Agenda
6:30 PM Call to order.

PB15-10 Subdivision – proposal to subdivide one lot into two at 645 Laconia Road in the Resort Commercial District (U2/43)

PB15-14 Site Plan Review – proposal to operate an educational consulting and professional development facility at 120 East Main Street in the Mixed Use District (U4/42)

PB15-09 Site Plan Review – proposal to expand Tilton School's athletic facility to include six new tennis courts at 21 Pillsbury Lane in the Village Residential District (U7/39)

Other Business:
- Review the June 9, 2015 minutes
- Correspondence
- Other Business

Members Present:
Jane Alden (Chair), Eric Pyra (Vice chair), Elaine Grace, Judy Tilton, Juliet Harvey and Katherine Dawson (Ex-Officio Selectman)

Others Present:
Timothy Bernier (Shalimar Resort Corp.), Sharon & Peter Spanos (Shalimar Resort Corp.), Pat Consentino (Selectman), Sydney Leggett (YET, LLC), Fred Place (Phillips House and Cottages), Kim Place (Phillips House and Cottages), Lenny Smith (Phillips House and Cottages), Diedre Smith (Phillips House and Cottages), Nathan Collins (RAD Sports), Elizabeth Sheehan (Tilton School) Tara Brisson (Tilton School), Fred Heath (Tilton School) and Dari Sassan (Planning Board Staff)

Call to Order
Chairman Alden called the meeting to order at 6:30 PM.

PB Case 15-10
Chairman Alden read a letter submitted by Rodney N. Dyer of Wescott Law indicating that he represents the Emery family, who has owned the abutting property since at least 1961, and that the letter is not intended to voice objection to the subdivision, but rather to indicate that a boundary line dispute remains unresolved.

Mr. Bernier described the location and the proposal, explaining that a variance was obtained allowing for road frontage of 129 feet for each of the two proposed lots. He said that sewerage would be
pumped up to the road along a 20-foot-wide easement and that both lots would be served by a shared driveway and a shared well. He said that a revised driveway permit had not yet been obtained from NH DOT.

Chairman Alden asked if anyone from the public wished to comment. Ms. Smith said that she wanted to reiterate the message in the letter and acknowledge the existing boundary discrepancy.

**MOVED** by Ms. Dawson to **approve PB Case 15-10 with the following condition:**

- Necessary driveway permit shall be obtained from NH DOT.

**SECONDED** by Mr. Pyra.

All in favor, none opposed: **MOTION APPROVED.**

**PB Case 15-14**

**MOVED** by Ms. Harvey to **accept PB Case 15-14 for deliberation.** **SECONDED** by Ms. Tilton.

Five in favor, one opposed: **MOTION APPROVED**

Ms. Dawson said that the parking lot diagram submitted with the application did not show the location of the building. Chairman Alden asked about snow storage and parking that seemed to be blocking an exit onto Morrison Avenue. Ms. Leggett said that if it is required that the exit onto Morrison Avenue remain open, the proposed parking spaces would be removed. Ms. Dawson asked about the distance between the path of egress onto Morrison Avenue and accessible spaces, asking if the diagram had been drawn to scale. Ms. Leggett said that an accessible ramp and accessible spaces would not be near the exit and that the drawing must not have been drawn to scale.

Ms. Leggett explained that the organization would work with school districts in the area and around that State. She said that the facility would include two offices in the upstairs of the building and that two rooms downstairs would be used for professional development sessions, with a maximum of 12 teachers and administrators participating in small workshops.

Ms. Dawson asked about drainage features, noting that none were depicted in the submitted materials. Mr. Sassan speculated that Mr. Lander, Ms. Leggett's business partner, had not included that information, anticipating that the Board would deem it irrelevant, since no site work would be conducted.

Ms. Dawson said that certain items are required on site plans, including drainage features. Mr. Sassan said that the Planning Board has historically allowed applicants to forgo submission of certain elements when those elements have been deemed to be irrelevant to the proposal. He observed that the option of “N/A” provided on the application checklist has been utilized similarly to a waiver provision or waiver
request, where an applicant checks off “N/A” for elements he does feel are necessary, and the Board then decides between waiving submission of the required information, or requiring the information be submitted. Mr. Sassan said that, at some point in the near future, it might make sense to revisit procedures, but for the case at hand, he proposed the Board focus on whether the application contained sufficient information, and, if not, providing a list of additional required information.

MOVED by Mr. Pyra to continue PB Case 15-14 to the July 14, 2015 meeting to allow for the following additional information to be submitted by the applicant:

- A site plan, drawn to scale, depicting parking spaces and location and layout of catch basins and other stormwater management features.

SECONDED by Ms. Harvey.

All in favor, none opposed: MOTION APPROVED.

PB Case 15-09

MOVED by Ms. Tilton to accept PB Case 15-14 for deliberation. SECONDED by Ms. Harvey.

All in favor, none opposed: MOTION APPROVED.

Mr. Collins introduced the project, explaining that six new tennis courts are being proposed on the same site as the new, recently approved turf field. He said that the courts would slope at a 1% grade toward the existing detention pond, which was sized to accept runoff from eight courts. Mr. Collins said that runoff would be collected in a trench drain and directed to a fore bay for removal of suspended solids prior to release into the detention pond.

