

**TOWN OF NEW HAMPTON
PLANNING BOARD
MEETING MINUTES
NEW HAMPTON TOWN OFFICE
NEW HAMPTON, NH 03256**

September 20, 2016

MEMBERS PRESENT:

Regular members Mr. Kettenring, Mrs. Hiltz, Mr. MacDonald, Mr. Hays, Mr. Mertz, and Mr. Broadhurst were present.

OTHERS PRESENT:

Permitting Assistant Mr. Pollock

CALL TO ORDER:

Chairman Kettenring called the meeting to order at 7:00 p.m.

MINUTES

Mr. Mertz motioned, seconded by Mrs. Hiltz that the minutes of 8/16/19 be approved as written. Vote passed.

CORRESPONDENCE:

Copies of letters from Permitting Assistant Mr. Pollock to property owners and/or businesses of Country Cottage, Subway Restaurant and Granite State Greenhouse & Nursery relative to their signage that does not comply with zoning.

Copy of letter from FEMA relative to flood maps updates for Belknap County.

Letter from NHDES relative to Ambrose Bros. expanding their gravel operations. Mr. Pollock distributed Earth Excavation (and reclamation) Regulations to board members.

**(Cont.) PUBLIC
HEARING/ABUTTERS
HEARING**

Michael Sharp; NH Route 104 & Riverwood Drive; Tax Map U-17, Lot 55 – Site Plan Review for health focus facility.

Mr. Pollock said that the State DOT has asked for improvements on NH Route 104 which Brown Engineering is preparing.

Mrs. Hiltz made a motion, seconded by Mr. Mertz to continue this item to 10/18/16 at 7:00 pm. Vote was unanimous.

**(Cont.) PRELIMINARY
HEARING/ SUBMISSION OF
APPLICATION**

Scott Buitta: Site Plan Review to create a BBQ food service and Catering Business at 599 Route 104 Tax Map R5, Lot 5 owned by G10 LLC.

Mr. Buitta and resident Duane Moeller were present.

The board reviewed the 15 items they were concerned with:

1. The applicant should provide as part of the application package provide a picture of the proposed sign for the business. **Article V. General Provisions: section E. 6.b Signs:** *Each sign shall not exceed six (6) square feet in size. Section E.6. iii. Height; The top of a free-standing sign shall be no greater than 20' from the road grade at the edge of the public road. The sign proposed exceeds the six (6) square feet as required. Article V.E6.ii states "General business and Commercial Districts: Each lot shall be permitted a free standing sign with a maximum size of 64 square feet per side and additional building signage of up to 5% of the building face including windows.*

Mr. Buitta showed the planning board two signs an explained that

he intends to pick up a sign permit and wanted an opinion of the Board as to which sign was appropriate the Planning Board stated that a sign had to meet the Zoning sign requirements and the type of sign was a business decision that he had to make.

2. The applicant should pick up a sign permit application, and submit a completed application to the selectmen. The application should show dimensions and design of the sign if a new sign is being proposed or if there will be alteration of the existing sign. *The applicant still has not submitted a sign permit for the New Hampton Selectmen's Office.*
3. The applicant should document in writing in detail the intended use of the existing structure. *The Planning Board is of the opinion that your response to this comment does not contain the detail requested. What exactly will the use of the existing building be? i.e. storage? office? meal service? Food preparation? Occupancy by customers? It was the boards understanding that the building was to be used as dry good storage.*

Mr. Buitta explained that the existing building was to be used for refrigeration, storage and office space. There will be no public access or no service to the public out of this building.
4. The applicant should document in writing the source of potable water (not portable water). *The planning board is of the opinion that your answer is not consistent with the question. One of the planning board's responsibilities with any development is to protect the health and welfare of the public and community as provided under the site plan review regulations. It has the right to know exactly what the source of "potable" water is going to be and how and where the potable water is going to be stored.*

Mr. Buitta explained that his source of potable water was from the Bristol Spring and a private supply (Mr. Moeller's residence at 12 Burleigh Mountain Rod) and Mayhew Turnpike Spring. The water had to be tested by State of NH HHS.
5. The plan shows a "Proposed Smoke House Area". Is this area to be used now or is this a future use area? The applicant should clarify in writing the use of this space. *The planning board is of the opinion that your answer is not consistent with the question. Is this area to be used upon opening the business or is this space being reserved for the future? Exactly what will happen in this space and what equipment will be located in this space? Where will the equipment be located? How will the space be segregated so the public does not have access to this space? Is there a roof over the smoker? The planning board as provided under the site plan review regulations has the responsibility to know the details of this area.*

