

Town of Albany, New Hampshire
Planning Board Monthly Meeting/PUBLIC HEARING Minutes - Draft
Monday, December 9, 2013 7:00 P.M.

Next Monthly Meeting: Monday, January 13, 2014 7:00 P.M.

The Planning Board Monthly Meeting/Pubic Hearing was held at the Albany Town Hall.

Present: Chairperson Josephine Howland, Vice Chairperson Mike Helmers; Selectmen Representative Jack Rose, Tara Taylor, Adrian Simons, Joe Ferris, Alternate; Matt Parker, Alternate; Theresa Ann Gallagher, Recording Secretary

Absent: Peter Carbone, Alternate; David Maudsley, Technical Advisor

Also attending were: Todd Provencher, Applicant; Alan and Leah Valladares, Applicants; Jeff Nicol, Abutter; Steve Knox

Chairperson Josephine Howland called the Planning Board Public Hearing to order at 7:00 P.M.

Approval of the Agenda: Chairperson Josephine Howland asked for a motion to approve the proposed agenda for the December 9, 2013 Planning Board Monthly Meeting/Public Hearing. Tara Taylor made a motion to approve the agenda as proposed; seconded by Selectmen Representative Jack Rose. Chairperson Josephine Howland asked if there were any additions or changes. There were none. Chairperson Josephine Howland asked all those in favor of accepting the proposed agenda signify it by saying "Aye". All were in favor. None opposed.

PUBLIC HEARING 7:00 PM

Chairperson Josephine Howland invited Alan and Leah Valladares to present the details of their Site Plan Review application, which the Planning Board has reviewed. Leah Valladares presented the application to explain what they would like to do with their property. Vice Chairperson Mike Helmers asked if this was a consultation or are they asking the Planning Board to accept their Site Plan Review application. Leah said they are asking the Planning Board to accept their Site Plan Review application. Vice Chairperson Mike Helmers explained that the application is not complete because it has a few spaces marked "to be determined" on the checklist; Leah explained that this Public Hearing is a starting point for their plans and they are asking for guidance on what is required. Vice Chairman Mike Helmers confirmed that this meeting is a consultation. Leah explained that they are putting in a garage for an auto repair shop for industrial use, meaning they can repair heavy duty trucks, autos, horse trailers, snow mobiles, etc.

The Planning Board offered a few points to be followed up on:

- 1) The setbacks on the Plot Plan seem to be in compliance with the proposed ordinance change that is currently put before the voters, measuring from the center line of the road; however, 75 feet from the property line on one side and 45 feet on the other side brings up a question about the 5 feet difference; it needs to be reviewed. Alan Valladares confirmed that there is plenty of room to move the building to meet the setbacks. Vice Chairperson Mike Helmers suggested that he site the dimensions on the drawing to make it clear for the building inspector, Peter Carboni.

- 2) Kelley Drive will be the driveway for the property; the Planning Board asked if there are safe DOT Permits in place for the business; Alan Valladares said yes, they are in place with Conway. The Planning Board explained that they have to be with the application. Alan Valladares confirmed that there will only be one driveway, with the existing entrance on to Route 16. A berm will be put on the edge of the property along with green space.
- 3) The Planning Board explained that other details need to be on the drawing:
 - a. where the septic is, along with a permit; Alan Valladares said there is no permit yet, and there also is a well on the property.
 - b. Employees will be parking on the property.
 - c. The Planning Board explained that they have to do some research to see if they are subject to ADA, based on the number of employees.
- 4) With regard to the waste that will be generated, the Town of Albany will be asking questions about what they have in place. They may be classified as a small quantity generator. The Town of Albany has a bigger concern that this will not become an issue. Alan Valladares explained that all the waste material generated will be 100% recycled. No onsite storage will be used. He confirmed that he will be doing it with a contractor. The Town of Albany will want to see those plans. The Planning Board also asked about scrap vehicles and scrap parts and outside storage; they would like to see on the plan some orthographic projections of what will be built.
- 5) Lighting needs to be on the Plot Plan, indicating that it will not project into the highway.
- 6) Signage is checked off as “to be determined”; the Planning Board would like to see that on the Plot Plan with dimensions. The Planning Board explained that the Town has Sign Permit regulations which Alan and Leah can refer to for guidance.
- 7) Preparation on the Property has been done with a lot of excavation work. The Planning Board would like to see what the projection is for 2013 and 2014 as far as soil removal is concerned. Leah Valladares explained that 2013 is done, with a little less than a 1,000 cubic feet of soil removed. Alan Valladares explained that they are only going to the tree line shown on the map, and they are not far from that now. He said there are more than a 1,000 yards to come up to that point. The Planning Board asked him to quantify what they are going to do, because the Town has been notified by the State about that issue. Leah Valladares said she has the e-mail and Curtis Coleman has offered them some advice.
- 8) The Planning Board asked for details on the map showing what it will look like in relation to Route 16 and flood hazard. There have to be details to show if they are above or below grade in relation to Route 16; Alan Valladares said they are about par with Route 16; they will stay there or less, and they realize they have to put in some catch basins. The Planning Board would like to see that on the drawing along with the calculations. Alan Valladares discussed the banking behind the building; it will not cave in onto the building; it will look like the banking behind the Ambix building. He realizes that the paving will have to be shown on the plot plan. The catch basins will not be in the pavement.

