**Planning Board**

**April 4, 2017**

April 18, 2017

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

Mr. Healey called the meeting to order at 7:02 p.m.

**ADMINISTRATIVE BUSINESS**

**Election of Officers**

Mr. Healey turned over the meeting to the Recording Secretary. The Recording Secretary asked for a Motion to nominate the Planning Board Chair for the upcoming year.

Mr. Weiler made a motion to nominate Bruce Healey to serve as the Planning Board Chair for the upcoming year. Mr. Geddes seconded the motion. The Recording Secretary called for a Roll Call vote.

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

**Opposed:** None

The Recording Secretary turned over the meeting to Mr. Healey, the newly elected Chair.

Mr. Healey made a motion to nominate Deane Geddes as the Planning Board Vice-Chair for the upcoming year. Mr. Weiler seconded the motion. Mr. Healey called for a Roll Call vote.

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

**Opposed:** None

Mr. Healey noted that at Town Meeting, Ron Williams was elected to serve a 3-year term as a Member on the Planning Board and Mr. Geddes was elected to serve a 1-year term as a Member. Mr. Healey congratulated them both.

**Minutes**

The Board reviewed the minutes of December 6, 2016 and made corrections. Mr. Geddes made a motion to approve the minutes as corrected. Mr. Smith seconded the motion. All in favor.

The Board reviewed the minutes of December 20, 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 January 3, 2017 and made no corrections. Mr. Weiler made a motion to approve the minutes as presented. Mr. Smith seconded the motion. All in favor.

The Board reviewed the minutes of January 10, 2017 and made corrections. Mr. Smith made a motion to approve the minutes as corrected. Mr. Weiler seconded the motion. All in favor.

The Board reviewed the minutes of January 17, 2017 and made no corrections. Mr. Smith made a motion to approve the minutes as corrected. Mr. Weiler seconded the motion. All in favor.

The Board reviewed the minutes of February 16, 2017 and made corrections. Mr. Weiler made a motion to approve the minutes as corrected. Mr. Geddes seconded the motion. All in favor.

**CASE:** **Case 2017-002** - **Minor Site Plan Review** - Jolly Molly's Ice Cream- Newbury Plaza LLC/Bob Williams - 976 Route 103 - Ice cream shop

Mr. Healey read into the record the following Public Notice:

*Notice is hereby given that the Planning Board will receive submission of an application for Site Plan Review (Minor) from* ***Newbury Plaza LLC,*** *agent Bob Williams, for an Ice Cream Parlor at 976 Route 103, Tax Map 020-200-298, on* ***Tuesday, April 4, 2017****, at* ***7:15 p.m.*** *in the Town Office Building at 937 Route 103 in Newbury, NH. If the application is accepted as complete, a public hearing on the application will commence at the same meeting. Copies of the plan are available for public review at the Town Office Building during regular business hours. Business hours are as follows: Monday, Tuesday, Thursday, and Friday from 8am to noon.*

The application was reviewed for completeness.

Mr. Geddes made a motion to accept the application as complete. Mr. Smith seconded the motion. Mr. Healey called for a Roll Call vote.

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

**Opposed:** None

Mr. Healey opened the hearing.

Bob Williams, owner, Jolly Molly’s Ice Cream, presented to the Board.

He said he wants to move from the current business location at Newbury Plaza to a vacant space located in the corner of the Plaza. He said this will allow for his ice cream business to be located inside and offer 10 to 12 seats for customers. The existing deck of Jolly Molly’s will continue to be available to the public but no ice cream service will continue at that location.

There being no further discussion, Mr. Healey opened the public portion of the hearing.

There being no public input, Mr. Healey closed the public portion of the hearing and the Board went into deliberations.

Mr. Smith asked if there will be any outside seating in the new location. Mr. Williams said no.

Mr. Geddes asked if the business will remain a seasonal business. Mr. Williams said yes. We anticipate opening on Memorial Day and closing on Labor Day weekend. He added that it is unlikely that there will be winter hours of operation.

There being no further questions from the Board, Mr. Healey called for a Motion to Vote.

