



Meeting Minutes
North Hampton Planning Board
Tuesday, December 3, 2013 at 6:30pm
Town Hall, 231 Atlantic Avenue

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These minutes were prepared as a reasonable summary of the essential content of this meeting, not as a transcription.

Members present: Shep Kroner, Chair; Laurel Pohl, Vice Chair, Joseph Arena, Tim Harned, Dan Derby and Phil Wilson, Select Board Representative.

Members absent: Michael Hornsby

Alternates present: Nancy Monaghan

Others present: Jennifer Rowden, RPC Circuit Rider, and Wendy Chase, Recording Secretary

Mr. Kroner convened the meeting at 6:35 p.m. and noted Mr. Hornsby's absence.

Mr. Kroner seated Ms. Monaghan for Mr. Hornsby.

I. Old Business

1. **Case #13:02 – Harbor Street Limited Partnership, 7B Emery Lane, Stratham, NH 03885.** The Applicant, Joseph Falzone, Harbor Street Limited Partnership, submits a pre-application Design Review pursuant to Subdivision Regulation VI.A.2. – Design Review. Property owner: Harbor Street Limited Partnership, 7B Emery Lane, Stratham, NH 03885; Property location: 160-186 Post Road, North Hampton; M/L 018-038-000; Zoning District R-1: High Density and R-2: Medium Density. This Case is continued from the November 5, 2013 meeting.

The case has been continued over the past few months pending the acquisition of a Conservation Easement on the property.

Mr. Wilson moved and Dr. Arena seconded the motion to continue Case #13:02 to the January 7, 2014 meeting.
The vote was unanimous in favor of the motion (7-0).

II. New Business

1. **Case #13:14 – Cadillac Auto of Boston, c/o Estate of Peter Fuller, 43 Lincoln Street, Belmont, MA 02478.** The Applicant proposes to subdivide a 10.14 parcel of land into two lots, "A" and "B", consisting of 5.02 acres for proposed lot "A" and 5.12 acres for

46 proposed lot "B". Property owner: Same as Applicant; property location: 14 Maple
47 Road, North Hampton, NH; M/L 006-065-000; Zoning District R-2 – Residential Medium
48 Density.

49

50 In attendance for this application:

51 Jack Szemplinski, Benchmark Engineering, Inc.

52

53 Mr. Szemplinski began his presentation by submitting a Drainage Study to a few members of the
54 Board. He said that the Town's Engineer, Steven Keach of Keach and Nordstrom did not review
55 the Drainage Study, but they spoke to him and he has no issues with the project. Mr. Keach did
56 receive a copy of the proposed subdivision plan.

57

58 Ms. Rowden referred to her report to the Board and said that she recommended the Applicant
59 submit a Drainage Study.

60

61 Dr. Arena commented that this type of proposal came to the Planning Board a few years ago,
62 and asked Mr. Wilson of his recollection of what transpired.

63

64 Mr. Wilson said that there was a plan years ago but the deal fell through because the potential
65 buyers of the proposed lot weren't going to be able to build the type of house they wanted
66 because the land was too wet. He commented that that was hearsay information he received
67 from Mr. Fuller at the time.

68

69 Mr. Kroner asked whether or not the Conservation Commission reviewed the proposed plan.
70 Mr. Szemplinski said that he believed the application was reviewed by the Conservation
71 Commission. It was determined that the application was not reviewed by the Conservation
72 Commission.

73

74 Mr. Kroner commented on the proposed plan and said that the thin strip of upland area used to
75 meet the required one (1) acre of contiguous upland stretches the intent of the Ordinance. He
76 said that there is a lot of ledge on the eastern portion of the lot also.

77

78 Mr. Szemplinski said that there are actually three (3) acres of contiguous upland on one lot and
79 two (2) acres of contiguous upland on the other lot. He said the test pits on the site came back
80 very good and is certainly suitable for leaching fields, and mentioned that any type of
81 development on the property would require NH DES and the Building Inspector's approvals.

