

Meeting Minutes  
August 3, 2021  
JK, SB, KS, KM, JS, HK, RH, RC, JA

**PLANNING BOARD  
RINDGE, NEW HAMPSHIRE  
August 3, 2021**

**DATE:** August 3, 2021      **TYPE:** Public Hearing      **APPROVED:** 9/7/2021  
**TIME:** 7:00 pm  
**CALL TO ORDER:** 7:00pm  
**ROLL CALL MEMBERS:** Jonah Ketola, Sam Bouchie, Kim McCummings, Holly Koski, Katelyn Smith, Julie Sementa, Bob Hamilton  
**ROLL CALL ALTERNATES:** Joel Aho, Robert Chamberlain  
**ABSENT:** None  
**EX OFFICIO:** Bob Hamilton  
**PLANNING DIRECTOR:** Kirk Stenersen  
**APPOINTMENT OF ALTERNATES:** none  
**OTHERS PRESENT:** Phyllis McKeon, Janice Wilson, Candice Starrett, Jamison Van Dyke, Brendan O'Donnell, Diane Cyr, Elizabeth J. Varnum, Deanna and Scott Wilson, Roniele Hamilton, William T. McQuade, Caleb Symon, Judy Unger-Clark, Craig Clark, Joel Kaplan, Nate Chamberlin FLC, Al LeFebvre, Sharon Rasku, David Drouin, Richard Mellor, Rodney Seppala, Shawn Seppala, Ashley Saari

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**Call to order and Pledge of Allegiance**

**Roll call by Chairperson**

**Announcements and Communications**

Chairman Jonah Ketola said that there is a full board tonight. The two alternates may participate in discussions but may not vote.

Chairman Jonah Ketola said that this meeting is being audio and video recorded for the purpose of preparing the minutes.

Kim McCummings said that, weather permitting, the Farmers Market will be open on Thursday. They do have a new vendor. The Market takes place on the Rindge Common.

**Approval of Minutes:**

1. July 6, 2021

**MOTION:** Kim McCummings moved to approve the minutes as written. Holly Koski seconded the motion. **Vote: 7-0-0**

**Old Business/Continued Public Hearings**

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**1. PUBLIC HEARING CONTINUED FROM JULY 6, 2021:** an application for a Major Subdivision submitted by Higher Design, PLLC, on behalf of Kings Way, LLC, 29 Diane's Way, Rindge, NH 03461 for property located on NH Route 119, Tax Map 6 Lot 73 in the Residential-Agricultural and Gateway East Zoning Districts. The applicant is seeking approval for a 20 lot subdivision.

Chairman Jonah Ketola said that at the last meeting, the Board agreed to continue to this meeting so that the Wildlife study could be reviewed and ConCom would have a little more time to review this application and provide a letter to the Board.

Chairman Jonah Ketola read a letter from ConCom to the Planning Board dated July 26, 2021. (see planning files for complete letter) In short, the letter stated that

- Dr. Van de Poll reviewed the Wildlife Study and had confidence in this work and its results.
- Dr. Van de Poll reviewed the property using Lidar and confirmed the findings of the Storm water Management Calculations submitted by the applicant.
- Dr. Van de Poll suggested that the 50 foot setback buffers for the length of the brook; wetlands; and Rugg Pond be clearly noted for future property owners.
- Dr. Van de Poll said that the catch basin within the drainage easement should be located to avoid work within the wetlands buffer, and that any work necessary within the buffer will need relief per the Wetlands Ordinance.

Chairman Ketola said that if there were no comments from the Board, he would turn the floor over to the applicant's representative.

Kirk Stenersen of Higher Design, PLLC addressed the letter from the Conservation Commission. He said that a lot of work went into the design of the road to avoid the wetlands. He said there is definitely grading within the 50 foot setback and that the subdivision regulations limit the amount of curves in the road. He said that the stormwater detention areas are based on the NH DES AoT criteria. (New Hampshire Department of Environmental Services, Alteration of Terrain permit) and they are intentional.

Kirk Stenersen of Higher Design said that he would like to now explain why the road was located where it is on this project.

Mr. Stenersen said that the Wetland Ordinance in Sections 4, 5, 6 and 7 has more or less remained unchanged since 2008 when the Special Exception language was added. He distributed a collection of plans to the Board which outlined twelve (12) different applications which were reviewed and approved by the Planning Board and also reviewed by the Conservation Commission, as well as three (3) plans previously approved with grading within 50 feet of the wetlands. These plans show yellow highlighting which shows the 50 foot setback from wetlands; orange highlighting which shows disturbance within the 50 feet of wetlands and green highlighting showing the wetlands. Those plans were:

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- DTS Tire Map 2 Lot 44; Michael and Caitlin Subdivision, Map 2 Lot 49; Rindge Crossings II, Map 6 Lot 19-2; Triumph Interiors Warehouse Apartments Map 31 Lot 9-2; Colonial Green Products, Map 2 Lot 64; Rindge Crossings, Map 6 Lot 19; Stenersen Excavating Stock Yard, Map 2 Lot 41-7-A; Hidden Acres Elderly Housing, Map 6 Lot 99-7; Roberts Landing, Map 9 Lot 7-3-2; Cathedral Business Center, Map 31 Lot 9-1; West of the Border Gas Station, Map 7 Lot 16-1-2; Select Concrete, Map 7 Lot 17-3.

