

**PLANNING BOARD
RINDGE, NEW HAMPSHIRE
April 7, 2009**

DATE: April 7, 2009 TYPE: Public Meeting DATE APPROVED: 5/19/09
TIME: 7:00PM-PM CHAIR: Kim Mc Cummings,
CALL TO ORDER: 7:00PM
ROLL CALL MEMBERS: Kim McCummings, Kirk Stenersen, Hank Whitney, Tim Halliday,
Rick Godin, Roberta Oeser
ROLL CALL ALTERNATES: Scott Brown, Art Fiorelli
EX OFFICIO: Burt Goodrich
PLANNING DIRECTOR: Jane Pitt
PLANNING ASSISTANT:
**APPOINTMENT OF ALTERNATES: Scott Brown for Tim Halliday during Atlas
Lakeview continued hearing.**

Announcements

Jane announced Galaxy Development received the variance they requested for the Tractor Supply sign which is larger than allowed by the ordinance. The project is moving along well and they hope to be before the Board in May.

Jane announced the annual Office of Energy and Planning Conference which will be on May 2nd. She said that the Planning Office would be happy to help anyone register who is interested in attending.

Subcommittee Updates

Senior Housing

Jane reported a Special Exception has been obtained from the ZBA to construct an access to a proposed well for the site. It is anticipated that this project will come before the Board shortly.

Workforce Housing

Workforce housing has continued meeting and is moving forward focusing on green building and energy efficiency. The idea being affordable housing also needs to be affordable to live in. The Committee has also decided to support the Planning Board Subcommittee in its efforts to encourage the construction of workforce housing in town.

Subdivision Site Plan and PURD

Kirk reported that the primary focus of this subcommittee has been the PURD regulations in order to be sure they conform to the workforce housing legislation set to go into effect July 1st of this year. Kirk met with some builders to discuss density bonuses and incentives for workforce housing. Kirk anticipates having revisions to the regulations for the Board to review in May.

Zoning Map

Jane distributed copies of the new Zoning Map for the Board to review. This map reflects the zoning changes from Town Meeting in September and March. If anyone finds any corrections they need to be communicated to the Planning Office as soon as possible.

Budget

Jane said the department heads have been meeting since the town voted down the budget and went through each department together to make additional budget cuts.

New Business

Major Subdivision

Map 6 Lot 18

Evelyn Fogg

Jane introduced the application and Jim Phippard, Evelyn Fogg's consultant for the project. This is a 2 lot Subdivision of a 15.52 acre parcel of land at the intersection of Routes 119 and 202. The property is located in the Gateway Central Zoning District. New Map 6- Lot 18 contains 6.19 acres and is the site of the existing gasoline station and convenience store. There is access on to Route 119 and Route 202 via curb cuts. Map 6-Lot18-1 contains 9.32 acres and is the site of an existing oil distribution business. It uses the same two curb cuts for access. There are additional curb cuts providing access to RTE 119 that have been approved by NHDOT but have not been constructed. The proposed subdivision does not create any new non conformities. One drinking well services the entire property and will exist on Map 6 Lot 18-1 after this Subdivision. It will continue to service both lots. There have been a number of cross easements for the use of the well, access, circulation, parking, utilities, drainage, and environmental monitoring to benefit both lots. Jane recommended acceptance and approval.

Roberta Oeser made a motion to accept the application. Kirk Stenersen seconded the motion. The motion carried unanimously.

Attorney John Griffin was present representing Mr. Willis Fogg. Mr. Fogg operates Rindge Energy LLC. which is located on the new lot being created. He expressed concern about Mr. Fogg's business still being grandfathered following the Subdivision. Jane said his business is a previously existing non-conforming use. This is simply a division of land.

Roberta said she understood his concern and this could be addressed in the decision.

Tim Halliday suggested listing the legally non conforming uses that are currently on the property in the decision.

