TILTON PLANNING BOARD
Meeting Minutes – November 8, 2011

AGENDA                                                                             (Approved on 12-13-11)
6:30 p.m.  Call to Order
    Minutes of the October 11, 2011
    Correspondence, Other Business -
6:35 p.m.  PB Case #11-14  Conditional Use Permit with in wetlands buffer zone. Property
    Owned by 570 Laconia Rd, LLC looking to install a parking area on Grange Rd.
    in the Mixed Use District.  (R9/53)
6:45 p.m.  Conceptual discussion with Joan O'Connor to have a winter Farmers Market.
7:00 p.m.  PB Case #11-15 Subdivision for Paul & K. Brigid Gaudet.  Applicant seeks to
    subdivide one new lot from current lot.  Both lots will share a common driveway
    and to  be served by municipal water and sewer. Property located at lot next to
    635 W. Main Street in the General Commercial District.  (R16/1-1)
7:30 p.m.  Workshop – CIP Proposal Review & Zoning changes.

Members Present: Jane Alden – Chair, Rich Benson – Vice Chair, Robert Haberman, Nick
    Canzano, and Sandy Plessner – Ex Officio.
    (M. Curley called on 10-27-11 to let the board know he would not be available)

Others Present: Joan O'Connor, Pat Consentino, Katherine Dawson, Joe Jesseman, John
    Bernard, Steve Schuster, Don Foote, Fran & Bruce Martineau, Gerald Chaille, Dennis Gaudet,

Meeting:  Chairman called the meeting to order at 6:30 p.m.

Minutes:  The Chairman asked if the Board Members had reviewed the minutes of the
    October 11, 2011 meeting.

Motion was made by Ms. Plessner and seconded by Mr. Haberman to approve the minutes of
    October 11, 2011 with noted correction of his name from Richard to Robert.  Vote taken and
    motion passed.

Correspondence:
    • Copy of the letter from S. Plessner to Adele Fulton of Gardner-Fulton requesting legal
    • Free Flood Protection and Mitigation Surveying Services.  FEMA has hired local
        surveyors and is offering any community in the state their services actives such as high
        water marks, developing Base Flood Elevation zones, creating benchmarks in areas
        that do not have them and surveying compliance issues. Contact OEP office.
    • NH Division of Historical Resources for WRHS project was determined no historical
        properties affected.
    • NH Town and City October issue.
    • Letter from Bob Ward Sanbornton Planner concerning Giguere Auto Sales site plan
        deadline. (Chairman Alden read the letter to the board)
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- LRPC – Local Services Program – if considering local planning initiatives in the upcoming fiscal year or in the future LRPC would like of work with you project development process includes a detailed scope of services to assist you in requesting an appropriate level of funding.

6:35 p.m.  PB Case #11-14 Conditional Use Permit with in wetlands buffer zone. Property owned by 570 Laconia Rd, LLC looking to install a parking area on Grange Rd. in the Mixed Use District. (R9/53)

Chairman Alden notes the application appears substantially complete, Ms. Plessner made a motion to accept the application, motion seconded by R. Haberman. Vote taken, motion passed.

Mr. Bernard stated he is seeking a Conditional Use Permit within the wetlands buffer zone in order to create a 6 space parking area. The key aspects include:
- If an agreement can be reached, the town may be using this parking area for the Senior Center.
- There is a need for parking as there is an overflow from my building.
- Mr. Bernard feels this design meets a lot of the concerns.
- Mr. Bernard will be installing an allen block wall to allow the water to filter through it.
- Will also take into consideration some of the runoff by installing rip rap along the sides of the block wall to handle excess runoff.
- The parking area is 3200 sq. ft. and the impact on the 20 ft wetland buffer is 1300 sq. ft. so the wavier I would need is for 1300 sq ft.
- This plan has been to DOT and Mr. Bernard has received DOT Driveway permits.
- This plan has been in front of the Board of Selectmen and Mr. Bernard stated he believed the Selectmen are on board with this project.
- Conservation Commission has presented a letter regarding this project and Mr. Bernard stated he had addressed their concerns. Delineation of the wetlands was done by a wetland soil scientist and the flags are still there and are accurate. The Conservation Commission’s other concern is the parking area and the 20 ft. setback and I want to state this parking area does go right up to the property line.
- The parking area will be gravel so there will not be any impervious surface.
- There are also several trees which are leaning over the area and the Grange which would be taken down.