The following are additional plans where grading was also approved within 50 feet of the wetlands: Gillis Lane Subdivision of Abel Road; Whicker Drive Subdivision off of Abel Road; Winn Farm Estates off of Old Military Road.

Kirk Stenersen of Higher Design said that this is a history of how the Planning Dept. and the Conservation Commission has interpreted grading within 50 feet of the wetlands per the Town of Rindge Wetlands Ordinance.

Since the last meeting, Kirk Stenersen, Higher Design, PLLC, said that he met with the abutter, Mr. Kaplan, who had some property corner questions.

Chairman Jonah Ketola asked David Drouin of the ConCom if he would like to add any comments pertaining to the letter sent from ConCom to Planning regarding King's Way. Mr. Drouin asked that the Board be aware of the drainage concerns. Mr. Drouin said that, as to the setback, he believes they have made their position clear.

Richard Mellor said that he was at the last meeting and is disappointed with how the letter was interpreted. He felt it was a positive letter. Richard Mellor said that, during the site walk, it looked as though the detention pond could be relocated. If not, it will need a Special Exception from the ZBA (Zoning Board of Adjustment) Mr. Mellor said that hopefully this will work out fine. He is disappointed that they got such a political presentation as they are trying to be fair about this and correct the mistakes they may have made in the past.

Chairman Jonah Ketola asked Board members for thoughts, questions or concerns. Sam Bouchie asked the applicant how often the NH DES AoT come to inspect the site. Kirk Stenersen said that he could not answer that, as with all departments, short staffing is an issue.

Chairman Jonah Ketola asked Board members if they were happy with the Wildlife report and if they had any questions. Holly Koski said that she was glad that this report was part of the process and it is good to have it on file.

Kirk Stenersen read from Sections 4 and 6 of the Town of Rindge Wetlands Ordinance as it pertains to dredging of the actual wetlands versus grading in the wetlands setback and stated that it is his belief that in the case of King's Way, a Special Exception is not needed.

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Kirk Stenersen said that, if this application is held up for a long time, his client may withdraw and apply for a 47 unit PURD on this property. This is not a threat but merely a financial decision.

Rodney Seppala introduced himself as one of the owners of King's Way. He said that it is their intent to build a nice community here. He said he appreciates what the Planning Board and Conservation Commission are doing and that they are being conservative with this land use. There are almost 100 acres here. Mr. Seppala said they are up against a wall financially, as Kirk Stenersen stated, because it costs a lot of money to develop land. Mr. Seppala said that he grew up here, his kids are here, his parents are here and it is his desire to build a nice community.

Candice Starrett asked if there is a potential to expand with 20 houses in years to come? Mr. Seppala said there is no intent. Candice Starrett asked if it could be done on the property. Mr. Seppala said that he is not aware of that. He said that the two lots in the back that are approximately 40 acres are Shawn's and his.

Judy Unger-Clark asked Mr. Seppala how many of the 20 lots have wetlands. Mr. Seppala said he does not know. Chairman Jonah Ketola said that the plans show the wetlands. Kirk Stenersen said, as far as he can tell, they all have wetlands on them. Judy Unger Clark said that she heard Shawn Seppala say that there would be deed restrictions, but would they be tight enough to protect wetlands? Rodney Seppala said that he believes that is a state issue. The intent of their deed restrictions would be to protect the individual homeowner's investment in the property by prohibiting trash in the yard, and that type of restriction. Judy Unger Clark said that her concern would be if someone were to clear cut down to Rugg Pond. Rodney Seppala said that he doesn't see that happening, as people enjoy their privacy. Judy Unger Clark asked what would happen if the wetlands are affected. Rodney Seppala said that is a state issue and that if the builder does not adhere to the state regulations, he will not get a building permit.

Holly Koski said she would prefer this plan over a PURD for this land.

*Chairman Jonah Ketola closed the public hearing.*

Chairman Jonah Ketola read the proposed conditions for this application.

Holly Koski asked if Rick Donovan had any issues. Jonah Ketola said he spoke with both Rick Donovan and Mike Cloutier and they did not submit any formal requests in writing and that the applicant addressed their concerns.

Katelyn Smith asked if a box culvert would be used and if there were any issues. Chairman Jonah Ketola said that most of that is covered is the NH DES AoT process. Kirk Stenersen said he does not see this as an issue.

Joel Kaplan said that Kirk Stenersen had met with him at the site following the last meeting and he is most appreciative of the applicant for hearing his concerns.

