TILTON PLANNING BOARD
Meeting Minutes – September 13, 2011

AGENDA

6:30 p.m. Call to Order
Minutes of the August 9, 2011 & August 18, 2011
Correspondence, Other Business

6:35 p.m. PB Case 11-12 Subdivision for Paul & Kathleen Gaudet. Applicant proposes to subdivide the existing buildings and lot from the remaining land. Property is located at 635 W. Main Street, Tilton, NH in the General Commercial District. (Tax Map R16 Lot 1)

7:00 p.m. Joint meeting with the Sanbornton Planning Board to discuss Rte 3 Auto Sales (Tax Map U1/4)

7:30 p.m. Steve Schuster - conceptual discussion of Lochmere Meadows Affordable Housing. (Tax Map R10/7-1)

7:45 p.m. PB Case 11-13 Site Plan Approval for Rick Gagnon. Applicant seeks to establish a U-Haul business at 554 W. Main St in the General Commercial District. (Tax Map R26 Lot 14)

Workshop – to discuss CIP committee

Members Present: Jane Alden – Vice Chairman, Nick Canzano, Mike Curley, Sandy Plessner – Ex Officio, and Rich Benson – Alternate. (Mr. Haberman called not able to attend this meeting)


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

The Vice Chairman asked Rich Benson to sit on the board as a full member for this meeting.

Minutes: Vice Chairman asked if the members had reviewed the minutes for August 9th and August 18th. N. Canzano made a motion to accept the minutes for August 9th and August 18th, motion seconded by R. Benson. Vote taken and motion passed unanimously.

Correspondence:

- DES Alteration of Terrain Permit Application #110609-073 for MB Tractor on Manville Rd has requested more information. (Jane read the letter into the minutes)
- NH Division of Historical Resources Project Review Lochmere Meadows II
- NH Division of Historical Resources for John Bernard states it has been determined that there are no know properties of archaeological significance with the area – no further identification or evaluative studies are recommended.
- The Source - Summer 2011.
- DOT – driveway application for John Bernard (R9/53 Lot 1 Grange Rd).
- 2011 Municipal Law Lecture Series for September & October.
- NH DES Wetlands File 2011-00407 Raymond Levasseur – 6 Pearl Lane R22/29 has been withdrawn for consideration.
- Tilton Fire Impact Fees legal response from Local Government Center.
- Response from Peter Imse concerning well drilling at Walmart.
- Shore Permit Application for Water Line Replacement Project at Park St/Granite St in Tilton & Northfield.
- Update on “Keep Right” sign at Lowes Drive will be installed within 2 weeks.
- Resignation letter from Deana Cowan were read into the minutes.
- Resignation letter from Sarah Paratore were read into the minutes.

Vice Chairman stated this leaves the Board with two (2) vacancies and without a Chairman. If any of you know of anyone interested in being on the Planning Board please have them contact the Selectmen or the Land Use office.
The Vice Chairman took a moment to remember Vicy Virgin, a member of our community who was very active in civic affairs, as a Selectmen, served on the Budget Committee, Zoning Board, Parks Commission and ran the food pantry at the local church. In respect for her, Vice Chairman Jane Alden asked for a moment of silence.

6:45 p.m. PB Case 11-12 Subdivision for Paul & Kathleen Gaudet. Applicant proposes to subdivide the existing buildings and land from the remaining land. Property is located at 635 W. Main Street, Tilton, NH in the General Commercial District. (Tax Map R16 Lot 1)

Vice Chairman stated the application appears substantially complete. Motion made by S. Plessner to accept the application, motion seconded by M. Curley. Vote taken and approved application accepted.

The Vice Chairman recognized Tim Bernier from T.F. Bernier Inc. Mr. Bernier told the Board his company had prepared the subdivision plans for the Gaudet’s. We are proposing a subdivision of the property located at 635 W. Main Street. The application is as follows:

- 9.5 acre lot located on W. Main Street next to the Tilton/Franklin boundary line.
- Proposing to subdivided 1.48 acres with the buildings which currently has the Napa Store.
- The 8 remaining acres bordering the Hannaford property on the Tilton/Franklin line will have 197 feet of road frontage.
- The other 1.48 lot will have 236 feet of road frontage.
- Both lots are in the General Commercial District.
- Currently the 8 acre parcel is a vacant lot.

