

Planning Board Meeting Minutes

December 5, 2017

6:30 PM

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Chairman Burns called the meeting to order at 6:32 PM.

Member Present: Scott Burns – Chairman, Everett Kennedy, Frank Lombardi, John Tholl Jr., Alan Theodhor, Tim O’Neil – Alternate and Joyce McGee – Secretary.

Public Present: Philip (Sam) & Aggy Chase, Sharon Geil, Shane Morton, Sara Dunn, Robert Stiles Sr. and Dennis Bacon.

1. Site Plan Review/Change of Use

Public Hearing(s): Continued from November 14, 2017

#606 – Owner(s)/Applicant: Morton, Shane and Nelson, Christopher – 69 Hidden Acres Drive, Tax Map 230 Lot 044 – who is/are requesting a Change of Use from Residential to Commercial for existing Trucking Garage – C&S Logging.

Chairman Burns opened up the continuance of Case #606 from the November 14, 2017 meeting and asked if there were any other comments. The following letters were read by Frank Lombardi:

1. Letter from Shane Morton (see file) along with documents from Ted & Barbara Ingerson regarding covenants on said subdivision. (applicant)
2. Letter from Steven Bissonnette (see file). (non-abutter, resident of Parker Road)
3. Letter from Philip R. Chase Jr. (see file). (non-abutter, resident of Parker Road)
4. Phone conference with Stephen Spigel and Secretary McGee: Secretary McGee reported that Mr. Spigel would be okay if it was to be a light commercial business but wants the covenants kept on the subdivision. (non-abutter but owns property on Hidden Acres Drive)

Chairman Burns asked if the Board had any questions:

John Tholl Jr. asked about change of ownership with an abutting property, has the new owner been told about the operation? This is a property across the road owned by Ms. Rand and she was notified but was the new owner told. Mr. Morton felt that if Ms. Rand was notified then that was good. John Tholl Jr., it’s just a concern. Mr. Morton would fight it with a lawyer if it needed to be done as more time would pass and the case had been continued once already.

Chairman Burns questioned Mr. Morton on using the in town entrance to Parker Road as he had seen a couple of trucks this week using the entrance off Rte 116. Mr. Morton stated that for emergency purposes he uses the Rte 116 but the rest of the time uses downtown entrance. The reason for using Rte 116 was it was near when school was letting out and wanted to avoid the kids and school buses. Why go downtown when you have another entrance.

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Chairman Burns asked what the reason for Change of Use was for. Mr. Morton stated for insurance and to receive packages. Chairman Burns didn't know of any insurance that would refuse them based on a commercial business status coming for the Board. Chairman Burns asked about the road ban status and were they trying to by pass it by getting a Commercial status. Mr. Morton, No. 90% of the time I go home empty and I'm not going to destroy the road. Mr. Morton spoke with Shawn White, PWD for the Town and 3 culverts are rotted out, 3/8" of tar has been put down on both ends of Parker Road but town funds are limited for roads. Mr. Morton, this is just a band-aid fix, the town needs to fix what is under the current road.

Frank Lombardi felt the Board needed to continue finishing the Absolute Criteria.

Character of the proposal had not been addressed at the last meeting. The question of did it fit the character of the area. Mr. Tholl stated that it's a non-conforming use right now, which is permitted right now.

Frank Lombardi read the section from the Development Code, Article XII Non Conforming Uses "Grandfathering": Page 19 Section 5.1 Definition; 5.5 Uses and Page 20 Section 5.9 Change of Use.

Philip Chase stated that if you change it to Commercial then it's a conforming use and you've taken it out of the Residential category and then it opens it up for whomever to come in and request a Commercial status. Frank Lombardi stated that a Change of Use would be required. The Town has flexible zoning that is what it is all about. Mr. Morton felt that you shouldn't tell people what they can and can't do with their property. John Tholl Jr. – You just can't do it, you have to come before the Board. If the property is turned into a commercial business and then someone came in with another use they would have to comeback to the Board. Frank Lombardi – Limitations of the use would need to be changed.

Philip Chase felt it wasn't considered Residential that it was Agricultural. Mr. Chase was apprised of that the land/building in question was separate from Mr. Morton's residence. It's a parcel by itself. Mr. Morton stated he had used this location for 10 years for his business. Mr. Chase – we aren't talking about a Residential Use, it's a business on another property.

Frank Lombardi went over the following: Character, Conflicts: Hours of Operation, # of Trucks and Noise.

Character – As is, existing. Maintenance of trucks and parking of vehicles are for his trucks only. Any added aspects of business including expansion of the garage and or equipment use must be brought

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back to the Planning Board. Need to following best practice on maintenance of vehicles. Hours of operation 5:00 AM to 7:00 PM and # of trucks 10.

Truck entrance onto Parker Road: Mr. Morton, If the roads are icy my trucks go the other way. Shawn White, PWD asked that I go through town and I do as much as possible.

Noise: No abutters complained about it. On location 5:00 AM to 7:00 PM. Chairman Burns advised that one truck driver does over use his jake brake. Mr. Morton will address this.

John Tholl Jr. had a problem with the hours of operation as he felt 5:00 AM was too early and seems to be a potential to disturb people. Out by airport the road has hour limits. Mr. Morton stated that, no those hours had been lifted. Mr. Morton said it was no different then having an oil truck using the road. Mr. Tholl said it was a major difference.

Sharon Geil wanted to know if the Board had read an e-mail that Leon Geil had sent to a few Board members. No one had the e-mail with them and some didn't seem to get it either. Ms. Geil provided the e-mail correspondence. (see file)

Robert Stiles – weight limit would be by the selectmen.

John Tholl Jr., we have x-amount of money for roads, it's going to cost a lot.

