



42 weddings on farms. The State is very supportive of agriculture and recently added a  
43 clause to the definition of agritourism to expand the possible uses of a farm so they are  
44 more likely to stay viable. The Court case relating to a farm in Henniker was discussed.  
45 It went to Supreme Court where they determined weddings were not covered by  
46 agritourism. Craig spoke to say his understanding of the court case was agritourism  
47 was not included in the definition of agriculture as well. There was discussion about the  
48 need to amend a site plan for this type of use, the need for a variance, or the need for a  
49 special permit. The Board felt they should talk to the Selectmen to get a special permit.

50  
51 Corinne said she spoke with other farms doing this type of thing in NH and two of them  
52 said they were advised to go to ZBA first to get the ok, then to the Planning Board.

53  
54 In reviewing the Table of Uses, Jim said he feels they probably fit into the "All other  
55 Outdoor Commercial Recreational Facilities" which requires a special exception. Jim  
56 said that category leaves a lot of flexibility for interpretation by the ZBA.

57  
58 The Board agreed their next step would be to go before the ZBA and if they are  
59 successful, come back to the Planning Board to amend their site plan.

60  
61 **Public Hearing for Stephen Blackmer and Kelly Short, Foster Road, Church of the**  
62 **Woods:**

63  
64 The Board reviewed documents provided by Steve Blackmer and prepared by Mark  
65 Hopkins.

66  
67 Steve spoke to say the actual applicant is Kairos Earth who operates the church on this  
68 site and leases the land from Steve and Kelly. Church of the Woods is a church that  
69 focuses on being in nature. They've been there for one year and have been holding  
70 outdoor services. The request at this point is to build a shelter. They'd like to build a  
71 chapel and a very small barn for tools. The site was logged pretty heavily 8-9 years ago  
72 to the point where the Conservation Commission intervened. There is a conservation  
73 easement on the property. They are proposing to put the chapel and barn on the  
74 portion of land that is not included in the easement. There will be no further change to  
75 the site itself other than a chapel and barn.

76  
77 Mark Hopkins spoke to explain the plan design. The building is a little over 900 feet  
78 from the road. It is approximately 180 feet from the nearest point of an abutter. Neither  
79 of the proposed buildings will be visible from anywhere other than on the property.  
80 There is no plan to change grades or elevations other than the minor improvements for  
81 the driveway at Foster Road. The Road bed is exactly the same as when it was logged.  
82 The buildings would be made out of wood. The chapel will be fully ADA compliant. It  
83 will sit on a knoll on piers with a plaster interior, slate roof and will provide shelter for the  
84 parishioners. No kitchen or restrooms are proposed. They do propose to put a  
85 composting toilet in the barn, which is already approved by the ZBA. The barn would  
86 also have a covered porch where people would find a trail map for trails on the property.

87

88 The barn would hold equipment to maintain trails. The chapel would be heated by a  
89 woodstove and off grid solar panels, and would be insulated. No other use is planned  
90 for it, other than a shelter. The chapel would also have a covered porch. The parking  
91 area can handle 20 cars. The ZBA put a restriction of 25 cars and the applicants are  
92 perfectly happy with that. The ZBA conditioned that there was no parking on the road.

93

94 Jim said he would like to handle the waivers first and then general questions from the  
95 Board and abutters.

96

97 Jim felt the first two waivers (noise and lighting) could be combined. Kent made a  
98 motion that waivers one and two be grouped together and that we waive the noise and  
99 lighting study. Tyson seconded. Discussion: None. Vote: Unanimous, the waivers will  
100 be heard together.

101

102 John Schneider (abutter) asked the hours of operation. Steve said the Regular  
103 gathering time is 2:00-4:00 pm on Sunday. That could change but that is the plan for  
104 the future. He said at the most, an abutter would see a porch light. Marina Green  
105 (abutter) asked about the lighting to be sure there isn't going to be 24 hour lighting.  
106 Steve said their whole goal is to be out in the nature. Jim said it sounds like this will be  
107 nothing more than you would expect from a single family residence, which Steve  
108 confirmed.