Kirk Stenersen made a motion to approve the plan with the following conditions:

1. Receiving a list of current uses on the property and those being listed in the decision
2. Renumbering the lots to Map 6 Lot 18-1 and Map 6 lot 18-2
3. The current uses on both lots shall be considered legally non conforming uses

Burt Goodrich seconded the motion.

The motion carried unanimously.

Old Business

Major Site Plan

Map 3 Lot 1 & 1-1

PLH-Lakeview, LLC

Tim Halliday recused himself. Scott Brown was appointed in his place.

Jane reported that this application was originally submitted as a Site Plan proposing the renovation of existing building "B" on the property. Uses included an office, garage, and pellet stove showroom for the property management division of Atlas. Originally, the outside area around the building to be used for the storage and display of large caliper trees and shrubs non motorized utility trailers, gazebos, patio pavers and garden sheds with a pergola for the purpose of displaying hanging plants. A question had been raised about the impact of a nursery stocking fertilized trees and plants containing phosphorus would have on Lake Monomonac should those fertilizers get into the lake.

Jane did not have the opportunity to write a plan review memo because the revised plans did not come in to the office until late in the afternoon on this day. This new plan removes the nursery use.

Several members of the Monomonac Lake Association shared their experiences with blue green algae poisoning of their dogs and expressed concern about phosphorus being added to the lake.

Kathy John of the Conservation Commission said that they had been asked to do a site walk but as they did not have any plans to work from they could not make any observations or opinions. She asked that the decision be put off in order to allow Con Comm the opportunity to walk the site with the revised plan.

Lordes Gray of Dolly Lane said the weed problem in her area is almost uncontrollable. More phosphates in the water will make the problem worse.

Phil Simeone of Marina way said he has a lot of blue green algae bloom. He said last year, there was blue green algae in the water in front of his property. He wanted to know if fertilizer would be stored on the property, and what kind of mulch would be stored on the property.

Mr. Pelkey said it would be Hemlock and Pine bark.

Kathy John said the mulch would only add to the acidity of the lake. The natural environment of the lake is Pine.

Jane said the mulch would be in concrete bins.

Mr. Pelkey was asked about the type of fertilizer that would be used on the landscaping on the site.

Mr. Pelkey said he uses a professional fertilization company who uses organic materials and non phosphorous materials in sensitive areas. There are other components that are available like slow release nitrate non phosphorous nutrients for lawn care.

Roberta said it is specified on the plan that phosphorous not be used and people on the lake need to keep in mind there are some people on that lake that have greener lawns than she has seen

anywhere else in town. We can tell people they can't use this but the people who live on the lake must be using them too.

Mr. Pelkey said a lot of thought went into the landscaping with the sensitivity of the area in mind.

Jane said that the water quality criteria in NH **envwq1703** has an introductory sentence that says "the presences of pollutants in the surface waters shall not justify further introduction of pollutants from point or non point sources alone or in any combination"

She said maybe there are some people who live on the lake that aren't doing the right thing but regardless of what the condition is, you can't make it any worse. Her second point was Lord Brook is a class B water source and no increase or discharge of phosphorus can be made into that water body. Lord Brook dumps directly into Lake Monomonac.

Art said most of the Clough Harbor comments have been answered but there is still a disagreement regarding the first one showing proposed finished grades. Now that the nursery area is removed, is there going to be no disturbance in that area.

Nate Chamberlain said the new plan shows the final grades.

Art said he understood there would be no hanging or flowering plants on the site.

Mr. Pelkey said the only flowering plants are permanent plantings.

Art asked if the "annual gardens" in front of the gazebo area were included in the "landscaped areas" in note #13.

Mr. Pelkey said they were.

Burt Gould Selectman in Winchendon Ma said he hadn't heard if anyone has spoken to the Army Corps of Engineers.

Kirk said he had never heard of the Army Corps of Engineers having a problem with a Site Plan in Rindge.

A lake resident said that they are very concerned about the lake and appreciate the changes that have been made to the plan.

Roberta said the plan was before the Planning Board a month ago so the Conservation Commission could have gone out to walk the site with everything on it.

