Tilton Planning Board
Meeting Minutes – August 14, 2012

Agenda

6:30 p.m. Call to Order (Approved 8-28-12)
Minutes of the July 10, 2012 & July 24, 2012
Correspondence, Other Business

6:35 p.m. Continuation: PB Case 12-05 for Haven Grove at 7 Grange Rd (R9/55)
7:00 p.m. Continuation: PB Case 12-07 570 Laconia Road LLC at Grange Rd (R9/53)
7:15 p.m. Site Plan Review PB Case 12-08 J M Foy Family, LLC seeks to open an insurance office at
391 W. Main Street, Tilton, NH in the Mix Use District. (U8/46)
7:30 p.m. Boundary Line Adjustment PB Case 12-09 for Giguere Auto Wholesalers. Applicant is seeking to
adjust the boundary line between Giguere Auto and Pirates Cove. Property is located at 968 Laconia
Rd, Tilton, NH in the Resort Commercial District. (U1/4)
7:45 p.m. Conceptual-Noble Stone Works looking to open business at 250 Main Street, Tilton, NH in the
Downtown. (U5/6)
Approve changes to the Subdivision Regulations.

Members Present: Jane Alden – Chairman, Rich Benson – Vice Chairman, Judy Tilton, Eric Pyra, Sandy
Plessner – Ex Officio and Robert Haberman – Alternate.
(Elaine Grace & Normand Boudreau were not available for this meeting)

Others Present: Attorney Daniel Crean, John Bernard, Dr. Jilian Stugniew, Attorney Stephen Nix, Selectmen Pat
Consentino, Jonathan Bechard, Jeff Isabelle, Jeff Foy, Mark McLeod, Don Duval and Augusta Marsh

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

Minutes: Motion was made by Ms. Plessner to bring the minutes of July 10, 2012 to floor for discussion and
approval. Motion seconded by Ms.Tilton. Motion passed.

The Board reviewed the minutes of July 10, 2012 and noted some grammatical changes. Motion was made by
Ms. Plessner to approve the July 10, 2012 minutes with the corrections as noted. Seconded by Mr. Benson.
Motion passed.

Minutes: Motion was made by Chairman Alden to bring the minutes of July 24, 2012 to floor for discussion and
approval. Motion seconded by Ms. Plessner. Motion passed.

The Board reviewed the minutes of July 24, 2012 and noted several corrections. Hearing no further discussion
Ms. Plessner made a motion to approve the minutes of July 24, 2012 with the corrections as noted. Seconded
by Mr.Benson. Motion passed.

Correspondence:

- Free GPS Training in August/September. After the training volunteers will map locations in rural areas
  through the region. This will assist the NH Rural Addressing Project to create statewide data layer to be
  used to determine where access to broadband service exist and where it is needed.
- Letter from Joseph Geraci owner of 315 Main Street concerning no change to use of the property.
- DES Standard Dredge & Fill application for replacing 3 failed pipes with 3 concrete pipes on Rte 3 just
  south of Silver Lake Rd.
- The Source – Summer 2012 edition
- Shoreland Permit Application for Richard Belair for construction of new home at 585 Laconia Rd (R9/29)
  with driveway and well impacting 3316 sq ft.
- DOT Driveway permit for 319 W Main Street. Driveway 1 to be entrance only, Driveway 2 to be exit only
  (U8/46)
- Update on the conditions of approval for Zaremba (Dollar General Store) have all been met except for
  the DOT curb cut.
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- NH Town and City July/August edition
- NH DES has reviewed our community zoning and it appears the groundwater/aquifer protection ordinance does not include wellhead protection for public water supply wells.
- Email from Matt Casey of the Zaremba Group and Dollar General concerning the DOT curb cut.

The Chairman read the email from the Zaremba asking if the Town received a letter from NHDOT stating they will issue a curb cut for Dollar General once the easement has been signed and recorded. Would presenting this letter from DOT suffice for issuing the building permit, as they need the building permit in order to close on the land?

