APPROVED

Planning Board Minutes

September 22, 2020

Due to the COVID-19/Coronavirus crisis and in accordance with Governor Sununu’s Emergency Order #12 pursuant to Executive Order 2020-04, this Board is authorized to meet electronically. The public has access to contemporaneously listen and participate in this meeting through the video.

Members present: Nancy Teach, Chair; Art Urie, Vice-Chair; John Hodgson; Randy Monti; Doug Phelps; John Kinney, Ex-Officio; Donna Duclos, Alternate

Also present for duration of appropriate items: Kurt Meier, Proctor Academy; Bill Stack, SJS Associates; Frank Anzalone; Jim D’Angelis; Wyatt Rys; Brian Signor

Minutes of August 11, 2020

Phelps - Motion to approve as amended

Urie – Second

Unanimous – Vote via roll call to approve

Announcements / Correspondence

1. The public hearing for Connie McLeod that had been kept open through August 11, 2020 in order for the board to receive public comments has now been closed as there has been no public comments received.
2. The proposal from AABL LLC ( AJ Giglio of the Refinery ) for a pole barn has been withdrawn.

Non-Binding Consultation: Proctor Academy, with Bill Stack of SJS Associates as agent, for a Woodland Center. The property is Tax Map 18, Lot 840,096 in the Village District

A completed Site Plan Review Application was received by the board and reviewed. Phelps asked if there were any revisions since the prior submission and the response was no. Stack did indicate that it was not defined on the plan too clearly; but, the height of the structure at the top of the cupola is 32’; therefore, no variance is needed from the Zoning Board of Adjustment. Kinney stated that no elevations were indicated and Stack replied they were on the last page of the submission. Teach asked if the expected date of ground breaking is 2021 and the response was yes. Teach asked if Proctor expects any changes to the proposal by then and the reply was no; however, if there were, they would come before the board. Stack reiterated that the two outbuildings will be constructed in the future but are elements of the whole plan. Phelps made a motion to deem the application complete. Urie seconded the motion and the board voted unanimously via roll call vote to deem the application complete. A public hearing is scheduled for 7:15 p.m. on Tuesday, October 13, 2020.

Non-Binding Consultation: Frank Anzalone, Cascade Bridge LLC, 9 Johnson Lane, Tax Map 28, Lot 374,041 in the Village District for light assembly of ammunitions without retail sale on premises