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**MOTION:** Katelyn Smith moved to approve the application for a Major Subdivision submitted by Higher Design, PLLC, on behalf of Kings Way, LLC, Tax Map 6 Lot 73, with the seven conditions as follows. Sam Bouchie seconded the motion. **Vote: 7-0-0**

1. Monumentation (iron pins or drill holes as appropriate) shall be set at all lot corners and angle points, new and existing.
2. All applicable governmental permits shall be obtained, including but not limited to NHDES state subdivision approval, NHDES Alteration of Terrain permit, NHDOT permit.
3. Prior, during and after recording of the decision, the applicant shall be made aware that any conditions placed on this subdivision plan through other governmental or permitting agencies are hereby included in this approval.
4. A performance bond for the road construction will be required.
5. An escrow account for the road inspections will need to be funded by the applicant.
6. A Road Maintenance Agreement as well as Homeowner's Association Covenants will be required. These will be reviewed by Town Counsel at the applicant's expense and registered at Cheshire County Registry of Deeds.
7. The site address shall conform to the NH Enhanced 911 naming and numbering system as managed by the Director of Public and Life Safety, Rick Donovan.

**New Business/ Public Hearings**

1. **CONSIDERATION OF** an application for a Major Site Plan submitted by Patriot's Holdings, LLC c/o Jeremiah Boucher, 4023 Dean Martin Drive, Las Vegas, NV 89103, for property located on 15 Sears Drive, Rindge NH, Tax Map 2 Lot 59-3-1 in the Business Light Industry Zoning District. The applicant is seeking approval for a Self-Storage Facility.

Chairman Jonah Ketola provided the following from the Planning Office memo:

**Background Information:**

- 1) Fieldstone Land Consultants, PLLC on behalf of Patriot Holdings, LLC has submitted for approval of a major site plan for a self-storage facility located at the northeast corner of the intersection of U.S. Route 202 and Sears Drive on Tax Map 2 Lot 59-3-1.
- 2) This site plan application is a revision to the original Patriots Holdings, LLC site plan application which was appealed by the Conservation Commission to the Zoning Board of Adjustment and "overturned". The revised plan has no further encroachment on the 50 foot impervious setback nor any grading within 50 feet of wetlands.

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- 3) The applicant has provided the Planning Board with the information necessary to make an informed decision on the application. I recommend the Planning Board accept the application as substantially complete and open the public hearing.

Chairman Jonah Ketola read a letter dated July 27, 2021 from the Conservation Commission. (on file in Planning office). To summarize this letter, Con Com reviewed this plan on July 22, 2021, noted changes made to the plan and “supports this moving forward.” Nathan Chamberlain of Fieldstone Land Consultants addressed the Board. He said this plan was originally submitted in March and approved by the Planning Board on April 7, 2021. The Conservation Commission then appealed that decision to the ZBA (Zoning Board of Adjustment). The ZBA upheld the appeal with the option of submitting an application for a Variance to allow for work in the setback. The applicant decided that in the interest of time, they would redesign the site plan from what was previously approved.

Nathan Chamberlain outlined the changes on the plan before the Board which included changes to reduce the building size by 400 square feet; relocating the drainage and redirecting the run off. Mr. Chamberlain outlined some of the changes to the grading; the lighting plan; landscaping to provide screening by adding Blue Spruce; and shifting the location of the additional septic system should it be needed.

Nathan Chamberlain said that his client has paid the application fees twice for this project and asked if it would be possible for some of that to be reduced.

**MOTION:** Julie Sementa moved to accept the application for a Major Site Plan submitted by Patriot’s Holdings, LLC, at Tax Map 2 Lot 59-3-1, as substantially complete. Kim McCummings seconded the motion. **Vote: 7-0-0**

Chairman Jonah Ketola read the following from the Planning Office memo:

***Regarding the Application:***

- 1) The proposed project is located in the Business Light Industry District.
- 2) Tax Map 2 Lot 59-3-1 is 3.89 acres with 311.55 feet of frontage on U.S. Route 202.
- 3) Currently there is a 5,075 square foot (footprint) 2 story climate controlled storage building with associated parking and drives on the property.
- 4) There is no public infrastructure or utilities proposed.
- 5) The wetlands were delineated by Christopher A. Guida.

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- 6) The existing conditions and topographic survey were completed by Fieldstone Land Consultants, PLLC.
- 7) The site was designed by Fieldstone Land Consultants, PLLC.
- 8) The application is for the construction of an additional five self-storage buildings totaling 15,200 square feet, with associated parking and drives.
- 9) Access to the site will be from Sears Drive which goes through the property and is accessed off of U.S. Route 202.
- 10) The site is currently served by an on-site well.
- 11) The site is currently served by an on-site subsurface sewerage disposal system.
- 12) It is my understanding per the applicant's engineer that the area of disturbance is less than 100,000 square feet so a NHDES Alteration of Terrain permit is not required.
- 13) Site lighting will consist of wall mounted lights. See lighting plan on sheet 5. If the applicant desires lighting other than the wall packs it needs to be shown on the site plan and shall be downcast lighting and shall be in compliance with the Town of Rindge Site Plan Regulations.
- 14) The applicant has submitted drainage calculations and they appear to adequately meet the requirements of the Site Plan Regulations.
- 15) There is existing paving within 50 feet of the wetlands on the property but there is no further encroachment of impervious surfaces on the 50 foot setback proposed.
- 16) The Planning Board should discuss the plans for the septic system and leach bed area. It is my understanding that the existing building is climate controlled self-storage and does not require a septic system.

