

MINUTES OF THE MEETING
PLANNING BOARD
January 4, 2012

MEMBERS PRESENT: Robert Smith, Chairman; Kevin Crawford; Mark Beliveau; Lou Ann Griswold; Robert Moynihan and Ed Bannister.

OTHERS PRESENT: Allan Dennis, CEO; Caren Rossi, Secretary; Erick Sawtelle; Dave Garvey; Bill Humm and Laura Gund

Work Session from the public hearing on the Zoning Changes for the Commercial Zone – Noble Farm.

Bob Smith, Chairman had Caren Rossi read the issues from the minutes that the residents had with the thought of commercial development of the property. (In file) Caren Rossi continued to explain that all of the issues she had listed had been addressed at the public meeting.

Ed Bannister and Kevin Crawford read their lists of items that the residents had issues with from the proposed zoning change. The Board reviewed them all one by one.

Keeping the wells for the future water supply for the town- The Board discussed this greatly, they felt that this was an issue for the BOS to decide if they wished to retain them for future water supply, they were instructed by the BOS that they did not want to do this. They also felt that they would not meet the current requirement for setbacks etc. for public water supply. There was also thought that if the property is developed commercially that there might be a future water issue to have large withdraws so close together that they might not be enough water. Too many unknowns.

Mark Beliveau made a motion to not keep the wells separate.

Bob Moynihan second.

Vote: motion carried

Agriculture use on the property- Erick Sawtell provided an outline of what the Ag committee would like to see allowed on the property. (In file) He explained that it came directly from the state definition of agriculture.

The Board reviewed the suggestions and felt that some of them were a good idea, they did not agree with all of them. They thought greenhouses would be good, but not a corn maze etc. They discussed that they felt the neighbor's biggest concern was the increase of traffic. The Board reviewed the suggested items and voted unanimously to add items f; h; j and voted not to add k and l.

The Board discussed the proposed additional wording to be adding in item 2.

d. The growing, production and wholesale of agricultural crops in a building or other enclosed structure.

e. The commercial raising, harvesting, and wholesale of fish or other aqua cultural products in a building or other enclosed structure.

f. The raising of bees and the production of honey.

Mark Beliveau made a motion to approve the above wording and add it as outlined.

Bob Moynihan second.

Vote: all

Truck/trailer issues as in 2 b.

The Board discussed that they felt that the majority did not want trucking and associated items allowed as a use. They discussed the different options for deletions.

- b. Warehouse, storage, climate controlled storage, trucking and transportation uses with no outside storage of products, materials other than the trucks and/or trailers used for such business within building(s).

Bob Moynihan made a motion to delete all items except for warehousing.

Mark Beliveau second.

Vote: all

It now reads 2 b Warehousing.

Having deleted the above with the exception of warehousing allowed, they discussed that they need to address outside storage as the Board feels they do not want any outside storage allowed on the site.

Mark Beliveau made the following motion to be added to the existing item B, #5 as follows.

5. There shall be no storage outside of the principle building.

Bob Moynihan second

Vote: all

Natural Gas etc. B #4 This was suggested to clean up and to add bio diesel, natural gas and propane.

Mark Beliveau explained that he had would propose the following wording for this. It is as follows.

B #4 No use shall be allowed in Zone LC that emits a regulated toxic air pollutant, as defined in NH RSA 125-I:4, into the ambient air except air emissions resulting from the combustion of virgin petroleum products, natural gas, propane, and biodiesel as defined in NH Env-A 1402.02(a)(4), by mobile and stationary sources.

Bob Moynihan second

Vote: all

Signage- it was suggested that it be clarified that traffic signs are allowed as well within the development.

Mark Beliveau made a motion to have it now read as follows:

H 2 a No other signage shall be permitted in Zone LC except signage related to traffic and safety.

Bob Moynihan second

Vote: all

The Board made a few other grammatical corrections.

The proposed change now reads as follows:

Note: **Changes are Bold Italics** and Deletions are underlined.

The 2011 Lee Zoning Ordinance, if amendments/changes/additions are passed by Town vote this March, this will change to the 2012 Lee Zoning Ordinance. The proposed changes are as follows;

Article IV. For the purpose of this ordinance, the Town of Lee is divided into three (3) **four (4)** zones: the Residential Zone (Zone A), the Commercial Zone (Zone C), ***the Light Commercial Zone (Zone LC)*** and the Wet Soils Conservation Zone and Aquifer Conservation District, as shown on the Official Map dated March 11, 1969 and amended March 2, 1976; March 8, 1977; September 14, 1982; March 12, 1985; March 12, 1986, March 14, 1989, ***June 1, 2012*** and filed with the Town Clerk. Said Official Map is a part of this ordinance and is incorporated herein by reference.

Residential Zone (Zone A): Shall comprise of the entire town with the exception of Zone C and Zone LC.

Commercial Zone (Zone C): Shall comprise that area north and south of Route 4 as outlined below, and as shown on the Official Zoning Map. Starting at the Junction of Routes 4 and 125, running east for one thousand (1,000) feet along Route 4, and then North parallel to Route 125 to the Lee-Barrington Town Line. Thence running South along the Lee/Barrington Town Line to five hundred (500) feet South of the Route 4 right-of-way. Thence running East parallel to Route 4 to a point one thousand (1,000) feet East of the Lee Traffic Circle. Also running south of the junction of Route 4 and Route 125 five hundred (500) feet East and West of the Route 125 right-of-way to the junction of Route 125 and Steppingstone Road.

