

PLANNING BOARD
RINDGE, NEW HAMPSHIRE
December 3, 2013

DATE: December 3, 2013 **TYPE: Public Meeting** **APPROVED: 12/17/13**

TIME: 7:00 pm

CALL TO ORDER:

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

ROLL CALL ALTERNATES:

EX OFFICIO: Roberta Oeser

PLANNING DIRECTOR: Mark Smith

PLANNING SECRETARY: Susan Hoyland

ABSENT: Burt Goodrich, Holly Koski

APPOINTMENT OF ALTERNATES

OTHERS PRESENT: Matt Snyder, John Kucich, Heather Monticup, Richard Mellor, David Drouin, Jed Paquin, Mark Derby, Kelen Geiger, Robert Duval, Evie Goodspeed, Oliver Lucier, Robb Anderson, Cheves Walling, Bob Knight, Sr., Craig Clark, Judy Unger-Clark, Elijah Ketola, Rick Goodspeed

1. Announcements

2. Approval of Minutes

- a. November 19, 2013 Public Session

MOTION: Roberta Oeser moved to approve the minutes of November 19, 2013 as written. Phil Simeone seconded the motion, Vote: 5-0-1 Bruce Donati abstained

3. Old Business

a. **Continued from November 5, 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

Matt Snyder of Sulloway and Hollis presented this evening. Peter Imse could not be here tonight. Atty. Snyder introduced John Kucich from Bohler Engineering and Heather Monticup of Greenman, Pederson, Inc.

Matt Snyder provided a short history of the events that have taken place prior to this evening which included the Planning Board's decision (via a straw vote) that a variance would be required for the encroachment of the wetlands buffer. Wal-Mart agreed to revise its original plan to remove the access drive from the buffer.

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Atty. Snyder outlined seven issues that would be addressed this evening. They were:

- A revised site plan
- Drainage
- Pipe replacement that exists in the buffer
- Outdoor sales and storage
- Signage
- Elevations
- Traffic

John Kucich, Bohler Engineering presented the new plan. He said that by bringing the pavement further into the site, the net result was that neither impervious area nor grading would be proposed within the 50 foot wetlands buffer. By angling the building, he said they were able to get trucks to make the radius turn and additionally, could provide a more conventional above-ground drainage system. He said this plan only shows an increase of about half an acre of impervious area as compared to what is on the site today. John Kucich said that this plan shows 35 fewer parking spaces which increase the green space.

Chairman Stenersen asked Mark Smith, Planning Director to address the Board.

Mark Smith said that he had addressed a number of topics that are synonymous to the topics that Matt Snyder had just identified. They included storage, signage, elevations, traffic, wetlands (which Mark said he believes is no longer an issue). He said he was comfortable with having Atty. Snyder continue his presentation on these topics at this time.

OUTDOOR STORAGE

Matt Snyder said that the current Site Plan Regulations prohibit outdoor sales and storage but that these regulations did not apply when the Wal-Mart store was built. He said that at the October meeting, John Kucich had presented some site plans of existing and proposed outdoor sales/storage. He said they are looking to maintain the status quo. Wal-Mart is currently using 92 spaces of parking lot for outdoor sales and storage and will be reducing that by one space. He said that he had located Planning Board meeting minutes of 2005 where that Board had unanimously approved allowing storage of 18 trailers on the site and made reference to a greenhouse. He said that he did not find anything in the record after 2005 showing that this had been an issue. If it is not an issue, then what they are doing is okay. If necessary, they can renew the waiver request for prohibited outdoor sales.

Atty. Snyder said that there are currently 12 trailers on site.

Kirk Stenersen said that if this proposed expansion is completed, the site plan shows that the only place that Wal-Mart could put trailers would be in the parking spaces. He said the Board is looking for clarification of where the trailers will be or if they will go away?

Matt Snyder said he has no instructions from Wal-Mart at this time on this issue. John Kucich said that based on the nature of their business, he believes they have to have those trailers. He said that

he would envision that if they need any trailers, they would put them where the outdoor storage is now. Roberta Oeser said that, currently, there are a couple of trailers where the proposed wastewater treatment system will be. She said you really cannot see them now, but what is being talked about will definitely be visible.