Teach advised that in 2003 the Planning Board approved a change of use for the building to office and storage space on the first floor and two single-bedroom apartments on the second floor. Anzalone stated that they purchased the building in 2015 and no apartments had ever been put in. The proposal is light assembly of training ammunition ( small cartridges ) with ATF approved method of storage. The area of the second floor to be used is 400 square feet, a total of three persons, all products will be carried up and down stairs. Anzalone stated they have a supplier for shells, primer and bullets. It was asked how much gunpowder would be on premise and the response was one gallon in a fire locker and primers would be store separately. Anzalone also stated that should this proposal be approved; ATF permits will be applied for. Urie asked what type of security would there be and the response was cameras and the doors would be changed. Duclos asked if there was sufficient lighting for the cameras and the response was yes. Teach stated she was concerned with the lights affecting the neighbors and the response was that the lights are currently there. Teach stated that there was construction being done at 15 Johnson Lane and Anzalone responded that an energy audit had been done on both buildings and new boilers and insulation were installed and new paint and floors were done to one apartment. Anzalone stated that the rest of the second floor will be a massage therapy operation. Teach asked if the masseuse has plans to come before the Planning Board and Anzalone responded that the previous daycare proposal was advised no Site Plan Review was necessary. Phelps stated that the massage therapy is a change of use and Teach stated the masseuse needs to come before the board as a courtesy. Teach stated she was concerned with traffic in the area as it can get busy and congested and asked how many vehicles would be parked here. Anzalone replied two vehicles and that the only real traffic is the buses in the morning and the afternoon. Kinney asked what type of ATF approved method of storage there would be and the response was the gunpowder would be kept in a fireproof locker and that once the ammunition is assembled, it is not really hazardous. Kinney stated he was concerned with in the event of a fire in the building how this would react. Anzalone stated he would provide Kinney with a video; however, unless the ammunition in is a gun barrel, it would fizzle out. Phelps asked if the ammunition would be loaded individually and the response was yes and the company is hoping to have it automated at some point. Phelps asked if there would be more than one gallon of gunpowder at one time and the response was there would be enough for one batch at a time; however, if there would be more than one gallon, they would find a larger space. Monti asked how many rounds would be in one batch and the response was 5,000. Monti asked if State or Federal permitting is required and the response was yes, an ATF license is needed to assemble, a background check for each employee is required along with a site visit. Monti asked if the permit is for the individual employee or for the company and the response was it is issued to the company; however, each employee has to be approved and any additional employee would need to have a background check. Urie advised a Special Exception is needed from the Zoning Board of Adjustment. Anzalone stated that a Special Exception is only needed if there is retail sale on premises and there would not be; therefore, no Special Exception is needed. Teach stated this would be assembling no manufacturing. Urie stated as this is a change of use for the space, a Special Exception is needed. Hodgson stated that there is a genuine gap in the Zoning Ordinance as it only states a Special Exception is needed for manufacturing of goods for retail sale on site; however, no retail sale on site is not specified. Hodgson stated he believes Anzalone should go before the Zoning Board of Adjustment. Kinney asked what the process for the Zoning Board of Adjustment would be and Urie explained that the Planning Board needs to deem the site suitable for the proposal and then the applicant would go before the Zoning Board for Special Exception approval and if approved, the applicant would go back to the Planning Board for a Site Plan Review. Monti stated that purchasing would have a greater impact than assembling and needs more oversight if selling and having clients come on premises. Urie stated that the Zoning Board weighing in on this proposal is important. Anzalone asked what the difference between a Variance and a Special Exception and Urie stated that is the Zoning Board’s determination. Urie made a motion to deem the site suitable for the proposed use. Phelps seconded the motion and the board voted unanimously via roll call vote to deem the site suitable for the proposed use. Anzalone stated he would apply to the Zoning Board for a Special Exception. Teach will complete a “finding of site use appropriate” form and send to Frank Anzalone and Lisa Meier and Meier will forward to the ZBA members.

Site Plan Violation: Brian Signor, B & S Diesel / Blackwater Properties, 14 Johnson Lane, Tax Map 28, Lot 363,042; Village Zone

