

Town of Albany, New Hampshire
Planning Board Monthly Meeting/PUBLIC HEARING Continuance Minutes
Monday, February 10, 2014 7:00 P.M.

Next Work Session Meeting: Monday, February 24, 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 Rob Nadler, Tara Taylor, Adrian Simons, Peter Carboni, Alternate Joe Ferris, Alternate; Matt Parker, Alternate; David Maudsley, Technical Advisor; Theresa Ann Gallagher, Recording Secretary

Absent: None

Also attending were: Todd Provencher, Applicant; Leah Valladares, Derek Gilcrest, Todd Provencher's Abutter (across the street)

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 February 10, 2014 Planning Board Monthly Meeting/Public Hearing. Vice Chairperson Mike Helmers made a motion to approve the agenda as proposed; seconded by Tara Taylor. Chairperson Josephine Howland asked if there were any additions or changes. Vice Chairperson Mike Helmers pointed out that #6 should be "Digitized" Chairperson Josephine Howland asked all those in favor of accepting the proposed agenda with the one spelling correction to signify it by saying "Aye". All were in favor. None opposed.

Approval of the Minutes: Chairperson Josephine Howland asked for a motion to accept the minutes from the January 27, 2014 Planning Board Work Session Meeting; Tara Taylor made a motion to accept the minutes from the January 27, 2014 Planning Board Work Session Meeting; seconded by Adrian Simons. Chairperson Josephine Howland asked if there are any errors or omissions. Mike Helmers pointed out on page 1, it should be "Digitized" in the budget section; page 2, 3rd paragraph, 3rd sentence should read "digital" files; 5th sentence should read "People who come before the Planning Board will have to prepare their documents in digital form."; next paragraph, 2nd line should be "Digital File Storage"; 6th line down should be "Digitized File Storage"; under Ordinance Changes delete the last sentence about the tents not being approved; that was said as a demonstration for safety. Page 3, next to the last paragraph, last sentence should read "they can request a leave of absence". Chairperson Josephine Howland asked all those in favor of accepting the minutes as amended say "aye". All were in favor. None opposed

Leah Valladares asked about posting the minutes on line, because she only got the draft copy on line from December 9th. The Planning Board explained that the minutes are approved at the following meeting and 5 days after that the approved ones are posted on line. The Town of Albany website was recently updated and has had problems with the posting of information; however it seems to be working ok at this time.

David Maudsley gave a power point presentation on Groundwater Protection. Points of Discussion: Importance of groundwater protection- 60% drinking water comes from the ground, it's there for wildlife and recreation, and 98 % of Public Water comes from the ground. Problems associated with Groundwater are that it has limited distribution, it's susceptible to drought, it is easy to contaminate, and the hydrology is only partly understood.

Silver Lake borders on Albany. The Green Mountain Conservation Group is concerned with the Ossipee River Basin for protection. Most of the lakes in the aquifer do have Ground Water Protection Ordinances. In Madison the north and south portions of the aquifer are separate. The total length of the aquifer is about 50 miles and it covers a width of about 27 miles. Coleman and Pike Industries have done a lot of strip mining in the area. They have stripped the land close to the aquifer. David Maudsley presented the State of NH model of a Ground Water Protection Ordinance. If Albany would have had such an ordinance in place years ago, how would it affect local businesses? At Profile Subaru the percentage of the lot occupied by the building is greater than 15%; therefore a storm water management plan would have been required. Beep-Beep – has a very large amount of impervious surface with the gas pumps, and they would have been required to do the same. LCR had herbicides, pesticides, etc. and would have had to have a plan for their removal. The Planning Board asked about a company that wants to expand their building which already uses 50% of the property including the impervious surface; David said they would have to make a storm water management plan. Albany has the Swift River Conservation District, which only deals with surface water and not ground water. It covers 250 feet on each side of the Swift River and a buffer zone of 150 feet. It allows all kinds of agricultural uses without requiring any best management practices. Today they would be required automatically. Josephine suggested having the Conservation Commission look into it.

Issues for Albany:

A small portion of the Town is involved with ground water; the USGS states that only 8 square miles of the aquifer is in Albany.

Albany has issues with inspection and enforcement which includes a big administrative load. There is certain unfamiliarity with BMP in terms of the standard practices relevant to a Ground Water Protection Ordinance.

Route 16 goes along the aquifer and it may be too late to change the way it is.

Ground Water Protection Ordinances are strict and Albany does not seem to be that strict.

PUBLIC HEARING 7:00 PM

Chairperson Josephine Howland invited Todd Provencher to come before the Planning Board

The Planning Board acknowledged Todd Provencher's setback variance from the setbacks by the Zoning Board of Adjustments. Vice Chairperson Mike Helmers gave a list of steps to be followed as the next steps.

Conditions of approval of the Site Plan Review Application: a, b and e on Mike's list.

1. The State requires Todd Provencher to have a commercial driveway permit. Todd Provencher responded that he already applied for one and is working with the State on that. The Planning Board said they will need a copy of it.

