

HENNIKER PLANNING BOARD

Draft Minutes

July 14, 2010

Members Present: Kristin Claire, Chairwoman; Ed Miner; Terry Stamps; Jeff Roach; Rick Patenaude; Leon Parker, Selectman, ex-officio; Dale Jennings, Alternate

Members Absent: Kellie Dyjak; Tom Howard, Alternate

Others Present: Mark Fougere, Town Planner; Kevin Mock; Don Blanchard; Ron Taylor; John Weber; Denis McComish; Dennis Lamphere; Peter Conklin; Larry Colby; Martha Taylor; Jim Gove; Dennis Sturms; Karl Dubay; Lisa Hustis; **Beth Dowl (?)**; **Jamie Davis (?)**; Jennifer Astholz, Recording Secretary

Chairwoman Claire called the meeting to order at 7:00 pm. She stated that Dale Jennings would be voting in place of Kellie Dyjak.

May 26, 2010 Meeting Minutes

The minutes of the May 26, 2010 meeting were reviewed and corrected. Terry Stamps **MOVED** to accept the minutes as corrected; Jeff Roach **SECONDED** the motion. Motion **PASSED, 7-0.**

Developments of Regional Impact: RSA 36:54 – 36:58

None

Public Hearings

Amend Chapter 201, Earth Moving regulations, per RSA 155E.

Mr. Fougere stated that the Board has been going through the process of reviewing the Earth Moving regulations primarily for the purpose of eliminating repetition of Section 155-E of the State Statutes. The rest of the chapter, which is over and above the State ordinance, has been clarified. He stated that a draft memo from the Conservation Commission was received, although Martha Sunderland has the final draft of their comments, but she is away on vacation. Mr. Patenaude stated that they have had the revised ordinance for quite a while, and the Board does not have to wait another month to finalize this. Ms. Stamps stated that the Conservation Commission has only met once during this time, and there was not sufficient time to respond.

Mr. Fougere stated that the Fire Chief said that they do not issue permits for blasting; therefore, the statement referring to that has been removed since it is not applicable. Mr. Fougere then made copies for the public attendees to review.

Chairwoman Claire opened the public hearing at 7:11 pm.

Denis McComish stated that the revisions make the document easier to read and understand. He thanked the Board members for their work on improving the Earth Moving Regulations.

Hearing no other public comments, Chairwoman Claire closed the public hearing at 7:14 pm. She then called for Board discussion. They discussed the items in the draft memo from the Conservation Commission. The Board decided that items 1, 2 and 5 of the draft memo are administrative corrections that should be included.

When discussing the Conservation Commissions's suggested changes to Section 201-4 A(3)(c), Mr. Patenaude stated that the Planning Board's goal was to shadow the State rules. He stated that the suggested changes should not be included in Chapter 201. Mr. Fougere agreed with this opinion. There was further discussion about other criteria which must be met for an area to become a wetland, and the suggested information can not be known. The Board consensually agreed to not include the suggested wording.

The Conservation Commission's suggested wording for Section 201-4A(3)(d) clarifies that the use of non-invasive native plant species be encouraged. Although the public hearing was closed, the Board agreed to listen to comments from the audience. Dennis Lamphere stated that a list of appropriate planting materials may be obtained from the New Hampshire Cooperative Extension office.

When discussing Section 201-6A, Mr. Patenaude encouraged the Board members to think carefully before considering adding this into the regulations. He stated that the Board's goal was to reflect RSA 155-E, and they removed this section for a reason. Leon Parker stated that this is an ambiguous statement and can lead to demanding things that are not appropriate. Mr. Parker stated that those items already addressed in RSA 155-E should be removed. Mr. Miner stated that there is already a provision for this concern in RSA 155-E and agreed that this was not necessary. Ms. Stamps stated that the State requires visual barriers for public ways. Chairwoman Claire stated that the Conservation Commission is requesting an additional layer of visual barrier so the Board may want to spend some time to review this. Mr. Parker stated that this sounds like an introductory paragraph to a more expansive list which they were trying to avoid.

Chairwoman Claire stated that it may be best to explain the Board's concerns about their recommendations and request clarification from the Conservation Commission.