Bob Hamilton asked about lighting on the Route 202 side of the building. Nathan Chamberlain said there are no lights on that side.

Chairman Jonah Ketola opened the public hearing.

Janice Wilson asked about the decision to use Blue Spruce along that road. She said it would be unique as opposed to fitting in. Nathan Chamberlain said he chose it for the low branches and because it looks nice.

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Chairman Jonah Ketola read the following from the Planning Office memo:

**Recommendation:** Pending the Planning Board’s review, consideration and satisfactorily addressing the above mentioned items I recommend approval of the Patriots Holdings, LLC “Self-Storage Facility” Site Plan with the following conditions:

- 1) All applicable governmental permits shall be obtained.
- 2) Prior, during and after recording of the decision, the applicant shall be made aware that any conditions placed on this site plan through other governmental or permitting agencies are hereby included in this approval.
- 3) The site address shall conform to the NH Enhanced 911 naming and numbering system as managed by the Director of Public and Life Safety, Rick Donovan.
- 4) All exterior site lighting shall be downcast lighting and shall be in compliance with the Town of Rindge Site Plan Regulations.
- 5) All construction, site work, and site operations shall be consistent with the most recent set of plans by Fieldstone Land Consultants, LLC for Patriot Holdings, LLC Self-Storage Facility dated March 16, 2021, revised 7/13/21 or subsequently amended and associated documents (e.g. *Storm Water Management Report Self-Storage Development* – dated March 16, 2021 and revised July 13, 2021).
- 6) The applicant or applicant’s agent shall provide the Planning Office with an electronic copy of all approved plans.

Chairman Jonah Ketola asked the Board to weigh in on the request for reimbursement of fees. Kim McCummings suggested charging just for noticing which would include the newspaper as well as mailing costs.

**MOTION:** Holly Koski moved to reimburse application fees to Patriot’s Holdings LLC. Kim McCummings seconded the motion. **Vote: 7-0-0**

**MOTION:** Holly Koski moved to approve the application for a Major Site Plan submitted by Patriot’s Holdings, LLC, at Tax Map 2 Lot 59-3-1, with the six aforementioned conditions. . Sam Bouchie seconded the motion. **Vote: 7-0-0**



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**2. CONSIDERATION OF** an application for a Major Site Plan submitted by Higher Design, PLLC on behalf of Barkley Enterprises, 1032 NH Route 119, Unit #4, Rindge, NH 03461 for property located at 1222 NH Route 119, Tax Map 6, Lots 74 and 75 in the Gateway East Zoning District. The applicant is seeking approval for a 13-unit multi-family development in three buildings (6-unit; 4 unit; and 3 unit) with office space and warehouse on lower levels.

Chairman Jonah Ketola read the following from the Planning Office memo:

Higher Design PLLC, on behalf of Barkley Enterprises, has submitted for approval of a Major Site Plan for a proposed multi-use development with thirteen 2 bedroom residential units in three buildings (6 unit, 4 unit and 3-unit) with office space and warehouse on lower levels (4900 sq. ft.) with associated parking and drives.

Planning Board Vice Chairman Sam Bouchie conducted a completeness review and determined that the applicant has provided the Planning Board with the information necessary to make an informed decision on this application. I recommend the Planning Board accept the application as complete and open the public hearing.

Chairman Jonah Ketola asked Vice Chairman Sam Bouchie if he noticed anything that was not provided. Sam Bouchie said that he didn't and, unless he's missed something, it was complete.

**MOTION:** Katelyn Smith moved to accept the application for a Major Site Plan submitted by Higher Design, PLLC on behalf of Barkley Enterprises, Tax Map 6, Lots 74 and 75 as substantially complete. Sam Bouchie seconded the motion. **Vote: 7-0-0**

Chairman Jonah Ketola read the following from the Planning Office memo:

- 1) The proposed project is located in the Gateway East Zoning District on Tax Map 6 Lots 74 and 75 at 1222 NH Route 119.
- 2) The subject parcels combined are 4.96 acres. (Map 6 Lot 74 is 1.73 acres and Map 6 Lot 75 is 3.23 acres)
- 3) A condition of approval will be that these two lots are merged to create one lot known as Lot 75. Once merged, Lot 74 will cease to exist.
- 4) Access to the site will be via NH Route 119 (two entrances).
- 5) Government Permits shall include NH DOT and NH DES (septic)

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- 6) Copies of this plan were sent via email to ConCom and Building/Fire and Safety Depts. (7/14/2021) as well as to the Police Chief (7/21/2021) for their review and comments.
- 7) The multifamily structures will need to conform to E-911 numbering. This is coordinated through the public and life safety director.
- 8) It appears that the applicant has provided Open Space which meets the intent and objectives as outlined in the Zoning Ordinance, Article XI.C.3.d. The required open space shall be protected in perpetuity by covenants running with the land.
- 9) The Drainage Computations and Storm Water Management Plan (dated June 29, 2021) appear to adequately address the Site Plan Regulations
- 10) Total parking spaces shown are 39. There are 2 spaces for each dwelling unit and 13 spaces associated with the office space/warehouse space.
- 11) Exterior parking lot lighting will be downcast lighting and shall meet the Town of Rindge Site Plan Regulations.
- 12) The proposed signage for the site consists of a free standing sign by NH Route 119. The proposed signage shall meet the Town of Rindge Sign Ordinance specifications.

