

Planning Board
January 11, 2018
7:30 pm

Members Present: Barry Hantman, Chip Current, David Cogswell, Jim Castine, Roger Whitehouse, Scott Borucki

Others Present: Carsten Springer

Barry explained that there will be town openings on the next ballot for seats on the Board. Jim and Chris Smith are the incumbents. He encouraged them to have their names on the ballot. He also said there are available alternate seats and those who wish to be an alternate may speak with the Board.

The December 14, 2017 minutes were discussed. The proposed warrant articles were outlined only has they were voted upon. Any suggested amendments are found in the prior meetings' minutes. Jim made and David seconded a **motion to accept the December 14, 2017 minutes as written**. Chip abstained. The motion **passed**.

The December 7, 2017 non-public minutes of the joint Conservation Commission and Planning Board meeting were reviewed by Barry and Scott. A quorum of Planning Board members had attended that meeting but only two were present at tonight's meeting. Scott made and Barry seconded a **motion to accept the December 7, 2017 minutes as written**. The motion **passed**.

Zoning Ordinance amendment warrant article public hearing

Barry opened the public hearing. The following articles were discussed:

Intent of Hazardous Materials Restriction

1. *To see if the town of Danville will vote to modify Article IV.B.3.g of the Danville Zoning Ordinance to clarify the intent of the hazardous materials restriction in the Danville Village District. Specifically, this would modify Article IV.B.3.g to read:*
 - g. No materials defined as hazardous under 49 USC 5103 will be used or stored on the premises in association with any commercial enterprise in quantities greater than that found in the following table:

Material	Class	Solid pounds (cubic ft)	Liquid gallons (lbs)	Gas (cubic ft at NTP)	Solid pounds (cubic ft)	Liquid gallons (lbs)	Gas (cubic ft at NTP)	Solid pounds (cubic ft)	Liquid gallons (lbs)
Combustible Liquid	II	N/A	120	N/A	N/A	660	N/A	N/A	30
	IIIA	N/A	330	N/A	N/A	330	N/A	N/A	80
	IIIB	N/A	13,200	N/A	N/A	13,200	N/A	N/A	3,300
Combustible fiber	Loose	(100)	N/A	N/A	(100)	N/A	N/A	(20)	N/A
	Baled	(1000)	N/A	N/A	(1000)	N/A	N/A	(200)	N/A
Consumer Fireworks (Class C, Common)	1.4G	125	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Cryogenics, Flammable	N/A	N/A	45	N/A	N/A	45	N/A	N/A	10
Cryogenics, oxidizing	N/A		45	N/A	N/A	45	N/A	N/A	10

	Division 1.1	1	(1)	N/A	0.25	(0.25)	N/A	0.25	(0.25)
	Division 1.2	1	(1)	N/A	0.25	(0.25)	N/A	0.25	(0.25)
	Division 1.3	5	(5)	N/A	1	(1)	N/A	1	(1)
	Division 1.4	50	(50)	N/A	50	(50)	N/A	N/A	N/A
	Division 1.4G	125	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Division 1.5	1	(1)	N/A	0.25	(0.25)	N/A	0.25	(0.25)
Explosives	Division 1.6	1	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Flammable gas	Gaseous	N/A	N/A	1,000	N/A	N/A	1,000	N/A	N/A
	Liquefied	N/A	30	N/A	N/A	30	N/A	N/A	N/A
Flammable liquid	1A	N/A	30	N/A	N/A	30	N/A	N/A	10
	1B and 1C	N/A	120	N/A	N/A	120	N/A	N/A	30
Combination flammable liquid (1A, 1B, 1C)	N/A	N/A	120	N/A	N/A	120	N/A	N/A	30
Flammable solid	N/A	125	N/A	N/A	125	N/A	N/A	25	
Organic peroxide	Unclassified	1	(1)	N/A	0.25	(0.25)	N/A	0.25	(0.25)
	Detonable I	5	(5)	N/A	1	(1)	N/A	1	(1)
	II	50	(50)	N/A	50	(50)	N/A	10	(10)
	III	125	(125)	N/A	125	(125)	N/A	25	(25)
	IV	Not Limited	Not Limited	N/A	Not Limited	Not Limited	N/A	Not Limited	Not Limited
	V	Limited	Limited	N/A	Limited	Limited	N/A	Limited	Limited
Oxidizer	4	1	(1)	N/A	0.25	(0.25)	N/A	0.25	(0.25)
	3	10	(10)	N/A	2	(2)	N/A	25	(2)
	2	250	(250)	N/A	250	(250)	N/A	50	(50)
	1	4,000	(4,000)	N/A	4,000	(4,000)	N/A	1,000	(1,000)
Oxidizing gas	Gaseous	N/A	N/A	1,500	N/A	N/A	1,500	N/A	N/A
	Liquefied	N/A	15	N/A	N/A	15	N/A	N/A	N/A
Pyrophoric material	N/A	4	(4)	50	1	(1)	10	0	0
Unstable (reactive)	4	1	(1)	10	0.25	(0.25)	2	0.25	(0.25)
	3	5	(5)	50	1	(1)	10	1	(1)
	2	50	(50)	250	50	(50)	250	10	(10)
	1	Not Limited	Not Limited	Not Limited	Not Limited	Not Limited	Not Limited	Not Limited	Not Limited
Water reactive	3	5	(5)	N/A	5	(5)	N/A	1	(1)
	2	50	(50)	N/A	50	(50)	N/A	10	(10)
	1	Not Limited	Not Limited	N/A	Not Limited	Not Limited	N/A	Not Limited	Not Limited
Corrosive	N/A	5,000	500	810	5000	500	810	1000	100
Highly Toxic	N/A	10	(10)	20	10	(10)	20	3	(3)
Toxic	N/A	500	(500)	810	500	(500)	810	125	125

