Tilton Planning Board  
Meeting Workshop – July 24, 2012

Agenda: (APPROVED 8-14-12)
6:30 p.m. Call to Order
Tilton Board of Selectman discussion regarding site plan reviews
Workshop – reviewing zoning regulations

Members Present: Jane Alden – Chairman, Normand Boudreau, Robert Haberman – Alt, Sandy Plessner – Ex Officio. Others present: Augusta Marsh

Selectmen Present: Pat Consentino, Katherine Dawson, and Joe Jesseman.

Meeting: Meeting was called to order at 6:35 p.m.

The Chairman explained the Planning Board will now be meeting on the 4th Tuesday of the month to work on the Master Plan and the upcoming warrant articles for the March ballot.

Ms. Plessner stated Dan Crean will be starting classes soon. When the schedule for the classes is set an email will be sent to all the Planning Board members.

The Chairman explained the Selectmen are here tonight to discuss site plan review procedures. There is some confusion on when a site plan review is or is not required. Recently the graphic design business rented a space on Main Street that was previously an insurance office. The person was told a site plan review was not needed because both businesses were retail. A graphic design shop is not the same as an insurance office. Chairman Alden says she always uses the Standard Industrial Classification Codes that industry uses in deciding the classification of a business. Apparently those standards have not been used in the past. When the antique/consignment shop went in on Main Street, the space had previously been a social service agency.

At the Selectmen meetings recently there had been some discussions about the definition of change of use and when it is required. Earlier this year the Planning Board created guidelines and designed an application for a change of use review. The Chairman stated when a space goes from an insurance company to a retail sign shop that is a change of use and when building goes from a social service agency to a retail store that is a change of use. The Selectmen had asked to be present so we can define a change of use and when a site plan review is required.

Chairman Alden read an article from Town & City by LGC. “Our planning boards seem to spend much of their time dealing with subdivision and site plan applications. What about those functions. Those are, of course, important functions. They are considered special grants of authority. The general function of a planning board is to prepare a master plan for the development of the municipality and to investigate, advise and recommend programs for development of the community and construction of municipal improvements.”

The Chairman opened the discussion to the Selectmen for their thoughts on site plan review. Chairman Alden stated whatever is covered tonight will be taken under advisement and discussed at the next meeting.
Selectmen Jesseman stated “my feelings about site plans is the Planning Board does whatever they want to do. Dan Crean is coming and that is a question you should ask him. I am here to work on the Master Plan”.

Selectmen Dawson explained the problem is people come into Town hall wanting a building permit to open a business in an existing store front and we have to determine whether or not they need to do a site plan. A building permit should not be issued if a site plan is required. What does it mean when you say projects not subject to site plan review? Selectmen Dawson did not see the graphic design business going into the insurance office space as a change of use. It has customers coming in but not many, not selling product to the general public, low impact, not a lot of change in traffic, not changing the footprint of the building so there is no change of use. The Planning Board decides this is a change of use. The definition in the town zoning regulations shows change of use as “change or expansion of use means any different use of a site”.

The Chairman asked Selectmen Dawson how would she define the change of use? Selectmen Dawson stated she wouldn't use the term, it is to general. This definition is subject to interpretation. People come into Town hall and the first person they see is Augusta or Al. These people are looking to open a business or wanting a building permit for a business. If a person needs a site plan review then they should not be issued a building permit. At that point a decision has to be made by Augusta, Al and sometimes they call me. If every new business looking to open in town has to do a site plan then the Main Street will be empty.

Ms. Plessner explained when she and Joe worked in the Land Use Office people would come in wanting to open a business. We would ask them questions to determine if there would be any changes to the building, traffic and parking due to increase customer base. If there were no changes and if the property had been site planned before then a site plan would not be required. The businesses in the downtown would only be required to do a site plan if a restaurant was going into a space where a restaurant had never been. In the past this was the only way to have a certificate of occupancy. Now the new business forms require a business to have a certificate of occupancy prior to opening to the public. Unless a business coming in the downtown makes changes to the building, parking, traffic flow, utilities, etc they would not need to a site plan review. Our new guidelines for a site plan review state that a change of use does not need a site plan if there are no changes to the building, parking, or traffic flow or requirements for drainage or utilities.

Chairman Alden explained she has concerns with the business at 315 Main with parking because there are 4 or 5 cars parked there and the lot only has 2 parking spaces. Selectman Dawson stated the town does not have zoning which regulates any type of parking.

Ms. Plessner has searched the internet and found some material that could be incorporated into what has been written to help to eliminate what does and does not need a site plan. There are website that lists uses that are compatible with other uses to help to determine if a site would be required. She will have copies made for the members to review. This may help to simplify the process of whether or not a site plan is required. A definition for the term change of use is not easy to find.
Selectmen Consentino explained the Selectman would like to avoid the recent confusion. When a person comes into Town Hall to get a building permit at the Land Use Office and speaks to Augusta and/or Al is when the determination if a site plan is or is not required by going through the checklist. We are here to clarify the change of use so we can all work together as a team. Once the determination has been made a site plan is not required then the person should not be told they have to come in for site plan.