Mr. Roach **MOVED** to table further discussion until the 8/11/10 Planning Board meeting; Mr. Patenaude **SECONDED** the motion. Motion **PASSED, 7 – 0.**

Case PB 2010-007: Congregational church of Henniker. The Applicant is requesting site plan approval to permit the construction of a parking lot, serving as an accessory use to the existing church, on a property formally occupied by a single family home. The property is located at 25 Gould Street, Lot 2-166 in the RV Village Proper District.

Mark Fougere met with the applicant a few times. There was formerly a house on the property which was demolished last winter. The applicant will be putting in a catch basin, and he stated that the proposed parking lot will remove a lot of street parking.

John Weber presented the application. He stated that the proposed parking lot is designed to handle 100-year storms, and a catch basin is included in the SW corner of the lot to catch the heavy flash-type rains.

Leon Parker commented that it looks like a good plan.

Dale Jennings stated that the hard pack may or may not be as permeable as the sand. Mr. Jennings asked if there were any way conditions could be imposed to prevent the lot from being paved in the future. Mr. Parker stated that could be made a condition of approval.

Don Blanchard stated that there are pervious pavement technologies which could be used if someone wanted to pursue paving the lot in the future.

Chairwoman Claire read aloud a letter of support for the plan that was submitted by an abutter.

Ms. Stamps asked if there would be any lighting on the parking lot. The applicant stated that there would not be.

Mr. Miner stated that in his experience hard pack can be so hard that it is not very permeable. He asked where the culvert would drain if the catch basin became clogged. Mr. Blanchard stated that they would prefer a swale, but would only consider doing that if they cannot maintain a pervious surface.

Mr. Weber suggested making a contingency that the parking lot surface is to be a pervious surface.

Chairwoman Claire opened the public hearing at 7:55 pm. Mr. Lamphere stated that there was a similar situation at his property at Stonefalls Gardens. He stated that there is hardpack and no silt runoff and he doesn't believe it will be a problem with this lot either.

Denis McComish stated that he would like to see this area used as a parking lot.

Hearing no further comments, the public hearing was closed at 7:57 pm.

Peter Flynn, Town Administrator, stated that the Board of Selectmen would be the enforcing authority of the condition of approval. They have had to review old conditions listed in other files and address situations to enforce conditions that were made in years past.

Ms. Stamps **MOVED** to accept the application as complete. Mr. Patenaude **SECONDED** the motion. Motions **PASSED, 7 – 0.**

Chairwoman Claire called for any further Board discussion. There was none.

Rick Patenaude **MOVED** to approve the application with the condition that if the owner plans to change the permeability of the parking lot surface, then engineered plans must be brought before the Planning Board for review. Terry Stamps **SECONDED** the motion. Motion **PASSED, 7-0**.

Case PB 2010-008: Henniker Farm & Country Store. The Applicant is requesting site plan approval to permit the construction of a 4,800 square foot addition, with a basement, to the existing commercial building. The property is located at 110 Bradford Road, Lot 2 – 264, located in the CM Medium Commercial district.

Leon Parker stated that he is in support of this application, and it is great to see the business expand. However, Mr. Parker recused himself from the Board for this case as his business has profited directly from the applicant's business.

Kevin Mock, applicant, explained the plan to double the retail space and increase the warehouse space for the store. Doing this would allow the footwear and apparel to be downstairs and move the office upstairs so customers won't have to go upstairs. The animal products will be on one side of the store and apparel will be on the other side. There will be one set of stairs to access the storage in the basement below. He stated that he is in the process of getting cost estimates for various exterior materials (siding, etc.). Mr. Mock stated that the loading area on the back of the store will not be visible, and three doors are planned for loading. He stated that there will be lighting at the exit.

Ms. Stamps confirmed that all abutters were notified of this application.

Mr. Miner asked for a drainage plan as the impervious surface area will increase by about one-third to one-half of what is currently there. Mr. Fougere stated that the Board has standard information, but they have the right to request more information. Mr. Patenaude stated that he is not worried about needing more information at this time.

Chairwoman Claire asked if there are any drainage problems currently on the lot. Mr. Mock stated that there is occasionally a problem along the right-of-way.

Mr. Miner asked the Board to consider the minimal requirements that either need a waiver or must be supplied. The Board then considered each item.

