AGENDA (APPROVED 11/9/10)

6:30 p.m. Call to Order
Minutes of the September 28, 2010
Correspondence and Other business

6:35 p.m. Continuation of Case # 10-06 D & V Landscaping

6:45 p.m. Belknap Hyundai – Conceptual discussion of 18 Bittern Lane site. (R24/5)

7:00 p.m. PB Case #10-08 Two – Lot Subdivision for James Dwyer Estate at 53
Clark Road in the Medium Residential District. (Tax Map R16 Lot 7)

7:15 p.m. Belknap Subaru – Conceptual discussion relocating to 35 Tilton Rd
(Tax Map R23 Lot 26B)

7:30 p.m. Gerald Chaille to discuss zoning requirements on Rte 3/11

7:45 p.m. Public Hearing to remove the following definition from the Subdivision
Regulations:

3.20 DWELLING means a structure or part thereof including a unit of a condominium
development of vehicle, stationary or mobile, with living and sleeping
accommodations intended for use and/or include, but not be limited to; house,
apartment, cottage, tourist cottage, motel, hotel, inn, camp, tent, mobile home,
trailer, travel trailer, pick-up camper and other recreational vehicles.

Members Present: Mike Curley – Chair, Nick Canzano, Deana Cowan and Sandy Plessner, Ex
Officio.

Others Present: Randy Knowles of Knowles Design, Peter S. Schauer – SBC, Jim Bolduc –
Lepene Engineer & Surveying, Scott Ives – Belknap Subaru & Hyundia, Mark Johnstone –
Belknap Subaru & Hyundia, Bill Johnston – Belknap Subaru & Hyundia, Brian Pratt – CLD
Consulting Engineers, Sandy & Joe Plessner, Paula Hiuser, Katherine Dawson, and Augusta
Marsh.

Meeting: Called to order at 6:30 p.m.

Minutes:
The Chair asked if the members had reviewed the minutes.

Motion made by S. Plessner to approve the September 28, 2010 minutes as written, 2nd by Deana
Cowan. Vote taken, motion passed to approve the minutes.

Correspondence:
- Annual Fall Planning & Zoning Conference Nov 13, 2010 at in Whitefield, NH
- NH Local Government Center’s 69th Annual Conference Nov 17-19, 2010 in Manchester
- Letter from Richard Morway, Sr. requesting a refund of site plan application.
- Letter to Mr. Morway stating the planning board will discuss the refund & the amount.
6:35 p.m. Continuation of Case # 10-06 D & V Landscaping

The board waited until 6:45 p.m. for the applicant to arrive for the appointed time.

S. Plessner made a motion to table Case #10-06 D & V Landscaping. There is no one present to their plan. If in the future they want to apply again but at this time we are going to table. 2nd by D. Cowan.

Motion has been made and seconded to table Case 10-06 all in favor say aye. Motion passed.

6:45 p.m. Belknap Hyundai – Conceptual discussion of 18 Bittern Lane site. (R24/5)

Peter Schauer – Wetland Scientist I represent Belknap Hyundai. Here this evening is Scott Ives, General Manager of Belknap Subaru, Randy Knowles landscape architect of Knowles Design, and Mark and Bill Johnstone the owners of Belknap Subaru & Hyundai.

“We are here to conceptually discuss some issues along Bittern Lane with the visibility into the back of the site behind MB Tractor. There is a stand of large pines where the road turns that block the visibility from Rte 3 into the site. We met with the Conservation Commission on Oct 18. There is a 20ft no cut zone outside the wetland that is protected according to the town ordinance that is administered by the Planning Board. We propose to take out the large pine, leave the red maple stands and do planting along this area.”

Randy Knowles of Knowles Design “explains when the pines and some of the maples are taken out along Bittern Lane would be cut at the stump and leave the stumps to help with erosion control. We would then plant along the edge of the wetlands low growing juniper and other native species. In the wetlands we would be using a wetland feed mixture of native brushes, sages and milkweed that naturally grow in wetlands. Once a year when the seeds drop in the fall it would be cut by hand. There will also be an area that will be seeded with a deer resistant meadow type mixture that would be cut once a year. This would also be done around the treatment swale. All the planting would be done random. All the shrubs will have visual interest year round.”

