

**PLANNING BOARD MINUTES  
JANUARY 27, 1999**

**ROLL CALL:**

David Dubay-Chairman-Present  
Bernie Rouillard-Vice Chairman-Present  
Jack Gattinella-Secretary-Present  
Wayne Morris-Regular Member-Present  
Russell Wilder-Regular Member-Present  
Annette Stoller-Regular Member-Present  
Walter Kolodziej-Alternate-Present  
Keith Goldstein-Alternate-Present  
Margaret Crisler-Selectman-Present  
Galen Stearns-Selectmen's Alternate-Present

The Board met with town counsel concerning pending legal issues.

**OLD BUSINESS:**

Mrs. Stoller motioned to reconsider the second vote of the January 19, 1999 public hearing on Amendment # 12, Town Village Center, and Mrs. Crisler seconded. Mr. Thomas Case questioned the adjourning of the public hearing and if a 2/3 vote was needed to pass. Mr. Dubay explained Attorney Campbell reviewed the issue and declared a motion to reconsider was in order. Mr. Gattinella indicated he did not feel comfortable without public notice of the vote. Mr. Wilder motioned to move the question and Mrs. Stoller seconded. Vote on moving the question 6-1-1 (B. Rouillard abstained, J. Gattinella opposed). Mrs. Stoller motioned to approve amendment # 12, as amended, removing the word existing twice in section 612.3.1 and Mr. Wilder seconded. Mr. Gattinella indicated he agreed with Mr. Dubay and Mr. Goldstein. Motion carried 5-3 (D. Dubay, K. Goldstein, J. Gattinella opposed).

Mr. Rouillard returned to his position on the Board.

**DJR REALTY ( 13-A-31) - PUBLIC HEARING**

33 Rockingham Road

Mr. Turner reviewed the application for an adult video, books and paraphernalia store and indicated the plan met all site plan regulations and zoning requirements with the need for one (1) waiver. The waiver would be for soils and soils certification. Mr. Turner did not feel the application for adult entertainment facility with a towing business in the rear building was an issue. Recently the towing establishment moved and a motorcycle repair shop has taken its place. The NH DOT approved the driveway with the towing business and will need a revised approval.

Mrs. Crisler requested the required elevations and a detail of the signage. Mr. Wilder

motioned to accept the DJR Realty site plan for public hearing and consideration and Mr. Morris seconded. Voted 7-0.

Mr. Maurice Brancato, owner of the adult entertainment facility, addressed the questions on signage. The sign will state "Next To Nothing" and fit in the stanchion present now. Mr. Gattinella requested the owner submit the sign details according to the zoning regulations. Discussion followed on the application and checklist, which listed the towing business. The new business in the rear is a motorcycle repair shop. Mr. Gattinella suggested the Board review only the adult entertainment facility and have the business in the rear building come in separately.

Mr. Case reviewed the history of the previous meetings and suggested the Board could approve pending stipulations. Mr. Turner reviewed the plan, which depicted the two (2) buildings, the main entrance to the facility, the interior layout of the adult entertainment shop, placement of the dumpster and parking. Improvements will be made to the driveway entrance on Route 28.

Mr. Gattinella questioned the parking calculations for both businesses. Mr. Turner stated the parking calculations would be the same for the towing business as the motorcycle repair shop. Mr. Wilder point out the motorcycle repair shop would be a retail business. Mr. Turner indicated the parking was adequate. Mr. Dubay read a letter from the engineers, representing the applicant, pursuant to the parking calculations (on file).

Mr. Wilder indicated note # 7, a list of activities to be on the premises did not match the application and Mr. Gattinella questioned the owner's address. A letter from the School Department is needed to address bus stops in the area.

Mr. Gattinella motioned, for the purpose of this site plan, the motorcycle repair shop be excluded and Mr. Morris seconded. Mrs. Crisler suggested a modification of the motion to exclude the rear building. Mr. Gattinella amended the motion, to only address the adult entertainment facility plan dated December 16, 1998 and Mr. Morris seconded the motion. Discussion followed on the motion. Motion defeated 3-4 (R. Wilder, D. Dubay, M. Crisler, W. Morris opposed).

Mr. Dennis Rodgers, owner of the property, addressed the issue of the entire parcel's inclusion in the public hearing. The Board discussed the deficiencies on the present plan and application. Mr. Wilder motioned to continue the public hearing to February 17, 1999 and allow the applicant to make his plan and application consistent. Mrs. Crisler seconded. Mr. Rouillard discussed the need to re-advertise.

Mr. Bruce Breton suggested the plan be rejected and reposted for the public. Mrs. Stoller questioned the fiscal hardship to the applicant and Mr. Brancato addressed the filing costs and review fees. Atty. Henry Hyder, representing Mr. Brancato, discussed the continuation of the hearing. Mr. Turner had suggested the applicant come for a staff review of the submitted plan but the applicant choose not to have an additional review of the submitted plan.

Mrs. Crisler suggested the applicant change note # 7 to eliminate adult cabaret and adult motion picture theater, and a letter from NH DOT be submitted addressing the change of use in the rear building. Also, a letter from the School Department addressing bus stops in the area, a detail of the signage, according to the zoning ordinance, correct the checklist, application and strike towing business under the parking calculations. Mr. Turner reminded the Board the application could not be changed without the applicant withdrawing.

Mr. Brancato explained the process and fees he had paid thus far. Mr. Turner explained the applicant was asked not to submit before the deficiencies were corrected. Mrs. Crisler motioned to continue to February 17, 1999, amend the note on the plan by eliminating adult cabaret and motion picture, letter from NH DOT regarding change of use in rear building, sign details per zoning ordinance 706.5, amend checklist and notes in file eliminating reference to towing. Mrs. Stoller seconded. Mrs. Crisler amended the motioned any changes of use other than depicted on the plan to be updated. Mrs. Stoller seconded. Vote on the main motion 7-0, vote on the motion as amended 7-0.

