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

April 16, 2013

(Meetings are held on the second floor of the Town Offices.
Access is in the rear of the building, at the former Police Department)

MEMBERS PRESENT:

Kenneth Kettenring, Chairman; Kenneth Mertz, Vice Chairman; Karen Gregg, Neil Irvine, Daniel Love and Robert Joseph were present. George Luciano, Secretary, had an excused absence; John Conkling, Daniel Fielding, and Richard Randlett, Jr. were absent.

OTHERS PRESENT:

Mrs. Lucas, Town Administrator.

CALL TO ORDER:

Mr. Kettenring called the meeting to order at 7:00 p.m. Robert Joseph was appointed to vote for Mr. Luciano.

MINUTES:

Minutes were distributed at the meeting. Mr. Mertz made a motion to table approval of the minutes until the Board had a chance to review them. This was seconded by Mrs. Gregg. The motion was passed unanimously.

CORRESPONDENCE:

A letter from the New Hampton Selectmen to Jamie and James Hunt, Main Street, was copied to the Planning Board. The letter advised the Hunts the Board of Selectmen were aware they keep chickens and a rooster on their property in the Village District. The letter referenced the ordinance which does not allow for agricultural uses within the District. The letter invited the Hunts to discuss the matter at the Selectmen's meeting on April 18th at 6:15 p.m.

REVIEW OF SITE PLAN CONDITIONS AND SIGNING OF PLANS
Candice Dionne
6 Cabin Drive
Tax Map U-9, Lot 9-3

No one was present for this item. Mr. Irvine made a motion to table this item on the chance the applicant might appear later. Seconded by Mr. Mertz, the motion was passed.

PRELIMINARY HEARING SUBMISSION OF APPLICATION
Paul Rossi, Reno Rossi, Tony Randall
322 NH Route 104
Tax Map R-11, Lot 10

Mr. Paul Rossi, Mr. Reno Rossi and Mr. Tony Randall, Surveyor, came before the Planning Board for a site plan review to utilize a portion of the existing Rossi's Restaurant building and parking lot to display and sell used automobiles.

Mr. Irvine stated the Board of Selectmen was made aware of possible procedural irregularities during the presentation at the ZBA hearing. He advised the Selectmen had not had a chance to fully research the statements made and asked the Planning Board to consider a continuance after Mr. Randall made his presentation. Mr. Kettenring asked if Mr. Irvine was asking for a continuance before the application was accepted, and advising Mr. Irvine the Planning Board could accept the application if they felt it was appropriate but not approve it; or the Board could vote to not follow the Selectmen's

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request. Mr. Kettenring asked for clarification as to whether the irregularities were by the Town, or by the applicant. Mr. Irvine advised he would be speculating. He stated the Selectmen have been told of procedural irregularities on the part of the Zoning Board and not the applicant, but the Selectmen had not had a chance to investigate the matter. Mr. Kettenring stated the Board will consider this later in the meeting and would now hear the presentation.

Mr. Randall provided the Board with new plans showing a new driveway number and the conditions stipulated in the ZBA approval. He advised this was the first he heard of any procedural irregularities and expressed his shock that there could be any issues. He noted the date on the plan was 2012, but pointed out his revision notes which outlined the changes since.

Mr. Mertz asked Mr. Randall about the 4 parking spaces noted for 8 restaurant and car sales employees. Mr. Randall said this would be covered in his presentation.

Mr. Randall pointed out the 660 square feet of space formerly used by Dunkin Donuts was the area to be used for used car sales space. He noted the issue that brought them to the ZBA was that the proposed display area for cars exceeded the 10% zoning requirement for outdoor display. He read Note #7 which outlined the ZBA variance pursuant to Article 4, Section C4, VII, Case number 04032013, and stipulated the following conditions: approval of 6,000 square feet of car display area is for the duration of four years from the date of the variance, and noted that if the applicant wishes to continue longer a reapplication to the ZBA would be required. The second stipulation or condition stated that if the business ceased or closed, the variance would cease to exist. The third stipulation was the variance must be utilized within two years.

Mr. Randall then expressed his concern that an issue of procedural irregularity would come up at this point. Mr. Irvine stated he could not speak to that tonight as he did not want to give misinformation. Mr. Irvine advised the Select Board met last night with a member of the general public and has invited the ZBA Chairman to their next meeting on Thursday when he anticipated they would have both sides of the question. Mr. Irvine asked for clarification on the variance notes on the plan. He asked if the variance decision allowed for selling the business – or if the variance decision was specific to the Rossis' operation of a used car dealership. Mr. Randall noted that generally variances run with the property, and gave the example of a variance to build a garage within a setback. When the property is sold, the variance is still valid for the garage.