The Planning Board asked Alan and Leah Valladares to come back when they have a completed application and it accommodates the items listed above. The Planning Board would also like to see a 3-D drawing of the building with details to show what it will look like. The Valladares' said their projection date for completion of the project is for next summer, but they would like to have the Site Plan Review completed and accepted before that. The Valladares' commented that the Town's Ordinance for the commercial/residential zone is very confusing.

Joe Ferris asked if the building will be used for one single business; Alan Valladares said it may or it may not be used for one business. He asked the Planning Board how that impacts the Site Plan

Review and what else will be required. The Planning Board said they would be concerned about the amount of parking spaces. Alan Valladares pointed out that there are eight parking spaces in the front, but there is more room for parking spaces in the back. He won't have that many employees, maybe about three. The Planning Board asked the Valladares to make the building look like the "New England" building, not a box. There will be garage doors around the side and back; the front will have windows and doors.

Leah Valladares had a question about the White Mountain Waldorf School's meeting with the Planning Board in May. It was about a boundary line adjustment requested by the White Mountains Waldorf School; the Valladares' were named in the minutes as being part of that request, but they were not aware of the Waldorf School's consultation with the Planning Board. They have been making some proposals to the Waldorf School since 2008, but nothing was finalized. Leah called them in May because they were in the middle of something different. In the minutes it was stated by them that the lot was a commercial lot. The Planning Board said the Waldorf School has not been back to pursue that topic any further. The Planning Board agreed to research the status of Map 7 Lot 52 and clarify if it is a residential or a commercial lot. Theresa Gallagher will send an e-mail to Leah Valladares as soon as they find out. Leah Valladares said it is being taxed as residential. Alan Valladares said the driveway is part of Map 7 Lot 57 and is a deeded right of way.

Jeff Nicol was asked if he has any comments; he said none. It all looks good to him. The Planning Board suggested showing Jeff Nicol's building on the Plot Plan. Tara Taylor said the Title Block didn't sound right; she questioned Deed Book 2827. It may be the deed number. Leah Valladares said they will verify that; they have a copy of the deed. The Planning Board asked about the fire suppression; Alan Valladares said they will not have plans if it is not required. However, they will follow regulations and talk with Fire Chief Steve Solomon about it. Leah Valladares pointed out on page 2 of the Site Plan Review checklist, #6 and #7 list certifications, restrictions and covenants; she said there are none on the property. Leah Valladares asked about having a vicinity map with a graphic scale of 1' inch to 400'; the Planning Board said the tax map has that scale. Leah asked if a copy of that will be needed. The Planning Board said the vicinity map on the Plot Plan may be sufficient, but they agreed to check the map requirements. A Public Hearing for Alan and Leah Valladares' Site Plan Review application will be scheduled in 2014. As they proceed with their plans they can contact Theresa Gallagher if any questions come up and she will forward the questions to all the Planning Board members.

The next Planning Board meeting will be January 13, 2013.

Todd Provencher came before the Planning Board next continuing his Site Plan Review application. Based on his application he lives in a residential/commercial zone. The application for a Service Station is listed as B.3., use permitted, which is not 5, a Home Occupation. The Planning Board agrees that the regulations for setbacks is not met, and there is a change in use on the property. Todd Provencher needs to go before the ZBA for a variance. Once he has the variance, he can return to the Albany Planning Board to discuss the issues associated with the service station business. The Planning Board advised Todd Provencher that once he is granted the business for the service station, there have to be in place pollution prevention, restrictions, reasonable covenants between that location and those setbacks. The possible transference of that property in the future to someone else who wants to continue the business, but who does not have the same considerations as Todd Provencher, has to be of concern. The Planning Board advised him to make an appointment with the ZBA. Todd Provencher said he has paperwork to be completed, and he will start on it right away. Vice

Chairperson Mike Helmers said they will discuss the procedure to be followed to get him something in writing to bring before the ZBA. He will hear from Theresa Gallagher by tomorrow. The Planning Board is planning to streamline the process and make it clear and quick in the future.