Notes:

1) The aggregate quantity in use and storage shall not exceed the quantity listed for storage.

2) The quantities of alcoholic beverages shall not be limited for establishments licensed for the sale of such.

Carsten asked if the definitions of the different classes of combustible liquid were discussed. These were discussed at the previous meeting. Chip had revised the chart. There were no other questions from the public. Roger made and David seconded a **motion to close the public hearing**. The motion **passed** unanimously. Jim made and David seconded a **motion to move this article to the town warrant**. The motion **passed** unanimously. Jim made and David seconded a **motion to add the words, “recommended by the Planning Board” with a 6-0 vote**. The motion **passed** unanimously.

Lot 2-74 Description

1. *To see if the town of Danville will vote to amend the Danville Zoning Ordinance Article III.E to change the date in the description of lot 2-72 to “1817.”*

The lot number was verified. There were no questions from the public. Chip made and David seconded a **motion to close the public hearing**. The motion **passed** unanimously. Chip made and David seconded a **motion to move this article to the town warrant**. The motion **passed** unanimously. Chip made and David seconded a **motion to add the words, “recommended by the Planning Board” with a 6-0 vote**. The motion **passed** unanimously.

Sign Ordinance

2. *To see if the town of Danville will vote to amend the Danville Zoning Ordinance to update the signage allowed in the Danville Village District and the Highway Commercial Light Industrial Zone, to increase the permitted size and type of signage to help promote business development. Specifically, this would modify Article VII.D.4 and VII.D.8 and add VII.D.9 to read:*
4. Electronic signs of any type shall be prohibited throughout the Town of Danville, except in the Highway Commercial Light Industrial Zone. This prohibition includes, but is not limited to: moving, fluttering, or flashing signage.
8. Within the Danville Village District, the following provisions shall apply;
 - a. Except as noted elsewhere in this Ordinance, no sign or groups of signs shall exceed thirty-two square feet (32 ft²). One such sign shall be permitted per commercial and/or retail unit. Except as noted elsewhere in this Ordinance, no other signage shall be permitted.
 - b. Multiple unit commercial developments shall substitute a single sign for all units in the development instead of individual signage for each unit. This signage for the development shall not exceed twenty feet (20') in height and ten feet (10') in width, and, in no case, shall the sign exceed thirty-two square feet (32 ft²) per commercial and/or retail unit. One such sign shall be permitted for each Class I through V highway upon which the commercial/retail development has an entrance. Except as noted elsewhere in this Ordinance, no other signage shall be permitted.
 - c. Directional, regulatory and similar signage (e.g., parking, no-parking, entrance, exit, drive-through, shopping cart return) shall be permitted in unlimited quantity provided that each sign does not exceed four square foot (4 ft²) and contains no advertising. Such signage shall be permitted in addition to other signage specified in this Ordinance.

