AGENDA

6:30 p.m. Call to Order
Minutes of the April 27, 2010
Correspondence
Other business

6:35 p.m. Paul Morrissette owner of 258 Main Street to discuss usage in Downtown District. Tax Map U05 Lot 9.

6:45 p.m. PB Case #10-02 Site Plan Review. Applicant Lois Goodsell represented by Toby Goodsell to have a home business to operate a ramp truck and towing service out of the garage at the property. Property located at 20 Church Street, Tilton, NH. in the Medium Residential District. Tax Map R9 Lot 36.

7:05 p.m. Jane Ingram conceptual discussion for use of property at 180 E. Main Street, Tilton, NH in the Mixed Use District. Tax Map U04 Lot 71.

7:20 p.m. PB Case #10-03 Site Plan Review. Applicant Arthur Buswell, III proposing to lease building at property at 504 Laconia to open Buzzy’s Restaurant & Pub in the Mixed Use District. Tax Map R10 Lot 7.

Members Present: Mike Curley – Chair, Sarah Paratore, Vice Chair, Deana Cowan, Nick Canzano, Robert Haberman, and Sandy Plessner, Ex Officio.

Others Present: Joe Plessner, Joe Jesseman, Lenny Birke, Susan Hankin-Birke, Toby Goodsell, Donald Goodsell, J., Paul Morrissette, and Donna Rhodes.

Meeting:

6:30 p.m. Meeting called to order.

Minutes: Chairman Curley asked if the member had review the minutes for April 27, 2010 meeting.

M. Curley made a motion, seconded by S. Plessner to accept the minutes as written. Vote taken motion passed.

Correspondence:

• DOT – Driveway application for Lochmere Meadows Affordable Housing (R10/7-1)
• Town and Country May 2010 issue
• NRCS – 2 farm bill information sessions in Belmont, Corner Meeting House on July 14, 2010 from 6:30 to 8:30 p.m.
• Email from Knox Mountain Technologies, Inc from Sanbornton, NH is a full service asbestos and lead abatement. Also specializes in mold remediation and demolition.
• Belmont ZBA agenda for meeting on 5/27/10
• NFIP Workshop will be held at 4:30 p.m. at the Urban Forestry Ctr in Portsmouth, NH
• The Source – Spring 2010 issue

6:35 p.m. Paul Morrissette owner of 258 Main Street to discuss usage in Downtown
District. Tax Map U05 Lot 9.

Paul Morrissette – my brother owned the building at 258 Main St. I recently took over
the mortgage with my nephew as my partner.

I own a lot of commercial real estate in Franklin and Bristol. In these small towns we
are all having the same problem finding desirable renters. We have storefronsts on the
1st floor and apartments on the 2nd and 3rd floors. The economy being the way it is the
trying to rent the commercial space at $600 per month and still no renters.

In Franklin we had several these building and we discussed allowing an apartment in
the back and retail in the front. This would help someone with a small business have a
business and an apartment for one rent. I would like to put a small apartment in the
back of the 3 commercial units and still have a store in the front. These units are 1000
sq ft. could have a 500 sq ft apartment and 500 sq ft business.

Mike Curley informed Mr. Morrissette that the minimum living space is 650 sq ft. so that
won’t leave much for commercial space.

The problem I ran into here is that I already have 4 apartments in the building and with
zoning that is all I am allowed. What I need is for the zoning to be changed.

Deana asked Mr. Morrissette what you are looking for the board to do here.

Mr. Morrissette – the original reason I am here is to see what we can do about the store
situation and what we can do with some of these commercial units.

Sarah Paratore – This is not really an issue we can deal with here. You were approved
for the 4 units that zoning allows in the downtown district.

Sandy Plessner – You already have 4 apartments in the building and that is all that is
allowed in the density for downtown district. What you could do is come when the
Planning Board is looking at zoning and suggest this option and we can discuss
increasing the density. You also have the choice of getting a petition and have 25
voters to sign it. Then the petition would be voted on at the next town meeting to see if
the voters would approve the increace of the density.

When the density was changed it was due to parking in the downtown area.

Mr. Morrissette was looking for an answer to my problem and I think you have done that
and I thank you for your time.

7:00 p.m. PB Case #10-02 Site Plan Review. Applicant Lois Goodsell represented by
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Toby Goodsell to have a home business to operate a ramp truck and towing services out of the garage at the property. Property located at 20 Church Street, Tilton, NH. in the Medium Residential District. Tax Map R9 Lot 36.

The chair has reviewed the application which appears substantially complete and made a motion to accept the application. Motion seconded by S. Paratore. Vote taken and motion passed.

Toby Goodsell explained the sign which would have the name of the business and the phone number. He showed pictures of his truck and the garage where the truck will be parked.