Chairperson Josephine Howland asked for a motion to require the Commercial Driveway Permit from NH DOT as a condition for approval of the Site Plan Review Application; Tara Taylor made the motion; seconded by Vice Chairperson Mike Helmers. All were in favor.

2. Regarding Small Quantity Generator – The State of NH requires proof to the Town that the Business is registered with its name and Tax ID and evidence of an ongoing waste removal contract, which can be inspected at any time by the Town. Todd said he will register as a small quantity generator. Todd said he will have cars parked on his property but he will do work in the garage on ball joints, alignments and state inspection work. Todd said he will register for work on oil and antifreeze.

Chairperson Josephine Howland asked for a motion to require the State of NH Small Quantity Generator Registration as a condition for approval of the Site Plan Review Application; Tara Taylor made the motion; seconded by Adrian Simons. All were in favor.

3. Building Inspection by the Town Code Enforcement Officer to show that the building meets all code requirements subject to inspection by the Town CEO, Peter Carboni. (DES requirements also will be reviewed)

Chairperson Josephine Howland asked for a motion; Tara Taylor made the motion to show that the building meets all code requirements subject to inspection by the Town CEO, Peter Carbon as a condition for approval of the Site Plan Review Application; seconded by Rob Nadler. All were in favor.

Informational: f, second e, second f, g, h, and #3 on Mike's list

1. Recording on the Deed for the Property, that this property is now commercial and is a Service Station, which when subject to sale will require a Phase II inspection prior to the sale to protect the future owner. (Informational)
2. Third Party Certification regarding the absence of any UST's State Law, NH-DES (Informational)
3. Secondary Containment for all fluid hazardous waste on site and abidance with the 90 Day on site Federal rules of labeling and Hazardous waste markings – subject to Town inspection at any time. (Informational)
4. Spill Control and Counter Measure Plan – must include notifying the Town in the event of the need for an emergency response. Peter Carboni responded that if the DES gets a call from a neighbor or resident of this Town, if it wasn't an emergency, they will ask the CEO to check out the situation. If there is a need for inspection the Town would go to Fire Chief Steve Solomon because the Town has a contract with him. He will do one inspection every two years if requested. Peter said he did get a couple of calls in the last year. Leah Valladares asked about the other businesses, and if they have to follow these same procedures; the Planning Board responded that this is just a recommendation. This is a good practice. It is non-binding. (Suggested)
5. Certification to the Town of Albany Planning Board that the Business by name and owner will be at all times in compliance with the applicable NH DES Rules and Regulations. (List is provided) (Informational)
6. Plan for derelict materials and scrap vehicles: a) No open, outdoor off- pavement storage shall occur or be allowed b) Safety and health. (Informational)

Chairperson Josephine Howland asked for a motion to pass the above as recommendations; Tara Taylor made the motion; seconded by Rob Nadler. All were in favor.

Recommended, but deleted from the list after discussion:

1. Evidence that all vehicles have current registration and do not infringe on the State's definition of salvage. Subject to Town inspection. (Enforcement issue)

Chairperson Josephine Howland asked for a motion to delete the recommendation salvage vehicles from the list; Tara Taylor made a motion to delete it; seconded by Adrian Simons. All were in favor.

2. Change of Use – Inspection and Approval by the Conway Fire District Fire Chief, Steve Solomon, to the PB before the final approval. (Enforcement issue, and it is a standard procedure already in place)

Chairperson Josephine Howland asked for a motion to delete the above recommendation of inspection from the list; Adrian Simons made a motion to delete it; seconded by Tara Taylor. All were in favor.

Chairperson Josephine Howland asked for a motion to accept the Site Plan Review Application from Todd Provencher for a Service Station, with the conditions that a Commercial Driveway Permit from NH DOT is obtained, the State of NH Small Quantity Generator Registration is obtained, and prior to opening a building inspection by the Code Enforcement Officer will be done for safety; Tara Taylor made the motion to accept the Site Plan Review Application from Todd Provencher for a Service Station, with the conditions that a Commercial Driveway Permit from NH DOT is obtained, the State of NH Small Quantity Generator Registration is obtained, and prior to opening a building inspection by the Code Enforcement Officer will be done for safety; seconded by Vice Chairperson Mike Helmers. Chairperson Josephine Howland asked all those in favor of accepting the Site Plan Review Application from Todd Provencher for a Service Station, with the conditions say "aye". All were in favor. None opposed

Tara Taylor suggested that Todd Provencher give the Plot Plan to Thaddeus Thorne to add the conditions to the Plot Plan; Theresa will e-mail them to Thaddeus Thorne, and as soon as the Plot Plan is updated, Josephine and Theresa will sign and Theresa will drop off to Todd Provencher.