The Board agreed a letter from DOT indicating they would issue the curb cut access once the easement has been recorded would be acceptable.

6:35 p.m. Continuation: PB Case 12-05 amended site plan review for Haven Grove at 7 Grange Rd (R9/55)

Attorney Stephen Nix representing Mr. Bernard and Haven Grove, stated that during the last several meetings it became apparent there were some questions concerning the layout of Grange Rd and the original layout of Rte 3. After investigating, the surveyor adjusted the boundary and created the 17 parking spaces shown on this final design. The parking spaces will be striped. The curb cut will be delineated so there will be one way in and one way out. The snow removal area is shown on the plans. There is a catch basin on the Town’s property and this proposal calls for the installation of a new catch basin at the property line and rerouting the drainage so it no longer goes onto the town property. Attorney Nix continued by telling the Board the final plan showed the drainage and catch basin had to be moved over to Mr. Bernard’s property as it had originally been installed on the Town’s property.

Attorney Nix stated at the last meeting, the Board requested a document tying the employee parking to the Haven Grove property. We did not get the document done but we are looking at amending the existing lease to include the parking spaces on Mr. Bernard’s other property. We would request the Planning Board approve our site plan with the condition this document be submitted.

Attorney Nix introduced Dr. Jilian Stugniew, owner of Awakening Chiropractics and asked her to explain her business operation. Dr. Jilian explained when she opened the office 3 years ago she never expected the business to grow as it did. As we grew we faced some challenges with the parking. We have tried to correct them and make sure there was ample space for all to park with 10 to 12 cars in the parking lot. Dr. Jilian continued by saying in the last 15 months they had not grown so she felt this plan would suffice for their business. We now have a sign up sheet for the classes which are limited to 10 per class. The classes are always scheduled after chiropractic hours end at 6 p.m. There is only myself and one other chiropractor on staff, one usually seeing clients and one doing paperwork.

Attorney Nix again requested approval of the site plan with the condition the document amending the lease for the additional employee parking spaces.

Chairman Alden stated there were some discrepancies between this survey and the previous survey done by DMC and she would like these explained. Attorney Nix explained the discrepancies were due to the findings on 1777 layout of Grange Rd, layout of the new Rtes 3 in 1936, the state redesign of Rte 3 and in 1966 there was a taking of a triangle piece.

Ms. Plessner stated when she measured from the pin and she only had 109 ft and the plan has 122 ft. Attorney Nix stated the original boundary line between the properties was a stonewall depicted in the 1936 plans so he had no idea where the pin came from.
Ms. Plessner also asked about the drainage. Attorney Nix stated the drainage was installed in 2008 when the sewer line was put in. The grade of Grange Rd was changed, which shifted the water runoff onto Mr. Bernard's property so the drainage was put in as mitigation. The drainage ends up at a deep road side ditch.

Attorney Nix was asked to explain what was a cape cod berm was. Attorney Nix described the berm as being half round and made out of pavement similar to curbing which will direct the water to run into the drainage system on our property.

Ms. Plessner asked about the width of the parking spaces. Mr. Bernard stated the spaces will be 9 ft in width.

Chairman Alden asked if the retaining wall was designed to allow cars to park on it. Mr. Bernard explained the wall was built to support cars. The wall has what is called geo grid every 3 layers of blocks to strengthen the wall to hold the heavy weight.

Mr. Bernard explained per the town regulations he can only have 50% coverage and per the plan he only has 48% coverage and it doesn't allow for impervious surface. The regulations only specify surface. Attorney Nix explained zoning ordinance on lot the coverage is not tied to type of surface.

A question was asked about snow storage space and will the melting effect the retaining wall. Attorney Nix explained the snow melt will not affect the wall. If there is an issue with a large amount of snow it will be removed from the site. A note can be added to the plan stating that.

7:25 p.m. Chairman Alden opened the discussion to the public.

Dan Crean attorney for the Planning Board stated that on the lot coverage note, the plan is showing the parking lot in the front being 36 x 26 sq ft but there is no delineation between paved and unpaved. Mr. Bernard explained the paved area is the 36 x 26 in the front of the building. He also pointed out the areas which were gravel.

