

HENNIKER PLANNING BOARD

May 12, 2010
Approved Minutes

Members Present: Kristin Claire, Chairwoman; Ed Miner; Jeff Roach; Kellie Dyjak; Thomas Howard, Alternate; Tom Watman, Alternate Selectman, ex-officio; Dale Jennings, Alternate

Members Absent: Richard Patenaude, Vice-Chairman; Terry Stamps

Others Present: Carol Pike; Robert Young; Robert Wright; Chris Leister; Art Siciliano; John Healy; Rick Rideout; Mark Fougere, Planning Consultant; Jennifer Astholz, Recording Secretary

Chairwoman Claire called the meeting to order at 7:05 pm.

Minutes of the 4/28/10 meeting were reviewed and corrected. Mr. Miner **MOVED** to approve the minutes as corrected; Mr. Roach **SECONDED** the motion. Motion **PASSED, 3-0-3** (Ms. Dyjak, Mr. Howard and Mr. Watman abstained as they did not attend that meeting.)

Public Hearings:

Case PB 2010-004: RR Depot LLC; The Applicant is requesting approval for an amendment to their approved site plan (landscaping business) to allow the property to also be used as a venue for events and small weddings. The property is located at 79 Depot Hill Road, Lot 2-239 in the CR Commercial Recreation District.

Mark Fougere, Town Planner, stated that the owner had come before the Board about six weeks ago, and he had provided a full Site Plan review about three years ago for approval of the current business. He has done a great job with the building and site. He would like to use the location for small weekend weddings, receptions, meetings, etc.

Mr. Rideout has a letter from NEC which states that he has permission to use their property for parking. He stated that he can use AGS's parking lot as well.

Mr. Rideout stated that the Town Police and Fire departments have no concerns about the proposed additional business. He stated that he is simply providing a location for services. He anticipates holding small affairs of 60-100 people, and he is not looking to host large events. He stated that he has created a nice space at the depot and feels that it would be great space to hold special functions (alumni functions, meetings, etc.) He marked where a tent would be placed if one were requested. Mr. Rideout or his delegate would be onsite to oversee any events. He will let the Fire Department know of any scheduled events. He also invited the Planning Board members and any other members of the public to come into the building. He believes zoning is proper for this use.

Mr. Fougere added a copy of the letter from NEC about permission for parking to the file and stated that this is an amendment to the current use.

Jeff Roach stated that the applicant did a nice job of presenting his intentions at the last meetings and addressed any concerns that he had at that time. Mr. Rideout stated that he works well with the college and they have cultivated a good working relationship.

Kellie Dyjak asked that if an event is greater than the capacity of the septic system, where the porto-potties would be placed. Mr. Rideout described the placement of a dumpster and the porto-potties on the hardpack employee parking lot (he showed this on the plans). He stated that no events are currently planned; however, he is looking for the Board's approval to be in place.

Chairwoman Claire opened the public hearing at 7:20 pm.

Carol Pike, abutter, stated that she is not in favor of the business expanding to offer these services. She stated that she already has to hear noise from the landscape business's trucks, and she is concerned about having to live with additional noise from these parties.

Mr. Rideout stated that he is not planning to provide a venue for loud partying. He stated that his work equipment is out of the parking lot between 7:30 am – 8:00 am and does not return until 5:00 pm. He stated that he cannot help the noise that trucks make when they are starting. He also reminded them that his property is zoned commercial residential.

Tom Watman asked if a maximum event capacity was proposed. Mr. Rideout stated that the maximum capacity is 100 people; however, that is not what he anticipates. He stated that he envisions more intimate gatherings in that space. He stated that he may host occasional landscape association meetings there as well. He stated that he would not personally be serving alcohol; however, those holding an event at his location will be allowed to provide their own caterer which may serve alcohol.

Mr. Fougere stated that the Town noise ordinance is in effect from 9:00 pm to 6:00 am, Sunday through Thursday, and 11:00 pm to 6:00 am, Friday and Saturday. The proposed hours of operation of events as stated in the application would match the Town noise ordinance.

Hearing no other comments, Chairwoman Claire closed the public hearing at 7:29 pm and called for Board discussion.

Mr. Miner stated that it appears that the applicant's plan is in compliance with the Town ordinances.

Mr. Rideout stated in response to Mrs. Pike's concern that any events held on the property would not be on the side abutting her property.

