

**Ashland Planning Board
Meeting Minutes
August 26, 2015**

Members Present: Susan MacLeod (chair), Carol Fucarile, Mardean Badger, Cheryl Cox and Fran Newton.

Others Present: Christopher Boldt of Donahue, Tucker and Ciandella, representing the abutters Scott Bell and Frank McBournie concerning the Lester Site Plan, Daniel Muller, representing Donald Lester applicant, Anthony Randall, Anthony Randall LLC, surveyor for Donald Lester Site Plan, Normand DeWolf, Kathleen DeWolf, Eli Badger, Scott Bell and Frank McBournie, abutters to the Lester property.

The meeting was called to order at 6:32 pm by Chairman Susan MacLeod.

MINUTES

The minutes from the August 5 regular Planning Board meeting were tabled to be reviewed and voted on at a future meeting.

CORRESPONDENCE

The members of the Ashland Planning Board began with a review of the upcoming department budget to be presented to the Ashland Board of Selectmen at a future date. Susan MacLeod, chair of the Planning Board, met with the chair of the Zoning Board of Adjustment to review the budget. There was a line denoting postage expenses that was incorrect. There were no denoting monies spent on workshops attended by the Planning Board members. There was a discussion of the source of the monies to pay for a transcriptionist for the Board. It was decided by the board that a review of the upcoming department budget be held jointly with the town's financial officer, members of the Zoning Board of Adjustment and the members of the Planning Board. At the conclusion of this meeting Eli Badger and Susan MacLeod will meet to review the budget before it is presented to the Ashland Board of Selectmen.

Susan MacLeod, chair, advised the board that she had a conversation with the present owner of the antique store at 51 Main Street. This owner had recently purchased the property at 25 Main Street. The owner was advised that if he chose to change the use of the property at 25 Main Street that he needed to meet with the Ashland Planning Board. At the time of the conversation he wasn't clear as to what his plans were for the property. He was thinking of using the property at 25 Main Street as a restaurant, but his plans were not firm at this time. It was suggested that this owner come before the Planning Board for a possible change of use for his antique store property. At the present time, there are apartments above the proposed restaurant at 25 Main Street. For these apartments the owner needs to obtain a building permit from the town. There is also a problem in that the property has siding on the building that is made with asbestos. The asbestos was painted over by a previous owner. The siding needs to be sealed with paint so that the asbestos in the siding is not disturbed.

The Planning Board discussed briefly the town's Design Standards, in particular, the Design Standards pertaining to should apartments be permitted on the first floor of a commercial building? If this is permitted then by town regulation there needs to be two off road parking spaces for these apartments. With the present parking situation in town the Board was unsure if this regulation could be met.

Cheryl Cox advised the board that the Economic Development Committee was planning a "Business After Hours" on Tuesday, September 22, 2015 at the River Edge Marina from 6-7:30 PM. The invitation to the Business After Hours had been sent to all businesses in Ashland. There had been some commitment by some businesses to attend. At this time 40 attendees are expected. Some businesses had volunteered to supply snacks for the event. The Business After Hours could be the prelude to future conversations among the Ashland business community to attract new business to the town and stimulate more business. The next meeting of the Economic Development Committee will be Monday, August 31.

The Land Use Advisory Committee meets the first Tuesday of the month. They reviewed the paperwork for building activity of the owners along Squam Lake. They reviewed the addition on Lakeshore Drive, the Squam Point Lane work. The Committee has no jurisdiction over residential building.

The Planning Board discussed briefly an update on their previous meeting with the Sanctuary ATC LLC. At the previous meeting it was decided that Sanctuary ATC LLC would put together paperwork to present to the board about a commercial property in Ashland they wanted to use to grow medical marijuana. Sanctuary ATC LLC contacted the board to advise that the meeting with the Ashland Planning Board would need to be put on hold while they focused their efforts on the proposed dispensary on Tenney Mt. Highway in Plymouth. Sanctuary ATC LLC is also working with the towns of Rochester, Dover and Portsmouth as proposed sites for a medical marijuana growing site or a marijuana dispensary.

DONALD LESTER SITE PLAN

The Donald Lester Site Plan Review is Case 2015-04.

