

**BUSINESS MEETING  
FINAL**

- A. CALL TO ORDER:** C. Brown called the meeting to order at 7:00 p.m.
- B. ROLL CALL:** C. Brown, Chairman; A. Franciosa, B. Mutrie, A. Tonry, Members; M. Kasprzak, Selectmen's Representative; L. Ruest, Administrative Assistant; D. Smith, Circuit Rider Planner; K. Kelley, Building Inspector  
**Not Present:** L. Smith, Vice Chairman; R. Janvrin, Member; R. Spoerry, Alternate Member;

**C. PRELIMINARY CONSULTATIONS:**

C. Brown acknowledged receipt of the following two applications for preliminary consultation and stated that preliminary consultations are non-binding on both parties (the applicant and the Planning Board) and that there will be discussion and exchange of ideas only and no review of plan details.

- 1. Applicant/Owner: Diamond Star Properties, LLC  
94 Lafayette Road, Map 8, Lot 41  
Proposed Use: Insurance Business**

Alden Beauchemin of Keyland Enterprises and James Wieczorek, Partner of Diamond Star Properties were present. A letter of authorization was provided for the file. A. Beauchemin provided an aerial photo and displayed a plan of the proposed changes to the site. He reported that this property consists of a one-story three-bedroom residential home. The applicant's plan is to convert the home to a professional office type building for an insurance business use. J. Wieczorek stated that it is anticipated to have two full-time employees with other insurance agents coming and going. He added that he has two other insurance offices in Manchester and Keene.

The existing driveway, well and septic locations were identified and it was noted that it is planned to retain the well and septic for now. Possible locations for a new well and septic system were also identified. A parking area is planned for employee and customer parking. C. Brown noted that one parking space will need to be labeled, as well as a sign posted, for handicap parking. It was also noted that any outside lighting is required to be down-shielded, that the parking area can be 10' off the sideline and a Department of Transportation driveway permit will be required for the change of use. Concern was expressed with regard to safely entering and exiting this property on to Route 1. It was noted that some requirements may not be able to be met and that Zoning Board of Adjustment (ZBA) relief might be needed. C. Brown asked that the applicant seek relief from the ZBA prior to bringing an application to the Planning Board. It was determined that with the slope on the property, there may be a need for a retaining wall at the parking area.

Discussion took place with regard to a proposed access to the building and handicap accessibility. J. Wieczorek explained that he plans to convert the one-car garage to a conference room with an entrance door. Snow storage locations, lot coverage and whether a detention pond on a neighboring parcel affected this property in any way with regard to the Wetlands

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Conservation District Ordinance, Prime Wetlands Ordinance or other State Department of Environmental Services requirements were discussed. It was noted that should a dumpster be planned to be placed on site that it would need to be screened and shown on the plan.

The applicant was asked to seek information from the Building Inspector with regard to handicap requirements within the building and preparing a shelf plan for future septic needs. Application to the State will have to be made as a waiver for the well radius will have to be requested.

The applicant reported that there are no plans to change the exterior of the building other than painting.

**2. Applicant: ProBark, Inc. – New England Mulch and More  
12 Lafayette Road, Map 7, Lot 50  
Proposed Use: Retail (mulch, loam, aggregate, etc.) Yard**

Peter Brown and Jeff Brown of ProBark, Inc. were present. C. Brown confirmed that a letter of authorization has been received from the property owner and is part of the file. P. Brown reported that he is seeking direction on a request to use the parking lot of this former restaurant and conference center as a retail yard for materials such as mulch, loam, aggregate, pavers and firewood on a one-year lease basis. He provided a packet of information relating to his presentation and reviewed a plan to sell numerous products as listed. The proposed hours of operation are 7 a.m. to 5 p.m. from mid-March to the end of December (Sunday 8 a.m. to 2 p.m.). He provided information on the background of ProBark, Inc., its products and the plan to address storm water run-off using slope stabilization and sediment control filter socks.

Fire Chief J. Lord inquired as to the distance between materials and the existing building. P. Brown stated it is planned to have a five or ten foot distance and explained that most customers drive in and get a product loaded. A temporary shed (and portable toilet) is planned. The temporary shed is to be used as an area to receive payment or place an order for delivery and/or for use of employees; at times of cold or inclement weather, an employee would use a personal vehicle for heat. J. Lord stated he requires an area that allows access around stockpiles for a fire truck. P. Brown stated that mulch will be 40 to 50 feet from the existing building and explained that materials are delivered by 70' long tractor trailer trucks that can access this lot.

P. Brown stated that an excavator will be on site to set up bins and that a Bobcat is used to move materials when in operation. It is planned to have one employee on site and maybe two, if busy. Delivery service is offered to customers. There is a truck driver in and out of the site for 10 deliveries per day. P. Brown stated that deliveries to the site would be done before opening the yard (6 a.m. or 7 a.m.). It was acknowledged that there is an inn across the street that this may affect. Board members expressed concern with this early delivery time and noted that it might not be approved by the Board.

Further discussion took place with regard to signage and securing the site with a gate or chain. The applicant was referred to the sign ordinance for information on size. Board members also noted that the center divider at the entrance to this site may be problematic with large trucks. P. Brown added that lighting will be needed to illuminate products and equipment for safety

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purposes. C. Brown stated that all outside lighting is required to be down-shielded. K. Kelley added that restoration of power to the site is part of the building permit process.