109

110 Vote on waiver for noise and lighting study: Unanimous. Waiver granted.

111

112 A waiver was also requested for two foot topography and for an erosion and sediment  
113 plan. They will not be altering existing landforms, will have negligible impact on the  
114 existing natural topography, drainage, or vegetation, and will only affect about one-  
115 hundredth of one percent of the property.

116

117 George made a motion to grant waiver three. Kent seconded. Discussion: Kent didn't  
118 see a problem as long as things are remaining the same. Steve advised the Board that  
119 DES already permitted the culverts on the property. Jim Sawicki had thought it would  
120 be helpful to divert water coming down the driveway. Discussion from abutters: None.  
121 Vote: Unanimous. Waiver granted.

122

123 The Board began their discussion of the Site Plan in general: The Board reviewed the  
124 plan presented and discussed the location of abutters and the ability of fire trucks to  
125 access the property. There was a question of whether people would be spending the  
126 night at the property. Steve said they could have camp outs and sleep overs but  
127 nothing close to activity that would be similar to a residence. The line of site was  
128 approved by the Town and they went through the lighting issue with the ZBA.

129

130 Jim had a couple of concerns: He felt we need to hear from the fire department about  
131 how many people would be in the heated building and what the proposed egress is; and  
132 he's thinking there may be some state law that he's unaware of that governs occupancy  
133 in those type of buildings. He thinks the fire department would be more knowledgeable

134 about that. He's not looking to slow them down, but feels we need to be careful. Mark  
135 said he's done a lot of work for the Episcopal Diocese and some of their smaller chapels  
136 and is familiar with the general character of what they need to do. This proposed  
137 chapel has 3 means of egress. The woodstove would be inspected and approved by  
138 the fire department before being operated. Kent asked how many people could fit in the  
139 building. Mark said a couple dozen. There won't be any fixed seating but there may be  
140 benches. There will be space for wheelchairs to turn around and move about.

141  
142 There was discussion about the type of activities that would be happening on the  
143 property and the need to be specific about them. Steve was concerned about being too  
144 specific and risking a violation for something that is a normal type activity for this use.  
145 Steve said they are deliberately keeping it very small and simple, so they are  
146 deliberately designing for a low impact kind of use. Jim said the challenge for the Board  
147 is how to address that issue, and at the least feels it's normal to include hours of  
148 operation, which was discussed.

149  
150 Jim opened the meeting to abutters.

151  
152 MaryAnn Winograd asked if the building would be locked at night. Steve said yes.

153  
154 John Schneider asked how many square feet for the two buildings combined. Mark said  
155 just under 1,000.

156  
157 John was upset that at no point did the abutters ever get due process as to the location  
158 of the driveway. He said the minutes of the ZBA basically threw it over to the Planning  
159 Board. They never got Site Plan approval. Steve said they received an existing  
160 location with an existing driveway. Jim asked what the issue with the driveway is. John  
161 said the light coming from the driveway shines right into their windows on their faces.  
162 MaryAnne informed the Board that the ZBA said the applicant would do everything  
163 possible to address the screening issue for the individual who lives across the street,  
164 which is the Schneider's.

165  
166 Steve really thought the lights hit the bank rather than the house. Steve said he  
167 informed John about everything they were doing all along and John has never once  
168 come and talked to him about it. Jim asked Steve if there was anything more that can  
169 be done to screen the light and there was discussion about possible ways to do that.  
170 John would like to see the driveway relocated. Jim asked John barring that, what he  
171 would like to see for screening. John said screening is a fine compromise with  
172 something that worked. Steve invited John to meet with him to discuss the best way to  
173 make that happen. John did not respond. Steve said nighttime use is expected to be  
174 pretty modest and six days out of seven days there's no traffic.

175  
176 Jim said the most contentious issue here is between the applicant and the abutter,  
177 which is the driveway. Jim told John that whatever the Board decides, he has the right  
178 of appeal, but Jim also feels that this Board may have made the same decision to keep  
179 the existing driveway. Jim said as a matter of enforcement, if John feels not enough

180 was done or proposed to be done, he notifies the Selectmen that they're not following  
181 the ZBA decision.

