TILTON PLANNING BOARD
Meeting Minutes – December 14, 2010

AGENDA

6:30 p.m. Call to Order
Minutes of the November 9, 2010
Correspondence
Other Business – Subdivision Mylar to be reviewed and signed.

6:35 p.m. Continuation of PB Case #10-05 Walmart expansion.

7:00 p.m. PB Case #10-10 Site Plan for Jim’s Cap Town Inc. Applicant seeks site plan approval to open Jim’s Cap Town at 209 Laconia Rd in Tilton, NH in the (RG) Regional Commercial District. Tax map R22 Lot 3-B

7:30 p.m. PB Case #10-11 Amended Site Plan for McLean’s Mobile Marine (formerly Adams Marine) at 1003 Laconia Rd, in Tilton, NH in the (RC) Resort Commercial District. Tax map U01/13 unit 50.

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

Others Present: Paul Young, D. Briggs, Cheryl Briggs, Jay Surdukowski, Brian Pendleton (TEC Inc.) Richard Maher, Peter Imse (Sulloway & Hollis), Steve DeCoursey (Bohler Engr) Florence Richmond, John Richmond, Jason Plourde, Glenn Hodge, Thomas Dombroski, Wayne McLean, Jim Aberg and Augusta Marsh.

Meeting:

6:38 p.m. Meeting was called.

Minutes:

Motion made by S. Plessner to bring the minutes of the November 9, 2010 up for review and approval seconded by S. Paratore. Motion passed. D. Cowan abstained.

Correspondence:

• Belknap Subaru – Spill Prevention, Control & Countermeasure Plan (SPCC)
• Wetlands & Non-site Specific Permit 2009-02136 for Pine Street
• Con Comm letter – Walgreen’s site plan – regular maintenance of the drain system with reports sent to the town annually or semi-annually. They have not received any of these reports.
• Letter from LGC – Legal inquiry (Expiration of Variances)
• DOT Driveway permit for Burger King & Subaru Dealership approval (R23/26B)
• Shoreland Impact Permit 2010-02951 for Belknap Subaru to expand parking lot & construct addition to existing building. (R23/26B)
• DES Commercial Discharge permit No. 006-01effective 11-22-10 for Belknap Subaru (R23/26B)
• Notice from Selectmen dtd 11-18-10 of Joe Jesseman to serve a four year term as commissioner on the Lakes Region Planning Commission.
• Lakes Region Planning Commission letter extending Time of Performance agreement to June 30, 2010.
• Con Comm letter to DES Wetlands Bureau to William Thomas Re: Wetlands and Non-site Specific Permit 2005-03055 18 Bittern Lane (R4 Lot 5)

6:40 p.m. Continuation of PB Case #10-05 Walmart expansion.

Peter Imes from Sulloway & Hollis presented an update on the progress we have made. Tonight Jason Plourde will discuss traffic issues and Jim Gallagher to discuss architectural issues.

Comments about the Groundwater Protection Ordinance:
• Your ordinance is modeled on a state model but is more stringent than the States. Working thru those we have identify two variance that we will need one being there is a prohibition in the ordinance against excavating within 4 ft of the ground water in particular the installation of new water and sewer lines. The variance has been prepared for the 12/23 ZBA filing date.
• The ordinance has an outright prohibition against any entity that generates hazardous waste. The way hazardous wasted is defined in the law is any single business that operates that generates hazardous waste would include a store such as Walmart. We do fall in that category so we will have to file a variance for the small amount of damage goods or spill cleanup that are disposed of by the store. Hope to have that filed by 12/23.
• We will need to file for 2 conditional use permits. One for exceeding 15% of the lot covered with impervious surfaces. One for regulated substances on the property. This one has slowed us up, we had to have experts go thru every product in the store and compared to the list of regulates substances. We have drafted the conditional use permits just waiting for supporting documents.
• We need a Stormwater Prevention Pollution Control Plan which has been drafted and is being reviewed.
• Also a Spill Prevention Control & Countermeasure Plan which as been drafted, reviewed and in process for final form.

I don’t think the conditional use permits will be ready for filing for the Jan 11 meeting so I would like to ask to be scheduled for the February meeting but we can discuss that at the end.

Jason Plourde from Greenland & Peterson

At the last meeting we talked about the expanded study area of Market Street, Sherwood Drive and the different alternatives for design option we could have at that location. We discussed putting up signs to have people use their directional signals and all way stop to control the intersection. I have been working with Brian Pendleton of TEC for Market Basket trying to find the best type of design or option for this intersection. We both have
come to the conclusion this is a good design alternative the all way stop. It’s up to the board to decide if they want to continue with this option.