Bruce Donati asked what types of items would be stored outside. Chairman Stenersen said this had been discussed and fertilizers would not be stored outside.

SIGNAGE

Matt Snyder said that they are continuing to work with the Architects, Wal-Mart and Dave Duvernay regarding the signs. He said they will need to get a variance, but the question remains as to what they are seeking the variance for. The Pharmacy sign issue is a federal requirement of the new health care law.

Roberta Oeser said that if Wal-Mart were to stay with what they currently have, they would not need a second variance, as a variance goes with the land. She said that the old variance referenced a Pharmacy sign. Matt Snyder said that what Wal-Mart is proposing is to slightly increase the main front façade sign by approximately four square feet; to have an outdoor living sign which is currently not there; as well as the pharmacy sign. Certainly we are seeking more signs than were approved in the original variance.

Kirk Stenersen said that, without having a sign package in front of the board this evening, the Board's hands are tied. Matt Snyder said that they are asking the Board to make the sign package a condition as part of final site plan approval as the Planning Board did with the Hometown Diner. Kirk Stenersen said that with the Hometown Diner, the board had pictures of the sign and dimensions. Matt Snyder said that he was prepared to provide that. He said the elevations that they have supplied show two of the three signs. He said he could show the board where the pharmacy sign would be and provide dimensions. Kim McCummings said that she needs to see what this will look like before she is ready to make a decision.

Matt Snyder showed the board on the elevation drawings where the signs would be located.

Roberta Oeser said that the Outdoor Living and Pharmacy signs would not be internally illuminated but that the Wal-Mart Sign presently is. Phil Simeone asked about the sign out by the road. Matt Snyder said this will remain the same but the pole will be painted.

Kirk Stenersen said that the square footage of signs on this proposed building would be just less than 400 square feet. Mark Smith said that the current regulations allow for 16 square feet which is clearly deficient for this commercial purpose. Kim McCummings said that there is a subcommittee working on Sign Regulations.

Kim McCummings asked what the purpose was for these signs. Matt Snyder said the Outdoor Living sign would make the store more appealing given the products they offer and the Pharmacy

sign is a federal requirement. Kim McCummings said that what she is looking at looks okay, but with only approximate measurements, she does not have enough detail to make a definitive decision.

Matt Snyder asked if the Board would be willing to offer an approval based on the November 7th elevations that do not show the Pharmacy sign, and that if they need to come back to amend the Site Plan if a sign is needed, they would be willing to do that.

Kirk Stenersen said it would be up to the board if they choose to condition this.

ELEVATIONS

Matt Snyder said that the plans dated November 7, 2013 changes the floor plan layout. The façade issue was raised in Mark Smith's notes to the board, asking for a split faced look to extend to the rear of the building. Matt Snyder said that this is a new issue for them. He said that the rear of the store faces the wetlands and there is less of a reason to have a broken up look. No one will see it.

Mark Smith said he felt that the split faced look on the perimeter rather than a smooth faced look was merited.

Chairman Stenersen asked the Board to weigh in on this suggestion.

Kim McCummings and Phil Simeone said they were fine with it either way, Kirk Stenersen, Charlie Eicher, Bruce Donati and Hank Whitney had no issue with the design as presented.

Chairman Stenersen said that from the straw vote, this is a non-issue. He said that the Board would be going back to something that they have already told the applicant they are okay with.

TRAFFIC

Heather Monticup said that in October, the Board had asked for a formalized sensitivity analysis to up the trip gen and see if it affected anything. That has been provided. Since the October meeting, they have only supplied additional back up information. They have obtained NH DOT approval. There are no other changes.

Chairman Stenersen asked for any comments from the audience.

