

Planning Board Work Session October 4, 2005

Members Present: Bill Weiler (Vice Chair), David Thayer, Travis Dezotell, Al Bachelder, Ken McWilliams (UVLSRPC), Deane Geddes (Alternate), Ron Williams and Lacy Cluff (Alternate).

Mr. Weiler called the meeting to order at 7:20 p.m.

Case: 2004-006: Angel Hawk – Major Subdivision – Nelson Hill Road and Sutton Road – Map 048 Lot 599-442.

David Eckman from Eckman Engineering, authorized representative for Angel Hawk, passed out reduced copies of the Angel Hawk Subdivision plan. He said that they could not move forward until the mylars were signed.

Mr. Weiler asked if the Town of Sutton Planning Board had signed the mylar.

Mr. Eckman said that they did an approval for the off site improvements. He said that they would not be signing a mylar.

Mr. Weiler asked about the lot that was being subdivided in Sutton.

Mr. Eckman said that they did a separate boundary of that lot. He said that it was being transferred to the Goddards, abutting property owners.

Mr. Eckman said that the Town line was a property line and the land was two lots of record. He said that there was an RSA that explained that.

Mr. Weiler asked if it would be annexed.

Mr. Eckman said that it would not be annexed, it was a separate lot of record.

Mr. McWilliams Does not read the RSA to say that it is a separate lot. He referred to RSA 674:53 IV. He interpreted it as both Town's need to sign the plat.

Mr. Eckman said that at a previous hearing Susan Hankin-Birke presented the RSA to the Board and the Board agreed.

Mr. McWilliams said that he knew it was presented, but the Board disagreed if he remembered correctly.

Mr. McWilliams said that there was no problem as long as Sutton agreed that it was a separate lot of record and signed off on the plan.

Richard Reeves said that the Sutton Planning Board was instructed by their attorney to only sign off on the road.

Mr. McWilliams said that maybe the Newbury Planning Board needed to discuss the issues with town council and then talk to the Sutton Planning Board.

Mr. Weiler asked if the original deed showed the property as two separate lots. He said that he would like to know what the citation was that said the town line served as a property line.

Mr. Eckman said that he would talk to Susan Hankin-Birke.

Mr. Reeves asked if the Board had any other issues.

Mr. Weiler said that this was the only issue left. The Board did not want to have an illegal subdivision and cause a title issue in the future. He requested that Susan Hankin-Birke email the citation and he would contact the town's attorney.

Mr. Williams said that he believed they were referring to RSA 674:53 I. He clarified that this was a legal opinion, not a legal finding.

Mr. McWilliams said that they cannot read RSA 674:53 I and ignore RSA 674:53 IV.

Case: 2005-013: Site Plan Review – Los Cuatro Amigos – Real Estate Office and Wellness Studio – Rout 103 – Map 020 Lot 059-155.

Notice is hereby given that the Newbury Planning Board will receive submission of an application for Site Plan Review from Los Cuatro Amigos for a real estate office and wellness studio at 895 Route 103 (Tax Map 020, Lot 059-155) on Tuesday, October 4, 2005 at 7:30 p.m. in the Town Office Building at 937 Route 103, Newbury, N.H. If the application is accepted as complete, a public hearing will commence at the same meeting.

Copies of the application are available for public review at the Town Office Building during regular business hours.

Mr. Weiler read the above public notice.

The Board reviewed the application for completeness.

Karen Baker from Los Cuatro Amigos and Brian Vincent from Nobis Engineering introduced themselves.

Ms. Baker passed out a floor plan and a site plan to the Board members.

Mr. Weiler asked if the Board was willing to accept the application in two parts?

The Board said yes.

Mr. Weiler asked if the Board was okay with the surveyor stamp only on the existing plan, not the proposed.

The Board was okay with that.

A motion was made to accept the application as complete. It was seconded. All were in favor.

Ms. Baker said that she was going to give an overall explanation. She said that the property had a two part building. One part was a Chinese restaurant and the other part was retail. The parking was not organized and there was no buffer from street or vegetation. The old Chinese restaurant portion of the building is in disrepair and needs to be taken down and rebuilt with new slab. They intend to utilize the remaining portion as a personal wellness center. The portion that they plan to rebuild, they would like to use it as Country Houses Real Estate professional space. They would also like to put professional space upstairs and possibly rent that space if they do not utilize it for Country House. She said that this building has been an eye sore and they were trying to improve it. They would like to keep it looking country and charming, but more up to date and presentable. The parking plan allows for 12 spaces, which is what the regulations require. They have added as much landscape as possible and have a driveway permit from the State. The State is requiring that they put curbing in. They will be adding plantings and vegetative buffers. She said that they were excited about the possibility of being in Newbury. She hopes that they will end up with a building that everyone will be happy with and proud of.

