this is a very difficult building line. The lower driveway with an 18 percent driveway is pretty steep. He said he scaled this off, from the center of house, 50 feet up and 50 feet down, and it drops 26 feet. There are wetlands below it and an inadequate pipe just below the wetlands. Hank Whitney said that this is really a stretch to build. He went on to say that it is not lost on him the amount of time and effort that was put into this. He said he knows they are just trying to make a living, that they are just working guys as he is. But this one's a done deal, you have one buildable lot approved, but this application is trouble. It is way too steep. He said that you can do anything on paper and make it look nice, but during construction, there is a potential for a severe storm and all the silt fence in the world won't work. He said he thinks this is a tough sell.

Kim McCummings, Robbins Road said that just from listening to the comments, it appears that there is more than adequate rationale existing to not move this forward at this point in time. She said that what she is hearing is not only the stretch that it is, she's also hearing about potential damage to the road in the future. That may well cost the town which in turn will cost the taxpayers. And she thinks, having served on the Board, that one must look at what the applicant has brought to it, but also weigh that with what is best for the Town, what is outlined in the Master Plan and the rules and regulations and from what she is hearing, it sounds like the Board has enough information to make a decision that perhaps this piece of development may be too soon given the specific conditions on that particular piece of road at this point in time.

Jed Paquin said that at this time, his applicant has advised him to rescind the application.

Roberta Oeser said, if an application is made for a building permit, all this engineering is not lost because the driveway is going to have to be engineered for any building on that lot.

- **New Business**

<p>b. CONSIDERATION OF: an application for a Technical Subdivision submitted by Timothy and Anne Halliday and Walter M. Olihovik. The property is located at Tax Map 3, Lot 8-5-1 and Tax Map 13, Lots 19 located on Main Street and Dolly Lane in Rindge, NH.</p>

Tim Halliday said that basically what he is proposing to do is a technical subdivision where he is selling Mr. Olihovik about an acre of land which will make his lot more conforming and allow him to rebuild his house with some adequate setbacks as well as taking an acre of waterfront land out of current use and creating more tax revenue for the Town. It gives him a decent house lot and makes a non-conforming lot less non-conforming.

Phil Simeone asked a question about Note #7 on the plan. Tim Halliday said he had done some survey work four or five years ago which showed a discrepancy in the deed. He and Mr. Olihovik made an agreement to correct that.

Kirk Stenersen asked if the larger lot had a house on it. Tim Halliday said no, his house is on an adjacent lot. His large lot has no house, septic or well on it.

Hank Whitney asked about the well and septic placement. Tim Halliday said that Mr. Olihovik has a shallow well and is proposing to do a septic design.

MOTION: Roberta Oeser moved to accept this application as substantially complete. Charlie Eicher seconded the motion. **Vote: 7-0-0**

Chairman Stenersen opened the Public Hearing taking comments first from the Board and then from the public.

Roberta Oeser, Charlie Eicher and Holly Koski all said that this application for technical subdivision would be creating a lot better than what currently exists.

MOTION: Roberta Oeser moved to approve technical subdivision on Dolly Lane, Phil Simeone seconded the motion, **VOTE: 7-0-0**

a. CONSIDERATION OF: an application for Site Plan Review for the whiffle ball field and the demolition and reconstruction of the recreation building as submitted by Samuel and Christine Bouchie (Woodmore Campground). The property is located at Tax Map 42, Lot 2 at 21 Woodmore Drive.

Sam Bouchie presented his case before the board. He said he wants to tear down the old rec building, move it back a ways, and put a new rec building up. The building will have no water nor will septic but have electricity. He said he wants to add a wheelchair ramp on the front which is why he needs to move the building. Presently, cars need to back out into the road, and with this new design, there will be more room for parking and eliminate the need to back out into the road. He also has added whiffle ball field.

Phil Simeone asked how large the new building would be. Sam Bouchie said that it would be 32' x 40', which is 8 feet longer than the present building.

Sam Bouchie said that he was granted a Special Exception from the ZBA last week for this application. He said this was because he was moving the building from its current site. He said it makes no sense to build this building in the same spot. The Campground was started pre-zoning and is a legal non-conforming use.

MOTION: Roberta Oeser moved to accept this application for a Minor Site Plan review as substantially complete. Phil Simeone seconded the motion **Vote: 7-0-0**

Chairman Stenersen said that the Board was not requiring a Full Site Plan review on this. It is a very limited and simple review.

Chairman Stenersen opened the Public Hearing.

