

Present: Chair Brett Hunter, Vice Chair Jack Karcz, Selectmen's Representative Neal Janvrin, Jack Downing, Andy Kohlhofer, Paul Powers, Tim Lavelle, alternate member Mike Wason, RPC Senior Planner Jenn Rowden, Building Inspector Greg Arvanitis, and Land Use Administrative Assistant Casey Wolfe

Also Present: Andrea Juliano, Carl Juliano, Emma Edwards, Rachel Edwards, Mary Dutton, Kate Scholes, Tom O'Brien, Dyllan Cooper, Brian Shapiro, Brianna Rislove, Samantha Rislove, Ellen Rislove, Michael Rislove, Marjorie Rislove, Ellen Douglas, and John Roderick

Mr. Hunter opened the meeting at 7:00 pm.

## **I. MINUTES**

After a correction, Mr. Kohlhofer made a motion to approve the minutes of May 2, 2018. Mr. Karcz seconded the motion. The motion passed 5-0-2.

## **II. NEW BUSINESS**

### **Public Hearing for a minor site plan review submitted by R. Cooper & Sons Paving who seeks to store several dump trucks, working vehicles, and some miscellaneous machinery at 225 Main Street (Map 3 Lot 150).**

Julie Cooper introduced herself to the Board. She explained to the Board that she would like to park her business's dump trucks at 225 Main Street. The trucks would leave in the morning and come back in the afternoon. Because they operate a seasonal business, they only use the trucks from April through November. Ms. Cooper further explained that they have seven dump trucks and that a couple of these trucks have trailers in the back that carry various machines such as pavers and rollers. She has no plans to buy more trucks or store asphalt on the site. She stated that worst case scenario they would store a small amount of gravel. Ms. Cooper also explained that they do not do work on the trucks and that they send the trucks to the mechanic for any repairs. The employees who drive the trucks will park their personal vehicles on site for the day. Mr. Karcz asked if she has contacted the NH Department of Transportation about getting a driveway permit. Ms. Cooper stated that she has called them and she was told she might not need a permit because there is already a driveway on site. She stated that the driveway is very wide right now and she hopes to make it narrower. The NH DOT will send someone out to take a look at the driveway. Ms. Rowden suggested to the Board that they issue a condition that the applicant provides proof that they have confirmed with the NH DOT that they do not need a driveway permit.

Ms. Cooper stated that she is not changing or adding anything to the septic system. There are two bathrooms; one bathroom is in the old residence and the other one is in the old store. Mr. Arvanitis stated that she is okay as long as there is a bathroom for her employees. Ms. Rowden stated that proof of adequate septic may be required. Mr. Lavelle asked if anyone is currently living on site. Ms. Cooper explained that the owner used to live on site, however, he got sick and moved out. Ms. Rowden stated that the lot is in the aquifer protection district and it is within the Shoreland Protection Act zone. She stated that what the applicant is proposing is allowed within

the aquifer district as long as there is no maintenance, repair, or fueling of the vehicles. Mr. Lavelle asked Ms. Cooper if they intend to pave the area. Ms. Cooper stated that she was hoping to make the property look nicer, but she needs to hear back from the NH DOT. Mr. Lavelle commented that the State will want the driveway area reduced. Ms. Rowden requested that the applicant delineates the proposed driveway configuration on the plans. She also stated that pavement under the dump trucks could help prevent contaminants from getting into the aquifer, however, the overall goal would be to minimize the area of impervious surface. Ms. Rowden suggested that the parking area for the dump trucks to be delineated at the site. This would help keep the business in compliance with their site plan. Ms. Cooper passed out a rendering of where the trucks would be parked on the site.

Ms. Rowden reminded the Board that the applicant has applied for a minor site plan. She stated that at the preliminary meeting the Board felt that this use qualifies for a minor site plan. She asked the Board if they still felt this use was under that threshold and if they felt that this is a complete application. Mr. Kohlhofer stated that he felt this was a minor application. There seemed to be a consensus from the Board that the application still qualifies for a minor site plan. Ms. Rowden recommended that the application is complete and that the Board can take jurisdiction. Mr. Lavelle made a motion to take jurisdiction of the application. Mr. Kohlhofer seconded the motion. The motion passed 7-0-0. Ms. Rowden looked at the waiver requests. She did not recommend that the Board grants the waiver request from getting State permitting. She did recommend that the Board grant the waiver request from doing test pits. Mr. Karcz made a motion to grant the waiver request from the requirement of doing test pits on the site. Mr. Kohlhofer seconded the motion. The motion passed 7-0-0. Upon further inspection, Ms. Rowden realized that the applicant did not request a waiver from State permitting. Mr. Karcz made a motion to open the hearing to the public. Mr. Kohlhofer seconded the motion. The motion passed 7-0-0.