S. Paratore asked Toby what is it that you want to do.

Toby explained that he wants to operate his towing company out of where I live. There would be no car towed to this property. The only vehicle that will be parked there is my truck. There is a motion sensor light on the garage which would only come on if there is motion.

S. Plessner – This type of business would be creating activity by leaving at all different hours day and night to pick up disable or wrecked autos. The only problem I have with it is under home business the minimum requirements states “a home business should be conducted in a manner that does not give an outward appearance of or manifest the characteristics of a business, or would infringe on the right of neighboring residents to enjoy the peaceful occupancy of their dwelling units, or infringe upon or change the intent of the residential zoning district in which it is located”.

In my opinion but I don’t think of towing as a home business, it is more of a commercial business. I know that you said you would not be bringing cars back to the property but you are having a big flat bed truck which will be running to warm up could disturb your neighbors.

Toby Goodsell – I have talked to the neighbors and they don’t have any issues with me having this business at the property.

S. Paratore – That is great now but if they change what will happen then.

S. Paratore – Asked how you would get calls. Toby responded that if this is approved I would be in the phone book and trying to get on the towns call list.

S. Paratore – on pg 32 under minimum requirements 11.11.2 item 2 restricts the delivery and pickup should not to exceed 2 trips per week. It seems to me that the way these ordinances were written and intended this would not be permitted in the medium residential district.
M. Curley – I think that not giving out an outward appearance would manifest the characteristics of a business. Having the vehicles there with a sign on the building shows it is a business.

Toby Goodsell – I can leave the sign out but other then that it will not give off any appearance of a business. It will be just a truck which is no louder than my pickup truck. Travel wise big trucks travel that everyday from 4 am to late at night. Kremco Transport is just down on River Rd.

N. Canzano – Asked if it was possible for you to rent some space for you to keep your truck. Maybe you could run your business at the house but not have your truck there. Trying to fit this business in this medium residential area doesn’t fit.

The Chair opened discussion to the public.

J. Plessner – Kremco Transport was there before the zoning changed to what it is now as they purchased the property in the early 90’s.

Discussion closed to the public and reopened to the board.

The board doesn’t feel that this business is appropriate for the medium residential district.

S. Plessner made a motion to deny the site plan application, seconded by S. Paratore. Having no further discussion vote taken and motion passed to deny.

S. Paratore took the time to explain to Toby Goodsell why this type of business doesn’t fit in the medium residential district. The zoning is written so any person trying to have a towing business in that area would not be allowed. You need to go in areas of Mixed Use, General Commercial, Regional Commercial districts to find a place to run this type of business.

7:32 p.m. Jane Ingram conceptual discussion for use of property at 180 E. Main Street, Tilton, NH in the Mixed Use District. Tax Map U04 Lot 71.

Jane Ingram was a no show.

7:35 p.m. PB Case #10-03 Site Plan Review. Applicant Arthur Buswell, III proposing to lease building at property at 504 Laconia to open Buzzy’s Restaurant & Pub in the Mixed Use District. Tax Map R10 Lot 7.

The chair has reviewed the application which appears substantially complete and S. Plessner made a motion to accept the application. Motion seconded by S. Paratore. Vote taken and motion passed.
Arthur Buswell aka Buzzy – I am proposing to open a restaurant and pub at 504 Laconia Road at the property owned by Lenny Birke. I have a packet of pictures which show the front of the building, interior layout, parking area, handicapped access, handicapped parking, snow removal, and the proposed sign. I also have the authorization from Mr. Birke leasing the building to me.

S. Plessner asked if Mr. Buswell had contacted sewer to apply. You need to have grease traps installed when having a restaurant.

N. Canzano asked if the whole building was to be used. A. Buswell explained the 1st floor will be the restaurant and the 2nd will have pool tables.

S. Plessner asked if DOT has been contacted for and updated driveway permit for the change in use or expansion.

S. Plessner asked if there will be a sign out by the road.

A. Buswell explained the sign will be 4 x 12 on the façade and 4 x6 sign by the road. S. Hankin-Birke explains there is an existing frame to a sign there and looking a the regulation of a master sign because we don’t have any other tenants his sign would go on the frame that is there.

M. Curley asked about exterior lightening. A. Buswell states there will be lights aimed up at the sign and recessed lighting on under the overhang. There would be no blinking or flashing lights.

S. Plessner asked about the snow removal area was there any wetlands back there. L. Birke states the wetland has been delineated by a silt fence and there is a good 70 ft between that and the parking. There is plenty of places to put snow.

M. Curley asked how many parking spaces were being put in. A. Buswell there will be parking in the front and along the side. I am only looking of seating for 75 people so I would only need 25 to 30 spaces.