- d. Signage that is mounted flush with the face of the commercial and/or retail building may be permitted and shall be in addition to any other signage specified in this Ordinance. The size of such signage within the Danville Village District shall not exceed twenty-five percent (25%) of the size of the face of the structure upon which the signage is placed and shall not extend beyond the face of the structure. The size of the signage shall not exceed ten square feet (10 ft²) and shall not extend beyond the face of the structure. Roof mounted signs are not permitted.
9. Within the Highway Commercial Light Industrial Zone, the following provisions shall apply;
- a. Signs along all roads other than NH Route 111 and Route 111-A shall be governed by the Danville Village District Sign provisions as laid out in Article VII.D.8
 - b. Except as noted elsewhere in this Ordinance, no sign or groups of signs shall exceed one hundred twenty square feet (120 ft²) and the height shall not exceed thirty-five feet (35') in height.
 - c. Directional, regulatory and similar signage (e.g., parking, no-parking, entrance, exit, drive-through, shopping cart return) shall be permitted in unlimited quantity provided that each sign does not exceed four square foot (4 ft²) and contains no advertising or as permitted by the Planning Board through site plan review. Such signage shall be permitted in addition to other signage specified in this Ordinance.
 - d. Lighted and electronic signage are allowed in this district including LED, Halogen, Metal Halide, Sodium Vapor, etc, as permitted by the Planning Board through site plan review.
 - e. Signage that is mounted flush with the face of the commercial and/or retail building may be permitted and shall be in addition to any other signage specified in this Ordinance. The size of such signage within the Highway Commercial and Light Industrial zone shall not exceed twenty-five percent (25%) of the size of the face of the structure upon which the signage is placed and shall not extend beyond the face of the structure.

It was explained that a typo was corrected and paragraph 9.e was added. There were no questions from the public. Chip made and David seconded a **motion to close the public hearing**. The motion **passed** unanimously. Chip made and David seconded a **motion to move this article to the town warrant**. The motion **passed** unanimously. Chip made and David seconded a **motion to add the words, “recommended by the Planning Board” with a 6-0 vote**. The motion **passed** unanimously.

Parking in Buffer Zone

1. *To see if the Town of Danville will vote to amend the Danville Zoning Ordinance Article IV.C.2.f to clarify the ability to have a parking lot in the buffer zone between commercial properties. Specifically, to read:*

- f. Commercial parking areas shall be permitted adjacent to abutting properties in the Highway Commercial and Light Industrial Zone under the condition that access to the abutting commercial property is provided from the parking area subject to site plan review by the Planning Board. Commercial parking areas

within the buffer that abut residential development shall provide for an appropriate privacy barrier as approved by the Planning Board.

Jim said he was still hesitant about this one as he is uncomfortable with the idea that a commercial parking lot can be made so close to a residential lot. David said that without this, it may be a deterrent to others who would like to have a commercial property in town. Chip said that three people have already had to seek relief from the Zoning Board for this. A privacy barrier is part of the design during discussions with the Planning Board as new commercial industry is subject to site plan review.

There were no questions from the public. Chip made and David seconded a **motion to close the public hearing**. The motion **passed** unanimously. Chip made and David seconded a **motion to move this article to the town warrant**. The motion **passed** unanimously. Chip made and David seconded a **motion to add the words, “recommended by the Planning Board” with a 6-0 vote**. The motion **passed** unanimously.

Residential Uses in the HCLI Zone

1. *To see if the Town of Danville will vote to amend the Danville Zoning Ordinance Article IV.C.2.d to clarify the restrictions of residential uses in the Highway Commercial and Light Industrial Zone. Specifically, to read:*
 - d. No Highway Commercial and Light Industrial Zone usage shall be combined on a lot with an existing residential use except to establish a customary home occupation under the provisions of the Residential/Agricultural Zone.

There were no questions from the public. Chip made and David seconded a **motion to close the public hearing**. The motion **passed** unanimously. Chip made and David seconded a **motion to move this article to the town warrant**. The motion **passed** unanimously. Chip made and David seconded a **motion to add the words, “recommended by the Planning Board” with a 6-0 vote**. The motion **passed** unanimously.

