

**PLANNING BOARD  
RINDGE, NEW HAMPSHIRE  
December 4, 2007**

**DATE: December 4, 2007**    **TYPE: Public Hearing**    **DATE APPROVED: 02/05/08**  
**TIME: 7:00 PM-11:30 PM**    **CHAIR Kim McCummings**  
**CALL TO ORDER, at 7:00 PM**  
**ROLL CALL MEMBERS:** Kim McCummings, Deb Sawyer, Dave Tower  
**ROLL CALL ALTERNATES:** Art Fiorelli, Doug Gutteridge Dick Isakson  
**EX OFFICIO** Tim Halliday  
**PLANNING DIRECTOR** Jane Pitt  
**PLANNING ASSISTANT:** Robyn Payson

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**Announcements**

There was a brief discussion about the rights of alternates on the Planning Board initiated by Tim Halliday who is beginning his three months as ex officio at this meeting .

**Committee Updates**

**Sign Subcommittee**

Art Fiorelli, who is a member of the subcommittee said that the revised ordinance was not ready to be put on the warrant for Town Meeting in March 2008. He suggested that the subcommittee continue meeting in order to complete work on the ordinance.

**Zoning Subcommittee**

Dave Tower reported The Gateway District Ordinance is not ready to be put on the warrant for Town Meeting in March 2008. There may be some changes in setbacks proposed on the warrant but further work on the Gateway Ordinance is necessary before it can be put before the voters.

**GMO Subcommittee**

Art Fiorelli reported the information in the Addendum to the Findings of Fact which has been reviewed by Town Counsel.

Dick Isakson made a motion to approve the ordinance and post the GMO for hearing. Art Fiorelli seconded.

Tim Halliday said that the GMO has never been used and in the harsh economy it will not be used. He went on to say that the Gateway District and Sign Ordinance zoning amendments may have been ready for Town Meeting if the GMO had not taken up so much time.

The motion carried with Tim Halliday voting No. The first Public Hearing will be scheduled on December 27.

John Vorfeld arrived at the meeting at 7:30pm

## **OLD BUSINESS**

### **Preliminary Consultation**

Map 6 Lot 99-3

Route 202

SRA- Todd Lornell

Oak Engineering-Sean Malone

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Sitting on this case: Kim McCummings, Deb Sawyer, Tim Halliday, Keith Halloran for Dave Tower John Vorfeld Dick Isakson in the vacant seat Art Fiorelli for Roberta Oeser.

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Sean Malone presented the updated conceptual plan which included a reconfiguration of the buildings and an additional 7,000 square feet of retail space. The number of parking spaces has been reduced and landscaping has been added to the parking lot to allow for lower impact development.

The new configuration lines up all but one of the buildings in a more conventional looking strip but Mr. Malone said after many revisions this configuration met their needs the best. The board suggested that the developer be creative with the architecture of the buildings.

### **Major Site Plan**

Map 2 Lot 59-3-5 Route 202/Sears Drive

B.J. Alan Company-Phantom Fireworks

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Sitting on this case: Kim McCummings, Deb Sawyer, Tim Halliday, Keith Halloran for Dave Tower John Vorfeld Dick Isakson in the vacant seat Art Fiorelli for Roberta Oeser.

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John Parelli of SVE associates and Arthur Einzig presented the updated plan and building design to the board. Parking has been reduced and the building design was an improvement over the previous version. All lighting will be Dark Sky compliant.

Richard Mellor-Chairman of the Conservation Commission said that the Commission had visited the site and several concerns. They included

- Encroachment of the detention pond into the buffer.
- Additional cutting in a location where the limit of 50% of the basal area over a twenty year period had already been met and possibly exceeded.
- The applicant will need to satisfy section 5:C of the Wetlands Ordinance which states:

“No dredging, filling, draining, or otherwise altering the surface configuration of surface waters, wetlands, or lands within the WCD shall be permitted unless a Special Exception is granted by the Board of Adjustment in accordance with Section 8 of this Ordinance. “

The position of the Conservation Commission is that a special exception would be required to take any of the trees out. The conservation commission is not saying that this plan cannot happen but the process requires a Special Exception Board of Adjustment and at that time they can evaluate what is being lost and what the proper mitigation is for that.

Mr. Mellor was concerned about the part of the plan coming within fifteen feet of the wetland because their main concern is protecting Lord Brook.

Art Fiorelli asked if in his opinion the current plan violated the Wetland Ordinance and that the applicant needed a special exception.

Richard said yes.

Arthur Einzig asked what the position of the Conservation commission would be if there could be an underground drainage system that would not result in the cutting of any trees.

Richard said that it would still be necessary to obtain a Special Exception to cut trees for the building.

The only other outstanding issue is the signage which will be designed in accordance with the Rindge Sign Ordinance.

The applicant was advised to apply for the special exception to ensure the process keeps moving forward.

Kim will contact the Chairman of the ZBA to see if the applicant can be on the agenda for January 10.

