

**MINUTES OF THE MEETING  
PLANNING BOARD  
February 21, 2019  
7:00 PM**

**MEMBERS PRESENT:** Mark Beliveau, Acting Chairman; Robert Smith; Lou Ann Griswold; David Cedarholm; Wayne Lehman; Howard Hoff, Alternate & John LaCourse, BOS Rep.

**OTHERS PRESENT:** Laura Hart, Orr & Reno; Robert Cary, Orr & Reno; John Forti; Jeanne Livermore; John Silver; Scott Grumbling; John Shea; Elizabeth Salomone; Laura Spector Morgan, Mitchell Group, Town Attorney; Charles Cox; Bill Booth & Caren Rossi, Planning & Zoning Admin.

**MINUTES**

Draft Minutes 2/14/2019  
Wayne Lehman made a motion to approve as amended  
Lou Ann Griswold second  
Vote: all, minutes approved

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**PB1718-16**

**A continued Amended Site Review Application from Jill Nooney & Robert Munger, Bedrock Gardens-45 High Road, Lee NH property is known as Lee Tax Map#24-08-00; 24-08-0100 & 24-09-00. The amended site review application is for the garden tours and associated events. This is a possible final hearing.**

Mark Beliveau, Acting Chairman opened the meeting and explained that at the last meeting, 1/31/2019 the public comment section was closed. It will remain closed. From the last meeting draft conditions of approval were created as well as there is a waiver request outstanding to address first. He read the waiver request into the record from the September 19, 2018 letter submitted from Orr and Reno.

*Bedrock Gardens has requested an access waiver for another access point on High Road –so the new parking lot may have an entrance/exit. Site Plan Regulations allow one access per landowner per 1,000 feet of frontage. See Site Plan Regulations, Art. V, A, 1. Bedrock Gardens owns three adjacent lots on (24-*

08, 24-08-01, 24-09). *These lots have a combined total of approximately 1,770 feet of frontage on High Road. The waiver is necessary to build the New Parking Lot (lot 24-09) and draw traffic away from High Road. The entrance to the New Parking Lot is approximately 1,774 feet. Mark Beliveau stated he believes this distance has changed. The new location now meets the required site distance of 350 feet in either direction. He then read into the record from the January 31, 2019 letter. The new entrance to the parking lot is approximately 830 feet from the exit to the old parking lot (lot 24-08). He continued from the September 19, 2018 letter. Legal standard for granting a waiver, specific circumstance relative to the site plan, or conditions of the land in the site plan. Granting a waiver will properly carry out the spirit and intent of those regulations, and the applicant says that by locating it in this fashion it will be consistent with the spirit and intent of the ordinance because granting a waiver would improve public safety, health, and welfare by drawing traffic away from the residence on High Rd. (Letters are in file)*

David Cedarholm made a motion to grant the waiver as requested.  
Wayne Lehman second.  
Discussion:

Wayne Lehman asked if that then give them four curb cuts.

Caren Rossi explained that the September submittal has a plan that shows all of the curb cuts. (In file) and yes, with the new one that will be four.

Robert Smith stated he thought they were going to close one of the entrances in the existing lot. He doesn't feel it's necessary to have all of the cuts.

David Cedarholm stated he feels that one cut is for the house, one cut for the barn and the parking lot and then the new lot. He thinks they should combine the house and the barn cut.

It was determined that this could not be done.

David Cedarholm stated that if you eliminate one of the cuts to the parking lot, it's a lot of driving around the lot.

Robert Smith stated using that thinking we should have two cuts for the proposed lot as well.

Laura Spector-Morgan reminded the Board to eliminate one of the cuts, you have to address how it ties into the waiver criteria.

Robert Smith stated that he would like to see one cut because of the distance between them and he is trying to ensure people go to the new parking lot all the time with the exception of the employees.

David Cedarholm stated he doesn't see how eliminating one solves the problem.

Robert Smith stated it doesn't solve it but it helps, its one less. And it is one less that is up next to the neighbors. We will never totally discourage it but it can help.