Mrs. Gregg asked about other variances with time limits issued in the district. The nursery and the landscaping operation were noted as variances with time limits. She asked for clarification as to what the Planning Board was supposed to do since the ZBA already approved the plan. Mr. Kettenring explained that the Planning Board was to look at this plan to identify any further issues which need to be addressed by the applicant before the Planning Board can approve the plans. Mr. Kettenring stated the Select Board has requested the Planning Board continue its final decision until a following meeting,

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but he wanted to at a minimum tell the applicants if the Planning Board is happy with what they see on the plan and, if the ruling of the ZBA comes through as anticipated, the Planning Board is prepared to go forward. Mrs. Gregg asked if Mr. Randall had spoken with the Fire Chief about the plan. Mr. Randall said he had not, but he had spoken with Police Chief Salmon who advised he had no issues. Traffic was then discussed. Mr. Randall has applied for a driveway permit and was advised the limitation of one entrance and exit would not impact the traffic patterns in the area. He stated DOT felt the limitation on entrance and exits would be more of a hindrance than a help. He noted there are 31 feet of space at the tightest area between display vehicles and parking, while there are 10 fewer feet of space on a roadway. Mr. Mertz speculated this would be a topic of potential interest for the Fire Chief. Mr. Randall noted other areas in the plan have between 35 and 40 feet of space for maneuverability, which he felt was greater than existed in the previously approved Dunkin Donuts plan at the site which included a drive through pattern and parking in the middle.

Note 8 indicated the plan has submitted a driveway permit because of change of use. He noted there are no changes to the property – no removal of dirt, or any other alterations to the property. Mr. Kettenring asked about the four employee parking places. Mr. Randall advised there is parking for employees. He noted there are some areas of dirt and of gravel. In Note 3 Mr. Randall outlined the parking plan. He did not expect a great deal of parking required for vehicle buyers. He designed two parking spaces on the end of the building, 10 x 20 feet in size. A shaded area on the plan was for 2 vehicles to be displayed which he explained would prevent people from driving between the restaurant and car sales area and further delineated the separation between the businesses. He reviewed the regulations and determined 1 space was required for every three seats in the restaurant. As there are 75 seats in the restaurant/bar areas Mr. Randall provided 22 parking places where the regulations require 25 spaces. He referenced a plan from 1999 when the Dunkin Donuts business was proposed and the restaurant listed 55 seats for dining and 20 for the bar. Per the regulations at that time, 19 parking places were required with an additional 4 spaces for 8 employees. Mr. Randall explained the current plan created 22 for restaurant with 4 for employees, and explained the current plan has increased the parking by five spaces. Mrs. Lucas asked Mr. Randall what regulations he was referencing for the parking requirements. Mr. Randall advised it was Zoning Regulations, page 22. He noted he found no specific reference to employee versus guest parking. Mrs. Lucas noted the section is from the Village District section and noted the section he needed to look at was from the General Regulations section, pages 30 and 31. She advised this plan would fall under the Commercial heading. Mrs. Lucas also noted the restaurant is grandfathered as it existed before the regulations were in place. Mr. Kettenring advised the section requires one place for each employee and a space for each patron vehicle. Discussion ensued regarding how many vehicles would be used by 75 seats in the restaurant. (Mr. Kettenring noted the differences in wording between the zones' regulations would be an item for the Board to review at a future date.) Mrs. Gregg asked if any additional parking would be available in the back. Mr. Randall said he would prefer not to expand any further around the garage area

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as that would require disturbance of the soils in that area. Mrs. Lucas asked how many tables were in the restaurant. Paul Rossi advised he did not know off hand, as some tables are pushed together to accommodate larger parties. Three tables in the bar, 8 stools at the bar, and it was estimated approximately 13 or so tables. Mr. Kettenring noted his view was the regulations refer to patron vehicles and not to numbers of seats. Discussion ensued as to how many vehicles have been in the parking area and how often the gravel area by the garage is utilized by employee parking or customer parking. Mr. Randall asked the Board how many parking spaces were required on the property. Mr. Kettenring asked other members of the Board for their comments and questions. Mrs. Gregg estimated that three people per vehicle was a little high. Mrs. Lucas suggested that estimating people per vehicle was a difficult proposition and suggested that estimates based on the number of tables was more reasonable. Mr. Mertz estimated that if every table and bar stool was occupied it would be 26 based on the numbers Paul Rossi gave earlier. When asked how many employees there were, Mr. Rossi said in the summer the maximum would be eight. This brought Mr. Mertz's estimate to 33. When the two spaces at the proposed car sales were mentioned, Mr. Randall pointed out the hours of operation were different than the restaurant and those spaces would be available for the restaurant patrons.