P. Brown stated that the owner has asked if the use would revert back to previous approval when the lease expires. Discussion took place with regard to approving a temporary change of use, the ramifications of doing so and the requirements to be met or waived. Another concern was the septic system under the parking lot and whether the area could carry the weight of materials. P. Brown reported the proposed height of materials piles is eight to 12 feet; aggregates being four feet. C. Brown noted that past practice of the Board has been an eight foot restriction. T. Franciosa asked that provisions be made to clean materials from bumpers, etc. so as not to bring materials onto Route 1. P. Brown stated that customer parking will be provided but not designated.

Significant discussion took place with regard to the majority of this site being located within the Wetland Conservation District and Prime Wetland. Question was raised as to whether the State Department of Environmental Services (NH DES) would allow a temporary use as proposed in conjunction with the septic system and pavement currently in place. D. Smith stated the proposed use may be an expansion of a non-conforming use.

In closing, K. Kelley and the applicant both indicated they plan to contact NH DES for information and direction with regard to wetlands. J. Lord stated he would be looking for access around the building and better accessibility at the entrance/exit. D. Smith stated he would also give thought to whether this proposal is an expansion of a non-conforming use. C. Brown asked that the applicant contact D. Smith to determine if there might be a need for ZBA relief. Board members questioned if a temporary change of use is allowable. It was suggested that the applicant obtain answers to these questions. D. Smith suggested that the Board address the request within conditions of approval of site plan rather than a temporary use approval. C. Brown asked if the applicant has a previous site plan for the property. P. Brown stated he hasn't been able to find one at the Registry and there isn't one on file with the Town. C. Brown stated that the location of the wetlands would be helpful.

**D. REVIEW AND APPROVAL OF PREVIOUS MEETING MINUTES**

Page 9, first paragraph, was revised to read: *“Board members reviewed the plan at this time in conjunction with K. Kelley’s proposed location for three handicap parking spaces at the rear left of the building. Discussion included reducing the ~~number of~~ occupancy capacity to relate to available parking, placing conditions on the Certificate of Occupancy and restricting the number of parking spaces/patrons.”*

**MOTION: T. FRANCIOSA  
SECOND: M. KASPRZAK  
4 IN FAVOR, 1 ABSTENTION, PASSES**

**E. OTHER BUSINESS**

1. Committee Reports: No Committee reports were received.

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**Forms of Security:** C. Brown reported that that a performance bond has been submitted by the developer of Peltons Way in place of a letter of credit that has expired. She expressed concern with performance bonds as it is difficult to get money should the Town need to do so. She referred Board members to a recent Town and City article in this regard and asked that they keep this document with other Planning Board materials for future reference. It was also noted that the performance bond submitted for the Peltons Way project was not broken out into two parts; private and public.

C. Brown asked that the Road Committee meet to see if this matter can be corrected. T. Franciosa provided the Board with information as to the expiring bond and the replacement with a performance bond. He noted that email discussions took place in this regard and that he will contact E. Small and L. Smith to request a meeting of the Road Committee be arranged to address this matter. It was determined that proper security should be in place by February 17 which would allow the Planning Board to make a determination at its February 22 meeting if needed.

**MOTION:** That the Planning Board not accept a performance bond for security as it is not one of the acceptable forms of security allowed in its regulations.

**MOTION: C. BROWN**  
**SECOND: A. TONRY**  
**4 IN FAVOR, 1 ABSTENTION, PASSES**

**F. COMMUNICATIONS TO BOARD MEMBERS**

- Decision letter regarding Case #10-10-01: 115 Lafayette Road Real Estate Trust
- Decision letter regarding Case #10-12-01: Allen and Lee Anne McCarthy
- Notice of Regional Impact from Town of Seabrook regarding two proposals for DeMoulas Super Markets at 836 Lafayette Road and 380-458 Lafayette Road

**Blaisdell Property – Dumping along Brown Road:** C. Brown inquired as to the dumping of sawdust, woodchips and leaves filling in the edges along the roadway of Brown Road and whether this is a violation. K. Kelley explained that there has been a wetland complaint regarding this property in the past and that the property owner is working with West Environmental in conjunction with a NH DES restoration plan. K. Kelley was asked to check into this and report back to the Board.

**T. P. Realty, One Lafayette Road:** K. Kelley stated he would be sending a letter to seek engineering for the remainder of the property in order to address outstanding items before the temporary occupancy permit expires. He asked the Board if there was an agreement with the applicant(s) with regard to police presence/details inside this establishment. The Board indicated that there was no agreement in this regard and that it would be a matter for the Police Chief. M. Kasprzak noted that police detail and private security was discussed when Selectmen met on site with Mr. Nishi. C. Brown stated that if this was addressed by the Board of Selectmen, then the Board of Selectmen should assist the Police Chief with concerns of police details. M. Kasprzak will bring this matter to attention of the Board of Selectmen in conjunction with K. Kelley's report to the Selectmen.

**PLANNING BOARD  
JANUARY 25, 2011**

**7:00 PM  
TOWN HALL**

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**Status of Planning Board Member:** B. Mutrie inquired as to the status of Planning Board Member R. Janvrin. C. Brown reported that the last email contact was returned undeliverable. A letter has been drafted, to be mailed certified mail/return receipt requested. Should there be no answer, the Planning Board can refer the matter to the Board of Selectmen. With regard to Alternate Members, C. Brown reported that she has not had any success in obtaining a volunteer.

**G. ADJOURNMENT**

**MOTION:** To adjourn the meeting at 9:44 p.m.

**MOTION:** A. TONRY  
**SECOND:** C. BROWN  
**UNANIMOUS**