Ms. Plessner stated if Al or Augusta are not sure whether or not a site plan is required, then the person can schedule to meet with the Planning Board for a conceptual or fill out the change of use review form and submit it to the Planning Board for review. She is hopeful the change of use review application form will help answer these questions. Al and Augusta are the ones in the office when the people come in for a building permit or to open a business. They ask the questions and make a determination if a site plan is needed or not. She feels once they have made that decision, is should not be questioned if the individual asking has been told they do not need a site plan review. To have an individual go through the site plan process after they were told it was not necessary is wrong. If the Planning Board does not agree with what Augusta or Al decided then the Board should sit down with them and go over the guidelines they would like to see the Land Use office use when determining what the individual needs to do.

Selectmen Dawson read from a paper prepared by the Southwest Regional Planning Commission, which a portion was paid for by the Office of State Planning. “In an effort to clarify what constitutes a change of use of sufficient magnitude or impact to trigger planning board action the following guidelines will be observed:

- proposal involves new construction of non-residential or multi-family development
- change of use category from residential to commercial
- proposal involves external modifications or construction, including parking lots
- proposal involves expansion of a building or intensity of use which would result in traffic volume, noise, lighting, etc.
- if the proposal involves a property that has never received site plan review.

This is an example or guidelines to use when deciding if a site plan is required or not. There is also a process in this article which describes an expedited review for a minor site plan. The criteria for minor site plans are:

- when no new construction is involved
- when construction is not greater than 2500 sq ft
- when site impact are not expected to be sufficient in terms of traffic, parking, etc.

Selectmen Dawson stated in the past 12 years it has been pretty easy for the Land Use office to determine what needs a site plan review. Recently, something has changed as this particular Planning Board is a little more strict. The Planning Board is the ultimate authority for site plan so we in the Land Use office and Town hall need to know what the Planning Board wishes are so we can tell them what the Board wants us to tell them. If the Planning Board makes all small businesses coming into town do a full site plan, it may turn businesses away.

The Chairman explained the Planning Board has come up with criteria on the change of use
review form for the applicant to fill out which the Board will review to determine if a site plan is required or not.

Chairman Alden stated the Planning Board will be discussing everything that has been talked about tonight at the next meeting.

8:00 p.m. Workshop

Ms. Plessner suggested the Board start thinking about what they want to put on the ballot for the next town meeting. Since the board received a letter from Dan Crean concerning what our zoning does not say about setbacks, the Board needs to give some direction or clarification in our zoning regarding setbacks and we need to add parking regulations to our zoning to give guidance regarding site plan reviews.

Ms. Plessner suggested working on the Subdivision Regulations to make them agree with Tilton Driveway Permit. This meeting is a workshop, so no decision can be made but we can get the changes ready for a final decision at the next regular Planning Board meeting.

Article VII Driveways  Section F (pg 38)

Change:
#5 For all other driveways (common, commercial, industrial, multi-family, etc.) the minimum all season sight distance shall be three-hundred sixty-five (365) feet in all directions meeting the requirements for roadway intersections. Proper visibility easements shall be provided to meet the sight distance requirements. Maximum driveway width for a residential single family and duplex lots shall be sixteen (16) feet at the right-of-way with ten (10)-foot radii at the edge of pavement of the street. Minimum width for residential single family and duplex lots shall be determined by the needs of the Fire Department.

To read as follows:

#5 For all other driveways (common, commercial, industrial, multi-family, etc.) the minimum all season sight distance shall be **four hundred (400) feet** in all directions meeting the requirements for roadway intersections. Proper visibility easements shall be provided to meet the sight distance requirements. Maximum driveway width for a residential single family and duplex lots shall be sixteen (16) feet at the right-of-way with ten (10)-foot radii at the edge of pavement of the street. Minimum width for residential single family and duplex lots shall be determined by the needs of the Fire Department.

Ms. Plessner noted the Town driveway application #8 needs to be changed from 365 ft to 400 ft. This is what the state requires for all season sight distance.

On page # 39 Remove:
#7 In no case shall the culvert pipe under a driveway be less than twelve (12) inches in diameter or be plastic or aluminum.
Change #7 to read the same as #11 from Town of Tilton driveway permit conditions of constructions:

#7 Any driveways which requires a driveway culvert to maintain proper road drainage shall have a minimum inside diameter of 15 inches, and be minimum of twenty (20) feet long. All driveway culverts shall be constructed of HDPE plastic with water tight joints. In addition all culverts shall begin and end with head walls or flares.

Need to change Exhibit T-11 Driveway Detail – need to change the culvert size from 12” min dia culvert to **15” min dia culvert**. (These exhibits were originally done by Vollmer and can check for new ones)

Ms. Plessner brought up under Driveways: #4 All driveways shall conform to the side and rear setbacks contained in the current zoning regulations. According to Dan Crean’s recent letter, roadways and parking lots as long as they are not permanent structures can be in the setbacks. Although not what the Board originally intended this is not something we can enforced because of what is and is not allowed in the setbacks is not defined in the Zoning Regulations. After some discussion it was agreed to leave #4 as written, as the Board will be defining what is and is not permitted in the setbacks.

Ms. Plessner suggested changing #4 on the Town of Tilton Driveway permit conditions of construction to match #9 on the Subdivision Regulations Section F. Driveways (pg 39). This will allow some flexibility.

Change #4 under Conditions of Constructions from:
“*No driveway shall be constructed with 100 feet of an intersection road, said distance measured from the nearest road side line to the nearest driveway sideline.***

To: “*No driveway will be permitted to be constructed within fifty (50) feet of an intersecting street and one-hundred (100) feet is desirable.*

Hearing no further discussion the meeting was adjourned at 8.45 p.m.

Minutes prepared by Augusta Marsh.

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