

**PLANNING BOARD
RINDGE, NEW HAMPSHIRE
July 24, 2007**

DATE: July 24, 2007 TYPE: Public Hearing DATE APPROVED: 8/7/07

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

CALL TO ORDER, at 7:00 PM

ROLL CALL MEMBERS: Kim McCummings, Deb Sawyer, Dave Tower, James Hoard, Roberta Oeser

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

EX OFFICIO Patricia Lang Barry

PLANNING ASSISTANT: Robyn Payson

ALTERNATES Seated: Dick Isakson for John Vorfeld

Also Present: Jo Anne Carr of South West Regional Planning

Kim McCummings opened the meeting at 7:00pm.

Announcements

Keith Halloran reported that the Agriculture Committee met on July 19th and will be meeting regularly soon. He also reported that the Agriculture committee will be working with the Rindge Women's club on livestock and produce exhibits to be displayed in the horse stalls at the Meeting House during the annual fall fair.

Informal Discussion-FPU Fire Station

This discussion is regarding a building that is to be used to house the fire truck that was recently donated to Franklin Pierce University. The building is less than 1000sq ft, but as the Planning Office received no information about the building prior to the beginning of construction, this matter is being brought to the Planning Board for determination of whether or not there should be a Minor Site Plan application submitted. Robyn Payson stated that per a conversation with Rick Donovan, because the building will be housing fire apparatus it is considered a Fire Station and not a Garage or Storage building.

Bill Harper of West Rindge Builders reviewed the plans for the building and stated that there will be no meeting space and is intended for storage only. It will be located in the parking lot next to the "Bubble" He said that not submitting a building permit was an error.

Following discussion the board determined that Site Plan Review was not necessary, and the matter was referred back to the Building Department.

Application Review

Minor Site Plan

Map 3 Lot 4-7 Dolly Ln. and Route 202

Tim Halliday

Kim McCummings began discussion by announcing that at the Public Hearing on July 10th, it was mistakenly stated that this application had been "accepted" where as it had in fact not been.

Jo Anne distributed her review of the project, which included her original comments from the first public hearing. Following discussion Dave Tower said that what needed to be determined was whether the business Mr. Halliday was conducting on the property was a legal use in the Aquifer Protection District. He went on to say if the use is legal, then the issues that need to be addressed are related to Site Plan. Based on the records that exist, it appeared to him that the use is legal. If the Board determines this is not a legal use, then the Code Enforcement Officer must investigate. Art Fiorelli said that a Conditional Use Permit needs to be obtained. The applicant must demonstrate that no prohibited uses are taking place on the property in order to receive the permit.

Dave Tower made a motion to accept the application, Dick Isakson seconded.

Art Fiorelli stated that the Conditional Use Permit issue needed to be addressed by the Board before the application could be accepted because, if the Board determines that this plan does not meet the criteria for a Conditional Use Permit, it will not be in conformance with Zoning. Plans that do not conform to Zoning cannot be accepted.

Dave Tower withdrew the motion.

Tim questioned the accuracy of the Aquifer map. Jo Anne said that she reviewed the Aquifer Protection district with the USGS map, which showed the property in the Aquifer protection district. She pointed out that the owner of the property or the town can request a soil survey to determine whether the property is located in the Aquifer.

Jo Anne said that the applicant needed to give the Board details of exactly what uses will occur on the land and what measures would be taken for ground water protection.

Dave Tower said that this matter should be continued to allow Tim an opportunity to meet with Jo Anne to address these issues.

Roberta Oeser made a motion to continue this matter to the August 7, 2007 Public Hearing. Deb Sawyer seconded, the motion carried unanimously.

David Tower excused himself for the remainder of the meeting. Keith Halloran is seated in his place.

Major Subdivision

Map 11 Lots 36-1 & 36-2 Cathedral Rd.

Phillip Stenersen

Art Fiorelli made a statement that the Stenersen's had asked him to recuse himself based on a relationship with Candice Starrett Real Estate. He said that he had sat on this case since the Stenersen's last meeting with Ms. Starrett on December 5, 2006 and prior to the last hearing there had been no problem. The Stenersen's also raised their objection to his participation on the case after the hearing was opened and he was appointed which is contrary to RSA 673:14. He felt that the Stenersen's objection to his participation was based on the fact that he expressed concerns about the plan.

Robyn distributed a letter from Fire Chief Rick Donovan addressing the road safety issues brought up by the road committee.

Since the Public Hearing of July 10, the Stenersen's received their state DOT driveway permit.

Jo Anne presented her review of the plan. Mr. Stenersen stated that the plan has been revised but no revised plans have been received by the Planning Office. The Planning Board needs to decide on vesting language and the Impact Fee will apply to the development. Third party review is suggested for the Road, Drainage, and Storm water Management. Third party review on the road is required for the road to be eventually accepted by the Town, so review at this stage may be in the best interest of the applicant.

Roberta Oeser made a motion for the plan to receive third party review on the Road and Drainage and Storm water management. Pat Barry seconded, motion carried with James Hoard voting no, because he was opposed to the engineering of the road being reviewed.

Roberta Oeser made a motion to continue this matter to August 7th 2007. Pat Barry seconded motion carried with James Hoard voting "No".

Jo Anne will deliver the plans to Clough Harbor for review.

Kirk Stenersen informed the board that he had appeared before the ZBA and stated that the Sauvola project was ready for Public Hearing on August 7th.

Discussion: Impact Fees

Roberta Oeser initiated a discussion of the Planning Board's ability to declare a development exempt from impact fees vs. Code Enforcement's right to assess them.

Following discussion, the board felt that Dave Duverney should be present to respond to any questions and the specific issue needed to be reviewed for informed discussion by the Board.

James Hoard said that Code Enforcement should not over turn Planning Board decisions without coming before the Board first.

Non Public Session per RSA 91-A3-Personnel Matters

Keith Halloran Made a motion to move into non-public session Pat Barry seconded motion carried with James Hoard voting No.

The Planning Board entered into non-public session at 9:30PM.

The Planning Board Emerged from non-public session at 10:25 PM

Meeting Adjourned 10:30pm

NEXT MEETING

August 7, 2007

Respectfully submitted,

Robyn Payson