



OLD VALUES - NEW HORIZONS
COMMUNITY DEVELOPMENT

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Planning Board Minutes

February 6, 2013

Board Members:

Margaret Crisler, Chairman – Present
Ruth-Ellen Post, Vice Chairman– Present
Pam Skinner, Member – Excused
Kristi St. Laurent, Member – Present
Jonathan Sycamore, Member – Excused
Lee Maloney, Alternate Member – Excused

Carolyn Webber, Member – Excused
Ross McLeod, Selectman Alternate – Arrived at 7:40
Kathleen DiFruscia, Selectman, Excused
Sy Wrenn, Alternate Member – Present
Vanessa Nysten, Alternate Member – Present

Staff:

Laura Scott, Community Development Director
Elizabeth Wood, Community Planner
Nancy Prendergast, ZBA/Code Enforcement Administrator
Cathy Pinette, Planning Board Minute Taker

Call to Order/Attendance/Pledge of Allegiance

Chair Crisler called the meeting to order at 7:02 pm, followed by the Pledge of Allegiance and attendance and gave a brief synopsis of the agenda.

The Chair appointed Ms. Nysten to sit for Ms. Webber and Mr. Wrenn to sit for Mr. Sycamore.

Ms. Post read Case # 2013-2 Minor Site Plan Application into the record.

Case # 2013-2 Minor Site Plan Application

A Minor Site Plan Application has been submitted by The Dubay Group Inc., on behalf of MacThompson Realty Inc. for 125 Indian Rock Road (12-A-532), which is located in the Gateway Commercial District. The applicant is proposing to change the previously approved wall signs and free-standing signs for the complex.

- Ms. Prendergast stated she recommended that the board vote to review this proposal as a Minor Site Plan.

**Ms. Post motioned to accept Case # 2013-2 is a Minor Site Plan, seconded by Mr. Wrenn.
Motion passed 5 – 0.**

- Mr. Karl Dubay of the Dubay Group addressed the Board. He stated this was a minor site plan revision, the owner of Coco Early was in attendance and the sign designer. He stated the Planning Board approved wall signs and freestanding signs. Mr. Dubay gave a synopsis of the

history of the plan regarding the signs. The original approval stated the back of the signs would be beige with a red border. He is before the Board this evening to change the color scheme for the new business owners and their logos. Coco Early has a burgundy backing with white letters and True Blue Cleaners has a blue background with white lettering. The signs have already been put in place.

- Blaise Coco of Coco Early addressed the Board. He stated burgundy is the color of their sign which is what their customers know. It would not be feasible to change the color of their sign.
- Mr. Dubay stated he is also updating the Sign Sheet for the Z BA variance. There are also two notes on the plan that need to be changed per Ms. Prendergast.

Questions/comments from the Board

- The Board stated there was a lot of discussion on signs for this plan and beige was the intention of the background for the signs and what the Board.
- The signs are already in place and this request puts the Board in a bad position. The building is in the Gateway District and is supposed to have a cohesive look. The color of the sign was a condition of approval.
- Discussions need to happen before the sign goes up. The Board is trying to protect the aesthetics of the building.
- Appearance is very important and the Board was very specific to what they wanted.

Applicant's/Tenant comments

- Mr. Dubay stated there were other plazas in town and there were no recognition of businesses in them with consistent background colors. The only difference with his request is changing the tan background. He stated the original plan had maroon frames on the signs and now they do not.
- Mr. Coco stated he would not have moved into this location if he knew about the color restrictions on the signs. He stated having designated colors before having tenants was not a good idea in his eyes.
- The Chair stated the Board was very clear that they wanted consistent colors. The Board could be agreeable to a workable solution but not all different color signs.

The Chair opened the hearing to the public at 7:35 PM.

- Mr. Scott Roy, 18 Fish Rd., stated he was in favor of having companies have their logos and colors on the sign.