Roberta Oeser said that this is going to improve the property. She said that we have several abutters' letters in the files in favor of this application

Hank Whitney asked if the building was the only issue here, was the whiffle ball field not also on the application? Sam Bouchie said that prior to creating the whiffle ball field, about a year ago, they came to the Town Offices to ask if they needed anything, and were told that this was a fence, and as there is no permit required for a fence, they didn't need anything. He said, since then, they found out they needed a site plan review. Dave Duvernay had contacted them with that information.

Roberta Oeser asked if there were any issues with this, any abutter complaints. Sam Bouchie said just one abutter has complained. Roberta Oeser asked what was there before. Christine Bouchie said it was a wooded area.

Phil Simeone asked what the issue with the whiffle ball field was? Were they making it bigger?

Sam Bouchie said it was pretty cool to have your own little Fenway Park. Christine Bouchie said that what they did, after the Ice Storm of 2008, was to clear out the damaged trees. The state had come out and said all the trees had to go. She said they have been removing the trees as they have been able to. That was when they decided, if it was going to be an open area, to create the ball field.

Christine Bouchie said that they are before the Planning Board tonight due to a letter from Dave Duvernay (November 2013) telling them that they needed a Special Exception from the BOA and minor site plan review from planning board. Kim McCummings said that she was on the building committee when their application came through. It was at that time that Dave Duvernay got involved and this has been inching forward since then.

Charles Breault 65 Woodbound Road spoke in opposition to this application. He said he directly abuts the campground and bought his home in 2005 because of the quiet, peaceful and rural nature of the area. He said he had many examples of how the noise has increased with the present owners. He said they have clear cut the area and built the ball field without ever submitting a site plan. He said that the noise from kids playing at 6AM to people out as late as 11PM has made it so that he can no longer be in his backyard because of the ball field noise and can expect no quiet whatsoever and this has created a substantial noise footprint and has substantially reduced the value of his home. He said that should this be approved, there would be nothing to stop them from putting up lights or hosting loud concerts, with no regard of how this will affect the neighborhood. Charles Breault asked for clarification of Article XIII citing that they are not moving anything, they are destroying it. He also cited Article XV and its criteria for granting or denying the application.

Chairman Stenersen said that Article XV is a Zoning Board of Adjustment criteria and that that hearing took place last week where the Woodmore Campground application was accepted and the Special Exception granted with a vote of 5-0-0. The Planning Board is considering the Site Plan

Review this evening. Chairman Stenersen said that he understood that Mr. Breault was in a tough position being an abutter to a campground but that Mr. Breault had purchased his property in 2005 and that this had been a commercial campground since 1965. Chairman Stenersen asked Mr. Breault if he was unaware in 2005 that this property abutted a campground.

Roberta Oeser said that this is a legal non-conforming use and by statute, they have the right to expand as long as they stay in the general use of the property. The present zoning is hard to apply to a preexisting condition. Sam Bouchie said that they left a 66 foot buffer of trees on their property line, everything that was alive.

Gail Smith, an abutter, I live out front of the campground. We've been through five owners, and these folks are the best except maybe my in-laws who started it. I find the noise level is much better with the Bouchie's than it had been with the Paradises and even after. They keep it quiet, a campground makes noise but I've never been kept awake. And we're right beside Mr. Breault and when he bought the house, it was a campground and I think it was noisier then.

Phil Stenersen said that he has been a long time camper and while he understands Mr. Breault's concerns, it seems like there is no place for kids to go anymore and they can't make any noise when they play.

Chairman Stenersen closed the public hearing.

MOTION: Roberta Oeser moved to approve Woodmore Campground Site Plan review application for location of the building and the whiffle ball field with the following three conditions:

- That the hours of use remain at 8AM to 11PM
- That the vegetative buffer remain at least 50 feet to the abutting property
- That no lighting be installed on the ball field without returning to the Planning Board.

Hank Whitney seconded the motion. **Vote: 7-0-0**

Chairman Stenersen recused. Vice Chair Hank Whitney appointed Burt Goodrich to sit for Kirk Stenersen.

c. CONSIDERATION OF: an application for Major Site Plan Review for a convenience store and coffee shop with drive up, gas station and car wash as submitted by West of the Border, LLC. The property is located at Tax Map 7, Lot 16-1-2 at 1044 NH Route 119 and is in the Gateway East Zoning District.

Kirk Stenersen of Higher Design, LLC representing West of the Border. Kirk presented the case before the board this evening and provided an outline which included the following:

- The property is approximately 16.5 acres at West of the Border, former Sunrise Landscape property. He pointed out the wetlands on this property.
- The existing building footprint will not be changing, but there will be internal modifications to allow for small coffee shop and drive up window.