Mr. Weiler made a motion to approve the application as presented. Mr. Geddes seconded the motion. Mr. Healey called for a Roll Call vote.

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

**Opposed:** None

Mr. Healey advised the applicant/agent that he or any party directly affected by this decision may appeal to the proper Board or Superior Court within thirty (30) days of this decision.

**CASE:** **Case 2017-005** - **Minor Site Plan Review** - Gary Spaulding/agent-Newbury Elderly Housing - 52 Newbury Heights Road - recently constructed 12' x 20' storage shed

Mr. Healey read into the record the following Public Notice:

*Notice is hereby given that the Planning Board will receive submission of an application for Site Plan Review (Minor) from* ***Newbury Elderly Housing,*** *agent Gary Spaulding of G.R. Spaulding Design Consultants, LLC, for approval of a recently constructed 12’ x 20’ utility shed located at 52 Newbury Heights Road, Tax Map 020-072-043, on* ***Tuesday, April 4, 2017****, at* ***7:30 p.m.*** *in the Town Office Building at 937 Route 103 in Newbury, NH. If the application is accepted as complete, a public hearing on the application will commence at the same meeting. Copies of the plan are available for public review at the Town Office Building during regular business hours. Business hours are as follows: Monday, Tuesday, Thursday, and Friday from 8am to noon.*

The application was reviewed for completeness.

Mr. Smith made a motion to accept the application as complete. Mr. Beaton seconded the motion. Mr. Healey called for a Roll Call vote.

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

**Opposed:** None

Mr. Weiler noted that the submitted Waiver Requests pertain to Article 7 Site Plan Review, but the application is for a Minor Site Plan Review, Article 6. Therefore, the Waiver Requests do not apply. The Board concurred.

Mr. Healey opened the hearing.

Gary Spaulding, G.R. Spaulding Design Consultants LLC, agent, presented to the Board. He said there was a request by the Planning Board in July 2015 for him to come in regarding the proposed storage shed but that persistent health issues delayed him from doing so until now. He apologized for this delay.

He noted that the installed storage shed is 12-feet by 20-feet and is used to store outside maintenance equipment. He said the shed is on wood skids with concrete blocks to elevate it from the elements. There is electric service to the shed for charging some of the maintenance equipment. The shed is 210-feet away from the eastern property line, 190-feet away from the western property line, and 800-feet from the rear property line.

Mr. Spaulding noted that this application is an amendment to an approved site plan on file with the town. He added that the only change to the site plan on file is the addition of a 12-foot by 20-foot utility shed as shown on Sheet 1 of 3 of the as-built survey plat.

Mr. Geddes asked if there was outside lighting on the shed. Mr. Spaulding said no.

The Board further reviewed the location of the shed on the plans.

There being no further discussion from the Board, Mr. Healey opened the public portion of the hearing.

Ron Lawnicki, 15 Newbury Heights Road, Newbury, asked if the Planning Board had issued permits for this shed. Mr. Healey noted that the Code Enforcement Officer was the person responsible for any building permits. He added that the PB does not issue permits of that kind.

Mr. Lawnicki asked why it took Mr. Spaulding 1 ½ years to make application. Mr. Spaulding said he has been dealing with health issues for 18 months, which is the reason for this delay.

Mr. Lawnicki asked if there was any water service to this shed. Mr. Spaulding said no, adding that he is the only person in his business and therefore could not assign this application to anyone else until now. He apologized again for the delay.

Mr. Lawnicki asked if the Newbury Elderly Housing has paid any taxes to the town. Mr. Smith said a payment in lieu of taxes has been made since September 2014.

There being no further questions from the Public, Mr. Healey closed the public portion of the hearing and the Board went into deliberations.

There being no further questions from the Board, Mr. Healey called for a Motion to Vote.

Mr. Weiler made a motion to approve the application as presented. Mr. Smith seconded the motion. Mr. Healey called for a Roll Call vote.

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

**Opposed:** None

Mr. Healey advised the applicant/agent that he/she or any party directly affected by this decision may appeal to the proper Board or Superior Court within thirty (30) days of this decision.