- Mr. Dan Hutchins, NH Signs, stated the original approval showed eight colors on the original signs. He stated the new signs are better than the approved signs.
- Mr. Dubay stated it does affect rental values with limited sign colors.

Public comment period was closed

- The Chair suggested allowing the applicant to look for a solution to satisfy all parties.

Ms. Post motioned not grant approval of the application at this time but to continue to a date certain, March 6, 2013 at 7 PM, for the purpose of presenting a possible proposal with a more uniform color scheme, seconded by Mr. Wrenn. Motion passed 5 – 0.

Mr. McLeod was seated on the Board at 7:55 PM

Major Watershed Applications

Ms. Post read Case #2012-37 into the record.

Case #2012-37 @ 18 Fish Road (21-V-250)

- Ms. Wood stated there has been a slight change in the impervious surface reducing it further due to the fact there is no shed. Also a note should be added to the plan listing the specific sections of the zoning ordinance that received variance relief. A variance was granted on October 9, 2012 with the following conditions: the staircase is not located within the 12 foot setback and recommendation that the Planning Board looks at runoff within the 12 foot setback and require ongoing remediation of potential runoff issues.
- Mr. Scott Roy, 18 Fish Rd., addressed the Board. He stated he has two houses on one lot. He is proposing to tear down one house which is 50 feet from the water and 2 feet from the lot line and move it away from the water. He stated he has removed the stairway completely from the plan. He is putting impervious stones on the side of the house to help with the runoff.

Questions/comments from the Board

- Does the applicant have a storm water runoff plan? Ms. Wood stated the Board was provided a memo dated January 24 from Mr. Keach and he found no issues.
- Were there any issues with the existing septic system and leach field and closeness to the wells? Ms. Wood stated the owner needs to put a note on the plan to maintain the septic system as it is part of the requirement.
- Is this lot grandfathered to have two homes on it? Ms. Prendergast stated it is a pre-existing nonconforming usage so the applicant can maintain it.
- The Board was concerned the impervious surface was still less than 1% with the new figures.

- The Board questioned why the concrete pad that the shed was on was still on the property if the shed was removed. Mr. Roy stated the retaining wall is connected to the pad. The Board questioned if Mr. Roy could remove it. Mr. Roy stated he could, but the wall might collapse as it is 4 feet high.
- The Board questioned the grade from Mr. Roy's house to the neighbor's house. Mr. Roy stated the neighbor's house is at a higher elevation. Mr. Roy stated he is also putting in gutters.
- The Board asked Mr. Roy about the pitch of the house. Mr. Roy showed the Board on the plans.
- Mr. Joe Pappas, the contractor, stated there will be gutters in the back of the house that drain into a dry well and are perforated. The Chair stated that needed to be on the plan.

The Chair open the hearing to the public at 8:25 PM, hearing no comment, the public portion was closed.

- The Board asked Mr. Roy what the age of the septic system was. Mr. Roy stated it was installed in 2005 and designed for six bedrooms.
- The Board asked the age of the underground propane tank. Mr. Roy stated it was a year or year and a half old. The Board asked if the gas line was connecting to the new house. Mr. Roy stated yes.

Mr. Wrenn motioned to Approve the proposed Major Cobbett's Pond and Canobie Lake Watershed Land Development Application, with the following conditions:

- 1. Add the following Notes to the Plan:**
 - a. Add the detail of the drywells shown**
 - b. Add detail showing perimeter drain and gutters tied to dry wells**
 - c. Add the catch basin to the plan**
 - d. Add a note to the plan listing the specific sections of the zoning ordinance that received variance relief.**
 - e. Add a note showing the location of the required 12' setback for the new structure and staircase**
 - f. There must be proper maintenance of the stone drip edge within the 12 foot setback of the new structure.**
 - g. Add a note to the plan stating that, per Section 616.6.3.4 the property owner will maintain a perpetual maintenance agreement of the common sewage treatment system that is sufficient to serve both dwelling residences.**
 - h. Update the impervious surface coverage information to reflect the accurate calculations, given that the shed was removed (proposed coverage is 6,345 sq. ft. for a total of 39.26% coverage), seconded by Ms. St. Laurent. Motion passed 6 – 0.**

Ms. Post stated this is the first time she has seen a Major Cobbett's Pond and Canobie Lake Watershed Application with a reduction of less than 1% but in this case she is okay with it.