Second issue that TEC has with the east bound lane at the traffic signal, under existing conditions the cars in the left turn lane stack up beyond the light. As part of the driveway application with the state if the state wants us to restripe to provide a longer storage for the left turn area then we will do that but this is a DOT decision. We haven’t presented the application to the state until we have gone through the planning process with the board.

M. Curley asked a scoping meeting has been held. J. Plourde stated the scoping meeting was held in May of 2009 which established the scope of study what intersection, time period and growth we should look at. We want to incorporate any comments the town has into our design prior to submission to DOT.

M. Curley asked if at the next meeting you will have designs of the potential intersection.

J. Plourde stated at the last meeting I presented to the board and board wanted more time to think about it.

S. Plessner feels that putting stop signs on both directions on Sherwood Dr. and having the one at the end of Market St as being a nightmare. What’s there works because of the design of the intersection? There is a natural right hand turn which lets the motorist on Market St. know the traffic is turning so they can make a left off of Market St. onto Sherwood Drive. Ms. Plessner feels adding a 3 way stop would delay traffic.

S. Plessner - How would the all way stop keep the traffic coming off Rte 3 from stacking up?

J. Plourde – explained that the cars will still have the right hand turn lane onto Market St the only cars that will be stopped are the ones continuing north on Sherwood.

S. Paratore feels that by coming to a stop would be counterintuitive and a hard sell.

S. Decoursey, Bolher Engr – This suggested all way stop was proposed by Market Basket and we thought we’d try to address. If the board feels this intersection works the way it is then we’ll go to the state and work with them.

J. Jessemen asked who perceived this intersection to be a problem.

Brian Pendleton from Tec and I agree that intersection works great as it is but Walmart was proposing to open a new driveway 100 ft north of the intersection which will permit cars to go straight through which effects the cars leaving Market St and our customers. If they are not opening the new driveway then the issue goes away.

P. Imes explained that adding the new driveway was a request by the town at the conceptual meeting we had a few years back. Walmart is not set on this driveway or the
all way stop and if the town states they don’t want the driveway or the all way stop and we can deal with both of these issues.

Jim Gallagher from PB2 Architecture Engineering

We just got the new designs approved by Walmart late last week. One of the items discussed was the curved items and this board wanted gable forms also using granite stone in the front, divided lights in the windows and lower scale profile of the building. The colors and signage will be the same as previous shown. We are hoping this is the way you want us to go and the way you wanted it to be.

S. Paratore thanked Mr. Gallagher for listening and working with the board on this design. The design is what we were looking for.

Discussion opened to the public.

Richard Maher mentioned hazardous material at the site is already being handled. The impervious roof surface and the water coming of it, maybe you could design a bed under the building to recharge the aquifer.

Mr, Richmond had a question about the island in the Walmart parking lot. It was explained that putting an island in the center of the parking lot to control the flow of cars.

Discussion closed to the public.

Peter Imse asked if they could continue this case to February 8 meeting.

Motion made by M. Curley to continue PB Case 10-05 Walmart expansion to February 8, 2011 at 6:35 p.m. Seconded by R. Haberman. Vote taken, motion passed.

7:38 p.m. PB Case #10-10 Site Plan for Jim’s Cap Town Inc. Applicant seeks site plan approval to open Jim’s Cap Town at 209 Laconia Rd in Tilton, NH in the (RG) Regional Commercial District. Tax map R22 Lot 3-B.

M. Curley reviewed the application and it appears to substantially complete, made a motion to accept the application, seconded by S. Paratore. Vote taken motion passed.

Tom Drombroski Land Surveyor and Glenn Hodge Manger for Jim who is in Florida.

This property was a mobile home sales lot on Rte 3. We are proposing to open Jim’s Cap Town Inc. at this location.

The property:
• 1.09 acres
• Proposed garage 24 x 24 on concrete slab
• Existing building on the property will be used for the office.
• Well and leach field installed and existing.
• Landscaped in the front and will add landscaping in the back.
• Lot of the property is paved.
• New entrance to the back of property will be hard packed with a gate
• Driveway entrance after discussion with Mike Kimball DOT wants the entrance to be 35 ft.
• Caps will be stored on racks height of 10 ft high with max display of 200 caps.
• Lighting will be downcast and would be installing 2 downcast lights for security.
• Drainage – there is natural berm around the entire property. The drainage is all set it was designed well.
• There is an existing sign that is 14 ft wide and 10 ft. which will be used as letter board sign.
• Only use sand for ice control and salt on the customer walk areas.
• We only have 2 employees one in the office and one installer.