Chairperson Josephine Howland asked for a motion to close the Public Hearing. Tara Taylor made a motion to close the Public Hearing at 7:55 P.M.; seconded by Adrian Simons. All were in favor.

Approval of the Minutes: Chairperson Josephine Howland asked for a motion to accept the minutes from the November 11, 2013 Planning Board Meeting/Public Hearing; Tara Taylor made a motion to accept the minutes from November 11, 2013 Planning Board Meeting/Public Hearing; seconded by Adrian Simons. Chairperson Josephine Howland asked if there are any errors or omissions. Tara Taylor clarified page 2, 3rd paragraph. It should state "This Public Hearing topic (Todd Provencher) will be continued." Add "Regular session continued.." Page 3, last sentence should state "This Ordinance is intended to be a Selectmen's Ordinance." Chairperson Josephine Howland asked all those in favor of accepting the minutes as amended say "aye". All were in favor. None opposed

Chairperson Josephine Howland asked for a motion to approve the minutes from the November 18, 2013 Planning Board Meeting/Public Hearing; Tara Taylor made a motion to approve the minutes from November 18, 2013 Planning Board Meeting/Public Hearing; seconded by Adrian Simons. Chairperson Josephine Howland asked if there are any errors or omissions. Tara Taylor pointed out on page 2, Adrian Simons is misspelled, and on the bottom, "Three" should be "There". Vice Chairperson Mike Helmers made a suggestion that Theresa read back the changes to be made before the amended minutes are approved. All agreed. Theresa Gallagher read the changes. Chairperson Josephine Howland asked all those in favor of accepting the minutes as amended say "aye". All were in favor. None opposed.

Chairperson Josephine Howland asked for a motion to approve the minutes from the November 25, 2013 Planning Board Work Session; Tara Taylor made a motion to approve the minutes from November 25, 2013 Planning Board Work Session; seconded by Chairperson Josephine Howland. Chairperson Josephine Howland asked if there are any errors or omissions. Tara Taylor listed some grammatical changes: no apostrophe in RSA, get rid of meeting in Public Hearing, capitalize Zoning Ordinance, etc. The date for the Public Hearing was going to be Wednesday the 18th, not Monday the 16th. Public Hearing meeting should be "Public Hearing/Meeting". Page 2 add "Section 5 of the Zoning Ordinance:" Page 3, stuff should be "issues". "contractors logging" – delete "contractor". After Board of Selectmen add "to protect this asset". Road Agent should be capitalized. "seasonably needs" Christmas Trees" does not need to be capitalized. Chairperson Josephine Howland asked all those in favor of accepting the minutes as amended say "aye". All who were present at the last meeting were in favor. None opposed.

Chairperson's Report: Chairperson Josephine Howland reported that the Planning Board has a lot of work to do; the Planning Board needs to rewrite some of the ordinances, but they also have to make sure procedures are clear, precise and transparent; communication with other Boards needs to be clear and when people leave a Public Hearing they should understand exactly what is expected from them. As representative for the Conservation Commission Josephine Howland reported that they are still working on access to the DOT Station. and they are making progress.

The CEO was not present to give his report.

Selectmen Representative Jack Rose reported that the Board of Selectmen's meeting this week is moved up to 2:30 P.M. because one of the Selectmen could not make the regular meeting time. The Board of Selectmen will go into a non-public session.

Mike Helmers presented a proposal to help streamline the Planning Board issues as they relate to the ZBA: when the Planning Board makes a recommendation to an applicant for a Site Plan Review to go before the ZBA, the referral to the ZBA should be communicated through the Secretary of the Planning Board, Theresa Gallagher. Theresa is willing to do that. The concern is the fairness to the applicants who come before the Planning Board and present a lot of information about their plans with their tight schedule; then they have to deal with the confusion of the ZBA meeting not occurring. That prevents them from getting back to the Planning Board in a timely manner to proceed further with their plans. Theresa will contact the Chairperson of the ZBA to set up the meeting and contact the applicant and Planning Board about the meeting date and time. Theresa will also forward the Public Hearing minutes to the ZBA so they may review all the details. The Chairperson of the Planning Board should also attend the meeting to explain why the applicant is there. Kathy Vizard is the secretary of the ZBA.

