

**Ashland Planning Board  
Draft Minutes  
June 1, 2016**

**Members Present:** Members of the Planning Board present for the meeting were Cheryl Cox, Susan MacLeod, Fran Newton, Carol Fucarile, and Mardean Badger.

**Others Present:** Others present for the meeting were Normand DeWolfe, Kathleen DeWolfe, Atty. Walter Mitchell, Atty. Christopher Boldt, Dr. Donald Lester, Eli Badger, Lee Nichols, Dan Vaughn, Sandra Coleman, David Fucarile, Alan Cilley, Christine Cilley, Steve Felton, Ms. Stewart, Roy Sabourn and Steve Powers.

**Disposition of Minutes**

The approval of all minutes was deferred to the next regularly scheduled meeting on July 6, 2016.

**Old Business**

Susan MacLeod opened the meeting at 6:30 PM. She then opened a Public Hearing for Dr. Donald Lester regarding 2015-04 The Northern Lakes Veterinary Hospital owned and operated by Dr. Donald Lester (Tax Map 018-002-002).

Carol Fucarile recused herself from all proceedings regarding the Dr. Donald Lester property with the following statement: "I was recently informed by DES that Dr. Donald Lester filed a complaint against me concerning my personal septic system. My family and I have worked through this and have completed our obligations with DES to resolve this very costly issue.

I am fairly new to this Board. I've learned a lot and still have a lot to learn. One thing I have learned is that this Board has an obligation to balance the rights of its citizens and to maintain the ordinances the townspeople have voted in. This can be challenging at times, but I strongly believe in doing the right thing and in community service. For those who have never served in local government, it is difficult to appreciate how much work and time are involved and how thankless the task can be.

It is very unfortunate and disappointing that not only myself, but at least one other member of this Board has been personally targeted by Dr. Donald Lester. We are unpaid public servants. Our thankless job is to uphold the laws the citizens of Ashland have voted in. This board helps to shape Ashland. RSA 672:1 III states: Proper regulations enhance the public health, safety and general welfare and encourage the appropriate and wise use of land." We make every effort to follow the laws, to treat each person and case equitable and to encourage businesses. Always remember there are two sides of every story.

For this reason, I must recuse myself from this case, but I am confident that the Board will do the right thing for Ashland, see this case through, and have an outcome that the citizens of Ashland expect from the Ashland Planning Board."

I'd like to make an appeal to every board, committee, commission, volunteer and town employee to come together to unify Ashland. Together with communication, kindness and respect for each other, we can work together to make Ashland a better place. Starting right now, with me, I invite Dr. Lester to sit and have a talk so that we can move forward and begin a healing process for Ashland. There has been too much anger, hurt, and hostility among us. Let's turn a new leaf, forgive and forget the past and start anew. Let's move forward together helping each other, working amicably together and being kind to one another. I believe Ashland needs this, and I hope that each one of you will join me in doing the same. Thank you."

The Board reiterated the conditions to be met by Dr. Lester in a Notice of Decision dated September 2, 2015. The conditions were as follows:

- Provide documentation of DES approval of septic system. DES has approved both the old septic system as well as the plans for a new septic system should the old septic system fail. This documentation was received by the Planning Board on May 31, 2016.
- Construction of a berm as a buffer to block a visual view of the property. There was a concern raised that the site plan does not note what had been required as condition.
- Installation of an acoustic block to dampen the sound coming from the business.
- Install quiet fiber in the interior kennel area.

The members of the Board completed a Site Walk of the property on Tuesday, May 31, 2016 at 5:30 PM. As a result of that Site Walk the Board expressed the following concerns:

- There was no way to determine if the acoustic block dampened the sound of the barking dogs for the Board did not hear any barking dogs during their visit.
- Concern was raised about the construction of the berm and its placement under the tree line. It defeats the purpose of the berm.
- The Board requested in its original conditions that the berm be topped by six foot conifer trees that would form a permanent visual wall year round. During the Site Walk it was noted that the berm is topped with one foot high arborvitae and white pine. The Board was concerned that the arborvitae would not attain the desired height of six feet as requested. The white pine would not adequately block out the visual property from the abutters of the property. The white pine could be subject to disease whereas the other conifers would properly block view of the property and would not be subject to disease.
- Concern was raised about the construction of the berm. The Board would like to see that the berm be constructed according to the standards pertaining to the construction of a proper berm. The Board would like to see the berm properly landscaped and constructed according to standards to permit the proper drainage of the berm.
- Concern was raised about the placement of the berm trees so far under the original tree line of the property. This placement under the tree line does not allow for adequate growth of the berm trees. The berm trees will not grow well and will be unhealthy.
- Concern was raised about the viability of the white pine and their inability to fill in so as to create a visual block to abutters.
- Berms are constructed with a slope to permit proper drainage of the berm. The Board felt that this had not been accomplished with this particular berm. The berm seemed more of a pile. The Board would like to see the berm reworked, moved out from under the original tree line, to retain the berm putting in a gentler slope, to mulch the berm to assure that the trees on top of the berm have adequate nutrients and proper root systems.

- The berm needs to be a permanent buffer between the business and the residential housing that abuts the property. The berm needs to be three feet high. The present plants need to be replaced with bushier plants that meet the six foot requirement. The plants need to block the view and the sound from the business.
- Required now, that the berm is properly placed and be three feet in height; that the trees be a required six foot in height.
- The condition of the berm and the condition of six foot tall buffer originally discussed the Board feels has not been met at this time. This condition still needs to be met. The arborvitae is not tall enough. The evergreens were requested in a November 2015 Notice of Decision. The intention of the trees is to form a sound buffer.
- The condition is subsequent upon the final approval of the Board.

The following motion was made by Mardean Badger: “That the present berm be reshaped with a gradual slope for adequate drainage and to prevent erosion. That the berm be adequately mulched. That taller trees (6’ in height) be placed on top of the reshaped berm as they are supposed to be, at least 3-4 trees each 6’ tall. That these trees be planted on top of the berm in the first 16’ of the berm coming back from the roadside. That the berm be maintained. That the berm fulfills its role as a buffer. That the above mentioned conditions be completed within 30 days of this June 1, 2016 date. All other conditions of the Notice of Decision of September 2, 2015 have been met. Fran Newton seconded the motion. There were 4 votes in the affirmative. The motion passed.

A motion was made that the 3 previous conditions of the Notice of Decision had been met. Fran Newton seconded the motion. With four votes in the affirmative the motion passed.

A motion was made to approve the plan with condition subsequent. Fran Newton made the motion. Cheryl Cox seconded the motion. With four votes in the affirmative the motion passed. Susan MacLeod closed the Public Hearing of Dr. Donald Lester.

Board discussed the Lot Line Adjustment and Annexation of Four Acres case 2016-03. This concerns the property of Courtney C. Smith and the Squam Lakes Conservation Society. Roy Sabourn and Steve Powers represented the Squam Lakes Conservation Society. Roy Sabourn spoke for the parties involved. He explained that he was coming before the Board with a deed overlap and hoping for a resolution. The Squam Lakes Conservation Society owns 470 acres adjacent to the Courtney C. Smith property. The acreage under discussion is the tip of the property only. The Smith property contains a house, deck, garage and another building as well as a driveway. The lot line of the Squam Lakes Conservation Society property is close enough to the Smith property so the lot line runs through part of the Smith’s deck. The Squam Lakes Conservation Society would like to deed 4 acres to the Courtney S. Smith property designated on the Site Plan as sections A and B. This would be a fee transfer. This is a request of Douglas Hill, Attorney for the parties. The one abutter present Richard Cook from NH Fish and Game stated that their boundary is also being resolved. The actions yet to be taken are the placement of the corner points. The Smith’s bank needs to sign off on the Lot Line Adjustment. The bank is still in the midst of a title search. The parties would like to receive a conditional approval, put in the corner point pins and bring the matter back to the Ashland Planning Board for signatures and to file with the town. There was a motion to accept the application as complete. Fran Newton made the motion. Mardean Badger seconded the motion. With five votes in the affirmative the

motion passed. A motion was made to provide conditional approval for a lot line adjustment for Squam Lakes Conservation Society and Courtney C. Smith conditional on the placement of the final pins and bank approval. (Tax Maps 007-001-009 and 006-003-003). With five votes in the affirmative the motion passed. Public Hearing closed.