Chairman Jonah Ketola asked the engineer to provide an overview of this project.

Kirk Stenersen of Higher Design, representing Barkley Enterprises (Jamie VanDyke) presented the plan before the Board.

- They are here for a major site plan application for a mixed used development consisting of 13 two-bedroom dwelling units within three buildings with 3,818 square feet of office space and 1,092 square feet of building / service trade storage in two garages all on the lower levels of the proposed dwelling units with associated parking and drives on Tax Map 6 Lots 74 & 75.

**Existing Conditions:**

- The subject parcel is located on the north side of N.H. Route 119 at the intersection of N.H. Route 119 and Main Street.
- The subject parcel is in the Gateway East Zoning District.
- The two parcels combined are 4.96 acres.
- This property received previous site plan approval for retail space, office space, a gym and a bank with a drive through and was known as Canterbury Square. This was approved in November of 2005. Over the years fill was brought into the site, by the late Robert VanDyke, in anticipation of constructing the approved site plan.

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- The property is currently partially cleared and overgrown where the fill was brought in and wooded in the remaining areas.
- The easterly end of the property has two wetland areas which are fed by culverts under N.H. Route 119.

**Proposal:**

- The proposal is to develop the property with three multi-family buildings with a 6-unit, a 4-unit and a 3-unit building. The lower level of the 6-unit building is proposed to be office space (3,270 sq. ft.) and the lower level of the 3-unit building is proposed to be a combination of office space (548 sq. ft.) and two garage bays for building / service trade storage.
- The site will be accessed from N.H. Route 119 in the locations shown on the site plan. A renewal / change of use application for a driveway permit has been submitted to NHDOT. We have had preliminary consultations with Frank Linnenbringer at NHDOT and do not anticipate any changes to the stripping on N.H. Route 119 for the development.
- We are proposing 2 parking space per dwelling unit and 13 spaces for the lower-level office space and building / service trade garage bays. The proposed parking areas consist of a total of 39 proposed parking spaces.
- The storm-water runoff from the majority of the site including the 6-unit and 3-unit building, the main parking lot and access driveways is directed to an underground stormwater treatment/ infiltration/detention structure which will store the water prior to discharging to the ground. This structure is located on the north side of the 6-unit and 3-unit buildings under the proposed lower-level parking lot. The system has been designed to allow for an adequate distance between the bottom of the system and the ESHWT to allow for treatment of the runoff. There is an overflow mechanism built into the system for the larger storm events which outlets to the westerly end of the developed area and then flows to the west.

A majority of the storm-water runoff from the remaining developed portion of the site including the 4-unit building and its associated parking area is directed to an underground storage treatment/infiltration/detention structure which will store the water prior to discharging to the ground. This structure is located under the parking area for the 4-unit building on the south side of the building. This system has also been designed to allow for an adequate distance between the bottom of the system and the ESHWT to allow for treatment of the runoff. There is an overflow mechanism built into the system for the larger storm events which outlets to the east end of the developed area and then flows to the adjacent wetlands. The outlet from the structure is over 50 feet from the wetlands.

- The drainage system has been designed to meet the Town of Rindge Site Plan requirements. The peak rate of flow from the site for the 10-year, 25-year and 50-year storm events is less

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in the post-development conditions than in the pre-development conditions. There is no runoff from the underground storage systems for the 1"-storm event so all storm-water that goes into the systems during a 1" or less storm event will be infiltrated back into the ground.

- There are three proposed septic systems for the site. Septic system #1 is the western most system. This system will serve the 6 two-bedroom dwelling units in the 6-unit building. Septic system #2 is located at the northeast corner of the 3-unit building. This system will serve the 3 two-bedroom dwelling units in the 3-unit building as well as the lower-level office spaces. Septic system #3 is to the north of the 4-unit building and will serve the 4 two-bedroom dwelling units in the 4-unit building.
- The total allowable design flow for the site based on NHDES septic loading calculations is 4,513 gallons per day. We are proposing a design flow of 4,050 gallons per day which is less than the allowable design flow.
- There are two wells proposed for the site. The westerly well will serve the 6-unit and 3-unit buildings as well as the office space of the lower levels. The easterly well will serve the 4-unit building. The easterly well is within 50 feet of the wetlands which is a permitted use per the Wetlands Conservation District Ordinance.
- The area of proposed disturbance is approximately 98,000 square feet (97,940) so a NHDES Alteration of Terrain permit is not required.
- We have shown two open space areas on the plans (Sheet 2 – Site Overview Plan) which total 1.83 acres or 36.9% of the total parcel which is greater than the required 30%. This does not include any of the lawn, landscaping or common areas within the development which can be used to meet the open space area as per the Zoning Ordinance.
- We have submitted architectural plans for the buildings as well as a color photo of what the buildings are proposed to look like.
- We have also submitted renderings of the proposed landscaping for the site.
- The proposal is for a mixed-use development which is allowed in the Gateway East District and for which the Gateway Districts were created. It is our belief that this development will be a great addition to the town and will meet both a housing and office space need.