**CASE:** **Case 2016-004 Conceptual – Site Plan Review** – The Fells – agents Joseph Thompson & David Bashaw – 456 Route 103A – Parking Lot

Mr. Healey noted that The Fells is meeting with the Board following an approved Special Exception from the ZBA on January 9, 2017. He added that the zoning ordinance requires that the applicant must apply for a Site Plan Review from the Planning Board. Mr. Healey stated that the purpose of this Conceptual application is to discuss some waiver requests from the applicant.

Mr. Healey reviewed the parameters of a Conceptual meeting with the Board.

David Bashaw and Joe Thompson represented The Fells.

Mr. Bashaw stated that, per the zoning ordinance regarding the requirement for a full site Plan Review following an approved Special Exception, The Fells has documentation that is similar to the requirements of a Site Plan Review but not exactly what the requirements call for. Also, he said, there are required sections of the Site Plan Review that The Fells simply does not have. Therefore, he said, The Fells is requesting some waivers.

Mr. Bashaw stated that the available plans show different contour intervals than what is required. Also, The Fells does not have drainage and wetland information for its 83 ½ acre property. He noted that to obtain the aforementioned information would be costly. He noted that The Fells’ intent is to not touch about 77 acres of the property, but that the organization may consider using the remaining acres for possible projects in the future. He stated that The Fells would provide all required documentation for those areas under proposed development/expansion. He requested that The Fells not be required to provide contour intervals, drainage plans and wetland mapping for the whole 83 ½ acre property.

Mr. Thompson reviewed the existing documents of The Fells with the Board. He noted that there is a 100 scale plan with existing conditions on the property. He added that producing a drainage plan for the entire property would be a huge project.

The Board reviewed the potential waiver requests for a 20 scale plan, 2-foot contour intervals, and a wetlands mapping plan, a landscape plan, drainage plan, and fresh water source for fire protection.

Mr. Healey reminded the Board that they have one chance to include what they feel is needed on a site plan for this applicant. He added that an accurate and inclusive site plan document will be used for record keeping, community access, and for the use of future Planning Boards. He noted that the applicant must provide four copies of the full site plans measuring 24-inches by 36-inches.

Discussion followed regarding the requested change in scale and whether the existing documents offered by The Fells give the Board a reasonable amount of documentation for the existing conditions.

Mr. Beaton asked if the entire property has been surveyed by a licensed land surveyor. He added that the plans must show an accurate location of all existing structures.

Mr. Weiler suggested that with a property this large, and with this amount of limited use, it is not uncommon for the Board to use current documents as an overview and request blow-ups of specific areas under activity and show all the required documentation (contours, wetlands, steep slope, etc.) He suggested a 20 scale for the main house, the Cottage and the Gate House.

Mr. Weiler further suggested that the Board consider accepting the current large plan of The Fells entire property with a written agreement from The Fells that when specific projects are proposed on the property, The Fells will provide a separate plan containing all the required information per town regulations.

Discussion followed.

There was further discussion about showing the locations of all the parking areas, where the events take place on the property, including this information in the “Notes” section on the large plan, and a listing of the uses of the property.

Mr. McWilliams added that a written statement including the above should be required.

Mr. Beaton expressed concern that the existing plan must carry the seal of a licensed surveyor. Mr. Thompson showed the Board the plat that was done in 2007.

Mr. Weiler suggested that The Fells contact the originator of the 2007 plat to find out if the latter could update the existing plat to show the existing conditions.

The Board reviewed the potential waivers and discussed the information needed. Under discussion were the following items: Landscaping Plan, Drainage Plan, Structure Plan, Written Summary, and Sign-off Sheets.

Mr. Healey added that the Board will need all legal documents pertaining to easements and other legal arrangements.

Mr. McWilliams reviewed Section 7.11 Topo requirements. He noted that if The Fells has a specific application for expansion/development, the Board would need 2-foot contour intervals on the plan.

There was Board consensus for 20-foot contour intervals for the overall 83 ½ acres but any future plans for specific expansions/development/projects would require 2-foot contour intervals.