AUDIENCE COMMENTS

Robb Anderson said that he might be able to comment about storage trailers. He said that back in 2005, Wal-Mart remodeled the building and the containers were used to store things during the construction. Robb Anderson said that he still has the same concerns that he has voiced at other meetings. The noise from truck traffic and cooling racks from Hannaford and Wal-Mart was still an issue. He also continues to question the Wal-Mart property lines. Matt Snyder said that he has spoken with Mr. Anderson privately as well as with the Wal-Mart surveyors. The surveyors have

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rechecked the deeds and believe they are correct. Atty. Snyder said that if Mr. Anderson has a continuing issue, he will be happy to meet with him privately outside of the Planning Board process. Chairman Kirk Stenersen said that the Planning Board must go by what a licensed surveyor has on his plan. If there are concerns, it then becomes a civil matter. The Planning Board is not a judicial board and cannot make any determination on this.

Robb Anderson said that the noise continues to be a problem. He said that on Black Friday, people were using Hannaford's parking lot to go to Wal-Mart, car alarms were going off and truck traffic noise was a nuisance. He said there could be a parking issue in the future.

David Drouin asked what the net reduction in building was and what the new impervious area being proposed would be. John Kucich said that the reduction in the building was approximately 500 square feet. They have chamfered the building and reconfigured it.

David Drouin said that in previous discussions, an 8000 sf loss was discussed to redesign this? John Kucich said that by chamfering the building and reconfiguring, they were able to have it remain almost the same square footage, just a loss of 500 sf.

Phil Simeone asked what the new percentage of impervious area was. John Kucich said that it was an increase of .54 acres was the increase of impervious area. It was dropped by about a half an acre. Chairman Stenersen asked what it was currently. John Kucich said that the last application was 43%. Chairman Stenersen said that the original site plan was approved for future expansion at 54% and they are now going down to 53.1% decreasing it by .9 percent. Atty. Snyder said that the Board has already granted a waiver on this requirement.

Richard Mellor said that during the August meeting, merchandize against the front wall was discussed. He said that he thinks attractiveness is still an issue that should be a concern for the planning board moving forward. He said that the front sidewalk should be a non-merchant area. Phil Simeone said that there is no provision in this plan for where that stuff will go. Kirk Stenersen said that if this is the pleasure of the board, it could be put as a condition. Evie Goodspeed said that many stores in town sell put items out front for sale. She said that she wondered if a restricted area for these items might be better than banning it altogether. Chairman Stenersen said that if Wal-Mart would bring something before the board to approve, they would look at that plan.

Mark Derby of Cleveland, Waters and Bass introduced himself and Robert Duval of TF Moran as representing Hannaford. Mark Derby said during the October meeting, a previously granted waiver with respect to the design of the onsite wastewater treatment plant was given, is it still considered and thought to be a substantive condition precedent that would be included in any conditional approval granted such that there would be a publicly noticed public hearing with opportunity for public comment when that detailed plan for the wastewater treatment plant is presented? I want to confirm that that is still the intent. Chairman Stenersen said that that is correct.

Mark Derby said that when you look at the changes that have been made with respect to moving from the wetlands, it becomes ever more clear that I think it was error to put off such an important component of the design, the wastewater treatment facility because you are adding a grocery

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component to a dry goods store that is going to change the nature of the water created and the water treatment and significantly increase the volume of water. And if we have wetlands on either side, they have located the septic leach fields and to our knowledge, they have not applied to DES for approval. So, if in going through that process, as a practical matter, that could trigger significant changes to the design. And the layout of the site plan that you are reviewing today. Mark Derby said that he would like to renew his objection. He said that this was an important design component that should be reviewed now. Chairman Stenersen said that the point was taken. That is a risk that the applicant has taken. If the design changes, they will have to come back to the Board. Atty. Derby said that that decision would require them to come back as well.

Robert Duval said that, to correct the record, to the impervious surface, the areas calculate to 54.2 % and what's on the ground appears to be 50.9%. He said that he will comment regarding the proposed bio retention area and proposed underground storage. He said that they just received this information within the last couple of days but he has looked through it. He said that peak run off rates appear to be adequate based on his limited review, but he is still concerned with the issue of storm water volume in a 25 year storm. The wetlands ordinance calls for no increase in volume to leave the site in a 25 year storm. He said there would be a problem with 5D of the wetlands ordinance and that there will be an increase of runoff in a 25 year storm. He said he does not believe the system as designed will function as it is intended and that there will be issues.