Chairman Jonah Ketola read a letter received from ConCom dated July 26, 2021 (on file in planning office). In summary, ConCom reviewed this on 7/22; and felt further discussion was needed... They requested the applicant meet with them during the first August meeting; have a possible site walk after that, and will then send a comment letter.

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Attorney Brendan O'Donnell, introduced himself as an Attorney from Donahue, Tucker & Ciandella (DTC Lawyers) here tonight representing Barkley Enterprises/Jamison Van Dyke. He said he saw the ConCom letter regarding this application. He said it is not necessary to go before ConCom for this application and that this is out of their jurisdiction. Attorney O'Donnell said that he has been listening to other cases this evening where work is taking place in the setback and wetland crossings. That is not the case in this project. This application was specifically designed to keep all buildings and all work outside of both the wetlands and the wetland setbacks. There are no buildings in the wetland or setback areas nor is there any grading, or drainage and it was designed so that the runoff will not be going into the setback nor into the wetlands. Given that, as well as the fact that a State Certified wetland scientist identified the wetlands as shown on the plan. There is no jurisdiction for the Conservation Commission to hold up this application. This is our position as to whether or not this should go before the Conservation Commission.

Chairman Jonah Ketola asked for comments from the Board.

Sam Bouchie asked Kirk Stenersen to confirm that the storm runoff system is very similar to Rindge Crossings. The stormwater is directed to the underground storage systems. The first flush, 1" storm events or less, there will be no runoff from the underground storage systems. It is a Best Management Practice to treat the first flush.

Sam asked about snow storage locations and the stone wall along Shady Lane. Kirk stated that the actual property line is the centerline of the old road but the objective is to not disturb the stonewall. When the old NH RT 119 (shady Lane) was abandoned by the town, ownership goes to the centerline of the old road.

Jonah Ketola asked how many dwellings are on that road. Kirk said there are two. There are access rights to this property over the old North Road (Shady Lane).

Katelyn Smith asked about the storage of hazardous materials. Kirk Stenersen said there will be none.

Bob Hamilton asked if this a two story building. Kirk Stenersen said the apartments are two story units and the office and storage are in the basement lower level. Bob Hamilton asked about the runoff and the steep slopes of this land. Kirk Stenersen reviewed the elevation numbers and proposed drainage patterns.

Jonah Ketola asked about the elevation of the lower level versus the finished floor. Kirk Stenersen provided the elevation from the plan. Jonah Ketola said there is about a twelve foot difference from the top to the bottom.

Kim McCummings asked for clarification of the Luxury Town House apartments. Jamison Van Dyke said that they have other apartments in town including Robert's Landing. They have filled up and done well. Jamison Van Dyke said that Triumph Interiors has added a coffee shop and

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they are a pivotal point in town. He wanted to add apartments with higher end finishes with granite countertops. There is a need for young professionals as well as middle age families and retirees looking to find a nice place to downsize to. Office space and storage space are also in demand. Landscaping will be added as well. Jamison Van Dyke said that he believes this will be a good anchor in town.

William McQuaid asked about the snow as well as the traffic from Main Street. Mr. McQuaid said there will be a lot of accidents. He asked the board members to go to Main Street and watch the traffic. Will a light be added? He sees this as a big problem.

Roni Hamilton said she doesn't see much landscaping in front as there is not enough room. Between the Master Plan and the REDI (Rindge Economic Development Initiative), both refer to the "rural and natural character" when building. Roni Hamilton asked to be shown the rural character. She said, in her opinion, this is not the place for this project. Kirk Stenersen provided the Board and Roni Hamilton with a landscaping plan.

Judy Unger Clark said she is concerned about the traffic pattern. Judy asked if this has been studied by the state. Kirk Stenersen said that in regard to the entrance locations, an application has been submitted to the state and that the state may require a traffic study. Jamison Van Dyke said that the state had addressed the traffic issues for the original approved site plan and a turning lane had been added that cost about \$100,000. Jamison Van Dyke said they take care of their own snow removal and if there is excess snow, they will remove it.

Candice Starrett said that she believes that the design should be more historic with lower roofs. She asked if the driveways could be curved so that you see more than pavement. She said she believes there should be more shielding of the buildings. Lights from cars going down Main Street will be going right into the buildings. Candice Starrett said this should have more of a New England look. Jamison Van Dyke said there will be landscaping that will protect them from a shining of lights. Candice Starrett asked if truck storage would be underneath. Jamison Van Dyke said electrician or plumber vans may be parked there. They will meet the safety guidelines with the building codes. Jamison Van Dyke said that the landscaping plan is estimated at \$110,000. He said he was trying to model this after White Tail. Candice Starrett asked Jamison Van Dyke if he would consider more of a Colonial look. Candice Starrett said Robert's Landing could use a lot more landscaping.

David Drouin asked if this project would be phased. Are we not phasing anymore? Kirk Stenersen read from the Phased Development Ordinance which says it is for Subdivisions and this is not a Subdivision. Chairman Jonah Ketola said that is how they interpreted this ordinance. The Gateway offers a Mixed Use Development.

