

Town of Albany, New Hampshire
Planning Board Monthly Meeting Minutes
PUBLIC HEARING
Wednesday, July 10, 2013 7:00 P.M.

Next Meeting - Wednesday, August 14, 2013 7:00 P.M.

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

Present: Chairperson Josephine Howland, Vice Chairperson Mike Helmers; Tara Taylor, Peter Carbone, Alternate Voting Member; David Maudsley, Technical Advisor; Selectmen Representative Jack Rose, Matt Parker, Alternate; Joe Ferris, Alternate; Theresa Ann Gallagher, Recording Secretary

Absent: Selectmen Representative Sara Young Knox, Adrian Simons

Also attending were Todd Provencher, Albert Demarino, Abutter; Derek Gilcrest, Abutter (across the street); Mike Cline, Director of Tin Mountain Conservation Center, Douglas Burnell, Surveyor, Andrew Loeffler, Abutter

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 July 10, 2013 Public Hearing meeting. Peter Carbone asked for an adjustment, adding "Subaru Signs" to the Agenda. Tara Taylor made a motion to approve the agendas as amended; seconded by Vice Chairperson, Mike Helmers; Chairperson Josephine Howland asked all those in favor of accepting the agenda as proposed signify it by saying "Aye". All were in favor. None opposed.

PUBLIC HEARING 7:00 PM

Michael Cline, Director of Tin Mountain Conservation Center presented the Plot Plan for the Site Plan Review. It showed the location of the new cabin/residency for interns, the drilled well, and the septic system. The design for the septic system has been submitted to the State of NH for approval. Tin Mountain Conservation Center is aware that they cannot build until the State approves the septic system. The lot is one big piece of property. Mike Cline assured the Planning Board that the housing unit will not be rented and is an accessory building to the Center. Tin Mountain produces its own power, 14,000 kilowatt hours, and currently only uses 13,000 kilowatt hours. They will use the balance of that for the electricity in the cabin, running off the same grid. The building will have 4 bedrooms and two bathrooms, to be used seasonally only. There was some talk about having a grounds keeper stay at the building, but that is not in the plan right now. Parking will be in the staff parking area, out in the back. Andrew Loeffler asked about the possibility for any commercial property putting up a residential building in the back with a new septic system; would that be allowed without subdividing the property? The zoning is set by the Town's Zoning map, so the house would still be in the commercial zone. The Planning Board said it also depends on the size of the property. Can you have a business and a residential building on the same property? The Planning Board said there is nothing to prevent that right now. If a commercial property puts up an accessory building to be lived in, it does not need a subdivision. Also, commercial properties can convert part of the commercial building into a residency for the owner. If there is a residential building being used as the primary building, another residential building cannot be built on the property. The building at Tin Mountain is an egress and went through a special exception procedure to allow it to be used for education. There are no covenants in the Deed Restrictions that Tin Mountain Conservation Center would be encroaching on.

Chairperson Josephine Howland asked for a motion to approve the Site plan Review for Tin Mountain Conservation Center, with the condition that the structure will only be occupied by employees and interns who work for Tin Mountain Conservation Center; Tara Taylor made the motion to approve the Site plan Review for Tin Mountain Conservation Center, with the condition that the structure will only be occupied by employees and interns who work for Tin Mountain Conservation Center; All voted in favor, Chairperson Josephine Howland; Vice Chairperson Mike Helmers; Selectmen Representative Jack Rose, Tara Taylor, Peter Carbone. None opposed.

Todd Provencher came before the Planning Board and presented his Plot Plan for the Site Plan Review. He said he wants to sell camp firewood on his property, and also open up a small automotive repair shop. Todd said he applied for a driveway permit from the State, and indicated where the proposed driveway will be on the property. He will also widen the other driveway, which is paved, to make parking spaces. The new driveway will be 50 feet, and will be a gravel driveway. The Planning Board said the State will require a lot of EPA regulations for the auto repair shop. Todd commented that it will be in his existing driveway. The Planning Board advised that he will have to present his written plans to the DES, with spill prevention and counter measures,, as well as the procedures to be followed for emergency containment. The Planning Board recognized two applications being presented. Todd Provencher said he came before the Planning Board because he wants advice on how to proceed with his plans for the auto repair shop. The Planning Board said they would like to see the approval from the EPA before they recognize any application for the auto repair shop. The Planning Board said the business will be a small one; however it is commercial, and once it opens up, there is no way to control the amount and size of vehicles coming in for repairs. One of the abutters remarked that the brook behind the house is in a wetland area, and lubricants and gasoline and other chemicals can seep into the brook. The Planning Board told Todd Provencher that he will have to be at least 75 feet from the wetland. He should not come before the Planning Board for the auto repair until he has a good solid read on what he is allowed to do and he knows what is expected by the State and he has it all in place. The Planning Board suggested that he proceed with the application for the Camp Firewood Business. Todd Provencher asked if he could sell other things with the camp firewood, such as a lawnmower. The Planning Board said he could sell his own lawn mower, and any other one thing at a time. One of the abutters said he has concerns for the safety of cars stopping on Route 16. It is dangerous. If the State gives Todd Provencher permission for the driveway, then the Planning Board will definitely approve the small business.