S. Paratore asked if there is a liquor license. A. Buswell states he has applied for a liquor license.

M. Curley asked when you plan to open. A. Buswell explained if he gets an approval here tonight then he could be open in 3 weeks.

Open and closed to the public. No public input. Reopened to the board.

D. Cowan I would suggest we should ask that they think about the appearance to bring a little more green in the area by planting some trees.
A. Buswell agreed the right side to the building is going to be loamed and plants. The lot is going to be paved.

S. Paratore suggests for the record you should supply a drawing/plan of what you intend to do with parking, snow storage and signage.

S. Plessner makes a motion that we approve the site plan conditionally with the following conditions:
1.) Check with sewer department.
2.) Compliance with State Fire Codes.
3.) Updated DOT Driveway permit
4.) Bring in a plan that shows the layout of the property showing parking, lighting, snow storage and sign.

Motion seconded by S. Paratore. Vote take and motion passed.

Other Business:

Sandy wants to cover the property the town is considering selling. In RSA 41 it talks about the buying and selling of town land. Part of the process for the Selectmen to do this would be to go to the planning board and the conservation commission and get the input and any recommendations.

The property is a .14 (Tax Map R22 Lot 30 at 8 Pearl Lane) of an acre that is mostly wet. We have been approached by the abutter to buy the property. The abutter put in a driveway that encroached onto the town property. They also put in a retaining wall on town property. The sewer commission his pumping station was put on town property which should be on his property. There is a brook in the area changed it’s own natural course during the severe rains we had. This spring this up until recently this property was under water but now you could park a car without getting your feet wet.

The abutter has expressed an interest in purchasing the property. I have gone to the Conservation Commission gave them a description of what the town wants to do. The commission was familiar with the property and they gave us a recommendation back which to put restrictions on the property. One of the restrictions was to give the sewer commission an easement to allow them to go on the property as need to maintain the pumps and dig up the lines if needed.

It was also decided that if this person decides to purchase the property he would do a lot merger making this lot part of his lot, also a restriction that this lot was not a buildable area.

If someone other than the abutter was to purchase the property the driveway and retaining wall would need to be removed. The issue of the current wetlands violation the intrusion on town land would have to be addressed whether or not the lot is sold.
What the Select Board is looking for is any input or recommendation the Planning Board might have in regard to the potential sale of this property.

N. Canzano asked the violations that are there will he have to rectify them.

S. Plessner – It is the town property but he would have to rectify. By putting that retaining wall in there to hold back the water he did that with obtain the proper wetlands application. Taking down the wall would require the same wetlands application.

If the board wants to make any recommendation you can email them to the selectmen.

The next item S. Plessner needs to discuss with the board is a lot on West St. that has a duplex which as a short driveway with a small garage. The owner of the property wants to offer off street parking for the tenant. Currently he only has 2 spaces. He is proposing to come off Chestnut St which is part of his lot and have parking off Chestnut in the back of the building letting the 2nd duplex would have 2 off street parking spaces. The situation that we ran into which applies to the subdivision regulations. In order to have a driveway off Chestnut the property is 37 ft wide. If you apply the setbacks it takes up the whole piece.

I wasn’t sure how to advise him. He can come to the Planning Board for a waiver to the subdivision regulations. If you want him to do that does he need to file a application. Perhaps it would be better for him to go to the ZBA and get a variance. The advantage of getting a variance would be keeping the cars of the street.

The board feels after some discussion that he should apply for a variance for the 2nd driveway off Chestnut Street.

Mike Curley mentioned the lights at the Meltaway on Rt3 are still not downcast. Augusta will ask the code enforcement officer to check into it.

S. Plessner introduced Joseph Jesseman to the board. The board welcomes him as a new member. He will be sworn in for the next meeting June 22, 2010.

N. Canzano – McLean’s Marine now has a bait and gun shop. I feel that this is an expansion of the business and they need to come in and do a site plan. They have boats and trucks parked in the old Rte 3. Also he has no parking so where is he going to put his snow. There are wires running across land for the pump for the live bait well. I called the DES to find out if they can legally take and discharge water into the lake. I am still waiting to hear back from them. The Fire Dept came out to check the wire but hasn’t heard if they are going to make them remove it.

The board feels that McLeans’ should have to come into do a site plan for the expansion of the business. Augusta should send a letter to them. The first line to of the
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letter should read “any change of use must do a site plan” also include a site plan application.

Augusta needs to contact Brad Ober at Fire Dept about the wire and also call DOT to discuss the signage on the island on Rte 3, ask if area can have signs.

Motion made by S. Plessner to adjourn, 2nd by S. Paratore. Vote taken and motion passed.

Meeting adjourned at 8:45 p.m.

Minutes prepared by Augusta Marsh, Land Use Assistant

(These minutes are subject to the review and approval of the Planning Board at the next scheduled meeting on 6-22-10.)