Mr. Bachelder asked if the new building was in the same footprint as the old.

Ms. Baker said yes, minus a small portion off the back.

Mr. McWilliams asked if they were setting up one way traffic.

Ms. Baker said yes, for safety and to prevent issues with parking and congestion.

Mr. Weiler asked if they were going to have an enter sign.

Ms. Baker said no, but they could do that because it would make sense.

Mr. Williams commented that not paving the parking lot would make parking difficult.

Ms. Baker said that it was not in the budget this year, but said that they would be putting in timbers to denote parking.

Mr. Geddes asked if there were going to be three businesses.

Ms. Baker said yes, but two of them were going to be professional space.

Mr. Williams commented that Park 10 Road appeared to encroach on the property. He said that the parking on the South West side of the property was so close to edge. He asked where they would put snow when they plowed Park 10 Road. He said that they may want to hear from the Highway Department.

Ms. Baker said that Cal Prussman, Highway Administrator, did look at the plan and felt it was adequate. She said that the snow from the parking lot may need to be removed with Bucket loaders. She said that they could also cut the landscaping in half.

Mr. Weiler commented that the sign & vegetative buffer were parallel to the lot line on the plan, but the lot line was not perpendicular to road. He said that they may want to orient the sign and buffer more perpendicular to Route 103.

Ms. Baker said that they could make that change.

Mr. Weiler said that he would like to go over the waiver requests. They were as follows:

1. 12.4.2, perimeter landscaping of 10 feet cannot be achieved on this site (only 4 feet). A motion was made to waive this requirement. It was second. All were in favor.
2. 12.8.2, egress and access not 125 feet from another entrance or street because of site constraints.

Ms. Baker said that it was as far away from park 10 as possible.

Mr. Vincent said that it was close to the requirement. It was 120 feet.

A motion was made to waive 12.8.2. It was seconded. All were in favor.

3. 12.8.4, adequacy was established by the Board. The Board determined that it was not applicable and therefore no waiver was needed.

Mr. Williams said that they could adequately fit rescue and fire and would want them on the street anyway.

Mr. Weiler said that the Fire Chief submitted a sign-off with no comment.

4. 12.8.3., per Police Chief's request. A motion was made to waive the requirement. It was seconded. All were in favor.

Mr. Williams noted some additional places for landscaping that would add to the esthetics on the north side of the property.

Mr. Weiler recommended planting in the ground instead of planters.

Ms. Baker agreed that they could do that.

Mr. Geddes asked if they planned to have a dumpster on site.

Ms. Baker said that they had not discussed that yet, but if they did, it would have to go on the right side of the existing building with fencing around it and be buffered from sight.

Mr. Weiler opened the hearing to public comment. With no public comment, he closed the hearing to public comment.

Mr. Williams asked about the drainage, specifically how it was going to drain around the triangular part of the island.

Mr. Vincent explained the drainage and agreed he would have to break the triangle on the island to allow water to flow through.

The Board reviewed the sign and determined that it met the requirements.

Motion to approve the site plan with the following conditions:

1. Cover propane tank.
2. Cover waste disposal.
3. Drainage break in island.
4. Add landscaping to north side of property.
5. Change vegetative buffer on south side to maximize space, but keeping the isle width in compliance.
6. Add enter sign off of Route 103.

It was seconded. All were in favor.

Mr. Weiler requested 2 sets of plans with blocks for signatures, one copy for the Board and one for the applicant. He said that the next Planning Board meeting was two weeks from today and if they dropped off the plans before then, they could sign them at that meeting.

Mr. Dezotell arrived and Mrs. Cluff stepped down as a voting member.

Minutes

The Board reviewed the minutes of September 6, 2005 and made corrections. A motion was made to approve the minutes as corrected. It was seconded. All were in favor.

Case #: Adm1-041 - Fee Structure

Mr. Weiler said that a question had come up with the fee structure on Site Plan Review. The Final Review fee for a hearing was \$0.01 for land disturbed and \$0.05 per square foot of building. A question has come up as to whether or not the fee should apply to an existing building.

Mr. McWilliams said that he thought it should only apply to new or additional space.

Mr. Weiler Make a motion to approve the fee structure with that addition. It was seconded. All were in favor.

Administrative Business

Mr. Weiler said that he had a question for the Board from Patricia MacDonald. She said that she was going over an application and noticed a discrepancy in the abutters. She wanted to know if it was her responsibility to verify the abutters. He said that he felt that it should be discussed by the Board.