Mark Beliveau, Acting Chairman stated that he feels that a reason for closing a cut is that our ordinance limits one cut per 1,000 feet. They have 3 and are asking for 4. It's in the interest of health, safety traffic flow etc. to limit curb cuts along a town road. They already have 3 and they want a fourth it would be reasonable to say, if you want to build a new parking lot, and you need an entrance, we are willing to work with you, but you need to eliminate one of the cuts.

The Board discussed closing the entrance that is closest to the new parking lot makes the most sense as the other cuts also serve other places, this one just goes to the parking lot.

John LaCourse made a friendly amendment to the motion to remove the existing cut that is closest to the new parking lot as a condition of the wavier.

David Cedarholm accept the amendment with the conditions.  
Wayne Lehman second.

#### Discussion

The Board discussed how they wished the cut to be filled in. They determined:

The cut that is furthest north on the existing parking lot be permanently closed upon completion and opening of the new parking lot. The applicant has the option of extending the fence or extending the stone wall and planting a natural buffer

Vote: all, waiver granted

Mark Beliveau, Acting Chairman continued at the last meeting the Board had started deliberations on the application. At the end of the meeting we asked Caren Rossi and Attorney Spector-Morgan to draft conditions of approval for action on the plan. He doesn't want to discuss all the conditions and then there be a denial, even though it still may. If a motion is made then they can begin to discuss the conditions.

Lou Ann Griswold made a motion to approve the application with conditions. Wayne Lehman.

Discussion:

They now began deliberations on the draft conditions.

All applicable local and state regulations shall be adhered to

Laura Spector-Morgan suggested adding the word federal to this.

Board members agreed. It will now read:

**All applicable local, state and federal regulations shall be adhered to.**

No parking on High Rd, if it is noticed that cars are parked on High Rd they should be instructed to move into the lot. If the lot is full, they will be turned away.

Robert Smith asked for clarity if this was for everyone or just the applicant.

Caren Rossi explained that this is for the applicants only and if the town adopts and ordinance, no one can park where it's labeled no parking, birthday parties, cookouts etc.

The Board requested Caren Rossi to ask the Board of Selectmen to adopt a no-parking zone on High Rd.

Mark Beliveau suggested the following wording.

No parking on High Road. When Bedrock Gardens is open, representatives of Bedrock Gardens will take notice and regularly check to ensure that cars are not parked on High Road. If they see cars parked on High Road they will

attempt to have them moved into the proposed parking lot. If the lot is full, the car will be turned away.

Other Board members agreed. It will now read:

**No parking on High Road. When Bedrock Gardens is open, representatives of Bedrock Gardens will take notice and regularly check to ensure that cars are not parked on High Road. If they see cars parked on High Road they will attempt to have them moved into the proposed parking lot. If the lot is full, the car will be turned away.**

No off-site parking for events

The Board discussed this.

Lou Ann Griswold asked where the bus bringing people will park.

Laura Spector-Morgan stated that she feels this is for the busing like they have done this last season, park off site and bus to the gardens.

Laura Spector-Morgan suggested the following and the Board agreed. It now will read:

**Other than busses providing transportation for tour groups, Bedrock Gardens shall not provide, nor shall they allow anyone else to provide, transportation to Bedrock Gardens from off-site parking.**

No further and future access points for the parking lot.

Laura Spector-Morgan stated that they have 3 lots, what if they sell one of the lots?

David Cedarholm stated if they wanted another curb cut, they need to come back for further site plan review.

Caren Rossi pointed out one of the lots, the middle lot does not currently have any curb cuts.

The Board discussed this and determined that this is not needed.

No busses are allowed to idle in the parking lot

The Board discussed this, and it was left as presented. It will read:

**No busses are allowed to idle in the parking lot**

No busses are allowed to park in the parking lot on the weekend or holiday events.

David Cedarholm stated if a tour bus brings a group of people, they are going to need to park somewhere.

Mark Beliveau, Acting Chairman stated he remembers the applicant acknowledging that they would not be staying there after they drop people off.