Mr. Mock described where the leach field is located. He stated that there are no proposed changes to the basic business (such as hours, lighting, employees, signage, services, etc.) He described plans for adding two more sections of split-rail fencing to delineate customer parking.

Mr. Miner confirmed that no additional septic is required to accommodate the increased retail space. Mr. Mock stated that they have one employee bathroom that meets their needs.

Chairwoman Claire listed these missing components: 1) bar scale; 2) width of Rte. 114; 3) building within 100' of property line; 4) locus map. The Board decided that most of the other requirements are related to brand new operations.

Mr. Miner stated that now that he better understands the plans and no paving is planned, he is more comfortable. Chairwoman Claire explained to the applicant that he is allowed to fix the parking lot and re-level the lot; however, if the lot is changed to impervious surface, such as pavement or hard-pack, then they would need to see engineered drainage plans.

Mr. Roach **MOVED** to accept the application as complete, thereby inherently waiving the other items listed above that had not been supplied. Ms. Stamps **SECONDED** the motion. Motion **PASSED, 6 – 0.**

Chairwoman Claire opened the public hearing at 8:26 pm.

Denis McComish stated that he is the abutter that receives water runoff and snow from this lot. He stated that he was hoping that some sort of drainage plan would be discussed. He stated that there have been instances in the past where the applicant has pushed snow across the property line.

Mr. Patenaude asked Mr. McComish what he would need in order to be comfortable with this plan. Mr. McComish replied that he would like to see plans that ensure that he doesn't get all of the snow pushed to his boundary line. He also stated that there are occasional problems with water as the parking area is really hard-pack which causes water to run off the property and he doesn't want any more. There was a great deal of discussion about employee parking, loading trucks and where the snow would be plowed.

Mr. McComish stated that he has a 25' right-of-way on his property which often becomes impassable with customers from the store. He stated that he is concerned that this will be even more of a problem with increased business. There was more discussion about the 10' parking setback and access of the right-of-way. Mr. McComish stated that he believes the applicant should be able to do what he needs to for his business, but he wants to be sure that his concerns are heard. He would like to see "No Parking" signs put along the right-of-way, and he needs to see some sort of plan that shows that water runoff will be handled properly. He stated that heavy rains and spring thaws cause drainage problems.

Mr. Patenaude stated that it would be better if the two landowners could work out an agreement to avoid dispute.

Ms. Stamps stated that there is a general requirement that no more water can runoff the property than what currently occurs. She stated that this can also be made part of the approval process.

Mr. Mock stated he and Mr. McComish have had confrontations over the years. He stated that changes have been made by running drainage across to the Harvester Market (with their approval).

Chairwoman Claire asked about the roof design (east-west gables) and stated that there could be a simple way to control water coming from the roofline. She stated that no matter what happens with the lot, there will always be drainage from Rte. 114 since it's greater than 20 feet higher than his lot. Mr. Mock and Mr. McComish agreed that there would be a way to channel water runoff to the back corner of the lot.

Chairwoman Claire closed the public hearing at 9:00 pm.

Rick Patenaude **MOVED** to approve the plan with the condition that the owner and abutters agree to a mutually satisfactory plan for drainage, snow storage/removal and parking lot signage. The owner, abutters and Town Planner are to meet on the site to decide these matters. Jeff Roach **SECONDED** the motion. Motion **PASSED, 5 – 1** (Mr. Miner opposed).

Board Discussion

a) Mr. Peter Conklin – Comment to Board of Selectmen, per RSA 674:41© regarding owners request to build a home on Ireland Road, a Class VI road, Lot 751. Ireland Road lies off of Ruffled Road.

Mr. Fougere stated that a home constructed on a Class VI road requires comment from the Planning Board. Ruffled Road is a paved road, and the applicant's lot is 52 acres. The applicant will be signing a waiver of liability, and they will be responsible for maintaining Ireland Road.

Mr. Conklin stated that the proposed driveway is 957 feet long from Ireland Road to the house site. They have received a letter from the Fire Department citing requirements they are expected to follow.

Ms. Stamps asked what happens to Bob Smith's rights to access his barn and cabin. Mr. Conklin stated that some of these things are the types of things that neighbors have to work out.