Mr. Kettenring asked the Board for a motion for the number of spaces required on the property. Mr. Reno Rossi noted if he could fill the parking lot for the restaurant he wouldn't need this plan. He pointed out the economy was difficult and he needed to do this for his family. Mr. Kettenring advised the Board he wanted a decision tonight to move this plan forward, and noted there were two options: the Board could use the Village District number for spaces and determine it was sufficient; or the Board could use a specific number as proposed by Mr. Mertz. Mrs. Lucas advised the Board could not use the Village District rules for this zoning district. She noted the number of 32 was the number approved in 1992 when the Dunkin Donuts operation was approved on the site. Mr. Randall noted the number of spaces approved for the Dunkin Donuts in 1999 was eight. Mrs. Lucas advised that was for a proposed addition which never materialized.

Mrs. Gregg made the motion that 32 spaces was the number sufficient for the property including both businesses and employees based on the number of tables, stools and employees provided by the applicant. The motion was seconded by Mr. Joseph. A point of order by Mr. Mertz asked if the number of spaces should be determined before the application was accepted. Mr. Kettenring advised he believed it should. There was no other discussion and the motion was passed unanimously.

Mr. Kettenring asked, since this was a preliminary hearing, if there were any other abutters who wanted to make comment or ask questions. Mr. Irvine confirmed the restaurant was established before there were zoning regulations and confirmed it was a non-conforming use with regard to its setbacks. He then asked if the two spaces for car display between the building and Route 104 made it more non-conforming. Mr. Randall gave his opinion that set backs were for

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buildings and structures and not for vehicles which can be moved. Mr. Irvine noted the variance granted by the ZBA, and asked if the variance carried to this instance, much like the hardscape at the nursery. Mr. Kettenring commented that Mr. Irvine could, conceivably propose a motion later that the cars be moved occasionally to establish they are not permanent fixtures in the setback. Mr. Joseph noted the cars on display are no change in use as the spaces were used for parking before. Mr. Mertz agreed. Mr. Joseph noted the Board should not advise how the business moves things around and that the issue before the Board is one of health and safety. He did not view the two display cars as a health and safety issue. Mr. Kettenring asked if any one else had a question or comment regarding the display spaces for two cars. Mrs. Lucas suggested that it might be appropriate to ask the Fire Chief if he saw any difficulty with access to the building with these spaces. Mr. Mertz concurred.

Mr. Kettenring advised the only other issue was the Selectmen's request to continue this matter to the next meeting on May 21st. Discussion ensued to whether the Board should accept the application. Mr. Kettenring noted the main point of tonight's discussion and decision was that the applicant was aware of where the Board stands. Mrs. Gregg made a motion to accept the application subject to the conditions discussed (the number of parking spaces and the review by the Fire Chief). This was seconded by Mr. Joseph. The motion was passed unanimously. Mr. Kettenring then asked if the Board wished to comply with the Selectmen's request to continue this matter to May 21st. Mrs. Gregg made the motion to continue to May 21st, seconded by Mr. Joseph. The motion was passed unanimously.

BOUNDARY LINE ADJUSTMENT
William Il & Jean Cannon
Jonathan & Robin Soller
23 & 29 Old Bristol Road
Tax Map U-1, Lots 11 and 12

An adjustment of 0.11 acres was requested by the owners of two properties. Mr. Colin Brown provided plans to the Board showing the adjustment proposed. He advised the existing line was four feet from a solar house and the proposal would add 20 feet to the property. Mr. Mertz asked to confirm the existing shed would be removed. Mr. Brown advised it would and referred to a letter from Mr. Cannon which acknowledged the shed violates the side setback rules. Mr. Cannon certified that he would remove the shed and all of its structural elements within 30 days of the Board's approval of the boundary line adjustment.

