

**MINUTES OF THE MEETING  
PLANNING BOARD  
April 14, 2016  
7:00 PM**

**MEMBERS PRESENT:** Robert Smith, Chairman; Edward Bannister; Lou Ann Griswold; Mark Beliveau; Ryan Crosbie; John LaCourse, Selectmen's Rep & David Cedarholm, Alternate.

**OTHERS PRESENT:** David Choate; Matthew Purcell; Matthew Rainey ; Nancy Rainey; Corey Colwell; Lena McClellan & Caren Rossi, Planning & Zoning Administrator

Robert Smith, Chairman opened up the meeting at 7:02PM.

**03/10/16 Draft Minutes**

Ryan Crosbie made a motion to approve the minutes.  
David Cedarholm second.  
Vote: all, minutes approved.

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**Report of Subcommittees**

The Masterplan committee reported that they are moving along with their progress and have had some involvement from some of the committees/commissions as well.

Mark Beliveau will have a draft of his section of the site review regulations for the May 12, 2016 work session. If possible, he will have them to Caren a few days prior for distribution.

David Cedarholm will provide Caren with the updated storm water revisions.

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**(PB1516-7)A continued application from Lena McClellan & Thomas Poland are requesting Site Review for a Bed & Breakfast in their home and existing out building. The property is located on 6 Radford Drive and is known as Lee Tax Map #13-09-0600. This is a possible final hearing.**

Caren Rossi provided the Board with letters from both the police chief and the fire chief.

Lena McClellan provided pictures of the possible sign she would put up at the end of the driveway only.

Lou Ann Griswold asked if the sign would be lit?

Lena McClellan stated if so, with solar lights shining up on the sign.

Lou Ann Griswold spoke with concerns of light trespass and or light pollution. She wants to be sure this does not happen.

The Board discussed the fire chiefs letter and asked if the applicant was aware of how involved a sprinkler system was.

Lena McClellan stated that they are aware and they will look into this further and may possibly decide they do not wish to do the project.

The Board discussed if the time frame the applicant has to get the project completed.

Mark Beliveau read NH RSA 674:39 into the record.

**674:39 Five-Year Exemption. –**

*I. Every subdivision plat approved by the planning board and properly recorded in the registry of deeds and every site plan approved by the planning board and properly recorded in the registry of deeds, if recording of site plans is required by the planning board or by local regulation, shall be exempt from all subsequent changes in subdivision regulations, site plan review regulations, impact fee ordinances, and zoning ordinances adopted by any city, town, or county in which there are located unincorporated towns or unorganized places, except those regulations and ordinances which expressly protect public health standards, such as water quality and sewage treatment requirements, for a period of 5 years after the date of approval; provided that:*

*(a) Active and substantial development or building has begun on the site by the owner or the owner's successor in interest in accordance with the approved subdivision plat within 24 months after the date of approval, or in accordance with the terms of the approval, and, if a bond or other security to cover the costs of roads, drains, or sewers is required in connection with such approval, such bond or other security is posted with the city, town, or county in which there are located unincorporated towns or unorganized places, at the time of commencement of such development;*

*(b) Development remains in full compliance with the public health regulations and ordinances specified in this section; and*

*(c) At the time of approval and recording, the subdivision plat or site plan conforms to the subdivision regulations, site plan review regulations, and zoning ordinances then in effect at the location of such subdivision plat or site plan.*

*II. Once substantial completion of the improvements as shown on the subdivision plat or site plan has occurred in compliance with the approved subdivision plat or site plan or the terms of said approval or unless otherwise stipulated by the planning board, the rights of the owner or the owner's successor in interest shall vest and no subsequent changes in subdivision regulations, site plan regulations, or zoning ordinances, except impact fees adopted pursuant to RSA 674:21 and 675:2-4, shall operate to affect such improvements.*

*III. The planning board may, as part of its subdivision and site plan regulations or as a condition of subdivision plat or site plan approval, specify the threshold levels of work that shall constitute the following terms, with due regard to the scope and details of a particular project:*

(a) "Substantial completion of the improvements as shown on the subdivision plat or site plan," for purposes of fulfilling paragraph II; and

(b) "Active and substantial development or building," for the purposes of fulfilling paragraph I.

IV. Failure of a planning board to specify by regulation or as a condition of subdivision plat or site plan approval what shall constitute "active and substantial development or building" shall entitle the subdivision plat or site plan approved by the planning board to the 5-year exemption described in paragraph I. The planning board may, for good cause, extend the 24-month period set forth in subparagraph I(a).

*Source.* 1983, 447:1. 1989, 266:17, 18. 1991, 331:1, 2. 1995, 43:5; 291:7, 8. 2004, 199:1, eff. June 7, 2004. 2009, 93:1, eff. June 12, 2009. 2011, 215:1, eff. June 27, 2011.

The Board discussed the waivers requested.

Ryan Crosbie commented that he has no issues with the site, the only issues he sees are the fire department code issues/requirements. There are no changes proposed for the site.

Ed Bannister agreed.

David Cedarholm wanted it to be clear for the record that the fire department has not done a visual inspection they have just viewed the codes required by the codes.

Public comment

None

David Cedarholm made a motion to approve the waivers.

Ed Bannister second.

Vote: all, waivers approved.

Ed Bannister made a motion to approve the proposal. Subject to the following conditions.

1. No light trespass or light pollution at the sign
2. Must comply with all fire department requirements
3. Pursuant to RSA 674:39, the applicant has 2 years to begin to install the sprinkler system. The applicant will be exempt from any changes to the zoning and site review regulations for a period of 2 years.