John Kucich said that the soils on this site are not great soils they freely admit that and are not hiding any facts. They have met the requirements of the regulation through this system. He said if you happened to get two storms back to back, and there is still water in the system, it will go to the basins. A storage area is being created to hold it and then put it back into the ground. There will be no impact to your client's site. Everything will continue to the lowest point. Any water that would happen to by-pass that would continue as it would anyway.

Roberta Oeser said that generally this is sent out for verification.

Kirk Stenersen said that he has seen many subdivision applications through the years; he has designed many as have TF Moran and others. He has not seen the Town of Rindge Planning Board ever require the 25 year volume to be accounted for. Robert Duval said that, if it is in the ordinance, one would need to get a variance if you do not meet it, or if the Town has no interest in enforcing this, it should change. Kirk Stenersen said that it was never the intent of the ordinance to be looked at this way.

Craig Clark, Fitzgerald Road asked if there has been a mitigation plan for salt, which would be dumping into the wetlands. John Kucich said that they have not done a study on salt uses. Richard Mellor, David Drouin and Phil Simeone all said that salt run off would be an issue to the wetlands. David Drouin said there is a regulation about storing snow within 250 feet of wetlands. Kirk Stenersen said this was for imported snow. Richard Mellor said that he doesn't think they will have any more salt or snow than they presently do. There is less pavement.

Robert Duval said that he wanted to make sure he understood. He said that what he is hearing is that if you are not actually doing work in the wetlands, then this doesn't come into play. Kirk Stenersen

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said that that is correct. Mark Derby said that, just to make the record clear, while they are nodding their heads and acknowledging the explanations without prejudice, they may take another position legally at another point.

Matt Snyder said that he wanted to confirm what the board was looking for at the next meeting which he understood to be:

- Full sized plans for signs
- Trailers, what Wal-Mart would like
- Sidewalk storage, what Wal-Mart would like
- Atty. Snyder confirmed that Heather Monticup does not need to return on January 7, 2014 as there are no traffic issues outstanding.

Roberta Oeser asked about a maintenance plan for the bio detention.

Chairman Stenersen said we are past the 65 days. Atty. Snyder said this was fine. Mark Smith said there is a letter in the file extending that deadline.

Chairman Stenersen said a set of plans needs to go to Rick Donovan, Fire and Safety

MOTION: Roberta Oeser moved to continue this hearing until January 7, 2014 at 7:00 PM. Outstanding issues to be resolved include to scale sign elevation plans, full sized, some direction from Wal-Mart as to trailers on site, outdoor sidewalk sales, maintenance plan for bio retention pond. Phil Simeone seconded. **Vote: 7-0-0**

b. Continued from November 5, 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.

Chairman Stenersen asked Jed Paquin, Surveyor to address the Board.

Jed Paquin said that there had been a site walk this afternoon. He said he has also reviewed the previous subdivision approval which was in 2007. He said they are proposing to change the proposed lot 3-2-2 to the south a bit, which is in compliance with the original subdivision approval. He said the plan he is showing this evening is a proposed configuration and with this plan, the driveway configuration would show a maximum grade of 14% and they would achieve the sight distance requirement of 100 feet. He said they would continue with this proposal which is crossing the existing Woods Road which was pointed out earlier today on the remaining lot

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Jed Paquin said he would like clarification from the board on concerns about the Scenic Road status. Jed Paquin said unless the board would like to discuss the merits of the proposal. He said that they meet the regulations for this subdivision.

Chairman Stenersen asked Jed Paquin if he had additional copies of this conceptual design for Board members to see.

Jed Paquin said he did not and that this is just conceptual. He said the original plan is no longer valid because of this.

Chairman Stenersen asked if the property lines have changed. Jed Paquin said they have not.

Chairman Stenersen said that if the property line were to be extended to the center of the road, it would cross the driveway. Jed Paquin confirmed that to be correct. Chairman Stenersen asked if Mr. Paquin saw this as an issue. Mr. Paquin said that depending on the status of the road, if it reverted, it would be an issue. Chairman Stenersen said he had never seen a case where you could cross over the extension of the property line. Jed Paquin said that he could turn this 90 degrees and still comply. Roberta Oeser asked, if by turning this 90 degrees, would it not affect the grade. Jed Paquin said only slightly. Jed Paquin said they are showing this conceptually only to show that the lot can be developed and meet the regulations.