### **New Business**

The Planning Board discussed two Waiver of Site Plan Applications for 25 Main Street (Tax Map 017-007-010) and 51 Main Street (Tax Map 017-006-013).

The Board discussed the Waiver of Site Plan Application for 51 Main Street. Justin Gregoire, owner, came before the Board. The application was found to be complete with the Fire Chief's report attached. A motion was made by Fran Newton to accept the Application of Site Plan Review Waiver. Mardean Badger seconded the motion. With five votes in the affirmative the motion passed.

The Board discussed the Waiver of Site Plan Application for 51 Main Street. This is the Running Fox Antiques and Crafts. The present tenant is Jeff Kimball. The space will be used as a space for the selling of local crafts for a fee. The craftspeople will rent space in the building to sell their crafts. It is similar to the concept of Artistic Roots in Plymouth. The business will be open 8-5 Monday-Friday with possible Saturday hours. They will not be open on Sunday. There will be no use made of the basement. There was a motion made by Carol Fucarile to approve the Waiver of a Site Plan Review. Fran Newton seconded the motion. With five votes in the affirmative the motion passed.

Justin Gregoire and Lois Amzy came before the Board with a Site Plan Review Waiver Application for the former Mike's Country Kitchen at 25 Main Street. The new business will be Gamil's. It will be a small café and bar which seats 12. Justin Gregoire inquired if his business could put tables outside his business on the public sidewalk. The Planning Board advised that since the business was dealing with a public sidewalk and public safety issues they needed to bring this issue before the Board of Selectmen. The present owners of Gamil's have a fire safety inspection report dated 4/25/16. They are in possession of a business license. They need to acquire a sign permit. They need to go to the Town Office and discuss this with the Town Administrator who will assist them with gaining the approval of the Building Inspector. They need to install a sink, oven and replace the front window. The trash from the business will be removed every other day and disposed of properly. A motion was made by Fran Newton to approve the Site Plan Review Waiver Application as presented. Mardean Badger seconded the motion. With four votes in the affirmative the motion passed.

Susan MacLeod opened the Design Review Public Hearing for the Electric Department Project. Fran Newton as applicant and Carol Fucarile as a spouse of an Electric Department Commissioner recused themselves from these proceedings. Lee Nichols and Sandra Coleman represented the Electric Department.

Sandra Coleman explained to the Board that originally the Electric Department wanted to build a 40 x 60' building at 6 Collins Street. The Department has since revised their plan so they will be building a 40 x 80' building at 6 Collins Street to house the Electric Department equipment and

vehicles. Hiltz Construction will lay the foundation and Construx will build the actual building. Since the Electric Department has not signed with Construx for their part of the project the Electric Department is unable to obtain a Site Plan for the project. The proposed building will be 22' high with a 3/4" pitched roof. The current building adjacent on the proposed property was built in 1979. There are two sets of stakes on the property. The first set of stakes represent the footprint of a 40 x 60' footprint and the second set of stakes represent the 40 x 80' footprint of the proposed building. The proposed building is set in relation to the parking and driveway. The present stakes are placed and the present retaining wall will be removed as part of the construction process. The property is graded for drainage. The drainage will go to the corner of the property and drain out but not onto the highway.

The bay doors of the building will be manually operated and there will be no electricity in the building. The lighting will be LED lighting placed over each door and will be battery operated. The LED lights will be placed just inside the bay doors and will light when the doors are put in motion. The lighting will be in a downward position. Any other lighting will be provided by truck headlights by night and daylight during the day. Electricity is too expensive to install at this time. It will be a future project in another year or two.

The proposed building meets the NHDOT right of way setback regulations. There was concern expressed about snow removal and runoff. The snow will runoff to the back corner of the property. Concern was expressed about the pitch of the roof and possible snow off the roof and in front of the proposed building. There was concern expressed about possible damage to the building and equipment. The Electric Department was of the opinion that the damage would not be any more than there is now and the snow would not have any salt content to do damage.

The Planning Board raised the concern that the Electric Department Project should be well thought out since the Water and Sewer Department, the Highway Department and the Electric Department use the same town property. The proposed project needs to work for the other departments as well.