The consensus of the Board was that she had no responsibility to check the abutters as she had enough responsibilities.

Case #: Adm1-007 – Code Enforcement Officer

Mr. Weiler said that he received a memo from the Selectmen that said that all requests to Paul LaCasse, Code Enforcement Officer, of any violations must come from the full Board on letterhead after discussing.

Mr. Weiler said that he felt that the Code Enforcement Officer should be responsible for enforcing, not the Board of Selectmen.

Mr. Bachelder asked what would need to be done to change that.

Mr. Weiler said that it would need to be changed in the Zoning Ordinance, Site Plan Review and the Subdivision Regulations.

Mr. Bachelder proposed that they have that changed in the Zoning this year.

Mr. Williams recommended that it be discussed at the next joint board meeting.

Mr. Dezotell said that a long time ago they did a site plan for the property that abuts the stone barn. When they came before the Board at the last meeting and changed their driveway, the Board never looked at how it affected their site plan. He said that it adjusts their parking lot. He did not see any real concerns, just did not know if it should be addressed.

Mr. Williams said that it may be worth having them come in.

Case #: Adm1-061 - Master Plan – Community Attitude Survey

Mr. McWilliams said that he wanted to review the draft of the community attitude survey. He said that the draft was a result of what he tracked during the community vision sessions and the last survey from 2004. He said that he was open to critique or ideas of additional items to incorporate.

Mr. Williams said that some items may need an introduction to bring people up to speed. He said that the issues were obvious to the Board, but may not be to the public.

Mr. McWilliams said that a question came up as to whether or not there should be sewers in other parts of Newbury.

Mr. Weiler recommended adding that it would be paid for by the users.

Mr. Williams said that the Board should look to see if there is a problem in various areas. Why bring up this issue if there is not a problem, Blodgetts was brought up because of the density and a definite problem.

Mr. Thayer said that he believed that Bay Point Road had a problem.

Mr. Williams agreed that it should be narrowed down to areas where there is a problem.

Mr. Weiler said that other towns have included a map and asked people which section they lived in.

Mr. Bachelder said that that was a good idea. That way the Board can determine what areas they are coming from. We can pull the results together by area.

The Board discussed question #5 and agreed to eliminate it.

Mr. Williams said that #6 needed to be explained so that it was meaningful to others, use views instead of vistas. He referred to question #9, mandatory recycling, including what? Where can town reduce costs? Should it say even though it costs more? It is not enforced now. The question needs to be more expansive. A lot of the questions need to be more expansive. People need to understand what they are responding to if we want to get responses that are meaningful.

Mr. Weiler commented on #10 and said that the only land the Town of Newbury owned to be developed for public use was fisherfield.

Mr. McWilliams said that it should be worded differently, to see if Newbury should provide more.

Mr. Weiler said that a lot of towns were putting up a lot of money to buy property for conservation, outside of conservation fund.

Mr. Williams said that if you were to take a percentage of property that is being preserved now and how it compares to the rest of the town, it would probably be a large percentage. Do we need more? There is a lot of conservation land even though it is not all owned by the town.

Mr. Weiler asked if they should ask the question about public boat access, since it was State mandated.

Mr. Williams said that the Town had one boat launch.

The Board agreed to eliminate questions 11 and 12.

Mr. Bachelder said that if the Town wanted to attract tourists, they needed to open up more areas for swimming and boating.

Mr. Weiler said that tourism benefits businesses not the town taxes. He does not see Newbury as part of a tourist area, it is a bedroom town.

Mr. Weiler said that questions 1-4 belong in the middle. He did not think that the first questions should be tax related. He recommended taking questions 1 and 2 from the old survey. He said that there should be a question asking if South Newbury should be considered a historic district.

Mr. Williams said that it should also include Blodgetts. It has just as much history.

Mr. Bachelder said that people may not know the advantages of doing that. They may not know what they are responding to.

Mr. Weiler said that other surveys, from other towns, had a lot of demographic questions. He asked if that was a better idea rather than relying on census data.

Mr. McWilliams said that you do not know who is responding so, the data may be skewed. He did not feel that it was a good idea to fill up the questionnaire with data you can get elsewhere.

Mr. Williams said that in the past, good answers came from written responses.

Mr. McWilliams said that written responses were very difficult to analyze.

Mr. McWilliams said that he would put together another draft for the Board to review.

A motion was to adjourn. It was seconded. All were in favor. The meeting adjourned 10:36 p.m.

Respectfully Submitted,

Lacy L. Cluff
Recording Secretary