- The proposed fuel canopy will be 26' x 97' with four fueling islands
- A Variance has been granted for triple-walled underground storage tanks to be as close as 125' from wetlands.
- A proposed carwash may happen in future but will not happen immediately, that would be a 26' x 70' single lane carwash. It is being proposed as a closed system and any water from this carwash is reclaimed and does not go to septic or ground water.
- Truck traffic can go through thru lane for fueling purposes.
- One year storm event is detained in the storm water detention basin; there is no flow out of the basin for a one year storm event.
- Grading plan, from the backside of fuel canopy it slopes at 1 percent across, backside slopes away, graded that so any run off from outside the canopy doesn't flow across canopy.
- There is per DES regulations, they have to store 5 gallons within the concrete pad for each fuel pump that they have.
- Currently, there is a portion of the property, the 50 foot wetland setback, is shown as a large dashed line on plan and the existing edge of gravel/recycled asphalt extends out. That is being pulled back and decreasing the amount of impervious surfaces within the setback. There is a net decrease of approximately 1100 sf from the wetland buffer.
- Enlarged septic system due to increased uses to property, Septic was built in 1995 or so, replacing it entirely, this has been submitted to NH DES and is under review.
- The area of proposed disturbance is under 70,000 sf, so that an Alteration of Terrain permit is not required.
- Architectural plans have been submitted for signage. There is a rendering for an Irving Station that has been provided by Noria Energy. At this point in time, there is no contract in place, so there are no guarantees that this will be the sign. Signage will meet Town of Rindge Sign Ordinance specifications and if and when this comes to approval, I would expect the Board to condition this until we know who the fuel company will be. That also goes for the coffee shop as well. No contract has been signed at this time.

Vice Chairman Hank Whitney said that he has reviewed the application for completeness and it looks complete to him unless anyone on the Board has any concerns or questions.

Roberta Oeser asked if there was a lighting plan. Kirk Stenersen said that he has a note that lighting will be downcast. The only new lighting proposed would be to the canopy area. Roberta Oeser said that it needs to be flush as well. Kirk Stenersen said that that can be addressed.

MOTION: Roberta Oeser moved to accept this application as substantially complete. Phil Simeone seconded the motion. Vote: **7-0-0**

Bruce Donati said that there was a typographical correction needed to the Map and Lot Numbers on the plans. He referred to notes on sheets 1, 2, and 3 that need to be amended to Map 7-16-1-2.

Kim McCummings asked about the fence on the property. Kirk Stenersen said that this would be coming down.

Kim McCummings asked about the carwash and said that our regulations state that this should be shown in color. Kirk Stenersen said it will match whatever colors the sign might be.

Vice Chairman Hank Whitney opened the Public Hearing.

Robyn Payson of Converseville Road said that she had some concerns about this project especially because it is in the Gateway East District. She outlined the following points:

- She said that the intention of the Gateway East District was commercial and mixed residential. She said she knows that gas stations were added last year, from what she understood that that was done to make those gas stations that are existing, to no longer be non-conforming uses.
- She said it saddens her to see three gas stations within a mile of each other.
- She said that she has seen the plan and knows that the signs are mock up and very conceptual, but however, she thinks they are dreadful.
- She said she was glad to hear talk of the Master Plan today and that when the signs come up, she hopes that they are in keeping with the spirit of the town's character.
- She said that a carwash is not allowed in this district right now, which would need a variance as far as she has seen, although perhaps she is mistaken.
- With deep respect, she asked the planning board to look at this within the full context of the town.
- She said there is a transition point between this and where the other two stations are. She said it's going to be very jarring if there is a bright sign, she said she is very concerned as these look internally lit.
- If this is the sort of the thing that the Planning Board is considering, with these businesses all together like this, then you are leaning more toward making this area Business Light Industry anyway, so why not just do it.

Gary Rainey, abutter, said he personally does not have a problem with it. As far as another gas station in town. I don't mind a little competition, My well is on the lot close to his lot, I don't have a problem, I've heard of the triple walled tanks, I'm fine with this.

Kim McCummings said that she knows that it is a little too early to be talking of the sign, but she says she believes the sign ordinance will prohibit internally lit signs. She said her assumption is that it will be keeping with the down lighting

Phil Simeone asked about the carwash, what the specifications of the tanks were, how often are they pumped, what chemicals are put in there. He said we need safeguards and precautions.

Kirk Stenersen said typically there are a 4000 gallon tank and two 1500 gal tanks, concrete septic tanks. How often they get pumped out and water changed is based on use. There are chemicals but it is a closed system. Ahmad Mortada said that this would be pumped out and taken away from this site.

