

Planning Board  
July 27, 2023  
7:30pm

Members present: Chip Current, Barry Hantman, Chris Smith, Leo Traverse, Charles Underhill, Joe Hester

Others present: Gail Turilli, Charlie Zilch, Brad Charters, Adam Charters, Devon Boling, Steve Woitkun

The Board reviewed the minutes of June 22, 2023 with no additional comments. Charles **made** and Chris 2<sup>nd</sup> a **motion to accept the minutes as written**. All in favor, **motion carries with Joe and Barry abstaining**.

**Charbro, LLC Site Plan:**

Leo Traverse recuses himself from the discussion as he is an abutter and takes a seat in the audience. Charlie Zilch addresses the Board on behalf of Brad and Adam Charters. The site is an existing 2.07 acre lot located at 27 Main Street. The site has 280.92' of frontage on the west side of the roadway and is located entirely within the Highway Commercial Light Industrial Zone. The lot has a wetland complex on the south and west side that supports Bartlett Brook located south of this site. The majority of the lot is well drained with modest to flat slopes throughout. The site is not within a flood hazard zone nor is it within an aquifer protection district.

The lot was established by an approved subdivision (RCRD Plan 32728) in 2005 by the previous owner, Anthony Pizzurro. At that time, there was an established commercial building (small engine repair) with parking in front and access from Main Street. Also at that time, a site plan was submitted by Mr. Pizzurro (and subsequently approved by the Board) that proposed a large 2 story commercial addition to the existing building that would have supported office space, retail space, a sub shop and hair salon. That proposed addition was never constructed, only the septic system and Mr. Pizzurro eventually sold the property to the current owners, Charbro LLC whom established their professional office space and commercial contractors business, Charters Brothers.

The initial site plan for Charboro was approved in 2012 and utilized the existing footprint of the existing commercial building and proposed a small parking area expansion. Once established, a second site plan was submitted in 2013 that expanded the parking even further, established the gravel storage areas and introduced stormwater management. It should be noted that the existing well and the septic system installed by Mr. Pizzurro support the now existing building. That site plan included waivers allowing parking and storage within the landscaping buffers. Additionally, improvements were made for an expanded paved shoulder from NHDOT as per their permit. Currently, Charters Brothers has enjoyed great success with the business at this location and would like to expand the building to accommodate the growth that the company is experiencing. The proposal submitted shows a 40'X60' addition on the north side of the existing

building. This is 2,400 sf in size and contains two stories. The addition will match the existing buildings slab height and will open up access from one building to another. Expanded paved parking is provided in front of the addition as well as to the north side. This parking area will be constructed approximately at the existing parking area elevation and offers lower floor access on the east and north sides of the building. In addition to the paved parking area, the elevated storage yard space is to be expanded as well with a separate access to be created to allow for continued access to the back of the existing building. This area is to be utilized for equipment storage in support of the commercial contractors use. Access to the second floor will be provided on the west end of the building adjacent to the storage yard. In an effort to capture additional stormwater runoff from the improvements an infiltration basin will be constructed behind the existing building. Stormwater flows will be directed to this basin from both open ditch lines and closed drainage systems throughout. An erosion control plan has been prepared and will be implemented prior to and during construction. All other site improvements (ie retaining walls, lighting, pavement marking, landscaping, etc.) is shown on the plan set and details for construction are provided. There are no additional state approvals necessary and two waiver requests have been submitted for consideration.

Barry noted that all of the abutters have been noticed. Chris asked about retail to which Charlie explained was noted in the previous plans but, not a part of this plan. Charles asks if anything has been done on the parking area to prevent possible leaks into the leach field. Charlie noted that area is for storage of equipment only. He further explains that the stormwater has been redone with an infiltration basin for runoff, with an infiltration trench. Test pits have also been completed. There will be a stone infiltration trench on the north/east side. There are no questions from the public. Barry **made** and Charles 2<sup>nd</sup> a **motion to accept the application**. All in favor, **motion carries**. **Application accepted 7/27/2023**.

Barry suggests putting a note on the plans stating no parking in the back storage area and questioned having a culvert into the retention basin. Charlie stated that is not needed. Stormwater calculations have been sent to the town engineer; clarification has been sent back to the engineer. Charles mentions that the leach field is oversized and questioned if it would be possible to increase the building size and shrink the leach field. Charlie explained that it was designed to handle the parking and has already been constructed. Barry questioned fire suppression as he did not see a note on the plan. Charlie pointed out that note 20 on the plan states "The existing/proposed building shall be equipped with an alarm system and sprinkler system. Review and approval of the design by the town of Danville's fire chief is required." Chip asks Chief Steve Woitkun if that is sufficient to which Chief responded yes.

