

Planning board Members Present: Denis Hebert, Vincent Frank, Michael Marconi, Jack Pare, Tom Bobotas, Chris Cross, Cos Iocovazzi, Peggy Lamson (Alternate)

Also Present: Town Planner Tom Morgan

Commencement: Chairman Hebert opened the meeting at 6.32 pm

VIP Parts Tires & Service: Dennis Moulton presented the revised plans showing:

Square footage correction and additional parking spaces.

Gail Pare, property owner, expressed concern about he noise. Moulton replied that the garage doors will be closed in the winter and that sound deadening devices would be utilized.

Chairman Hebert stated that the applicant is subject to the existing Town noise ordinances.

Marconi suggested the parking spaces be marked for employees.

A walkway from VIP to the Texas Roadhouse was discussed. Lamson inquired about the walkway being accessible (ADA compliant). Bobotas suggested the parties involved (VIP and Texas Roadhouse) discuss potential locations for the walkway and come to agreement.

**Cross made a motion to approve the plan with the following condition:
Applicant must agree with Texas Roadhouse to construct a sidewalk between the two locations prior to the either party receiving a certificate of occupancy, Frank seconded**

Chairman Hebert indicated that one Certificate of Occupancy has already been issued.

Chris made a motion to amend the previous motion to accept the plan adding that no Certificate of Occupancy or modification to a Certificate of Occupancy shall be made without the agreement between the parties to construct a sidewalk between the two locations., Frank seconded. All in favor – amended motion carries.

Estate of Barbara Baird – two-lot subdivision:

Erin Baird presented plans of the proposed two-lot subdivision. One 3 acre lot with 200' of road frontage and one 36 acre lot with less than 200 ft of road frontage. The second lot is 1.4ft short of the frontage requirement. The ZBA had approved the variance but the

decision was appealed by an abutter. The ZBA will hold a re-hearing on the frontage issue on August 27th.

Baird stated that the remaining 36 acres would be maintained by the nature conservancy. Baird's intent is to construct the home as a green home using renewable energy sources if possible.

Baird discussed the culvert and stated that the abutter, Carroll, was blocking the culvert with plywood. Attorney Lyons (representing the Carrolls) spoke on the culvert issue stating that the Carrolls have an easement on the property by deed and have the right to maintain and preserve the easement which includes the culvert.

Ann Graciano, property owner, expressed concern about the culvert and stated that the culvert had been changed at some point, and that at the time, Barbara Baird had been unhappy with the work done.

There are several waivers requested with this plan

Pare and Marconi expressed concern regarding the issue of ZBA approval and perhaps the board should hold off until the applicant is either granted or denied the variance on the frontage issue.

Morgan read the statute regarding whether a plan is complete.

Chairman Hebert opened the meeting to public comment on whether to accept the plan as complete.

Gail Pare, property owner, felt that the board should accept the plan to consider and then deal with the other issues individually.

Attorney Lyons indicated the board should not accept the plan given the open issues and the waivers requested. He stated that the plan is different than what was submitted to the ZBA, the original plan was for one 2 acre parcel and one 37 acre parcel. He also expressed concern regarding the proposed sustainable energy use and what realistically that means and what it would look like. He also stated that a special exception is required for the driveway.

Helen Reed, property owner, expressed support of the idea of a green home.

Lamson stated that the Conservation Commission was in support of the proposal.

Several board members questioned whether there is a wetlands issue.

Cross stated that regardless of how it occurred, it is a wetland

James Carroll, abutter, spoke indicating that the culvert and plywood have been existing since he moved there. He uses the plywood to control the water flow between the two ponds.

Pare suggested that the water levels in the ponds may be related to the size of the culvert and that the issue is a maintenance issue and is between the parties and does not create a deficiency of the application.

Cross stated that with the subdivision of the property, the shared driveway becomes an access to a subdivision and must be treated as such.

Frank made a motion to accept the plan as complete, Pare seconded, Marconi opposed, all others voted in favor – motion carries.

Rockingham Electric Dennis Moulton presented the plan to reconfigure the parking lot within the existing paved area. The parking would increase from 59 to 74 spaces.

Iocovazzi questioned that if it is the same footprint, why is there a concern.

Lamson stated that the runoff is a concern and needs to be addressed

Frank asked about sediment control and what happens to the oil. Moulton replied that there is piping used that separates oil and water. It becomes a maintenance issue with the catch basin.

Marconi made a motion to accept the plan as complete, Frank seconded, all in favor – motion carries.

Pare asked if they could consider a detention pond in the grassy area.

Cross expressed his concern with this site. He feels they should be treating the runoff somehow and not just connecting to the state system. He questioned the applicant, Pender, regarding several issues of at the property location:

- Drainage pipe stored outside the building
- Non-conforming lighting – flashing sign that changes messages too often.
- Parking of trucks in the access way

Mr. Pender stated they had a permit for the sign and was unaware of any violation. He will correct the sign. He further stated that the pipe is not stored outside as frequently as it used to be and also inquired about where would be more appropriate to park the trucks. Mr. Pender would like to work with the town, but is concerned about the cost. He may have to go ahead and just repave the lot.

Cross asked if they would consider using the circle landscaped area or other grassy as a catch basin for treatment of the runoff.

Lamson asked Moulton to develop a Best Management Practice Plan to address the maintenance issues – Marconi in favor of this plan. Moulton agreed to develop the plan. Moulton also agreed to investigate using the grassy areas for treatment of runoff. Mr. Pender will consider the option based on the cost.

The application is continued and the applicant will return to the next meeting.

Texas Roadhouse: Jim Muse spoke regarding the request for an outside patio area serving food and drinks. The proposed area is 12 x 25 and has a 26 person capacity

Chairman Hebert explained the lighting at the building is shining upwards and is not allowed. Also, the filament is shining toward the intersection at Woodbury Avenue and needs shielding. These issues need to be corrected.

Chairman Hebert also asked that Mr. Muse approach VIP regarding the walkway between the two sites as discussed earlier.

Discussion about requiring a public hearing in order to approve.

Marconi made a motion to go to public hearing, Pare seconded, all in favor – motion carries.

17 Carters Lane: This item was not on the agenda. The property owner is in the process of installing a driveway and questions the need to install a pipe. Since the issue is not on the agenda, and the board did not receive any materials on this issue, the issue cannot be addressed.

Request by Michael Haberski for application fee refund: Iocovozzi made a motion to deny the request, seconded by Marconi, all in favor – motion carries.

Items added to pending business F), G), and H)

Pending Business:

- A) Bed & Breakfast Inns
- B) Signs in the Residential District and Other.
- C) One building per lot in the Office & Industrial Districts
- D) Roadway Frontage Standards.
- E) Restaurants
- F) Shared Driveways**
- G) Connecting to utilities**
- H) Class VI Roadway**

Meeting Minutes:

Pare indicated the motion (Sprague application) referred to on page 3 was an amended motion and should read “amended motion carries”.

Pare made a motion to approve the minutes of July 23, 2007 with corrections, Marconi seconded, all in favor – motion carried.

Iocovozzi made a motion to adjourn, Marconi seconded, all in favor – motion carries.

Meeting adjourned at 9:50 pm

Respectfully submitted,

Melia Michaud
Recording Secretary