Chairperson Josephine Howland asked for a motion from the Planning Board to conditionally approve the Site Plan Review for the sale of campfire wood only, provided that Todd Provencher receives the driveway permit from the DOT, and a copy will be delivered to the Albany Town Hall, and also that the selling of campfire wood is restricted to only that. However, like all other residents of Albany, he can sell his own appliances one at a time in front of his house. Tara Taylor made a motion to conditionally approve the Site Plan Review for the Sale of Campfire Wood only, provided that Todd Provencher receives the driveway permit from the DOT, and a copy will be delivered to the Albany Town Hall, and also that the selling of campfire wood is restricted to only that. Todd Provencher can start the campfire wood sale after the new driveway is constructed. All voted in favor; Chairperson Josephine Howland; Vice Chairperson Mike Helmers; Selectmen Representative Jack Rose, Tara Taylor, Peter Carbone. None opposed.

One of the abutters asked a question about his septic system; he bought the property and put in a trailer and also a septic system for the trailer. Then he built his house and put in another septic system for the house. Can he use the first septic system that was first approved; if he builds a barn and wants to put in a shower or a bathroom, can he use the two septic systems that were approved by the State? The Planning Board said to call the DES and ask them if he can use them both.

Public Hearing closed at 8:00 P.M.

Approval of the Minutes: Chairperson Josephine Howland asked for a motion to accept the minutes from the June 12, 2013 Planning Board meeting; . Chairperson Josephine Howland asked if there are any errors or omissions. There were a few slight typo corrections. Selectmen Representative Jack Rose made a motion to accept the minutes from June 12, 2013 meeting as amended; seconded by Tara Taylor Chairperson Josephine Howland asked all those in favor of accepting the amended minutes of the June 12, 2013 meeting, signify it by saying "Aye". All were in favor.

The minutes for June 26th were not approved, due to the fact that Josephine Howland was the only Planning Board member present; she said they will be tabled until the next Master Plan meeting, which will be in September.

Mike Helmers had some discussion with Mary Pinkham about the excavations that are going on in Albany; he noted that the Town of Albany doesn't have any ordinance regarding the incidental removal of soil that exceeds 1,000 cubic yards. By Statute the Town of Albany can create ordinances. Mike Helmers will rewrite his section of the Master Plan on Excavation, which was already approved. He proposed taking it back and rewriting it for the next Master Plan meeting, to include the creation of ordinances. The Town will issue regulations by the Board of Selectmen, and the Planning Board will contribute with some suggestions.

Peter Carbone commented that it is not clear as to when a resident can ask to dig; they cannot ask to dig without a permit unless it's incidental, whereas they can ask to dig on a larger scale with a permit. The Planning Board will look into this issue and will have more information at the next meeting. The current extraction going on along Route 16 is an eye sore; the issue is that if they took the hill down up to the tree line, they would be removing over 17,000 cubic feet of soil. That would put them under the gravel pit excavation, which also creates safety issues. The second issue is that the slope of the property is going to be negative to Route 16; it is not allowed to excavate below the grade of the road. It needs to be looked in. The catch basin will be an issue, too.

The boundary line adjustment for the Waldorf School appears to be a pitched plan, and Kelly Drive may collapse in the process. The property owners came before the Board of Selectmen and asked about putting up a building on the property. The Board of Selectmen told them that they could not start the work until they submit a plan; however, they have ignored that and were sent a letter asking them to honor the requirements put on them. The letter is strong and puts the Town in a position where it can demand that they cease and desist. The building permit did not say anything about the excavation; it is for a resident garage and the building permit expires October 15, 2013. Mike Helmers read the letter that was sent to the Valladeres; all agreed that if the property owners do not respond within 2 weeks, they will be told by the Town of Albany to cease and desist.

Mike Helmers made a motion to hold the Boundary Line Adjustment request until the excavation issue is resolved; seconded by Selectmen Representative Jack Rose. All were in favor. Tara Taylor read parts of RSA 155 regarding the boundaries, and noted that the Town should require the Valladeres' to follow the statutes. They have already dug into 15 feet of soil, over 200 feet back.

Peter Carbone made a suggestion to require an occupancy permit once the building is completed; they cannot use the building without that permit. Two permits will be issued; one for the building and one for the occupancy.

David Maudsley reminded the Planning Board members that when an e-mail is sent to Planning Board members, they cannot further discuss or comment on the issue. They can react individually, but not to all.