S. Plessner asked Mr. Bernier to explain the two waivers they are requesting.

Mr. Bernier explained the first waiver request as follows:
Section 4.8C, a partial waiver is requested as it pertains to a Boundary Survey of the entire lot. We are asking for partial waiver of the boundary. We surveyed all of the frontage and the town line of the parcel being created. We did not go all the way to the rear of the property as there is boundary survey for Jensen's which we used for the other lines. On the plan we have distances which are plus and minus. I did make a change to the original plan that was submitted. On the final version of the plan explained what plans the rear dimensions came from. The back of the lot was not resurveyed.

S. Plessner stated she can understand why you didn't want to go all the way back but according to the Registry of Deeds regulations which describes a plat as a map of specific land where the boundaries are defined as meets and bounds. Plus and minus is not defining that lot. Mr. Bernier stated this is very common way when subdividing a small portion of the lot the entire is not surveyed. The registry is full of plans exactly like this one.

The second waiver request is:
Section 4.8E, a partial waiver is requested as it pertains to topography on the lot. Topography is shown on the front of the lots to a depth of 300 ft, sufficient to determine that the lots are buildable. No wetlands soils were found within this area.

S. Plessner asked if they checked for wetlands in the back and Mr. Bernier responded they only did the area in the front parcels to make sure it met zoning regulations for minimum lot size.

R. Benson asked if there was any definitive plans for the other piece of property. Mr. Bernier said he is unsure of the future plans but any development is the General Commercial District will require a full site plan.

Vice Chairman asked Mr. Bernier about the letter they received from the Tilton-Northfield Water District has that issue been resolved. Mr. Bernier explained the town line for Tilton & Franklin runs along this property and the
property does get their water from the City of Franklin.

The Vice Chairman opened discussion to the public.

Jennifer Viarengo stated she was present tonight to observe as she hopes to be in front of this board to discuss the rest to the lot.

The Vice Chairman closed to public and reopened to the Board.

Ms. Plessner asked if they had contacted DOT for the curb cut. Mr. Bernier presented an approved driveway permit for the existing uses on the proposed lots. There is curb cut but it is shown as a vacant lot so anyone with a proposed project will need contact DOT for an updated commercial driveway permit.

Mr. Curley requested the snow storage area to be shown on the plan.

Hearing no further comments or questions Ms. Plessner made a motion to approve PB Case 11-12 subdivision plan for Paul and Kathleen Gaudet with the following condition:

- When Lot 2 is being submitted for site plan review it will require boundary survey, check the wetland and topography before it will be approved.

Motion seconded by R. Benson. Vote taken and motion passed by unanimous vote.

7:00 p.m. Joint meeting with the Sanbornton Planning Board to discuss Rte 3 Auto Sales (Tax Map U1/4)

Mr. Canzano recused himself from sitting on the board for this portion of the meeting.

The Boards introduced themselves to each other. Bob Ward of Sanbornton, explained, as discussed at the previous meeting, he had some additional information. The purpose of our Board coming to meet with you tonight is to decide what position the Tilton Board is going to take for Giguere Auto if any action to be taken and what that would be. We would also like to explore proceeding jointly and if there is a decision to move forward and any meetings with Giguere to be joint meeting with our two Boards.

Mark Moore, property owner, and Jeff Isabelle, manager of Giguere Auto, are also present tonight.

Bob Ward stated we have done a great deal of research into the records we have on file and this goes back to 1996 when the owner Caravona received an approval for additional impervious coverage on the lot from the Sanbornton Zoning Board. We do not have in our file anything to substantiate a review by the Planning Board for a home occupation. We currently have in our zoning ordinance 2 levels of home occupation which are level 1 which is small operation and level 2 which allows for up 3 additional employees and limits the number of customer visits per day as well as support vehicles. At a later time a request came into the Planning Board from Caravona to waive of site plan review and that was granted in 2004 for an expansion of the 2 bay garage to a 4 bay garage to operate a small auto sales business limiting it to the display of one vehicle in the driveway.

The Sanbornton Board position is to gather more information. I have spoken to DOT about the road frontage being in Tilton and they are concerned about placement of pavement in the Rte 3 right of way and they don’t have on a commercial permit on file for this business.

Mr. Ward offered the following options:

Option 1- Gather information, meet jointly to explore this matter and determine if an approval was granted has the business expanded beyond the approval compliance, we would then require an amended site plan review to comply with the current site plan and zoning requirements.
Option 2 - No previous approval found and a new site plan review would be required.

We hope at the end of this process to have a business operation still in existence but which is fully in compliance with both Tilton and Sanbornton zoning and site plan regulations. I have also supplied a letter from the Sanbornton town attorney who would be available to represent both towns.