Caren Rossi stated the reason it says on the weekends is for school busses during the week, what harm would it be for busses to park there during the week when it is not that busy?

David Cedarholm stated he feels this is going to create operational issues. Where else are they going to park? The park-n-ride in Epping is 10 plus minutes away.

Majority of the Board agrees to keep it. It will read:

**No busses are allowed to park in the parking lot on the weekend or holiday events.**

Parking Lot attendees shall be in the parking lot during all open weekend and holiday hours.

David Cedarholm states this is implying that there has to be more than one.

Laura Spector-Morgan stated how about if you state a sufficient number of parking lot attendants.

Lou Ann Griswold stated that make sense because what if it is a slow weekend, it seems silly. If it's a busy weekend, cars are not allowed to park on High Road.



The Board determined it will read:

**A sufficient number of parking lot attendants shall be in the parking lot during all open weekend and holiday hours.**

The parking lot will be certified by Jones and Beach or equivalent to ensure that the parking lot and associated structures and buildings are built, installed and or located per design.

Mark Beliveau, Acting Chairman stated that he would prefer it referenced an As Built plan.

Caren Rossi stated she would like a date certain specified to get the As Built. The As Built ensures the parking lot was built according to plan, the buildings are located where they are supposed to be, and the drainage is as it's supposed to be. She feels its needs to be tied into occupancy or a time certain to ensure it gets done.

David Cedarholm spoke with concerns of not being allowed to use it until the As-Built is submitted. He feels it could take a solid month to get an As-Built.

The Board discussed this and determined it will read:

**Within 45 calendar days after use of the parking lot begins, Jones and Beach or equivalent, shall submit an As-Built Plan to ensure that the parking lot and associated structures and buildings are built, installed, and located pursuant to the plans approved by the Planning Board.**

The parking lot gravel must be compactedperiodacally.

David Cedarholm stated once the lot is compacted and cars continue to drive on it, it remains compacted.

The Board discussed this and felt that periodic compacting isn't necessary as the cars in the lot will compact the gravel in itself. But maintaining the parking lot is in their best interest. It will read:

**The proposed parking lot shall be compacted and maintained on a regular basis.**

All notifications, visual representation and advertising, including but not limiting to internet & social media shall use the address of 19 High Rd. As well as a sign that complies with the Town of Lees number ordinance shall be installed at the entrance of the new parking lot.

Caren Rossi explained that many meetings ago it was suggested that if the parking lot is assigned its own number, when you put it in a GPS system it will hopefully bring people up from Rt. 152 and not in from Birch Road. E911 representatives prefer this actually for life safety purposes to delineate the 2 separate locations, their home and the gardens.

Lou Ann Griswold asked where it was Googled from to ensure it was from a southern location.

Caren Rossi stated she did it from the Epping Lowes.

It will now read:

**All notifications, visual representations, and/or advertising, including but not limited to internet & social media, shall use the address of 19 High Road. A sign that complies with the Town of Lee number ordinance shall be installed at the entrance of the proposed parking lot.**

The ticket booth will be relocated, and a building permit will be sought.

Mark Beliveau stated, and the others agreed, it will now read:

**The ticket booth (proposed Kiosk) will be relocated as shown on the approved plans and a building permit will be obtained.**

Only volunteers, workers and house guests may park in the existing parking lot.



Lou Ann Griswold spoke with concerns of the identity of the parking lot get lost down the road.

Mark Beliveau, Acting Chairman suggested smallest and most southern.

Others agreed. It will now read:

**Only volunteers, workers, and house guests may park in the smallest, most southern parking lot.**

Landscaping plan to be submitted and approved by the Planning Board for the area between the fence and the road in the new parking lot; the existing parking lot and the street and the bathrooms.

David Cedarholm suggested he feels that Grumbling buffer should be added to this condition as well.

The others agreed.

Mark Beliveau, Acting Chairman stated that with regards to the landscaping along the Grumbling boundary, he would like to give the applicant some guidance as to what we are looking for. He also feels we will need to give them some feedback on what was recently submitted, even though it's not part of the record as it was submitted after the floor was closed.