David Drouin asked for a third party review. He said that without a Planning Director, we need an engineering review.

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Richard Mellor said that, in regard to the Attorney's comments, there was some confusion on the plan that they were looking at as they had electronic plans and not paper plans and there was an error of the scaling.

Scott Wilson asked Mr. Stenersen about the impact on Shady Lane during construction. Kirk Stenersen said that access during construction would be from NH RT 119. Mr. Wilson asked about landscaping in the back where the offices will be. Mr. Stenersen said there is some landscaping on one side, the other side is just grass as there is a leach field. Scott Wilson asked that the power lines not to be hit during construction as it has happened before.

A Shady Lane resident is concerned about runoff down Shady Lane due to the increased weather we seem to be having. Kirk Stenersen said the amount of run off for the ten; twenty five; and fifty year storm events from the site will be less than the existing conditions. This design will be capturing and treating all the water from the driveway, roof and parking areas.

Candice Starrett asked if there will be decks on the back of these units. Jamie Van Dyke said there are just windows and a small area outside to grill.

Judy Unger Clark said she would like to suggest a site walk.

Holly Koski asked if there is a second door on these plans. Jamie Van Dyke said that he had not yet met with Rick Donovan, Director of Life Safety and usually he would just get input from Rick on what he would like to see.

Kirk Stenersen of Higher Design said he would like to comment on the request for peer review. Kirk Stenersen said, as Planning Director, he does not do a review to the detail that is done on a peer review. The review that he does as Planning Director is similar to what the Chairman or Vice Chairman would do: to check for completeness, that all items that are requested have been included and if the drainage report summary shows that it meets the intent of the ordinance.

Robert Hamilton said that the Master Plan speaks to preserving the small town rural character. Mr. Hamilton said that perhaps Candice Starrett is right; that there should be more screening. Bob Hamilton said that perhaps David is correct and that ConCom should do a site walk. Bob Hamilton said he walked the property today and as to the open space, he doesn't see any land that he could do anything on. He asked Kirk Stenersen how big the patio area is between the six units and three units. Kirk said it is 25 feet.

Chairman Jonah Ketola asked about the landscaping. Jamie Van Dyke said they need to watch out for the power lines but he would be bringing in 10 to 12 foot trees. (white birches and pines) These trees will provide noise reduction for tenants and sight reduction for people driving on the highway. Kirk Stenersen said the landscaping plan shows the container size for trees. It shows 15 foot for the 42 River Birch and 37 Blue Spruce Pines.

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Roni Hamilton asked how many feet from the highway to the building? Kirk Stenersen said it is approximately 110 to 112 feet from the edge of pavement to the building.

Attorney Brendan O'Donnell said he would like to speak to the Master Plan and preserving rural character. He said the Gateway East District has a purpose: it is to have increased density of development and a transition from commercial uses to more residential uses. Atty. O'Donnell said this project is a perfect mixed use application for this District.

David Drouin asked about the second driving heading west. He asked if this would be an issue. Kirk Stenersen said he does not believe it will but that this will be reviewed by NH DOT.

Jonah Ketola asked if the applicant would consider having some Mountain Laurel or Azaleas in between the porches rather than just having dirt or stone. It would look nice and blend in with the character. Jamie Van Dyke said he would do that.

Jamie Van Dyke said, as to the need for a site walk, there is not much to see out there but some clay and some scrub brush. They are staying 100 percent out of the wetlands.

Kim McCummings asked if the color of these buildings could be tan or brown to blend in with more rural colors, there is a working farm down the road. Jamie Van Dyke said they could go with a gray color. He said he was thinking about doing some farm type of lighting.

Holly Koski said this site is an eyesore right now. She has heard comments around town that people do not like Robert's Landing landscaping. Jamie Van Dyke asked what people would suggest.

Chairman Jonah Ketola said that this project has been pretty well thought. He read the following list of suggested conditions from the Planning Office Memo.

- 1) All applicable governmental permits shall be obtained which may include but are not limited to NH DES and NH DOT.
- 2) Prior, during and after recording of the decision, the applicant shall be made aware that any conditions placed on this site plan through other governmental or permitting agencies are hereby included in this approval.
- 3) The site address shall conform to the NH Enhanced 911 naming and numbering system as managed by the Director of Public and Life Safety, Rick Donovan.
- 4) All exterior site lighting shall be downcast lighting and shall be in compliance with the Town of Rindge Site Plan Regulations.
- 5) The proposed signage shall meet the Town of Rindge Sign Ordinance specifications
- 6) The required open space shall be protected in perpetuity by covenants running with the land. These documents need to be provided to the Planning Office and will be registered at Cheshire County Registry of Deeds.
- 7) Tax Map 6, Lot 74 and Lot 75 shall be merged to create one lot known as Lot 75. Lot 74 will cease to exist.