Ms. Plessner asked Mr. Bernard if he has met with the Conservation Commission?  Mr. Bernard noted he had not met with them. The next time the Con Com meets is on Nov 21 and Mr. Bernard stated he will be out of town on that date.  Suggestion was made to contact the Con Com to see if it would be possible to set-up a different meeting time.

Chairman Alden stated it is was her understanding that the Selectmen had not taken any action on Mr. Bernard’s plan.  Mr. Bernard agreed but added he was not sure if there is any
action they needed to take. Mr. Bernard stated he was hoping he and the town can work this out but, if not, he was still looking for a solution to the parking problems for his building.

The Board had some other questions concerning the wall in the buffer area and rip rap and where the water would flow. Mr. Bernard explained the water would be absorbed into the wall.

6:50 p.m. Discussion opened for public comment.

Pat Consentino, Chairman of the Board of Selectmen, stated she didn't want the Planning Board to take Mr. Bernard's comment that this project had been approved by the Board of Selectmen as it had not been. Ms. Consentino's concern was the wetlands. Mr. Bernard will use the 20 ft buffer for parking. Ms. Consentino continued by saying she felt if this conditional use permit is approved, it would allow him to park cars in the wetland buffer. Ms. Consentino felt more information and research was needed before a decision was made on this project.

Katherine Dawson urged the Planning Board to stick to the process and gather all the information, which includes meeting with the Conservation Commission before making a decision. We need to be concerned with a parking area and where the runoff will go from the cars and the best way to capture the run off before it gets into the environment.

7:05 p.m. Close to public and discussion back to the Board.

After discussion, the Board members felt Mr. Bernard should meet with the Conservation Commission before the Planning Board can make a decision on this Conditional Use Permit.

Motion made by Ms. Plessner to continue PB Case 11-14 to December 13, 2011 at 7:00 pm to allow Mr. Bernard the opportunity to meet with Conservation Commission. Motion seconded by Mr. Benson. Motion passed.

The Chair asked Ms. Marsh to let the Board know when the Con Com will be meeting with Mr. Bernard so they can be present.

7:00 p.m. Conceptual discussion with Joan O'Connor to have a Winter Farmers Market.

Joan O'Connor stated she wants to have a Winter Farmers Market at the Agway building on E. Main Street. She gave a history of her background. For the past 2 years she had been at a garden center in Concord but lost that space. She stated she had been looking for a new space and found the Agway building. Ms. O'Connor stated she had been in negotiations with the owners of the property and they are in favor of this project. So far Ms. O'Connor stated she has 20 vendors committed to this market to sell produce, meats, baked goods, and prepared foods such as chili. All the vendors are required to have product liability insurance. The market would be open every Saturday from 10 am to 2 pm in January, February and March. Ms. O'Connor says she is anticipating 900 to 1000 visitors each of the Saturday's.
The Board asked about parking for all the anticipated visitors. Mr. Gaudet, owner of the property, stated he has spoken to MB Tractor for additional parking and for police to help with traffic control when needed. If there is additional parking required, we may even use a bus to shuttle people to the Winter Market.

Pat Consentino commented we have great local people which she would like to see included at this winter farmer's market.

Some questions about using the local people. Mr. Gaudet stated this is a local project and we are hoping to include the local people in this market.

Katherine Dawson explained to Ms. O'Connor Tilton a self inspecting community for restaurants and food protection. All the applications for food would have to go through the State. If there is wine sold at this farmers market they would have to apply to the State for liquor license.