HCLI Permitted Uses

2. *To see if the Town of Danville will vote to amend the Danville Zoning Ordinance Article IV.C.1, Permitted Uses, to clarify the permitted uses in the Highway Commercial Light Industrial Zone. Specifically, to read:*
 1. Permitted Uses:
 - a. Professional offices and studios, hospitals, medical and dental offices, Continuing Care Retirement Communities (CCRC’s), schools, banks and other financial institutions, personal service establishments, governmental uses, Inns, or similar uses.
 - b. Retail sales establishments, restaurants with or without drive-through windows, bakeries, cafes, fraternal organizations, funeral homes, or similar uses.
 - c. Plants for manufacture of items such as electrical, electronic, medical, dental, or optical devices, appliances, apparatus or supplies, or other precision instruments, or similar uses.

- d. Establishments for the sale, repair, manufacture, or storage of: Furniture, plumbing, construction, marine, industrial and agricultural equipment and supplies. Shops for occupations such as (but not limited to) plumbers, electricians, woodworkers, and machinists, or similar uses.
- e. Public garages, automotive repair shops, automotive sales agencies, automotive filling/service stations, or similar uses.
- f. greenhouses, nurseries, animal hospitals, boarding and breeding kennels, as well as research, experimental, or testing laboratories of a non-hazardous nature, or similar uses.

Additional uses not listed may be permitted by approval of the planning board, in conjunction with a site plan review.

There were no questions from the public. Chip made and David seconded a **motion to close the public hearing**. The motion **passed** unanimously. Chip made and David seconded a **motion to move this article to the town warrant**. The motion **passed** unanimously. Chip made and David seconded a **motion to add the words, “recommended by the Planning Board” with a 6-0 vote**. The motion **passed** unanimously.

The Board submission for the 2017 town report was reviewed. Chip made and David seconded a **motion to submit the report as written for the annual town reports**. The motion **passed** unanimously.

Correspondence:

- From NHDES regarding the utility maintenance in the Eversource powerline corridor
- From Pelham regarding a withdrawal of a cell phone tower installation application
- From Bedford, Hudson, and Rye regarding cell tower installations
- From PointsNorth regarding an application for property on Sandown Road owned by Bob Meaney; this is a request to continue a hearing. They will be informed that the application has not yet been accepted and given the amount of time that has past since the application was first submitted, they will be asked to renote the abutters.

Sullivan Subdivision:

Mr. Zilch explained that he compiled the list of comments from both town engineers as well as the comments from the site walk into a response letter dated December 29, 2017. He has spoken with the NHDOT and obtained the alteration of terrain permits and the conditional use permit from Sandown.

He explained that the two towns have slightly different requirements for roads. The more stringent requirements were used throughout the project to eliminate the need for waiver requests. For example, Danville has a wider width requirement and Sandown has a deeper depth of material requirement.

They will return to Sandown next week and probably ask for a conditional approval.

The vernal pool was discussed. The plan showed a 50' no-cut buffer around it. This was sent to Kim Tuttle at Fish and Game who requested a 100' buffer. Instead of redesigning the entire site, a 100' buffer is shown on the plan where possible and this was presented to Ms. Tuttle who said it was acceptable. A silt fence and some sort of tree tags will be used during construction to note the buffer.

Carsten Springer said this has been discussed by the Conservation Commission. He said the CC would like to see the new plans. He said a complete do-not-disturb buffer around a vernal pool is not ideal. He explained that fallen logs after a storm create a fire hazard and a fallen tree in a vernal pool creates an area for critters to sun themselves. Mr. Zilch said he can ask about a maintenance agreement for hazardous trees. He said this type of request from the state is becoming more frequent. It was agreed that some sort of tree tag will need to be used. It's understood that the tags will eventually fall off, but the tags will allow some protection for a while. He said the state doesn't have the funding for reinforcing this type of thing.

The new plans should be sent to Dennis for his review.

The town bound on the lot 1 in Sandown is noted on the plan. Chip said he'd like to see a speed limit sign. It was agreed to meet on February 8th.

Other Business:

There was a short discussion about subdividing properties and which zone they would be in afterward. It was agreed that the subdivided lots will retain the status of the mother lot after subdivision. Barry said the problem will be if someone purchases lots in multiple zones and combines them. In that scenario, the purchaser can choose which zone the new lot is in.

At 9:07pm, Roger made and Jim seconded a **motion to adjourn**. The motion **passed** unanimously.

Upcoming agendas:

Jan. 25, 2018

7:30 pm Correspondence and Minutes

Feb. 8, 2018

7:30 pm Correspondence and Minutes

7:40pm Sullivan Subdivision