Mr. Morton said his trucks are not over weight and very little loaded trucks. He had an excavator brought in today. I can fight this in court. Frank Lombardi we don't enforce the trucks and don't put restrictions on Town roads, if a 7-lot subdivision comes in then we would address the congestion on town streets.

50% was gained on the Commercial Activity Criteria, which passes the point chart. Secretary McGee asked Frank Lombardi to read the points of condition: Maintenance of vehicles would be his own, any added aspects of garage and equipment must be brought back to the Planning Board, guidelines not to jake brake, hours of operation 5:00 AM – 7:00 PM and 10 trucks minimum. It was asked if any board members had anything else.

A motion was made by Frank Lombardi to accept the application as complete, seconded by John Tholl Jr. All in favor with Everett Kennedy voting no, motion carries.

A motion was made by Frank Lombardi to allow the Change of Use to Commercial with the conditions of maintenance of vehicles to be his trucks only, any added aspects of garage and equipment must be brought back to the Planning Board, guidelines not to jake brake, hours of operation 5:00 AM – 7:00 PM and 10 trucks maximum.

At this point no one seconded the motion on the table. Chairman Burns if not seconded then can't bring it up for a vote, hearing none motion fails. Any other motions? Frank Lombardi asked if anyone had other questions. Tim O'Neil is not a voting member on this case. Frank Lombardi, thinks that it's only fair to make a decision. No other motion came forward.

Mr. Morton said, you will hear from my lawyer.

The Board proceeded with the agenda.

Consultation:

1. Minor 2-Lot Subdivision

#610 – Owner(s)/Applicant: Lois A. Stiles Revocable Trust – 595 Kimball Hill Road, Tax Map 253 Lot 001 – who is/are requesting a 2-Lot Subdivision on said parcel consisting of 95.06 acres, Lot 1 is to become 13.80 acres and Lot 2 is to become 81.26 acres. Survey is prepared by Boulanger Consulting.

Everett Kennedy wondered about the R.O.W. and wanted to see the deed as the town didn't have it on their maps. Mr. Stiles stated that the larger R.O.W. was 25' wide, an access that Mr. Parks in Bethlehem uses to get to his property and the other R.O.W. was a utility access that he had made into a gravel road to access his property in Bethlehem. Mr. Stiles said he would get something for next meeting. Secretary McGee stated that an abutter Mr. Parks wanted to know the intent of the subdivision. Mr. Stiles said to keep for his children, not to develop.

2. Minor 2-Lot Subdivision

#611 – Owner(s)/Applicant: Robert Stiles Sr. Revocable Trust Dated February 4, 1992 – Land Only Off Lancaster Road, Tax Map 219 Lot 059 – who is/are requesting a 2-Lot Subdivision on said parcel consisting of 4.45 acres, Lot 1 is to become 2.50 acres and Lot 2 to become 1.95 acres. Survey is prepared by Donald H. Doolan, Land Surveyor.

Mr. Stiles stated that the lots could be accessed by Town Water/Sewer. Board expressed that the road may need to be brought up to Town Road Standards if developed into house lots. No one knew what the current road was made up of. Mr. Stiles said he could use other access points.

3. Boundary Line Adjustment

#612 – Owner(s)/Applicant: Robert Stiles Sr. Revocable Trust Dated February 4, 1992 - Land Only Off Lancaster Road, Tax Map 219 Lot 057 – who is/are requesting a Boundary Line Adjustment on said parcel consisting of 1.65 acres. To add approximately 50'x 200' strip of land to said parcel. Survey is prepared by Donald H. Doolan, Land Surveyor.

Board had no concerns.

Minutes: A motion was made by John Tholl Jr. to accept the minutes of November 14, 2017 as written, seconded by Frank Lombardi. All in favor, motion carries.

Development Permit(s):

Weeks Medical Center – 8 Clover Lane, Tax Map 231 Lot 074: This permit was pending from the November 14, 2017 meeting. At that meeting the Board wanted to see the soil type and percentage of use of open space. A letter from USDA Soil Department shows that the soils are good in that area. Percentage of open space, Lot is 7 acres, developed area is 3.14 acres. No concerns with this. Applicant wants to expand existing rear parking area. Said parking area will be 60'x180', adding two downward lights to existing poles. No conditions. **A motion was made by John Tholl Jr. to approve the application as presented, seconded by Alan Theodor. All in favor, motion carries.**

- 18 Shirlaw Drive is looking at putting in a structure that would be closer than the 25' setback allowance, however homeowner owns adjacent lot. Board advised to, either merge lots, do a boundary line adjustment or get a variance from the Zoning Board. Secretary McGee will advise homeowner.
- Secretary McGee had violation letters that will be going out in the mail.

CIP Update: Chairman Burns advised that the CIP Committee needs to pick a date to review the final document for the update that was contracted with NCC and then proceed with a date for a Public Hearing for input and adoption. Chairman Burns will be having a meeting next Wednesday, December 13, 2017 at 6:30 PM to finalize the 2018 budget process with CIP. It was agreed to have the Committee look at the update on that date too. Regan Pride of NCC will be asked to attend. The Public Hearing and adoption will take place at the January 2, 2018 worksession meeting.

Chairman Burns informed the Board that he is thinking about getting off the board as of January.

Secretary McGee thought that setting a table up at Town Meeting to recruit some interest in serving on different Board would be good.

A motion was made by Everett Kennedy to adjourn at 8:29 PM., seconded by Frank Lombardi. All in favor, motion carries.

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Next meeting is Tuesday, December 12, 2017 at 6:30 PM.

Respectfully submitted by


Joyce A McGee – Secretary

Scott C. Burns - Chairman

