

**Planning Board**  
**June 17, 2008**  
Approved July 15, 2008

**Members Present: Tom Vannatta, Chair; Barbara Freeman, Vice-Chair; Travis Dezotell; Deane Geddes; Bill Weiler; Ron Williams; Ken McWilliams, Advisor.**

Mr. Vannatta called the meeting to order at 7:10 p.m. The Board reviewed the minutes of May 20, 2008 and made corrections.

Mr. Williams made a motion to approve the minutes of May 20, 2008 as amended. Mr. Dezotell seconded the motion. All in favor.

**CASE: 2008-010: Conceptual – Roger Rodewald – Riverside Ecological Designs – Park 10.**

Mr. McWilliams informed the Board that he met with Mr. Rodewald prior to the meeting tonight to review his application and make sure everything was in order. Mr. Rodewald agreed that he was not properly prepared for a meeting tonight and will return when he is better prepared in order to receive better feedback from the Board.

**CASE: 2004-006: Angel Hawk Subdivision - letter of credit**

Mr. Vannatta informed the Board that there has been no word from Harold Buker regarding the Angel Hawk letter of credit. Based upon the letter that was sent to him and Ledyard Bank, he has until June 30, 2008 to act upon the conditions of the letter.

**CASE: 2008 – 009: Site Plan Review – Soaring Goose, LLC/ agent: Jim Dudley – Sunapee Outfitters – 43 Route 103 – Tax Map/Lot 051-423-478.**

*Notice is hereby given that the Planning Board will receive submission of an Application for Site Plan Review from Soaring Goose, LLC for property located at 43 Route 103, Newbury, NH, Tax Map 051-423-478, on Tuesday, June 17, 2008, at 7:30 p.m. in the Town Office Building at 937 Route 103 in Newbury, NH. If the application is accepted as complete, a public hearing on the application will commence at the same meeting.*

The Board reviewed the application for completeness.

Mr. McWilliams informed the Board that the plan was not submitted with the Site Plan Review Application. On June 3, 2008, the public was notified that the complete application was available for review. The Board needs to decide if the application is considered complete even though the plan was not provided until tonight.

Ms. Freeman commented that as she recalls, in the past if the public does not have enough time to review the full application, the Board has asked for a continuance.

Mr. Weiler commented that the practice of asking for a continuance has changed over time. The Board has become more flexible. If there wasn't anything critical missing, the Board has moved forward with the hearing.

Mr. Dudley informed the Board that he is only proposing temporary parking on the grass for a few months of the year that will be delineated by ropes and stakes or railroad ties to accommodate one or two vehicles at a time. The driveway is the same that was used by the previous homeowners.

Mr. Dezotell commented that the Board has often allowed for a conditional approval on applications that have had much more missing than what is on this plan.

Ms. Freeman commented that she thinks normally the Board would not have accepted the application as complete, but in this particular case she would feel very sad not to accept it because it is a seasonal use, and the season is already well underway. There is not much happening on this site except allowing people to park on the grass while they stop and try out a kayak.

Mr. Weiler suggested that the applicant should make copies available to the members of the public that are in attendance for the hearing to compensate for not having the plat available on June 3, 2008.

Mr. Dudley offered a copy of the plat to the one abutter in attendance, Pat Dugdale. Mrs. Dugdale stated that it was not necessary, she does not need it.

Ms. Freeman made a motion to accept the application as complete. Mr. Dezotell seconded the motion. All in favor.

Mr. Dudley explained that the Sunapee Outfitters at 104 Route 103 is asking for seasonal use of a lot on Lake Todd for customers to try out the canoes and kayaks before purchasing. Mr. Dudley read the following statement into the record:

*“The purpose of this addendum is to add a few minor things to our originally filed Site Plan Review to aid in any unanswered questions or concerns concerning our plans. We have completed a Site Plan for the board’s review. This plan is an “Existing Conditions” site plan, with 4 things we have added (to scale).*

- 1. The 75’ setback from the shoreline, required for any structures on the property.*
- 2. The location of our sign.*
- 3. The location of our kayak rack.*
- 4. The approximate area planned for parking use.*

*Our sign will be a very simple, small structure, made of 4x4 lumber. It will be approximately 5’ high, with a 4’ overhang, which will allow us to hang a double-*

*sided sign using hooks. There will be no lighting for this sign, and the sign will only be hung during our summer season when we will be doing kayak demos on the water.*