Peter Schauer “explained that some of the conditions that the Conservation Commission imposed on us where that we could not use any mechanized equipment to cut the trees in the wetland area, it all must be done by hand. Also we agreed to place a conservation easement on the 20 ft no cut zone and monitored by the Conservation Commission I assume. This area of the proposed easement would consist of 3.18 acres which approximately 1 acre is the pond, 1.5 acres is the wetlands system and .7 acres which is the 20 ft wetland buffer. This has been supplied to the Conservation Commission for review and we will be working out the details if the board agrees this is acceptable to move forward with the project. Tonight we are looking for some advice from
the board that this would be a permit action before we submit a plan and firm up the deal between the buyers and the owners. If you determine this is not possible then we will stop right here.”

S. Plessner asked “why you’re taking everything out”. Peter Schauer explained that they would like to get rid of the pines. A majority of the vegetation in the wetland and buffer is the glossy buck thorn which is an invasive species. We’d like to remove it and try to control it to keep it out of the site.

S. Plessner asked “if they had spoken to the state concerning what’s growing along the road way”.

P. Schauer stated “we haven’t but will be. We are under order by the state to remove the vegetation on the dam area which Paula Huiser has done her part but Rodgers has to do theirs. I have talked to Bill Thomas at DES and advised we would be coming in for an amendment to the existing permit with a planting plant and a change in the permit conditions to add conservation easement was left out of the original permit.”

S. Ives – “The site is currently over run with invasive species that is not doing the land any good. We are looking to clean it up to make it accessible but still preserve it with natural plant that appropriate for the surroundings that would help the wetlands. The plants there are hurting the wetlands and the conservation commission agreed with us to accept our plan and workout the details of an acceptable easement. This is a commercial site and whoever goes in there is going to want the opportunity to be seen. We are looking to enhance the pond and area.”

Open to public discussion.

Kathi Mitchell – “We did not discuss the idea of this no cut zone because it was in the permit which was implemented in 2007”.

S. Ives responded “that the Conservation Commission noted your objection but indeed vote to accept the plan beyond K. Mitchell objection to the no cut zone.”

Close to public discussion.

S. Plessner feels if they are willing to work with the Planning Board with the buffer process she personally is willing to look at this and consider it but she would not guarantee she would agree to everything they wanted.

Items the board would be looking for when reviewing the site plan:

1) DES amended application to the existing permit and approval of your plan and their results.

S. Ives thanked the board for their input.

7:25 p.m.  PB Case #10-08 Two – Lot Subdivision for James Dwyer Estate at 53 Clark Road in the Medium Residential District. (Tax Map R16 Lot 7)
S. Plessner explained to the chairman that she was a direct abutter to this property and although she didn’t feel she had any biases or prejudices towards this project she felt she should recuse herself.

The Chairman asked Katherine Dawson the alternate Ex Officio to the Planning Board to set on the board for this case.

M. Curley reviewed the application and appears to be substantially complete and I make a motion to accept the application. Motion was 2nd by D. Cowan. Vote taken motion passed to accept the application.

Jim Bolduc from Lepene Engineering and Surveying representing Jack Applebee in the Dwyer Estate.

J. Bolduc – “This is a simple 2 lot subdivision at 53 Clark Rd. I have a couple of minor additions to the plan which I will pass out. The revision is to note 7 and added the deed reference easement and I will go over the sufficient of this in the presentation.

We have R16 Lot 7 4.4 acres with 475 ft of road frontage. There is an existing residence, garage and 2 small sheds which is shown on the plan. This in the medium residential district the requirement is 2 acre minimum with 200 ft of road frontage and 20 ft setbacks all around. There is a single existing driveway on to Clark Rd. There is 100 foot wide PSNH easement on west side and a small cemetery on the east side. The lot currently has a water well and septic system. The new lot will be 2 acres and served by a water well and septic system. A boundary survey entire lot has been surveyed by a licensed land surveyor. We have had a wetland scientist on the property and there are no wetlands on the site. We have done test pits and perk tests on both properties by licenses septic designer. The soils are loamy sand and sandy loam. The two test pit areas are shown on the map and the two 4000 sq ft state mandated septic areas.

We will need to 2 permits from the state one being the state subdivision permit as we are under the 5 acre minimum and driveway permit from DOT onto Clark Rd. We have filed a permit application with DOT, Mike Kimball from DOT has reviewed the permit and recommend it’s approval and is waiting to be signed off.

What we are asking for tonight is the condition approval of the 2 lot subdivision. Conditional upon the approval by the state for the subdivision application and the DOT driveway permit.

