

Town of Albany, New Hampshire
Planning Board Monthly Meeting Minutes
Wednesday, January 9, 2013 7:00 P.M.

Next Meeting/Public Hearing Wednesday, January 23, 2013 7:00 P.M.

The Planning Board Meeting was held at the Albany Town Hall.

Present: Chairman Steve Knox, Vice Chairperson Josephine Howland; Tara Taylor, Adrian Simons, Mike Helmers, Alternate; Selectmen Representative Joe Ferris, Theresa Ann Gallagher, Recording Secretary

Absent: Selectmen Representative Sara Young Knox; David Maudsley, Technical Advisor; Selectmen Representative Jack Rose

Also Attending: Jack Whigham, owner of Almost There Restaurant
Jeff Nicoll of Ambix Manufacturing

Chairperson Steve Knox called the Planning Board monthly meeting to order at 7:01 P.M.

Approval of the Agenda: Chairperson Steve Knox asked for a motion to approve the proposed agenda. Tara Taylor made a motion to approve the agenda; seconded by Vice Chairperson Josephine Howland. Chairperson Steve Knox asked all those in favor of accepting the agenda as proposed signify it by saying "Aye". All were in favor. None opposed.

Approval of the Minutes: Chairperson Steve Knox asked for a motion to accept the minutes from the December 12, 2012 Planning Board meeting; Tara Taylor made a motion to accept the minutes from December 12, 2012 meeting; seconded by Adrian Simons. Steve Knox asked if there are any errors or omissions. Correction: spelling of the name Lundblad; also attending "Scott Whigham, and Mark and Lori Lundblad". On page 1, last paragraph, Tara Taylor referenced the "Site Plan Review" not the State of NH RSA. Also, same paragraph next line, Mark had two handicap... should be "Jack has two handicap..."; 2nd page, 1st full paragraph, at the end it states that Tara Taylor suggested the Board of Selectmen continue to monitor the noise ordinance. It should be "noise issue". Spelling of Jeff Nicoll, should be "Jeff Nicoll"; last page, discussing the setback ordinance should state "100 feet from the center line of the road". Chairperson Steve Knox asked all those in favor of accepting the amended minutes of the December 12, 2012 meeting, signify it by saying "Aye". All were in favor.

Public Comment: Jack Whigham presented to the Planning Board two copies of his survey map as updated with 57 parking spaces in total. The 25 foot setback was discussed and reviewed; because parking is not a permanent structure, Jack Whigham questioned parking in the 25 foot setback. He agreed to be within 10 feet of setback from the border. Chairman Steve Knox stated that Jack Whigham needs 66 parking spots for 132 seatings. In the past the Town of Albany gave Jack Whigham a variance for the addition. They also gave him a variance for the extra 8 parking spaces. Jack Whigham stated that before the Fire Chief gave him the approval for 132 seating spaces, he had about 112 seating spaces. During the winter, April through October, the 44 seats on the patio are not in use. During the winter the snow clean-up is good enough so that Jack Whigham does not lose more parking spaces on his property. A question came up about the records from the 2000's; Ann Wolfe kept good records but something happened to them after 2005 – they cannot be found. The Planning Board went over the patio addition that was approved in 1995. Jack Whigham said he will only have

music on Friday from 4 to 7 P.M. and a duo from 2:30 to 5:30 on Sunday afternoon. He agreed to remind them to tone it down. Chairman Steve Knox reviewed other community noise ordinances, and they only come into effect at 11 P.M. Jack Whigham's band stops at 7 P.M., so he is fine. Also, Tara Taylor has been communicating with the DOT asking if there ever was a driveway permit issued for the property. The driveway permit either needs to be located or an application for one has to be sent to the DOT. Jack Whigham agreed to apply for the driveway permit. The DOT also stated that there should be nothing within State owned land; the signs are in State owned land, as are the other businesses' signs. They are all on the State owned land islands. The expansion of the parking was done about 12 years ago and does not affect the wetlands.

In summary, the Planning Board is asking Jack Whigham to make sure he has a driveway permit, the setbacks are in compliance, the wet land areas are not affected, and the parking is sufficient; these are the four areas that need to be reviewed and approved. It would be good to have a written statement saying that the wetlands are not affected. Jack Whigham stated that if the parking is an issue he is willing to reduce his seating to 112 seatings. The site plan map is not stamped by a licensed surveyor, but it was issued in 1995, so it is grandfathered. The Planning Board stated that the septic system is not an issue that concerns the Planning Board and neither is the common well. The music could be an issue in the future, but it is not currently an issue. Chairman Steve Knox reminded Jack Whigham to tone down the volume of the music.

Chairman Steve Knox advised Jack Whigham that the Planning Board cannot approve the parking spaces as presented because he should have 66, but he only has 57 spaces.