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- 8) All construction, site work, and site operations shall be consistent with the most recent set of plans by Higher Design PLLC for Kathleen's Place Site Plan prepared for Barkley Enterprises, LLC, dated June 29 2021, or subsequently amended and associated documents (e.g. *Drainage Computations and Stormwater Management Plan for Kathleen's Place, 1222 NH Route 119, Rindge, New Hampshire – dated June 29, 2021*).
- 9) The applicant or applicant's agent shall provide the Planning Office with an electronic copy of all approved plans

**MOTION:** Sam Bouchie moved to approve the application for Kathleen's Place Major Site Plan submitted by Higher Design, PLLC on behalf of Barkley Enterprises, Tax Map 6, Lots 74 and 75 as with the aforementioned nine conditions. Katelyn Smith seconded the motion. **Vote: 6-1-0** Bob Hamilton voted Nay.

**3. CONSIDERATION OF** an application for a Minor Site Plan submitted by Higher Design PLLC on behalf of 997 LLC, PO Box 283, Rindge NH 03461 for property located at 997 U.S. Route 202, Rindge NH, Tax Map 2 Lot 60-1-2 in the Business-Light Industry Zoning District. The applicant is seeking approval for a Change of use for existing building to a four (4) chair hair salon and commercial office space.

- **Background Information:**
- Higher Design, PLLC, on behalf of 997 LLC has submitted for approval of a Minor Site Plan to allow for a change of use for existing building to a four chair hair salon and commercial office space located at 997 US Route 202, 1417 N.H. Route 119 and known as Tax Map 2 Lot 60-1-2.
- The applicant has requested a waiver from Section VI.2.B.9 – “Delineation of wetlands”. The site plan application is a “change of use” application and the extent of the proposed work on the site is to pave the existing gravel/hard pack parking area in front of the existing building. There is no additional tree cutting, earth disturbance or additional impervious surfaces proposed.
- Planning Board Vice Chairman Sam Bouchie conducted a completeness review and determined that the applicant has provided the Planning Board with the information necessary to make an informed decision on this application. I recommend the Planning Board accept the application as complete and open the public hearing.

**MOTION:** Katelyn Smith moved to grant the requested waiver as presented from the Town of Rindge Site Plan Regulations, Section VI.2.B.9 and to accept the Minor Site Plan application for the change of use for Tax Map 2 Lot 60-1-2 as substantially complete. Holly Koski seconded the motion. **Vote: 7-0-0**

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***Regarding the Application:***

- The minor site plan is located in the Business-Light Industry Zoning District.
- The proposed minor site plan is located at 997 U.S. Route 202.
- The existing building is located on 5 acres (per Town of Rindge Assessing data)
- The intent of this plan is for a change of use to a four chair hair salon on the first floor and commercial office space (1152 sq. ft.) on the second floor with associated parking drives and outdoor storage.
- There is no public infrastructure or utilities proposed.
- The applicant has submitted a Change of Use Site Plan dated July 6, 2021.
- Based on information provided on the plan, it appears that the existing approved septic system (CA1995005202) is designed for 800 gallons per day which will meet the needs of this change of use.
- Exterior lighting will consist of the replacement of the current site lights on two utility poles with downcast LED lights as well as downcast LED security lighting on the building.

Kirk Stenersen of Higher Design PLLC said that this is the Old Typhoon Asia site, more recently an antique store, and previously batting cages and paintball. The owners plan is to convert the inside of building to a four chair hair salon on the first floor and conference room and office space on second floor. The proposal is to pave the parking lot. The septic system is existing and was designed for 800 gallons per day and meets the requirements for this application. He also wants approval for outdoor storage for parking of his trucks. There are some existing trees for screening. The lighting will be downcast LED.

Bob Hamilton said that the screening for the outdoor storage is not sufficient to hide this. The storage is not appealing to the eye. Could he park things closer to the tree line or could he put up a tree line to hide this. Kirk Stenersen said he would let the owner know.

Chairman Jonah Ketola asked the Board if they want to add natural screening to the conditions of this approval. Board members discussed this and asked Kirk Stenersen to pass this request along to the owner.

**MOTION:** Holly Koski moved to approve the application for a Minor Site Plan submitted by Higher Design PLLC on behalf of 997 LLC, Tax Map 2 Lot 60-1-2, with the following five conditions. Katelyn Smith seconded the motion. **Vote 7-0-0**

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- 1) All applicable governmental permits shall be obtained.
- 2) Prior, during and after recording of the decision, the applicant shall be made aware that any conditions placed on this site plan through other governmental or permitting agencies are hereby included in this approval.
- 3) All exterior site lighting shall be downcast lighting and shall be in compliance with the Town of Rindge Site Plan Regulations.
- 4) The proposed signage shall meet the Town of Rindge Sign Ordinance specifications.
- 5) The applicant or applicant's agent shall provide the Planning office with an electronic copy of all approved plans.

**Planning Office Report**

Planning Director Kirk Stenersen signed a Voluntary Merger for Sheila A. Sbrogna, Trustee of the Sheila A. Sbrogna Revocable Trust, Map 15 Lots 31 and 32.

Planning Director Kirk Stenersen had a phone call regarding 34 Sears Drive and an application should be forthcoming.

Vice Chairman Sam Bouchie will be unavailable for the months of December, January, February and March.

Planning Director Kirk Stenersen will not be available from this coming Friday to the next Friday.

Meeting Adjourned at 10:05 PM

Respectfully Submitted,  
Planning Office Staff