The Continuation of the Public Hearing regarding the Donald Lester Site Plan Case 2015-04 was opened by Susan MacLeod, chair of the Ashland Planning Board at 7 PM.

Attorney Daniel Muller, attorney for Donald Lester, applicant, was the first to address the Planning Board. He distributed to the members of the Planning Board a printed testimony from a satisfied customer who was using the soundproofing material Dr. Lester was proposing to mitigate the noise from his property. The testimony was taken from the company website.

- Since the last public hearing on the Donald Lester Site Plan Anthony Randall of Anthony Randall LLC had written a letter discussing the Septic system issue brought up at the first public hearing. His letter reiterated that the septic system on the Lester property in the event that it should fail and needs to be replaced there is adequate room on the property

to do so. The replacement of the septic system in case of failure would meet all DES requirements. The letter was presented by Dr. Lester's attorney Daniel Muller.

- Daniel Muller addressed the Landscape issue from the last public hearing. Dr. Lester is proposing that a 3' berm be constructed in direct line of sight from the abutters' property. In addition 6' conifers would be planted on top of the 3' berm.
- Dr. Lester communicated with Mr. Singleton, a representative from the Acoustic Fence Company from whom he purchased the noise mitigating material that he has already installed. Mr. Singleton sent back recommendations about the use of the material. It was pointed out that the dog run on the property is some distance from the abutters' property. Dr. Lester, in addition to the Acoustic Fence installed outside his business on a chain link fence that runs along the property line, will install quiet fiber that will mitigate the noise inside the housing structure. It can be installed in the ceiling, floor or walls of the structure. The quiet fiber will be installed sometime within the next calendar year. It is resistant to water and mold issues.
- The Acoustic Fence material runs down to the ground is weighted with stone and a concrete pad.

Chris Boldt, representing the abutters, raised the concern:

- The recommendations on the new quiet fiber are unclear
- His clients would like to see more noise mitigation placed nearer the structure
- That the quiet fiber material will be installed on one wall and around the windows. The sound of the barking dogs will resound off the adjacent walls that are not covered in quiet fiber material.
- This proposal of quiet fiber does not meet the ZBA ruling in this case.
- Chris Boldt's contention is that placing the buffer and planting of trees on top of the 3' berm along the property line will solve the line of sight issue.
- If the buffer and berm and trees were planted nearer the structure and in front of the windows would mitigate more of the noise which is felt to be the larger issue.

After hearing the concerns of both parties it was the determination of the Ashland Planning Board that the applicant submits a timeline for when the **interior** installation of the quiet fiber will be completed.

The Planning Board members after hearing the concerns of all parties in this case felt that before a decision could be rendered that the members of the Planning Board would do a site walk of the property. This would include a walking of the property boundary of both abutting properties to discern how much noise is emanating from the Lester property, how much noise is muffled and how much noise is unmuffled. The abutters agreed to have the Planning Board members walk their property lines. Dr. Lester agreed to have the Planning Board members walk his property. Dr. Lester agreed to supply a dog for the site walk.

Any residents living in a rural residential zone are entitled to have enclosed animals on their property. Dr. Lester also has this entitlement.

The Planning Board made the following next steps in this case

- A timeline for the installation of the quiet fiber be submitted to the Board

- That a Compliance Hearing be scheduled after the completion of the installation of the quiet fiber.
- That a Site Walk of the Lester property be scheduled for Tuesday, September 1 at 4:30 PM
- That the present public hearing be continued to Wednesday, September 2, 2015 at 7:00 PM at the Ashland Elementary School Library
- Mr. Anthony Randall, Anthony Randall, LLC will produce a final site plan after the Wednesday, September 2, 2015 Public Hearing.

Susan MacLeod, chair of the Ashland Planning Board closed the Public Hearing and continued it to Wednesday, September 2, 2015 at 7:00 PM at the Ashland Elementary School Library. The Public Hearing was closed at 7:45 PM.

Fran Newton made a motion to adjourn. Susan MacLeod seconded the motion. With nothing more to come before the Board the meeting was adjourned at 7:45PM.

Minutes submitted by Paula Hancock