Vice Chairperson Mike Helmers made a suggestion to have Theresa Gallagher be the secretary for the ZBA. She doesn't live in the Town. That makes more sense since both the Planning Board and the ZBA deal with zoning. There isn't any room to have this problem again. It isn't fair to the candidates and to the Boards. Representative Jack Rose said the person leaving the room should have a written document that says why he is going to the ZBA. The Planning Board agreed. Selectmen Representative Jack Rose said the other part of the recommendation has to be presented to the Board of Selectmen as a recommendation. The Board of Selectmen need to determine if that streamlining helps the issue. Vice Chairperson Mike Helmers said he's not sure about that. Selectmen Representative Jack Rose said the position of Secretary is appointed by the Board of Selectmen. Tara Taylor commented that years ago the Planning Board wanted to hire David Maudsley to do the job, but he didn't want it, so the Administrative Assistant was assigned. Vice Chairperson Mike Helmers said the reason to explore this is to eliminate extra intermediaries.

Chairperson Josephine Howland asked for a motion: Vice Chairperson Mike Helmers made the motion that notification to the ZBA would come from the Secretary of the Planning Board when there is a referral to the ZBA for scheduling purposes; communication with the ZBA as far as the details will also come from the Secretary of the Planning Board because she has the minutes and all the information from the Planning Board at that point. Tara Taylor seconded. All were in favor. Selectmen Representative Jack Rose said the motion should be that the recommendation should be taken to the Board of Selectmen. The Planning Board disagreed. He said he cannot vote for that. Tara Taylor said it should be denied because it doesn't meet the Town's regulations. Tara Taylor withdrew her motion.

Steve Knox spoke about Selectmen Representative Jack Rose's comment, that his concern was that the Planning Board did not have the right to make that decision; only the Board of Selectmen have that right. The motion can be moved and brought to the Board of Selectmen in writing. Tara Taylor said she thought the motion was just for the paperwork. Jack Rose said as for the paperwork and a recommendation, he would agree. .

Vice Chairman Mike Helmers suggested using a carbon paper document for a Notice of Decision at the Public Hearing; it will be signed and states what was decided by the Planning Board at the Public Hearing. The Planning Board can adopt this procedure.

Chairperson Mike Helmers made a motion to use a carbon paper document that is signed and states what was decided by the Planning Board at the Planning Board meeting and given to the applicant. The second copy will be filed for the Planning Board. Selectmen Jack Rose seconded.

Chairperson Josephine Howland made a motion to recommend to the Albany Board of Selectmen that communication in a referral to the ZBA from the Planning Board go through the Administrative Assistant of the Planning Board to the Chairman of the ZBA with a copy of the draft minutes and a copy of the decision made by the Planning Board. One copy of the Plot Plan and the Site Plan Review Check List will go to the ZBA. This happens when the Site Plan Review application is denied. *(This motion was withdrawn later at this meeting).*

Tara Taylor also suggested that a copy of the denial should go to the Board of Selectmen and they contact the ZBA. Mike Helmers said he will talk with the lawyer and ask him about the correct procedure. Chairperson Josephine Howland suggested withdrawing the motion and revisiting it after the correct procedure is verified. All agreed. In the meantime Todd Provencher will be given the notice of decision.

Chairperson Josephine Howland summed up the work to be done: This motion, the communication between the Planning Board and the ZBA to be streamlined, and the Noise Ordinance.

Vice Chairperson Mike Helmers said Attorney Walter Mitchel had a question about who's issue the Noise Ordinance is. Because it is has an enforcement clause in it, it is clearly the Board of Selectmen's issue. The Planning Board is not equipped to do anything as far as complaints. It still needs some work with the wording. It was confirmed that a Public Hearing will not happen on the 18th of December. Selectmen Representative Jack Rose said he wants it on the ballot in 2014.

Selectmen Representative Jack Rose suggested creating an ordinance for architectural and landscaping for all commercial Site Plan Review applications. Chairperson Josephine Howland said the Planning Board will revise the Site Plan Review application to include that. They also need to define what the "New England" look is. Selectmen Representative Jack Rose agreed. He said there are towns around Albany that the Planning Board can draw from.

Adjournment: Chairperson Josephine Howland asked for a motion to adjourn the meeting at 9:02 P.M. A motion was made by Adrian Simons to adjourn the Planning Board Meeting at 9:02 P.M.; seconded by Selectmen Representative Jack Rose. Passed unanimously.

Respectfully submitted,

Theresa Ann Gallagher

Theresa Ann Gallagher
Recording Secretary