

**PLANNING BOARD
RINDGE, NEW HAMPSHIRE
September 3, 2019**

DATE: September 3, 2019 TYPE: Public Hearing APPROVED: October 15, 2019
TIME: 7:00 pm

CALL TO ORDER: 7:00 PM

ROLL CALL MEMBERS: Jonah Ketola, Dennis Casey, Kim McCummings, Holly Koski, Sam Bouchie

ROLL CALL ALTERNATES:

ABSENT: Jason Paolino, Cheves Walling

EX OFFICIO: Roberta Oeser

PLANNING DIRECTOR: Kirk Stenersen

APPOINTMENT OF ALTERNATES:

OTHERS PRESENT: Kelen Geiger, Roniele Hamilton, Kathleen Laperriere, Katelyn Smith and Karen Stephenson

Call to order and Pledge of Allegiance

Roll call by Chairperson

Appointment of alternates.

None present to appoint

Announcements and Communications

Kim McCummings said that the Farmer's Market continues to be on Thursdays from 3 PM to 6 PM on the West Rindge common. The Farmer's Market will stay open until the Thursday before Columbus Day weekend.

Approval of Minutes

1. Approval of August 6th, 2019 minutes

MOTION: Dennis Casey moved to approve the minutes of August 6th, 2019. Kim McCummings seconded the motion. Vote: 6-0-0

New Business/ Public Hearings

1. **CONSIDERATION OF** an application for a Technical Subdivision submitted by Timothy S. and Anne M. Halliday, 30 Hughill Road, Rindge, NH and Christopher J. and Karen E. Stephenson, 204 Fourth Street, Winchendon, MA for properties located on Dolly Lane, Tax Map 3 Lot 4-7 and Tax Map 13 Lot 3 in the Business-Light Industry and Residential Districts. The applicants are seeking approval for a lot line adjustment.

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Planning Director Kirk Stenersen read the background information from the Planning Department memo:

- 1) Richard P. Drew, LLC on behalf of Timothy S. & Anne M. Halliday and Christopher J. & Karen E. Stephenson has submitted for approval of a Technical Subdivision / Lot Line Adjustment between Tax Map 3 Lot 4-7 and Tax Map 13 Lot 3.
- 2) 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 complete and open the public hearing.

Planning Director Kirk Stenersen pointed out Parcel A which is being moved from Map 3 Lot 4-7 to Map 13 Lot 3.

Roberta described the location of the property as the former Marceau real estate business and home. The Marceau's always believed they owned what is shown as parcel A. Discussion took place on the Old Route 202 location and how the existing (new) 202 created this triangular property.

MOTION: Roberta Oeser moved to accept the Technical Subdivision application for Tax Map 3 Lot 4-7 and Tax 13 Lot 3 as substantially complete.

Holly Koski seconded the motion. **Vote: 6-0-0**

Planning Director Kirk Stenersen read the regarding the application section from the Planning Department memo:

- 1) The proposed technical subdivision is located in both the Residential – Agricultural District and the Business – Light Industry District.
- 2) The proposed technical subdivision is located off of Main Street, U.S. Route 202 and Dolly Lane.
- 3) There is no public infrastructure or utilities proposed.
- 4) Currently Tax Map 3 Lot 4-7 is 6.49 acres and has frontage on both Main Street (432.45 feet) and U.S. Route 202 (560.02 feet) and Tax Map 13 Lot 3 is 0.87 acres and has 26.41 feet of frontage on U.S. Route 202. The applicant is proposing to adjust the lot lines between the two lots by transferring Parcel A which is 0.05 acres from Tax Map 3 Lot 4-7 to Tax Map 13 Lot 3. Tax Map 3 Lot 4-7 will become 6.44 acres with 432.45 feet of frontage on Main Street and 457.43 feet of frontage on U.S. Route 202. Tax Map 13 Lot 3 will become 0.92 acres with 129.00 feet of frontage on U.S. Route 202.

There was discussion on the location of the zoning line between the Residential District and the Business – Light Industry District line. It was determined that the new lot line would not conflict with the zoning district line. Parcel A is in the Business – Light Industry district and will remain in the Business – Light Industry district with Tax Map 13 Lot 3.

