

**TOWN OF EPPING, NEW HAMPSHIRE
PLANNING BOARD MEETING**

THURSDAY February 12, 2009

PRESENT – Greg Tillman, Mike Morasco, Tom Dwyer, Selectmen's Representative Karen Sott; Planner Clay Mitchell, Secretary Phyllis McDonough.

CALL TO ORDER – Chairman Tillman called the meeting to order at 6:00 p.m.

DISCUSSION: Arthur Kliman
Update - Impact fee waiver

This discussion was cancelled until further notice

DISCUSSION: Signage
Owner/Developer: Morrello
Location: Railroad Ave. **Map 030 -- Lot 078**

This discussion was cancelled until further notice.

Chairman Tillman stated that one sign is appropriate and one needs to be removed, as neither sign was approved as part of his site plan

PUBLIC HEARING: Site Plan
Owner/Developer: H.L. Patten Construction
Location: 212 Calef Highway **Map 030 – Lot 007 & 030-014**

Chairman Tillman announced this hearing has been cancelled and will be renoticed when the applicant is prepared to come back before the Board.

PUBLIC HEARING: Site Plan - Motorcycle display
Owner/Developer: Joe Duyon
Location: Route 125 **Map 005 – Lot 029-001**

Joe Duyon and Charlie Goodspeed came before the Board to bring the Board up to date on this site plan.

Duyon explained he had different businesses of this type but since has liquidated those businesses. He explained instead of putting sign up, as was discussed at the previous meeting, he was considering putting a street light on the pole at the entrance of his site for safety reasons.

Goodspeed discussed the sign and the expense of it has decided against putting the sign up until the economy changes. Goodspeed explained on Route 125 near the site there have been accidents in that area and may be appropriate for a street light. He explained he spoke with Dennis Tuttle from the DOT who stated that would not be a problem. Goodspeed explained if the Board had no problem with the pole light, they will go to DOT Division 6 for their approval.

Mitchell stated he thought that would be a decision of DOT and out of the Board's hands. He also advised that a lower wattage light would be safer.

Goodspeed explained Duyon is not in control of what he takes in because of hard times and asked for the opportunity to exhibit whatever comes into the site as long as what is exhibited will go along with the site in the area approved by the Board. Duyon also stated he will not cut any of the trees on the site.

Dwyer asked who will incur the cost of the light on the pole. Goodspeed stated that Duyon incur all costs.

Abutter Dianne Johnson asked if there will be more than 10 motorcycles. Tillman explained he does not feel the Board is inclined to increase the number of motorcycles. Johnson stated she is against the street light and asked that the hours of business be changed to 10:00am to 6:00pm and with those changes in hours Duyon would not need the light. Johnson asked about trade-ins, and reminded the Board when this application first came in it was supposed to be a hobby.

Mitchell noted that the questions raised at a previous meeting have to be reconciled with the ZBA.

The Chairman explained the issues before the Board area hours of operation, the light pole, movement of display area, pavement, and displays for other vehicles.

Duyon stated he would like to increase the hours of operation from 10:00am to 7:00pm, and his hours on Saturday to remain the same with no hours of operation on Sunday.

Chairman Tillman questioned if this is brought to the DOT to ask for a light what happens. Mitchell stated he has never run across a situation like this.

Selectman Sott stated she feels the light issue is out of the Board hands, although is concerned on what is acceptable and what isn't for display on the site. She stated she agrees the Board should work with Duyon due to economic situations.

Chairman Tillman explained to Duyon the first step would be to go back to the ZBA to find out about whether or not you can deal with cars on the lot, and then the Board would look at the hours of operation as a business. The Chairman explained he has no problem moving the display area including 10 vehicles, the location to be shown, the location of the paved area, and the frontage of trees not be disturbed.

Dwyer stated that going to the Zoning Board number of display of what vehicles, motorcycles and to identify where the display is and which ones will be worked on and picked up shown on the plan.

Goodspeed asked the Board if they could give an opinion on the light so they can bring it before DOT. Morasco stated he has no problem as long as they go for the lowest wattage. The Board concurred.

Mitchell advised the Board that approval should come after the applicant has gone to the Zoning Board on approval whether anything other than motorcycles can be displayed and whether this is treated as a business more than a hobby, and when a presentation of a map of the site is available for the Board.

Goodspeed stated they were withdrawing there application until they could go to the ZBA.

