

Planning Board Meeting Minutes

November 14, 2017

6:30 PM

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Chairman Burns called the meeting to order at 6:38 PM.

**Members Present:** Scott Burns – Chairman, Everett Kennedy, Frank Lombardi, John Tholl Jr. – Selectman Rep. and Joyce McGee – Secretary. Tim O’Neil – Alternate arrived at 7:01 PM.

**Members Absent:** Alan Theodhor

**Public Present:** See attached list.

**Public Hearing(s):**

**1. Site Plan Review/Change of Use:**

**#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 asked the applicant to speak, Mr. Morton and Ms. Dunn were present. Mr. Morton stated that the current trucking garage will have no changes it’s more for insurance reasons and legal status for the garage.

Chairman Burns asked if any abutters were present. None were present but a letter was received from abutter Lavina Pilotte. Frank Lombardi read the letter (see file). Mr. Morton stated that Ms. Pilotte was not a Whitefield resident, the house she owns is a rental property. He asked the Board to take the letter as it is, he advised that he had spoke with Stephen Spiegel who is a landowner on the Road but not an actual abutter and Carl Hill who is an abutter and both of them don’t have a quirk with it.

Residents on Parker Road were present with concerns on the use and damage being done to the road as well as becoming a Commercial Use. Mr. Morton said he had been through this with the Selectmen about trucks traveling the road including Forbes Trucks and as for the Commercial use, there are several rental properties and at one point the Chase Theatre, I’m not the only one on the road with Commercial use. Concerns were expressed on the hours of operation, Mr. Morton stated that it’s 6:00 AM to 5:00 PM. Mr. Chase asked if there was going to be an increase in trucks, Mr. Morton stated “no”, there will be no growing of the business, currently have 8 trucks.

A letter from Leon Geil was presented to the Board by the residents of Parker Road. Frank Lombardi read the letter (see file).

Frank Lombardi stated that any traffic issues on Parker Road are for the Selectmen to address not the Planning Board. Mr. Morton stated that he had already been to a meeting with the Selectmen. The road problem is due to lack of maintenance, culverts are rotten causing dips. John Tholl Jr. stated that

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this was not a hearing on the road, the Selectmen control, load limits, speed, road bans etc. Load limit was brought up, Mr. Morton stated he very rarely goes home with a truck loaded and when he does he uses the Town side of Parker Road but in bad weather Burns Pond side.

Chairman Burns asked about covenants, Mr. Morton said he had permission from the ones who made them. Ted & Barbara Ingerson have allowed it and he has a written letter. The Board would like a copy of the letter allowing this use. Mr. Morton again stated that he is not expanding the business or building, that is not what he is asking for.

Mr. Robson, 6 Parker Road wondered how many trucks in a day. Mr. Morton said, 3 most every day. Mr. Robson stated that he knew that trucks were leaving between 4am and 6 am, rattling windows. Mr. Morton got on the subject of snow plowing early in the morning. Mr. Robson, we are not talking about snow plowing. You stated that 6:00 AM leaving, you are leaving well before that time.

Frank Lombardi wanted too address these issues when going through the Absolute Criteria and Commercial Use Criteria. Mr. Chase felt the hours of operation needed to be addressed, concerned with letting this go through and then all of a sudden more trucks start to happen. Mr. Morton, no increase of trucks.

Frank Lombardi went through the Commercial Use Criteria. Maintenance on Trucks: General maintenance is done within the garage, if something major goes off site. Character: It was a horse barn many years ago and turned it into a truck garage. Does it fit the area: John Tholl Jr. -Use already been there for 20 years before we passed the Development Guide. This is a gray area none of the Board members could answer the question on does it fit the area, so they moved on.

Frank Lombardi felt that the Board needed to focus on the building use. Moved on to the Absolute Criteria:

Conflicts: Road issue, hours of operation.

Noise: (Pilotte letter)

Mr. Morton – there are no abutters to complain about the noise, no abutters present. Hours of operation sometimes longer hours, would like 5:00 AM to 7:00 PM. Your noise ordinance in town is 9:00 PM.

Chairman Burns asked if there were any other comments. Road issue was brought up again. Chairman Burns stated again that was a Selectmen issue. John Tholl Jr., the Planning Board has the authority to approve the hours, noise and how many trucks. Mr. Morton – 8 trucks total with 4 trucks running most of the time. John Tholl Jr. wanted to know the total trucks per day. Mr. Morton – 3 trucks if squeezed into the garage, but would like 10 trucks total.