*Our Kayak rack will be a very simple rack made from 2x6 lumber, with total dimensions of 6' long, 4' wide, 5' high. It will be very similar to the racks we built in our store.*

*The parking area will be on the existing flat area of the lot nearest to the road. There is already an existing paved driveway that goes across the corner of this lot, which allows vehicles to access our parking area. The Existing Conditions site plan does not show this correctly, but the Newbury tax map DOES show this correctly. Our parking area will be existing grass & gravel. We will mark our parking area off by one of two means:*

- 1. Roped off by placing stakes in the ground, then hang ropes between these stakes, or:*
- 2. Placing curb stops (i.e.: railroad ties) to mark where vehicles should park, using the same area marked on the map.*

*Either way, this will make our parking area flexible enough to be moved slightly if needed, and removed in the winter season to allow the existing snowmobile trail access through the property.*

*The parking area we have described is 60' x 40'. This should allow enough space for 6 vehicles to park easily. We do not expect anymore vehicle than this, as this property is really only for a few customers at a time to come and demo/rent a kayak.”*

Mr. Dudley stated that there will be no building or improvements on the lot. The property owner, Soaring Goose, LLC, has given Sunapee Outfitters full permission to use this lot.

Ms. Freeman asked if the access from Route 103 is clearly legally passable by the applicant.

Mr. McWilliams commented that the deed should identify who has the easement, property owner or abutter. Clearly, it is passable by the applicant.

Mr. Weiler commented that the past owners accessed the lot the same way the applicant is proposing.

Mr. Vannatta asked Mr. Dudley if the parking delineation and sign will be removed after the season.

Mr. Dudley stated that all signage, parking delineations and kayak racks will be removed after the season is over.

Ms. Freeman expressed concern regarding the site plan review approval being a permanent approval that goes with the property, not the business owner. Therefore, if the property were to change hands in the future, the new owner would then be able to use the lot for a potentially large volume of business based on this approval.

Mr. McWilliams explained that the approval would restrict a new owner from increasing the volume of business. The record goes back to what was submitted – canoes and kayaks with a demonstration area for paddling sports and rentals which would be ancillary to the main business. Therefore, another owner could not increase the use to a full rental business. The Site Plan approval is for this use only.

Mr. Geddes asked Mr. Dudley for clarification of the well locations on the plat.

Mr. Dudley explained that there is a dug well near the lake and an artesian well near the road, neither of which will be used under this application.

Mr. McWilliams commented that in the written presentation of the application, Mr. Dudley offers ropes and stakes or railroad ties to delineate the parking area. He stated that it would be helpful to have both so that the customers know where to park and where the boundaries are for vehicles.

Mr. Vannatta opened the hearing to the public.

Pat Dugdale, abutter, addressed the Board as follows: *“It is my understanding that the Zoning Ordinance prohibits “funnel development” as expressly stated by Barbara Freeman as recently as May 20, 2008 during a consultative hearing before the Planning Board with Steven Schultz. I believe that, had the arrangement being considered tonight been envisioned at the time that ordinance was drafted; the same anti-funnel development reasoning would have specifically disallowed it. In the event that the Planning Board now interprets this application as being outside of the definition of “funnel development” and approves the application, I have the following concerns: The presence of Sunapee Outfitters on this property not only promotes the idea of public access for anybody with a boat, but it also presents the problem of Milfoil being carried onto the lake by illegal boaters. Who is going to take care of the Milfoil problem if it gets into our lake? Who is going to police this property before and after hours of operation.... Lake Todd is a POND and it is very small and there are enough, even too many boats on this lake as it is – as you can see by the Petition\* the owners don’t NEED and don’t WANT any additional activity on this lake. It just creates problems – need I say more. Why doesn’t this company go down to Lake Massasecum where it is a bigger lake and there is public access??? Along with the 27 Lake Todd Village District property owners who have signed the Petition, the Board has been handling this evening; I request that this application be denied.”*

*“\*PETITION We, the property owners on Lake Todd, petition the Newbury Planning Board to refuse to grant a permit to Sunapee Outfitters, LLC to operate a kayak & canoe retail & service business (rental, demos and lessons) on the property at 43 Route 103 in Newbury, NH.”* The petition contained 27 signatures from property owners around Lake Todd in Newbury and Bradford.