Mr. Kettenring noted the plans reflect the stipulation to remove the shed. The owner of the shed explained the shed was within four feet of the house and they wished to establish a buffer between their house and the property line. The proposal was discussed and agreed to by the other owner. The Board agreed the plan would constitute an improvement to the property. Mr. Joseph made a motion to accept the application, seconded by Mr. Irvine. No abutters were present and no comments were heard. Mr. Joseph made a motion to approve the application, seconded by Mr. Mertz. The motion was passed unanimously. The mylars were presented for signature by the Board, which was then completed.

INFORMATIONAL/CONCEPTUAL MEETING

This was a discussion regarding parking calculations for the New Hampton School. Mr. Love advised he would have to recuse himself

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New Hampton School
74 Main Street
Tax Map U-3, Lot 12

from this discussion. Mr. Mertz advised he was an abutter to the school property and would also have to recuse himself. Mrs. Lucas advised this discussion was a condition of a current application from the school. Mr. Kettenring advised since there were four Board members available for any votes, the presentation could go forward.

Kirk Beswick addressed the Board regarding the question of parking raised in the previous discussion of proposed renovations to Meservey Hall which removed ten parking places behind the building. Mr. Beswick advised the school had worked on a spreadsheet, provided to the Board along with an informational map, which outlined the parking plan for the campus. Mr. Beswick noted the Board had expressed concern for parking needs when events, such as graduation, were held on the campus. In conjunction with Poole Engineering, review of the ordinance led to the calculations he was presenting as to what was required by the ordinance, and what the school had available for parking in each of the locations. The spreadsheet outlined, for example, that for residential use the ordinance required 161 spaces and 149 are provided. Mr. Beswick advised the school took a very conservative view of how they determined existing parking spaces. He noted the Smith property shows no parking but 7 spaces show at Alumni Hall under "other parking available". He noted the difficulties in determining the use of some buildings which have multiple designations. The parking calculations show 10 spaces at the Facilities Offices on the spread sheet, but counts at the property show 20 spaces. In the case with Hill House, parking shows 9 spaces but they have 12 that were created at the location.

Having explained how they prepared the information submitted to the Board, Mr. Beswick explained they were coming before the Board with their calculations per the ordinances to determine if the loss of ten spaces with the work at Meservey would or would not diminish the School's ability to meet the parking requirements.

Mr. Beswick stated the definition of residential occupancy was pretty clear in the ordinance. Mr. Beswick explained there were several interpretations of educational occupancy. Under "Scenario 1" they used 1 space for every 3 seats in the largest educational space on campus. They used the campus dining facility which has an assembly permit of 400 persons seated, which comes to 134 parking spaces. Residential spaces necessary were 161 (149 are provided). Spaces counted for educational needs are 134, and the total with all available parking is 325 and an excess of 30 spaces. Mrs. Gregg asked how the figure of 325 was reached. Mr. Beswick explained 149 are counted for residential space and all other campus parking total 176 spaces, for a grand total of 325. He noted he had some discussion with Mrs. Lucas to determine how they would count some of the spaces since there are buildings with multiple uses. Mr. Irvine asked for clarification that the dining hall, and not the auditorium, was the largest assembly space on campus. Mr. Beswick noted the auditorium had a capacity of 1,000 but that included those standing. He advised a "Scenario 4" which did not appear on the paperwork before the Board, addressed this specifically and he would address Mr. Irvine's question later in his presentation. Mr. Beswick noted one scenario was based on 600 seated, which was the baccalaureate, a

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one-time event. The largest routinely held event was for 400 seated in the dining hall.

Scenario 2 is one space for each employee. Mr. Beswick advised there are 150 total employees for 150 spaces. They then calculated how many were already accounted for with residential parking. They reduced the number to 85 staff who were not residential. He noted in this scenario they calculated 161 residential spaces and 85 for nonresidential staff, into 325 spaces identified on campus which gave them 79 excess spaces, according to this interpretation of the ordinance requirements. Mr. Beswick noted staff numbers are really lower due to changes throughout the day and evening due to shifts, part time employees, night security personnel, etc., but they used the higher number of 150 to be most compliant with the ordinance.

In Scenario 3, they calculated using the full staff number of 150, with no deductions for partial work staff on campus at any given time. This gave them 161 spaces for residential use, and 150 spaces for one per employee. With 325 spaces on campus, it was determined they had 11 more spaces than required by the ordinance.

Mr. Kettenring summarized by asking Mr. Beswick to confirm that they looked at 3 different interpretations of the ordinance and in each they exceeded the requirements of the ordinance after removing the ten spaces to be lost in the Meservey renovation. Mr. Beswick stated that was correct.

