

Planning Board April 24, 2014

Members Present: Barry Hantman-Chairman, Chip Current, Michael Denison, Josh Horns, Haeyoon Jacobus, George Manos, Chris Giordano-Selectmen's Representative, Janet Denison-clerk

Others Present: Jim Lavelle, John Wilder, Philip Valliere, Craig Stowell

Minutes

Minutes of April 10, 2014 were reviewed. One typographical error was corrected. Chip made and Chris seconded a **motion to approve the April 10, 2014 minutes as amended**. The motion **passed** unanimously.

Barry shared cake with those present to celebrate his 20 years as a board member.

Correspondence:

- Notice dated April 15, 2014 from the Department of Safety, regarding whether a certain business at 2 Hampstead Road is permitted by town regulation to conduct motor vehicle sales
- Letter from Jim Daley, building inspector/code enforcement agent, regarding a possible wetland violation at 19 Quimby Court

Lot Line Adjustment: for properties owned by Kathleen Wilder of 19 Quimby Court and Jeffrey and Linda Stone of 17 Quimby Court, known as map and lots 1-66-73 and 1-66-74.

Mr. Lavelle explained the two property owners will have an equal area swap between them. A greenhouse has been built for the Wilder's and is partly on the Stone property. This will eliminate the encroachment of the greenhouse.

The application was reviewed. As the Colby Pond landowner association is now defunct, the common land behind the two properties is owned by everyone who lives in the development. Those people are considered abutters but were not notified. Because of this, the Board decided the application was not properly noticed and could not be accepted. Chip made a motion to continue the application to the next meeting. After a short discussion the motion was withdrawn. The formal discussion was ended and the Board continued with an informal preliminary discussion.

Chris asked about making one of the lots nonconforming in frontage. Mr. Lavelle said he reviewed the regulations and did not see where minimum frontage was specified in the Zoning Ordinance. The shed and the greenhouse, as well as other structures, must be 15' or more from the property lines.

Barry suggested adding the distances of the structures to the road and proposed property lines. A locus should also be included on the plans.

The abutter to the east mentioned his property is being encroached upon by Mr. Wilder. Property markers have been removed and the wetlands in the back are being filled. He was told this is a civil issue and is not germane to this discussion.

Barry asked for a note to be made on the plans regarding the iron rods being set, or the legend needs to be made clearer. Mr. Lavelle said nothing is being built on the common land; Barry said a disturbance of soil in the common area may be violation.

2 Hampstead Road:

Mr. Stowell said he recently purchased Danville Auto Body and would like to continue to use it as an auto repair shop and also sell automobiles. This is the Danville Village District which does not allow either type of business. There was a discussion about what has been grandfathered and what will require a variance. The Board agreed the use as an automotive shop is allowed as an existing non-conforming use. A car dealership is not an approved use. Mr. Stowell explained that Lenny's Old Chevy's, the abutting property, was licensed to sell vehicles and that would be grandfathered. That property was sold less than a year ago.

Mr. Stowell said the same department in the state oversees auto body repair, mechanical repairs, and dealer licensing. Danville Auto Body has been used to sell vehicles, but without the benefit of a state license. Chris stated the sales occurring at this property may have predated the state requiring licenses, but this does not necessarily make that a grandfathered use of the property. He said if this has been a used car facility, Mr. Stowell will need to establish that history.

There was a preliminary discussion about this property. Mr. Stowell hopes to clean up the lot, including removing the junk cars and repaving the front. He was told that this will require a catch basin as it is close to the wetlands. A sign in the same location and of the same size is probably grandfathered. The Board agreed they are all in favor of improving the lot. Mr. Stowell was told this is a great location for a business.

At 8:30pm Chip made and Chris seconded a **motion to adjourn**. The motion **passed** unanimously.

Respectfully submitted
Janet S. Denison

Agendas:

- May 8, 2014

7:30pm correspondence and minutes

7:40pm preliminary discussion with Charlie Zilch regarding Gordon Smith property on Colby Road