

**Planning Board
September 1, 2009**

Members Present: Tom Vannatta, Chair; Barbara Freeman, Vice-Chair; Deane Geddes, Bruce Healey, Bill Weiler; Travis Dezotell; Ron Williams, Alternate; Ken McWilliams, Advisor; Jim Powell, ex-officio member.

Mr. Vannatta called the meeting to order at 7:10 p.m.

Mr. Vannatta brought the Board's attention to the upcoming Wind Energy Meeting, sponsored by the Upper Valley Lake Sunapee Regional Planning Commission, scheduled for September 9, 2009 at Tracey Memorial Library in New London, NH.

CASE: 2009-004: Conceptual Hearing for Blue Goose Inn – addition of a single broker real estate office to existing Bed & Breakfast business

Ron and Margaret Morris presented their request/proposal for approval to establish a real estate office (Sunapee Region Realty) at 24 Route 103B, Newbury, NH. The couple currently own and operate the Blue Goose Inn, a four- to five-bedroom bed and breakfast (B&B) at the same location. Their request for approval is to set up a single broker real estate office in an existing room in their private quarters currently used as the B&B office. Entrance to the real estate office would be through the existing entrance for the B&B Breakfast Room. Parking and outside lighting are established for the B&B and are sufficient for the anticipated foot traffic created by the real estate office. Signage for both businesses would be included on one newly designed sign to be placed in the same location as the current B&B sign.

Ms. Morris presented drawings of their property, referencing the property location, the established parking, the location of the proposed real estate office on the property, and the planned entrance for the real estate office. Ms. Morris noted that most real estate business is conducted via the Internet, thus minimizing the number of clients who would actually visit the proposed office. Additionally, Ms. Morris stated that the project would require a change in signage, a step that needs to go through the Board of Selectmen. Finally, she emphasized that this would be a single broker agency and would not include other agents. Ms. Morris stated that there isn't a precise timeline established for the project but she wanted to explore what was required and welcomed guidance from the Board.

Mr. Vannatta asked Mr. McWilliams if there were any issues that needed consideration. Mr. McWilliams said they need to establish if the use would be classified as office use or cottage industry use. Mr. Weiler asked if special exceptions were required by either category. Mr. McWilliams said no.

Mr. McWilliams said both uses fall under "Business District Uses Permitted" and are subject to site plan review by the Planning Board (PB) but are not required to have a special exception approval by the Zoning Board of Adjustment (ZBA). Mr. Weiler and

Mr. Powell agreed that the use should be considered “office”, and the PB concurred.

Mr. Vannata asked if there was any carry-over value since the B&B already exists. Mr. Weiler stated that the site plan for the property may not be on file because of the property’s age. However, if a site plan did exist, then the Morris’ request could be an amendment. Ms. Freeman stated that the property needed a new site plan.

Mr. Vannata asked how long the B&B has been in existence. Ms. Morris estimated the inn has been operating for at least 16 to 18 years. Mr. McWilliams said that the B&B preceded the adoption of the site plan regulations in 1989.

Mr. Williams noted that the property was under discussion a number of years ago. Mr. Powell said that there had been private discussions about the possibility of turning the property into a school but the idea was never presented to any of the town boards.

Mr. Vannata concluded that the project needed to go through an entire site plan review process. Mr. Weiler stated that since there is no new construction, the review process should be able to be simplified. Mr. Weiler advised Mr. and Ms. Morris regarding the regulations, mentioning the allowance of substituting photographs of existing structures for elevation drawings. Mr. Weiler suggested that Mr. and Ms. Morris look at Article 10 (application requirements), Article 11 (process for granting waivers), and Article 12 (application review).

Mr. Vannata outlined the step-by-step procedures involved in making application and suggested that Mr. and Ms. Morris review the regulations and decide if they want to go to a preliminary hearing first instead of a final hearing. Mr. Vannata recommended that Ms. Morris work directly with Denise Walter, land use board and assessing assistant. At a later point in the meeting – following discussion by the Board – it was decided that a member of the Board be made available to the Morris – and other future applicants – to ascertain what their applications should contain.

CASE: 2009-005: Conceptual Hearing for establishing a coffee shop in the old Newbury News retail location

The Board heard from Janet Crocker regarding her proposal to open a coffee shop in the retail space formerly occupied by the Newbury News. Named Crocker’s Coffee Shop, Ms. Crocker proposes to offer coffee, pie, pastry, breakfast sandwiches, fresh fruit, and yogurt. Ms. Crocker said her shop will not be offering a full menu. She indicated the state approved the building for 18 seats. Ms. Crocker said she intends to make cosmetic changes to the space to enhance customer comfort. Intended hours of operation would be 6:00 a.m. to 2:00 p.m. daily and evening hours during the ski season and for special events.

Ms. Crocker stated that there will be no baking on the premises, the pies and pastries will be brought in from outside suppliers. She said cooking will be limited to breakfast sandwiches. Appliances include a small grill, a reach-in cooler, two covered curved-front

coolers for the pies and pastries, and two open coolers for yogurt and fruit.