Mr. Beswick was not inclined to support Scenario 4, using the one time event of a Baccalaureate and 600 seats counted, as a realistic count of parking needs. He noted of the 600 attending that once a year event, 300 were students who did not have cars on campus. If that calculation of one space for 3 seats is used anyway, they need 200 spaces for parking, 161 for residential needs and they would have 338 identified spaces (with the corrected numbers for the spaces identified at the Facilities Office and Hill House) which would give a result of 361 spaces required. They would then fall 23 short of the number required in the worst case scenario once per year. Mr. Beswick noted that alternative parking is identified which could be utilized. He noted two properties owned by the School. Kennedy Field was looked at by engineers for overflow parking for 30 to 60 spaces. Palazzi Field has only 10 spaces listed, but engineers believe there is space for more than 20 cars for overflow events. In addition, there is parking made available at Veasey by Mrs. Willingham, and there is parking available at the Grange Hall property, and he noted there was parking on Main Street which had not been included in previous calculations. He summarized by noting that since he came on board six years ago, he has worked with the Police and Fire Chiefs to develop parking plans for the various events, and they have hired staff to organize and oversee parking per those plans. Mr. Beswick stated he believed the School has addressed what had been the aggravation of the Townspeople who were not able to access their properties, or could not get down Main Street, etc. They have paid details with the Police Department to enforce violations during these events. Mr. Beswick asked for a consensus from the Planning Board that they have done due diligence on meeting the requirements of the ordinance.

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Mr. Irvine thanked Mr. Beswick for the work that went into this presentation and noted it was exactly what he had been looking for when the plan was requested. That being said, Mr. Irvine noted he had some questions as to properties not on campus; specifically the Wolfe property, the Clark property on Shingle Camp Road and 167 Main Street (Flaherty) property. He advised the presentation was a great starting point for discussion, and he would want some time to digest the information presented. Mr. Beswick noted the daycare (Clark) property has ten parking places but could also accommodate more or could accommodate several mini-buses; the Wolfe property, with Palazzi Field, has multiple opportunities which were listed conservatively; and the Flaherty property at 167 Main Street is a two-family dwelling with six parking places listed but could fit more. He added the list did not include the Blood-Moore property which is just being removed from current use, which could accommodate a number more spaces.

Mr. Irvine noted he would be more comfortable with 600 rather than 1,000 in the educational scenario. He advised planning for the worst and hoping for the best was his approach to this discussion. He noted the greatest impact events are the events that see the greatest issues on Main Street. Mr. Beswick stated that taking the worst case scenario, based on 600, the conservative count shows them 23 parking spaces short, but does not include Palazzi Field and Kennedy Field overflows. Factoring that additional space, Mr. Beswick believed the school to have 40-50 more spaces than the ordinance required. He contended the school has spent significant time and money on this matter and approached this conservatively and in good faith.

Mrs. Gregg asked how many spaces were on Main Street. Mr. Beswick advised he was conservative with 15, but noted a number of the spaces were not painted. Mrs. Gregg wanted to know if the School would be protecting resident spaces, or using all of them to come up with the necessary count.

Mr. Love pointed out that major events are planned a year to a year and a half ahead to give everyone plenty of advance notice, and at every event the School will approach the Church for use of their parking lot. Mr. Beswick added the Police and Fire Chiefs are advised just as far in advance.

Mrs. Lucas advised she had reviewed the spread sheet. She did separate out the single family homes. She changed some of the numbers of spaces listed on his spread sheet and outlined her changes to the Board: From Russell to the General Store apartment, she totaled the spaces and noted the total. From the Music House to 167 Main Street she had a different total. She noted, similar to what Mr. Irvine referred, these properties as single residences are separate from the campus. She noted Harvey was removed, as the residence was no longer there and there were no parking spaces there. Mr. Beswick disagreed and noted that Harvey was there, but Gordon was gone and had been removed from their tally. Mrs. Lucas apologized for her error. Mr. Beswick noted Gordon still had a curb cut and felt the property could be utilized for additional parking. Mrs. Lucas noted

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the area would be green space. Mr. Beswick stated it still had a curb cut, and while he didn't want to argue the matter and the School had not counted the area, he felt it could be used for overflow if required for a special event.