82

83 Discussion ensued on the small size of the building envelope. Mr. Szemplinski said that a 50' x
84 30' ranch style home would fit within the building envelope and meet all of the area and
85 wetland setback requirements.

86

87 Mr. Wilson commented that there is sufficient room to build that type of house, and the test
88 pits show that there are areas to locate septic systems, but the plan doesn't depict the ledge on
89 the property. He also voiced concern over the two proposed driveways being so close together
90 at the top of the ridge on Maple Road.

91

92 **Mr. Wilson moved and Mr. Harned seconded the motion to take jurisdiction of the application**
93 **for Case #13:14 – 14 Maple Road 2-lot subdivision.**
94 **The vote was unanimous in favor of the motion (7-0).**
95

96 Mr. Kroner opened the Public Hearing at 6:55 p.m. to give anyone wishing to provide comment
97 on the application the opportunity to do so.
98

99 **David Buffington, owner of 59 Woodland Road** – questioned whether the proposed footprint of
100 the houses shown on the plan were “etched in stone” in regards to the size and location of them
101 on the lots.
102

103 Mr. Szemplinski said that the houses built on the lots will meet the area and wetland setback
104 requirements.
105

106 Mr. Wilson commented that the Board is acting on the subdivision of the land; not what is
107 proposed to be built on the lots. He opined that the area is assessed at the “higher end”, and
108 purchasers of the lots will probably want to build larger houses on them; therefore he doubts
109 that the depiction of the houses footprint’s on the plan are “etched in stone”.
110

111 Mr. Kroner closed the Public Hearing at 6:58 p.m.
112

113 Mr. Kroner said that he would like feedback from the Conservation Commission. He said that
114 even though the one (1) acre of contiguous upland shown on the plan meets the “letter of the
115 law”; it does not meet the intent of *it*. He commented that the area is in the wetland
116 conservation district and is not sure what makes up the wetlands, but during periods of high rain
117 events, there have been flooding problems in that area.
118

119 Dr. Arena said that the Conservation Commission was consulted when the property was before
120 the Board years ago, and suggested the Commission bring the Planning Board up to speed. He
121 also mentioned that the stone wall would need to be breached for the driveways.
122

123 Mr. Szemplinski said that the drainage on Maple Road is poor; the water runs to the Woodland
124 intersection and flows into the Little River.
125

126 Mr. Harned said that he is concerned with the small amount of buildable space within the
127 setbacks, and that a 1,500 sq. ft. house proposed to be built is unreasonable for that area. He is
128 concerned that there will not be adequate space for the type of house people are going to want
129 to build there. He said the proposal may meet the letter of the Town Ordinances but doesn’t
130 think it meets the spirit and intent of the Town Ordinances.
131

132 Mr. Derby said that there seems to be enough concern from the members to have the proposal
133 brought to the Conservation Commission for a review.
134

135 Mr. Wilson commented that he isn’t sure what the Conservation Commission could say that
136 would affect the Planning Board’s decision. The Drainage Study shows a minor increase in a 100-
137 year storm event and any runoff water from impervious surfaces on both lots will run onto the
138 ten (10) acres, which is mostly wetlands; a natural surge tank for water. He said he is happy to

139 send things to the Conservation Commission for their opinion when proposals are going to
140 affect conservation values of land, by either affecting the subdivision, or abutting the
141 subdivision, but doesn't think this proposal does that. He also said that there is a general
142 provision in the subdivision regulations that states that standards set are minimum standards,
143 not maximum standards, and the Planning Board has the authority to reject an application
144 because it doesn't meet the spirit and intent of the ordinance, but it has to be a good and solid
145 reason why the Board would reject an application, as the Planning Board has learned in the past.

146
147 Mr. Wilson said that the Board could consider adding conditions, such as, requiring a letter from
148 the Public Works Director stating that the proposed driveway configuration is safe and
149 reasonable, and ask that the Conservation Commission review the application, or provide a
150 letter stating that there is no detrimental effect to the values to the land of this proposal.