Andrea Juliano asked where on the property the trucks would be parked. Ms. Cooper showed her on the plans. She also asked if there would be any fencing to help screen the trucks. Carl Juliano asked if Ms. Cooper is proposing to pave and park trucks behind the existing building. Ms. Cooper said she was not proposing to do that. Ms. Juliano stated that she is concerned about traffic on that corner. She explained that cars go very fast around the corner. She also stated that it's been a long time since any upkeep has been done on the property and that the site would need to be repaved. Brian Shapiro stated that a couple years ago he spoke with Ms. Rowden about the same lot and she told him that anything automotive is prohibited on the lot. Ms. Rowden stated that having an automotive repair shop or gas station would not be permitted because the lot is in the aquifer protection district. However, the storage of vehicles is allowed in the aquifer protection district. As long as there is not any repair work being done, the likelihood of contamination is much less. Mr. Shapiro asked why used car dealerships are not allowed in the aquifer protection district. Ms. Rowden explained that the way the ordinance is written, automotive sales is a prohibited use. She explained that for a prohibited use to be allowed in the aquifer protection district the applicant would need to get a variance from the Zoning Board of Adjustment. Mr. Juliano expressed his concern of runoff from the trucks. Mr. Shapiro stated that chemicals will leak from the vehicles. Ms. Rowden explained that the Planning Board is in the process of amending the zoning ordinance so that more uses are allowed in the aquifer protection district.

Mr. Shapiro also stated that the cars on the stretch go way too fast. Ms. Rowden explained that requiring a review by NH DOT is important because they will look at the driveway permit from a safety perspective. Mr. Shapiro also commented on the eyesore of the trucks and the smell of asphalt. Ms. Cooper responded to this comment by stating that asphalt is everywhere and that the trucks will be empty when they come back. Mr. Juliano stated that the trucks will still smell when they come back from the work site. Ms. Rowden stated that this is the Flexible Use Residential District which allows both residential and commercial uses. Mr. Shapiro stated that he does not want to smell asphalt all summer long. Mr. O'Brien asked how big the lot is and if the property is still grandfathered commercial. The lot is two acres. Ms. Rowden explained it has been over a year since the gas station closed, so an applicant would need a variance to have a prohibited use there. Because this is an allowed use in the district, the applicant does not need to get a variance. Ellen Douglas introduced herself as a hydrologist. She asked why the Board wouldn't want to maximize the amount of recharge area, or at least maintain it, to minimize the amount of impervious surface. She also asked if a stormwater report is required if the applicant intends on expanding the impervious surface. Ms. Rowden explain that a stormwater report is not required for a minor site plan. In the aquifer protection district, the impervious surface coverage cannot be more than 10% of the lot. Because this site is already existing, whatever is there for pavement is allowed. Ms. Rowden suggested that the Board does a site walk. The Board agreed to have a site walk on Saturday May 19<sup>th</sup> at 8:30 am.

Ms. Wolfe had some department comment sheets to read to the Board. The Conservation Commission wrote, *"The Conservation Commission reviewed the plans provided in the application on May 8. The proposed parking area appears to be outside the riparian (river) buffer of 150 feet it's hard to be sure using the site plan provided. The Conservation Commission requests a site visit to meet the following objectives: 1. Observe the presence/absence of any wetlands between the river and the proposed parking area to confirm buffer limit is appropriate for land use. 2. Observe presence/absence of any natural physical features may or may not provide adequate protection of river/wetlands. Further, given considered long term use and critical need to protect the Town's water resources, the Conservation Commission wants to be sure the applicant understand the importance of maintaining buffers. The Conservation Commission also strongly urges the Planning Board to require permanent markers on the site so that any and all users/contractors/maintenance/landscapers will be aware of the buffer to avoid any future disturbance of said buffer. Although the applicant is not planning to maintain said equipment, trucks and vehicles (e.g., change fluids/oils) at this time, there is a high likelihood of these vehicles/equipment will leak from time to time and maintaining the proper buffer will minimize the risk of overland water flow and potential petroleum impacts to the river."*

