
Planning Board Minutes 5/23/16

Planning Board

June 21, 2016

Approved July 19, 2016

Members Present: Bruce Healey, Chair; Bob Caia, Vice-Chair; Bill Weiler, Deane Geddes, Mike Beaton, Members; Russell Smith, Ex-officio Member; Ken McWilliams, Advisor.

Mr. Healey called the meeting to order at 7:04 p.m.

ADMINISTRATIVE BUSINESS

Minutes

The Board reviewed the minutes of May 17, 2016 and made corrections. Mr. Weiler made a motion to approve the minutes as corrected. Mr. Smith seconded the motion. All in favor.

The Board reviewed the minutes of May 23, 2016 and made no corrections. Mr. Weiler made a motion to approve the minutes as presented. Mr. Smith seconded the motion. All in favor.

New Monitor Screens Update

Mr. Healey noted that the new monitor screens are installed and in use in the town office meeting room. He added that the new system has already been used six times by various town committees and groups.

Master Plan Update

Mr. Caia reported on the progress of the Master Plan Update Committee, specifically on the first public forum held on June 18, 2016. He said the public input was very useful and helpful moving forward. He noted that over 250 surveys have been returned. Also, he said Reliance Planning & Design are implementing innovative ways of information gathering moving forward.

Mr. McWilliams asked about the interaction between the Planning Board and Reliance. Mr. Healey said a Master Plan sub-committee is in direct contact with Reliance and reports regularly to the Planning Board. Sub-committee meetings are held monthly and Mr. Caia is the committee chair. Mr. Healey added that Reliance is currently in the data-gathering stage of the Master Plan Update project.

CASE: CONTINUED - Case: 2016-004: Design Review– The Fells – Joe Thompson (Landscape Director, The Fells) - 456 Route 103A, Map/Lot # 018-232-347

Mr. Healey read into the record the following letter from The Fells, dated June 15, 2016:

Many of the Design Review questions and changes that arose during the May 17th meeting have not been completed yet. The Fells requests that our application be continued to the July 19th Planning Board meeting. Thank you for your consideration. Please confirm if this is OK.

There being no discussion, Mr. Healey called for a Motion to Vote.

Mr. Weiler made a motion to continue the Site Plan Design Review for The Fells Case 2016-004 to July 19, 2016 at 7:15 p.m. Mr. Smith seconded the motion.

Mr. Healey called for a Roll Call vote.

In Favor: Mr. Geddes, Mr. Smith, Mr. Caia, Mr. Beaton, Mr. Weiler, Mr. Healey

Opposed: None

CASE: Case 2016-006: Conceptual-Site Plan- Cosmos LLC– Frank Souliotis & Kathleen Kelly (AGENT) –1423 Route 103-007-425-108.

Kathleen Kelly met with the Board regarding the possibility of opening a bed and breakfast (B&B) on the property located at 1423 Route 103. She said the property is for sale and she is considering purchasing it but wanted to first meet with the Board regarding what would be involved in developing a B&B business on the site.

She said the site is 2.4 acres and plans call for removing the existing structure and building six to eight free-standing cabins, each about 12-14 feet by 24-feet in size. She said the front of the property would house a coffee/sandwich/baked goods shop along with a personal residence. Final size of the cabins will be determined by pricing and bathroom layout.

The cabins would be year-round daily rentals for two to four people per cabin. Design styles include barn, 2-story barn, cottage and Victorian with a dormer. The number of cabins will be determined by the size of the property and the business will develop in stages as demand determines. There will be separate parking areas for the cabins in the rear of the property and the coffee shop located near the road. All buildings will have a slab foundation.

Mr. McWilliams said since this will be a retail use, consideration must be given to the number of seats in the coffee shop to determine the number of parking spaces. For the hotel/motel portion of the business, he said each cabin must be looked at regarding size. He said the Site Plan Review regulations cover the pertinent needed information regarding parking, drainage, signs, septic design, etc. He noted that an engineer will help with these items.

There was discussion about the 1-acre envelope requirement for building the private residence. Mr. McWilliams noted that Article 5 Section 5.12 applies in the residential zone only, not in the business district.

Mr. McWilliams noted that with the property owner's consent, Ms. Kelly can make a Site Plan Review application and/or have the purchase of the property subject to Site Plan Review approval. He added that the Planning Board's interest is that the current owner knows of Ms. Kelly's plans.

There was discussion regarding the definition of what is "substantially complete". Mr. McWilliams said that the Planning Board can determine what it considers to be "substantially complete". However, within five years from the time Ms. Kelly is fully vested in the property, the five-year limit begins.

