

PLANNING BOARD
RINDGE, NEW HAMPSHIRE
April 16, 2013

DATE: April 16, 2013 **TYPE:** Planning Board Meeting **APPROVED:** May 7, 2013

TIME: 7:00 pm – 10:20 pm

CALL TO ORDER: 7:00 pm

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

ROLL CALL ALTERNATES: Burt Goodrich

EX OFFICIO: Roberta Oeser

PLANNING DIRECTOR:

PLANNING SECRETARY: Susan Hoyland

APPOINTMENT OF ALTERNATES

OTHERS PRESENT: Tim Halliday, Rick Kohlmorgen, Doug Seppala, Willis Fogg, John Hill,

1. ANNOUNCEMENTS

2. APPROVAL OF MINUTES

a. April 2, 2013

MOTION: Phil Simeone moved to accept the minutes of April 2, 2013 with a change of wording in Paragraph 3, section a. Alternates (page 5) to be provided by Chairman Stenersen. Bruce Donati seconded the motion. **Vote: 6-0-0**

3. NEW BUSINESS

a. CONCEPTUAL CONSULTATION with Rick Kohlmorgen. Property located at 24 Wallace Road, Map 8 Lot 7-4 in the Residential Agriculture district. Re: Possible subdivision.

Rick Kohlmorgen owns lot 2 of Tract B on Wallace Road (a private road off of North Street) shown on a subdivision plan approved by the Rindge Planning Board, dated 8-7-72. The original plan showed Wallace Road ending in a cul de sac. However, this road was never completely built. Rick Kohlmorgen showed the Planning Board the approximate place on the plan where the road ends and becomes a wooded area. He said this is a 5.2 acre lot and he is interested in the possibility of subdividing that to create a second building lot. He said that he would like to create a driveway into the second lot. The plan shows that he has 502 feet of frontage on Wallace Road which would meet the 250 foot frontage for each lot.

Roberta Oeser asked if the frontage needed to be on a town road in order to subdivide.

Chairman Stenersen read from the Subdivision Regulations, Section III – Definitions, 15. *“Private Way: A road or driveway on or over privately-owned property, limited to the use of the owner or a group of owners who share the use and maintain the road without help*

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from a government agency. A private way has not been given to or accepted by the Town for public use."

12. "Frontage: The uninterrupted length of a lot bordering a public right of way maintained by the town or state, or in a subdivision approved by the Planning Board, to which the lot has legal right of access."

Chairman Stenersen said that based on those definitions, from his standpoint, Mr. Kohlmorgen has the frontage as it is in a subdivision approved by the Planning Board. The plan Mr. Kohlmorgen brought before the Board was dated 8-7-72 and Mr. Kohlmorgen said that the lot he bought was subdivided in 1983.

The Board then discussed the unfinished road and was in agreement that this would need to be reviewed by Rick Donovan from a fire safety standpoint. There was also discussion relevant to obtaining an occupancy permit.

Kim McCummings said that the Board may want to look at what we have in the files relevant to this lot.

Mr. Kohlmorgen asked what he would need for the next step. Chairman Stenersen said he would need to do a full survey to verify the frontage and submit a completed application for a minor subdivision.

c. CONCEPTUAL CONSULTATION with Doug Seppala, Tax Map 33, lot 12, Village District. This parcel was once three lots that were merged. Re: undue the merger.

Mr. Seppala said that he purchased one lot, with three separate deeds, that were previously merged. He said that he had spoken with Dave Duvernay and was made aware that he had until 2016 to unmerge these lots. Once unmerged, there are three lots, two of which are non-conforming. He would like to create three more-conforming lots out of this parcel. There is not enough frontage to make three conforming lots.

Roberta Oeser suggested creating a deeded right of way to the lot that currently has no access. Chairman Stenersen then suggested doing a lot line adjustment/technical subdivision. Roberta Oeser made a suggestion to consider allowing more acreage to the lot with the large house on it to allow for a multi-family unit in the future.

Mr. Seppala thanked the board for their suggestions.

Chairman Stenersen formally recused himself.

Vice Chair Kim McCummings appointed Burt Goodrich (alternate) to sit for Kirk Stenersen

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d. CONSIDERATION OF an application for Site Plan Review submitted by Tim Halliday for a proposed diner to be located at Tax Map 6, Lot 17-1, 1421 NH Route 119 in the Gateway Central District.

Vice Chair Kim McCummings said that she and Phil Simeone had utilized the Site Plan Review checklist to review this application. She provided the Board and Mr. Stenersen with a copy of that review.

Some areas that prompted questions or additional detail included:

- The State of NH right of way as an abutter
- The shape, size, height and location of proposed structures
- The size, height of existing structures within 200 feet of the site
- The indication of direction of travel for one way streets and drives*
- Provisions for fire safety, prevention and control**

*Kirk Stenersen of Higher Design, representing the applicant, Tim Halliday, said that there were neither one way streets nor drives on this application.

**Vice Chair McCummings said that the Fire Chief was ill last Friday and was unable to attend the building meeting and has not yet seen the plans.