Mrs. Lucas noted that even with Gordon removed and Harvey left in, there were five spaces required and only three provided, so she pulled that area out as it would further depreciate the total. She explained she used the gym, as in Scenario 1, but she counted 93 and a half required spaces rather than Mr. Beswick's 161 spaces. She advised she used 200 spaces for the gym seating based on the Fire Chief's rating for 600. Mrs. Lucas came up with the calculation of 33.5 short spaces, which did not include the alternate parking of 10 at Palazzi and 40 at Kennedy. She noted this still exceeded the required parking spaces under the ordinances. Mrs. Lucas recommended the Board should consider these numbers firmed up and not include the alternate parking numbers going forward so information would be consistent going forward. The Willingham property, the Grange, the Church and Main Street should not be included in alternative parking numbers used by the School in the calculation of parking for the zoning ordinance. She wanted to see the Board settle on the number of parking spaces required for the largest assembly, the residential use, and what is counted in to offset those requirements. Mrs. Lucas explained that there has been discussion that the School could some day develop an ice arena. If that seating exceeds 600 seats, it would then be clear that additional parking would have to be added, or if it is less than 600 seats it would not require additional parking. Mrs. Lucas expressed she was thrilled with the work put into this spreadsheet, but she had a slightly different approach by not counting residential homes. The Clark House, for example, might conceivably be sold one day as it is not part of the campus proper, she noted. If the School is counting on those parking spaces, there will be a difficulty when the property is sold. Acquisition of a new home could also affect the base numbers of parking spaces. Mr. Kettenring summarized what Mrs. Lucas said by stating the Board should pick one scenario and it will be the scenario utilized going forward. As there are changes to the School, the approach will remain consistent. Mr. Beswick noted the regulation should be changed as it provides two ways of calculating. He was advised there was only one way to calculate – the ordinance requires the greater of the two methods outlined.

Mr. Irvine went back to Mr. Beswick's original question of what additional information was required to go forward. Mr. Irvine expressed his opinion there was nothing additional required. He noted the Board would have to review the materials provided, as well as Mrs. Lucas's work, to make a determination. The question in his mind with regard to the Meservey plan was to provide the information on parking by a date specific, and his view was the School met that requirement with these documents.

Mr. Kettenring asked for a motion. Mr. Irvine made the motion that the documents provided by Mr. Beswick met the requirements requested on the Meservey matter, seconded by Mr. Joseph. The motion was approved unanimously. Mr. Irvine thanked Mr. Beswick for the work done.

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After discussion, the Board determined any scenario chosen showed the School had met the number of parking spaces required with the removal of ten spaces behind Meservey. The Board decided that the decision on which methodology for determining parking space requirements for day-to-day needs and for special events going forward will be discussed at the May Planning Board meeting.

INFORMATIONAL/CONCEPTUAL MEETING
Jeronimo Garrigues
112 Main Street
Tax Map U-7, Lots 16A, 16B, 16C, 16D

Mr. Garrigues came before the Board to discuss the possible conversion of condominiums to multi-family housing. Mr. Kettenring read a letter from the DeBois Risk Services PLC, dated July 28th, 2012 and delivered to Mr. Kettenring this evening by Deputy Fire Chief Lang. Mr. Kettenring read the letter to the Board.

The report had been compiled based on a site visit in July 27th, 2012 and based on drawings delivered the same day. It was noted the drawings did not contain any details on the construction of the walls between units, and therefore it could not be determined if the structure met the criteria as four separate single-family dwellings or as an apartment building. The evaluation was based on both occupancies based on the 2003 edition of the Life Safety Code; apartment occupancy per the current rules, and means of escape based on the applicable rules for one and two family dwellings. Every bedroom and living area shall not have less than one primary means of escape and one secondary means of escape. Primary means of escape is on the ground floor, and the report stated the units are compliant. The only possible secondary means of escape would have been an outside window with a clear opening of 5.7 square feet for each bedroom. Existing windows on the second floor bedroom have a clear opening of 5.2 square feet and are not compliant. Existing windows on the third floor are too small on the end units and the center units do not have any windows and are not compliant. Per the Life and Safety Code, the units shall be separated by barriers having a fire resistance rating of not less than one hour. While documentation showing the details of the construction between units is not provided, from the verbal details provided by Mr. Lacasse, a one-hour separation has been provided for single family structures. If documentation was provided to show the construction of walls between the units, then the units would qualify for single family structures. The report noted the requirement of CO2 detectors as well as smoke detectors. It was observed that Unit 3's smoke detector is missing. The sprinklers provided in the stairs between second and third stories are not installed to any recognized standard. Units 2 and 4 are in a very good state of repair, with Unit 1 needing some work on the first floor ceiling due to the tub above leaking, and several of the kitchen floor tiles were observed to be cracked. Remaining items to be evaluated would be the building code for the location if the units are to be used as single family structures. Mr. Kettenring then summarized the rest of the report by stating there were non-compliance issues, particularly with the second and third floors, either as apartments or as condominiums. Mrs. Lucas advised she would give a copy of the letter to Mr. Garrigues, and confirmed the letter was just delivered to the Board this evening. Deputy Chief Lang advised this was true.