Vice Chairman Alden asked the Tilton Board how they would like to proceed:

1. Are we going to investigate?
2. Meet jointly with the Sanbornton Board to review this case.
3. Are we going to share an attorney.
4. Do we request a new site plan be submitted to both Boards.

The Vice Chairman noted she rode by the business today and it is no longer a one car display as the lot is covered and Tilton's zoning does not allow auto sales in the Resort Commercial zone.

Ms. Plessner stated when she worked in the land use office the gentlemen came to discuss having auto sales at this location as it was approved by Sanbornton. Ms. Plessner explained in Tilton auto sales were not allowed in that district and the autos would have to kept on the Sanbornton side of the property. I also informed them to apply with DOT for a commercial driveway permit.

Ms. Auger of Sanbornton stated the original application was for Caravona to work on autos in the garage and not being displayed. At the time Sanbornton did not have rules for home businesses.

Mr. Bormes of Sanbornton stated our concern is they had an application for one type of business which now has exceeded the application and Board wants to bring the site back into compliance. I feel they are beyond the 30% impervious surface lot coverage they received a variance for.

After some discussion the Boards agreed a new site plan should be completed by the current owners for the both Boards to jointly meet and review. The boards agreed to make this process as timely as possible for the current owners of the business.

Mr. Bormes of Sanbornton asked if this business is violating any Tilton ordinances?

Ms. Plessner states auto sales and rental is not permitted use in the Resort Commercial District.

Mr. Ward of Sanbornton stated this is a permitted use in our Commercial Zone with limitation of setbacks and maximum impervious coverage.

Mr. Curley also noted the pavement is in violation of Tilton's setbacks of 30 ft and impervious surface coverage of 60%.

Mr. Ward asked if the Tilton Board wanted to make a decision about sharing the attorney. The board feels it is a good to share the attorney. Mr. Ward stated he would notify Attorney Christopher Boldt of Meredith and ask him to take whatever action is appropriate to establish the attorney client relationship with your Board.

Ms. Plessner asked to hear from the property owner to see if they had a questions or statements.

Mr. Canzano stated he is a friend of Mr. Moore. The piece of property that is owned by the Town of Tilton has never been taxed. Why couldn't the Town of Sanbornton purchase this piece of property and the property becomes all Sanbornton and would become a commercial property.
Mr. Ward explained to Mr. Canzano that private ownership does not change municipal property lines. This property still needs to have a new site plan to bring this up to a commercial business as this was previously a home occupation business.

Mr. Curley asked if the home is currently being used as a dwelling. The owner stated the house is being used as an office.

Mr. Curley asked Mr. Moore if he would voluntarily present a new site plan so both Boards would not have to do anymore research into the past.

Vice Chairman asked Mr. Moore to answer some of the Boards questions. Mr. Moore stated in his mind he purchased this business from John Caravona who had cars displayed in the front and was an ongoing car lot approved by the state. We only tried to improve it in the 5 years we have been there. I will search my records to see if I have a copy of the site plan but I will agree to submitting a new site plan if that is what the Boards want.

The Boards suggested Mr. Moore start with Sanbornton for the site plan and file an application with DOT for a commercial curb cut. He will also need to seek a variance from the Tilton Zoning Board of Adjustment for the piece of land which is in Tilton.

Vice Chairman asked Mr. Moore if he is agreeable to presenting a new site plan to Sanbornton with a joint meeting with both Boards for review. Mr. Moore agreed to this option.

Mr. Ward stated there are two items on this site plan which would pertain to Tilton. One being the driveway change from residential to commercial and the paving up to the right of way. I will be the point man on the planning side and Chris Boldt for the legal side. I will coordinate what Sanbornton requires on the site plan with what Tilton has for zoning regulations. Two applications submitted to each town and a joint public hearing for both boards to deliberate to give them answer.

8:00 p.m. Steve Schuster - conceptual discussion of Lochmere Meadows Affordable Housing.
(Tax Map R10/7-1)

Steve Schuster representing the Lochmere Meadows Affordable Housing Limited Partnership and developer of Phase I. We are here tonight to discuss Phase II with conceptual concept and direction from the Board.

Mr. Schuster gave history of Phase 1 of the project. The previous owner had an approved site plan for 3 apartment units and 19 single family houses for over 55 which he amended to remove the over 55 aspect of the site plan. We purchase the property in 2010 and came before the Board to do a 2 unit land condominium which was a subdivision creating land unit A which was Phase I and land unit B which is Phase II.