Vice Chair McCummings said that it was clearly stated on the plans that applications have been submitted and are pending for:

- NH DES Septic
- Wetlands
- Driveway - NH DOT

Vice Chair McCummings said that floodplain regulations do not apply.

Vice Chair McCummings invited Kirk Stenersen of Higher Design to address the board representing the applicant, Mr. Tim Halliday. Mr. Stenersen outlined the features of this plan for a dining car and a proposed framed structure on the back side of the dining car. The total footprint will be approximately 1600 square feet. Mr. Stenersen outlined the proposed plans including the parking areas, the primary entrance from Route 202, the runoff from the site which will be directed to the storm water detention basin, the septic system to the southeast of the proposed diner, a minor wetland crossing for the relocation of the main driveway. Driveway, septic and wetlands crossing applications have been submitted to the State.

Mr. Stenersen, Mr. Halliday and the Planning Board discussed some additional details of this plan which included

- plans for signage, which will require a ZBA Variance for an internally illuminated sign on the diner
- number of parking spaces for Edward Jones and for the diner
- exterior lighting (the plan makes reference to 'downcast lighting')

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- streetlights on Route 119 that will be turned off
- plans for landscaping of the lot
- dimensions of the diner
- Waiving checklist items : page two, #5 and page three, #2
- Need for fire safety review

MOTION: Roberta Oeser moved to accept the application as substantially complete with a provision that will request a drawing of the diner showing the height. Burt Goodrich seconded the motion. **Vote 7-0-0**

Vice Chairman McCummings said that two of the items on the Site Plan Review checklist would be waived. (page two, #5 and page three, #2).

Vice Chair McCummings opened the Public Hearing.

John Hill, neighboring property owner, asked about two buildings on a single lot, the grading condition between properties, potential fencing between properties, line of sight from his property to the diner, and his need for parking for his tenants. He made a request that some type of plantings be considered to shield the line of sight between his property and the diner. John Hill said that the drive shown on the plan shows grading onto his property. Mr. Halliday said that he had spoken briefly with John Hill earlier and thought that they had an agreement to include this drive. If that is not the case, Mr. Halliday will not include that drive in his plan and has no problem if it is blocked off.

Ray Hughill said that originally Mr. Walsh had created that driveway so that he could access that piece of land from Route 119.

Chair McCummings said that Mr. Halliday and Mr. Hill will need to come to a decision on the driveway. Reading from the ordinance, she confirmed that two buildings on a single lot is an allowed land use in the Gateway Central District and that the request for plantings to screen the line of sight may be resolved between the neighbors.

Mr. Stenersen asked the Board to confirm what he would need to bring to the Planning Board. Vice Chair McCummings said that the applicant would need to return with the drawing of the diner showing the dimensions, the conversation between neighbors would need to take place and any changes to the plans as a result of that conversation would need to be provided.

Hank Whitney said that the matter of plantings or screening should be resolved between neighbors and does not need to be shown on the plans.

Chair McCummings said that, should it be determined that the driveway is not part of the plan, it should be shown on the plan as existing and not as proposed.

Burt Goodrich said that the new driveway makes a lot of sense and is certainly much better located and wider and will make it much easier to get in and out. Mr. Goodrich applauded Mr. Halliday for

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providing a diner to the town, as additional eating establishments had been one of the items consistently requested by Rindge residents as part of the Rindge Economic Development Initiative. Mr. Goodrich said that beautifying the four corners has been part of that process as well, and he requested that Tim Halliday consider adding some plantings and additional color to add some depth and interest to that section of the road. Mr. Halliday said it is his wish to replace the post and rail fence and the wire fence with new fencing which will approve the look of the property.

Chair McCummings said that she would find it helpful to do a site walk. She said she feels that the board should see things before they are approved. She said this is something that would not delay this process.

Evie Goodspeed asked for clarification of who alternates are and who regular members of the board are. Chair McCummings said that the Planning Board has a total of seven members made up of one ex-officio and six seated members. As Chairman Stenersen recused himself from this hearing, Burt Goodrich was seated in his place. Evie Goodspeed thanked the board for that clarification.

MOTION: Phil Simeone moved to conduct a site walk. Burt Goodrich seconded the motion. **Vote: 6-1-0** Roberta Oeser voted nay.

MOTION: Roberta Oeser moved to continue this hearing until May 7, 2013 at 5:00pm at the property for purposes of the site walk. Phil Simeone seconded the motion. **Vote: 7-0-0**

Kirk Stenersen asked for a clarification of what he would need to have for the next meeting. Chair McCummings said that there were four items: Building drawings; screening; driveway resolution and a letter from John Hill.

Chairman Stenersen returned to the table and Burt Goodrich, alternate, took a seat in the audience.

4. PLANNING OFFICE REPORT

a. Cheshire County Registry: Susan Hoyland said that Cheshire County of Deeds has changed their process and as of May 1st, will require separate checks for LCHIP and for registering decisions and plats. This change will require updating our application forms and possible approval from the Planning Board to make this change.

