

**PLANNING BOARD
RINDGE, NEW HAMPSHIRE
April 1, 2008**

DATE: April 1, 2008 **TYPE: Public Hearing** **DATE APPROVED:05/06/08**

TIME: 7:00PM-10:30PM **CHAIR: Kim McCummings**

CALL TO ORDER: 7:00PM

ROLL CALL MEMBERS: Kim McCummings, Deb Sawyer, Kirk Stenersen, Rick Godin, Roberta Oeser

ROLL CALL ALTERNATES: Art Fiorelli, Keith Halloran, Doug Gutteridge

EX OFFICIO: Ex Officio Alternate Pat Barry (arrived at 7:50pm)

PLANNING DIRECTOR: Jane Pitt

PLANNING ASSISTANT: Robyn Payson

APPOINTMENT OF ALTERNATES

ALSO PRESENT: Police Chief Mike Sielicki

Kim opened the meeting with a moment of silence for John Vorfeld.

ANNOUNCEMENTS

Ed's Auction House Update

Art Fiorelli recused himself from the discussion.

Jane said that the owners need to find a way to divide this property in order to sell it. One option they considered was dividing off the auction house and leaving two houses on one lot. Another option is to divide the parcel into three lots with each building having its own lot. One of the lots will be lacking 1400ft in frontage, but has adequate access. The applicant will be asking for an Equitable Waiver from the Board of Adjustment. The applicant has asked for a letter of recommendation to the Board of Adjustment on this second option.

There was discussion as to whether an Equitable Waiver would be the appropriate relief for this project or if the applicant should get a Variance.

Following discussion Roberta made a motion recommending that the ZBA positively consider the applicant's request for relief from frontage requirements. Rick Godin seconded the motion. The motion carried unanimously.

Famm Steele Update

Jane informed the Board that John Michels, who is the attorney representing Paris Holdings contacted her to let her know that his client did not wish to keep the property and was interested in selling it. Jane had a meeting with Kim McCummings, Judy Tomlinson who was sitting as Chairperson of the Economic Development Committee as well as representing Franklin Pierce University, Carlotta, Jack Dugan, and Selectman Jed Brummer. Mr. Michels is authorized to market the property and wants to work with the town to find the best use.

DES Workshop

Robyn announced the DES workshop she is setting up. She asked for specific questions from the Board to submit to DES to help them design the workshop. The topics will be Wetlands and Aquifers.

Rules of Procedure

Jane distributed copies of the Rules of Procedure with proposed changes for future review.

COMMITTEE UPDATES

Subcommittee Assignments

<u>Sign</u>	<u>Wetlands/Aquifer</u>	<u>Site Plan/Subdivision/PURD</u>
Roberta Oeser- Chair	Rick Godin-Chair	Keith Halloran-Chair
Art Fiorelli	Art Fiorelli	Deb Sawyer
Les Cypret (EDC)	Doug Gutteridge	Kirk Stenersen
Jill Lamoureux (MP steering)	Tom Peragallo(Con Com)	Art Fiorelli
Dave Duverney		
<u>Zoning</u>	<u>GMO/Impact Fee</u>	
Dave Tower-Chair	Art Fiorelli	
Burt Goodrich	Kim McCummings	
Kim McCummings	Jane Pitt	
Roberta Oeser		

New alternates will be appointed to subcommittees once they are appointed.

Roberta did not agree that alternates should be on subcommittees before elected members.

Jane asked the committee chairs to decide on a regularly scheduled time for their meetings to make posting meetings less complicated.

Informal Review

Meeting School Co Housing

Bruce MacDougal and Jacqueline Stillwell

Jacqueline Stillwell and Bruce MacDougal presented their plan for developing a co-housing community on the property using the Village Plan Alternative. The plan is for a group of small 600-1000sq foot homes clustered together. There will be a central building for storage and social gatherings.

The Meeting School will continue to develop this concept with the cooperation of the Planning Office.

OLD BUSINESS

Meeting Minutes

January 22, 2008 Art Fiorelli made a motion to approve, Roberta Oeser seconded, abstaining Kirk Stenersen, Rick Godin, and Pat Barry-motion carried.

February 5, 2008 Roberta Oeser made a motion to approve, Art Fiorelli seconded, abstaining Kirk Stenersen, Rick Godin, and Pat Barry-motion carried.

February 19, 2008 Roberta Oeser made a motion to approve, Kim McCummings seconded, abstaining Kirk Stenersen, Rick Godin, and Pat Barry-motion carried.

March 4, 2008 Roberta Oeser made a motion to approve, Kim McCummings seconded, abstaining Kirk Stenersen, Rick Godin, and Pat Barry-motion carried.

CONTINUANCE

Minor Site Plan-Continuance

Map 3 Lot 1 & 1-1

PLH-Lakeview, LLC

Sitting on the case: Kim McCummings, Kirk Stenersen, Rick Godin, Roberta Oeser, Dave Tower recused himself and Art Fiorelli was appointed in his place. Deb Sawyer recused herself and Doug Gutteridge was appointed in her place.

Jane discussed the decision of the Board at the prior hearing to share the cost of the CHA traffic analysis with the applicant. Jane sent the Board case law prohibiting the use of tax payer funds to the benefit of a private individual. Jane said that from her point of view it was a dangerous precedent to set, and by having to rely on the default budget this year the funds are not available. She stated further that she was confident that the people of the town would not be in favor of splitting review costs with developers.

