

Town of Albany, New Hampshire
Planning Board Monthly Meeting Minutes
PUBLIC HEARING
Monday, November 11, 2013 7:00 P.M.

Next Meeting: Public Hearing Monday, November 18, 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, Adrian Simons, Peter Carbone, Alternate; David Maudsley, Technical Advisor; Selectmen Representative Jack Rose, Matt Parker, Alternate; Theresa Ann Gallagher, Recording Secretary

Absent: Joe Ferris, Alternate

Also attending were Todd Provencher, Albert Demarino, 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 November 11, 2013 Public Hearing meeting. Tara Taylor made a motion to approve the agendas as proposed; seconded by Selectman Representative Jack Rose. 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

Vice Chairperson Mike Helmers invited Todd Provencher to present the details of his Site Plan Review application, which the Planning Board has reviewed. Todd Provencher said he is applying for a Home Business, which is allowed according to the Albany Town Ordinances. His Service Station will not be a "Gas Station" but it will be "a place at which some services are offered". He will offer repairs to automobiles, dirt bikes, four wheelers, etc. A question about the generation of waste was asked; Todd Provencher showed the Planning Board the paper work he has from the State; he will follow the guidelines and will file with the Secretary of State, once he has the approval of his Site Plan Review application. He reported that the garage on his property was previously used for a business, but he does not know if it was registered with the State of NH. It once was a motor home repair business, about 40 years ago. The owner was an Albany Planning Board member. The Planning Board pointed out that the garage is right on the property line and does not have the 25 foot setback requirement. He will have to go before the ZBA for an exception. Todd said he will not make any additions on his property. He would be willing to purchase the lot next to his and combine the two as one property. Mike Helmers pointed out that the biggest concern the State would have is the environmental impact his business would have on the area. The garage floor would have to be inspected by the Town. Concerns regarding DES would be hazardous waste. The Planning Board told Todd Provencher he has to go before the ZBA for approval because he does not have the proper setback, and also he has a change in use on his property. The Planning Board reminded Todd Provencher that he will have to get a third party certification for storage tanks, either above ground or underground, showing that they do not leak. Todd Provencher said he is aware of the requirements. David Maudsley reminded him that the two issues about the setback and the change of use have to be made clear to the ZBA. Chairperson Josephine Howland asked the Planning Board to make a motion to accept the Site Plan Review Application from Todd Provencher; Tara Taylor made a motion to

accept the Site Plan Review application from Todd Provencher; Adrian Simons seconded the motion; all were in favor. Chairperson Josephine Howland announced that the Site Plan Review application from Todd Provencher will be continued.

Albert Demarino spoke about his concerns regarding Todd Provencher's proposed Service Station business; he does not believe that Todd Provencher will pollute the area because his children swim in the stream, and his business would be upstream. However, there is a business next to them that has put a lot of debris in the water. The difference is that the owner of that business does not live at the location of the business. Todd will live at his business location and he will be vigilant and take pride in how he keeps his property.

The Planning Board remarked that they are just concerned that the hazardous waste is removed properly due to the proximity to the stream. The Set Back issue also has to be satisfied. If the business will be sold in the future, it's not certain that the new owner would be as vigilant.

This Public Hearing will be continued.

Public Hearing closed at 7:40 P.M.

Approval of the Minutes: Chairperson Josephine Howland asked for a motion to accept the minutes from the October 14, 2013 Planning Board meeting; Chairperson Josephine Howland asked if there are any errors or omissions. Tara Taylor made a motion to accept the minutes from October 14, 2013 meeting; seconded by Selectmen Representative Jack Rose. Chairperson Josephine Howland asked all those in favor of accepting the minutes of the October 14, 2013 meeting, signify it by saying "Aye". All were in favor.

Chairperson Josephine Howland asked for a motion to accept the minutes from the October 28, 2013 Planning Board Work Session; Chairperson Josephine Howland asked if there are any errors or omissions. Tara Taylor made some changes to the wording; for the "Structure" definition add "other ordinances"; on the second page, third line should read "the Conway Village Water Precinct should have been required to pay for the services of a professional person". Tara Taylor made a motion to accept the minutes from October 28, 2013 Work Session as amended; seconded by Selectmen Representative Jack Rose. Chairperson Josephine Howland asked all those in favor of accepting the amended minutes of the October 28, 2013 Work Session, signify it by saying "Aye". All were in favor.

Chairperson Josephine Howland asked for a motion to accept the minutes from the October 28, 2013 Collaboration Meeting; Chairperson Josephine Howland asked if there are any errors or omissions. Josephine Howland pointed out two spelling errors; Tara Taylor noted some changes to wording; Tara Taylor made a motion to accept the minutes from October 28, 2013 Collaboration Meeting as amended; seconded by Selectmen Representative Jack Rose. Chairperson Josephine Howland asked all those in favor of accepting the amended minutes of the October 28, 2013 Collaboration Meeting, signify it by saying "Aye". All were in favor.

