

THE PLANNING BOARD
Town of Francestown
Francestown, New Hampshire 03043

June 21, 2011
MINUTES

Planning Board Members Present: Bob Lindgren - Chair, Mike Tartalis, Bill McNeil, Prescott Tolman, Henry Camirand. Lindgren took the minutes.

Members of the Public: Polly Freese, Mrs. Camirand, Kelly (Clark).

The meeting was brought to order at 7:00pm.

Consultation - James Clark

James Clark and partner Kelly have just purchased two of the lots created in the Cersosimo subdivision of Map 8 Lot 47 on 2nd NH Turnpike North, which was approved by the Planning Board's Notice of Decision dated 8/15/06. The two lots, labeled on the final plat as Lot 2 and Lot 3, were approved with a single curb cut which is shown on the signed plat as a 50' access right-of-way on the property line between the two lots which would require a common driveway to provide access from both lots to 2nd NH Turnpike North.

Mr. Clark, however, explained to the Board that he did not wish to use that curb cut location for access to the lots because there is a stone wall that would need to be removed at that location, and there is a telephone pole directly at that location that would need to be moved. Instead, Mr. Clark proposes using an existing cut in the stone wall shown on Lot 3 on the plat, where there is an existing logging road, and constructing a single driveway to his preferred home construction site on Lot 2. Furthermore, Mr. Clark stated that the Road Agent had viewed the proposed new curb cut for the driveway and said it would meet the town's Driveway Regulations and sight distance requirements "with a little cleaning up" of brush and branches.

The Board agreed with Mr. Clark that using an existing break in the stone wall would be preferable to making a new break in the wall. The Board also agreed that if the Road Agent found the curb cut to be in compliance with the Driveway Regulations, then it would appear that the new location would not require further Planning Board approval as there was nothing in the 8/15/06 Notice of Decision, the plat Notes or the meeting minutes to indicate that the common access curb cut for Lots 2 and 3 shown on the plat was an absolute requirement. However, the Board noted to Mr. Clark that if in the future he should want to sell off Lot 2 from Lot 3 (or vice-versa), then it was likely that the owner of Lot 2 might need to construct a curb cut for Lot 2, and subsequent new driveway, as shown on the plat, unless the Road Agent were to determine that another curb cut site for Lot 2 would be in compliance with the Driveway Regulations.

Mr. Clark also asked if the 100-foot woodland buffer setback requirement from the road could be waived. This buffer is specified on a Note on the signed plat, and was referenced in the meeting minutes. It is also possibly referenced as a deed restriction in the deeds to the properties, as that was mentioned in the subdivision documentation. The Board suggested that Mr. Clark view his deed and discuss this possibility with his attorney. Otherwise, the Board hypothesized that to remove that requirement might require the Board to consider a future

action to modify the Notice of Decision and to approve new plats for Lots 2 and 3, and it was uncertain that the Board would entertain a request to do so as the buffer requirement was clearly intended by the approving Board as a key condition of subdivision.

Preliminary Consultation (continued) - Henry Camirand, Vehicle Repair Business, Oak Hill Road

Henry Camirand temporarily recused himself from the Board for this discussion.

Back in February, 2010, Mr. Camirand requested that the Board find whether Camirand's Car Care, a business located at Mr. Camirand's home at 313 Oak Hill Road, constitutes an In-Home Business as defined in the Frankestown Zoning Ordinance under Article 3.9.1, and whether other applications or approvals may be required.

This discussion was continued from the Board's last meeting on May 3, 2011 as Mr. Camirand was anticipating the receipt of a consultant's analysis of the position and properties of an aquifer, listed as Aquifer #10 in the town's Master Plan, that is shown on the town's aquifer inventory map to lie in proximity to the Camirand's property at 313 Oak Hill Road.

Mr. Camirand presented members of the board with a letter dated May 10, 2011 from GeoInsight, Inc. of 186 Granite Street, Manchester, an environmental engineering company that was recommended to him by a NH DES Groundwater Bureau Environmentalist by the name of Pierce Rigrod. The GeoInsight, Inc. letter was signed by David Maclean, P.G., L.S.P, Senior Hydrogeologist/Senior Associate. The Board discussed the letter and the hydrogeological conditions surrounding the property, the aquifer, and the three nearby Frankestown Water Company public drinking water supply wells.