The Board discussed the property's proximity to Johnson Brook, which is part of the property line. Mr. Healey noted that the property falls within the Shoreland Overlay District and directed Ms. Kelly to review those regulations. Mr. McWilliams noted that the shoreland Overlay District regulations call for a 75-foot setback for both buildings and septic.

Mr. Weiler suggested that Ms. Kelly ask area realtors regarding the potential for flooding from the Brook.

Mr. Geddes suggested that Ms. Kelly consider the stream as an asset and an attractive part of the property design. He said it will also ensure that all the proposed buildings will be placed outside of the floodplain.

Mr. Healey said this is a challenging site but a good location for commercial use.

ADDITIONAL BUSINESS

Capital Improvements Program (CIP)

Mr. Healey reviewed the history of the CIP committee, the parameters used to determine budgeting, and the time frame for budget planning. He noted that the purpose of the CIP is to help the town plan for expected and unexpected expenditures year-to-year. All town department/committee heads are consulted every year for input regarding anticipated expenditures for the upcoming fiscal year. He said the Planning Board recommends the CIP to the Select Board and it is the latter's decision whether or not to put it on the ballot for Town Meeting.

Mr. Healey said the Town Administrator wants to change the CIP from an annual event to a bi-annual task and asked for input from the Board regarding that possibility. Discussion followed.

There was Board consensus to keep the CIP on an annual basis.

Tackle Shack

Mr. Healey noted that the Tackle Shack has requested permission to operate a portable food stand on site. There was discussion regarding a letter sent to Dale Sandy, owner of Tackle Shack, by Mr. Healey requesting site plan review approval by the Board for what was determined to be a change and expansion of use on the property.

Mr. Healey added that several people contacted the Town Administrator and requested that the existing portable food stands at the Information Booth and at Newbury Station Marina undergo the same scrutiny as what is proposed for Tackle Shack.

Mr. Geddes asked about the kind of Planning Board review for all daytime vendors in town. Mr. Healey said the Board had an administrative review for the paddleboard business at the harbor. He added that the Select Board issues a vendor license for those vendors who operate on town property.

Mr. McWilliams noted that it is unclear where Tackle Shack intends to put the portable food stand. He said the Board needs to look at the site and its existing conditions before deciding whether the placement of a portable food stand on the site meets appropriate conditions or not, specifically regarding parking.

Discussion followed regarding whether all portable food stands should be reviewed by the Board and how to handle these kinds of situations moving forward.

There was further discussion regarding the fact that Tackle Shack never submitted a site plan review for any of the changes and expansions that have been made on the property. Mr. Smith suggested that Mr. Healey attend the Select Board meeting on July 11, 2016 and inform the Select Board of the situation. Mr. Smith noted that it is the responsibility of the Select Board to provide enforcement if necessary.

Soils Report

The Board discussed Section 9.6 in the Subdivision Regulations which pertains to the requirement that a soils report be submitted with the application. Mr. Healey noted that the soils report is often placed on the site map and not submitted as a separate report.

Discussion followed.

There was Board consensus that subdivision applications should include a separate soils report. Mr. McWilliams added that test pits and borings and soil logs should be included in the report.

LSPA Compliance Project

Mr. Healey noted that the LSPA Watershed Committee has been working with the land use boards within the four watershed towns to arrive at a consistent process to ensure compliance with the shoreland regulations. He added that the Planning Board has done all it can do in this area and that it is the responsibility of the Select Board and/or the Code Enforcement Officer to apply any and all enforcement of the regulations.

Mr. Weiler noted that effective enforcement of the regulations should include a procedure for going to court in the event of a violation.

The Fells Letter – P. Fichter

Mr. Healey reviewed a letter sent to the Newbury Select Board from Peter Fichter, Chair, Zoning Board of Adjustment, regarding the current Site Plan application submitted by The Fells for a parking lot expansion. He said he wanted to ensure that Board members had a copy of Mr. Fichter's letter for informational purposes.

Bob's Marina Parking Lot Paving

Mr. Caia asked for guidance on how to proceed prior to the anticipated paving of the parking lot at Bob's Marina. There was discussion regarding the adjacency of an abutting brook.

Mr. McWilliams referred Mr. Caia to Section 3.1.4 of the Site Plan Review regulations which pertains to a change in site layout. The former advised the latter that he will need a Site Plan Review application. Mr. Caia agreed and noted that he will also need a NHDES permit.

Mr. Smith made a motion to adjourn. Mr. Geddes seconded the motion. All in favor.

Meeting adjourned at 8:46 p.m.

Respectfully submitted,

Meg Whittemore
Recording Secretary