The Budget was discussed. Mike Helmers explained the \$10,000 for creating digital files. The Planning Board agreed that the Town of Albany needs to have digital files. New applications will be added to the data program. Rob Nadler commented that the Albany budget has several increases for this year and it is not a good time to add another \$10K to the budget. He said he doesn't believe the records need to be in a locked cabinet because they are public records anyway. For the small Town of Albany, it's not practical to create digital files. Joe Ferris said he disagrees and recommends Albany to go digital. The files are disorganized in the cabinet and it's hard to find anything. Rob Nadler agreed that it is hard to find documents. David Maudsley commented that this is a Town issue. Mike Helmers suggested having all applications on line that can be completed on line. In digital format it can be disseminated to all Board members by Theresa. Next a repository is needed to store the documents. On a hard drive it will be costly to make the documents secure, and all the RSAs that are associated with digital government documents will have to be implemented. With regards to the

Budget, the Planning Board received a 40% increase in stipends for meeting attendance, which was not requested by the Planning Board. Rob Nadler commented that working with the budget, they decided to make changes and make things fair in every department. David Maudsley suggested that the Town should have a joint meeting with other Boards and this along with the issue of digitizing the files should be discussed at the meeting. Rob Nadler commented that more collaboration meetings are needed, at least 4 times a year. David Maudsley reported that as far as statutory requirements are concerned the written printed records are the official records; there are no statutory requirements to back up records electronically. It's up to the Town to decide how they want to do it. Hard copies have to be available in the Town Hall. Scanned copies of originals are ok, but in court they require the original document. The Town should develop a plan to cover all the Board's documents. It can be done over time. David Maudsley said it will be difficult to have all the Boards agree on digitizing all past records. Chairperson Josephine Howland recommended that the Town purchase a good laptop, and a good printer. There is a printer already in the room. David Maudsley said there used to be a laptop but it disappeared. Get all the applications and print them out and file them neatly on line. Theresa can type the minutes at home and send them to the Albany Planning Board laptop. Leah Valladares commented that Conway already has digital files and applications on line; Albany should find out what vendor they used and see if they have a modular that would be less expensive. Rob Nadler suggested taking the research done by Vice Chairperson Mike Helmers and come up with a standard plan that is budgeted out over the next five years.

Chairperson Josephine Howland reviewed the budget and said it will be submitted to the Town Administrator tomorrow. The total is \$16,800. Theresa Gallagher agreed to send the budget to Kathy.

Chairperson Josephine Howland commented that Attorney Jae Whitelaw confirmed that the correct procedure is in place for the Ordinance changes that will go on the ballot for the Town Meeting in March.

Site Plan Review Application regulations were discussed. Leah Valladares asked about the submission of the Site Plan Review Application. The abutters are notified that a completed application has been submitted, so the abutters and the applicant are under the impression that it is complete. It's confusing. Josephine Howland commented that the procedure is being corrected. Leah Valladares also commented that there were two public hearings that night, and the public hearing for her Site Plan Review Application was not closed before moving on to Todd Provencher's Application. Also, she was told that night that her meeting with the Planning Board is a consultation meeting, but the Public Hearing was not closed to go into a consultation. David Maudsley explained that if the procedure is followed strictly it would take two months; at the first meeting the Planning Board would accept the application as complete, and in the following month there would be a Public Hearing. For years the Albany Planning Board has tried to expedite the process and did both steps in one meeting. Leah Valladares asked the Planning Board to accept her application as complete with conditions; the Planning Board responded that there were too many things missing on the application. Vice Chairperson Mike Helmers said the drawing doesn't have the information that is necessary for a new structure with the setbacks. Mike Helmers suggested that Leah Valladares come back to the Planning Board once all the items on the list they gave her at the consultation meeting are all in place and complete. Leah Valladares said she would prefer to do that. The Planning Board agreed to have the Site Plan Review Application from Leah Valladares presented at the March meeting for acceptance and approval without a Public Hearing. Then at the next meeting there will be a Public Hearing. Leah Valladares commented that she already paid the fees for the Site Plan Review Application.

Rob Nadler suggested having a budget to hire someone to make sure the new Zoning Ordinances match the Master Plan, and have the Planning Board get professional help. The Planning Board said they already checked the Master Plan to the Town Ordinances as they were working on the Master Plan. Chairperson Josephine Howland said Tara Bamford is already scheduled to review the Master Plan for free, and also meet with the Planning Board. David Maudsley has been guiding the Planning Board in deciding which Ordinances need to be added or amended.

Leah Valladares asked about the definition of setbacks; there is a change in the setbacks. The definition for structure states it requires a 25 foot setback. David Maudsley said it will be changed.

Chairperson Josephine Howland passed out her annual report; Vice Chairperson Mike Helmers suggested stating the Master Plan is near completion due to the fact that a section on ground water protection will be added.

Peter Carboni commented that he spent a lot of time on the definition of structure and he would like to have more discussion. David Maudsley commented that the Swift River Conservation District contains the definition of structure; make sure they are the same. The Planning Board agreed to discuss it at the next meeting.

David Maudsley passed around the Town of Eaton requirements for the applications that are submitted. To be discussed at the next meeting in March.

Adjournment: Chairperson Josephine Howland asked for a motion to adjourn the Planning Board Monthly Meeting/Public Hearing at 9:15 P.M. A motion was made by Tara Taylor to adjourn the Planning Board Monthly Meeting/Public Hearing at 9:15 P.M.; seconded by Adrian Simons. Passed unanimously.

Respectfully submitted,

Theresa Ann Gallagher

Theresa Ann Gallagher
Recording Secretary