Attorney Crean asked if DOT had seen the new plan with the delineation of the boundaries. Mr. Bernard explained they had not but he met with DOT and they pulled out these old plans from their archives to supply us with this information.

Attorney Crean stated you are showing the construction of 2 foot retaining walls along the southwest boundary and the Rte 3 boundary. The retaining wall on the boundary on the Rte 3 side is existing but the other one will be going down to level out the parking area. Attty Crean explained the Planning Board will have to make this decision, but when you read the zoning ordinance, it says no structures are allowed in the setback. Structure is defined as anything constructed. A retaining wall is constructed and will need a variance.

Selectman Consentino has some concerns with snow storage in the front of the property and visibility of the neighboring property to ingress and egress. The other concern with the parking spaces 6,7,8,9,10 & 11 should have some type of hedge or barrier on Grange so ingress/egress would be at the designated driveway location. It is human nature for people to take the first parking spot they see.

Mr. Bernard agreed to install something to force people to use the driveway curb cut such as a hedge or curb stops to delineate the entrance.

Chairman Alden asked Dr. Jilian if she feels 17 parking spaces will be enough, if the economy picks up and her business increases. Dr. Jilian agreed these spaces will accommodate the current visitors. She doesn't want to take on more than what she can handle and feels the business is where she wants it to be. There are no events scheduled back to back and classes start after chiropractic hours.
Attorney Crean has concerns with modifying the lease for the additional 5 parking spaces on the other property. Attorney Nix explained he would be drafting an addendum to the lease for the 5 additional spaces to tie the two together.

Attorney Crean referred to the use table in the zoning regulations which talks about parking for employees, visitors but does not say offsite parking. Technically this will be offsite parking. He would prefer to see a long term easement for parking.

Chairman Alden closed the public discussion and brought it back to the Planning Board. She feels there is still the issue of having a structure in the setbacks. Mr. Bernard feels the parking could be built without the retaining walls there but having them would make it better. Atty Nix thinks there were two questions raised, is a cape cod berm a structure or is any curb a structure and is a retaining wall a structure.

Mr. Benson agreed for appearances the 2 ft retaining wall is a great idea but is a question for the ZBA to decide with a variance. The Planning Board would support the idea of having the retaining walls.

Ms. Plessner asked the Chairman for the Board to have a short discussion with our attorney.

8:15 p.m. The Board returned and Ms. Plessner made a motion to approve Case #12-05 Site Plan Review for Haven Grove located at 7 Grange Rd and plan dated July 17, 2012 with the following conditions:

- Drainage located on the Town property stays and will be maintained with the rest of the drainage.
- Maintain the drainage between B and C on your plan.
- Earthen berm and shrubbery from southwest corner to the limit of the driveway.
- Barrier along Rte 3 to be earthen berm with Burberry from parking spots 6 through 17.
- No classes or group activities during chiropractic hours.
- No more than one event at a time.
- Group activities to be limited to no more than 12 persons per event.
- Schedule events to allow adequate time between classes for access/egress of the parking.
- The approval is valid for no more than three (3) chiropractors.
- Compliance with State Fire Codes.
- Snow storage to be on the Rte 3 side of the property.
- Snow shall be removed off site when required.
- Compliance with the Town of Tilton Signage Regulations.
- Small direction signs on the property stating parking in designated spaces.
- Handicapped parking will meet State and Federal requirements.
- If the applicant does not apply for a variance for the retaining walls the Planning Board urges the applicant to do so.

Motion was seconded by Ms. Alden. Hearing no further discussion vote was taken and motion was passed, all in favor.

Attorney Nix asked about drainage, how the Board is proposing to deal with the properties right issue regarding drainage easements.

Attorney Crean stated the drainage is already there. We are saying by altering the site cuts off what has been historically there.

