



# PLANNING BOARD

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## MINUTES OF THE PLANNING BOARD PUBLIC HEARING

Thursday, October 16, 2014 – 7:00 p.m. – Town Hall Conference Room

*Members Present:* Chair Stu Gerome, Steve Gerrato, Chip Hussey, David Moore, Selectmen's Rep Mo Sodini

*Members Absent:* Paul Sanderson, Rich Winsor

*Staff Present:* Glenn Coppelman – RPC Consultant

Chair Gerome opened the Planning Board meeting at 7:00 p.m. A roll call was taken by the Chair; he announced a quorum was present and the meeting was being recorded.

Chair Gerome welcomed Glenn Coppelman, the RPC Consultant.

1. Subdivision of Land: 4 & 6 Great Bay Drive [Map R13, 30]

Owner: Great Bay Financial LLC

Applicant: David Vincent, Land Surveying Services

*The owner and applicant are proposing to convert an existing duplex into a condex. No change of use or changes to the property is proposed.*

David Vincent, land surveyor for the project, introduced himself to the Board. The property owner, Todd Robichaud, was also present. There is an existing two-family dwelling located on the property; #6 is three bedrooms, #4 is two bedrooms. The rental property has existing curb cuts, septic system and well; the dwelling will be converted to a condex.

Comments from RPC were reviewed (on file). Subdivision approval has been received from the State. They will be splitting the building face and property in half in the rear. No changes to the property are being proposed; ownership will be changed from rental to private.

C. Hussey asked the Limited Common Area be clearly defined in the legend. The LCA line starts at the road, continues off the building line and straight to the rear of the property. Owners will have limited use of the property they have in common ownership. Full explanation as to use will be in the condo documents. The septic is located on Unit 1; the well is located on Unit 2: responsibility for maintenance will be shared. Homeowners own the land together as joint tenants; there is no common area. The curved driveway in front of Unit 2 will be used collectively by both units and will not be blocked. The septic design is approved for 750 gallons per day or up to five bedrooms. Owners will be responsible for maintenance within their own structure. They will own the units themselves, but the property will have shared ownership and responsibility. G. Coppelman stated the LCA works due to it being a fairly small parcel.

The tree line will be added to the legend. S. Gerrato requested that the text on the legend be larger. Condo docs do not need to be reviewed by the Town Attorney.

**MOTION:** S. Gerrato moved to accept the application for 4 & 6 Great Bay Drive, Map R13 30, as complete. Second – C. Hussey; all in favor. MOTION CARRIED

Chair Jerome opened the meeting to public comments. There being none, he closed the public hearing and returned to the Board for discussion. Waiver requests were reviewed. The Board saw no problems with the waiver requests: the structures are existing and is a simple change in the style of ownership.

**MOTION:** M. Sodini moved to grant a waiver from Section III, Article 3.3.1(c) – Existing contours at intervals not exceeding two feet with spot elevations provided when the grade is less than five percent. Second – D. Moore; all in favor. MOTION CARRIED

**MOTION:** M. Sodini moved to grant a waiver from Section III, Article 3.3.2(c) – The locations, dimensions, and areas of all proposed or existing lots, and the location and setback dimensions of existing structures within 100' of parcel to be subdivided. All septic disposal systems and wells within 200' of the site shall be shown. Second – D. Moore; all in favor. MOTION CARRIED

**MOTION:** M. Sodini moved to grant a waiver from Section IV, Article 4.3 – Determination of Soil Type. Second – D. Moore; all in favor. MOTION CARRIED

**MOTION:** D. Moore moved to approve the subdivision of 4 & 6 Great Bay Drive, Map R13 Lot 30, into a total of two lots in accordance with the plan by David W. Vincent, Land Surveying Services, dated September 24, 2014, with the following conditions. Second – M. Sodini; all in favor. MOTION CARRIED

- All waivers must be keyed to the plan.
- Subdivision approval number must be added to the plan.
- Five bedroom septic approval number must be added to the plan.
- All three pages of the plan must be recorded.

2. Design Review: 239 Bayside Road [Map R16, 7]  
Owner: Henry and Michelle Cowles  
Applicant: Greenland Acres, LLC  
*The owner and applicant are proposing a five lot residential subdivision.*

Joe Nichols, Beals Associates and representing the applicant, addressed the Board. They are proposing a five lot subdivision on Bayside Road. The existing farmhouse will be renovated; the outbuildings are in disrepair. Wetlands delineation has been done and they have been field located. The smallest parcel will be 2.2 acres; the largest will be 7 acres. The intent is a traditional subdivision with single family homes. The project meets all zoning, and there are no waivers requested at this time. The length of the proposed road is 382' to the cul-de-sac (621' including the cul-de-sac). J. Nichols asked the Board for a straw poll for road width reduction to 22'.