7:40 p.m. The board having no questions the Chair opened the discussion to the public.

Normand Boudreau – I live directly across from this property and where you are proposing to put the driveway is the most unsafe location on that road. I stood where this proposed driveway is to be and you can’t see traffic coming in either direction. There is ledge out crop to the west and to east there is also an out crop of ledge. Those ledges are in the state right of way and not sure if they have the right to remove them. The visibility is 50 to 100 ft.

M. Curley asked they did a line of site from the driveway location?

J. Bolduc responded to M. Curley’s question concerning site line issues. He noted that the site line issues with DOT and as part of the permit we will receive from DOT there is a necessity to remove vegetation and ledge out crops in order to meet the site line requirements. The state does
agree there is line of site issues but the driveway is in the best position for the road due the crest of the road.

Mr. Applebee explained that the DOT came out to the site and we have to cut back 6ft of vegetation on the easterly side and 10 ft on the westerly side and this has to be done as a condition of the DOT driveway permit.

J. Plessner – It is only to say you will get visibility but haven’t been shown how they will arrive at it. I would like to see the approval from DOT before the board approves this plan. J. Plessner asked if any of the Board Members were familiar with the site and had any of them gone out and looked at it. Katherine Dawson was the only member who was familiar with the site.

M. Curley – The driveway permit approval would be a condition of the approval.

N. Boudreau – If the DOT states the vegetation is to be removed, what about the out crop of ledge.

J. Bolduc – The out crop of ledge will be removed.

7:55 p.m. Discussion to public closed and returned back to the board.

K. Dawson suggests we approve this site plan be approved with the condition of approval of the DOT driveway permit and if DOT was to move the driveway location they must come back to the board.

K. Dawson made a motion to conditionally approve the 2 lot subdivision of the Dwyer estate at 53 Clark Rd with the following conditions:

1. **Ledge removal along Clark Rd for driveway.**
2. **Shrub removal along Clark Rd for driveway.**
3. **Approved DOT driveway permit with adequate line-of-site.**
4. **If DOT moves the driveway location you must come back to the board for reconsideration.**
5. **No construction within the protected well radius.**

Motion seconded by D. Cowan. Vote taken motion PASSED.

7:57 p.m. **Belknap Subaru** – Conceptual discussion relocating to 35 Tilton Rd (Tax Map R23 Lot 26B)

Brian Pratt from CLD Engineering here representing Belknap Subaru. Also here tonight is Scott Ives, GM of Belknap Subaru and owners Bill and Mark Johnstone.

We are here tonight to present a conceptual of the amended site plan. Subaru is proposing to purchase the HK property at 35 Tilton Rd (Rte 140). In order for the site to work for Subaru we have to do some site plan amendments. This site is located along the Winnipesaukee River and there are 3 existing buildings on the site with a large paved area.

The major change we looking to connect the 2 primary buildings with an overhead canopy for the drive in service entrance. There is not enough paved area for the number of vehicles they need to store on the site. We are proposing to expand the parking area by 5500 sq ft and restrripe the parking lot to accommodate cars. We would also need to adjust the islands to flow the site work properly and for car carrier to drop of cars. The site has most of the utilities we will need. The
major change will be to add a floor drain inside for the wash bay. We will be adding an oil/grit separator to remove oil and sand from the car washing. We will need a permit from DES for a commercial waste water discharge. We have been in contact with the Fire Dept and hope they will approve a 2 hour fire wall to separate the two buildings and void the need for sprinklers but they are needed we will connect to town water. This site plan was approved in 2003 and one of the conditions was they didn’t disturb more than 60% of the property. We would be under that around 58%. We would be cutting a little to expand the parking area but will still be under 60%. The total impervious is only going up by 1% the existing Stormwater management system should remain the same and should function properly. Snow storage will remain the same. The expanded parking area will be permeable pavers which have voids to allow water to flow thru under them. We will need a DES Shoreland Protection permit as we are in the 250 ft line. The expanded parking area is in the future. Lighting will remain the same except we will be adding 2 lights with down cast fixture. The building will remain the same except for the additions. The signs will be changed to Subaru and there will be fewer than HK has.

We will be presenting a site plan on Nov 9, 2010 and ask if the board have other items we need to address before the meeting. The purchase and sales agreement on this property hinge on all the approvals be in place by Dec 31, 2010.