Mr. Buitta explained the use of the Smoke house area and presented plans of the portable unit and the smokers. There will be no roof over the smoker area (but there might be a canopy?). He also presented to the planning board pictures of typical smokers.
6. The applicant should provide the planning board a picture of a typical portable smoker. *The planning board does not have any comments at this point in the process but reserves the right to know what the unit looks*

like as provided under the site plan review regulations.

7. Where is the actual cooking going to occur? *The planning board is of the opinion that your answer is not consistent with the question. What type of structure or what type of space will the cooking occur? Will the area be enclosed? If it is enclosed what will the structure look like? If the cooking space is open an open space, what steps will be taken to assure the health and welfare of the public is protected? The planning board has the right to know as well as the State of New Hampshire Health and Human Services. The Board wants clarification on the terms off-site maintenance of the mobile unit. Professionally drawn plans shall show exactly where the mobile unit will be located.*

Mr. Buitta explained that all cooking and food preparation was to occur in an enclosed area and a screened in area is considered enclosed. The open area is for Smoking food only.

8. The Fire Chief should review any final location of the cooking facilities in relation to any existing or proposed structures and advise the applicant on adequate fire protection such as adequate water supply, fire extinguishers etc. *The Planning board does not have a comment at this time on your response but the applicant should contact the Fire Chief to review the details of this application as soon as possible.*

Mr. Buitta presented a letter from the Fire Chief and the Chair read the letter into the record.

- a. Provide adequate turn around space at the end of the property for emergency vehicles
- b. Provide the fire department with access keys and install a Knox Box on the main building
- c. Purchase and mount fire extinguishers for the property the number to be determined when plans and building locations are finalized.
- d. An inspection is concluded prior to opening of the business to the public.

9. The applicant should obtain all necessary local and State of New Hampshire permits to operate an outdoor eating establishment. *The planning board does not have a comment at this time on your response.*

Mr. Buitta explained that he can only obtain the permits after his facility is set up and can be inspected by HHS

10. The applicant has received a letter from the State of New Hampshire Department of Health and Human Services, Food Protection Section dated July 5, 2016 outlining 14 items that the applicant has to meet prior to opening his “restaurant” operation. Items number #1 and #2 are of concern to the planning board in that these items relate to water supply and sewer holding tank.

- a) The potable water supply needs to be shown on the plan.

Mr. Buitta explained the issue of the potable water supply in the mobile kitchen, physical inspection H2O and Grey water are self-contained and grey water will be dumped into a portable toilet. There is no grease with the smokers.

- b) Item # 3 states that the “unit shall be fully enclosed and outside cooking is not permitted.” The fully enclosed cooking area needs

to be shown on the plans. *Who determines the style and type of enclosure, plans need to show this and how the enclosure is going to look on the cooking area.*

Mr. Buitta explained that all cooking will be in an enclosed area.

- c) Item #14 states that “Outside garbage cans or dumpsters shall be set on a cleanable surface such as reinforced concrete or rolled asphalt and shall be kept closed.” This area needs to be shown on the plans. *The planning board stated that you have not acknowledged that the garbage cans and dumpster shall be on a cleanable surface such as reinforced concrete or rolled asphalt and shall be kept closed.” This should be shown on the plan. Site Plan regulations section X. E. 3 Litter (garbage) collection areas must be screened, item #14 of the HHS letter states that”Outside garbage cans or dumpsters shall be set on a cleanable surface such as reinforced concrete or rolled asphalt and shall be kept closed.*
11. The planning board stated that there shall be no use of the side yard setback for any purpose relating to the operation and use of this property. Article IV District Regulations section D Business Commercial Districts (BC-2) iii. Side and Rear Lot Line Setbacks states that “there shall be a 50 foot buffer zone maintained in perpetuity, between any building or pavement abutting residential property in an adjacent zoning district of undisturbed native vegetation.” *The zoning ordinance clearly states that this is supposed to be an “undisturbed native vegetation” any change to this would have to be considered by the zoning board of adjustment. The planning board cannot waive this requirement.*
12. The use of the proposed storage building is for the storage of equipment that relates to the principal use of the site. *The planning board is of the opinion that your answer is not consistent with the question. What exactly is going to be stored in the proposed building?*
Mr. Buitta explained that the storage building was for tools, a small loader and tables and other equipment.
13. The Planning Board stated that the plans submitted shall show specifically the location and the intended uses of all parts of the business including but not limited to the exact location of the mobile unit, the exact location of the smoker or smokers, the exact location of any portable water supply. The plans shall be prepared professionally. Hand drawn additions to the plan are not acceptable. *The planning board is of the opinion that your answer is not consistent with the question. The answer does not assure the planning board that the final site plan will address the items that the planning board has asked for. The planning board will not consider any further action on this application until the applicant has supplied professionally developed plans.*
14. The Planning Board also stated that it wanted in writing the specific uses of all structures that are existing or proposed to be located on the site. *The planning board is of the opinion that your answer is not consistent with the question.*