Ordinances: David Maudsley suggested reference should be made to which part of the ordinance is being amended.

Tara Taylor suggested stating "course or body of water" for the commercial setbacks; Chairperson Josephine Howland asked for a motion to accept the two ordinances for Residential Building Height

Limitations and Commercial Setbacks as amended; Tara Taylor made a motion to accept the two ordinances for Residential Building Height Limitations and Commercial Setbacks as amended; seconded by Selectmen Representative Jack Rose; all were in favor.

Noise Ordinance: Vice Chairperson Mike Helmers presented the newly written Noise Ordinance, along with the RSA 644 reference. Article J was added regarding guns and fireworks. Discussion continued. The fines were clarified. Time will be changed to 7:00 AM to 7 PM in three the sections, H-1, and #3 Loud outside music was discussed. In the past noise from parties has been a nuisance for some residents. Fireworks were discussed as being classified at different levels. The word “guns” will be replaced with “firearms”. Penalties were discussed. David Maudsley suggested keeping it consistent with the zoning violations @ \$275 per day. The Carroll County Sheriff would enforce the fines. He also noted that making a list of the sources of the noise will limit the ordinance to address only the sources listed. Another nuisance discussed was barking dogs, which is not addressed in the ordinance because it would further have to address all animals making noise. The Planning Board agreed to hand over the Ordinance to the Board of Selectmen for review and comment. The Ordinance will not be presented to the residents for review and public comment. The Planning Board agreed that it’s a good start for the Town of Albany, which currently has no noise ordinance. The Ordinance is a Selectmen’s Ordinance and will not be voted on by the residents.

The Code Enforcement Officer definition is actually a job description, and is the responsibility of the Board of Selectmen. One change was made and will be passed on to the Board of Selectmen for review.

Sign Permit Regulations was discussed next. In three places the \$5 fee was removed. Section II, A will state “accompanied by a permit fee”. Section VII, D, 4 will be removed; in Section IX also remove “Permit fee \$5.00 per sign.” The Planning Board agreed to bring this ordinance before the residents for public comment on November 18th.

Board of Selectmen Representative Jack Rose suggested that the Town of Albany adopt a policy for new commercial establishments, requiring them to have a green belt row of trees or shrubs in the green space setback. The recent change in the Site Plan Review ordinance for green space for the boundary lines does not include trees and shrubs, which need to be defined. An example is the water tank on Bald Hill Road; it does not have any green shrubbery, at least at the entrance. David Maudsley suggested having a “vegetation buffer at least 5 feet high” stated in the ordinance, as a standard. Another issue is bonding the roads. The Town of Albany has a statement in the ordinances that says the Town will not take over a road until it is 80% built out” but that is not happening. The Building Permit and the Planning Board regulations need to address this. Peter Carboni, CEO, suggested having a sign off on the building permit stating that, until the standard is satisfied, they cannot occupy the building. Road standards also will be discussed with Road Agent Curtis Coleman.

Mike Helmers brought up an issue for situations where the road agent’s firm maintains the public roads; if the snow removal equipment runs off into a drainage ditch and the driver is killed, what is the Town’s liability for the death of the driver? Since the drivers are hired, the company that hired them should be liable. This will be reviewed with the road agent. The Town of Albany does not have a signed contract with the road maintenance firm. Selectmen Representative Jack Rose will discuss this issue with the Town Attorney, Jae Whitelaw.

Chairperson Josephine Howland reported that she and Selectmen Representative Jack Rose were at the Conservation Commission meeting and learned that the Fish and Game and the DOT are working on an agreement to let the Town of Albany use the space and two buildings currently owned by the DOT. That means the farmers will have a driveway and access to the buildings, one of which has a washroom for cleaning the vegetables. The other building is a lean-to for storing the equipment. The Town of Albany will sign a lease agreement for use of the land and buildings.

Vice Chairperson Mike Helmers reminded the Board that the collaboration meeting in October was called for the purpose of discussing general topics that apply to land use; one of the concerns is, as the Town acquires land, the Conservation Commission has the task of determining what the Town does with the land. The Planning Board plays a supportive role because it plans land use. The residents are concerned about having access to the acquired properties. A plan needs to be implemented. Josephine Howland said the Conservation Commission is working on access to the properties. The paths and bike trails are passable. The DOT and the Ranger Station are creating a road around the property so the Town of Albany will have direct access. The Town of Albany will have three access roads. No overnight and no campfires will be allowed on the land. Anyone can walk to the river, but they cannot drive to the river. The Fish and Game will take over the ownership of the lot where the buildings are. The Town of Albany will plow the road to the buildings, in return for free use of the property and the buildings.

Adjournment: Chairperson Josephine Howland asked for a motion to adjourn the meeting at 8:54 P.M. A motion was made by Selectmen Representative Jack Rose to adjourn the Planning Board Meeting at 8:54 P.M.; seconded by Tara Taylor. Passed unanimously.

Respectfully submitted,

Theresa Ann Gallagher

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Recording Secretary