Tom Duffy said that the cutting on the lot took place prior to the 50% cutting requirement being added to the ordinance so it should be grand fathered.

The Planning Board will continue discussion at the Planning Board work meeting December 18.

### **NEW BUSINESS**

#### **Hydrogeologic Assessment**

#### **Map 3 Lot 1-1 1212 US RT 202**

#### **Valley Marine**

#### **Les Cypret**

Mr. Cypret submitted his Hydro Geological study, which he contends, would take him out of the Aquifer. Jane Pitt said that this report would need to go our for third party review.

The question of who should pay for this study was discussed. Art Fiorelli said that applicants are expected to pay for third party reviews on their projects.

Art said that the ordinance states that the party interested in having a study done should approach the Planning Board so that they can come to an agreement together on the consultant to do the project. Then third party review may have not been necessary. As Mr. Cypret said that he asked some planning board members, and they told him he didn't need to come before the board first.

The Planning Office will submit the study to Clough Harbor, get an estimate of cost, and turn around time. This matter will be discussed further at the meeting of December 18<sup>th</sup>.

#### **Preliminary Consultation**

#### **Map 3 Lot 1-1 1212 US RT 202**

#### **Valley Marine Property**

#### **Atlas Fireworks**

#### **Steve Pelkey**

Nathan Chamberlain of Meridian Land Services presented a conceptual plan for the re-development of the Valley Marine buildings and property. The existing buildings will be remodeled and an additional 12,000sq ft building intended for retail space will eventually be built. The intention is to make the site into a "Retail Complex" The first phase of the project will be to renovate the existing buildings for retail purposes.

The question as to whether or not this property is in the Aquifer Protection District as it is currently mapped is being determined so plans for the property will show development as if the property is in the Aquifer Protection District and there will be a plan showing development if the property is considered out of Aquifer Protection District.

**Deb Sawyer left the meeting at 10:00pm**

**Technical Subdivision-New Application Submission**

**Map 44 Lot 2 Lake Dr.**

**Map 44 Lot 3 Lake Dr.**

**Henry J. Schmaltz**

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Sitting on this case: Kim McCummings, Tim Halliday, Keith Halloran for Dave Tower John Vorfeld Dick Isakson in the vacant seat Art Fiorelli for Roberta Oeser. Doug Gutteridge for Deb Sawyer

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Jane reviewed the plan for a technical subdivision between the Rugg's and the Schmaltz's

Abutter Timothy Wolanski was preset and said he was concerned that this would be a Subdivision as there is a right of way across his property which would be the only access for the land locked piece. Mr. Wolanski was assured that this was a technical Subdiviison which only concerned a land transaction between the Rugg's and the Schmaltz's and would not add any lots to the property.

Tim Halliday made a motion to accept the application John Vorfeld seconded the motion. The motion carried unanimously

Tim Halliday made a motion to approve the plan, Dick Isakson seconded the motion. The motion carried unanimously.

**Major Subdivision-New Application Submission**

**Map 5 Lot 9-5**

**Abel and Bean Hill Rd**

**Alain Choquette**

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Kirk Stenersen of Higher Design presented the plan for the four lot Subdivision. He is requesting a waiver from the minimum road length of 1000ft in favor of a 400ft road with a cul de sac.

Jane was not in favor of this configuration and made the following recommendations.

1. The existing house lot not be connected to Abel Rd. by the 10ft wide strip which brings the lot down to its 250ft of legal frontage.
2. Delete one of the lots and develop the area of the three lots into two lots.
3. The applicant has received a special exception for a wetlands crossing and intends to build a gravel road. Because of the 8% grade, the road should be either paved to prevent erosion or the grade should be taken down.

The fact that building envelopes were shown along the Bean Hill Road side of the development was discussed. Jane said that she had asked Mr. Stenersen to remove the additional building

envelopes from the plan as it would cause confusion and Mr. Stenersen refused to do so. Jane said that there would need to be a condition of approval stating that those back building envelopes could not be built on. Mr. Stenersen said that you couldn't get a building permit on those lots. Art Fiorelli said once they are lots of record you could, which would in effect create a subdivision on a class VI road.

Abutter Randy Burt said this plan has a lot less building than it could have and the drainage could be engineered.

Abutter Steve Johnson said he is concerned about the drainage and the water going across the street. He said that seven houses have been built between Fogs corner to this location and that was enough. He suggested that if the 1000ft road standard could not be met, that the application be denied.

Mr. Stenersen was asked to consider the Planning Director's recommendations and return to the Board. When Mr. Stenersen is ready to return to the Planning Board he will be placed on the agenda again.

### **Wetlands Ordinance**

A copy of the Wetland's Ordinance was distributed for discussion at the work meeting on Thursday.

**Meeting Adjourned 11:30pm**

**NEXT MEETING**

**December 6, 2007**

Respectfully submitted,

Robyn Payson