Robert Smith referring to a plan submitted at the January 31, 2019 meeting by Scott Grumbling, he thinks from the Elm Stump to completely cover the Grumbling Gate and this is because that is the area that is open.

Caren Rossi reminded that the Grumbling Gate is wide open and it's where they used to perform the weddings, you might want to bring it past this area. The arch has been removed but it's still open. She stated that it's a point of interest to people.

Lou Ann Griswold asked who removed the vegetation.

Caren Rossi said it's been said that both sides have but she recalled the site walk specifically, we were told that Jill maintained the Grumbling side of the opening.

Mark Beliveau, Acting Chairman stated he feels what would be helpful is if we gave the applicant guidance so we get a plan back of what we are thinking, something like, approximately from point A to point B, a vegetated buffer and it can be these 20 foot pods that were shown on the mark up submitted by Scott Grumbling at the 1/31/2019 meeting. We are not looking for a wall, it's to break up the vista.

Laura Spector-Morgan reminded the Board that Bedrock Gardens proposal is shown on the aerial submitted at the 1/31/2019 meeting. The yellow dot to the yellow dot.

Mark Beliveau, Acting Chairman suggested between the Elm Stump and halfway between the buffer end.

Lou Ann Griswold stated she has a hard time with this. If she doesn't want to look at her elk, she would put up a fence. If her neighbor said they didn't want to look at them, they could put a fence up.

Mark Beliveau, Acting Chairman stated he has a similar sentiment but the big difference here is they are a commercial operation in a residential neighborhood. The neighbors have no control over who goes to the commercial operation and where the people circulate. Because the proposal is to expand the commercial operation, it's reasonable to talk about a buffer along the neighboring property. Putting aside the neighbor issues, that's not for this board. The Board can independently agree that a vegetated visual buffer, a reasonable amount, is a fair and reasonable condition in light of the commercial operation next door.

Robert Smith also pointed out that there are paths that lead you right to the property line and if what Caren said is true, they were encouraging it. We need to do something to deter that.

Laura Spector-Morgan stated that the Board should keep in mind that the Grumbling property is in easement because of its view.

Howard Hoff stated he feels that it probably didn't mean people pay a fee to see that scenic view.

John LaCourse stated he also feels some type of vegetated buffer prevents people from crossing as well, not just visual.

Caren Rossi stated that the 4-wire fence is hard to see, it's actually designed so you don't see it.

Robert Smith stated he is in favor of bringing it past the Grumbling gate.

Lou Ann Griswold stated she feels that the plantings should not be something really pretty as it may attract people and not deter them.

Mark Beliveau, Acting Chairman read the proposal from 1/31/2019 and the Board agrees that those plantings sound fine.

Wayne Lehman stated that the applicant also suggested moving the trail in that area as well.

The Board discussed they would like the trail relocated as shown on the plan submitted at the 1/31/2019 meeting, by Bedrock Gardens.

The Board then discussed the time line and felt that Cornell students are working on this and will take some time. The Board felt that June 1 would be sufficient.

Robert Cary stated a point of order, he doesn't recall any discussion about any landscaping for the vinyl fence at the existing parking lot ever talked about.

Caren Rossi stated discussions from the past minutes, several times, was discussed mostly by John LaCourse.

David Cedarholm stated he feels that the fence is on the ROW and to ask someone to install vegetation in the ROW is not a good idea.

Mark Beliveau, Acting Chairman showed the pictures of the fence and stated he doesn't need any additional plantings.

David Cedarholm stated we have heard from the applicant that the neighbor across from the fences, likes the fence.

John LaCourse stated he was looking for consistency and feels it's not a major issues as there are mature trees.

The Board agreed to take the requirement of a buffer of the smaller parking lot out.

They then discussed what they mean by a landscaping plan.

Mark Beliveau, Acting Chairman referring to the landscaping plan submitted by the applicants on 2/6/2019. This appears to be 2 landscaping plans. The letter references an attached drawing, he read the description. He stated he calls this a very basic landscaping plan. He asked the others what they would like to see, or is this adequate?