Chairman Steve Knox asked for a motion to deny Jack Whigham's updated Plot Plan map due to lack of adequate parking spaces and a driveway permit, and suggested that Jack Whigham request a public hearing and go before the Zoning Board of Adjustment to get a waiver on the parking, based on the fact that the parking is seasonal, and for 6 months of the year he does not need all that parking. Also, the parking is not full every night. Tara Taylor made a motion to deny Jack Whigham's Plot Plan map due to lack of adequate parking spaces and a driveway permit, and suggested that Jack Whigham request a public hearing and go before the Zoning Board of Adjustment to get a waiver on the parking, based on the fact that the parking is seasonal, and for 6 months of the year he does not need all that parking. Also, the parking is not full every night; seconded by Adrian Simons; Chairperson Steve Knox asked all those in favor of accepting the motion signify it by saying "Aye". All were in favor. None opposed.

Chairman Steve Knox advised Jack Whigham that if the ZBA grants the waiver, then the Planning Board can sign off on the updated Plot Plan map. Jack Whigham will be away from the end of January to the end of March; he will meet with the ZBA before he leaves in January. He will call Kathy Vizard tomorrow to start the process for the Public Hearing. Then in March he will meet with the Planning Board again.

Jeff Nicoll presented his site plan map of the property he will purchase; the map was done when D Loring was taking over the property. Nothing is changed. No change of use on the property will be in place. An inspection was done by Chief Steve Solomon and he suggested having emergency lights and exit signs installed over the door. Chairman Steve Knox asked for a motion to accept the Plot Plan map. Adrian Simons made a motion to accept the Plot Plan map for Jeff Nicoll's future property, contingent on the fact that he does purchase the property; seconded by Vice Chairperson Josephine Howland. Chairperson Steve Knox asked all those in favor of accepting the motion signify it by

saying "Aye". All were in favor. None opposed. The plot plan was accepted by the Planning Board and will be signed by the Planning Board after Jeff Nicoll purchases the property.

Tara Taylor said the Planning Board used to have a stamp for the signing of documents; Theresa said she will ask Kathy Vizard to see if she has it.

The Planning Board discussed getting a locked file cabinet, and gave Theresa permission to search pricing for a new locked file cabinet. Used office supply stores and Porter Office Machines might be two places to make inquiries.

The Planning Board discussed the 2013 Budget, and after going through all the expenses agreed to keep the same budget for 2013. The legal costs were discussed, and it was agreed to keep the budgeted amount the same. Chairman Steve Knox said he will check with Kathy Vizard to make sure no expenses were over budget. The operating budget will include the purchase of a locked file cabinet. The Planning Board agreed to continue meeting twice a month.

The Planning Board discussed having an ordinance that states that nothing should be in the setbacks for new property owners, including no parking.

Correspondence: None.

Proposed Ordinance Changes:

The Building Height, Set Backs and Green Space were discussed and accepted to be put before the voters in March. Regarding the building height a question came up which the Planning Board did not address. The definition of a 2 ½ story property needs to be clarified. It all centers around fire safety; Mike Helmers spoke with the Conway Village Fire Department, and Chief Solomon will be giving him an answer on Thursday. The two issues are 1) is the height restriction just for fire safety? or 2) will the fire department be able to fight a fire from above the roof line of the house? The problem lies with putting a basement under the two story house and putting in an 18/12 pitch roof. If a 12 foot ceiling is used, the house will be 59 feet tall from the top of the roof to the drive out point for the car. Is this strictly a height issue based on the highest point, or is the issue where the equipment will actually be able to fight a fire? If the house is on a hillside, the firefighting equipment will be at the floor of the foundation. A lot of houses to be built in Albany will be on slopes. Adrian Simons said the 2 ½ stories is obsolete; by State law the floors have to be 7'6" for commercial and 7' for residential. The issue is the firefighting apparatus approach. The Planning Board does agree that the building cannot exceed 45 feet from the ridge point down to the floor of the pad. If there is a walk out basement, the question comes up, where do you measure the plumb line? When Mike Helmers hears back from the Fire Department, he will contact Adrian Simons and they will discuss and let Theresa know the exact wording for the ordinances.

Theresa will notify the Conway Daily Sun for the Public Hearing for the January 23rd meeting. If there are changes at the public hearing, then a second public hearing will be needed in February. Also, at the January 23rd meeting the Master Plan will be worked on for finalization.

Adjournment: Chairman Steve Knox asked for a motion to adjourn the meeting. A motion was made by Tara Taylor to adjourn the Planning Board Meeting at 8:55 P.M.; seconded by Adrian Simons. Passed unanimously.

Respectfully submitted, Theresa *Ann Gallagher*, Recording Secretary