151
152 Dr. Arena said that there wouldn't be a problem if the lots were combined and build just one
153 house.

154
155 Mr. Szemplinski said that the applicant meets the subdivision regulations for a two lot
156 subdivision, and doesn't believe the owner would consider combining the lots and building one
157 house rather than two.

158
159 The general consensus of the Board was to have the Applicant meet with the Conservation
160 Commission to review the Application. Mr. Kroner suggested they solicit feedback from the
161 Conservation Commission, specifically on the utilization of short narrow strips of land used to
162 satisfy the one (1) acre of contiguous upland.

163
164 **Mr. Derby moved and Dr. Arena seconded the motion to refer the Applicant to the**
165 **Conservation Commission to review the proposed application, and to continue Case #13:14 to**
166 **the January 7, 2014 Planning Board meeting.**
167 **The vote passed in favor of the motion (6 in favor, 1 opposed and 0 abstention). Mr. Wilson**
168 **opposed.**

169
170 Mr. Szemplinski was informed that the next Conservation Commission was on December 10,
171 2013.

172
173 **2. Case #13:15 – James Jones, 207 Lafayette Road, North Hampton, NH 03862.** The
174 Applicant requests a Preliminary Consultation for the purpose of seeking a waiver to a
175 formal site plan application and approval for property located at 40-42 Lafayette
176 Terrace. The Applicant cites Sections XV.B.1 and 2, and V.A.2., and 3 of the Site Plan
177 Review Regulations. Property owner: Same as the Applicant; property location: 40-42
178 Lafayette Terrace, North Hampton; M/L 021-014-001, 021-034-000 and 021-035-000;
179 Zoning District: I/B/R – Industrial Business Residential.

180
181 In attendance for this application:
182 Scott Fogg, Shaheen and Gordon, Applicant's Counsel
183 James Jones, Owner/Applicant
184

185 The Applicant was before the Board for a Preliminary Consultation which does not require
186 abutter notification or publication in the newspaper (RSA 676:4 I(d). In a Preliminary
187 Consultation, the application may present a rough sketch or other information useful in defining
188 the general scope and concept of the proposal, and the Board may make suggestions to assist
189 the applicant in preparing the formal application.

190
191 Attorney Fogg spoke on behalf of his client, James Jones. Mr. Fogg explained that Mr. Jones
192 purchased the property in 2005 and has used the property consistently in the manner that it is
193 currently used for since that time, which is primarily for the storage of large commercial items.
194 It is consistent with the historical use of the property dating back decades. He explained that
195 there are less items being stored on the property today than there has been in the past. Mr.
196 Jones stores equipment further back on the property and they do not determine that to be an
197 expansion of the use on the property. Mr. Fogg, as part of the application, provided testimony
198 from the former Code Enforcement Officer, Red Mabey and the current Code Enforcement
199 Officer, Kevin Kelley stating that they have no issue with the storage of the commercial items on
200 the property.

201
202 Mr. Fogg said that Mr. Jones is allowed, by Statute, to cut up to 20 cords of wood per year, and
203 Mr. Kelley testified in his deposition, that he estimates no more than 20 cords of wood was cut
204 on that location.

205
206 Mr. Fogg referred to Site Plan Review Regulation V.A.2, "The Planning Board shall consider the
207 size and proportion of any building addition when determining whether site plan review is
208 required". He said that it is consistent with the historical use and is less in volume. He referred
209 to Site Plan Regulation V.A.3, "the Planning Board may, at its discretion, waive this requirement
210 if there is no anticipated impact on traffic, off-street parking, drainage, municipal services, or
211 the surrounding neighborhood." He said that both Mr. Mabey and Mr. Kelley stated in their
212 testimony that there was no impact on any of those items; they also testified that they could
213 think of no reason why a site plan on this property would not be approved. Mr. Fogg opined that
214 a waiver to a site plan review is appropriate in this case.

215
216 Ms. Rowden said that her concern was not the amount of wood cut on the property; it is the
217 storage of equipment further back on the lot, and this is why she feels it appears to be an
218 expansion of the use of the property and recommends the Board require a Site Plan.