The Board feels this is a permitted use of the location. The property owner is present and is in favor of this Winter Farmers Market. The biggest concern raised by the Board is whether or not the area can handle the additional traffic but it seemed the owner and Ms. O' Connor have considered the traffic issue and had made arrangements should they become necessary.

7:20 p.m. PB Case #11-15 Subdivision for Paul & K. Brigid Gaudet. Applicant seeks to subdivide one new lot from current lot. Both lots will share a common driveway and to be served by municipal water and sewer. Property located at lot next to 635 W. Main Street in the General Commercial District. (R16/1-1)

Chairman Alden stated the application appeared to be substantially complete and motioned to accept it. Motion seconded by Mr. Benson. Motion passed.

Jonathan Crowders from T.F Bernier represented the Gaudet's for the subdivision plan. Mr. Crowders presented the plan subdividing a 1.25 acre lot with a common easement from the almost 8 acre lot. The common easement of 66 ft will allow for access to the new lot as well as the back lot. The lot being subdivided is currently paved.

Ms. Plessner stated only two lots can be served by one easement so the back lot could not be subdivided any further. Mr. Crowders stated they are aware of this.

7:35 p.m. Chairman Alden opened discussion to the public.

Bruce Martineau stated he lives at 4 Fox Hill Circle in Jensen's and this lot abuts the back of my lot. We are concerned with the potential development of this lot with parking and lighting.

Mr. Gaudet stated they have no plans for building on this lot but have had some discussion with Jensen's about future development and a possible connector into the park.
7:40 p.m. Chairman Alden closed the public discussion.

Chairman Alden, hearing no further discussion from the Board, asked for a motion.

Ms. Plessner made a motion to approve the subdivision with the condition that the remaining lot in the back would not be further sub-dividable under the current conditions. Motion was seconded by Mr. Canzano. Motion approved by a unanimous vote.

Other Business:

Chairman Alden read the letter dated Nov 8th from Attn. Regina Nadeau concerning Lochmere Meadows Affordable Housing Phase II. It states that she is advising her client they need a formal determination by the Planning Board as to whether or not a variance is necessary, which a decision must be made during a public hearing.

Ms. Plessner stated she felt when Mr. Schuster came before the Planning Board conceptually to discuss their changes to the site plan, they were in a public hearing. At that time the Board stated they would need to seek a variance from the ZBA for the density as the Planning Board does not have the authority to give relief from the zoning.

Mr. Schuster explained their attorney felt before one can ask for an appeal you would need a denial from the Planning Board

Ms. Plessner explained that they are not looking for an appeal. You would be going to the ZBA to seek relief from the density regulations.

Mr. Schuster stated their attorney feels we should file a site plan application and let the site plan application get denied as due process then seek a variance from the ZBA. Mr. Schuster stated they were also looking for waivers to information necessary to the application. Mr. Schuster stated they want to come before the Board at the next meeting with a site plan, have it accepted, and let you vote to deny because it doesn't meet the zoning density.

Ms. Plessner explained cases have come before the Planning Board which had issues which needed to go to ZBA and case proceed through the site plan process and were approved conditioned upon an approval of a variance from the ZBA. Ms. Plessner stated the problem she sees with Mr. Schuster’s plan is he would be bringing in an incomplete application and she didn’t feel the Board would accept it being incomplete.