Mike Helmers made a comment regarding the Master Plan, to have Tara Banford review it once it is complete and then have a professional editor complete the final version; Tara Taylor offered to do that. Mike Helmers will draft a thank you letter to Steve Knox for serving on the Planning Board for many years.

Mike Helmers also suggested having a joint meeting with the Planning Board, the ZBA, the Conservation Commission and the Board of Selectmen to discuss issues being addressed by the Town of Albany. Everyone agreed it is a good idea. David Maudsley suggested having each Board give a report of their issues and actions during the first half of the meeting, and then have the Planning Board lay out topics to be discussed. The Planning Board has to organize the meeting; it needs to be structured, and open to everyone. The Town Administrator and the Planning Board Administrative Assistant can work together on getting a date and time when everyone can attend. Both would also have to attend to take notes.

Peter Carbone presented the proposal for sign replacements at Profile Subaru. They are replacing the three signs on the building, and two are slightly larger ones. They are accessory signs. Peter Carbone passed around the proposal written by Profile Subaru. They are changing the signs from 18 inch height to 24 inch height. They are asking permission to increase the size of the signs. Tara Taylor read from the ordinance, which stated accessory signs for a single business: Maximum number of accessory signs is three. Total maximum size is 27 square feet. No single sign to exceed 9 square feet. Total number of signs allowed on a single business premise is four. The Planning Board agreed that if there are two signs, they can only be 4.5 feet long, and they can only have three accessory signs, but Profile Subaru wants four. The total size of the new sign is 90 square feet. The Planning Board unanimously denied their proposal. They will have to go before the Board of Selectmen for the sign permit, and the Board of Selectmen will have to tell them to go before the Zoning Board of Adjustments.

Discussion continued on how the sign is measured – by the whole sign or by the individual letters, including the spaces.

David Maudsley mentioned that the approval of Tin Mountain's Site Plan Review created a little bit of an issue for the Planning Board. The primary function of their property has to be considered. Is it conservation, or education. The residency makes a change, and there is nothing in the Town of Albany's ordinances that addresses special circumstances like this. Is there anything that allows a residency building and an auxiliary building for a home business? No, there is not. There are special circumstances with Tin Mountain and the Waldorf School, etc. Accessory apartments are being addressed in the Master Plan. The Planning Board has to be aware that some people will put up an accessory building and then later will try to change it to a commercial building. David Maudsley also noted that normally, if someone has two buildings as residencies on a property, you cannot move into the new building until you move out of the old one. Peter Carbone mentioned that the building permits need to be revised to address the move in requirements. The Board of Selectmen will have to work on that. The use of the term accessory with respect to residential quarters has to be addressed. Dormitories are not accessory buildings. Special provisions should be made for places like Tin Mountain. Accessory buildings and accessory apartments have to be distinguished as being different. Accessory apartments as part of the primary building with a separate entrance is different from living above the garage. A special exception was made for the Waldorf School, whereby they brought in three mobile trailers to be used as classrooms. They are

substandard and were going to be used until they build a bigger building, which was supposed to be done within a certain time frame (2017).

Correspondence: The Town of Albany Administrator wrote two letters to address the Motorcycle Business selling sheds, and Blake for selling wood in front of their property. Theresa Gallagher called them both and left messages; Mr. Olson, of the Motorcycle Business, said that he got permission to sell sheds back in the mid 1990's. Kathy Vizard went through the minutes from those few years and only found a statement showing that he was asking about selling motorcycles. There is nothing to show that he asked to sell sheds. He will have to prove to the Planning Board that he has paperwork to show he has permission to sell sheds. David Maudsley suggested that the Planning Board issue a formal notice of decision when a vote is taken, just like it is done in a formal Site Plan Review application. Chairperson Josephine Howland suggested having a file just for the "Notice of Decisions". That will be kept with the application.

If Tom Provencher will come back with an application to open a car repair business, he will need to have a Plot Plan created by a licensed engineer. It would be more of a commercial business, rather than a home business. The issue is that if a business has the potential to become a large quantity of services or sales, the applicant has to have all the required documentation and inspections before coming to the Planning Board. The State of New Hampshire has Statutes that have to be followed, such as the Clean Air Act. These are things that the Planning Board has to review during the application process. They have to be diligent with the State first. If the business creates a situation that has to be cleaned up, it becomes a liability of the Town. The Federal Government doesn't have to fund the clean-up.

Mike Helmers suggested creating a list of the issues that need to be addressed. Make a "to do" list. Decisions have been made by the Planning Board to address individual problems; but the problem in general has not been addressed by the Planning Board.

Adjournment: Chairperson Josephine Howland asked for a motion to adjourn the meeting at 9:20 P.M. A motion was made by Peter Carbone to adjourn the Planning Board Meeting at 9:20 P.M.; seconded by Mike Helmers. Passed unanimously.

Respectfully submitted,

Theresa Ann Gallagher

Recording Secretary