219
220 Ms. Monaghan asked where in Mr. Kelley's deposition it stated that the logging on the property
221 was legal. Mr. Fogg said that the Board did not have that page of the deposition and he handed
222 out copies of the page to the members of the Board.

223
224 Mr. Fogg explained that a suit was brought on his client, Mr. Jones, and that is the reason for the
225 depositions made by Mr. Mabey and Mr. Kelley. He said that every claim in the suit has been
226 settled, except for, whether or not a site plan should be required. The trial is set for April 2014,
227 and that is why they are before the Board requesting a waiver to the site plan review.

228
229 Mr. Wilson said that the contested issues between Mr. Jones and the Town of North Hampton
230 had to do with Mr. Jones taking trees off his abutting property, which is town owned-land, and
231 the settlement was that he would plant trees on the land owned by the Town. Mr. Wilson said

232 that the catalyst for the waiver request is that the Select Board wants a site plan for the
233 property just like the Town has required every other property that comes to the Board that has
234 a site plan issue and doesn't have a site plan on record. He said that the Planning Board requires
235 site plans to see whether in fact there are potential problems, such as a recent case the Board
236 had on Lafayette Road where it was discovered that a lot line ran through an existing building.
237 The Board requires site plans that show there are certificate of monumentation so there won't
238 be any confusion of where the property boundary lines are and there won't be any confusion on
239 whether there is an expansion of use on the property; the problem the Board is trying to resolve
240 is to have a site plan on record.

241
242 **Mr. Wilson moved and Dr. Arena seconded the motion that the Planning Board advises the**
243 **Applicant that a Site Plan Review is required.**

244
245 Dr. Arena asked if Mr. Fogg was aware that Mr. Wilson is a member of the Select Board, and he
246 replied that he was aware of that fact.

247
248 Mr. Fogg asked Mr. Wilson if it were true, that historically, Mr. Wilson has recused himself on
249 cases involving Mr. Jones before the Planning Board.

250
251 Mr. Wilson said he did not remember and said that that was irrelevant. He said that he has no
252 financial interest in Mr. Jones and no interest in this case other than the best interest of the
253 people of North Hampton and if Mr. Fogg is requesting that he recuse himself, his answer is,
254 "No".

255
256 Ms. Pohl said that she would like to add to the motion on the table, "that if further evidence is
257 submitted in regards to the deposition, that the Board receive a complete copy of the
258 deposition".

259
260 Mr. Fogg said that he had no problem providing a copy to the Board before they made their final
261 decision.

262
263 Mr. Wilson reminded the Chair there was a motion on the table and conversation from the
264 applicant was inappropriate during board deliberation.

265
266 Mr. Kroner agreed that there was a motion on the table, and it has been seconded.

267
268 Mr. Derby asked if it was unusual to have a site plan request come from the Select Board. He
269 said he was unsure, at the beginning, how this came about.

270
271 Mr. Wilson said that, in his opinion, the way the application was delivered it was deflecting the
272 underlying issue. He said that there is ongoing litigation on this property and believes it is in the
273 best interest of the Town to require a Site Plan.

274
275 Mr. Kroner was unsure of Ms. Pohl's proposed addition to the motion as it relates to the issue
276 before the Board. Ms. Pohl said that is why she used the word "if".

277

278 Mr. Harned said that he saw nothing within the paperwork submitted to the Board on the
279 Preliminary Consultation that referred to the ongoing litigation regarding this property or the
280 exact issue pertaining to the litigation.

281
282 Mr. Wilson said that he would have liked to see the applicant state that the site plan is the bone
283 of contention in the ongoing litigation and they are requesting the Planning Board rule that a
284 Site Plan is not necessary, but instead they chose to argue based on certain criteria of the Site
285 Plan Review Regulations.

286
287 Mr. Harned said that there is a lot of relevant information regarding this property and the law
288 suit with the Town that the rest of the Board does not have copies of.