A concern was raised about the Electric Department using the empty bays in the present building. David Fucarile, Electric Department Commissioner, expressed to the Board that the proposed building was needed because the present building being used by the Electric Department was unsafe for the Electric Department employees to work in. In order to work in the present workspace the vehicles need to be parked outside the building. The proposed building would provide sufficient space for the employees. There will be no heat in the building. The heat provided to the diesel engines will be units attached to the vehicles which will provide heat for the oil that runs the engines. There will be no office space or water in the proposed building. NHDOT has approved the driveway entrances. The Planning Board will submit a written report to the Board of Selectmen outlining their comments and concerns regarding the Electric Department Project. The Planning Board has no authority to make a binding decision. That is the authority of the Board of Selectmen as managers of the town property. The Public Hearing was closed by Chairman Susan MacLeod at 8:30 PM.

The Board discussed the following points:

- The Board of Selectmen are managers of the town property at 6 Collins Street

- The Electric Department has authority over the electric systems but no authority over the property on which their department building sits.
- The Planning Board needs to understand the extent of the project.
- The Board needs to ask questions.
- Decisions pertaining to town property is under the authority of the Board of Selectmen
- The Planning Board reports to the Board of Selectmen in reference to how the proposed project complies with land use regulations
- The timeframe for the report is that it needs to be completed within 30 days of the Public Hearing

The Board had some concerns about the project:

- Safety concerns expressed at hearing need discussion
- Does the proposed building fit within the 35' setback and the right of way?
- The town needs to clarify the setback and the right of way for this project
- The town needs to do a Site Plan Review and put it on file
- The Site Plan Review needs to show the right of way and all setbacks of the property
- Verify with the NHDOT that the driveway permit includes a wider driveway and that the full width of the driveway is included in the permit.

The meeting was adjourned at 8:55 PM.

The next meeting will be Wednesday, June 22, 2016 at the Town Office at 6:30 PM.

Respectfully submitted,  
Paula Hancock

**The following is a written report of the Ashland Planning Board of their observations, comments, and recommendations with regard to the proposed Electric Department Project. This was the result of a Public Hearing held on Wednesday, June 1, 2016.**

Date: June 2, 2016  
To: Ashland Board of Selectmen  
Ashland Electric Commissioners  
From: Ashland Planning Board  
Re: Comments on Proposed Electric Department Construction

Planning Board held a duly noticed Public Hearing [per RSA 674:54, II] on June 1, 2016 for a Design Review [per RSA 676:4, II (b) (c)] of the Ashland Electric Department's proposed construction of a 40' x 80' structure to house vehicles and equipment, adjacent to the Utilities Building at 6 Collins Street (M/L 018-001-001). After hearing the presentation and reviewing the documents provided by the Electric Commissioners, the Planning Board reached the following conclusions:

**Observations**

- The building will be constructed on town property as determined by the Board of Selectmen.

- The building will house vehicles currently on site as an asset management decision to extend the working lifespan of the equipment.
- The building will address safety concerns for employees working on and around equipment.
- The plan includes a barrier along Route 132 as requested by NH Department of Transportation (DOT) to prevent entry other than from allowed driveway.
- The plan does not appear to encroach on the state's right-of-way and does not increase the points of egress from Route 132.
- The driveways will not be paved so not to further increase impervious surface.
- There will be no increased impact of traffic or noise on abutters.

### **Recommendations**

- A Site Plan will determine whether the building meets the 35 foot front setback as specified in the *Zoning Ordinance*. If it does not, the Board of Selectmen will decide whether or not to waive the requirement.
- Construction of the building with its impervious roof surface shall include proper site drainage to not increase the run-off from the site.
- A complete as-built site plan for M/L 018-001-001 will be filed at the Electric Department and at the Town Office.
- Verify that the existing driveway permit along Route 132 covers the full width needed by DPW and the Electric Department building.
- Installation of any exterior lighting will be directed downward as required by current zoning *Site Plan Review Regulations*.
- Fire and life safety requirements will be as directed by Steve Heath, Ashland Fire Chief.
- All appropriate permits (building and driveway) will be obtained.