



44 the City and the Regional Planning Commission. He said a yes vote right now would  
45 continue the hearing with the presumption that this project is not regional impact. A no  
46 vote postpones the hearing.

47

48 A vote was held. Results: 3 yes, 1 no.

49

50 Further discussion: Jim explained that the regional impact law says if there is any  
51 question of regional impact, then it is presumed to be reasonable impact. Hillary said  
52 previously we had a difference in voting and we continued the meetings. Jim said yes,  
53 but now we are aware of other issues that we were not aware of before. Kent and  
54 George were uneasy about how to move forward. Jim read RSA 36:56. Lori confirmed  
55 that Concord and CNHRPC were both sent certified notices as abutters to the JTG  
56 project. Jim felt we've done everything we would have to do if was considered regional  
57 impact, so either way we've met an obligation of notifying both agencies of the project  
58 and neither of them sent a representative to this meeting. He thinks we let the vote go  
59 as is and continue with the meeting. Art agreed. We'll continue on.

60

61 Tim Bernier presented for the applicant and read the narrative he provided the Board.  
62 John Elliott owns this property, Dumpster Depot and JTG properties. The proposed  
63 building will be a multi-use facility. Half will be used by Dumpster Depot for inside  
64 storage and for parking of trucks and equipment. They are looking to rent the remaining  
65 area to other businesses. Someone has shown interest in the warehouse area to store  
66 ladders. The majority of renters will utilize the facility as a home base with their primary  
67 work being done offsite. Hours of use will be 6am to 6pm Monday through Saturday.  
68 Tim reviewed the lighting and noise plan, both of which are low intensity.

69

70 Traffic: Tim relied on the traffic study completed and updated by Stephen J. Pernaw,  
71 PE for the Whitney Road, US Route 4 and Old Boyce Road Intersection which was  
72 included in the application packet. Tim said the only issue that has come up is that  
73 Whitney Road, which is in Concord is being developed. There are a lot of projects  
74 being proposed on that road that will generate a lot of traffic, which will trigger a light at  
75 the intersection. What we do on this side of the road won't even put a dent into what is  
76 going on at Whitney Road. Tim said the study showed there were only 20 cars coming  
77 out of the area we are talking about compared with about 2,000 cars on Route 4 in the  
78 morning. This project is all low impact. Tim said he'll look at the statute Nancy referred  
79 to but this is the first time he's heard it interpreted the way she interprets it. Kent  
80 wondered if a rotary would work better at that intersection. Tim didn't have an answer  
81 for that other than Boscawen doesn't like the rotary they now have. Lucy Nichols, who  
82 was here as an interested business owner in that area said she heard from others in the  
83 area that it will be a rotary, but that is hearsay.

84

85 Tim went on to explain that all access will be off Scotch Pine Road, with no access to  
86 Riverland. This lot was clear cut at some point and the current trees are ugly. They  
87 intend to put in trees after removing all the little trees or plantings there. John has a  
88 couple of antique trucks he would like to keep indoors and also likes to keep his new

89 trucks inside for the first couple of years as well. The other bays would be rented.  
90 There are 9 parking spaces shown on the plan which are more than enough.

91  
92 Jim asked if Tim did the work for Dumpster Depot and whether they got a variance for  
93 that. Tim said he didn't do the work. Jim pointed out that this is commercial zone and  
94 wondered what line they fit in with the Table of Uses because he can't figure it out. Tim  
95 said it seemed consistent with other uses, like Bissonnette's around the corner.  
96 Dumpster Depot is moving their trucks from their existing facility over to here. There  
97 was discussion about the Table of Uses and whether they needed a variance. Jim said  
98 the way he's seeing the wording, it seems very little is allowed in the commercial zone  
99 other than retail and he apologized for that. Hillary pointed out this is one more reason  
100 for the work being done on the Table of Uses now. Art and Hillary both felt this project  
101 should go to the Zoning Board for a variance. While discussion was going on, Jim  
102 found and read Planning Board minutes from March 11, 2008 and confirmed that they  
103 did get a variance for Dumpster Depot. That confirmed that they need to go to the  
104 Zoning Board for this project as well.

105  
106 Tim understood and asked if the Board could let him know of any areas of concern so  
107 he can address them prior to coming back to the Board. Drainage was discussed with  
108 regard to impervious surfaces. Hillary talked about UMRLAC and explained that they  
109 were very concerned about that particular area. Jim asked if he did a calculation of the  
110 non-permeable surface of the lot. Tim said it's 40%. Jim said there may be a problem  
111 with that since the requirement is 35% but referred Tim to the Site Plan Regulations.

