Planning Board

April 22, 2021

7:30pm

Members present: Barry Hantman, Chip Current, Steve Woitkun, Roger Whitehouse. Chris Smith

Members present via Zoom: Jennifer Heywood

Others present: Gail Turilli, Carsten Springer, Jim Macomber, Sean Cormier, Charlie Zilch, Henry Bannister, Steve Pascoe

Barry noted this meeting was being held in conjunction with emergency ordinances passed by the State, allowing committees to conduct meetings remotely and constituting a quorum.

The public minutes from 4/8/2021 were reviewed. Roger **made** and Chip 2nd a **motion to accept** the minutes as written. All in favor by unanimous vote.

The non-public unsealed minutes from 4/8/2021 were also reviewed. Chip stated there were some minor changes: regarding Kington Road, put the word “possibly” after is, the next sentence regarding Frye Road, put the word “possibly” after is and change Olde Road “is doing” to “was doing”. Roger **made** and Chip 2nd a **motion to accept as amended.** All in favor with Jennifer abstaining.

**Planning Board Business:**

Barry mentioned that Roger had contacted town counsel in regards to drainage on private property. The town has a right, not an obligation to maintain. If the town did want to accept the maintenance, the Board of Selectmen has the authority to do that. An email from Eversource came through to notify the town of emergent work at the Kingston Tap, R193 transmission line. Life Storage had contacted the town in regards to putting up a new sign and they have been advised to come before the Planning Board for a minor site plan review. There was a call that had come in regarding a one acre lot on Frye Road. Barry had a discussion over the phone with the gentleman who was interested in the lot and explained that it is in the Industrial Zone. An email was received from the State of NH in regards to an application for a car dealership on Tempo Drive. Barry stated he has no recollection of this being approved.

3 items are on the agenda, all are preliminary discussions and Barry explained that nothing that is said tonight is binding.

**5 Red Pine Road & Colby Road Subdivision Map and Lot 3-90-11**

Charlie Zilch, S.E.C. Associates, addressed the board on behalf of Steve Pascoe. There is an existing dwelling on 5 Red Pine Road and a barn on Colby Road. Previous owner of the entire site, Grady Smith, rented out the barn and resided at 5 Red Pine Road. He attempted to subdivide the property into 2 residential lots. Application was not well received and the applicant abandoned the application and sold the property. Steve Pascoe now owns the property, which is in the Village District and is proposing to subdivide the property as one commercial lot and one residential lot. The barn will be converted into a real estate office and 5 Red Pine Road will be the residential lot. There is an issue with acreage as 4 acres in needed in the town of Danville to subdivide. The barn lot has less than 2 acres but, there is not much of a soil based sewage demand. State approval has been obtained.

Barry explained this potential subdivision would have to go before the ZBA regarding the barn lot being less than 2 acres. There is a piece of Colby Road that is a State Road, and the board will need to know where the curb cut on Colby Road is. Charlie stated the plan is to limit the amount of impervious, open up green space, add infiltration around building and addressing stormwater. Chip stated after meeting with ZBA, come back to the Planning Board for a site plan review including all structures. Barry explained that subdivision and site plan review can be combined as one and would need all the details included. Carsten mentioned that ZBA may pitch to Conservation and then back to ZBA. Questions that arise are wetlands delineation and size of parking, gravel, etc. He suggested brining a plan to ZBA but to have Conservation review ahead of time. Charlie stated he would go before Conservation first and then to ZBA. Chip questioned what the upland is around the barn. Charlie stated approximately 22,000 square feet. Barry noted that the board needs to know what the existing buildings distance from the wetlands is and is this improving it. Chip questioned raising the structure and building new. Mr. Pascoe stated no new structures encroaching on the wetlands. Currently the building is officially residential and is being used as storage. Upstairs is listed as a real estate home office which is not being used. Downstairs is for storage only. Barry suspected that the previous owner was running a business out of the building but the owner claimed he was not.

**259 Main Street Map and Lot 3-38-2**

Henry Bannister, property owner, has opened up the area and is hoping to build a barn to hold wedding events with a 200 person capacity. He is looking for some guidance to take the proper steps necessary. The property is located in the Village District and would comply with the town ordinance. Plans will need to be drawn, come back before the Planning Board for a site plan review showing setbacks, traffic impact, entrance site distance, wetland impacts, hours of operation, fire suppression, etc. He will still have a residence on the lot, which is acceptable and will need to be shown on the plans. Maximum square footage of the first floor can be no more than 6,534sq.ft. Chip suggested to look at the height requirements which are 35ft maximum per the town ordinance. This will also need to be shown on the plan. There are limits on signs as well. Review the town ordinance, starting on page 33. Should any questions arise, Mr. Bannister was advised to reach out to the board.