Light Commercial Zone (Zone LC): ***Shall comprise the land known as Lee Tax Map #25-03-000, a single parcel of 91.35 (+/-) acres.***

Wet Soils Conservation Zone: As defined in Article XV herein.

Aquifer Conservation District: Shall be superimposed over all other zones and is defined in Article XIII herein.

New Article: VI-a, Light Commercial Zone (Zone LC)

Article VI-a
Light Commercial Zone (Zone LC)

- A. The following uses shall be permitted:***
- 1. Business offices providing the following services;***
 - a. Financial***
 - b. Insurance***
 - c. Real Estate***

- d. Engineering/Architecture/Computer Design of All types*
- e. Publishing and data processing*
- f. Legal*
- g. Social Services*
- h. Health Services*
- i. Educational Services*
- j. Research and development*
- k. Medical, such as doctors, Dentist, optometrist, Occupational Therapy, Physical Therapy, or other specialized medical office uses, service laboratories and offices accessory to these.*

2. Light Industry/Commercial Uses:

- a. Processing, assembling, mixing, packaging, finishing, decorating, or repair products conducted in spaces and/or building(s) but excluding basic industrial processing such as casting and forging.*
- b. Warehousing.*
- c. Counter sales/mercantile; an occupancy used for the display and sale of merchandise in support of the processing (a. above) or warehousing (b. above).*
- d. The growing, production and wholesale of agricultural crops in a building or other enclosed structure.*
- e. The commercial raising, harvesting, and wholesale of fish or other aquacultural products in a building or other enclosed structure.*
- f. The raising of bees and the production of honey.*

B. Special Provisions

- 1. No residential uses shall be allowed in this zone.*
- 2. No commercial excavation of gravel/rock or other natural material shall be allowed in this zone.*
- 3. The land comprising Zone LC shall not be subdivided except to the extent that the entire site is developed as and held in the condominium form of ownership.*
- 4. No use shall be allowed in Zone LC that emits a regulated toxic air pollutant, as defined in NH RSA 125-I:4, into the ambient air except air emissions resulting from the combustion of virgin petroleum products, natural gas, propane, and biodiesel as defined in NH Env-A 1402.02(a)(4), by mobile and stationary sources.*
- 5. There shall be no storage outside of the principle building.*

C. Setbacks/Buffers

- 1. A minimum 125 foot perimeter buffer of the site shall be left in its natural state, undisturbed with the exception of walking trails and site access approved by the Lee Planning Board. If a septic location requires an encroachment into the perimeter buffer it shall be permitted with approval by the Lee Planning Board.*
- 2. No building or parking area shall be within 25 feet of the perimeter buffer.*

3. *Only utility service may be permitted within the perimeter buffer with Planning Board approval.*
 4. *A setback of 25 feet shall be maintained along and from the easement line of the pond on site for all building/structures. Walking trails may be permitted along with resting/picnic area(s) within the easement and perimeter buffer if permitted by the easement and approved by the Planning Board.*
 5. *Buildings on site shall be a minimum of 50 feet apart. Access around each building shall be permitted if required for fire protection. Parking and access shall be permitted within the 50 foot separation area.*
- D. Aquifer Ordinance: The provisions of Article XIII A and E, (or applicable article for aquifers) of this ordinance shall override any provisions set forth herein, The impervious coverage requirements, specified in Article XIII shall not apply to Zone LC.*
- E. Wet Soils Ordinance: The provisions of Article XV, (or applicable article for wet soils) of this ordinance shall override any provisions set forth herein.*
- F. Site Plan Review Regulations: Site Plan review regulations for the Town of Lee shall apply to all activities located in this zone.*
- G. Building Regulations: The Building Regulations for the Town of Lee shall apply to any construction within any zone.*
- H. Signage:*
1. *Entrance Sign. There shall be a single entrance sign permitted for purposes of identifying the site. The entrance sign shall have one name only such as "Noble Farm Business Park", "Lee Business Park" or such other name that has been approved by the Planning Board. The location of the entrance sign shall be approved by the Planning Board as part of site plan review taking into account site access and overall site development. It shall be constructed of natural materials such as wood, masonry, or granite. The aggregate square feet of the entrance sign shall not exceed 32 square feet. The top of such sign shall not be greater than 6 feet in height, measured from the crown of the road. The sign shall be illuminated by down lighting.*
 2. *Internal Signs. One commercial sign shall be permitted for each business use. The sign shall not exceed 16 square feet, shall be free-standing, and shall be in close proximity to the entrance of the business use. The sign shall be made of natural materials. The top of the sign shall not be greater than 4 feet in height, measured from the crown of the internal access road. The sign shall be illuminated by down lighting.*
 - a. *No other signage shall be permitted in Zone LC except signage related to traffic and safety.*
 - b. *All signage for this zone shall be subject to approval by the Planning Board.*

MINUTES TRANSCRIBED BY:

Caren Rossi, Secretary

MINUTES APPROVED BY:

Robert Smith, Chairman

Ed Bannister

Mark Beliveau

Kevin Crawford

Robert Moynihan

Lou Ann Griswold