S. Plessner suggests they should make and appointment with Con Comm for their meeting on Nov 15, 2010. (Copy of the plans have been placed in their mail slot)

8:30 p.m. Gerald Chaille to discuss zoning requirements on Rte 3/11.

Gerald Chaille – “I have 10 acres which I hadn’t thought of developing but as time passes I tried for hotel/restaurant but without municipal water they chains are not interested. The car dealership that was here this evening looked at this property. There is a gray area in the chart of permitted uses in the zoning ordinances. In automotive section of the chart of permitted uses I can have do automotive repairs but I can not sell cars. I can have a repair shop but I can’t sell auto parts. I would like the board to review these gray areas. I have 10 acres that I am pay commercial tax rates for and have never put it in current use.”

“I am asking the board to look at the automotive section because that is the only type of business that can go in this area. May trying to put it in with a “Special Exception” so you can look at what may go in the RC (Resort Commercial) zone and pick and choose what fits best. I wish the board will take a good hard look at this.”

Katherine Dawson – “I also have property in the same area that abuts Mr. Chaille on that side of Rte 3. Our properties are in limbo because municipal water can’t come from the village district and will not come that far up from the Tilton-Northfield water district. If you look at the Chart of Permitted Uses as to what is allowed in the resort commercial district would need municipal water to be able to utilize this property. If there large enough commercial development was allowed to go in on at least one of the parcels and pay to have water come in from the Lochmere Village District then would help the other parcels.”

The Chair agrees that the board needs to look at Resort Commercial district in the Chart of Permitted Uses at the next workshop the board has.
8:40 p.m. **Public Hearing** to remove the following definition from the Subdivision Regulations:

3.20 DWELLING means a structure or part thereof including a unit of a condominium development of vehicle, stationary or mobile, with living and sleeping accommodations intended for use and/or include, but not be limited to; house, apartment, cottage, tourist cottage, motel, hotel, inn, camp, tent, mobile home, trailer, travel trailer, pick-up camper and other recreational vehicles.

S. Plessner explained this definition will be removed and replaced with definition of dwelling from the zoning regulations. The two are in conflict as they are currently written.

M. Curley asked are we replacing or referencing it.

S. Plessner explained at the last meeting J. Jesseman suggested we replace the definition with the one in zoning regulations. Subdivision regulation just needs a public hearing but to change a definition in the zoning regulations it must go on a warrant for town meeting.(remove this sentence)

Open for public discussion:

Normand Boudreau – “I think it should be written into the regulations so there is no question. If this definition appears in 2 places than it would have to be changed in both.”

S. Plessner explained that if we adopt the dwelling unit definition from the Zoning Regulations then we must take the whole section to include dwelling unit, dwelling single family and dwelling condo, apartment, & multi family to be inserted in the Subdivision Regulations.

**Motion made by S. Plessner to eliminate subdivision regulations definition of a dwelling which states means a structure or part thereof including a unit of condominium development of vehicle, stationary or mobile, with living and sleeping accommodation intended for use and/or include, but not be limited to; house, apartment, cottage tourist cottage, motel, hotel, inn, camp, tent, mobile home, trailer, travel trailer, pick-up camper and other recreational vehicles. In its place we take the definition for dwelling unit, dwelling, single family detached, and dwelling, condominium, apartment, and multi family which are located in our Zoning Regulations make these definition available in the our Subdivision Regulations.**

Seconded by N. Canzano. Vote taken and motion passed.

**Other Business:**

Letter from Walmart asking for continuation from Nov 9th meeting to December 14 meeting along with another 90 day extension.

**Motion made by S. Plessner to continue Case 10-04 to December 14, 2010 at 6:35 p.m. seconded by N. Canzano. Vote taken and motion passed.**
Walmart will be scheduled on December 14, 2010 at 6:35 p.m.

**Impact fees:** Joyce Fulweiler received an email from LRPC Mike Izard stating they had staffing problems and have not started the project.

S. Plessner was asked to ask the board if you want to leave it with LRPC or withdraw and look for someone else to write the impact fee regulations.

After some discussion the board S. Plessner suggested she give Mike Izard a call and find out what time frame he’s talking about. She will review contract and call LRPC and will update the board at the next meeting.

**Motion made by M. Curley to adjourn the meeting, seconded by D. Cowan. Vote taken and motion passed.**

Meeting adjourned at 9:15 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)