MOTION: Kim McCummings moved to change the rule affecting submission of checks to Cheshire County Registry of Deeds to be in compliance with the recently received notification and revise applications accordingly. Phil Simeone seconded the motion. **Vote: 7-0-0**

Update on Round 2 of the NH Community Planning Grant.

Chairman Stenersen said that he received an email from Ben Frost and sent the paperwork to Ben Frost and submitted an RFQ which has been posted. May 6th is the date of the required meeting that must be attended by a representative from the town. Chairman Stenersen is willing to attend that meeting unless someone else on the board would like to attend. It is Chairman Stenersen's hope that

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the consultant will be chosen prior to the May 6th meeting. He said that, with the approval of the board, he and Vice Chair Kim McCummings could meet and expedite this process.

MOTION: Roberta Oeser moved to authorize Chairman Stenersen and Vice Chair Kim McCummings to review the SOQs and make a decision. Phil Simeone seconded the motion. **Vote: 7-0-0**

Alternates:

Susan Hoyland said that Carlotta Lilback Pini has submitted a display ad to the Ledger Transcript seeking volunteers to serve on town boards and committees. Vice Chair Kim McCummings said that the advertisement should be placed on the Town Website and Chairman Stenersen asked board members to invite anyone they know who might be interested to apply.

Budget discussion

Utilizing spreadsheets provided by Ellen Smith, the Board discussed lowering the consulting line item by \$400 (2%), left other line items unchanged, and suggested an operating budget of \$19700. The Board also discussed the Planning Office Staff Wages. They based this budget figure on the following: a projected salary from June to December for a full time Planning Director coupled with Matt Henry's actual pay in January (subtotal of \$32,800.00) as well as 12 months of a part time Planning Secretary (\$23400) for a total for staff wages of \$56,200.00. All other line items will be adjusted by the accounting office based on these figures. .

Burt Goodrich asked about membership in Southwest Regional Planning Commission. Roberta Oeser said that there is a Regional Association line item for that on the town's operating budget and the Board of Selectmen will be addressing that next month. Roberta Oeser asked about adding the grant amounts to the budget. Chairman Stenersen said that the accounting office would do that.

MOTION: Phil Simeone moved to accept the line item for the operating budget of \$19700. Roberta Oeser seconded the motion. **VOTE: 7-0-0**

MOTION: Kim McCumming moved to accept the staff wages line item of the budget to reflect \$56,200.00 as outlined by Chairman Stenersen. Hank Whitney seconded the motion. **Vote: 7-0-0**

Michaels Drive Bond-Map 7 Lot 83

Chairman Stenersen updated the board on the lack of activity on this bond. This was brought up at the Roadway Committee meeting. Matt Henry had been following up with Scott Hakala. (the last certified notice was sent on October 31, 2012). Matt Henry had spoken with Scott on November 6th and Scott said this bond would be renewed in 6 to 7 weeks. It has not happened. Chairman Stenersen suggested turning this matter over to Dave Duvernay for further action.

MOTION: Charlie Eicher moved to have Dave Duvernay follow up on the Michaels Drive bond. Phil Simeone seconded the motion. **VOTE: 7-0-0**

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Kim McCummings suggested that the Planning Board return to the format of having one work meeting per month and one meeting to hear applications. Chairman Stenersen said that that would depend upon when applications were received because they need to be heard within 30 days.

KDI sign CUP-Map 6 Lot 49A-4-1, June 19, 2012 minutes

Chairman Stenersen said that Isaac French had come before the Board for a CUP for a sign on Lisa Drive on June 19, 2012. Dave Duvernay had questioned if the sign should have been installed on top of the existing sign. Dave would prefer to see it on top. Chairman Stenersen checked with meeting minutes and it clearly states that they could put the sign adjacent to the existing sign.

Reviewers for May 7th applications

At this time, there are no new applications. Chairman Stenersen asked for two volunteers to review any applications that come in for the month of May.

Hank Whitney, Charlie Eicher and Bruce Donati volunteered. Hank Whitney offered to take charge of this process.

Walmart

Chairman Stenersen said that Susan Hoyland had received a phone call from Matt Snyder from Sulloway and Hollis representing Walmart. Chairman Stenersen invited Atty. Snyder to make an appointment to come before the board for a 15 minute Conceptual Consultation. As of this date, they have not called to be put on the agenda.

5. NON-PUBLIC SESSION per RSA 91-A:3IIb for Personnel Matters

MOTION: Roberta Oeser moved to go to Non-Public Session per RSA 91-A: 3IIb for Personnel Matters Kim McCummings seconded the motion. **Roll Call Vote:** Kirk Stenersen- AYE-Phil Simeone-AYE Hank Whitney-AYE Roberta Oeser-AYE - Charlie Eicher-AYE, Kim McCummings-AYE, Bruce Donati-AYE

ADJOURNMENT

The meeting was adjourned at 10:20 pm.

NEXT MEETING
May 7, 2013

Respectfully submitted,

Susan Hoyland
Planning Secretary