Roberta Oeser said there would still be a wetlands crossing. Jed Paquin agreed. Roberta Oeser said she has concerns that we would be creating a situation that creates a need for a wetland crossing. She said they currently have productive use of this land; there is a house lot right now. She said they can currently access all their land without a wetlands crossing. Jed Paquin confirmed that as true. Roberta Oeser said that Jed Paquin is now asking this Board to create a need for a wetland crossing.

Jed Paquin said one reason for this is that Wood Road is an existing road of record. Roberta Oeser said that it is possible that this was for two-wheeled carts to be used only when the ground was frozen. Jed Paquin said that down in the gully, in the wetland itself, the road is 12 feet.

Jed Paquin said he would like input from the Board to answer how this could be productive use of the land if he is unable to develop the remaining 9 acres if this lot is proposed. He said that if this lot is approved or not approved, there are still 9 acres remaining. Roberta Oeser said that Mr. Paquin is not showing that being used at all on this plan. Roberta Oeser said that we do not have a steep slope ordinance, perhaps we should, but putting a house and clearing a yard for that house is going to create more run off onto an already untenable situation that is there. Jed Paquin said that they comply with the regulations and it is a productive use of the land based not the regulations.

Phil Simeone said he is still concerned with the run off. Charlie Eicher said that he has concern about the run off as well. He said there needs to be some way to dampen the flow and not increase the volume. Phil Simeone asked where the run off was coming from. Jed Paquin pointed out the pinnacle and confirmed that the water flows directly down the hill. Hank Whitney asked if we did not have a driveway regulation that would require this to be engineered. It would. Jed Paquin said that it would either have to be engineered or in compliance with the Road Agent. Mr. Paquin said

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that basically it is up to the Road Agent to decide if that is necessary. Roberta Oeser said that the Road Agent had concerns for the culvert that is already there. Bruce Donati said that where there is concern about run off, perhaps the board should request of drainage plan.

Chairman Stenersen said that Driveway Permits come under the Planning Board. Mike Cloutier is our agent. The Planning Director reviews driveway permits. If the applicant is telling the Planning Board that their driveway will be steeper than 12%, then, even if I don't agree with it, I do believe it is a reasonable request to ask for a drainage plan. Bruce Donati said he thinks the drainage issue is very important to the neighbors. Jed Paquin said that there will be a very small impact and you will still have a forested and/or grassed area between the road and the proposed development. Jed Paquin said that he would request that it be put as a condition rather than a drainage study.

Evie Goodspeed said that Mike Cloutier has stated that the problem on this road has gone beyond what he can manage. Evie Goodspeed said that an engineer is needed and the neighbors plan to go to the BOS. They need help, Mike Cloutier needs help, and the road is not graded in a fashion where it drains appropriately.

Evie Goodspeed said that the location that he is proposing the driveway, in the winter, when people are coming from Dragg Hill and up the road, the drivers will need to go over the middle of the road to reach the curve where he is proposing this, because of the run off. She said the crown of the road literally falls a flip. This is what Mike Cloutier has to fix all the time on the road. The hillside forms that side of the road; it crumbles and falls down and you have foot deep ruts on both sides of the road.

Hank Whitney said that he believes everyone realizes there is a problem with this road. He said the question here before the board tonight is if the driveway to the south will increase the flow onto the road. And if so, how will it be managed? He said he doesn't know how to fix it.

Kim McCummings said, there is a problem. She said she has sat in on meetings where driveways which have been put in, have caused drainage problems and people are coming back years later complaining to the BOS. She said her preference is not to add to this problem, but to address up front what can be done to avoid future problems. What is there now and what remediation can be done?

Roberta Oeser asked if there was an approved septic plan for this lot. There is a State Subdivision approval.

Hank Whitney said that the issue here is the road. He said because this road is in the shape it is in, it may not be able to handle a new driveway or two. The one the north pitches away from the road. We would be making a problem worse, even with a ditch, or basin, or pipe, you would still be feeding more water into the pipe at the bottom of the hill.