Ms. Post read Case #2013-1 into the record.

Case #2013-1 @ 20 Viau Road (16-Q-210)

- Ms. Wood stated the variances granted to the applicant were in the Board's packet, Keach Nordstrom reviewed the plan and found no issues with it, and there are no outstanding concerns from the Technical Review Committee. She stated this week she was provided a copy of the NHDES shoreline permit from Mr. Maynard.
- Mr. Joe Maynard explained the scope of the project to the Board. He stated it was a new house which was the same size as the existing cottage, the carport will be a garage, this is the best view of the lake and there is some ledge and they are trying to use the existing footprint. The driveway is being reconstructed and pushed back. He will be putting a berm on the boat ramp. The septic system was installed in 2002 and has only been used seasonally since then.

Questions/comments from the Board

- The Board asked Mr. Maynard why he was keeping the old garage. Mr. Maynard stated they keep boats in the garage, they use it for general storage, and it's a nice structure.

The Chair open the hearing to the public at 8:45 PM, hearing no comments, the public portion was closed.

Mr. Wrenn motioned to Approve the Major Cobbett's Pond and Canobie Lake Watershed Land Development Application with the following condition: List the specific sections of the zoning ordinance that received variance relief on the plans and provide DES shoreline permit, Seconded by Ms. Post. Motion passed. 6 – 0.

The Board took a recess at 8:50 PM was back in session at 8:55 PM.

Meeting Minutes – Review and Approve

November 11, 2012 Non-Residential Zoning Subcommittee

Ms. Post motioned to approve the November 11, 2012 Non-Residential Zoning Subcommittee minutes as amended, seconded by Ms. Nysten. Motion passed 3 – 0.

Ms. Post left the meeting at 9 PM.

Site Plan Regulation Workshop

Ms. Scott stated this was a final workshop scheduled to review the proposed changes to the Site Plan Regulations prior to the February 20th Public Hearing. She stated she has made the requested changes from the January 23rd workshop and has provided the Board with both the “track changes” and “clean” copy of the Regulations for review.

February 6, 2013 Approved Planning Board Minutes

Section 100 - minor edits
Section 200 – no changes
Section 300 - minor edits and a question for Attorney Campbell incl. 301.4
Section 400 - add definition clarification and add a definition incl. complete application
Section 500 – no changes
Section 600 – major corrections, edits and language re-added. Review was stopped at Section 603.2.
Section 700 - edits and clarification of verbiage. The Board decided the Public Hearing notice on Section 701 - Section 707 incl drive thrus will be posted this evening by staff for Public Hearing on February 20th.
Section 800 – no changes
Section 900 – minor edits
Section 1000 - edits, add conditions of approval language to section 1003.3.4, Board noticed new language in Section 1001.
Section 1100 – edits, language added back in
Section 1200, Section 1300, Section 1400, Section 1500, and Section 1600 - no changes

The following was postponed to a future meeting date:

Master Plan

- 2012 Accomplishments
- 2013-2014 Priorities

Village Center District

- Discussion about Subcommittee Continuation
- Scope of Work
- Membership Appointment

Meeting Minutes – Review and Approve

- January 2, 2013
- January 9, 2013
- January 16, 2013
- January 23, 2013

January Staff Report

Mr. McLeod motioned to adjourn, seconded by Mr. Wrenn. Motion passed 5 – 0.

Meeting adjourned at 10:55 PM

These minutes were approved 3/20/12 and respectfully submitted by Cathy Pinette, Planning Board Minute Taker.