8:20 p.m. Continuation: PB Case 12-07  570 Laconia Road LLC at Grange Rd (R9/53)

Attorney Nix, representing Mr. Bernard for 570 Laconia Rd, LLC, described the plan to construct 5 employee
parking spaces for Awakening Chiropractic to use with some type of document which will tie the space to the Haven Grove property. He described the proposed driveway, retaining walls were proposed but will be removed and will grade the area. He gave the Chairman a copy of the drainage report and basically the report states the drainage on the site is designed to the runoff to drainage on Rte 3. With these documents and revised plan Attorney Nix believes they have covered the issues the Planning Board had discussed at the last meeting. We would request the Planning Board approve this plan with the conditions the retaining walls be removed and the legal document be drafted for the parking spaces.

Chairman Alden stated at the last meeting the issue of trees being removed was raised and wondered if it had been addressed. Mr. Bernard feels the trees should be removed. The letter presented from H.L. Turner addresses the stability of the Grange storage building with the construction of the retaining wall and the parking area.

Attorney Crean asked when the wetland delineation was done? Atty Nix stated the wetlands delineation was done in August 2011 for the subdivision of this property.

Ms. Plessner asked Mr. McLeod from H.L. Turner if it was his opinion the building integrity would be the same with the retaining wall installed or just grading the area. Mr. McLeod from H.L. Turner agreed it would be the same in both cases.

Mr. Bernard stated if the Planning Board is not allowing me to take down the trees then the Town will have to take responsibility for them if they come down onto that building.

Ms. Plessner made a motion to continue this Case 12-07 to September 11, 2012 at 6:35 pm to allow the Board to opportunity to review the drainage report. Motion was seconded by Mr. Pyra. Vote taken, all in favor.

8:40 p.m. Site Plan Review PB Case 12-08 J M Foy Family, LLC seeks to open an insurance office at 391 W. Main Street, Tilton, NH in the Mix Use District. (U8/46)

Chairman Alden reviewed the application which appeared to be substantially complete. Ms. Plessner made a motion to accept the application, seconded by Mr. Benson. Vote taken, motion passed, all in favor.

Mark McLeod, project manager from H.L. Turner Group represented the site plan for Jeff Foy.

Mr. McLeod explained they will renovate the single family structure at 391 W. Main Street to become an insurance office. There will be no changes to the building footprint. The front porch has been removed but is being replaced. The barn at the back of the property was removed to make room for parking. The existing driveway will be become an entrance leading to the back of the property with 10 parking spaces with an exit driveway on the other side of the building. We have received an approved DOT curb cut for the 2 driveways. The parking area will be for employee parking as most of the business is done by phone or internet.

We have worked to maintain an existing buffer to provide a green space which is close to the property line. Vegetation has been planted at the property line to prevent runoff. The back of the property will remain grassy. There will be swales along the driveway to collect runoff to the drain located on Rte 3. The driveway is to be paved. Snow storage will be in the back of the property and snow to be removed from the site if necessary.

Ms. Tilton asked about the lighting for the parking lot. Mr. Foy explained no lights will be on at night; would have timer on the lights to allow the employees enough time to get to their cars before it goes off during the winter months. The building exterior lights will all be downcast. Signage will be lit until 10 p.m. similar to the signs I have at the other 12 locations. Our hours of operations will be 8 am to 5 pm.

Mr. Benson asked about the distance between the edge of the parking and the neighboring property on the left
side. Mr. McLeod stated the distance was about 12 ft. There is an existing border we will be maintain to screen the lot.

Mr. McLeod stated they would be extending some retaining wall where the barn was and installing a retaining wall along the property line on the right. Mr. Pyra asked if these retaining walls would be in the setbacks as they are considered structures.

Ms. Plessner explained to Mr. Foy that would have to go the ZBA to obtain variances for the retaining walls and the paving of the driveways. Paving is considered a structure.

Discussion open and closed to the public with no input.

