

Planning Board  
December 9, 2021  
7:30pm

Members present: Barry Hantman, Chip Current, Charles Underhill, Chris Smith, Steve Woitkun

Others present: Gail Turilli, Richard Atkins, Tim Lavelle, John Jalbert, Emily Jalbert, Doug Anderson, Norm Collins, John Ratigan

Barry stated there was no meeting held on November 11. Meeting minutes from October 28 were reviewed. Chip stated there were some typographical errors and one statement that he would like to strike on line 383 which states, "Chip stated has to be attached." Board is in agreement. Chip **made** and Charles 2<sup>nd</sup> a **motion to accept the minutes as amended**. All in favor, motion passes.

Barry mentioned that the Warrant Articles up for discussion were on the agenda for tonight's meeting but, they were not noticed correctly. The sentence stating the meeting date and time was left off so, they have been re-noticed for the January meeting. This will not allow enough time for a second public hearing. The Board will have a choice to either put the Warrant Articles forward as noticed or have them removed. John Ratigan of Donahue, Tucker & Ciandella, PLLC, who is present representing Doug's Tree Service, addressed the Board concerning this issue. He explained that he was asked to give advice to the planner in Pelham regarding a notice for Zoning Amendments. RSA 675:7 states that municipalities do not have to put their notice in the newspaper, just post on their website and in two public places. Barry stated that our next meeting in on January 13, 2022 and has already been noticed. Chip stated the last day to hold public hearings in on January 31, 2022 and second hearing could be scheduled for the 27<sup>th</sup> if needed. It could be noticed on that Friday and would meet the 10 day requirement. Barry noted it is a possibility.

**Correspondence:**

Barry mentioned some correspondence that was received. A letter from Northern New England Chapter of the American Planning Association asking that the board become members. Each membership costs \$80, and he asked that interested parties get back to him. NH DES newsletter was also received. A couple of things to note are Cyber Security in the water sector, specifically community water systems and federal requirement of their plan on how to protect cyber security issues. Also an article on forecasting well problems and data collection and an article on road salt in drinking water which specifically mentions Rockingham County that has seen a large increase. This will be passed around for those interested.

**Continuance of Stage Coach Estates, Map and Lot 1-19-B:**

Tim Lavelle addressed the board. He states that the AOT has been a long process due to new rules for state approvals. Plans have been sent to the town engineer and all items have been addressed. Barry stated that the Planning Board had 17 items which are as follow:

1. Note 9 – waiver requested or removed
2. Easement added to lot 15.
3. Adjust house on lot 15, not in easement
4. Soil scientist signature on sheets 1,9 & 10
5. Speed Limit Sign on sheet 9 above station 150
6. Fire suppression plan (sprinklers)
7. Driveway permits and review from Road Agent
8. Conservation letter
9. Missing tree on sheet 9
10. Input from site walk
11. Update to abutter on lot 2-4-1 (incorrect name)
12. Engineer's report
13. Easement on 1-9-13 specific to the finger to benefit lots on either side on sheet 3
14. Construction vehicles on the lot
15. Finger shown on sheet 6
16. Surveyor signature on all sheets
17. State sub-division approval on note 9

Barry stated that there are two outstanding items remaining which are: Acceptance of the road bond from the Board of Selectmen and Soil Scientist signature on sheets 9 & 10.

Richard Atkins questioned the 65% of the project needs to be completed within a year. Chip explained that this is something known as active and substantial development. It relates to whether or not they would need to bring the entire site up to new zoning that got brought forth. Since the time of approval to the time of completion of the project, if they are not showing active and substantial progress, they would have to go to new zoning requirements effectively. Richard also brought up a concern from the second site walk regarding the road center being close to his property line. It appears that new road center stakes are now in place. Tim Lavelle and John Jalbert both stated that they have not been on the site and did not put them there. Chip noted that the road center should be roughly 30ft from the property line. Barry mentioned that this was discussed by the board and determined that the road is in the R.O.W. and does not have to be directly in the center. Tim Lavelle explained that since the time that has lapsed with this project, the road will be re-staked prior to construction.

Charles has recused himself from the vote as he is an abutter. Chip **made** and Chris 2<sup>nd</sup> a **motion to grant conditional approval with the following conditions:**

1. Acceptance of the bond by the Board of Selectmen
2. Soil scientist signature on sheets 9 & 10

All in favor, motion passes. **Conditional approval granted on 12/9/2021.** Barry mentioned upon final approval, impact fees will be looked at. Conditional approval is valid for one year.

**Site Plan & Conditional Use Permits for Doug's Tree Service, Frye Road and 111, Map and Lot 4-207:**

John Ratigan addressed the board for Doug Anderson and gives an overview of the proposed project. The top sheet of the site plan on the right shows the entrance to the property which runs east to west. The left to the north side of the road has 23,000sq ft for firewood storage and the other side has 7700sq ft gravel drive. There is no proposal for structures, just putting down some broken up concrete on either side of the road. Erosion control, silt fencing will be put in. There are 2 drainage culverts that have already been installed. Wetlands permits from DES have been obtained. Conservation is ok with the wetlands permits. Seven trees have been taken down but, no changes to the property. There will be 3 employee parking spaces. Chip confirmed that all of the abutters have been notified. A concerned neighbor asked what is taking place on the property. It was explained that it will be used for the storage of firewood. Charles **made** and Chip 2<sup>nd</sup> a **motion to accept the site plan and conditional use permit.** All in favor, motion passes. **Site Plan and Conditional Use permit accepted on 12/9/21.**