Mr. Rouillard motioned to open and continue to the next regular meeting, February 3, 1999, the Thibodeau Site Plan and Special Permit, and the Stonewall Subdivision and Special Permit and Mr. Morris seconded. Passed 7-0

## **BERGERON SUBDIVISION (14-A-900) - PUBLIC HEARING**

32 Mammoth Road

Mr. Turner reported the plan meets all the requirements of subdivision and zoning, if the appeal to the Aquifer Protection District is granted by the Board. The Aquifer Protection District requires a doubling of the size of a lot. A study has been done by a hydrogeologist, Daniel Tinkham, of Emery & Garrett Groundwater, Inc. Mrs. Crisler motioned to accept for consideration and Mr. Wilder seconded. Voted 7-0.

Mr. Turner reviewed the plan and the lining up of the new road with Castle Hill Road. The proposal is to subdivide lot 14-A-900 into nine (9) lots, eight (8) residential and one (1) Neighborhood Business District. The one (1) commercial lot is on the ballot for a zoning change to the Rural Zone. All the lots meet the requirements and the plan depicted the house, well and septic locations. Discussion followed on the drainage treatment and a detention area.

Mr. Dubay read the comments from the Conservation Commission, Fire Department, Police Department and the Historic District Commission (on file). Peter Zohdi, of Edward N. Herbert Assocs., Inc., gave a brief overview of the project and discussed his meetings with the Conservation Commission.

Mr. Rouillard read a memorandum, dated January 18th, he sent to Mr. Turner regarding the Aquifer Protection District study and questioned borings # 2 and # 8. Mr. Rouillard did receive a fax from Atty. Mason, representing the owner, questioning whether Daigle

Company had anything to do with the study. Mr. Rouillard explained Daigle Company has nothing to do with the project. A letter was received by the Board from Emery & Garrett regarding concerns with the K factor in determining the aquifer district.

Mr. Stearns questioned whether the Board was disputing a certified report, and if so, should the Board hire a separate firm to do the study. Mr. Gattinella read the zoning ordinance concerning the appeal of the Aquifer Protection District.

Mr. Zohdi reviewed the location of the borings on a topography plan and the sequence of events. Mr. Rouillard discussed the response from Mr. Emery in particular the testing and the K factor done in dense soil. Discussion followed on boring #8 calculations and conclusions. The criteria, for an aquifer, used in the report, was reviewed and Mr. Wilder discussed the testing and samples used in the report. Mr. Wilder agreed with the results of the report.

Mr. Dubay asked if Mr. Rouillard and Mr. Wilder were familiar with the firm that did the report and if so were they reputable. Messers. Rouillard and Wilder had only dealt with the firm in this in case but the firm has done work along the east coast. Mr. Rouillard still had questions on the conclusions. Mrs. Crisler motioned to grant the appeal and accept the hydrogeologist report and Mr. Wilder seconded. Voted 6-1 (B. Rouillard opposed).

Mr. Zohdi reviewed the subdivision and the roadway. State approval has been received and they have worked with the state on the culvert at Route 111 and Mammoth Road. There is no W.W.P.D or wetland on the parcel.

Mr. Morris questioned the slope on Mammoth Road and entering the road northbound. Mr. Turner explained the widening out of the roadway and spreading the crown farther out. Mrs. Stoller questioned the outcome if the zoning change did not get approved. Mr. Turner reported the lot would remain commercial and need site plan approval. Mr. Thorndike, Town Surveyor, would update the map when an appeal is granted.

Mrs. Crisler requested the owner work with the Historic District Commission on the road name, as they have several suggestions. Mr. Morris questioned the soils on lot 14-A-901 and Mr. James Gove, of Gove Environmentals, Inc., reviewed an isolated pocket on the parcel.

Mrs. Crisler motioned to approve with the following stipulations: The cistern to be bonded, remove the APD line to the boundary, road name changed, setting or bonding of the bounds, building or bonding of the road. Mr. Wilder seconded. Mr. Morris discussed the off site improvements to the intersection of Castle Hill Road and Mammoth Road. Mr. Wilder questioned whether the change in traffic patterns would create a potential hazard. Mr. Zohdi explained the various meetings with Mr. Turner and Bob Devlin, Road Agent. The intersection will be squared off unless the Highway Safety Committee doesn't recommend the change. The Committee will be asked to review the configuration and make suggestions.

Mrs. Crisler amended the motion to add the applicant square off Castle Hill and Mammoth Roads pending consultation with the Highway Safety Committee and Mr. Wilder seconded.

Mr. Gattinella suggested any recommendations come back to the Planning Board. The Historic District Commission recommended the name Blanchard Road. Mr. Tom Case reminded the Board in the past no proper names were allowed for road names. Motion withdrawn.

Mrs. Crisler motioned to approve the application with the following stipulations: The cistern bonded, the Aquifer Protection District line be changed to the property line, the name of the road be changed after consultation with the Historic District Commission and the Fire Department and brought to the Planning Board for approval, the Intersection of Mammoth Road and Castle Hill Road to be squared off, if deem necessary by the Highway Safety Committee, at the applicant's expense, and brought back to the Planning Board for approval, setting or bonding of the bounds and building or bonding of the road. Mr. Wilder seconded and passed 6-1 (B. Rouillard opposed).

**NEW BUSINESS:**

Mr. Tom Case requested a letter of support for an application through Rockingham Planning Commission for an interim project at the junction of Route 111 and Range Road. The consensus of the Board was to write a letter of support.

Meeting adjourned 11:50 P.M.

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