Lou Ann Griswold stated she would like to see some sense of diameter and height. The trick isn't when it's put in, but in 5 years or 25 years?

John LaCourse stated he isn't looking to have it, so the fence doesn't exist, he wants a mix to break it up a little. He's not a landscape specialist. He's looking for trees and bushes that are going to survive. Not fancy or colorful.

Caren Rossi reminded that Board that the town engineer will be reviewing the plan to determine the bond amount, he will need some detail to determine this.

Mark Beliveau, Acting Chairman asked if the Board wants images of what it would look like in a mature stage.

They did not.

Robert Smith stated he would like a list of what and how many with the other detail.

Others agreed.

John LaCourse stated we also need a layout of the plantings.

David Cedarholm asked if we want the existing trees added to the plan as well.

Others agreed, in the buffer area only. They also agreed not to be a timeline on maturity of the trees.

The conditions will now read:

**Landscaping plan to be submitted and approved by the Planning Board for the area between the proposed fence and the road abutting the proposed parking lot; the island located in the proposed parking lot, and around the bathrooms. The applicant shall provide a landscaping**

**plan that is consistent with the sketch submitted by Scott Grumbling on 1/31/2019 and prepared by Bedrock Gardens, for the area from the Elm Stump to half way between the Grumbling Gate and Buffer End as shown on the Conservation Easement plan submitted by Scott Grumbling on 1/31/2019. The existing trail will be relocated as shown on the aerial plan submitted by Bedrock Gardens on 1/31/2019 and a landscaping plan will be provided for the trail restoration. All landscaping plans shall be detailed with the proposed layout of the plantings showing the density, type, diameter and height of the plants at maturity as well as the location of the existing trees within the buffer area. The landscaping plan will also detail the schedule of plantings. All landscaping plans must be submitted to the Planning Board no later than June 1, 2019.**

A bond to be in place to ensure the growth of the buffer area between the fence(s) and the Grumbling property. This can be in the form of cash, check, surety bond or insurance bond. The amount to be determined by the Town Engineer

The Board discussed this. There was discussion to tie this into the As-Built for the buffer and fencing as well. Other businesses are required to do this prior to opening as well. It was determined that they would wait until all plans are submitted to determine when they want the landscaping complete & bonding, when they approve the landscaping plan

It will now read:

**A landscaping maintenance bond in an amount and specific duration will be determined upon approval of the landscaping plan.**

The parking spaces in the parking lot shall be lined at the minimum bi-weekly.

Caren Rossi stated this is on the plan, it's just another point of reference.

It will read:

**The parking spaces in the parking lot shall be lined bi-weekly at a minimum.**

All handicap spaces must have adequate signage.

No issues or comments.

It will read:

**All handicap spaces must have adequate signage.**

The fence on High Road must be 6' tall.

Caren Rossi explained this is also on the plan, just for another point of reference.

It will read:

**The fence on High Road shall be 6' tall.**

No amplified outdoor events.

The Board discussed this, and it will now read:

**There shall be no sound amplification allowed during outdoor events.**

No drainage onto High Road.

No changes, felt straight forward. It reads:

**No drainage onto High Road.**

The hours of operation shall be as follows:

Mark Beliveau, Acting Chairman recapped that on January 31, 2019 the applicant gave a letter with proposed hours. They were Sunday 12noon to 4pm; Monday closed and initially open Tuesday thru Friday 9am to 5pm and then Saturday 9am to 5pm and six Saturdays until 8pm.



Laura Spector Morgan stated the offer was to give up Tuesday to have Sundays. Then a specific alternative offered from an abutter is that they be closed on Sundays and open every other Saturday and 3 or 4 days during the week. **The Board wanted to discuss other further possibilities.**

Laura Spector-Morgan also reminded the Board that there were some Monday holidays.

Caren Rossi stated the only holiday they wanted to be open was Columbus Day.

Mark Beliveau, Acting Chairman stated he understood they would be willing to forgo Monday holidays to be open on Columbus Day weekend.

John LaCourse stated his proposal would be Tuesday – Saturday 9 am to 5pm and one Saturday a month they can be open until 8pm. Closed on Sundays.