Frank Lombardi asked about the noise decibel, but no one had an answer.

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Noise & Conflict: John Tholl Jr. has concerns about trucks running at 5:00 AM, knows that the road is not the smoothest or widest, but understands that Mr. Morton needs to make a living. Mr. Morton understands that a few residences are close to the road others are off the road by many feet. The noise of the trucks are gone within 2 seconds. Frank Lombardi - Selectmen need to state if they want a load limit.

Chairman Burns and John Tholl Jr. felt further discussion was needed. Mr. Morton, this is my lively hood. Chairman Burns stated that the Board can put stipulations on. Mr. Morton, there are no abutters, all present are residents on other roads, we aren't talking about Forbes Farm.

Chairman Burns, we need more time to discuss it. John Tholl Jr., we need to have an opinion from town lawyer or municipal association to make sure we are legal and proper on what we have authority to do. Mr. Morton, I employ 5 people, it's been there for 20 years. Frank Lombardi wanted to know how to address the issue are we just looking at the building area or the whole area of coming onto a town road. John Tholl Jr., we need to get some answers.

Mr. Morton wondered if any other petitions could come in would it affect the meeting. Chairman Burns said, yes, other information could come in.

**A motion was made by John Tholl Jr. to continue the hearing until December 5, 2017 at 6:30 PM, seconded by Frank Lombardi. All in favor, Everett Kennedy abstained, motion carries.**

Chairman Burns appointed alternated Tim O'Neil as voting member in place of Alan Theodor.

**2. Boundary Line Adjustment:**

**#607 – Owner(s)/Applicant: Langell, Farnham & Maria/Olson 2012 Childrens Trust** - who is/are requesting a Boundary Line Adjustment. Said properties are located on 21 Fairway Lane, Tax Map 217 Lot 14 currently 2.52 acres and 38 Fairway Lane, Tax Map 217 Lot 15 currently 10.14 acres. Tax Map 217 Lot 14 is selling 1.28 acres to Lot 15 thence Lot 14 will become 1.24 acres and Lot 15 will become 11.42 acres. Survey is prepared by Kellogg Surveying & Mapping, Inc.

Perry Williams from Kellogg Surveying & Mapping, Inc. was present. Mr. Williams explained to the Board that the Langell's were selling 1.28 acres to the abutter Mr. James Olson and it meets State requirements. No concerns from the Board.

**A motion was made by Frank Lombardi to approve the application as complete, seconded by John Tholl Jr. All in favor, motion carries.**

No further comments.

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**A motion was made by Frank Lombardi to approve the Boundary Line Adjustment as presented, seconded by John Tholl Jr. All in favor, motion carries.**

**Consultation:**

**Weeks Medical Center, 8 Clover Lane:** Dennis Bacon from Weeks was present. Weeks Medical Center would like to expand the parking area in the rear of the building. Mr. Bacon stated that abutters Jerry and Wanda McGee would like the swale still maintained for drainage purposes. The clinic has outgrown the existing parking area and since time, the weather and money are limited he is looking at having the parking lot gravel for now. Parking would be face to face with existing lot. Setbacks will be 40' to the line. Frank Lombardi asked about Soil Type, no information was given. Size of the parking lot would be 60'x180'. The Board needs to see the soil type in that area on the map also open space and percentage of use was brought up too. Mr. Bacon was advised to return on December 5, 2017.

**#608 Cargill, Robert & Daphne – 995 Jefferson Road, Tax Map 215 Lot 016: 2 – Lot Subdivision.** Survey is prepared by Tim Sutherland.

Mr. Sutherland was present stating that the Cargill's were looking to subdivide their 11.15 acre lot into 2 lots. Lot 1 with the existing house to be 5.02 acres and Lot 2 is 6.13 acres. Lot 2 is for a new home for the Cargill's. The existing driveway will be the access for both lots as the State will not issue another entrance. Chairman Burns stated the State of NH – DOT would need to be notified of the proposed change. Mr. Sutherland stated that no further subdivision could take place do to soil types and access. Public hearing is scheduled for December 12, 2017.

