



**Town of Gilmanon, New Hampshire
Planning Board**
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Wayne Ogni, Chair
Marty Martindale, Vice Chair
Bill Mahoney, Member
Roy Buttrick, Member
John Weston, Member
Justin Caldon, Member
Steve McCormack, Alternate
Don Guarino, Selectmen Rep
Mike Jean, Alt Select Rep
Louise Knee, Planning Admn
Mark Fougere, Certified Planner

APPROVED

MINUTES
Thursday – March 10, 2016
7:00 pm at Academy Building

ROLL CALL

Chair Wayne Ogni called the meeting to order at 7:08 PM, once a quorum became present for the ZBA, introduced the Planning Board, noted that the first Application is a joint meeting with the Zoning Board of Adjustment and introduced ZBA Chair Betty Hackett who introduced ZBA Members present, Vicky Fournier, Mike Teunessen and Nate Abbott. Also present were Annette Andreozzi, Land Use Administrator & ZBA Recorder and Louise Knee, Planning Administrator and PB Recorder.

I. JOINT MEETING *

- 1. Joint Public Hearing ZBA Case# 2016-00006, PB Case# 201-2016 Pensco Trust Co Custodian, owner, Henry Vigeant, applicant:** requests a Special Exception from Zoning Ordinance Article IV Table 1 to change use in an existing building to include a restaurant, and a potential Change of Use for The Corner Slice from retail/take-out/gas to retail/sit-in restaurant/take-out/ gas. Property is 0.44 acres located at 518 Province Road, Map/Lot 137/37 in the Village zone. **Site Walk scheduled at 6:00 pm**

Mr. Ogni read the items into the record and explained the process; presentation to both Boards, Board questions, public hearing, additional questions, if any; then ZBA would leave the room for their deliberation and report their decision to PB; PB deliberation and determination whether the proposed change of adding tables and chairs is a significant change of use requiring Site Plan Review.

Annabelle Henry-Dean introduced herself as the Property Owner and testified that Henry Vigeant has her permission to operate the proposed business and seek whatever approvals are needed to open the business. Henry Vigeant and his wife Rachel Vigeant identified their intent and together with Ms. Henry-Dean answered the Board questions. Items included: parking, change of uses from prior operator, converting the one-bedroom apartment on the second floor to an office for the business, the number of employees, the new handicap accessible bathroom, the septic system and the fact that sale of alcohol is not a change as they would like to serve it in the future.

Public Hearing opened at 7:21 PM and closed at 7:43 PM. Phillip Eisenmann, 413 Route 140 expressed several concerns and submitted a list of them for the file. Ms. Henry-Dean responded to the concerns and stated that it is going to be a family-run business. Mr. Vigeant confirmed that the hours of operations are listed as 10:00 AM – 10:00 PM on the application as that is the maximum and that there may be reduced hours especially in the winter months and that he does not have a problem coming back before the Board when he decides to include alcohol. Pam Griffith addressed the Board, stated that she is not an abutter but wanted to express support of The Corner Slice.

Not Official until reviewed, approved and signed.
Approved 04/14/2016

Motion made by ZBA Abbott, seconded by ZBA Fournier and unanimously voted to close the public hearing. Motion made by ZBA Abbott, seconded by ZBA Fournier and unanimously voted to recess the meeting. ZBA Members left the meeting to reconvene in the conference room for their deliberation. Motion made by Mr. Martindale, seconded by Mr. Buttrick and unanimously voted to table Board deliberation until the ZBA has rendered their decision.

Ms. Andreozzi reported that **ZBA** made the following findings:

- a. The site is appropriate for the use because the Board has received evidence that the public desires this use;
- b. The use as developed will not adversely affect the neighborhood because it is similar enough to the previous traditional use of the property that the impact should be minimal;
- c. Adequate & appropriate facilities will be provided for the proper operation of the proposed use in that appropriate modifications to the property will be made for the serving of food, on site bathrooms, appropriate septic, appropriate trash disposal, and adequate parking;
- d. There was no evidence that a nuisance or hazard will be created.

and applied the following CONDITIONS:

1. Copy of a current NH food service class D license shall be provided to the Land Use Administrator.
2. The applicant will acquire a NHDES septic approval for operation covering the restaurant, office, and three bedroom apartment, OR provide to the Town a NHDES construction approval for replacement septic plans along with proof from a certified septic system evaluator enlisted with the Granite State Designers & Installers Association, that the present system will support the restaurant, office, and three bedroom apartment.
3. Receipt of a Town building department certificate of completion for all work, signed by the building inspector.
4. No more than four employees, managers, and/or owners may work on the premises at one time.
5. Only one apartment may be in the building with no more than the maximum number of bedrooms allowed by the NHDES approved septic system.
6. There will be no exterior seats or tables.
8. The number of interior seats is limited to 23.
9. No ancillary business opportunities can be run in the building without coming back to the Zoning and/or Planning Boards for permission (i.e. babysitting or selling of other types of goods (i.e. solar panels, siding).
10. A reapplication must be made to the ZBA, for amendment to this approval, before any alcoholic beverages can be sold.

Motion made by Mr. Jean, seconded by Mr. Martindale and unanimously voted that:

- (1) after review of the facts presented to add tables and chairs, which redefines the operation as a restaurant per Zoning Ordinance Definition; and
- (2) evaluation of the criteria for determining whether there is a Change of Use based on a comparison from the most recent Use to the proposed Use; and
- (3) with consideration of the findings and conditions of approval set by the Zoning Board of Adjustment;
- (4) that the inclusion of tables and seats is not a Significant Change of Use and does not rise to the level of requiring Site Plan Review.