The conceptual proposal for Phase II was prepared by Chris Nadeau our site engineer on this project. What we would like to do in Phase II is to take the same type of buildings as built in Phase I in the land unit B section. The buildings will 1 with 5 units and 2 building with 7 units being 1 ground unit and 6 townhouse units. All units will have 2 bedrooms.

Ms. Plessner explained the zoning has changed since this site plan was approved. The density changed. If you stay with the 19 single units on the approved site plan then you wouldn't have to do anything. But if you want to change to the 3 building units you will need to seek a variance in density.

Mr. Curley suggested a variance should be first with the ZBA, if variance is granted then you should move forward with the amended site plan for your proposed changes. The amended site plan will require you submit a new application with a copy of what has been approved and the proposed changes you are looking to make. Most of the field work at this property has already been done.
Pat Consentino asked if they were going to back to the 55 and over concept. Mr. Schuster stated that was not their intention to anything but family housing.

8:10 p.m.  PB Case 11-13 Site Plan Approval for Rick Gagnon. Applicant seeks to establish a U-Haul business at 554 W. Main St in the General Commercial District. (Tax Map R26 Lot 14)

Vice Chairman explained Mr. Gagnon has submitted a request to have this case continued to October 11, 2011 to have additional time to prepare.

Motion made by Ms. Plessner to continue PB Case 11-13 Site Plan Approval for Rick Gagnon to October 11, 2011 at 6:35 pm, seconded by Mr. Curley. Vote taken motion passed unanimously.

Workshop:

Ms. Plessner discussed developments on the impact fee. The Tilton Fire impact fees information received from Mike Izard at LRPC may not be legal. The municipality doesn't own any of the land so according to the RSA's, it is questionable if it would be legal for the town to collect impact fees for the Fire District.

Ms. Plessner stated she had requested a legal opinion from the Local Government Center and they stated there are no Supreme Court decisions on the issue but it seems quite doubtful that the Town would have authority to charge impact fees on a public safety facility which is being operated by the Fire District.

I forward the LGC response on to M. Izard and we received a response back suggesting the Town get an opinion from the town attorney. It is up to the board if you want to do that or go by the legal opinion from the LGC. If we want to accept this opinion on the fire impact fees, then we should pick something else to have like roads and highways.

Mr. Curley would like to get an answer either way from legal counsel on the Fire District whether it is for this year or some other year.

Vice Chairman agreed it would be difficult to move forward on the fire impact fee if we don't have an RSA that would support it.

Ms. Plessner stated the Board can look into impact fees for the Fire District for the future but what do we want to do now? We have a limited amount of time left on our contract. If you want to go with roads and highways with a CIP program to support that Mr. Izard already has a roads impact fee written that could be adapted for our community. One item the Board needs to think about is most of the town roads are state roads. If the Boards wants to go with roads then they should be the town roads. If we only want to do impact fees for the police then we may seek a refund from the contract.

J. Jesseman feels Manville Rd needs to improved and upgraded or any of our town roads needs to be improved.

Ms. Plessner noted Mike Izard will be at the meeting on Sept 27 to go over the impact fee for the police. We won't be having any cases that night.

The Board feels we should proceed with impact fees for the town public road systems and drop the fire impact fees. Ms. Plessner will inform Mr. Izard on Wednesday September 14.

Ms. Plessner asked the Board about the drafted impact fee ordinance and was wondering if there is any questions or changes to this draft. This is a general impact fee ordinance that will be placed on the March ballot. The only CIP project we have received at this point is from the Police Chief for new radios.
Vice Chairman noted the Board needs to sign the mylars for the Phillips House and Cottage condominium conversion.

Vice Chairman states we also need a motion by the Planning Board to seek approval from the Select Board to spend the monies required to share the attorney with Sanbornton.

Mr. Canzano asked why do we need to get attorney involved. Ms. Plessner thinks the attorney is there to guide the boards to make sure we don’t leave the town’s with something that is not complete. The bulk of all the decision which will happen on that property will fall on Sanbornton except for the small area which is in Tilton.

Motion made by Mr. Canzano and seconded by Mr. Curley to recommend to the Board of Selectmen to jointly use the Sanbornton attorney. Vote taken and motion passed unanimously.

Vice Chairman asked Rich Benson if would like to become a full board member. Mr. Benson agreed. S. Plessner to recommend to the Board of Selectmen to appoint Rich Benson as a full Planning Board member.

Motion made by Mr. Canzano and seconded by Mr. Benson to adjourn meeting. Vote taken and approved.

Meeting adjourned at 8:55 p.m.

Minutes prepared by Augusta Marsh.

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