PUBLIC HEARING: Site Plan - Lighting and Free Standing & Roof Signs
Owner/Developer: Al & Joelle Case (Al's Painting)
Location: 250 Calef Highway **Map 023 – Lot 035**

Chairman Tillman announced the Case's are not in attendance and asked Mitchell if he could address the issues

before the Board.

Mitchell explained the issues before the Board are the access point, signage and lighting on the signage. Chairman Tillman stated the roof sign is authorized, the sign out front complies leaving the window sign needing approval. Mitchell explained there are three signs on the building that do not comply with the Town regulations.

Code Enforcement Officer Kramer explained one sign for snow removal is coming down that he gave permission for and asked for direction on the window signs.

Dwyer moved, Selectman Sott seconded the motion to continue to March 12, 2009. The motion carried unanimously.

PUBLIC HEARING:

Site Plan

Owner/Developer:

Roy Hurlbert

Location:

56 Calef Highway **Map 036 -- Lot 032**

Chairman Tillman announced he was stepping down on this hearing and the JH Realty Trust hearing. Morasco sat in Tillman's seat and lead the hearing.

Roy Hurlbert came before the Board with the update on the issue of the lights on the building. He explained the Kramer showed up at the business and when they looked at the site plan it did not show the illuminated portal in front of the building. Hurlbert explained he then came in to see Mitchell to find out what could be done. Hurlbert explained he then had the portal lit only during operation hours and explained during the winter months it is on 3 hours. He explained he was hoping this could be a compromise and would work for everyone.

Morasco stated the building is in the right spot and the misunderstanding has to be addressed.

Selectman Sott asked if this issue is here for a modification on the plan. Morasco explained it is. Selectman Sott stated she is in favor of limiting the time would be fair to allow the lights to be there.

Hurlbert explained the portal structure goes off at 8:30pm and lights around it are scaled back, and during the summer the timer is shut of.

Resident Greg Tillman asked if the wattage can be reduced or bulbs be removed or if something else could be done to reduce the energy. Hurlbert explained he has already started with an energy audit and will look into the possibilities to reduce the energy costs.

Selectman Sott asked if it were possible to dim the lights on the sign. Hurlbert explained they would have to change out all the bulbs. Selectman Sott asked what the projected time is of a light bulb. Hurlbert stated approximately three years.

Mitchell suggested upon re-lamping to take a step down on the wattage. Mitchell asked Hurlbert for a letter upon re-lamping to explain the wattage.

Mitchell asked Hurlbert when the energy audit is done would he bring it to the Town to review. Hurlbert stated he would be more than happy to share it.

Dwyer moved, Selectman Sott seconded the motion to approve the portal sign to turn on at dusk to 8:30pm with a letter of re-lamping the portal sign stating they will lower the wattage. The motion carried unanimously.

PUBLIC HEARING:**Owner/Developer:****Location:**

Site Plan

Auto Sports of Epping, J.H. Realty trust

253 Calef Highway **Map 030 – Lot 038 & 039**

Tillman stayed recused for this hearing.

Rob Graham representing JH Realty Trust came before the Board to explain the proposal. He showed an existing used car dealership on Route 125, and explained the lot next to this site has a vintage mobile home on it which will be torn down and include it in the entire site. Graham also explained the trailer type storage will be removed with the construction of the new building.

Dwyer moved, Sott seconded the motion to accept the plans. The motion carried unanimously.

Graham explained the acquisition to the site on the north with an addition to the rear of the building is a 60 x 90 basic garage addition. He explained the overall site plan is to continue to invest into the site and his recommendation is to design the site, and to provide an operation with adequate vehicle storage. Graham explained the entrance to the site is existing, and the pavement will be pulled back from Route 125. Graham explained they are proposing to put an eight foot fence up to shield the abutters although it is not shown on the plan and open for discussion on that issue.