Deputy Fire Chief Lang noted the New Hampton School was looking

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at the property and provided the report, but added the Fire Department's experience is there have been compliance issues with the building for some time. Mr. Garrigues asked what this means to him as the property owner. Mr. Kettenring stated that tonight's meeting was informational and the idea was to exchange information. He noted if there is a change in use, then the Board would have to review the entire property and any grandfathered elements would have to be reviewed. He noted the Fire Chief would have to look at all compliance issues, and any safety issues before the Board could consider any approvals. Changing the use will have a definite impact on Mr. Garrigues, but Mr. Kettenring added, it appeared he has issues to address with egress on the second and third floors.

Mr. Garrigues wanted to know if the Town could reassess the property based on the actual cost he paid (which was significantly less than the assessed value). Mr. Irvine advised the Town is going through a reassessment required every five years. The property will be reassessed. He added that market value fluctuates all the time, and advised Mr. Garrigues the assessed value will not be the same as the market value. Mr. Irvine added that if Mr. Garrigues were to apply for a building permit to do work on the building, it would trigger another reassessment the following year.

Mr. Joseph noted Mr. Garrigues needed to address the compliance issues because of potential liability. Mr. Garrigues agreed and said he would like a copy of the letter in order to address them. Mr. Mertz added that Deputy Chief Lang or the Fire Department would be very willing to speak with him to identify all health and safety issues with the property. Deputy Chief Lang advised Mr. Garrigues some of the issues were not really expensive and easily addressed.

Eliza Leadbeater of Main Street asked why the building was initially approved with the existing window sizes, which were in keeping with the historical nature of the building the Historical Society tried to maintain at the time they sold the property. She noted when the building was sold approximately six years ago the Fire Department agreed that no bedrooms were to be allowed on the third floor so the windows were not be required. Mr. Kettenring advised he is not sure when specific rules have changed, but he did know that if the use is changed, the property must comply with existing rules. He then asked if Deputy Chief Lang had anything to add. Deputy Chief Lang advised his opinion was it was time for the Town to consider at least a part time code inspector. He advised that Chief Drake and he had numerous plans waiting to be addressed, and just the School plans alone (even with the School's Safety Engineer) take a considerable amount of time. He noted the volume of current projects in town is becoming overwhelming. He noted he and Chief Drake have to do considerable research, whether buildings are new construction, or grandfathered, etc. He advised the Town has grown considerably in six years, and the rules have changed. Mr. Mertz added that six years ago there was a different Fire Chief at the time, and whatever conversations he had or didn't have with the owners at the time are unknown to the Town now. Mrs. Leadbeater noted the size of the original building at the time was maintained. Deputy Chief Lang noted they cannot change life safety codes and if a window has to be 5.7 square feet, it must be that size at a minimum. He noted that if

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there is going to be residency in the building, it has to meet safety codes. Mrs. Leadbeater noted she did not recall if it was a designated historical structure. Deputy Chief Lang noted if the building was used as a library or similar use, there might be some flexibility in the codes, however he stressed that if people are going to live and sleep in the structure, the safety codes must be met.

Mr. Irvine noted the concept to convert the property from condominiums to single family dwellings was the focus for tonight's discussion. He asked to confirm this building went before the ZBA and Planning Board previously to become condominiums. Mr. Kettenring advised the building had been approved as condominiums and currently has one owner for all the units. Mr. Garrigues advised he would keep it as condominiums and would not change the use. He then noted there were issues with a porch on the south side and he wanted to add a porch on the north side because water is damaging the units. He asked what he needed to proceed with that work. Mrs. Lucas noted a Building Permit would be required, but there could be some set-back issues and a variance was already granted to allow four units. She noted the lot was very sub-standard, and advised the work may require another meeting with the Zoning Board of Adjustment for a second variance or appeal. Mr. Garrigues asked if this was because of the building footprint. He was advised it was. Mr. Mertz noted that Mr. Garrigues may have noticed the fence on the Shingle Camp Hill Road side was shorter, and this was because the building was too close to the road. He noted if Mr. Garrigues did have to some construction behind the building, there might be opportunity to create better access for the third floor, whether it were dormers or some other methodology. Mrs. Lucas noted that because this project came before the Planning Board with the Historical Society, there was a real effort made, and an agreement with the buyer, to protect the historical integrity of the building. She cautioned Mr. Garrigues to be aware of any stipulations and noted his sensitivity to those considerations would be appreciated. Mr. Garrigues noted he would have the Planning or Zoning Board advise him, and confirmed that so far as he knew he had copies of previous decisions for the property. Mr. Garrigues thanked the Board and made arrangements to come to the Town Offices for a copy of the report from DeBois Risk Services PLC.