The Road Agent wrote, *"Applicant will need to work with NH DOT. This property is on a State of NH Highway and regulated by the NH Department of Transportation."* The Police Chief wrote, *"No issues."* The Building Inspector wrote, *"This property is formally a hazardous waste site. It is in the aquifer, close to a protected river. I have concerns about trucks leaking oils and diesel fuel into ground and potentially the river."* Ms. Wolfe will make sure the Conservation Commission is invited to the site walk on Saturday. Mr. Karcz made a motion to close the public hearing. Mr. Kohlhofer seconded the motion. The motion passed 7-0-0. Mr. Lavelle made a

motion to continue the hearing to June 6<sup>th</sup>. Mr. Powers seconded the motion. The motion passed 7-0-0. The applicant left at 7:49 pm.

### **III. OTHER BUSINESS**

#### **Katie Scholes seeks to merge two lots at Map 2 Lot 93-1 and at Map 2 Lot 93-2. Both of these lots are at 827 Main Street.**

Ms. Scholes explained that when she bought the property in 1987, it had already been subdivided into two lots. Each lot is 1.5 acres. She stated that all she wants to do is combine them into one lot. When she asked her lawyer to sign the application, he did a full title search on the property. Her lawyer wrote a letter saying that the only lien is on the combined property. There was a non-discharged lien from 1989, however, she now has a letter from the bank saying it has been discharged. Ms. Rowden stated that as long as combining the two lots does not create some kind of nonconformity, there is no reason to not sign the lot merger. Ms. Scholes stated that merging these lots is to the advantage of the town, so that there are no longer two nonconforming lots. Mr. Lavelle asked if she knew that once she merges the lots she won't be able to unmerge them. Mr. Lavelle made a motion to sign the voluntary lot merger. Mr. Karcz seconded the motion. The motion passed 7-0-0. The Chair signed two copies of the form. Ms. Wolfe will pass the signed forms onto the Town Administrator so that the Board of Selectmen can sign them as well. The form will then be recorded at the Registry of Deeds.

### **IV. CIRCUIT RIDER BUSINESS**

Ms. Rowden announced that the zoning definitions subcommittee had a productive meeting earlier in the month. At this meeting there were some thoughts about streamlining the use table and making some tweaks to the corporate commercial district. The subcommittee would also like to work on defining the residential zone. She suggested having agriculture allowed in any zone so that the Planning Board can consider eliminating some of the flexible use roads while not prohibiting agriculture as a use anywhere. Ms. Rowden announced the subcommittee is meeting again on Friday the 25<sup>th</sup> at 1:00 in the town hall. Mr. Powers said that he took some photos of different multifamily housing developments in town. He will forward them to Ms. Rowden.

Mr. Janvrin reported to the Board that the new owner of Fremont Storage on Main Street is now renting U-Haul trucks on site. Ms. Rowden stated that if these trucks are being stored in an area where vehicles were not being stored before then they need to amend their site plan.

Mr. Kohlhofer asked if the Board has received a copy of the cease and desist order that was issued for Governor's Forest. Mr. Janvrin stated that the cease and desist states that Mr. Ferwerda will not receive any more building permits until the access road is complete. Mr. Karcz explained that when he went on the site walk at the property, he saw that Mr. Ferwerda has done some blasting and moved the material. Mr. Karcz and Mr. Kohlhofer wanted to know the extent of Mr. Ferwerda's cease and desist. There was some discussion about some dangerous slopes on the property. There was also some discussion about the retaining wall by the access road. Ms. Wolfe stated that it seems like the cease and desist only prevents Mr. Ferwerda from getting any building permits or occupancy permits.

Ms. Wolfe told the Board that on May 8<sup>th</sup> a few Board members went with Dan Tatem to do the site walks for the gravel pit inspections. She stated that once she gets the reports from Mr. Tatem she will forward them along to the Planning Board members.

Mr. Karcz made a motion to adjourn the meeting at 8:13 pm. Mr. Kohlhofer seconded the motion. The motion passed 7-0-0.

Respectfully Submitted,

Casey Wolfe  
Land Use Administrative Assistant