Kathy John said that the Conservation Commission went out with a previous plan, but couldn't render an opinion without the final version of the plan so essentially they had nothing.

Kirk Stenersen asked Jane if the current version of the plan was essentially the first plan without the nursery.

Jane said she didn't know if it was because she had not had an opportunity to review it prior to the meeting. As far as the Conservation Commission was concerned, this is a sensitive site and she has been encouraged to get the Conservation Commission involved when there is a sensitive site. Almost all the time, this works in the favor of the applicant. The Con Comm went out April 6, on a Site Walk with the most recent version of the plan, (because this was all the Planning Office had) and they were going to write a report until her conversation with Mr. Pelkey who said there was another version of the plan to be submitted. Jane then passed this information on to the Conservation Commission.

Mr. Pelkey said he had been "kind of reiterating this information for a month".

Jane said she had not been informed.

Mr. Pelkey said he sent an e-mail to Nate Chamberlain after the hearing, telling him to remove anything on the plan that the Board had a problem with.

Jane said she had been copied on that e-mail, but had never seen a revised plan until today.

Mr. Pelkey said he knew but he mentioned the cut, the nursery goes away. This is where the frustration comes in. He said he is having to hold up a major business to determine whether or not there is a nursery there, which there isn't. And in the notes it says we aren't putting phosphates on a previously approved lawn. At this point we can simply move forward with Phase I which was the original building and the landscaping that we have already had approved. And there is no other lawn being installed. The landscaping has already been approved there's no other grass.

Kim said the problem is with receiving the plan at 4:30pm the day of the hearing the Planning Director has not had a chance to review the plan to ensure everything is the way it should be.

Nate Chamberlain asked if there could be a conditional approval based on her review.

Kim suggested holding a special meeting April 14 to allow time for Jane to review the plan.

Mr. Pelkey said he already has the previously approved plan 4800sq ft building and the landscaping along RTE 202. There is no additional planted fertilized area of any kind. All he is trying to do is get the stove shop open and get the trailer sales going.

Kim said Jane offered to accept the plan this morning and we are trying to work with him so the Planning Board can do everything it needs to do so this Site Plan can be approved and move forward as quickly as possible.

Roberta said everyone has had time to read all the notes and wanted to know what the questions were.

Art said it sounded like at least a couple of weeks ago Mr. Pelkey notified his engineer that if there was any problem with the nursery, he was to go back to this plan as it came forward. It seems there should have been plenty of time to get a new plan unless the engineer didn't understand or decided not to follow the applicant's instructions. So he didn't understand what the problem was with giving the Conservation Commission a chance to give input on the plan.

He went on to say there is a change in grading. It is not the identical plan that was approved. Our rules of procedure require that this be in the Planning Office 15 days before the hearing and it seems if the engineer had followed the instructions of the applicant this would have happened.

Jane said there should be a set of drainage calculations that reference the approved plans. Those did not come today. She said she wasn't sure that the description of the uses is exactly the same. It all has to tie together. Giving her an hour is not fair and not good practice. She said she was happy to receive those plans this morning and go through them and she would have done that but that is not the way it happened. She said the office e-mailed your office at 11:00am immediately after she spoke to Mr. Pelkey.

Dr. Hill said when the ZBA requires an opinion from the Conservation Commission they require using the same plan. He also said there is a potential problem using nitrogen as fertilizer. Could the Planning Board stipulate there be no fertilizer that contains nitrogen or phosphates?

Mr. Pelkey said slow release nitrogen is recommended by the EPA and DES.

Mr. Chamberlain said it's released slowly and the plants eat it up.

Roberta Oeser made a motion to continue this hearing to April 14 at 6:00pm.

Kirk Stenersen seconded the motion.

The motion carried unanimously.

Mr. Pelkey was asked to show the general trailer storage area on the plan and not be specific as to the number of trailers so he is not limited to number.

NEXT MEETING

April 14, 2009

Respectfully submitted,
Robyn Payson