Chip mentions that there are two waiver requests with this application and are as follows:

Request to waive site plan review regulation Article II, Section 22 A (parking). Total area of gross floor area, existing and proposed both upper and lower floors = 8,064 sf.  
 $8,064 \text{ sf} / 250 = 32 \text{ spaces required}$   
 23 spaces provided.

There are no comments from the public. The Board reviews the criteria for the waiver request.

**A. Granting the waiver will not be detrimental to the public safety, health or welfare or injurious to other property and will promote the public interest.**

**All members are in agreement.**

**B. The waiver will not in any manner, vary the provision of the Danville Zoning Ordinance.**

**All members are in agreement.**

**C. Such waiver will substantially secure the objectives, standards and requirements of these regulations.**

**All members are in agreement**

Barry stated if the use changes, the Board will need to look at the parking and address. A note stating the following will be added to the plan: Parking limited to the number of spaces allowed per the site plan.

**D. A particular and identifiable hardship exists or a specific circumstance warrants the granting of a waiver.**

**All members are in agreement.**

Barry made and Chris 2<sup>nd</sup> a motion to grant the waiver. All in favor, motion carries. Waiver granted on 7/27/2023.

Charlie presented a note from Mr. Pizzurro stating that he has reviewed the application and has no issue with this waiver request, which is as follows:

Request to waive site plan review regulation Article III, Section 30 A 1 & 3. The proposal is for additional paved parking within the 30' front buffer and additional access/storage Area on the northwest storage area within the 15' sideline buffer. This landscaping buffer shall not be used for parking and storage, requesting the ability to have three parking spaces in the tail ends of their other parking spaces. Barry mentions at the edge of that parking area, it shows five shrubs and asks if those are existing or proposed. Charlie stated those are existing. Chip notes the justification is to accommodate the need for parking for employees and to mee the town ordinance. Charlie explains the one thing that creates a bit of a hardship is the R.O.W. on 111A which has a variable width. On the south side it's fairly close to the pavement, about 25 ft away but, then takes a strange jog upward away from the pavement. He is proposing to bring the pavement line down to where the R.O.W. line is, just behind the row of existing shrubs. Barry questioned bringing the row of shrubs sown toward the edge of the R.O.W. in order to give Mr. Pizzurro more of a buffer by possibly adding one more shrub to each row. Charlie stated that more Arborvitaes will be brought in along the back edge. Chip feels that there is no need to add more shrubs to the edge of the parking area. No questions or comments from the public and the Board will now vote on the waiver request.

**A. Granting the waiver will not be detrimental to the public safety, health or welfare or injurious to other property and will promote the public interest.**

**All members are in agreement**

**B. The waiver will not in any manner, vary the provision of the Danville Zoning Ordinance.**

**All members are in agreement**

**C. Such waiver will substantially secure the objectives, standards, and requirements of these regulations.**

All members are in agreement

**D. A particular and identifiable hardship exists or a specific circumstance warrants the granting of a waiver.**

All members are in agreement

Barry made and Joe 2<sup>nd</sup> a **motion to grant the waiver**. All in favor, **motion carries**. **Waiver granted on 7/27/2023**. Chip noted that the applicant will need to meet the Conservation Commission and their next scheduled meeting is next Thursday. There is no need to meet with the Road Agent or the state. The Board then reviewed the Town Engineer's report which had 11 comments needing to be addressed. Charlie explains that changes have been made in response to the engineer's comments that were received on July 19 and there was a brief discussion with the Board. Comments 1,5,6,7 & 8 remain outstanding. Barry stated that once conditional approval is granted, no changes can be made. Other items that need to be addressed are as follows:

1. Waiver notes updated
2. Note regarding maximum parking
3. No parking in storage area
4. Meet with Conservation Commission and have a letter with their comments sent to the Planning Board.
5. Town Engineer's report confirming all outstanding items have been met
6. Removal of light posts shown on sheets 3 & 4

Barry made and Joe 2<sup>nd</sup> a **motion to grant conditional approval with one year to satisfy the conditions**. All in favor, **motion carries**. **Conditional approval granted on 7/27/23**.

Chip mentioned that the 29 Olde Road Site Plan is still not ready to present to the Planning Board and will be re-scheduled to 8/24/23. Barry feels that all of the abutters should be re-noticed to which Chip agrees and advised to take the cost out of the fee's that were provided.