**12 Olde Road Map and Lot 4-191-1**

Charlie Zilch, on behalf of Jim Macomber, addressed the board stating that Jim is building out the site per the approved plan. There are 2 items up for discussion:

1. **Field change**. Mr. Macomber had an obligation for fire suppression, sprinklers. Design work has been done. The on site well is over capacity as it would go through 3500 gallons in 10 minutes. Proposing to bring in a tank/cistern, 8000 gallons and measuring 10x7. It will be buried on site in close proximity of the building outside of the wetland setbacks. There will be a heated small shed on top to keep the pump enclosed. Originally the plan was to use the dug well for a reservoir for the system but, it is more cost effective to buy a tank instead of using the well. Steve Woitkun stated that last week he had spoken with Mr. Macomber and the fire wards and there is no issue with the tank. It has been approved with the engineered plans. Barry questioned if there will be a tap for a fire truck. Steve Woitkun stated there are approved plans from the fire protection engineer for the design of the sprinkler system. There will be an FDC on the building to connect a hose which will supplement the sprinkler. This update to the recorded plans in not required per Barry.

Chris questioned if the shed needs to be shown on the plan. Barry stated a separate building permit may be needed for that.

1. **Use of the building**. Charlie explained that the building has 5 bays and Mr. Macomber may not utilize all of the space. He had an opportunity to have a renter for one of the spaces not in use, but an issue has arisen as there is nothing noted on the plans for rental space. There is potential for tenants who have the same or similar uses to utilize that space. Charlie questioned the process for change in use regarding tenants/renters. No permit is required for the same or similar use. Chip suggested looking at the town Zoning Ordinance, Article VII:T:2, page 67. Commercial/Industrial Zone for change in use, ownership, or rental requires a minor site plan review and it needs to be noticed. The original plan can be used for the minor site plan review as nothing new is recorded. Carsten explained that other towns use what is called an expedited review and as long as it meets the guideline of Zoning and meets the plan, it is approved. A minor site plan review is not warranted unless there is a change to the plan and then will need to be noticed.

Chip mentioned that the board has the opportunity to change the definitions for a minor site plan review in the site plan regulations per public hearing. Barry explained that the ordinances were written with caution in mind but, can be streamlined as necessary. Steve Pascoe stated that perhaps the town could institute a change in a more expedited manner so that this issue doesn’t happen in the future. He also feels that this issue has no public interest. Barry stated that the town Zoning Ordinance needs to be updated. Chip reiterated that for a minor site plan/change of use needs to be noticed as that is how the ordinance is written today.

Mr. Macomber stated he has been getting complaints from a neighbor almost daily at 5:01am and 7:01am. There is a truck that leaves for work at 5am, but there is no excessive noise going on at that time. Barry doesn’t recall any discussion about trucks going in and out daily before 7am on the original plan. Hours of operation as shown on the plan are 7am to 5pm. Carsten stated as far as the noise ordinance, there are no regulations in the highway/industrial Zone. Mr. Macomber stated again, there is one truck that leaves for work at 5am. There may be emergencies that arise after 5pm but the work is being done inside and he believes he is allowed to do this. Barry stated this is something that may need to be brought to the Board of Selectmen for discussion. Mr. Macomber asked if the meeting video from last year can be referenced in regards to excessive noise happening at 4am, as he had a conversation with Chip at that time. Barry stated that a trucking company was not in the description on the plan. A set of notes, included on the plan that are discussed with the Planning Board can be enforced by State Law. Steve Woitkun questioned in the highway/industrial Zone, a manufacturing facility can have different shifts for work and why were time restrictions offered to Mr. Macomber. The hours of operation (7am-5pm) were offered by the owner. Steve then questioned how to rectify the rental issue. Barry explained that the board will need to have a minor site plan review, look at all the notes and as long as he is in compliance it will be approved. Steve Pascoe stated if someone is just getting into a truck at 5-5:30am and leaving for work, how do hours of operation have anything to do with that.

Barry mentioned the official Zoning Map update and that he will need a proof sent for review before finalizing.

Roger **made** and Chip 2nd a **motion to adjourn.** All in favor by unanimous vote. Meeting adjourned at 9pm.

Respectfully,

Gail Turilli

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