Brian came before the Planning Board for a non-binding consultation in August 2015 and got a public hearing was held September 22, 2015. The board approved his application in November 2015. The board reviewed the application and detailed plan from 2015 with Signor. Teach stated that there are more vehicles at the location than what was approved and hours of operation are outside of what was approved. Signor asked if there were any complaints and Teach responded not in front of her. Signor stated he was denying operating outside of the approved hours. Teach stated there is a U-Haul Business along with a custom woodworking business. Signor replied that the custom woodworking business has been there for 15 years; and will bring it to the attention of himself and his partners and advise that the Planning Board was not aware of this business. Signor stated that he was unsure of how to best utilize the space upon opening and needs to have 15 – 20 vehicles in order to properly operate his business – his approval in 2015 was for 5 vehicles. Teach stated vehicles are being parked in the road on the west side of the building and that cannot happen. In 2015, Signor was advised that because Johnson Lane is a Class V road, vehicles cannot be parked on the west side of the building as they would be in the town right-of-way and he agreed to move the three parking spots to the opposite side of the building. Teach and Signor spoke with the road agent and the road was measured and it determined the vehicles are being parked in the road. Signor asked how the road was measured and Teach responded with a tape measure. Signor advised the proper way to measure a road is utilizing GPS. Signor asked when the road originated and what was the classification of the road upon origination. Teach responded that the road was originally classified as private and became a Class V road at a later date. Signor stated that 15 Johnson Lane was existing in 1855 and this would have to have been a road at that time and that RP Johnson came to town in 1901 as a family-owned business and there must have been a classification at that time; however, due to Town Hall being closed, he is unable to review the records. Signor also stated that Don Gross previously went through this and asked in 2015 if this was a town road and the response was yes. Phelps stated that if the road was classified in any other classification, it would have to be a larger road. Teach stated that the Selectboard voted to make this a town road and the vehicles are being parked in the road. Signor stated that the vehicles for 9 & 15 Johnson Lane are being parked in the road and the board needs to be consistent. Teach stated that the vehicles for 15 Johnson Lane are not being parked in the road. Anzalone asked if the town has documentation of where the road is. Phelps advised Signor that he was not abiding by what was previously approved. Urie stated that there was previously a plan to have an auxiliary site for parking for customer drop-off and asked if this was done and the response was no. Teach stated that off-site parking for customer drop-off was to be at 44 Franklin Highway and then the vehicles would be shuttled to Johnson Lane to be worked on. Signor stated this was not approved by the Zoning Board due to it being a residential zone. Signor reiterated that he needed this many vehicles in order to conduct business. Phelps stated there is space on the opposite side of the building to park vehicles. Signor again asked why he could not park vehicles on the west side of the building and Phelps responded because they are in the right-of-way. Signor stated the right-of-way is in the middle of the road and it was not a legal measurement as it was not GPS’d and that the telephone pole is in the right-of-way based on the measurement done. Urie asked if Signor has explored auxiliary sites and the response was that there are none at this time. Monti asked how many vehicles can be on the east side of the building and the response was 7 to 9. Kinney asked is buildings 2, 3 and 4 belonged to Signor and the response was yes. Kinney asked what the area to the right of building 2 is being used for and the response was parking. Kinney asked who parks next to the first building on the road and the response was the chiropractor and his employees. Signor stated there is space for 10 vehicles to the right of building 2; space for 3 vehicles on the street side of building 2; and 3 to 4 vehicles between buildings 2 and 3 and that this would still allow vehicle traffic. Signor explained that completed vehicles that won’t be picked up for a couple of days go into the 4 spaces in back of the rear building. Signor stated to the board that if he can be approved for 30 parking spots without parking to the west of building 3, he would appreciate it. Teach stated parking cannot be done on the back hill. Signor stated that in the winter, the snow comes off building 3 into the town road and the town typically has not plowed by the time he opens and he plows it himself. He stated that he inquired with the town administrator about parking there and she stated she would discuss it with the road agent and that she advised him the road agent was fine with it. Kinney asked if the buses were being parked on Signor’s property and the response was yes, they rent space from him. Kinney asked what is behind building 3 and the response was a lean-to for storage. Kinney asked if the vehicles could be parked there and the response was no as the space back there is necessary to maneuver the buses. Phelps asked if vehicles could be parked down by building 1 and the response was yes. Urie requested a he provide the town with a parking plan and Teach agreed with him.

Teach advised Signor that there is no approval by the Planning Board for his U-Haul business. Phelps asked where the trucks were being parked and the response was 2 trucks are being parked behind building 3 and that this business is tied to B & S and is not a separate business. Phelps asked if a Site Plan Review should be done and Urie stated yes as it is a change of use.

Teach stated a Site Plan Review was needed for the U-Haul business along with a revised parking plan diagram.

Additional Items for Consideration

1. The Storm Water Management Report the board requested from Jon Champagne has been received by the Planning & Zoning Administrator for review. Kinney will scan and email them to Monti.
2. The Zoning Ordinance needs to include the piece for the map revision regarding the expanded village zone. Phelps is working on this.
3. The schedule of fees was sent to board members to be included in the Planning Board notebook.
4. The timeline for warrant articles was distributed to board members.
5. As this is Teach’s last meeting as the Chair, Teach nominated Urie to become the new Planning Board chair, Phelps seconded the motion and the board voted unanimously via roll call vote to approve the motion. The Vice-Chair and Secretary positions will be voted on at the following meeting as Urie was the Vice-Chair and Phelps was the secretary and this meeting is also his last meeting as a member of the board.

There being no further discussion, the meeting was adjourned at 9:00 p.m.

Submitted by,

Lisa Meier

Recording Secretary