Lou Ann Griswold second.

Vote: all, motion carried. Application approved

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**(PB1516-08) A subdivision application presented by Corey Colwell, for property owned by the University of New Hampshire. The property is located on Concord Rd. is known as Lee Tax Map#04-02-0100. The applicants propose to subdivide the existing 16 +-acre lot into two lots one 11.29 +- acres and the other 5 +- acres. This is an application acceptance hearing and a possible final hearing.**

Matt Purcell representing UNH explained that they have moved the University Systems offices to Concord and these buildings have been vacant since last fall. In the process of trying to decide what to do with the buildings, they first meet with the town to see if there was any interest with the town buying them. The town was not interested. They have placed the property on the market and the Rainey's are interested in moving their existing business from Barrington to here.

Corey Colwell, MSC Engineers explained that they wish to subdivide the parcels in two. 5+- acres will go with lot 1 and the remaining 11 +- acres will go with lot 2. They both will have an existing house on them. Lot 2 will retain all of the class 6 road, Tibbetts Rd. Lot 1 will not have any of Tibbetts Rd on it. That is why the lot lines are why they are. The line will follow Tibbetts Rd. They have done test pits too ensure being able to replace the septic's on both lots. They are requesting waivers for the soil delineation as both lots are developed and the soil mapping is very clear to the soils types onto the property.

Robert Smith, Chairman commented that with this configuration it does not meet the side setbacks and will make it non-conforming.

Corey stated that the new owners would be willing to remove the barn to meet requirements or go to the ZBA and ask for a variance to the setback.

Nancy Rainy and Matt Rainy both commented that they would be fine with removing the part of the barn that is in the setback.

Robert Smith, Chairman commented that with this configuration it makes it very difficult to access the back land of lot 2. Especially with the 25' required easement around the Hill Cemetery.

Corey Colwell explained that the 50' easement strip owned by Market Basket to the west side of the lot allows access this lot.

The Board discussed this easement and reviewed the deed. (In file)

Public Comment

Nancy Rainey spoke in favor of the application. They currently have 25 employees and have the potential for 25 more. As well as currently there are no taxes being paid on this property and now there will be.

Lou Ann Griswold made a motion to accept the application.

Ed Bannister second.

Vote: all, application accepted.

The Board discussed a site walk and scheduled it to Monday, April 18, 2016 at 6PM. All meet at the first entrance. The meeting will then continue at the Public Safety Complex on April 21, 2016 at 7pm.

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**Review and amend current Rules of Procedure.**

Robert Smith, Chairman explained that the current way we appoint members, interview them and then make a recommendation to the BOS is not in our rules of procedure. He suggests that we amend them to reflect this process.

The Board members agreed. See changes in red below.

*MEMBERS AND ALTERNATES*

1. *The Planning Board shall consist of seven (7) members. The Selectmen shall designate one selectman as an ex-officio member with power to vote.*
2. *Selection, qualification, term, removal of members, and filling of vacancies shall conform to **RSA 673**, as amended.*
3. *Members must reside in the community and are expected to attend each meeting of the board to exercise their duties and responsibilities. Any member unable to attend a meeting shall notify the chairperson or his/her designee as soon as*

possible. Members, including the Chairperson and all officers, shall participate in the decision-making process and vote to approve or disapprove all motions under consideration.

- 4. *When a resident applies to the Board, the Board will meet with the applicant and make a formal recommendation to the Select Board for appointment.*
- 5. *When a member is appointed to the Board and has never served before, they will begin as an alternate member. When a member position becomes available, and the alternate members desires, after discussion with the Board a formal recommendation will be made to the Select Board that they become a member.*
- 6. *Each newly elected or appointed (including re-elected or re-appointed) member shall be sworn in and take an oath of office as required by RSA 42:1.*
- 7. *The Planning Board Secretary shall forward to the municipal clerk for recording the appointment/election and expiration dates of the terms of each member of the Board.*

David Cedarholm made a motion to accept the changes.

John LaCourse second.

Vote: all, motion carried.

Caren Rossi will make the changes and send out the revised version.

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**Interview 2 interested people for the remaining alternate position.**

Caren Rossi explained that Wayne Lehman is not able to make it tonight to a family emergency.

Howard Hoff introduced himself to the Board and explained he has lived in Lee for over 25 years, he worked at Goss International for over 30 years. He is an electrical engineer and an electrician. He owns his own business. He feels he will be a great asset to the Board with his all-around knowledge.

He chatted with the Board.

David Cedarholm felt he would be a great fit for the Board.

John LaCourse agreed.

Robert Smith, Chairman will draft a letter to the Select Board requesting appointment.

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**Chairman position**

Robert Smith, Chairman commented that per our rules, once a year a chairman needs to be voted.

Mark Beliveau made a motion to appoint Robert Smith as chairman.  
Ed Bannister second.  
Vote: all, motion carried.

David Cedarholm made a motion to adjourn at 9:42PM.  
Ryan Crosbie second.  
Vote: all, motion carried, meeting adjourned.

MINUTES TRANSCRIBED BY:

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Caren Rossi, Secretary

MINUTES APPROVED BY:

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Robert Smith, Chairman

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Mark Beliveau

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Edward Bannister

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Ryan Crosbie

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John LaCourse, Selectmen's Rep

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Lou Ann Griswold

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David Cedarholm, Alternate