Ms. Dugdale stated that the signatures on the petition are original signatures, but undated. She acknowledged that Lake Todd is not a private lake, but it is a small pond; and this is a disaster waiting to happen. She commented that people do not pay attention to signs, and boaters will use the access after hours. She commented that there are too many boats on the lake and the homeowners around the lake do not want strangers coming on the Lake. There are already problems with motorboats on Lake Todd and if you look at the people around that Lake they have moved here to enjoy the privacy and peace and quiet on this little Lake. They deserve that right to have it kept that way. Ms. Dugdale commented that she does not see the need to demonstrate kayaks and that milfoil is a big problem and Lake Todd should not be put at risk for infestation.

Being no further comments from the public, Mr. Vannatta closed the public input to this hearing and the Board began deliberations.

Ms. Freeman commented that if the petitioners felt strongly about this application they should have come to the hearing.

Mr. Weiler cautioned Ms. Freeman not to generalize the attendance because he personally knew of someone who had a good reason why they could not attend.

Mr. Williams commented that he did not see the possibility of introducing milfoil since these canoes and kayaks are only used on this lake, and they are washed and inspected.

Ms. Freeman explained that the concern is that after business hours some boaters may access the Lake with their own boats and carry the milfoil in that way.

Mr. Weiler commented that there is an access near the bridge on Route 103 that is not supposed to be used, but people do launch from there.

Mr. Vannatta stated that if someone is crossing the lot after hours, that is trespassing and the police should be called. The trespassers would then be susceptible to arrest. The lot is already wide open and could be used randomly now. The Sunapee Outfitters' presence is not going to change that.

Mr. McWilliams commented that the access could be gated to make it difficult for people to use that lot for access to Lake Todd.

Ms. Freeman clarified that during the last discussion of this application; the Board determined that this use is not considered funneling because it is not a common area.

Mr. McWilliams added that the intent and purpose of the funneling ordinance does not pertain to this use.

The Board discussed and agreed on the following subsequent conditions:

1. The use is for demonstrations and lessons of canoes and kayaks.

2. The use may also include rentals as long as they are ancillary to the demonstration/lesson aspect of the business.
3. The entrance shall be gated
4. The parking area shall be closed after business hours in such a fashion that the public knows it is closed.
5. The parking area shall be identified using ropes & stakes and railroad ties.

Mr. Weiler made a motion to approve the application with the above-mentioned conditions. Mr. Dezotell seconded the motion. All in favor.

Mr. Vannatta advised Mr. Dudley that there is a 30-day period in which the Board's decision may be appealed, beginning today.

**CASE: 2008-006: Site Plan Review – Elliot Hansen Real Estate office at 877 Route 103 – Tax Map/Lot 020-019-072.**

*Notice is hereby given that the Planning Board will receive submission of an Application for Site Plan Review from Elliot Hansen, for property located at 877 Route 103, Newbury, NH Tax Map 020-019-072 on Tuesday June 17, 2008 at 8:00 p.m. in the Town Office Building at 937 Route 103 in Newbury, NH. If the application is accepted as complete, a public hearing on the application will commence at the same meeting.*

Mr. McWilliams advised the Board that the application is complete except for a site plan.

Elliot Hansen stated that he is asking for a waiver of preparing a site plan. He explained that he is not changing anything except cosmetic upgrades. There are no structural changes and no changes in parking or traffic flow proposed.

Sue Hansen stated that the use would actually be less than when the site was previously used as a day care and a church.

Mr. Weiler commented that if the applicant is not proposing any changes as indicated in Article 3.1.3 of the Site Plan Review Regulations, *a change in use or layout of multi-family or non-residential property or building(s) which involves changes in traffic flow; parking; drainage; water, sewer or other utilities; fuel storage; or toxic material storage*, then a site plan review hearing is not necessary.

Mr. Hansen advised the Board that the electric will be moved to underground, but it will remain electric.

Mr. Weiler commented that moving the electric underground is not changing the actual utility, only the aesthetics. It is still the same power source.

The Board reviewed the Site Plan Review requirements.

Mr. Weiler made a motion that the sense of the Board is that site plan review is not required for this use. Mr. Dezotell seconded the motion. All in favor.

**CASE: Adm1-058: CIP Members**

Mr. Vannatta advised the Board that all of the CIP committee members from last year have agreed to serve on the committee again this year. Ivor Freeman will be chairing the committee.