After discussion, the Board determined and agreed the protocol should start with the ZBA for a variance for the density. Density needs to be resolved first then come to the Planning Board with an amended site plan. The Board instructed Ms. Marsh to send a letter to Mr. Schuster’s attorney.
Budget:
Ms. Plessner wanted to go over the budget items for our budgeting process:
• 2011 - Board needs to authorize the final payment on the Police Dept Impact Fees as soon as they have been accepted. Would like to have this paid before 12/31/11.
• 2011 – Does the Planning Board want to enter into a contract with LRPC to complete the Highway Impact Fee study in the amount of $5,577. If yes, do they want to encumber unexpended funds from this 2011 budget in the amount of $5,874 to be spent in 2012? The Planning Board will need to notify LRPC immediately so they can prepare a contract for signature before 12/31/11. The Selectmen will need to approve and sign the contract as well. The contract with LRPC is for $5,577 and the remaining amount is for the legal review by the Town's attorney for $297.00.
• 2012 – The Selectmen need to know what the Planning Board is requesting for money for the Master Plan Update and Consulting fees line items. Planning Board has always budgeted $2,000 for consulting fees such as professional engineer, surveyor, wetlands scientist, etc. Regarding the Master Plan update. It may need to be updated as the latest census data for 2010 is available.

Ms. Plessner explained she has been reviewing and updating the chapters of the Master Plan and when finished she will have Ms. Marsh email the chapters to the Board for their review. Once finished, we can have a public hearing after which we can vote to adopt the Master Plan and sign it, and then the Master Plan can be published. We will need some money in the budget to cover the publishing.

Ms. Plessner stated the Board could get quotes for publishing the Master Plan or we could publish it in house, like we do the town report.

Chairman Alden stated what was recommended to her was a $1000.00 for the Master Plan and $2,000.00 for consulting for total of $3,000.00.

Ms. Plessner made a motion to authorize the final payment to LRPC for the Police Department Impact Fee Methodology to be paid before December 31, 2011. Seconded by Mr. Canzano. Vote taken. and approved by unanimous vote.

Ms. Plessner made a motion to enter into a contract with LRPC to complete the Highway Impact Fee Study in the amount of $5, 577.00. Seconded by Mr. Benson. Vote taken, motion passed by unanimous vote.

Ms. Plessner made a motion to encumber unexpended funds from the 2011 budget in the amount of $5874 to be spent in 2012 (this includes the amount of $297.00 for legal review by the Town's attorney). Seconded by Mr. Haberman. Vote taken, motion passed by unanimous vote.

Ms. Plessner made a motion to have Ms. Marsh let Ms. Fulweiler know Wednesday November 9th to contact LRPC to let them know the Planning Board want to enter into a
contract for the Highway Impact Study and need the contract as soon as possible so it can be signed on or before December 31, 2011 so that the monies can be encumbered. Seconded by Mr. Benson. Vote taken and approved by unanimous vote.

**Workshop:**
Mr. Chaille discussed his thoughts with the Board concerning the Resort Commercial District as far as dealing with the automotive section of the Chart of Permitted Uses. There are several areas that are contradictory, such you can't sell autos but you can work on them. The Board agreed to review this area to see what could be in the RC district. Some of Mr. Chaille's suggestions for this area would include a medical center, storage facilities, and car dealerships.

Mr. Chaille also suggested if there is a development on Rte 3/11 maybe the town could suggest the developer donate 12 ft of the land and when enough land is donated then maybe the State could use it to add turning lanes to help the flow of traffic along Rte 3/11.

Mr. Chaille asked if he should still go forward with a petition. The Board stated Mr. Chaille should go forward with a petition as it was something he really wanted to do. The Board explained that petitions can be submitted to the Planning Board from November 14 to December 14, 2011. The Board also let Mr. Chaille know that once the petition had been verified by the Town Clerk it could not be withdrawn.

Ms. Plessner stated in the Master Plan there is a section which talks about the future need to run water along Rte 3/11. This would help so much with the development of this area along Rte 3/11.

Mr. Jesseman stated he is not in favor of more car lots but there should be some other types of businesses that could go into RC district.

Ms. Plessner stated we need look at the section in the Chart of Permitted Uses covering restaurants which is confusing to anyone reviewing this chart. Other items to consider for the ballot are building fees, a definition of substantial development as it pertains to site plans, the new impact fee ordinance and of course, potential new uses for the RC district.

Having no additional business a motion was made by Ms. Plessner and seconded by Ms. Alden to adjourn the meeting. Motion passed.

Meeting adjourned at 9:10 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.)