Caren Rossi asked about holidays, July fourth?

John LaCourse commented just closed Sundays.

Laura Spector-Morgan asked about being open on Columbus Day weekend.

John LaCourse stated he is fine with Columbus Day Weekend being open.

Lou Ann Griswold stated she knows there are many families that work on Saturday and Sunday is their family time to go to Bedrock Gardens. She proposes that they are allowed to be open 2 Sundays a month. It's a compromise.

Robert Smith asked what about alternating weekends? He would even be inclined to let them be open on a Monday. This would give the neighbors a weekend and a weekend they can count on and plan.

Wayne Lehman asked what about the hours?

Robert Smith stated he doesn't care if they are 9am to 5pm if it's every other weekend.

Wayne Lehman stated he doesn't have a problem with that either, if it's every other weekend. He feels if you give them the alternating weekend it gives

everyone peace and quiet and gives the applicant a chance to do things on the weekend too.

John LaCourse stated that part of his issue is alternating is that you have to monitor it.

Caren Rossi stated that they do a schedule every year that is sent out as well as their website etc.

David Cedarholm stated that if you did first or third etc. it would be a good way to monitor.

Carne Rossi reminded the Board that they can always come back if and when things are going well and ask for more hours.

John LaCourse stated if we open it like he was proposing, it would be wide open. Whereas before it was private tours and public tours. Not wide open like he was proposing.

Wayne Lehman stated that this year if you did the, every other weekend, you'd have 5 weekends in June and August.

Caren Rossi stated you could give the 5<sup>th</sup> weekend be open on Saturdays and closed Sundays.

Wayne Lehmann reiterated that he feels it gives everyone their share of peace and quiet.

The Board discussed if they went to every other weekend, what would Saturday's hours be? It was discussed and determined that 8pm would be fine. Sundays would be 9am to 5pm.

They then discussed Columbus Day Weekend and determined that it is dark early so only open to 5pm.

The Board discussed that for clarity they should define when the weekend begins as well as define the days they are closed.

The Board discussed July 4<sup>th</sup>. No one had objections of being open then.

Robert Smith asked that Caren Rossi submit a calendar in the record for 2019.

This condition will now read:

**The hours of operation shall be as follows:**

**Monday through Friday 9am to 5pm; the first and third Saturday of each month 9am to 8pm; and the first and third Sunday of each month 9 am to 5pm. When there are 5 weekends in a calendar month, they are allowed to be open on the fifth Saturday from 9am to 8pm. On the second and fourth weekends of each month and the Sunday of the fifth weekend, Bedrock Gardens shall be closed. They may be open from 9am to 5pm daily during Columbus Day weekend (Saturday, Sunday, Monday). The first weekend of the month shall be defined as when both Saturday and Sunday are in the same calendar month.**

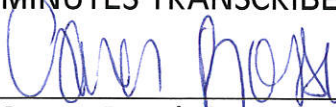
Mark Beliveau, Acting Chairman called for a vote on the motion with the conditions.

Vote: yes: majority  
No: none  
Abstained: Robert Smith

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David Cedarholm made a motion to adjourn at 9:50pm  
John LaCourse second.  
Vote: all, meeting adjourned.

MINUTES TRANSCRIBED BY:

  
\_\_\_\_\_  
Caren Rossi, Secretary

2/21/2019

MINUTES APPROVED BY:

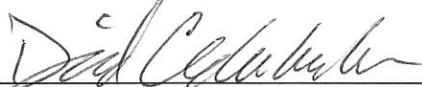


Mark Beliveau, Acting Chairman



Robert Smith

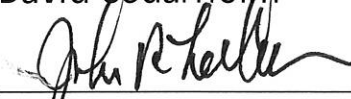
Lou Ann Griswold



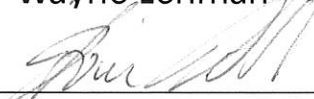
David Cedarholm



Wayne Lehman



John LaCourse, Selectmen's Rep.



Howard Hoff, Alternate

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