

**TOWN OF LYNDEBOROUGH
PLANNING BOARD MEETING MINUTES
May 16, 2013**

MEMBERS PRESENT: Chairman Mike Decubellis, Vice Chair Bill Ball, Bob Rogers, Tom Christenton, Larry Larouche, Selectmen's Representative Arnie Byam and Alternates Julie Zebuhr and Steve Brown

M. Decubellis began the meeting at 7:30 p.m.

NEW BUSINESS:

(1) Christopher Ouellette; 291 Forest Road; Map 231 Lot 003; home business (sale of firearms and accessories); RL 1

Present: Christopher Ouellette

M. Decubellis reviewed Mr. Ouellette's home business application and said that it looked in order. B. Rogers asked whether it was Mr. Ouellette's intention to test fire any firearms at his residence. Mr. Ouellette responded that he will only be buying and distributing firearms to private customers; any test firing would be done at a firing range and not at his residence. M. Decubellis questioned when a home business becomes a commercial business and a site plan review is needed. T. Christenton replied that when it no longer meets the home business requirements. L. Larouche asked about ATF regulations. Mr. Ouellette replied that an ATF representative met with him for a home site visit and has approved his license application; the requirements state that he needs approval from the Planning Board and a letter from the Police Dept. L. Larouche asked about the amount of ammunition and the type of weapons to be sold. Mr. Ouellette responded that no ammunition will be sold and the license is only for the sale of long guns (rifles, shotguns and hand guns.)

B. Ball questioned why this is not a commercial business since there will be buying and selling of merchandise. Mr. Ouellette said that the business will be operated from his home. B. Rogers asked if he was the only employee and if there was sufficient parking. He replied that he will be the only employee and there is ample parking.

T. Christenton, after reviewing the ordinance, said that the amended Home Business regulations allow a resident to operate a business without a permit as long as they comply with the requirements; any violation of the regulations would require a site plan review. He said that if the ATF license required Planning Board approval, it should be referenced that the home business, as presented, complies with the amended 2012 regulations.

VOTE: B. Rogers made a motion that the Planning Board finds the home business, as described, complies with the amended version of Section 1200, Home Business

Zoning Regulations adopted on March 13, 2012. J. Zebuhr seconded the motion and the VOTE in favor of the motion was unanimous.

A copy of the revised Section 1200 (Home Business) of the Zoning Regulations was given to Mr. Ouellette. M. Decubellis reiterated that any change in the business would require a site plan review. Mr. Ouellette said that the only change may be a business sign sometime in the future. The Board suggested that he review the Business sign ordinance.

(2) Wally Holt; 160 Forest Road; Map 239 Lot 027; farm stand business; Village District

Present: Wally Holt

Mr. Holt explained his intention to put up a farm stand in front of his residence and wanted to discuss it with the Board before going forward. B. Rogers said that his residence is in the Village District and retail sales are permitted. He asked if this would be a temporary, removal structure. Mr. Holt replied that initially he will put up a tent with a series of shelves. He said that his neighbor does not have a problem with the farm stand although it will be partially located on his property.

T. Chrisenton stated that if he plans on selling only produce grown on his land, this is an agricultural use and there isn't any restriction. If it is his intention to put up a sign, the Board suggested that he review the Business Sign ordinance. B. Ball asked about parking and Mr. Holt said that there is room along side the road as well as in his driveway.

T. Chrisenton said that as long as the business complies with the Home Business regulations, he can operate without Planning Board approval. M. Decubellis asked whether traffic will be a problem. T. Chrisenton replied only if there's a safety hazard; a decision that would be made by the police department. M. Decubellis questioned the requirement "a business must be secure from public view." The Board agreed that a farm stand must be in view, to be successful. If a sign will be displayed, Mr. Holt must comply with the sign ordinance; a copy of the amended Home Business section of the Zoning Regulations was given to him, for his review.

(3) Roger C. Williams; Maier & Gulf Roads; Map 218 Lots 003, 005 & 006; continued discussion on his lot line adjustment; RL 1

Present: Roger Williams

Although Mr. Williams was not prepared to submit a certified site plan, he said that he had more questions to ask the Board concerning a possible lot line adjustment of his three parcels. He asked if there was a setback regulation for a driveway. The Board answered

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no. He asked about Current Use regulations and was told that 10 or more acres qualify for Current Use; this includes any abutting, qualifying land he owns in Greenfield.

He said that Meredian Land Services located two contiguous acres of well drained soil which has been tested and tagged but he was not ready to make any further commitment.

Referring to the Gulf Road, Mr. Williams noted that there was a blind spot and would support the widening of the road and the removal of a pine tree, if the town wished to do so. M. Decubellis responded that widening the road is a highway department issue but the tree could be removed at his own expense.

He asked if two acre lots were unfavorable to the Planning Board. B. Rogers responded that as long as a two acre lot meets the zoning regulations, there wasn't any issue. T. Chrisenton replied that the Planning Board only enforces the regulations adopted by the town.

The session continued with words being exchanged between B. Ball and the applicant as a result of the question regarding the town's position on two acre lots. B. Ball expressed his frustration with the entire program as it has gone on for months and covered the same ground over and over again. Mr. Williams asked whether or not this frustration was directed at him personally, B. Ball agreed that personally he felt the program had become a fiasco and that he had a problem with the way that the applicant was prolonging it.

Mr. Williams then asked if the Planning Board had plans to change any zoning regulations, in the near future. The Board said there wasn't any present discussion on this issue.

He asked about septic system approval and the Board explained that the septic design must meet state requirements.

T. Chrisenton reiterated that if he continues with his lot line adjustment, no Planning Board approval is needed, but the Board would need to review a certified site plan before a site plan could be signed and recorded. If and when a subdivision should be proposed, soil based zoning requirements must be met before approval is granted by the Planning Board.

A. Byam, referring to the three lots, asked Mr. Williams what his intentions were. Mr. Williams replied that he would like to keep one lot for a cottage. A. Byam suggested hiring a land planner who could explore a number of ideas, walk the property and develop several concepts.

Ending the discussion, Mr. Williams said that he met with the Greenfield Planning Board to discuss his land lock property. In order to build on his property he must have permission from Lyndeborough to access it from Maiers Road which goes from a Class V road to a Class VI road. T. Chrisenton explained that Maiers Road is a public road and permission is not required to use the road but a driveway access would require him to sign a Limits of Liability waiver. The last question was whether or not he could consider road frontage on both the Class V and Class VI portions of his property. The Board replied yes.

(4) Lavina Lane business sign; corner of Richardson Road

M. Decubellis said that this was an issue that he sent to the attention of the Selectmen's Office or the Building Inspector/Code Enforcement officer. He was concerned that the sign mentioned "soil" as one of the items offered "for sale." A resident cannot remove or sell soil from their property without an excavation permit.

OLD BUSINESS:

(1) Wind Ordinance discussion

M. Decubellis tabled the Wind Ordinance discussion until the June 20th meeting.

(2) Chairmanship

This issue was tabled until the next meeting at which time a new chairman will be appointed. The term will run from July 2013 to June 2014.

MINUTES:

Review of minutes for April 18, 2013

B. Rogers made a **motion to accept the minutes of, 2013, as written.** T. Chrisenton seconded the motion. The vote in favor of acceptance was unanimous.

ADJOURNMENT:

B. Rogers made a **motion to adjourn the meeting at 8:45 p.m.** T. Chrisenton seconded the motion and the vote in favor of adjournment was unanimous.

The next meeting will be held on Thursday, June 20th at 7:30 p.m.

Pauline Ball
Clerk

Approved by the Planning Board on June 20, 2013