Joe Coronati from Jones & Beach explained this site consists of well drained soils. He noted the drainage was looked at and there is not much slope to the site. He explained the existing auto sports store is flat and that the drainage design is to go around the entire site as a retention pond. Coronati explained there is no off site water. He explained the situation is fixed on the south side of Lagoon Road with no ditches and will form a depression along the road. Coronati explained they will try to keep the trees on the corner of Lagoon and 125 to run an overflow around them. Coronati explained an access drive to the Irving station has been added and will work that out with Irving to have a cross through. He explained the existing building is on town water & sewer although there is a well that will be kept, overhead electric that will stay. He explained the new sign will be replaced and relocated and are proposing landscaping along 125 on the back slopes of the detention areas. Coronati stated they will have to get an amended driveway permit from the DOT, a shed that will be shielded from the road, fencing, with security fencing at the rear of the site, proposing minimal lighting with three light poles and four wall packs around the addition and the existing building and the lights out front will remain. Mitchell spoke of the lights on the plan and advised that those light fixtures be replaced.

Selectman Sott stated the abutters would like a fence and are concerned with the trees being cut down on the abutting line and asked what the proposal is to help with this issue. Graham explained he spoke with the abutters on an eight foot privacy fence, although the abutters have requested a 12 foot fence which is very expensive.

Abutter Dave Crowell came before the Board and presented a letter with signatures from the abutters. He explained the concern of the abutters is with the privacy. He explained he currently has a 6 foot privacy fence and that the applicant has agreed to an eight foot fence, although he does not feel that will give the abutters the privacy they need. He noted he is not against the business, but does not want to hear the noise and asked for a compromise of a 10 foot fence.

Crowell explained there are wells right along the property line and he is worried about ground water pollution. Crowell asked about an access drive onto Lagoon, the hours of operation and lighting which are concerns of the abutters.

Morasco questioned how Epping Motors effected him. Crowell stated he had no problems with Epping Motors.

Dwyer questioned why they do not tie into the Route 125 sewer. Coronati explained the State will not allow it.

Dwyer asked what the phases of construction will be. Graham explained what is on the plan is proposed a 5,400 square foot building, 60 x 90, with a 16 feet tall at the peak building, although they are not asking for approval on that building.

Graham explained there is currently a curb cut on Route 125, and stated the lot will operate out of a main curb cut. He explained the cut on 125 has been eliminated and a cut on Lagoon will be needed and sees low trip traffic on Lagoon, and agree to build the 10 foot fence as requested by the abutters.

Selectman Sott asked about sales. Graham explained it will be predominantly cars and trucks with an indoor showroom for quads and bikes, and display area out front. Selectman Sott asked if they will be testing or running vehicles around the lot. Graham stated there will be no testing or running of vehicles on the lot.

Graham explained all lights will be shielded and down cast wall packs that will be mounted as low as possible. He explained the security fence will remain and at night the gate will close off the entrance and there will be landscaping around the perimeter of the building.

Mitchell explained the new building would need to comply with the sustainable design.

Graham explained they will go to water and sewer on the future of the site. He explained there will be a fixed reader board, no flashing lights, a timed night mode, the dumpster will be gated and will not be opened, and trash pickup will be after 8:00am.

Graham submitted a waiver from the standard space dimension of 10 x 20 to a dimension of 9 x 18 for customer parking and a dimension of 8 x 16 for storage dimension.

Crowell asked when the fence will go up. Graham explained the issue is there is earth work going on and will have the fence up as soon as possible as it is difficult to do with the snow on the ground.

Mitchell stated an occupancy permit can be withheld until the fence is up, and suggested the applicant to report every three months to the Board to keep them up to date about what's going on, on the site.

Graham agreed to hours of operation for construction will be 7:00am to 7:00pm, and Saturdays 9:00am to 7:00pm on outside work for excavation with no work being done on Sundays. Graham explained there will be work done inside once the building is up.

Graham showed an old building that will be renovated and when the new building is to go up the old building will be taken down. He explained the new building that will be out back will be an ash gray and signage that will comply with the regulations.

Kramer asked if there was anything that could be done if the applicant doesn't comply and is in violation. Mitchell explained it would be then turned over to the Code Enforcement Officer and the Selectmen. Mitchell explained he will be writing up a Notice of Decision.

Dwyer suggested planting a couple of trees on the back of the fence line. Graham stated there will be no problem with that request.

Mitchell noted there should be no parking of display vehicles off the pavement. Mitchell asked if there will be curbing. Graham explained they will not have curbing. Mitchell asked to add more plants out front. Graham

agreed.

Mitchell noted in his decision it will read in three months the applicant will come back on the status on the fence and access way with Irving with the intent that that access get exercised. Also, if the trees come down the fence will be up and the applicant will inform the Board when they come back in three months. Graham explained they will prioritize on the area where the trees are to come down and the fence to go up.