Ms. Dawson said that the lighting at the turf field is not in compliance with the conditions of the site plan approval. She said that there a number of things that need to be addressed, and that this case should be continued to allow for progress to be made in terms of attaining compliance. Chairman Alden expressed agreement, adding that regardless of compliance with reported light-meter readings, abutters are experiencing lighting spill greater than what was described.

Mr. Collins explained that light testing had been conducted to verify that proposed light levels were not being exceeded. He said that proposed trees on Prospect Street had been planted.

Chairman Alden asked if anyone from the public wished to comment. Ms. Consentino said that verification of light-level readings did not serve to mitigate the negative impacts experienced by neighbors. She said that the Board of Selectmen shares Ms. Dawson's stance that the hearing should be continued until the lighting matter has been resolved. Ms. Consentino said the choice of maples as border trees planted along another side was poor, adding that this case of direct dialogue between the Headmaster and a neighbor had resulted in a less than positive outcome. Mr. Heath said that part of the
dialogue with that neighbor included an agreement that expansion of the tree coverage would occur after the installation of the tennis courts. Ms. Dawson said that deciduous trees should not be used at any point for the purposes of screening light because games occur in the fall, when leaves have dropped. Mr. Heath said that any deciduous trees used, were in areas where light screening was deemed unnecessary. She added that the minutes of the July 15, 2014 Zoning Board of Adjustment meeting, and the minutes of past Planning Board meetings, indicate that the use of evergreen trees had been discussed, and that Mr. Saliba had expressed no objection to the use of evergreens. Mr. Collins said that he disagrees that the site is in non-compliance, stating that lighting and landscaping had been installed in exact accordance with the approved site plan, and that the site is in compliance with all town bi-laws.

Mr. Jones said that it was agreed that trees would be planted to block his view of the parking lot. He said that the maples that have been planted do not serve to block his view of the parking lot. Mr. Jones added that during construction of the previous phase, curbing was installed along the road, ending at his property. This curbing, he said, served to direct water to his property, undermining a stone wall, ponding in his backyard, washing out a fire pit he was constructing and twice flooding his basement. Mr. Collins said that he had not been made aware of that situation during construction. Mr. Heath said there is documentation verifying that the drainage issue Mr. Jones described had been in existence prior to any activity on the site. Mr. Jones said that the historic drainage issue had been corrected by him and that no water had accumulated in his basement in over two years.

Mr. Jones said that he has planted arborvitae trees at his own expense so that he does not have to wait for the school. Ms. Sheehan said that Mr. Jones and Mr. Saliba had spoken several times and that the school had agreed to cost sharing on landscaping to be installed as part of the installation of the tennis courts, which she indicated would be the appropriate time. Mr. Jones said that he and Mr. Saliba had been in communication, but he said that no resolution was reached.

Planning Board Members discussed continuing the case until existing issues have been mitigated. Mr. Collins asked what standard would be held in determining whether compliance had been reached. Chairman Alden said that, in this case, the Board of Selectmen is enforcing the matter, and she proposed the Planning Board await the approval of the Board of Selectmen before deciding on the case.

MOVED by Chairman Alden to continue PB Case 15-14 to the July 14, 2015 meeting. SECONDED by Ms. Dawson.

All in favor, none opposed: MOTION APPROVED (Tilton abstained).

Other Business
Planning Board Members discussed the importance of maintaining consistent standards when reviewing applications for completeness. Chairman Alden said that amending the application would help. Mr. Sassan said that for him, it was clearly evident, from day one, that the Planning Board has not, and does not, require submission of all items on the checklist. He said that he presented the Planning Board with language for a waiver provision, to be incorporated into the site plan and
subdivision regulations, adding that the language should be adopted along with other revisions. Mr. Sassan said that, starting immediately, he could take the stance that every single item on the checklist needs to be depicted, and if it is not, a written waiver request needs to be submitted.

Mr. Sassan said that the waiver requests could be presented to the Board, and the Board should vote on whether to grant the waivers. He said that presently, the checklist is serving as a waiver request form, in that the applicant uses it to indicate which elements he does not feel are relevant, and the Board reviews it and determine whether it agrees. Mr. Sassan said that he tells applicants that they have the option of checking elements off as “non-applicable,” but there is no guarantee that the Planning Board will not determine that it actually needs additional information to make an informed decision.

Board Members agreed that Mr. Sassan should begin requiring submission of all checklist items, with the expectation that a written waiver request will be submitted for any checklist items the applicant wishes to forgo. Additionally, Board Members agreed that the waiver provision discussed at a previous meeting should be adopted into the Site Plan and Subdivision regulations.

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Ms. Consentino asked for clarification regarding the interaction between the Planning Board and the Board of Selectmen in regards to the compliance matter at the Tilton School turf field. Ms. Dawson said that the Board of Selectmen is exercising it role as enforcement authority by enforcing the conditions of the site plan.

Review the June 9, 2015 minutes

MOVED by Mr. Pyra to approve the minutes of the June 9, 2015 Planning Board meeting. SECONDED by Ms. Dawson.

All in favor, none opposed: MOTION APPROVED (Tilton, Alden abstained).

Planning Board Correspondence
Chairman Pyra said there was no correspondence for review.

Other Business
Ms. Dawson proposed that time frames be placed on conditions of approval. Mr. Sassan said that language could be added to the regulations setting a standard time limit of two years for all conditions precedent.

MOVED by Ms. Dawson to adjourn this meeting. SECONDED by Chairman Alden.

All in favor, none opposed: MOTION APPROVED.

The meeting adjourned at 8:25 PM.