**Minutes:**

**A motion was made by John Tholl Jr. to approve the minutes of November 7, 2017 as written, seconded by Frank Lombardi. All in favor, motion carries.**

**Master Plan Update:** Names of committee members were given: Chris Diego or Peter from the Mtn. View Grand Hotel, David Holmader and Chief Ed Samson. Secretary McGee advised that if other names are given to send them to June Garneau directly.

**Other Business:**

**Septic Designs:**

**Gribbin, Jeffrey – Twin Mountain Road, Tax Map 232 Lot 009:** The Board had reviewed the septic plan on November 7<sup>th</sup> – Pending - no water source indicated. The plan now has the water source indicated with the well radius. No other concerns. **A motion was made by Frank Lombardi to approve the Septic Design as presented, seconded by Tim O'Neil. All in favor, motion carries.**

**Driveway Permits:**

**Waystack, Philip & Beverly – 153 Mtn. View Road, Tax Map 217 Lot 013:** At the November 7<sup>th</sup> meeting the Board wanted more information on the proposed driveway as it didn't meet the 25' setbacks at the entrance to the property. Secretary McGee had e-mailed Mr. Waystack, his response was that the plan

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showing the driveway does rely on the historic location of the driveway. It was used to access the old farmhouse located on the plan, you can actually see the gravel on the proposed location. The Road Agent and contractor also felt this was the best location. Mr. Waystack went to the location and it looks like the westerly edge of the proposed driveway location is 17' from the pin at the base of the stonewall that delineates the boundary with MVG. After a short distance the proposed driveway location is beyond the 25' from the boundary. If moved more fill would be required. (See letter in property file).

Frank Lombardi stated that the street scape is already there. The Board agreed that a letter from MVG would be needed stating that they are okay with the 17' at the base of the entrance to their property.

**PENDING**

**Development Permit(s):**

**Waystack, Philip & Beverly – 153 Mtn. View Road, Tax Map 217 Lot 013:** At the November 7<sup>th</sup> meeting the Board noted the height of the structure was missing. An e-mail from Mr. Waystack stated that the house will be around 32-35', he is thinking about adding a cupola on the ridge which may bring it to about 34-35'. Town height restriction is 35'. Need to note in the condition that can not exceed the 35' restriction. Single Family and Absolute Criteria were filled out at the November 7<sup>th</sup> meeting (see property file). **A motion was made by John Tholl Jr. to accept the Development permit as presented with the conditions that the height limit is 35', water hook-up is pending and driveway permit is pending, seconded by Frank Lombardi. All in favor, motion carries.**

**Great American Life Ins. aka Mtn. View Grand Hotel – 175 Mtn. View Road, Tax Map 217 Lot 017:** A question came up regarding building the landing of the fire escape closer than the 25'. The existing barn is only 16' from the boundary line the landing would be 13' from the line. Board felt a letter from the abutter would be needed. **PENDING**

**Correspondence:**

**Matthews, Chris & Becky – 30 Union Street:** Looking at putting a store in home to sell vinyl records, tapes etc. wondering if it falls with home occupation or commercial. The Board felt it would fall under Residential Use – Home Occupation. Chief Ross also stated that they would need to meet new fire codes standards since they are allowing the public to purchase items from their home. The Board also, wants a sketch of the parking. Secretary McGee will let them know what is needed for the public hearing in December.

**Lufkin, Mark:** Letter to State regarding moving Auto Salvage Yard from 15 Union Street to 51 Twin Mountain Road. (See property file).

**Development Application Fee:** The Board agreed that the fees should be included as an insert in the up coming tax bills.

**Development Permit:** Frank Lombardi showed a few variations of posting permits when issued. The Board will review at the December meeting.

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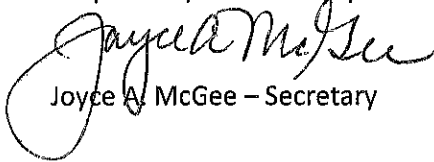
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**A motion was made by John Tholl Jr. to adjourn the meeting at 8:44 PM, seconded by Frank Lombardi.  
All in favor, motion carries.**

Respectfully submitted by:

A handwritten signature in cursive script, appearing to read "Joyce A. McGee".

Joyce A. McGee – Secretary

Scott C. Burns - Chairman

A handwritten signature in cursive script, appearing to read "Scott C. Burns".