RPC comments were reviewed (copy on file). Lots meet the required regulations; wetlands location is to the rear of the property; there are no wetlands crossings with the road or residential driveways that are proposed; wetlands in the rear of the lot provide a good buffer for abutting properties. The road has been kept as short as possible making it cheaper for the Town to maintain.

M. Sodini asked about the requirement for a cistern. The regulations state a cistern is required for six single family homes in a development. Test pits have been done to verify soil conditions and indicate a 4,000 sq. ft. reserve area. The leach fields have been designed considerably smaller; a geo-flow or

enviro-septic leaching system is typically installed on sites similar to those proposed, and are approximately 11.5' x 30' long, which is smaller than the 4,000 sq. ft. reserve area that is shown. The wetlands scientist was Jim Gove.

G. Coppelman agreed that wetlands may be a significant issue. He also reminded the Board and audience members that this was the Design Review stage. All discussions and comments were non-binding, and no decisions would be made. He continued that to have two of the lots so close without any backup or verification, the Board would want to see calculations/verifications if this was a formal application. J. Nichols stated that a feasibility study was done; they have field verified and located the wetlands. The work was done by a licensed wetlands and soil scientist. Chair Gerome pointed out that Lots 1 and 4 are close as to how much it meets the ordinance.

There was a discussion about driveway locations. There was concern that there would be a Town road for three houses. It was suggested there be a shared driveway for two and a private driveway for the other; they had a 50' right-of-way. J. Nichols responded that based on lot configuration, frontage had to be taken into consideration; by doing "pork chop" lots it could be possibly be done but a waiver would be needed for frontage. Fire protection could also be a problem with narrow driveways; cul-de-sacs are the best option. C. Hussey suggested moving the driveway for Lot 2 onto the proposed road.

Chair Gerome opened the meeting to public comments. Robert Paul, 223 Bayside: R. Paul stated his well is immediately on the opposite side of the property line. J. Nichols commented that they would locate the well and an existing conditions plan is in the process, locating topography and additional wells on abutting lots; that will be taken into consideration when the leach field is designed. The well was installed in 2001; J. Nichols stated that prior to 1989 wells are protected by a 75' protective well radius. If a well was installed next to the lot line or overlaps the protective well radius, the homeowner would have had to file a protective well release form requiring the homeowner to be notified if anyone installed a septic system within the well radius. Since it was installed after 1989, there should have been a protective well document filed with the Registry. J. Nichols stated that they would definitely locate his well. R. Paul stated that the same property was subdivided years ago, and the Town had approved the subdivision with the condition that there would be no further subdivision of the property. The Board was told that it had been researched: there had been a discussion but no vote was taken.

Warren Brown, 197 Bayside: His well is located half-way between Foss Brook and Bayside Road; it's a dug well rather than artesian. W. Brown was concerned with contamination. J. Nichols stated that NHDES takes well protection into consideration and there is a 75' well radius. Wetlands are a great treatment area. S. Gerrato stated W. Brown does have a concern based on the topo: it may drain down toward his property. J. Nichols responded that by using the enviro-septic systems, they are actually cleaning up the soil before it's dispersed into the ground. Distance is also a factor: septic or affluent normally gets clean within the first foot of a soil.

John McDevitt, 291 Bayside: His well is located in the backyard and was drilled in 1996 or 1997. He asked about the Douglas Firs along the property that are diseased and falling down. J. Nichols stated they will be looked at; if they are noted as a danger, they'll be removed. J. McDevitt also mentioned that the Town has an easement from Bayside to Allen Farm. He suggested that the Board may want to consider connectivity between the two roads due to more houses and traffic.

There being no further public comments, Chair Gerome closed the public hearing and returned to the Board for discussion. G. Coppelman recommended the Board verify the wetlands when a formal application has been submitted. Chair Gerome concerns were building and impacts on the buffer. J. Nichols suggested they could show a house footprint incorporated into the plan. On a straw vote, the

Board didn't have a problem with the proposed road width. C. Hussey requested a site walk of the property. Flags have been field located; 50' center line will be flagged prior to the walk.

3. Site Plan Review Modification: 1440 Greenland Road [R21, 44A]

Owner: Lowe's Home Centers LLC

Applicant: John Hession, EBI Consulting

*The owner and applicant are requesting a modification to their site plan. They are proposing to utilize a portion of the existing parking spaces for outdoor storage and display.*

John Hession, EBI Consulting, addressed the Board. Charles Sturdivant, Lowe's Home Centers, was also present. As part of the site plan modification, a waiver from the parking requirements will be requested. In May, the Building Inspector reported that the parking area at Lowe's was being used for outdoor storage and display. In August, they met with Chair Gerome, the Building Inspector and Glenn Greenwood, RPC, to discuss a possible solution.