Fire Suppression -Jane discussed her concerns about perchlorate entering Lord Brook and suggested that there be discussion of how to contain run off in the event of a fire. Jane has been speaking with Fire Chief Rick Donovan, who will not accept any limitations on his options for fighting fires.

Additional Structures-Jane also asked the Board to address a housekeeping item on the property by declaring the trailer and a small house to be abandoned in terms of the residential use. These structures should be demolished eventually.

Aquifer line- Clough Harbor concurred with the updated Aquifer line per the Cypret's consultant.

Attorney John Ratigan spoke on behalf of the applicant. He said the applicant has received his state Driveway Permit. The applicant has also brought consultants to speak to traffic, fire suppression and the percolate issue. He believed that Conditional Site Plan approval should be granted.

Consultants speaking for the project:

Nathan Chamberlain-Meridian Land Services-

Steve Pernaw of Pernaw and Company –Certified Traffic Engineer.

Mr. Pernaw said the applicant had contacted him over the following issues:

Whether or not, this particular site with change of use requires a widening of the highway to put in a left turn lane.

Address concerns about sight distance.

Mr. Pernaw reviewed his data and findings which indicated no need for a turning lane and there were no problems with line of sight and there is ample capacity on the road.

Chief Sielicki said that the town had done traffic counts too. That is why the Road Committee came up with the recommendation for a third party engineer to look at what is best for that section for the Town of Rindge. We know from experience by what happened on RTE 119 and an applicant had his own engineer come up with a plan that was not conducive with what Rindge wants. We want it to be as safe as possible for everybody.

Following discussion, Mr. Pernaw was asked for a copy of his study to be sent to Clough Harbor for third party review.

Steven Clough is a Haley and Aldrich-Senior Environmental Risk Assessor, has a Masters Degree in Water Quality and a PHD in environmental toxicology. Dr. Clough is a nationally recognized expert on per chlorate who has co-authored a book on per chlorate. Dr. Clough said he had two main points. The first was if there is a fire, you need to let it burn because perchlorate is an oxidizer and adding water exacerbates the problem. An experiment showed that if you burn a firework with 50.8% before the burn, one one hundredth of a one percent of perchlorate will be left if it's allowed to burn. If you use a fire hose on it, there will be leaching into the ground. Perchlorate is quickly broken down by micro-organisms within 6-30 days.

Art Fiorelli said that the experiment shows what happens to the level of perchlorate after a fireworks display and the Fire Chief wants to reserve the right to use water. Water can get into the fireworks and come in contact with the perchlorate and we don't know how significant that will be.

Nick Cricenti-licensed fire protection engineer is the one who recommended not putting water on the fire. You rescue the people and let the fire burn its self out. There are consequences to putting water on a fireworks fire.

Jane asked why in simple terms you wouldn't use water on a fireworks fire.

Mr. Cricenti said:

- Run off
- Fireworks in and of themselves bring their own products of combustion with them and water will not interrupt that chemistry.

There was discussion about the FM 200 system and how it will not extinguish the fire completely but will "buy time" for everyone to get out safely.

Jane asked what if the Fire Chief does not want one of his options to fight a fire taken away?

Chief Sielicki asked what would happen if there was a rain event following a fire? What would happen to the run off?

Mr. Cricenti said the existing drainage system can be closed and the water could be collected.

Rick Godin asked in the event of a fire, and all of the fireworks do not burn what leaches out if water is involved?

Dr. Clough said his educated guess was "not much."

There was further discussion about fireworks and fire suppression of fireworks.

There will only be a fire suppression system in the retail store. The warehouse will have no fire suppression at all.

Third Party Review

Roberta Oeser did not see the need for the traffic study to be reviewed by Clough Harbor.

Jane said it was important to get a look at the data that the traffic consultant has submitted.

Pat Barry made a motion to take the Roadway Committees recommendations third party engineers' review of the information presented to the Planning Board on the traffic study and report back to the Board if they feel that the information is accurate and complete. Art Fiorelli seconded the motion.

Kirk Stenersen asked if the town trusted the traffic consultant when he was hired by the town in 2002, why wouldn't they trust him now.

Kim said it was not a question of that. The Board needed a copy of the report and there was new information from the Police Chief that needed to be considered. It needs to be looked at for appropriateness and to see what should be done about it.

Jane said that one thing needs to be clear. This may not meet the state warrant; we may not want to wait for a condition in this town where it meets the state warrant before we address it. The fact that it doesn't meet the state warrant is one thing, whether or not its acceptable to the Town of Rindge is another.

Roberta said we can't expect this applicant to pay for what may happen three miles up the road.

Vote was as follows:

Roberta Oeser-No, Kirk Stenersen-No, Kim McCummings-Yes, Rick Godin-Yes, Pat Barry-Yes, Doug Gutteridge-Yes, Art Fiorelli-Yes. The motion carried.

Disposition of Fees

Roberta Oeser made a motion to reconsider the motion of March 4th to pay half of the third party review of the traffic at this site. Pat Barry seconded the motion.

Roberta Oeser said that making a decision would not set a precedent because every piece of property and situation is unique. The Board just doesn't have the money. Motion carried unanimously.

Kirk Stenersen made a motion to rescind the motion of March 4th to pay half of the third party review of the traffic at this site. Art Fiorelli seconded the motion, the motion carried unanimously.

This hearing is continued to May 6, 2008

Meeting Adjourned 10:30 PM

NEXT MEETING

April 15, 2008

Respectfully submitted,

Robyn Payson