The Board concluded that while the Camirand's garage is likely to be located near the edge of Aquifer 10, there is no direct evidence or particular likelihood that the aquifer is directly beneath the garage, due to the apparent imprecision of the 1995 USGS aquifer delineation study from which the extent of the aquifer was estimated. No data points used in that estimated aquifer delineation are in the vicinity of the Camirand property, and thus its boundaries in that area are hypothetical. GeoInsight's analysis suggests that the edge of the aquifer in the vicinity of the Camirand's property is likely less than 10 feet thick. Other evidence suggests that there is actually an old stump dump and sand pit tailings used as fill beneath the garage area that is roughly 30-40 feet thick.

Camirand provided evidence to the Board that he follows best management practices for storage and disposal of hazardous automobile waste. He recycles an average of 3 55-gallon drums of used engine oil per year, and less than 1 55-gallon drum of antifreeze over the past three years. He states that he conforms to all federal, state and local laws and regulations regarding hazardous substances. As a volunteer firefighter with the Mt. Crotchet Fire Company, he has had substantial training on safety issues in dealing with hazardous substances.

The Board also reviewed the hydrogeology of the three nearby Frankestown Water Company public drinking water supply wells, which are bedrock aquifer wells approximately 500-600 feet deep. Each of these wells are protected by a casing approximately 100 feet deep driven into the bedrock, which is encountered at approximately 80-90 feet below the

surface. The geology suggests that there is no possible hydrological connection from Aquifer #10 to the public drinking water supply wells.

The Board concluded that there was no evidence that the Camirand Car Care business detrimentally affected the quality of groundwater contained in the aquifer, contributed to pollution of the aquifer, or discharged wastewater on-site that is not typical domestic wastewater. The Board also concluded that the location of an aquifer near the garage did not affect the business's ability to be considered an In-Home Business as defined in the Frankestown Zoning Ordinance under Article 3.9.1, or that any other applications of approvals were currently required to do so.

The Board then considered the criteria for In-Home Businesses as defined in the Frankestown Zoning Ordinance under Article 3.9.1.

The Board found that the proposed business is an indoor service, is secondary to the residential use of the property, and is conducted entirely within the existing garage, and that the garage building is of a type customarily associated with the residential use of a lot.

While there were five vehicles parked at the house when the Planning Board conducted a site examination on May 3, 2011, all five of those vehicles were owned and used by the Camirand family. None of them were dedicated to being used for the business. The Camirands suggested that occasionally the business will need to store a customer's vehicle overnight for pickup the next day, and that often they will park that customer car in the garage. The Board discussed limiting the number of business-related vehicles that should be allowed to be parked outside overnight to a maximum of three. There is sufficient off-street parking available between the house and the garage to accommodate that maximum number plus the five residential vehicles.

The Board noted that the parked cars were not easily seen from Oak Hill Road, and that the business did not seem to change the residential character of the neighborhood. Although all abutters and several nearby neighbors were noticed regarding the May 3, 2011 meeting, none showed up to comment on the business's impact on the neighborhood, and it was noted that Frankestown neighbors are usually not shy about coming forward with such comments should a situation exist.

The business services, on average, one and a half vehicles per day (or 9 per week, on average). The Camirands stated that they cannot control when a customer decides to drop off a vehicle, but that the business is only open 8 a.m. - 5 p.m. Mondays through Saturdays. The only other traffic the business generates are occasional parts deliveries, and a Snap-On Tools truck once every couple of months. The Board discussed limiting business traffic to the hours of 8 a.m. to 5 p.m., Mondays through Saturdays.

Although there are currently no signs for the business, Mr. Camirand was considering a single sign at the driveway entrance. If he is approved as a state inspection station, he would need to put a standard inspection station sign on the outside wall of the garage, including his station number and the price of a state inspection, but that sign would not be visible from Oak Hill Road.

After discussion of the In-Home Business criteria, the Board unanimously agreed that at this time, and considering the evidence presented, that the business met the criteria for an In-Home Business. Tartalis and Lindgren noted they felt that if the business should expand significantly

in the future, it might rise to the level of needing to apply for site plan approval from the Board under Zoning Ordinance Section 7.16 Auto Service Stations, which would also require Special Exception approval from the Zoning Board of Adjustment.

Lindgren made a motion that the Board finds that Camirand's Car Care at this time meets the criteria for an In-Home Business as defined in the Francestown Zoning Ordinance under Article 3.9.1., with the following conditions: a maximum of three customer- or business-related vehicles shall be allowed to be parked outside the garage overnight, and business hours and business traffic shall be limited to the hours of 8 a.m. to 5 p.m., Mondays through Saturdays. Tartalis seconded the motion. Tolman, McNeil, Tartalis and Lindgren in favor. Nobody opposed. The motion was approved.

The meeting was adjourned at 9:20 p.m.

Respectfully Submitted,
Bob Lindgren