The site was approved for 614 parking spaces; they are requesting the use of 100 parking spaces to be used as a display area. The area would remain paved and striped; there will be no physical changes. The exhibit shown identified the types of display and/or storage, as well as noting there will be no storage of combustible materials within 10' of the building, and that outdoor storage and/or displays are not allowed near egress doors.

J. Hession stated that pavement at the rear of the building would be striped to ensure combustible materials weren't stored within 10' of the building and prevent the egress from being blocked. Storage of materials and displays in the fire lanes were a concern: C. Hussey very sternly stated that "it would not happen again". It has been documented, and the store manager was aware. Some Board members felt Lowe's could become too cluttered. Vending, as noted on the existing site plan, needed to be clarified on the modified plan. It was suggested it be amended to read "no third party vendors". J. Hession added that no purchases occur outside; there are no registers outside of the footprint of the Garden Center or building.

Chair Gerome opened the meeting to public comments. Mary McDonough, 71 Portsmouth Avenue: Concerned about enough parking being available if the remaining lot was developed, J. Hession assured her that there would be; Lowe's stands on its own. Non-combustibles would be stored in the rear which would include excess materials for the Garden Center and temporary storage for used appliances. Noise from deliveries and snow removal was also an issue, and discussed at length. The Building Inspector pointed out, using the existing approved plan, that store hours and deliveries were a condition of approval. The store manager will be reminded of those conditions, and those restrictions will be added to the modified plan.

Chair Gerome asked for guidelines for the pod storage on the left side of the building; C. Sturdivant suggested they could stop at the corner of the building, not entering the parking lot. He added that their intent was not to add to the current outside display area. The Building Inspector agreed with Chair Gerome that the left side of the parking lot was too large; deliveries should be spaced out more. He continued that everything they were asking for was in violation when pictures were taken. J. Hession told the Board that since the meeting in August, there has been a significant effort by store management to clean up the storage area.

Items the Board would like addressed for the next meeting: design a site plan that is very specific, there may be too much on the left side, define what goes in the back, deal with the hours of operation and deliveries (needs to be enforced), hours for snow removal from the site. C. Sturdivant suggested moving the appliance storage trailer from the rear of the building to side where it's an overflow area, removing

anything from the back near the sound wall closest to the property. It won't eliminate all noise from the back, but should help.

Chair Gerome reiterated hours of operation, including deliveries, need to be enforced. C. Sturdivant told the Board he would speak with the store manager. Snow removal was addressed by the Board. M. McDonough told the Board the problem was not when it snowed, but when snow was being removed days later. C. Sturdivant will check on the snow removal contract with the main office. Snow removal could be done during the day.

G. Coppelman told the Board that Lowe's could be in violation of the site plan approval and they could consider revoking their site plan. He continued that parking spaces could not be removed, but can be used for display purposes.

**MOTION:** C. Hussey moved to continue the site plan modification for Lowe's Home Centers to the public hearing on Thursday, November 20, 2014. Second – S. Gerrato; all in favor. MOTION CARRIED

4. Approval of RPC Invoice: July through August 2014

**MOTION:** S. Gerrato moved to approve payment of the RPC Invoice for services July through August 2014. Second – C. Hussey; all in favor. MOTION CARRIED

5. 2015 Budget Review

**MOTION:** D. Moore moved to remain at a level budget for 2015. Second – S. Gerrato; all in favor. MOTION CARRIED

6. Topics for Work Session: Thursday, November 06, 2014

Topics for the work session were reviewed. Also to be added: road and drainage from the Town Engineer.

7. Approval of Minutes: Thursday, October 02, 2014

**MOTION:** M. Sodini moved to approve the minutes from Thursday, October 02, 2014. Second – C. Hussey; four in favor, one abstain (S. Gerrato). MOTION CARRIED

8. Other Business

CIP: C. Hussey has volunteered to do the Capital Improvement Plan. It was suggested that if a department submitted items for the CIP, there must also be a person from that department on the committee. A letter will sent asking all departments to submit requests and a committee member name within 30 days.

RFQ for Consultant: G. Coppelman asked the Board if RPC should respond to the Request for Qualifications posted by the Town. The Board would like a response from RPC.

9. Adjournment

**MOTION:** D. Moore moved to adjourn at 9:15 p.m. Second – S. Gerrato; all in favor. MOTION CARRIED

## NEXT MEETING

Thursday, November 06, 2014 – 7:00 p.m., Town Hall Conference Room, Work Session

Respectfully Submitted – Charlotte Hussey, Secretary to the Boards

Approved: Monday, November 06, 2014