112  
113 Jim also told Tim that the ZBA is probably unaware of the regional impact concerns  
114 under this RSA the Board recently became aware of.

115  
116 Art asked the abutters if they had questions. Lucy Nichols had no questions but felt  
117 John had a good reputation in town and didn't have any concerns. She's all for  
118 businesses in town because it's good for the tax rolls.

119  
120 Jim moved that we continue this public hearing until the second Tuesday in June (the  
121 14<sup>th</sup>) to give the application the opportunity to go before the ZBA. Hillary seconded.  
122 Discussion: None. Vote: Unanimous.

123

124 **Public Hearing of Lois Scribner's Site Plan Application, 2 Baptist Road, Tax**  
125 **Map/Lot 109/106:**

126

127 Jim made a motion that this should not be considered regional impact. Kent seconded.  
128 Vote: Unanimous.

129

130 Lois explained the project to the Board. The goal is to open as a small guest house this  
131 summer, but there is no set date for opening. The building has been registered as  
132 "Canterbury Bed and Breakfast". There will be four bedrooms and bathrooms. The  
133 guests will be in 3 of the bedrooms and the 4<sup>th</sup> will be her and her husband's room.

134

135 The exterior will not change. All parking will be off street and behind the house, with a  
136 small expansion to the driveway. There will be a sign to discourage any right hand turn  
137 up Hackleboro Road and guests will be encouraged to turn left and use the gazebo  
138 parking lot. They requested waivers for water, soil, landscaping, erosion/sediment  
139 control, traffic, lighting, and noise because none of those would be significantly  
140 impacted by the plan. Traffic will be limited to a maximum of 4 additional cars per day  
141 at max occupancy. Arrivals are late afternoon, departures are after breakfast. Snow  
142 removal was addressed as well as lighting. Lois advised the Board that they also spoke  
143 with the fire chief to be sure they're addressing any concerns there. He will come back  
144 prior to opening to do another inspection.

145  
146 A septic plan was drawn by Web Stout. Mark Hopkins showed the Board the locations  
147 of the first tank and where the proposed second tank would be. Although the new plan  
148 is approved, there is no requirement that it be implemented prior to the opening of the  
149 B&B. The current system has served the home as is with no problems. There are a  
150 total of 4 ½ baths but the number of bedrooms remains the same. A septic plan could  
151 not be located so Web did a test on the system and did all the paperwork for a new  
152 design should it prove necessary. Jim said this is typical when someone comes to him  
153 as building inspector. You have to design a system in order to show you can support  
154 that many bedrooms but you don't have to implement the plan unless the system fails.  
155 Jim doesn't have a problem with that.

156  
157 Jim made a motion that due to the nature of the project we take all six waivers as one  
158 motion and moved that we grant all six waivers. Kent seconded.

159  
160 Discussion: Lisa Carlson is here for the Canterbury Community Market LLC who is an  
161 abutter. Lisa has no concerns about any of the waivers.

162  
163 Vote: Unanimous. Waivers are granted.

164  
165 Mark added that the applicant had a public hearing with the Historic Commission  
166 regarding the sign. Mark recused himself for that meeting and the Commission voted to  
167 approve it. They're happy with the proposed use.

168  
169 Lisa said she thinks the community is looking forward to the guests at the house shop at  
170 the store and appreciate the center of town. It's keeping with the integrity of the center.  
171 They're good neighbors and she's looking forward to them coming. Lisa was "tickled  
172 pink." Lucy Nichols also spoke in support. She thought two B&B's in town is a good  
173 thing and they could work together as far as occupancy and activities.

174  
175 Howard Moffet, Lois' husband, said as a member of the public he supports the project.

176  
177 Jim made a motion to approve the site plan. Hillary seconded. Discussion: None. Vote  
178 Unanimous.