Chairman Stenersen said that his understanding is, that the approved driveway location for the existing parcel as it stands today as one lot, is where Mr. Paquin is proposing the driveway for the 2 acre lot today. Jed Paquin said yes. Mr. Paquin said that the Planning Board in 2007 has already

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approved a lot. Mr. Paquin said he could rescind this application, go to Mr. Cloutier with a driveway design that does not exceed 12 percent, at which point there is no Planning Board involved in the matter. He said this is already an approved lot, it is an existing issue of record, and he wanted to inform the Board of that.

Evie Goodspeed spoke in opposition to this subdivision citing safety issues, the 50 foot strip leading to 90 acres out back, the health and well-being of Grassy Pond and concerns about further development on this scenic road. She also vehemently disagreed with Wood Road being an access.

Judy Unger-Clark spoke in opposition to this subdivision citing safety issues and run off issues. She said that there are many openings in the stonewalls, someone could come along and see that break in the stonewall and see it as a perfect place for a driveway. She asked the board to walk the road and look at the breaks in the stonewall, each one is not a place for a driveway and that runoff will go into the wetlands.

Lois Grala, 220 Fitzgerald Road spoke in opposition to this subdivision citing drainage and run off concerns.

Chairman Stenersen asked for the reason for the 53 foot strip. Jed Paquin said that he could not speak to that. Chairman Stenersen asked Elijah Ketola if he would speak to that.

Elijah Ketola said we have reserved that for now to reserve the right to access the land behind it. He said it should not be an issue right now as he meets the criteria for the subdivision he is requesting today.

Roberta Oeser said that subdividing land is not an inalienable right. She said that the Board needs to protect the roads in this town and to look for the highest and best use for the land. Subdivisions must be in compliance with the Master Plan.

David Drouin asked if the applicant were creating a back lot with the narrow 50 foot strip. Jed Paquin answered no.

Evie Goodspeed asked if the Board would be able, if they approve this application, to restrict further subdivision; and put restrictions on building. She said that the applicant has a history of building very late in the evening and very early in the morning, and the police cannot stop him from doing that. Could the Planning Board put restrictions? Chairman Stenersen said that there is not much the Board can do about that.

Judy Unger-Clark questioned the location of the driveway on this plan tonight as opposed to what was presented at the site walk. Some discussion followed and the driveway location that was presented at the site walk was consistent with the new plan this evening.

Elijah Ketola addressed the board. He said he has been a builder for 15 years. He said he is not looking to ruin properties. His customers are happy with the houses he builds. He said he cannot fix the condition of the road but that he meets the subdivision requirements.

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Jed Paquin asked the Board to consider a conditional approval. Board members were not willing to at this time. Kirk Stenersen said that right now, without any grading shown, the Board cannot hold the necessary Scenic Road public hearings as they are unable to show what the impact will be. He said that two Public Hearings will be required. The Board needs to know how many feet of stone wall will be impacted as well as the number of trees that will be impact. He said that pictures would be helpful. Jed Paquin asked if Elijah could pull a building permit on the approved lot as it is without Planning Board input. Chairman Stenersen said that Scenic Road Public Hearings may be required. He said that once a driveway permit was applied for, it may be put to the Scenic Road status at that time. He said he has a question mark as to the process of that at this time.

Jed Paquin said that he wanted to get the sequence of events understood. He asked if the following order of events was correct. Once the subdivision is approved, it would need to go to Scenic Road hearings. Chairman Stenersen said that based on what Kim is reading from, we cannot schedule a scenic road hearing until approval is received. Once the subdivision is approved, then we can provide a schedule for the scenic road hearings. Jed Paquin said that he doesn't agree with the motion to continue and that this is circuitous and now he is looking at March before he is finalized. Roberta Oeser said that the board could make a motion to vote to approve tonight, but that no one on the board has expressed a willingness to approve without more information. If Mr. Paquin wants a vote to deny this, the Board is willing to do that. Mr. Paquin deferred to the motion on the floor.