Selectman Sott moved, Dwyer seconded the motion to approve the application with the written Notice of Decision, shared with the applicant, and then adopted the by the Board the first meeting in March. Motion carried unanimously.

PUBLIC HEARING: Site Plan
Owner/Developer: Donald Cantino
Location: 56 Main Street **Map 029 – Lot 239**

Dan Balfour from Jones & Beach came before the Board with an update on the plan. He stated at the last meeting sidewalks were discussed and an additional discussion with the Holy Grail for access and discussion

Balfour explained he had a discussion with abutter DesJardins and agreed to put up a six foot high fence and will take it all the way to the back of the property.

Balfour explained he has tried to contact the Kennedy's, owners of the Holy Grail, on the access between this site and theirs but have not heard back from them. He stated he is still open to a meeting with the Kennedy's.

Balfour explained there will be three lights in the parking lot, which are down casted and shielded at the proposed 9:00 to 5:00 business.

Mitchell explained he had no concerns with the site, as the drainage, lighting, landscaping and building as seen on the plan are straight forward.

Mitchell noted that there are sidewalks and entrance issues. He explained the sidewalks are fairly accessible to the Post Office then becomes confusing at Fecteau Way. Mitchell explained the plan would be a cross walk at Fecteau Way. Mitchell explained his concern to have an applicant to invest off site is that there are going to be a lot of changes in the area. He suggested holding off on going down Railroad Ave.

Selectman Sott concurred with Mitchell on holding off on the sidewalks down Railroad Ave., not knowing what will go on in that area.

Chairman Tillman read a letter for the record from Mark Nickerson of the Fire Department. Chairman Tillman stated although he understood this as a valid comment, he felt that with the connection between the Holy Grail and this site, in case of emergency, the tucks could still reach the buildings from the street.

Selectman Sott concurred with Chairman Tillman although stated she does not feel this is feasible on this piece of land.

Chairman Tillman asked the secretary to set up the meeting with the Kennedy's, Balfour and himself.

Chairman Tillman moved, Dwyer second the motion to approve the application subject to attempting to negotiate a separate access. Motion carried unanimously.

PLANNING/BOARD OF SELECTMEN MEETING -- Selectman Sott explained there will not be any traffic lights on Main Street and Pleasant Street according to DOT. She stated the Board of Selectmen would like to meet with the Planning Board on March 16 @6:00 to give them the proposal they've received from the State on how to alleviate the traffic on Main Street.

The Chairman directed the secretary to post the agenda for that meeting.

MINUTES OF DECEMBER 17, 2008 FOR APPROVAL – Chairman Tillman moved, Morasco seconded the motion to approve the minutes as amended. The motion carried 3 - to – 1 with Dwyer abstaining.

MINUTES OF JANUARY 8, 2009 FOR APPROVAL -- Chairman Tillman moved, Morasco seconded the motion to approve the minutes as amended. The motion carried 3 - to – 1 with Selectman Sott abstaining.

MINUTES OF JANUARY 20, 2009 FOR APPROVAL -- Chairman Tillman moved, Dwyer seconded the motion to approve the minutes as amended. The motion carried unanimously.

BOND ISSUE (DUPERE) – Mitchell explained there is a problem with this bond and will turn it over to Town's attorney.

DETAIL BILL FOR APPROVAL – RE: CORE 2 -- Morasco moved, Chairman Tillman seconded the motion to pay the bill for \$654.06. The motion carried unanimously.

ROCKINGHAM PLANNING COMMISSION – Morasco informed the board he attended a meeting on February 11 and received a handbook on land use planning techniques. He explained as commissioner he informed the Planning Commission of the articles that will be voted on in March. He explained a project going on at this time is hazardous site assessment fund that are being looked at in Epping on three different sites. Morasco suggest what could be looked at is the old shoe shop and the SAU building. He explained that Rye has applied for a program called safe routes to school safe and suggested Dwyer and he would get together on this issue.

Mitchell informed the Board he is working safe routes to school is in the process of working on this in the Town of Newfield's and could add Epping.

Morasco reminded the board the Rockingham Planning Commission annual meeting is in June, and will discuss it when more information is available.

ADJOURNMENT – The meeting adjourned at 9:30 P.M.

Respectfully Submitted,

Phyllis McDonough
Planning Board Secretary

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