**7 & 13 Olde Road – Preliminary Discussion for a possible subdivision:**

Leo Traverse recused himself from this discussion as he is an abutter. Devon Boling, property owner, addresses the Board. He states that he is just looking for some insight from the Planning Board. Mr. Boling had a conversation with Barry earlier in the day. He purchased 7 & 13 Olde Road as one property in 2018. The property is non-conforming in nature as 13 Olde Road is considered a permanent mobile home with an addition but, is no longer a mobile structure. In reviewing the paperwork for the property, Mr. Boling found that the town had made a legal inquiry in 2006 about having the property subdivided and whether or not the town could insist upon that. The attorney responded by saying that given how long the structure had been there, it was not viable and wouldn't support that. Going back further, in 1985, Mr. Boling found a proposed subdivision that was submitted. On the plan map it indicates two 2-acre lots that are his current property. This coupled with the Planning Board meeting on April 11, 1985, states that this proposed subdivision was unanimously approved. Mr. Boling would like to determine whether or not that would be considered a subdivision for these two lots or if a separate application would be required. A question arises as to if the property is one or two lots as both have the same parcel ID number and if the proper paperwork had been submitted and fully documented. Chip questions if Mr. Boling has more than one deed to which he responded that he wasn't sure. Chip explains that generally, the conveyance of the property is shown on the deed and Mr. Boling would need the

deeds for a subdivision. Chris asked if Mr. Boling subdivides, would he follow the same plan that was previously submitted. Mr. Boling stated that he may have some different considerations if a new application needs to be submitted. Looking at the zoning ordinance, Mr. Boling found that with non-conforming properties, 200 ft of frontage isn't necessarily required. 13 Olde Road has 200 ft and it goes out towards the barn and jogs around. There is a garage on the property and his concern is that there is an existing line that may bisect the garage and questioned having less frontage. Chip stated that would need to be brought before the Zoning Board of Adjustment. Barry noted if the subdivision is already approved and looking at the meeting minutes from 1985, a preliminary discussion was held in March that mentions a subdivision and minor lot line adjustment. There were 4 lots mentioned in the subdivision and it required a boundary line adjustment. A motion was made and seconded stating that the subdivision as submitted was unanimously approved and signed by the Planning Board. Somewhere there should be a signed version of this and it should have been taken to the registry of deeds. Chip then tries to locate the plat. Charles stated that if the property has been surveyed and lot lines are known, there are pins or markers in place that may define what the expectations of the lines may be and whether it was done in accordance with what was approved. Chip locates the signed plat from April 11, 1985 and shares with the Board. The plat shows the lot line adjustment but, not the subdivision. Barry stated that Mr. Boling would need to apply for a subdivision. There is enough frontage and acreage but, will need to know if each lot has enough upland soil. Mr. Boling was advised to consult with an engineer and he would also need to show where the driveways are located. Chip noted that an existing conditions plan and a proposed plan are needed. Chuck stated that the Board will also need to know if pins were placed, and the locations for septic and well radius as both lots need to show that they can support a septic system and well .

#### **Preliminary Discussion for 14 Olde Road:**

Leo Traverse takes his place back at the table and addresses the Board. He states he is looking to comply with Article VII, section T – Ownership change. He states that he would like to continue farming and agriculture which is the current usage of the commercial property which he purchased in 2019. Chip stated that farming and agriculture doesn't require a site plan or to be registered with the town as this is something that is protected by the state. A site plan may be needed if there is a type of manufacturing to a certain extent, otherwise it is not required. All Board members are in agreement.

#### **Eversource Project Checklist:**

Chris stated that the purpose of this checklist is to better manage timelines and suggests being formatted with timelines as the headings. Charles would like to see electric company capital improvement liaison give the town an idea of any planned activities forthcoming and suggested annual meetings to provide an overview of projects in town within the coming year with the Planning Board and the Conservation Commission. Chip states he will draft a letter and this will be reviewed at the next meeting. Chip also states the Master Plan will be discussed at the next meeting as Charles has been working on a specific project.

231 Barry made and Charles 2<sup>nd</sup> a motion to adjourn. All in favor, motion carries. Meeting  
232 adjourned at 9:3 pm.  
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235 **Agenda for next meeting:**  
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- 237 1. 29 Olde Road Site Plan Review  
238 2. Lot Line Adjustment for Lots 3-81, 3-81-1 & 3-73-B (Colby and Cub Pond  
239 Roads)  
240 3. Eversource Project Checklist  
241 4. Charles Underhill's Overview/Master Plan discussion  
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244 Respectfully,  
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247 Gail Turilli  
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