Chairwoman Claire stated that while she has seen wedding halls present problems in other towns, she does not anticipate those types of problems here.

Robert Young asked if they will be playing music at these events. The applicant explained that they will be allowed to do so.

Chairwoman Claire suggested adding a note to the plans about the public's concern of keeping noise levels within reasonable limits.

Ms. Dyjak **MOVED** to accept the amendment to the Site Plan Review for Case 2010-004 with the following condition: 1) Add note of complying with reasonable noise limits. Mr. Miner **SECONDED** the motion. Motion **PASSED, 6-0.**

Case 2010-005: John & Sandy Healy; The Applicant is requesting approval for a minor subdivision to subdivide an existing 29.89 acre lot into two lots. The property is located at 592 Ray Road, Lot 1-115 in the RR Rural Residential District.

Art Siciliano, representing the applicant, explained that there is an odd lot line configuration around the existing house. He reminded the Board members that he originally came to them in December 2009 for consultation. Sufficient buildable area has been calculated as was mentioned in note #4. The applicant has requested a waiver from the requirement regarding setting monuments.

Mr. Miner stated that the well radius for the existing well will cross the proposed property line. Mr. Siciliano stated that it will cross over the property line by approximately 25 feet. Mr. Miner stated that his only concern would be for the people who have the existing house with the well radius crossing over onto the other property and would no longer be protected. Mr. Siciliano stated that he could add Note #9 to create easement language to protect the well radius. Mr. Fougere stated that DES has sample language that homeowners can sign for this type of situation. Mr. Miner stated that he wants to make it clear that there is proper notification to the homeowners.

Chairwoman Claire opened the public hearing at 8:45 pm. Hearing no comments, the hearing was closed.

Mr. Miner **MOVED** to accept the application as complete. Mr. Roach **SECONDED** the motion. Motion **PASSED, 6-0.**

Mr. Miner **MOVED** to waive the requirement to set monuments at a maximum of 1,000' and allow them to set monuments at 1,209' and another at 1,443'. Ms. Dyjak **SECONDED** the motion. Motion to approve the waiver request **PASSED, 6-0.**

Ms. Dyjak **MOVED** to approve the application with the following conditions: 1) submit mylars; 2) pins to be set prior to recording; 3) DES easement language to protect the well radius be added. Mr. Roach **SECONDED** the motion, and the motion **PASSED, 6-0.**

Case 2010-006: Pat's Peak Inc.; The Applicant is requesting approval for an amendment to their approved site plan to allow for the replacement & relocation of a 512 square foot

ski patrol building. The property is located at 686 Flanders Road, Lot 591 in the CR Commercial Recreation District.

Mr. Wright stated that the current ski patrol building is about 35 years old sits right on top of the peak. The new building will allow a better view of the lifts. The new building will be much more efficient and will have a full cellar under it to store equipment during the summer.

Chairwoman Claire stated that this application is considered an amendment to the Site Plan. Mr. Roach **MOVED** to accept this amendment to the Site Plan. Mr. Howard **SECONDED** the motion. Motion **PASSED, 6-0**. Chairwoman Claire stated that this looks like a worthwhile project.

Board Discussion:

Mr. Fougere stated that he visited the Michie gravel pit after the Conservation Commission expressed concern about pond contamination. He stated that the operation is working and does not appear to be causing turbidity. They will start the reclamation process in the back. He stated that there are four ponds on the property that washwater goes through. He stated that the water is basically very clean, and there is no evidence of causing turbidity in the brook.

Mr. Fougere added photos to the Michie excavation file and has already reported back to the Conservation Commission. Since a lot of silt can be generated from heavy rainstorms on gravel parking lots, Pat's Peak has done some work and has added another settling pond.

New Alternate Board Member:

Dale Jennings, new alternate Planning Board member, was introduced at the meeting. Chairwoman Claire explained that whichever alternate Board member sits on the panel to hear a case will continue through the completion of that case.

OEP Conference Update:

Jeff Roach gave a brief report of the conference that he attended. He stated that it was very informative. Another conference will be available in the fall.

Adjournment:

Mr. Miner **MOVED** to adjourn at 8:15 pm. Ms. Dyjak **SECONDED** the motion. Motion **PASSED, 6-0**.

Respectfully submitted,
Jennifer Astholz