



Planning Board Meeting
Monday, August 10, 2015
Council Chambers, City Hall at 7:00 PM

MINUTES
Approved 8/24/2015

I. Roll Call

Present: David Putnam, James Short, Victor Bergeron, Bruce Kolenda, Neil Ward, Marilyn Harris, Chris Belvin, Richard Wahrlich (arrived late)

Absent: Jim Neilsen, William Greenrose

City Staff: Michael McCrory, Interim City Planner

Mr. Kolenda chaired the meeting until Mr. Wahrlich arrived. Mr. Ward was asked to sit in for Mr. Greenrose.

II. Review of Minutes

a. July 27, 2015

Motion: To accept the minutes as complete.

Made by: Mr. Short

Second: Mr. Bergeron

Vote: Unanimous in favor

III. Old Business

IV. New Business

- a. **PL 2015-00010 Joe & Elaine Prop. LLC, 96 Summer Street:** Request to waive site plan review for a change in size and location of a building as shown on previously approved site plan PL 2012-0006 **at 50 West Pleasant Street.** Tax Map 131, Lot 219. Zone: PR.

Mr. McCrory stated that the original (2012) approval was based on a 2-phased project. The property would be used as a display lot for car sales (Phase I); Phase II was to construct the building. One of the original conditions was that the building be completed within 5 years. The applicant is proposing to modify the size and location of the building as it is shown on the original site plan. Nothing else on the plan is to be altered in addition to or as a result of the building changes. He was advised by the Zoning Administrator and Planner to seek either a site plan amendment or a waiver. The applicant has chosen the waiver.

Mr. Kolenda asked for questions from the Board. He asked Mr. McCrory to confirm that the setbacks of the altered building conform to zoning requirements. Mr. McCrory stated that 30 feet off the back and 15 feet off the side (shown on the plan in pencil) conform to the zoning requirements for the PR district.

Mr. Putnam asked if this were a one- or two-story building. Mr. McCrory stated that he believed it to be a two-story.

Public Hearing

Mr. Kolenda opened the public hearing. Mr. McCrory read the abutters' roll. Abutters Deborah Gierko, representing the Chester Gierko Estate, and Matthew Makela were present.

Mr. Kolenda asked the applicant to address Mr. Putnam's question. Mr. Osgood (Ward 2) came to the podium. Mr. Osgood confirmed that the building would be two stories. He distributed copies of drawings of the building to the Board. The building will have a gambrel roof with windows on the street-facing side. The upper story will be used for storage. He said he may want to put in an apartment in the upper story at a later date. Downstairs there are two bays for detailing cars (no auto repairs), office space (for selling cars), bathrooms, and a utility room. The window on the ground floor may be changed or enlarged to be able to see the sales lot. The building will be a wood structure that will be adaptable to future uses other than car sales.

Mr. Kolenda invited members of the audience to speak. Deborah Gierko, representing the Chester Gierko Estate, came to the podium. She stated that the Estate's property abuts Mr. Osgood's property along the back of the Osgood property. She stated that she has no objections to Mr. Osgood having a business there or building a building there; however the original site plan (and discussions thereof) indicates there were trees and a wooded area along their shared boundary. She said the trees have since been removed and she is now looking at a "mud pit and a bunch of cars" where there were once trees and birds. She claimed that this has changed the value and character of her property.

Mr. Kolenda asked Mr. Makela if he had any comments he wished to make. Mr. Makela declined.

Mr. Kolenda then asked Mr. Osgood to respond to Ms. Gierko's comments at which point Mr. McCrory reminded the Board that this hearing is to discuss whether or not to waive site plan review for the applicant's proposed building alterations. Mr. Kolenda then asked what the original application said about the trees (he noted that there are trees shown on the plan in the area in question). [NOTE: Mr. Wahrlich joined the meeting at this point.] Mr. Kolenda stated that if current conditions don't match the approved plan, then the Board would not approve the new plan. Mr. McCrory stated that there are trees shown on the approved plan, but that he would not characterize them as a "stand of trees". He also reviewed the minutes and conditions of approval from the original site plan review. He said landscaping was discussed in the context of what trees were identified on the plan. It appears that the presumption was that the trees would be on the site, because the plan does not say that those trees would be removed. The

documentation does not address smaller trees or brush. Mr. Osgood stated that most of the trees had been removed because they were not in good condition and he did not want any of them to blow over onto his new building. The two 15” black cherry trees were not in poor condition, but Mr. Osgood said he never intended to have those trees on the site. He said the scrub brush tended to hold the moisture on the back slope. He removed it to keep the back part of the lot dry.