Mr. Weiler raised the question of the property's existing use. Mr. Vannata referred to a letter from Mr. Atanasios Katsanos, the property owner, stating that Mr. Katsanos will be renting the space to Ms. Crocker to continue the current use of that space – food, retail – as the former Newbury News, LLC. Mr. Vannata concluded that the usage would not change and, if anything, the usage would be less than the former occupant.

Ms. Crocker said that Paul LaCasse, code enforcement officer, visited the property and determined that the proposed changes were largely cosmetic and didn't require a building permit. Mr. LaCasse's suggestions included obtaining an electrical permit for the proposed increased lighting, repairing holes in the floor, and improving accessibility in the restrooms.

Mr. Williams asked if there would be Internet access at the coffee shop, citing its popularity in other similar businesses. Ms. Crocker said yes, there would be Internet access activated on site for customer use. Ms. Crocker said she hopes to open Crocker Coffee Shop within a month.

The Board agreed that no site plan review was needed and that Ms. Crocker may move forward with her plans.

ADMINISTRATIVE BUSINESS: Minutes

The Board reviewed the minutes of August 4, 2009 and made corrections.

Mr. Weiler made a motion to approve the minutes of August 4, 2009 as corrected. Mr. Dezotell seconded the motion. All in favor.

ZONING BOARD OF ADJUSTMENT

Mr. Vannata advised the PB that the ZBA requested rescheduling their meeting with the PB to address interpretations and issues that have been problematic for the ZBA. Mr. Vannata cited a full agenda for the October 6, 2009 PB meeting and suggested inviting the ZBA to attend the PB meeting on September 15, 2009 at 7:30 p.m. The Board agreed.

Mr. Powell urged the Board to be cautious about interpreting the zoning, saying the ZBA is a quasi-legal board and interprets what is written. Mr. Powell said that the PB is not the place for the ZBA to receive guidance on the interpretation of the written word.

Ms. Freeman added that the ZBA members intend to contribute information to the PB that they think needs clarification.

COMMITTEE REPORTS

Workforce Housing

Mr. Dezotell reported that he has received comments about the current status of workforce housing in Newbury. Comments covered a wide spectrum: from an individuals who feel that the amount of available affordable housing is adequate, to a local business owner who has had to construct housing on its premises to attract workers. Informational sources were Matt Girard, Gail Bostic, Corey Beaudry, Will Hurley, and Mark Ashton at Baker Hill Golf Course. Mr. Dezotell intends to contact more business owners for their input.

Mr. Dezotell stated that a local developer commented that when the economy improves, likely Newbury will see an increase in the number of developments so now would be a good time to solidify zoning for workforce-style housing.

The Committee reports that based on its research, there appears to be a balance of opinion within the community concerning the need versus availability of affordable housing. The next step is to develop a report listing the number of homes with valuations of less than \$175,000; less than \$275,000; and the total number in both categories. The data will then be used to gauge the accuracy of the comments.

Ms. Freeman mentioned the inclusion of a Workforce Housing seminar in the upcoming OEP Conference on October 17, 2009. Mr. Powell said there is a great deal of attention throughout the state and in the media concerning this issue. Ms. Freeman said she will collect the OEP conference information. She added that the research being gathered should be compiled in a written report, adding weight to the rationale behind the Board's future plans regarding Workforce Housing.

Sign Ordinance

Mr. Powell reported that the Signs Committee will meet on September 10, 2009. Mr. Vannata stated that he contacted the Committee Chairs requesting their input in writing prior to the Board's meeting on October 6, 2009.

Subdivision Regulations

Mr. Weiler stated that he intends to schedule a committee meeting to discuss changes needed to the regulations concerning surety for subdivision development. Two areas that are under examination are how to secure financial responsibility, and how to review and possibly recommend that signed agreements are submitted for the subdivision and site plan.

ZONING AMENDMENT SCHEDULE

Mr. McWilliams presented the 2010 Zoning Amendment Schedule beginning on October 6, 2009 and ending on March 9, 2009. A printed schedule was given to each Board

member. The two subjects under consideration include Workforce Housing and Sign Ordinance. Additional items may be added for consideration following the September 15, 2009 meeting with the ZBA.

CAPITAL IMPROVEMENTS PROGRAM REPORT: 2010-2015 (CIP)

Mr. McWilliams reported that there is a draft that has been sent to the committee and he anticipates comments on the draft to come back by September 4, 2009. Revisions will be made to the draft and given to the Board for its review at the PB meeting on October 6, 2009.

ADDITIONAL BUSINESS

Mr. Vannata stated that since the Public Hearing on August 18, 2009 to consider the revocation of the Angel Hawk subdivision, Bart Mayer, Town Counsel, has been in discussions with the parties involved. Mr. Vannata reports that, as a result of these discussions, Mr. Mayer may have an agreement that satisfies the concerns of the involved parties. Mr. Vannata said that any questions on this issue should be directed to the following phone number: 224-7791.

Mr. Dezotell made a motion to adjourn. Mr. Weiler seconded the motion. All in favor.
Meeting adjourned at 8:23 p.m.

Respectfully submitted,

Meg Whittemore
Recording Secretary