**CASE: Conceptual Discussion - David Kinsman – Rock Ridge Development – South Road – Tax Map/Lot 044-666-156**

Alison Kinsman explained that Mr. Kinsman owns a 45-acre lot on South Road. In partnership with the Community Action Program of Belknap-Merrimack Counties, he would like to develop 35 acres to create a residential community for older Newbury-area senior citizens. The residential community will be clustered, 35-40 units, one and two bedroom apartment complex and shall be named Rock Ridge.

Rock Ridge will provide affordable living for residents ages 55 and up with incomes generally at or below 80 percent of the area median income. Residents will be able to utilize transportation resources provided through the Mountain View Senior Center. Eligible residents will also have access to other resources and programs provided by Belknap[Merrimack, including but not limited to Electric and Fuel assistance, Utility Conservation, the Fixit Programs, Special Needs Access, etc.

Rock Ridge is proposed to be designed and developed using technologies to ensure as low an environmental impact as possible and provide cost effectiveness and ease of maintenance. About 6% of the site or approximately two acres will be used for development of the units and parking spaces. Up to an additional acre and a half will be utilized for the driveway, utilities and natural water runoff, control and mitigation infrastructure. Approximately 89% of the Rock Ridge parcel will be held by Rock Ridge as common land and woodlands.

Ms. Kinsman explained that there is an application process to receive HUD 202 funding for the project. There is no funding involved for the Town, but the application does require support from the Town. She advised the Board that they need a general letter of support from the Board of Selectmen and the Planning Board stating that this plan is a possibility and in accordance with the Town's Master Plan.

Ms. Freeman commented that the Board would probably have a problem signing a letter stating that the project is definitely doable, but certainly the project has the Board's support in concept. This project is in keeping some of the goals of the Master Plan to address low income and elderly housing. She stated that she thinks the Board would be willing to work with the developer to see that the project can happen.

Mr. Geddes commented that Ralph Littlefield, Executive Director of the CAP for Belknap-Merrimack Counties advised the Board of Selectmen at last night's meeting that there are several states competing for this federal funding. Supporting the project does not even mean that it will get the grant and be able to come to fruition. The Board's support saying that it is consistent with the Master Plan would be enough for Rock Ridge to move forward with its application to HUD.

Mr. Williams stated that he is in agreement with the other Board members. This project addresses several issues in the Master Plan. That kind of support should be sufficient for now. The project would obviously be subject to all of the zoning, variances, engineering, etc. as other developments.

Ms. Kinsman advised the Board that HUD has opened the funding for only 17 units this year, so perhaps the remaining units could be funded subsequently.

Ms. Freeman made a motion for the Planning Board to authorize Mr. Vannatta to draft a letter as requested stating that the Planning Board is in support of the concept of Rock Ridge Development and that it is in accordance with the Master Plan. Mr. Dezotell seconded the motion. All in favor.

The Board discussed the requirements and differences between multi-family and cluster developments.

Mr. McWilliams pointed out that the zoning regulations provide for a 10% bonus for affordable cluster housing.

**CASE: 2008 - 004: Conditional Use Permit – Courtney Galluzzo – Chalk Pond Road – Tax Map/Lot 028-369-268**

Mr. Vannatta informed the Board that he received a set of plans from Jim Powell for Courtney Galluzzo. Mr. Galluzzo will be resubmitting his application for a conditional use permit to build a new house on his lot off Chalk Pond Road. At a prior meeting, Mr. Galluzzo proposed to build a 26 ft. x 36 ft. new house all within the wetland buffer overlay. The new plans propose a 28 ft. x 30 ft. new house in the same spot resulting in a 10% reduction of square footage.

**New Business**

Mr. Vannatta advised the Board that The Fells has applied to DOT for a driveway permit and are proposing to build a parking area to the southerly side of the existing gatehouse. He asked for a sense of the Board as to whether or not this project will need to come before the Planning Board.



Mr. Weiler commented that this is a change in the site with an expansion of use. The proposal indicates an expansion of the parking lot. He stated that there may be some wet areas and two new buildings that are proposed next to the parking area.

Ms. Freeman stated that The Fells needs to consider permeable paving.

Mr. Williams explained that the reason for the change is that the visual presentation of the entrance to The Fells would be more becoming if the vehicles were parked in a more obscured location.

Consensus of the Board was that since the Fells is no longer a governmental entity and is thus subject to local regulation, this activity does need to be reviewed by the Board.

Mr. Dezotell made a motion to adjourn. Mr. Williams seconded the motion. All in favor.  
Meeting adjourned at 9:15 p.m.

Respectfully submitted,

Linda Plunkett  
Recording Secretary