Discussion continued regarding showing the existing conditions of wetlands on the property. Mr. Beaton stated that all wetlands should be mapped throughout the 83 ½ acres. Mr. Smith supported showing wetlands in the overlay plans for future specific development/expansion/projects. Mr. Beaton noted that the Board should ask for everything it deems important in this site plan since this will be the defining document for The Fells moving forward.

Discussion followed.

Mr. Smith expressed concern regarding time limitations for each agenda item. Mr. Healey noted his concern and indicated that he will confer with the Land Use Coordinator regarding this issue.

**CASE:** **Case 2016-009 Conceptual – Site Plan Review –** Caia Limited Partnership-

Bobs Beacon Marina- 1016 Route 103-Parking Lot

Mr. Healey reviewed for the Board the concerns expressed by the Board at the November 15, 2016 Conceptual Consultation with this applicant. Specifically, he noted that the Board’s points of concern included the site’s proximity to the lake, the amount of proposed paving, drainage plans, and the necessity of a DES Shoreland Permit. Additional suggestions included the review of Section 7.12 Impervious Surfaces and Article 21 Stormwater Management in the zoning ordinance. Further, it was suggested that the applicants meet with the Newbury Conservation Commission (NCC) and the Lake Sunapee Protective Association (LSPA).

Mr. Healey noted that the DES Shoreland Permit has been obtained and that the applicant has met with the NCC and LSPA. Letters from both groups are included in the applicant materials. [Note: hard copies of the letters are included in the Final Minutes Binder at Town Office.]

Mr. Healey reviewed the parameters of a Site Plan Review and a Minor Site Plan Review.

Mary Grant and Heidi Hannigan met with the Board. Ms. Grant argued that they were not changing anything on the property so a full Site Plan Review application was not needed. Mr. Healey disagreed, stating that the surface materials of the parking lot were changing to impervious and that resulting in substantially altered water flow. He added that, since this property is so close to the lake, the water flow off an impervious surface is if significant concern.

Ms. Grant and Ms. Hannigan noted that the state Shoreland Permit meant that they have permission to move forward and that their meeting with the Board was one of courtesy. Mr. Healey reminded them that a state permit does not allow for an applicant to disregard the town ordinances and regulations. Further, he added, the state specifically directs the applicant to adhere to all town regulations pertaining to their proposed project.

Mr. Weiler asked if the applicants have an existing site plan. Ms. Grant said yes.

There was discussion about whether or not this applicant needs a full site plan review or a minor site plan review. There was Board consensus that a Minor Site Plan Review application would be appropriate.

Mr. Beaton asked if the paving is the standard application. Ms. Hannigan said yes. She added that they investigated pervious paving and concluded that the extensive maintenance was prohibitive.

Ms. Hannigan reviewed the exact location of the proposed paving on the submitted plan.

Mr. McWilliams asked if the applicants have contacted DOT regarding the entrance. Ms. Grant said no because they are not paving right up to the entrance from Route 103.

Mr. Healey reviewed with the applicants the documents they will need to include in their final application.

**ADDITIONAL BUSINESS**

**Revised Zoning Ordinance**

Mr. Healey informed the Board that hard copies of the updated zoning ordinance will be available at the April 18, 2017 Planning Board meeting.

**Town Meeting**

Mr. Healey noted that both proposed amendments (wetland definition change and ADUs) to the zoning ordinance were passed. Also approved was Warrant Article # 10 Preliminary Review of Site Plans.

Mr. Healey reviewed the next steps for implementation of the Preliminary Review amendment to the site plan review regulations. He asked the Board to review Section 5.3.1 of the Site Plan Review regulations and be prepared to discuss and vote on the amendment at the PB meeting on April 18, 2017.

**Amendment - Subdivision Regs - Section VII - Annexations, Lot Line Adjustments**

Mr. Healey requested that the Board review the amendment to the subdivision regulations pertaining to annexations, Lot Line Adjustments. He asked that the Board be prepared to discuss and vote on this amendment at the PB meeting on April 18, 2017.

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

Meeting adjourned at 9:30 p.m.

Respectfully submitted,

Meg Whittemore

Recording Secretary