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There was discussion on the commercial use of the property within the Residential District. It was discussed that there is a variance that was obtained but the limits of the commercial use are restricted and this needs to be looked into. Tim Halliday was in the Planning Office last Wednesday and he is working on getting a site plan application to clean up the unpermitted expansion of the commercial use. This can be addressed with that site plan application and is not part of the lot line adjustment application.

Chairman Jonah Ketola opened the public hearing.

There were no comments from the public.

Chairman Jonah Ketola closed the public hearing.

Planning Director Kirk Stenersen read the recommendation section from the Planning Department memo:

- 1) Monumentation (iron pins or drill holes as appropriate) shall be set at all new lot corners and angle points.
- 2) All applicable governmental permits shall be obtained.
- 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) Approval by the Town of Rindge Planning Board in and of itself does not effectuate a change in lot line location. This approval recognizes that the lot configurations proposed are in conformance with the Town of Rindge Ordinances and Regulations or are otherwise accepted with non-conformances. The change in lot line location does not occur until such time as a deed transferring parcel "A" is recorded at the Cheshire County Registry of Deeds. A copy of the recorded deed must be submitted to the Town of Rindge Assessing Office.
- 5) The applicant or applicant's agent shall provide the Planning Office with an electronic copy of all approved plans.

MOTION: Dennis Casey made a motion to grant approval of this Technical Subdivision application of Tax Map 3 Lot 4-7 and Tax Map 13 Lot 3 as presented with the 5 aforementioned conditions.

Roberta Oeser seconded the motion. **Vote: 6-0-0**

Planning Office Report

1. **FOLLOW UP** on Map 2 Lot 41-2 and unpermitted site plan activities occurring on the property located on the northwest corner of the intersection of Rand Road and U.S. Route 202.

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The Mi-Boxes have been moved off of the site. There is still other building materials being stored on the site. David DuVernay did issue an updated CEASE and DESIST ORDER dated August 23rd, 2019. Chairman Jonah Ketola wants the Board to give clear direction to the landowner. Discussion took place on what the Board desires to see from the landowner. Planning Director Kirk Stenersen pointed out that this is not just a cleared and leveled lot but it is being used as a construction storage yard to store construction materials which per Section IV of the Site Plan Regulations clearly needs site plan review.

Discussion took place that there seems to be a conflict between whether rent is being paid for use of the property. There was discussion on how we got to this point with nonconformance and when a site plan is required. The consensus of the Board is that they would like to see a full site plan review to continue to use the property as a construction storage yard. The Board would like to see an existing conditions plan prior to any work being done on the site if that is available and then a full site plan for what the property is being used for. There is concern that there were wetlands on the property. Discussion took place that an existing condition plan prior to construction may not be available.

Roniele Hamilton stated that she was a witness to Mr. VanDyke responding yes to the question of whether Mr. Halliday was charging him rent or not. Kelen Geiger brought up the Conservation Commission meetings in which there was discussion on potential wetlands violations. It seems there was no follow up.

Planning Director Kirk Stenersen pulled out a plot plan from 1981 that was in the file that showed the property lines. The plan does show wetlands on the property. Discussion took place on the driveway permit that was obtained. Tim Halliday does own the abutting parcel to the north. There is no topographic information on the plan.

Members of the Board reiterated that they would like to see a full site plan.

2. FOLLOW UP on Map 10 Lot 28 and site plan activities and permitting.

This is the former VanDyke Construction property on U.S. Route 202 north close to the Jaffrey town line. Tim Halliday purchased the property. The Mi-Boxes were moved to this site. David DuVernay rendered an opinion that the property has had multiple uses on the property over the years and the Mi-Box operation is allowed and does not require further approvals. Discussion took place on David DuVernay's authority to render such an opinion.

Discussion took place on what has been approved previously on the site and what uses have previously happened on the site. Planning Director Kirk Stenersen will look into what has been approved. Tim Halliday is in the process of applying to the Board of Selectman to use the property as a junkyard.

Discussion took place on the zoning district for the property. It was determined that the property is in the Business – Light Industry District.

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3. FOLLOW UP on ATA Construction subdivision off of East Monomonac Road and status update.