Findings on the Change of Use criteria:

- a. It will not have any impact beyond the boundaries of the site;

- b. It will not result in increased parking and circulation requirements that cannot be satisfied by the present site;
- c. It will not result in increased traffic hazards either on-site or off-site;
- d. It will not create an unreasonable nuisance to the neighborhood or abutters;
- e. It will not result in additional drainage beyond the site or adversely affect groundwater resources;
- f. The change or intensification of use can be adequately protected with existing firefighting resources; and
- g. The present and proposed use of the site is otherwise lawful.

II. PUBLIC HEARINGS *

1. **Application #401-2016 Site Plan Review by Bill Stack, PE, for Todd Rogers d/b/a as Case Jones Bones** to construct a 2,400 SF building and to establish a combination retail sales (in 1,020 SF) and manufacturing of all natural dog food products (in 1,380 SF) on Route 106, Map 412, Lot 018, in the Business Zone

Chairman Ogni read the application into the record. Bill Stack, PE from Steven J. Smith & Assoc., Inc., introduced himself and his clients Todd Rodgers and Ken Hassen, posted a plan, identified the differences since the last meeting, reviewed the drainage, noted that State Permits have been granted for driveway and septic and answered Board questions. The changes included the relocation of the dumpster and well to allow fire apparatus to the rear of the building and the inclusion of an office on the second floor. The questions included the stormwater management, culverts, parking, traffic, drainage, lighting, sign and the asphalt specification of the parking area over the leach field.

Public Hearing opened at 8:21 PM and closed at 8:46 PM. The following individuals addressed the Board. Steve McCormack, 103 South Road, asked about the lighting, especially by the driveway entrance as that section of Route 106 is dark and appropriate lighting is needed for safety. The light placement is approximately 60', out of the ROW (Right-of-Way) of Route 106, and there is approximately 500' of sight distance. Tom and Joyce Libbey, 235 Route 106 and direct abutters, asked several questions and expressed several concerns that included: traffic flow, lights (their bedroom window faces Route 106), septic location, wet areas, hours of operation, noise, smell and snow storage.

Ms. Andreozzi arrived with the ZBA decision. Once delivered, Mr. Caldon left to attend the ZBA meeting and Mr. Ogni asked Mr. Libbey to continue with his comments.

Motion made by Mr. Martindale, seconded by Mr. Mahoney and unanimously voted to conditionally approve Site Plan Review Application #401-2016 as per plans titled *Construction Plans Site Improvements for Todd A. Rodgers Revocable Trust* created by Steven J. Smith & Assoc., Inc., dated January 27, 2016 and updated 3/7/16 & 3/28/16, and the *Case Jones Bones Floor Plans* prepared by Stewart Associates Architects, LLC, dated 3/3/2016 and as updated for the March 10, 2016 Planning Board meeting with the following conditions:

- (1) That the Office space identified on the second floor be reviewed by both the Fire Chief and Building Inspector for determination of second egress before a Building Permit is issued;
- (2) That the second floor be designated for storage and office use only;
- (3) That the exterior lighting be full-cut off at property lines, as per Site Plan Review Regulations Section IX.B Illumination, and that the light at the entrance provide sufficient lumens for safe egress onto Route 106, as identified on plan titled *Lighting Plan with ISO Levels for Todd A. Rodgers Revocable Trust* prepared by Charron, Inc. dated 02/11/2016;
- (4) That the Hours of Operation be limited as follows: Retail hours 8:00 AM – 8:00 PM and Delivery hours 8:00 AM – 4:00 PM;

- (5) That there be no overnight parking of non-business related vehicles;
- (6) That there be no “standing” of delivery vehicles – engines shut off while waiting & unloading;
- (7) That the above conditions be added as Planning Board Notes to final plan, , that the final plans be reviewed by the Town Planner and signed by the Chairman prior to recording this notice of decision at the Belknap County Registry of Deeds and prior to the issuance of a Building Permit.

III. CONCEPTUAL CONSULTATION

IV. UPCOMING BUSINESS

- 1. April meeting may hold a Public Hearing for a Change of Use by Richard Merrill to establish a “flea market” at 90 South Road, Map 421 Lot 12 in the Business Zone.

Board discussed. Ms. Knee reported that an application may not come forward for the April meeting as Mr. Merrill is contemplating placing the land in Current Use. Abutter Steve McCormack asked that the Board do a Site Walk. Board agreed and asked Ms. Knee to schedule a Site Walk prior to the Public Hearing, if an application for Change of Use is submitted.

V. OTHER BUSINESS

- 1. Master Plan and Capital Improvement Plan (CIP) update

Ms. Knee provided an update.

VI. MINUTES: 02/11/2016

Board reviewed the draft Minutes. Motion made by Mr. Martindale, seconded by Mr. Weston and received majority vote to approve the 2/11/2016 Minutes. Vote was 5:0:2 with Mr. Buttrick and Mr. Jean abstaining as they did not attend the meeting. Motion passed.

VII. CORRESPONDENCE:

Respectfully submitted,
Louise Knee, Planning Administrator

Authorized by: _____
Wayne Ogni, Chairman