182

183 At this point Jim felt two things needed to be addressed as conditions: 1. The  
184 requirement of approval by the fire department on fire safety and occupancy of the  
185 building; 2. Whether we say we're approving something nebulous like "the activities  
186 normally associated with a small outdoor oriented church" so that if someone 20 years  
187 from now started doing something outrageous that wouldn't meet that definition, they  
188 couldn't challenge it. Or whether we list certain activities we're approving and try to  
189 cover as much included as they would do. Jim tends to lean toward the first option. Jim  
190 said we need to be careful not to trample their first amendment rights.

191

192 There was further discussion about both of those issues.

193

194 Howard Moffett was in there as a resident, but not an abutter and spoke only to say he  
195 is very impressed by the process we go through. The kinds of questions we're getting  
196 at and the attention we're giving to the abutters and trying to work it out with the  
197 applicant is great. He hopes when all is said and done, he hopes we get to a yes on  
198 this. This is a fairly innovative, small scale, environmentally friendly activity. Churches  
199 and the woods are important to him, recognizing the practical issues. He thinks this is  
200 an exciting and worthwhile thing and he hopes there's room for it in this community.

201

202 Ken Stern mentioned the Quaker Meeting house. He was at this table 10 years ago for  
203 that meeting and suggested that if we don't reach a decision tonight, he would  
204 encourage us to look at that approval process. There are, in town, quite a few home  
205 occupations that have significantly greater presence than this church will. He speaks in  
206 favor of it because he thinks it's a small and benign use. Jim said that all the things that  
207 make this project different is what makes him want to be careful. We had a pretty good  
208 idea what the Quakers would be doing. This is more innovative and we want to be  
209 careful with it.

210

211 Marina Green asked if the quiet time could be added in.

212

213 Tyson made a motion that we approve the site plan application with the following  
214 conditions:

- 215 1. The site plan accommodate the ZBA conditions attached in case #2013-4  
216 Special Exception, on October 9, 2013; and
- 217 2. There be no significant noise generated by the operation; and
- 218 3. There be little or no outdoor lighting.

219

220 George seconded the motion.

221

222 Discussion: Alice would like to loosen up the lighting restrictions. Steve was  
223 uncomfortable with a prohibition of outdoor lighting, but felt very modest outdoor lighting  
224 is fine. For safety there may be reasons to have a light at the two buildings. Jim asked  
225 if the standard is dark sky lighting. Mark said yes.

226  
227 Jim made a motion to amend the condition to say outdoor lighting to be limited to  
228 building mounted lights at entry ways and the solar pathway lights are all to be dark sky  
229 compliant. Kent seconded the motion. Discussion: None. Vote on amendment:  
230 unanimous.

231  
232 Jim also moved that we amend the motion to include the condition that the fire  
233 department approves the occupancy and safety plan for the chapel. Alice seconded.  
234 Discussion: None. Vote: Unanimous.

235  
236 Jim asked if we wanted to be more specific about what activities are allowed. There  
237 was discussion about related activities. The overall feel of the Board is to leave it.

238  
239 Kent made a motion that there will be quiet time after 10:00 PM and before 7:00 AM.  
240 Alice seconded it. Discussion: None. Vote: Unanimous.

241  
242 With all issues being addressed and discussions completed, the Board held a vote to  
243 approve the Site Plan with the following conditions:

- 244
- 245 1. The Site Plan accommodate the ZBA conditions attached in case #2013-4
  - 246 Special Exception, on October 9, 2013;
  - 247 2. Quiet time will be after 10:00 PM and before 7:00 AM;
  - 248 3. Outdoor lighting to be limited to building mounted lights at entry ways and the
  - 249 solar pathway lights are all to be dark sky compliant; and
  - 250 4. The fire department approves the occupancy and safety plan for the chapel.

251  
252 Vote: Unanimous. Site Plan approved with conditions.

253  
254 **Other Business:**

255  
256 We received a request from the Selectmen to comment on a request for a private road  
257 waiver on Old Gilmanton Road. The section has already been improved up to the area  
258 in question. The Board had no objections.

259  
260 Tyson confirmed that CNHRPC will be coming back at our next meeting.

261  
262 Kent made a motion to adjourn, seconded by George. Meeting adjourned at 9:15 p.m.

263  
264 Lori Gabriella, Secretary

265  
266 **Next meeting: November 10, 2015 7:00 p.m.**