289
290 Ms. Pohl said that she thinks there is more information on the missing pages of the deposition
291 because she has been on the Board for nine years, and this property has been before the Board
292 a couple of times regarding complaints.

293
294 Mr. Fogg asked to speak.

295
296 Mr. Kroner ruled to allow him to speak.

297
298 Mr. Fogg said that they were not trying to “sandbag” the Board. He said he was invited to come
299 before the Board by Attorney Matt Serge who is representing the Town in this matter. It was a
300 joint idea to come before the Planning Board solely to talk about a Site Plan Application because
301 every other aspect regarding the litigation has been settled. It was done as a joint effort to
302 reasonably try to come to a conclusion on this, outside of litigation.

303
304 Mr. Kroner said that in his years of experience on the Board he realizes the effort that needs to
305 be put into a Site Plan Application but thinks that a Site Plan accomplishes a lot of good, not only
306 for the Town, but also for the property owner. The property has more value if it has an
307 approved site plan and approved use on the property. He said that he believes that there needs
308 to be a Site Plan and it will probably relieve tension that appears to exist.

309
310 Dr. Arena said he didn’t understand why they did not want to do a Site Plan, he wondered if it
311 was intended to obfuscate an issue and try to hide something.

312
313 Mr. Fogg said their *issue* with it is that the previous owners were never required to submit a Site
314 Plan; it seems unduly to put the onus on Mr. Jones when the business is being run the same way
315 it has for decades.

316
317 Dr. Arena said that the Planning Board has been burned in the past, and if there is nothing to
318 hide then the way to resolve the issue is to submit an Application for a Site Plan Review.

319
320 Ms. Pohl said that it has nothing to do with Mr. Jones personally; it’s the timing. The Board
321 recently went through an issue where a site plan was required and it was determined that a lot
322 line went right through a building, so that got resolved; it is reasons like this that the Planning
323 Board always requires a site plan.

324

325 Ms. Monaghan said that the Circuit Rider recommends a Site Plan be required because of an
326 expansion of use, and there is a motion on the floor to advise the Applicant that a Site Plan is
327 required.

328
329 Mr. Fogg asked if he could speak to Dr. Arena's remarks. Mr. Kroner asked for the Board's
330 opinion, and it was a consensus not to allow it, because the question was called on the motion
331 on the table.

332
333 It was a sense of the Board that a Site Plan is required for the following reasons:

- 334 • Advice from the RPC Circuit Rider that it is advisable.
- 335 • The opinion of the Select Board that it is advisable.
- 336 • Opinions from Board members that it is wise to have site plans on record on every
337 property in the I-B/R District.
- 338 • The Planning Board has consistently required site plans for properties where site plans
339 are not on file.

340
341 **The vote was unanimous in favor of the motion (7-0).**

342
343 **Mr. Kroner called for a recess of the meeting at 7:55 p.m.**

344 **Mr. Kroner reconvened the meeting at 8:00 p.m.**

345
346 **3. Case #13:16 – Ben Auger, 255 Portsmouth Avenue, Greenland, NH 03833.** The Applicant,
347 on behalf of the owners, Seventy-Two Atlantic Avenue, LLC, requests a Preliminary
348 Consultation for a proposal to construct a 100' x 250' indoor riding arena in the R-2 Zoning
349 District with 3.10 acres. Property location: 72 Atlantic Avenue; Property owners: Seventy-
350 Two Atlantic Avenue, LLC, C/O William H.M. Beckett, 111 Maplewood Avenue, Suite D.
351 Portsmouth, NH 03801; M/L 006-003-000; Zoning district: R-2.

352
353 In attendance for this application:
354 Ben Auger, General Contractor to the owners of the property
355 Dana Lynch, Civil Works Engineering, Applicant's Engineer

356
357 The Applicant was before the Board for a Preliminary Consultation which does not require
358 Abutter notification or publication in the newspaper (RSA 676:4 I(d). In a Preliminary
359 Consultation, the application may present a rough sketch or other information useful in defining
360 the general scope and concept of the proposal, and the Board may make suggestions to assist
361 the applicant in preparing the formal application.