Ms. Stamps **MOVED** that the Planning Board submit a letter to the Board of Selectmen supporting the application with the condition that the recommendations from the Fire Department be followed and the liability waiver is required. Dale Jennings **SECONDED** the motion, and the motion **PASSED UNANIMOUSLY**.

b) Conceptual discussion – Dennis Sturms, Currier Mill – proposed mixed use project, 929 Old Concord Road, Lots 519 & 551A, Zoned CH Heavy Commercial District.

Mr. Fougere stated that he met with the applicant a few weeks ago about development plans on property at Rte. 202 and Old Concord Road. He recommended that they come before the Planning Board and hear any possible concerns. Mr. Fougere stated that he will attend a scoping conference with DOT in the morning.

Jim Gove described the conceptual plans for a six-acre parcel of land where Back Bay Stone is located. He explained that they have a letter of deficiency as the State is concerned about the filling of wetlands without a permit. He stated that there is a fair amount of drainage on this site, but the wetlands were not particularly obvious. He showed a stand of white pines and other photos of the site where Mr. Sturms had cut vegetation. He showed the areas that had been disturbed and the areas that haven't been disturbed. The primary function of these wetlands is nutrient retention; it is not an area of wildlife habitation, etc. Mr. Gove stated that they are asking to retain and expand the fills on the site as 1) restoring the disturbed area doesn't make sense at this time, and 2) they are asking for an after-the-fact dredge and fill permit. Mr. Gove stated that the wetlands filled without a permit turned out to be an area of disturbance of less than 100,000 feet (actually less than one acre was disturbed).

Carl Dubay stated that he is an experienced land developer in New Hampshire and Massachusetts. Mr. Sturms investigated uses which are allowed by Special Exception such as a 35,000-square foot food store, retail space, a 40-seat café with outdoor seating, a bank with a drive-thru and a convenient store, fueling station and car wash. Mr. Fougere stated that retail spaces are actually allowed by right in the Heavy Commercial district.

Mr. Dubay stated that the lot has been surveyed, and this would put some tax base for Henniker in the right area of town. He stated that the detailed layout and design of the development accounts for loading trucks, etc. He showed how the grocery store was turned so that the back of the store was not facing the highway, making it more attractive. Mr. Sturms stated that he envisions an aesthetically pleasing development with pleasing lines and visual appeal. They have mitigated curb cuts around the large rock on Old Concord Road. Grading, drainage and water supply have to be considered. The site is excellent for necessary septic plans and meets all lot-loading criteria. Layouts of the catch basins and roof water drainage have been planned. Henniker's regulations talk about having a walkable site, and dedicated walkways have been planned between the various businesses. Mr. Sturms stated that he likes the use of pavers, brick, granite, stone, and other natural materials. Water coming off of the highway and hillside will be collected and treated.

Chairwoman Claire stated that this is the type of development that the Board has discussed over the past years. She stated that her immediate question is about the increased traffic and how it impacts local traffic and children walking along Old Concord Road to the recreation fields. She stated that she likes the concept of having the development, and she is not concerned about new traffic, but is more concerned with local traffic that will increase on Old Concord Road.

Mr. Parker stated that sidewalks were put along Old Concord Road to help when this type of traffic happened.

Dennis Lamphere, owner of Stonefalls Gardens, stated that he lives in that area and thinks this is a good spot on Old Concord Road for this type of development.

Ron Taylor stated that if a gas station is proposed, test wells must be put in to get baseline readings. He stated that he would like to see a stipulation that continued test wells and reports be done as they have found that flow is toward the river and there are four public wells and two private wells in that area.

Mr. Sturms stated that Contoocook is his hometown and he wants to be proud of the development and be a positive part of the community.

Ms. Stamps stated that she appreciates that his plans are not for a much more intensive use of the land.

Mr. Dubay stated that some of the uses are naturally smaller now because of changes in the markets—for example, the banking market has been affected and banks are typically much smaller due to the increase of online banking.

Chairwoman Claire stated that zoning relief will be required to avoid the one building per lot requirement.

There was discussion about the DOT scoping meeting and improvements to the intersection that may be considered.

Mr. Dubay and Mr. Sturms thanked the Board for their input in the conceptual stage.

Ms. Stamps **MOVED** to adjourn the meeting at 10:08 pm. Mr. Roach **SECONDED** the motion, and it **PASSED UNANIMOUSLY**.

Respectfully submitted,

Jennifer Astholz
Recording Secretary