INFORMATIONAL/CONCEPTUAL MEETING
Ryan Crosbie, Pike Industries
NH Route 132N
Tax Map R-11, Lot 24

Mr. Crosbie came before the Board to discuss the installation of an above-round cement tank for asphalt. He advised Fire Chief Drake made the Board aware of the installation of the tank. Mr. Crosbie acknowledged owners had not advised Chief Drake of the installation prior to the work in 2010 without realizing regulations required that notification to the Town and the State. Mr. Crosbie noted Pike then made the application to the State and did not notify Chief Drake. DES advised them they needed to bring this to the Town and the Planning Board. Mr. Crosbie apologized for the omission. He advised GMI installed the tank in 2009 and Pike subsequently purchased the property. The plant and several tanks existed, but the 15,000 gallon tank (for tar that is added to the aggregate) is the tank in question. That tank was not functioning and was replaced by Pike. In going through regulations, Mr. Crosbie advised they felt at the time they believed this would not have fallen under site plan review because it was a replacement of an existing feature. There

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was no increase of use, or scale change, but he also added the State has reviewed and approved the tank for all requirements.

Mr. Mertz asked if the replaced tank was still on site. Mr. Crosbie confirmed it was, but it was disconnected, with no product in it. He noted the replacement tank was installed in the same location as the previous tank. Mr. Kettenring asked if they had the site plan information from GMI. Mr. Crosbie advised it might be in the files, but noted there had been no other changes. Mr. Kettenring suggested they may want to review those plans to ensure no other changes had occurred. Mr. Crosbie advised Pike had removed other junk left on the property by GMI.

Mrs. Lucas noted since the approved site plan in May of 2000, the only other site plan done on the lot was for a modular structure used for an office. She asked if Pike uses that structure. Mr. Crosbie advised the structure does not belong to Pike. Mrs. Lucas noted the question for the Board is to review this plan and identify any changes to the property that have occurred since the last site plan in 2000. She further noted the Fire Chief's concerns regarding the empty tank remaining on the property and the condition of other tanks on the property. She asked Mr. Crosbie to confirm Pike would be working with the Chief directly on those concerns. Mr. Crosbie asked if it was sufficient to say there had been no changes since GMI owned the property. Mr. Kettenring noted there may have been changes and anything not in compliance would have to be addressed by the Board. He recommended Pike review the site plan on file and the Board might find an expedited review would be sufficient. Mrs. Lucas advised the Board might find no new site plan review was required. She suggested that if they check the existing plan and identify whether there are any changes. If not, Mr. Kettenring noted, a simple letter might be sufficient. He noted the Board would recognize if the changes are an improvement, or the Board might determine they are significant or incidental. Mr. Crosbie advised he would review the information and come back at the next meeting. Mr. Crosbie advised no work would be done out of the facility this year, and none was done last year because the certification exists at other locations and will have to be established for the New Hampton location. Mrs. Lucas asked Mr. Crosbie touch base with the Fire Chief. Mr. Crosbie thanked the Board.

PREVIOUSLY TABLED ITEM:
Candice Dionne
6 Cabin Drive
Tax Map U-9, Lot 9-3

Mr. Mertz made a motion to take the tabled discussion of the Candice Dionne matter off the table and continue it to the next meeting. This was seconded by Mr. Irvine. The motion was passed.

MASTER PLAN SUB-COMMITTEE
Update on Plan Process for 2012-2013

No report was submitted by the Committee.

OTHER BUSINESS:

There was none.

ADJOURNMENT

Motion to adjourn was made by Mr. Mertz and seconded by Mr. Joseph. The meeting was adjourned at 9:30 p.m.

Respectfully submitted,
Kristin Harmon

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