362
363 Mr. Auger said that the owners of the subject property sent out letters to the abutters
364 explaining their proposal and submitted a copy of the letter to the members of the Board.

365
366 Mr. Auger explained that it is the intent for the owners of Runnymede Farm and 72 Atlantic
367 Avenue to combine resources and make Runnymede a horse farm that can survive long term.
368 The owners are proposing to construct a 100' x 250' indoor riding arena; the interior will consist
369 of a 100' x 200' arena, plus a 50' x 100' area for tack, storage and viewing, and the height will
370 not exceed the Towns' height requirement.

371

372 Dr. Arena disclosed that he is an abutter to the property, but would not be recusing himself on
373 this case.

374
375 Dr. Arena said that the yellow house would be torn down and he advised Mr. Auger to contact
376 the Heritage Commission due to the proposed demolition delay ordinance currently being
377 developed in hopes of putting it on the town ballot in March.

378
379 Mr. Auger was informed by Ms. Chase that the Chair of the Heritage Commission, Donna Etela
380 was contacted and she will be in touch with Mr. Auger regarding the razing of the house. He
381 explained that there was a lot of significant effort on the owners' part to find a way to use the
382 house.

383
384 Dr. Arena said that he did have concerns at first regarding the proposed building, but learned
385 that it would be camouflaged with landscaping.

386
387 Ms. Rowden said that the indoor riding arena is an acceptable use under the Agricultural
388 Ordinance, but with the size of the proposed arena she recommended that the Board require a
389 Site Plan Review, specifically for consideration of the potential stormwater impacts given the
390 proximity to the Little River.

391
392 Mr. Kroner said that he believes a Site Plan is required and referred to Site Plan Review
393 Regulation, V.A.1., *The construction of any non-residential use*. He said the Board is in the
394 process of adopting a Demolition Delay Ordinance for historic properties in Town; the intent of
395 it is to allow time to capture history by at least taking photographs, but there is no requirement
396 that the Heritage Commission can actually stop a landowner from demolishing what they want
397 to demolish.

398
399 Mr. Derby suggested supplying the applicant with a copy of the Demolition Delay Ordinance if
400 the case were to move forward.

401
402 Mr. Kroner referred to the Agricultural Ordinance and noted the 4-acre requirement for the
403 amount of animals allowed without a conditional use permit, and said that although this is an
404 existing use, the proposal is an expansion of an existing use.

405
406 Ms. Pohl voiced concerns over the parking situation. She commented that the property is
407 currently beautifully landscaped but it's starting to look like a venue for things like exhibitions
408 and horse shows, she is concerned of the number of people the viewing area will draw in.

409
410 Mr. Auger said they have twelve (12) horses and stalls and do not intend to increase that
411 number. There are two (2) managers that live at the site and there will be some people coming
412 for riding lessons.

413
414 Dr. Arena said that people park along the north side of Atlantic Ave to watch the Frisian horses;
415 they are magnificent.

416 Mr. Derby said it would be a good idea for Mr. Auger to come up with architectural renderings
417 of the proposed arena so that the people surrounding the property will have a chance to see
418 what it will look like.