179  
180

181 **Other Business:**

182 **Brookford Farm:** Art advised the Board that we received an email from Pat Gale of  
183 Brookford Farms. They are looking to hold movie nights at the farm throughout the  
184 summer. The Board of Selectmen felt they needed to come before the Planning Board.  
185 Art reminded the Board that we've had Brookford Farms before us for site plan in the  
186 past and eventually got the plan approved. Art's opinion is that this would be a change  
187 of use and would like to hear others opinions. He knows this is being referred to as  
188 agritourism but he doesn't see it that way. George said one other question is the sale of  
189 pizza and other things mentioned in the church newsletter. To his knowledge there is  
190 no commercial kitchen. Hillary said the State has licensed restaurants at every farm in  
191 the state. They just rewrote the law, and it passed, which includes eating meals.  
192 George clarified that any farm can be a restaurant and Hillary said according to the new  
193 definition of agritourism, RSA 21:34a, yes. Hillary read the RSA. Hillary agreed with  
194 Art, she doesn't think movies are part of a farm environment. Hillary read portions of  
195 the email from Patrick Gale aloud for the Board. They do currently have farm events  
196 there, like a Harvest Day, which are good farm events, but a movie isn't really a farm  
197 event. Art's concern in looking at an activity like this is that you need to look at lighting,  
198 traffic etc. If you turn your head to some of that (fire trucks, ambulance) and a situation  
199 happens, you could open the door to some liabilities, even though it appears harmless.  
200 Hillary also said we don't want to set the precedent that just because you're a farm, you  
201 can do anything you want. Hillary said the primary advertising is the movie, not the  
202 hayride or the food.

203  
204 Hillary shops there and likes the farm, but agreed this is not agritourism. She thinks  
205 they need to go to the Selectmen. George said the BOS sent a registered letter to  
206 Brookford Farm. Jim looked at their website where they're selling tickets and saw the  
207 list of movies, which are mostly old, vintage movies. The meal is certainly called out on  
208 the website and it would be undeniable that the hayride would fall under the enjoyment  
209 of the farm environment. Jim wondered if it required site plan review or a Selectmen's  
210 permit. Arts concerns are still that just because it may fall in agritourism, it's still a  
211 change to the site plan review. We need to look at the liability issue if the general  
212 public is included. Hillary said it sounds like change of use and it's not properly  
213 permitted. She questions agritourism.

214  
215 Hillary said they're starting the movies in June and ending in September which is 16  
216 Saturday nights. If they went to the Selectmen, they would have to give a permit 16  
217 times. A special use exception was discussed. Jim said the Zoning Ordinance has a  
218 problem where it lists large scale recreational use as over 200 people and wondered if  
219 that meant if you're under 200 you don't need a permit. Jim wants to be careful  
220 because this Board has been accused of being unfriendly to agriculture. He thinks if it's  
221 something that can help a farm, what's the harm? Art felt we catered to agriculture a  
222 little bit, but we've always had a sympathetic ear. George said at the very least there  
223 should be a hearing where the abutters are notified. Kent said he read the letter and felt  
224 if it was happening once the Selectmen could deal with it, but 16 events is different. We  
225 didn't approve that farm to be a 16 week showplace. Hillary said light could be an  
226 issue, but noise probably not.

227

228 The Board ultimately decided that in order for them to hold the movie nights, they need  
229 to come for an amended site plan review for change of use.

230

231 Lori will send them an email saying it is a change of use and they need to come back for  
232 an amended site plan review. Due to the timing, Hillary wondered if they should be  
233 going to the Selectmen for the first movie to get a permit until they see this Board.

234 George said he will recuse himself for any public hearing on their application.

235

236 City of Concord: Jed Callan, Lucy Nichols' attorney, emailed the Board regarding the  
237 City of Concord's letter we forwarded to Lucy. He is looking for information as to how  
238 the Board is handling this issue. Jim said there is nothing for us to do on the Concord  
239 request, it's for the applicant to do. They can do it, or they can ignore it and risk the  
240 consequences. Kent said he thinks we have to have this discussion with Concord to get  
241 this addressed. Art will send a letter as Chairman of the Board that our position is to  
242 take no further position. Our decision was made. Jim said part of the RSA says the  
243 plan cannot be deemed approved without Concord's stamp, if Jed wants to do that he  
244 can, but he may interpret it differently. Jim spoke with a lawyer at the municipal  
245 association and said all the references Nancy made were accurate. Jim said he  
246 believes we took care of our responsibility.

247

248 Art reminded the Board that if we approve a site plan we can put a condition for the  
249 applicant to get Concord's approval and there has to be a box on the plan. Jim  
250 disagrees, that's the applicant's responsibility. We just need to advise the applicant the  
251 box needs to be there on the site plan. It's the applicant's responsibility to go to  
252 Concord. Concord can only approve or deny the access, not the project. The  
253 discussion ended.

254

255 Kent moved to adjourn. Hillary seconded. Vote: Unanimous

256

257 Meeting adjourned at 9:05 p.m.

258

259 Lori Gabriella, Secretary

**Next meeting: May 24, 2016 at 7:00 p.m.**