S. Plessner asked about the design of the proposed building and what type of temporary building.

G. Hodge gave a copy of the sketch of the proposed 24 x24 building. We would be using canvas building until we determine if we have the business. We are signing a year’s lease but should know the how business is doing in 8 – 10 months. This building would also be used to store tractor used to lift the caps. There is no towing or repairs being made. The only big truck is the one that delivers the caps weekly.

S. Paratore asked what type of accessories.

G. Hodge stated truck accessories like side bars, rain guards and bug deflectors type add ons.

J. Jesseman asked about washing the cap and what type chemicals are used.

G. Hodge explained the caps come from the factory painted and we only use biodegradable car wash solution and a power washer to remove road grime.

Discussion was opened and closed to public with no public input.

S. Plessner made a motion to approve the site plan with the following conditions:
• Compliance with State Fire Codes
• Compliance with Tilton Signage Regulations
TILTON PLANNING BOARD
Meeting Minutes – December 14, 2010

• Temporary building to be replaced in one (1) year with a permanent type structure if you are going to remain at that location.
• Compliance with NH DOT requirements.
• If you begin to store any auto chemicals or do any auto repairs you will be required to do an amended site plan.
• No salt to be used with your snow removal.

D. Cowan seconded the motion with the amendment of the permanent type structure.

M. Curley the motion has been made and seconded all in favor, the MOTION PASSED.

8:05 p.m.  PB Case #10-11 Amended Site Plan for McLean’s Mobile Marine (formerly Adams Marine) at 1003 Laconia Rd, in Tilton, NH in the (RC) Resort Commercial District. Tax map U01/13 unit 50.

Nick Canzano recused himself from this case.

M. Curley after reviewing the application which appears substantially complete I make a motion to accept the application, seconded by S. Plessner, vote taken motion passed.

Jim Aberg owner of Chantress Development presented to the board.

This marine has been in existence since after World War II when Dick Wadleigh started this marina and operated this marina as sales and service for 30 years. The business was then sold to a Mr. Sullivan who then sold it to me in the early 1980’s. I renovated the property and built house that are there.

The commercial space first tenant was Joe Plessner who ran the Woodchip Company and he sold chainsaws, snowblowers, and snowmobiles. The next tenant was Adams Marine who bought out Joe and phased out the power equipment. One of Adams vendor was canvas operation and they rented space. Adams eventually took over the whole building. Adams sold water skis, keen board, fishing gear, trolling motors and electronic fish finders. Adams was purchased by business out of Gilford and they continued the operations that Adams had. The business did not survive the recession. I was looking for a new tenant and McLean’s Marine rented the whole facility with the same operation. He has expanded in the front of the building sporting goods aspect by adding the hunting to the line. This the same use of the property since Mr. Wadleigh open the business in 1948. Retail is retail even though there is a change of mix in the merchandise but it is still sales and service. The gun shop was added where the parts department used to be. They have received all the inspection and proper licenses from the state authorities.
J. Jesseman asked if the gun room was completed. Mr. Aberg noted it was complete with all the bars on the windows for security.

S. Plessner asked for Mr. Aberg to show on the plan where customer park which he did.

J. Jesseman asked about the parking and signage on the island. Mr. Aberg stated that is state property and I don’t have control over that. There is no need for people to park there as we have enough parking. People do park in the right of way when go into get lobster. It is a congested neighborhood for parking.

Fire inspection has been done and all the issues they found have been corrected.

The snow is all plowed down middle in front of boat storage area and we use the sun to melt instead of salt.

S. Paratore asked about the signage. Mr. Aberg noted the signage is what’s there.

M. Curley asked about the washing of the boats. Mr. Aberg explained that they use a power washer or wash by hand on a movable rack.

Discussion opened to the public:

Nick Canzano asked if Mr. McLean’s vehicle has to be parked where it is as it is blocking site to pull out on to the street.

Mr. Aberg agreed that is a safety issue and his tenant will move the vehicle.

Discussion closed to the public and reopened back to the board.

S. Plessner made a motion to approve the amended site plan for McLean’s Mobile Marine with the following conditions:

- Compliance with the Town of Tilton signage regulations.
- Compliance with State of NH Fire Codes.
- No salt used in the winter except by the doorways.
- Show parking on the plan. This can be drawn on the plan.
- No parking on old Rte 3 roadway that would block traffic.
- No signage in the right-of-way.

Motion seconded by J. Jesseman. Vote taken, motion passed.

Other Business:

M. Curley reviewed and signed the site plans for Belknap Subaru site on 35 Tilton Rd. and the subdivision site plans for Dwyer Estate at 53 Clark Rd.
Zoning Changes:

S. Plessner stated in doing some research for the some zoning changes I discovered the public hearing held on October 13, 2009 did not have a quorum and at the end of that public hearing no vote was taken to take the ordinance to the town meeting for a vote. This process is spelled out in the RSA’s on what step have to be taken to have something on the ballot to become part of the zoning.