Planning Director Kirk Stenersen updated the Board on the status of the construction bond. Kirk Stenersen and Mike Cloutier reviewed the proposed bond amount and found it to be light. Andre suggested \$97,000 and Kirk and Mike came up with \$125,500. Planning Director Kirk Stenersen indicated that it is irrelevant of what Andre's cost to construct the road is, the relevant amount is what it will cost the town to have the roadway constructed. After a brief discussion the Board said to go with the \$125,500 bond amount. Andre is planning on putting up a cash bond for the escrow. He can draw down on the escrow account as the work is completed.

The homeowner's association documents have not yet been recorded. Town counsel review was not required in the notice of decision so they just need to be recorded. It is up to Andre's attorney to get the documents right.

There is a letter in the file from Bedford Design in regards to the area being less than 100,000 square feet if the area of the outlet pipe from the catch basins and the treatment swale are stabilized. A brief discussion took place on how this effects the Alteration of Terrain permit and the 100,000 square foot threshold.

Planning Director Kirk Stenersen stated that he spoke with Rob Hitchcock of SVE Associates and he indicated via e-mail to budget \$5,000 for the inspections. A formal proposal was not received but Andre would like to see a copy of the proposal / e-mail. Kirk Stenersen will forward the information onto Andre. Mike Cloutier would like to see compaction testing completed as well and Andre is ok with that. This will have to be added to the inspection escrow account.

4. FOLLOW UP on consistency of enforcement on site plan violations.

Planning Director Kirk Stenersen read his Memorandum for Record dated August 21, 2019 addressed to the Board of Selectman requesting a policy be created for consistent enforcement on violations of the requirements for Site Plan Review Regulations. Discussion took place on the difference between a natural person (single person) and any other person (corporation or entity). Discussion took place on the process of getting fines awarded by the court and the difficulty of getting the full amounts awarded.

Planning Director Kirk Stenersen also read the policy which the Board of Selectman adopted at their August 21, 2019 meeting. Discussion took place on the timing of David DuVernay's letter on the Rand Road / U.S. Route 202 site (August 23, 2019), the adoption of the policy by the Board of Selectman (August 21, 2019) and the letter not following the policy. It is a Board of Selectman issue to resolve.

There was discussion on the policy, timing of cease and desist orders and how they are effected by good faith effort to meet the requirements being violated. It is the understanding that the person or entity will not be taken to court to be awarded penalties and fines if good faith effort is being done to meet the requirements.

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5. ALTERNATES: Letter of interest received to become an alternate.

Planning Director Kirk Stenersen read a letter of interest to become an alternate to the Planning Board from Katelyn Smith dated August 26, 2019. Katelyn Smith introduced herself to the Board.

MOTION: Roberta Oeser made a motion to appoint Katelyn Smith as an alternate to the Planning Board with a term expiring in March of 2022.

Sam Bouchie seconded the motion. **Vote: 6-0-0**

Jonah Ketola welcomed Katelyn Smith to the Board. The Board discussed the process of getting Katelyn sworn in and getting her a binder with the Ordinances and Regulations. Planning Director Kirk Stenersen will follow up with Katelyn Smith via e-mail.

Planning Office Report

Chairman Jonah Ketola inquired on any upcoming applications. Planning Director Kirk Stenersen indicated that currently there are no applications that have been submitted. The deadline for the October 1st meeting is September 10th.

Planning Director Kirk Stenersen updated the Board on Susan Hoyland's health and work status. She has an October 4th doctor's appointment where she should have some more definitive answers as to her long term health and ability to work. The ultimate goal would be to have her back in the office. Discussion took place on what to do with the Secretary position. Kirk Stenersen indicated that he is willing to keep the status quo until the October 4th appointment before making a decision to fill the position. The Board agreed to continue until October 4th before making any decisions on posting for the position.

The Board discussed options for getting some volunteer help in the Planning Office. Kim McCummings does have some flexibility to help. Katelyn Smith's stepson is also looking for something to do for community service hours so he may be able to help out in Town Offices.

Adjourned: 8:11 PM

Respectfully submitted,
Kirk L. Stenersen
Planning Department