Phil Simeone said his other concern was exterior lighting and he would like to see where all the lighting is and what is being proposed. Ahmad Mortada asked about the flush mounted downcast lighting. He said that his business does not have good visibility and he needs to have his area lit for safety reasons as well. Roberta Oeser said that Ahmad Mortada's electrician, who does his signage,

will know about the ordinance and that he will be able to have plenty of lighting. Charlie Eicher said common sense should dictate how much light is needed to pump gas safely. Phil Stenersen said that things are changing over to LED lighting which is much more focused on where you want the light to be. Phil said the bulbs are also much less expensive.

Roberta Oeser said that the traffic flow seems really tight. Kirk Stenersen said that it works and is more than adequate.

Kim McCummings asked about parking spaces and handicap parking. Kirk Stenersen said that there were 20 spaces and 1 ADA space. Bruce Donati asked if the building was ADA accessible. Ahmad Mortada said that it is.

Bruce Donati asked about the BOA Decision that required a backup power system. He asked if this could be put on the plans. Kirk Stenersen said he would add that.

The Fire Dept. memo was provided to the Vice Chair and applicant.

Burt Goodrich asked if this would require review by ConCom. Kirk Stenersen said he was at the ConCom meeting on Thursday and they had no issue with this.

Roberta Oeser said we are at a disadvantage because we've always relied on Kirk's expertise for this type of review. Would Hank be able to verify the engineering calculations? Hank Whitney said that he could not. He said there are two pipes going to a sizable detention pond. Robyn Payson offered to send a contact person who she uses for the Town of Hillsborough. Roberta Oeser said that she has not been a big fan of third party review but that this board has no one at this time who can review this. She suggested contacting Brown Engineering.

Phil Simeone asked where the runoff from carwash and canopy would be going to. Kirk said off the roof of the canopy will go to the riff raff and the carwash to detention.

Tim Halliday said that he is familiar with this parking lot and in essence, it is a new use for the same property. Very little additional impervious area is on this plan.

Roberta Oeser said the Board needs to look at the carwash if it is not listed as an allowed use. How will it be allowed? Could it be as an accessory use? She said the Board needs to be definitive on that. Kirk Stenersen said he looks at the use as an allowed use under "gas stations and service stations". It is part of servicing your car.

Kirk Stenersen provided his list of what he would be returning with to include:

- Tax Map Corrections
- Exterior lighting
- Elevations for carwash
- Note on plan about back up source for underground storage tanks
- Show handicap parking space in detail

Vice Chairman Hank Whitney said that we will need to send this out for a peer review at the applicant's expense. Kirk Stenersen asked if this would be going out for peer review, could he and his client have an estimate of what that will cost.

MOTION: Roberta Oeser moved to continue this Public Hearing until 4-1-14 at 7:00 PM. Phil Simeone seconded the motion. **Vote: 7-0-0**

Vice Chairman Hank Whitney steps down as Chair and Chairman Kirk Stenersen returns to the table. Alternate Burt Goodrich leaves the table.

Planning Department Report

Chairman Kirk Stenersen said that the Walmart architect had contacted Susan in the Planning Office. They would like to change their design slightly in order to use a precast panel on the back of the building. Kirk met with the architect and distributed to Board members elevation renderings of what they are proposing. The Architect wanted to make sure that they didn't need to return before the board for this minor change. The Board looked at the elevations which showed, #1- the approved elevation, #2-a rendering with precast panels and #3-a rendering painted to match what was proposed. The front façade would not change at all. This is only to the back of the building. The Planning Board reviewed these renderings and all agreed that they had no issue with the change shown on #3. Chairman Stenersen asked Susan Hoyland to contact the architect and tell him #3 is fine

Chairman Stenersen and the Board discussed what the Planning Department would need to have at the school for voting day. It was agreed that we would create some white boards and easels with ordinances and changes for residents to see.

Chairman Stenersen said that the new Chairman should be aware that:

- Building Permits will need to be signed. Check plot plan for setbacks, etc.
- Expenditures need to be signed for at the Town Office.
- Committees that the Planning Director previously attended. Jane has been attending
- Jane Pitt has done an excellent job of keeping Susan updated on what's going on.
- Applications need to be reviewed by two or three board members. Vice Chairman Whitney said he would handle this as they come up.

Kim McCummings cautioned the Board about not Replying All on emails. This would constitute a meeting if a discussion were to take place. No decisions or discussions may take place via email.

Chairman Kirk Stenersen thanked Burt Goodrich for all his hard work for this Town. Burt Goodrich said he would miss everyone but appreciated the opportunity to work as an alternate these past years. Burt Goodrich thanked Kirk Stenersen again for all his superb technical support.

Adjourn: 10PM