S. Plessner stopped today at the Local Government Center in Concord and talked to Paul Sanderson. He suggested that because we are going to have a public hearing in the coming month that we include the Groundwater Protection Ordinance part of the public hearing and it will have to go back on the ballot.

S. Plessner suggests along with the other items we can also have a public hearing on the Groundwater Protection Ordinance as part of our January 11, 2011 public hearing. We can let the public know there were procedural errors and we are correcting them so our ordinance is more substantially complete.

Proposed zoning changes –
S. Plessner would like to add the following changes to the variance section after 11.12.4:

11.12.5 A variance not implemented within one year of the date of approval or other time period specified in the Notice of Decision shall automatically expire.

(This would allow anything going before the ZBA to put a condition on the approval that it would expire in one year if there is no use.)

11.12.6 All variance approvals prior to March 2011 become null and void if a zoning amendment that affects the variance is enacted before the variance is implemented.

This would allow old prior variances to be come null and void if we have a zoning amendment that would directly effect that variance. If the variance has not been implemented at all they would have no standing and would become null and void.

Nick’s suggestion for certificate of occupancy will be added as a second paragraph to 10.4 as follows:

Any new business moving into existing commercial structure shall require a certificate of occupancy. All new business coming into town will be required to register with the land use office in the Town of Tilton.
We have also discussed the mobile home park section which we need to review but at this time we should make the following clarification.

Mobile Home Parks add to 8.2.1 to read:

Minimum park lot size shall be ten thousand 10,000) square feet, or as required by NH Water Supply and Pollution Control Division regulations, whichever is larger. Any new park over 6 units shall be connected to public water and municipal sewer systems **IF AVAILABLE WITHIN 500’ OF PARK PROPERTY.**

S. Paratore suggested that we make addition of to our signage ordinance to prevent signs being installed on roofs of buildings. Such change could be:

**2.3.7(e)** No signage located on any roof or any part of the roof structure.

S. Plessner after some discussion concerning family apartments the board agreed it should be changed 10.8 to read:

An apartment may be made in, or added to a single family dwelling for relatives of the family. Such apartment shall not be converted to rental or non-family use except where permitted by zoning.

Suggestions to add the following definitions for:

**Flea market:** Flea Market means any location other than a permanent retail store at which space is rented or otherwise made available to others for the conduct of business as transient or limited vendors. This term shall not include those persons who sell by sample, catalog, or brochure for future delivery, or those persons who make sales presentations pursuant to a prior invitation issued by the owner or the legal occupant of the premises. (RSA 358-Q:1)

**Seasonal Dwelling:** Seasonal dwelling: Any structure including but not limited to private cottages and guest or tourist cottages or any portion thereof which is capable of being used as a residence for one or more persons but which, because of a lack of heating, water supply, sewage treatment, electricity, cooking facilities, or any other factor relating to the structure or the land on which it is situated, cannot be continuously used as a residence on everyday of the calendar year.

S. Plessner brought up Mr. Chaille question about automotive in the RC zone lets them work on cars and maintain them but not sell them. The RC zone is very limited on what can be done there because there is no water and sewer. The only businesses appealing to this area are businesses that don’t need a lot of water and sewer. I would suggest we could allow auto sales by special exception so it could be reviewed to control the number of cars to the size of the lot. The site plan process could allow use to number the amount of cars on the site. The special exception would allow two boards to review the proposal. We could change
Motor vehicles Sales and rental to (S) special exception and (2) Sales and installation of vehicles parts and accessories to (S) special exception.

M. Curley would like to see more use of permeable pavers used in the area. This would allow them to have more coverage if using the permeable pavers as example well allow 75% coverage but we change that to 65 % and 75% coverage if they use the permeable surfaces. We could start to encourage this on future site plans.

Discussion on residential caretaker board agreed - to change to add special exception for them in MU, MR, RC, RA and GC zones. They would not be permitted in the RG, VR and DN zones.

S. Plessner - I will be putting the wording for these changes we have been discussing in an email for the board members to review and if you have any changes please let Augusta or myself know as we will be working on the ad for the paper on Dec 20th.

**Having no further business, motion was made by R. Haberman to adjourn the meeting. Motion seconded by D. Cowan. Motion passed.**

Meeting adjourned at 9:45 p.m.

Minutes prepared by Augusta Marsh

(The minutes are subject to review and approval of the Planning Board at the next scheduled meeting.)