The details of the proposed project were then discussed. The property will be used solely for the storage of firewood and adding some crushed gravel where the trucks will be coming in. There will be no out of state wood coming in, operating within a 10 mile radius. The wood piles will be no higher than 10ft. Log length will be cut, split and stacked. Hours of operation will be 7am – 5pm with no work on major holidays. Deliveries of firewood will be loaded onto the trucks via conveyor. The 2 trucks being used for this operation are 33,000 lbs and 50,000 lbs in gross vehicle weight. There are 2 wetlands crossings and a bridge that is rated for the truck weight. Barry questioned the board if this project needs a review from the town engineer. The consensus was it is not necessary. It was recommended that a requirement to repair or replace the silt fencing if needed. Barry asked about a plan for plowing. Doug stated he will have a skid steer on site. Charles questioned the provision for turning trucks around, description of the mechanical equipment on site and how long would the product be static. Doug stated he does not expect the wood to last more than a year on site. He also questioned backing in from the street or pulling in straight to turn trucks around. Barry prefers that he does not back in. There will be a conveyor and tumbler to clean the wood and then it will be loaded into the truck. There was an area that was cleared out in front of the property prior to this plan. There is an area of excavation that they are working on for stage 2 but, not proposing at this time. Barry advised to take this off the plan and a signature block will need to be added. There are no plans for paving, just adding some gravel going up to the pavement on Frye Road. Barry suggested to go 5ft beyond the R.O.W. and to contact the Highway Department to coordinate as this will help protect the town road. Chris questioned the silt fence and maintenance and suggested a drainage swale in thinking long term. Conservation may want to be consulted regarding silt fencing and if it is necessary. The consensus of the board was that Conservation does not need to be consulted for this plan but, will leave the option to the applicant. Charles noted that silt fencing is to prevent erosion during turmoil. This is a quiet operation with no permeable surfaces creating runoff. There is limited liability for silt fencing. Chip feels having the silt fencing between the two culverts is necessary but, not beyond that. Barry stated if the applicant comes back within a year he may want to re-thing silt fencing. Permission from DES was granted to put in the culverts.

### **Waiver Requests:**

The consensus of the board is to do the waiver request in bulk as there are multiple, and then vote. Waiver requests are as follows:

1. Section 20.1 Traffic Impact Analysis
2. Section 21 F, H&I Driveways/Vehicular Pedestrian Access, connecting drives, frontage and sidewalks
3. Section 23 Parking Lot Design
4. Section 24 Loading
5. Section 25 Snow Removal
6. Section 26 Pedestrian Access & Circulation
7. Section 27 Lighting
8. Section 28 Storm Drainage
9. Section 29 Utilities
10. Section 30 Landscaping
11. Section 30.1 General Appearance Criteria
13. Section 32 Solid Waste Recycling & Disposal
14. Section 34 On Site Water Supply
15. Section 35 On Site Sewage Disposal
16. Section 36 Handicapped Accommodation
17. Section 40.1 A,D&E Plat Notes Required, Landscaping, Snow and Waste

Granting of the waivers shall not be detrimental to the public health, safety, or general welfare

All members are in agreement

Granting of the waivers shall not , in the opinion of the board, be injurious to other parties

All members are in agreement

Granting of the waivers shall not have the effect of nullifying the intent and purpose of this chapter

All members are in agreement

Strict compliance with the regulations would cause a hardship to the applicant solely because of the unique physical characteristics of the site (financial hardship shall not be considered)

All members are in agreement

The Board determines that granting the waivers would result in substantial public benefit

All members are in agreement

Chip **made** and Charles 2<sup>nd</sup> a **motion to grant the waivers. All in favor, waivers granted.**

Section 21.D & 38 Driveways and Site Construction Standards with the exception of paving the existing Frye Road to 5ft onto the property.

All Board members are in agreement with the five criteria as listed above. Chip **made** and Charles 2<sup>nd</sup> a **motion to grant these waivers with exception. All in favor, waivers granted with exception.**

Barry stated notes need to be added to the plan with waivers and date of meeting. The applicant will need to be put on the Selectmen's agenda for their next meeting regarding lifting the cease and desist as the Selectmen had issued that. No bond is necessary. Notes to be added to the plan are as follows:

1. No out of state firewood storage
2. No higher than 10ft
3. No operation on federal holidays
4. Modify maintenance #1 to say it will continue to be functional

5. Clearing of snow for public safety access
6. Signature block
7. Remove excavation area
8. Pavement from Frye Road to 5ft onto property of plan
9. Add “pounds”
10. Correct “genrally” to “generally”
11. Potential removal of some silt fencing
12. Notes on plan regarding waivers
13. Correction of typographical/spelling errors on plan

Crossings are already completed per DES. Chip **made** and Chris 2<sup>nd</sup> a **motion to grant the Conditional Use Permit. All in favor, motion passes. Conditional Use Permit granted 12/9/21.** No notes on the plan are necessary for the Conditional Use Permit. Access to 111 is being worked on with the state and Chris Giordano.

Chip **made** and Charles 2<sup>nd</sup> a **motion to grant conditional approval for the site plan. All in favor, motion passes. Conditional Approval for Site Plan is granted 12/9/21,** with 13 conditions as listed above. Potential Impact Fees will be discussed at final approval.

Barry noted that our public hearing to discuss Warrant Article changes will be held on January 13, 2022 and also mentioned that there are open positions on the board for alternates. Elections will be held in March.

Charles **made** and Chip 2<sup>nd</sup> a **motion to adjourn. All in favor, meeting adjourned at 9:30pm**

#### **Agenda for next meeting:**

1. Discussion of proposed Warrant Article changes

Respectfully

Gail Turilli