419
420 Mr. Kroner said that although it wasn't a valid Public Hearing he allowed the people in the
421 audience an opportunity to comment.
422
423 Mr. Lynch explained that the architectural renderings overlap with the drainage design. They
424 will be designing all the drainage systems to the NH DES guidelines. The design of the building is
425 an important element in how they will design the drainage.
426
427 **Jeff Carlin** – Mr. Carlin said that he is the son-in-law of Jenny Weldon, an abutter to the west of
428 the subject property, and has been for over fifty (50) years. Mr. Carlin urged the Board to
429 require the applicant to submit a site plan review application. He said that the proposed arena
430 will be within 100-feet of Ms. Weldon's house. He voiced concerns over the size of the building
431 and wondered if it was an appropriate use for this location. He asked Mr. Auger if he could
432 provide any insight on whether or not there will be horse shows or exhibitions.
433
434 Mr. Auger said they are not adding anymore horses; they will be providing riding lessons and
435 training sessions for the horses. He has never heard the owners mention horse shows or
436 exhibitions. He said the arena needs to be so big because the horses weigh up to 1,500 lbs and
437 need the room to run; there will be no seating in the arena.
438
439 **Jim Weldon** – Mr. Weldon said his mother is the abutter at 74 Atlantic Ave. He submitted
440 pictures of an aerial photo of the property to some members of the Board. He took the aerial
441 form Google maps and superimposed a scaled down image of Mr. Lynch's drawing onto it to
442 give a visual idea to the Board members of how the proposed arena would look. He said that he
443 spoke to Alan Perkins and one of the concerns is that Runnymede wants to be self sustaining
444 economically and wonders how that can be accomplished when building a multimillion dollar
445 building. The size of the building is out of character in the area; every house in the
446 neighborhood could fit inside the arena. The impact on his mother's property will be significant;
447 it will cut off the east wind and view. The view from her kitchen window will be a long steel wall.
448
449 Mr. Auger said that they are aware of the impact with this sized building. They have put in a
450 tremendous amount of effort to keep the building low into the landscape.
451
452 **Florence Dykstra, 78 Atlantic Ave.,** - said that she loves the horses but is concerned with the
453 large size of the building.
454
455 **Susan Baldini, 15 Runnymede Drive** – asked if they considered any other locations for the
456 building on the property, such as the Perkins' property. She said that she would be looking at a
457 solid steel wall in its proposed location. Mr. Auger said that it would be quite a distance from
458 the barn if it were located anywhere else. Dr. Arena said that they would like to have the arena
459 close to the barn.
460
461 **Mr. Harned moved and Ms. Monaghan seconded the motion that it is the sense of the Board**
462 **that a Site Plan Review is required for this proposal.**
463
464 Mr. Wilson said that the occasion to present the need for a Site Plan is when the builder applies
465 to for a building permit.

466
467 Mr. Kroner said that he was unclear if a motion needed to be made; he said the real purpose of
468 the Preliminary Consultation is to air out concerns.

469
470 Mr. Harned agreed and withdrew his motion.

471
472 Mr. Kroner said what the applicant has heard is that the abutters are concerned with the size of
473 the building, concerns on planned events, and if such events occur, the impact they will have. He
474 said any Site Plan Review takes into consideration the impacts on the abutters.

475
476 Mr. Derby suggested that the applicant be prepared to discuss whether or not they plan to hold
477 events. He said that if they propose to hold events, would that trigger a change of use? Ms.
478 Rowden said that it wouldn't because it would still fall under the Agriculture Ordinance.

479
480 Mr. Wilson said it depends on what the Certificate of Occupancy states. He said what was
481 implicit in a lot of the conversations, is that, this is proposed in a residential district and people
482 have investments in their homes. It will be a challenge to come up with an architectural design
483 of the building that won't be an "eyesore" to the abutters.

484
485 Dr. Arena said that the Board is going to require a lot more information; this meeting is just a
486 "fly by" and there are a lot of questions about the building that will need to be addressed.

487
488 Mr. Auger was informed that the next step is to apply for a Site Plan Review.

489
490

491 **III. Other Business**

492
493 1. Review of the 2014 Planning Board Meeting Schedule. There were no issues with the meeting
494 dates for 2014. The Board took no action.

495
496 Mr. Kroner suggested the Board review the information from Mr. Ganotis on the proposed
497 amendments to 409.9 and 410. Ms. Chase said she would provide copies as part of the Board's
498 Work Session packets.

499
500 Mr. Kroner informed the Board that he would like the Board to take up Accessory Structures
501 over this next year. Ms. Rowden has some ideas regarding the topic for the Board to discuss.

502
503 The meeting adjourned at 9:00 p.m. without objection.

504
505 Respectfully submitted,

506
507 Wendy V. Chase
508 Recording Secretary

509
510 Approved January 21, 2014