15. The Fire Department has requested that the applicant supply the planning board with the hours of operation of the business and has asked for the applicant's definition of "seasonal operation" when will the operation open in the spring and when will it close in the fall. *The planning board is of the opinion that your answer is not consistent with the question. The planning board is unclear if your answer refers to when the facility is open to the public or the entire hours of operation that would include food preparation time, cooking prior to being able to serve the public and cleanup after the public serving time is complete.*

Mr. Buitta stated that his operation would be from April 15th to November 1st. and hours of operation 10:00AM-7:PM the board recommend that Mr. Buitta extend the hours for those times of the year that daylight lasts until 8:00-9:00 PM (or sunset) if he closes earlier there is no problem

Mr. Kettenring stated that nothing was to be placed in the side yard setback. Mr. Buitta asked if he could put in a garden. Mr. Kettenring advised that nothing can go in the side yard setback. Mr. Buitta asked if he could mow the grass or walk in the side yard setback. Mr. Mertz read the zoning ordinance for the BC2 which read that in this zoning district that there is to be a natural 50' buffer. The answer to mowing grass in this area is "no you cannot mow the grass - it has to remain natural".

The Chair asked if there was anyone in the public that wanted to speak Duane Moeller stated that he was a friend of Mr. Buitta and that he supported the project.

**PRELIMINARY HEARING/
SUBMISSION OF
APPLICATION**

Lawrence Bellucci, Newfound Coin & Jewelry, on property owned by New Hampton Route 104 LLC, 345 NH Route 104, Tax Map R4, Lot 90K; Site Plan Review to create a retail coin and jewelry shop in Exit 23 Plaza.

Laurence Bellucci, Christopher Kahler, and Douglas Voelbel were present from Newfound Coin & Jewelry.

Mr. Bellucci explained the nature of his business and that the Fire Chief and Police Chief had inspected the site relative to security and there were letters from each outlining their concerns. The board reminded the applicant that he had to apply for a sign permit for the sign on the front of the building. There was a discussion as to the pylon sign and conformance with the New Hampton Zoning Ordinance.

Mr. MacDonald made a motion, seconded by Mrs. Hiltz, to consider the site plan as expedited and complete. Vote was unanimous.

Mrs. Hiltz made a motion, seconded by Mr. Mertz to approve the site plan with the condition that the applicants apply for a sign permit. Vote was unanimous.

**DISCUSSION ON
AGRITOURISM AND
POSSIBLE ZONING
AMENDMENT**

There was a discussion on Agritourism and possible zoning amendment. Mr. MacDonald handed out a proposed amendment to the zoning ordinance on Agritourism. There were some amendment suggested and additions. Mr. MacDonald would return to the meeting next month with changes. Mr. Pollock stated that the package would be sent to the town attorney for their review.

**DISCUSSION ON MASTER
PLAN UPDATE**

Mr. Mertz stated that page 47 was missing and it would be sent out this week. There was a discussion on the Master Plan changes including a section

(Planning Board, September 20, 2016, cont.)

on transportation. It was explained that the Conservation commission portion on Open Space would be prepared by next July. Tentatively set a hearing for November.

ADJOURNMENT

Mr. Mertz made a motion, seconded by Mrs. Hiltz to adjourn the meeting at 9:15pm. Vote was unanimous.

Respectfully submitted,

Robert Pollock, Planning Assistant

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