Hearing no further discussion Ms. Plessner made a motion to approve PB Case 12-08 Site Plan for J M Foy Family, LLC with the following conditions:

- Seek a variance from the Zoning Board of Adjustment for the retaining walls and paving of the driveway.
- Outside lighting to be turned off at night.
- Compliance with the Town of Tilton signage regulations.
- Compliance with State Fire Codes.
- Downcast lighting on the exterior of the building.
- Contact sewer department and the T-N Aqueduct Company for water service.
- Provide handicap parking compliant with State and Federal regulations.

Motion was seconded by Mr. Haberman. Vote taken, motion passed all in favor.

9:00 p.m. Boundary Line Adjustment PB Case 12-09 for Giguere Auto Wholesalers. Applicant is seeking to adjust the boundary line between Giguere Auto and Pirates Cove. Property is located at 968 Laconia Rd, Tilton, NH in the Resort Commercial District. (U1/4)

The Chairman reviewed the application which appeared substantially complete. Motion made by Ms. Plessner to accept the application, seconded by Mr. Haberman. Vote was taken, motion passed all in favor.

Don Duval of Duval Surveying Inc. representing Giguere Auto Wholesalers, stated the lot line adjustment was to correct the property line with Pirates Cove property. We are on the Sanbornton Planning Board agenda for Thursday August 16, 2012. We have received boundary line approval from the Sanbornton Planning Board. Now we are looking for the approval of the 54 square feet from this Board.

Ms. Plessner made a motion to approve the boundary line adjustment for 54 square feet for Case 12-09 Giguere Auto Wholesalers. Motion seconded Mr. Haberman. Vote taken, motion passed all in favor.

9:05 p.m. Conceptual-Noble Stone Works looking to open business at 250 Main Street, Tilton, NH in the Downtown. (U5/6)

Jonathan Bechard owner of Noble Stone Works gave an overview of the business he is hoping to open at 250 Main Street. “This will be a shop space for him to do my work. I do a lot of carving in stone and also make some decorative signs in wood. The 2 spaces in the front of the building are all I will need for parking. One space will be for me to unload a slab of stone. The interior space will remain basically the same but I will be adding some work benches. I do use a compressor but that remains on my truck. I will be putting in an air filter to filter the air.”

Ms. Plessner explained the signage allowed in Downtown is 20 square feet. Mr. Bechard said his sign will be a basic type of sign.

After some discussion the Board agreed this type of business would not need a formal site plan review.
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Other Business:

Chairman Alden reminded the Board to sign up for the Planning Board session with Dan Crean by August 15, 2012.

Chairman Alden stated the Board needs to make a motion to hold a public hearing on Sept 11, 2012 for the changes to the Subdivision Regulations Driveway Section and the driveway permit Conditions of Construction.

Ms. Plessner made a motion to have a public hearing on the changes to the Driveway Section of the Subdivision Regulation and to the Tilton driveway permit Conditions of Construction on September 11, 2012 at 7:15 p.m. Motion seconded by Mr. Benson. Vote was taken, motion passed all in favor.

Chairman Alden stated we need a motion to adopt the Police Impact Fee Analysis and Methodology. The Board had a public hearing in May of 2012 but the Board never made the motion to adopt the Police Impact Fee Analysis and Methodology.

Ms. Plessner made a motion to adopt the Police Impact Fee, Analysis and Methodology. Seconded by Mr. Pyra. Vote was taken, motion passed all in favor.

The CIP Press Release will be going in the Winnisquam Echo next week. The CIP application will be due back by September 21, 2012. The Board needs to pick a committee and if any of the Board members know anyone who is interested in being on the committee please let the office know.

Ms. Plessner notes the Board needs to work on what is or is not allowed in the setbacks for the town meeting ballot.

The Board reviewed the Conditions of Approval for Lochmere Meadows Affordable Housing Phase II and found they have all been met and signed the plans.

Selectman Consentino expressed concerns with the order of the Planning Board procedures. The Board will take the concerns under advisement.

Hearing no further discussion, the Chairman made a motion to adjourn, seconded by Ms. Tilton. Vote was taken, all in favor.

Meeting adjourned at 10:00 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.)