[Mr. Wahrlich took over chairing the meeting at this point.]

Motion: To accept the drawings (by LaValley Building Supply, dated 7/10/15, labeled “Joe Osgood Pleasant Street”, sheets A1-A6) as part of the record.

Made by: Mr. Short **Second:** Mr. Bergeron **Vote:** Unanimous in favor

The Board then discussed whether the trees were part of the application to waive site plan review. Mr. McCrory stated that there is validity to the discussion because the Board is considering a waiver. He said this hearing was triggered by the applicant’s desire to change the size and location of the building and this is the principal concern. He said he would need to consult with the Zoning Administrator to determine what is enforceable with regard to the removal of the trees. It may be a consideration that the (earlier) Planning Board perhaps did not ask all of the right questions or address an issue that they did not anticipate.

Mr. Short asked why the building was being changed. Mr. Osgood stated that he has had more time to think about his needs (current and future) which has resulted in a different building design. The desire to access the second floor requires moving the building to the side instead of being centered on the lot. He again asserted that all but two of the trees he had removed were a threat to his building. He said the trees were never discussed as landscaping – just as trees on the lot. He said he would be willing to put a fence across (the back boundary) when “we get things going”.

Mr. Putnam asked for Ms. Gierko to respond to the offer of a fence. Ms. Gierko returned to the podium. She explained that her house (on Pleasant Street) sits 15-20 feet above Mr. Osgood’s property. The view from her house was of the tops of the trees. She gave the Board photos taken from her back yard toward West Pleasant Street to assist in her description.

Motion: To accept the photos as part of the record.

Made by: Mr. Bergeron **Second:** Mr. Short **Vote:** Unanimous in favor

Mr. Wahrlich asked Ms. Gierko what her resolution would be. She said that while a fence is better than nothing, she would still be able to see over it. She agreed that a fence with added vegetation would be better. She said a fence would prevent people using her yard as a cut-through to Pleasant Street as had happened in the past.

Mr. Kolenda stated that Mr. Osgood's waiver application is also asking to relocate the "enter" and "exit" sign for safety reasons. Mr. Osgood said that time and experience have shown him that their current locations are not optimum and he would like to reverse them – enter the lot from the southeast and exit from the northwest.

Mr. Wahrlich asked the Board if there were any further questions. Seeing there were none, he asked if anyone else had any questions. There were none.

Motion: To accept the site plan waiver.

Made by: Mr. Kolenda **Second:** Mr. Short

Discussion: Mr. Kolenda asked if the Board could require the applicant to resolve the buffer issue with Ms. Gierko. Mr. McCrory said that is something the Board could direct the staff to do under "Other Business". When pressed for clarification, Mr. McCrory referred back to the conditions of the 2012 site plan approval. He said that the applicant will be coordinating with the Planning and Development Department when Phase II of the project begins (site preparation for the building, etc.) He said there are points to be discussed in Mr. Osgood's development of the site. He also said that the zoning has changed since the 2012 reviews by the zoning board and the planning board (from B1 to PR). In the PR district, screening is required between commercial and adjacent residential properties. Since this is now the requirement, staff will probably be looking for something consistent with the ordinance to resolve the situation. Placement of the building may inform what the actual visual impact may be and influence what the ultimate resolution is. He said that staff should probably just continue to work on it.

Vote: Ms. Harris – aye
Mr. Wahrlich – aye
Mr. Kolenda – aye
Mr. Short – aye
Mr. Belvin – aye
Mr. Bergeron – aye
Mr. Ward – abstain

Motion carries.

V. Reports from Boards and Commissions

VI. Other

VII. Correspondence

The NHDES Drinking Water & Groundwater Bureau monthly newsletter was received.

Mr. McCrory asked the Board if they would like to see copies of past Notices of Decision. The consensus of the Board was that it would be helpful to receive those. Mr. McCrory stated that he will see to it that they are included in the packets.

Mr. Putnam asked about progress on starting the Master Plan update. Mr. McCrory said the original timeline might have to alter a bit to reflect workload in the Planning & Development office.

VIII. **Adjournment**

Motion: To adjourn the meeting

Made by: Mr. Kolenda **Second:** Mr. Short **Vote:** Unanimous in favor

The meeting adjourned at 7:52 PM

Respectfully submitted,

deForest Bearse

Resource Coordinator