MOTION: Hank Whitney moved to continue this hearing until January 7, 2013 and to have more definitive plans for the driveway and a drainage plan by a New Hampshire licensed engineer. Phil Simeone seconded the motion. Vote: 7-0-0

4. *Work Meeting*

a. CONTINUED DISCUSSION with Roger Hawk, CPG Grant

Roger Hawk thanked the Board for their comments on the email that he had sent out. He provided edited versions with the highlighted edits. (that are attached as a part of these minutes) He mentioned including the email exchanges as part of these minutes per the Right-to-know law.

Roger Hawk said that the concept of the overlay zone was to keep the base zoning in place for the district but provide this as an option. He said that you would traditionally have design standards if the landowner opted to consider using the overlay zoning. The land owner would have a choice of using either the base zoning or the overlay zoning.

Roger Hawk said that there are six issues that need to be addressed:

- Question about front yard setback, 10 minimum 25 maximum
- Lot coverage questions
- Question about uses
- College District and senior housing

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- Lot area and frontage
- Boundaries of the overlay district

The Board discussed these items and came to the following:

Boundaries of the Overlay District:

- Mark Smith said that going to the east of the railroad tracks did not make sense. Chairman Stenersen said he concurs with Mark. That land is quite wet. Kim McCummings asked if any lots in this overlay district would be bisected by this overlay. Kirk Stenersen said it does bisect the Market Basket property. Kim McCummings said that we want to avoid bisected lots in zones.
- Discussion of Public Safety 25 foot setback between buildings
- Parking areas in back of buildings
- 10 foot setbacks, maximum of 25 foot setback (from ROW)

The Board agreed with the 10-25 foot setback requirement for the Overlay District. Chairman Stenersen said that there is still more discussion needed on the 25 foot between buildings setback. Roger Hawk said ideally he would like to see no setbacks. He said you want the buildings close together. A future discussion about this with the Fire Dept. will be needed at some point in time. Another future discussion would be to rethink the 25% open space, green space requirement moving toward less open space in the future.

Proposed Uses in Overlay District:

The Board is fine with these changes.

College District:

- Concept of Continuing Care Retirement Community.

The Board decided to leave the College District as it is at this time and not move forward with the CCRC at this time. More research is needed.

Lot area and frontage requirements for the Overlay District:

The Board decided that 100 foot frontage and minimum of ½ acre is a good starting point for the Overlay. A discussion with Rick Donovan needs to take place regarding Safety issues.

Lot area and frontage requirements for the Village and College District:

1 acre soil based lot sizing for Village and College Districts. Soil based lot sizing will be utilized. Shared septic and well designs were discussed. Frontage requirements in Village District will be proposed at 100 foot.

Design Standards versus Design Guidelines

The Board discussed the value of design standards and architectural guidelines. Charlie Eicher said it is important to communicate to the constituency what has been communicated to us. Standards would only apply to the Overlay District and if they don't choose to use the overlay, then the guidelines will be used.

Upcoming Public Hearing Dates

January 6th is tentatively set for the first Public Hearing and January 21 for the second Public Hearing for Proposed Zoning Amendments. Charlie Eicher will not be able to attend on January 6th.

5. *New Business*

Mark and Kim handed out edited worksheets from subcommittee meetings.

6. *Planning Department Report*

- a. Appointment of representative to SWRPC

Board members will look for someone who might be willing to serve at this once a month meeting.

- b. Consideration of Voluntary Lot Merger, B. Athy, Map 48, Lots 63, 65, 66

MOTION: Roberta Oeser moved to approve the Voluntary Lot Merger of Map 48, Lots 63, 65, 66 owned by Barbara Athy Map 48 Kim McCummings seconded the motion, **Vote 7-0-0**

- c. Discussion: Planning/Land Use Office

7. *Work Meeting*

Kim McCummings announced that due to work and school scheduling changes, her last Planning Board meeting as a member will be December 17, 2013. She offered to consider an alternate position.

8. *Non Public Session per RSA 91-A: 3IIc for reputation.*

- a. Randy Burt – Impact Fees –Mr. Burt called to say he would be unable to attend this evening due to illness.

Adjourn: 11:00 PM

Susan Hoyland
Planning Secretary