

MINUTES
Business Meeting
Sanbornton Planning Board

Meeting Date and Time: Thursday, October 17th, 2019 at 7:00 PM

Meeting Place: Town Offices, 573 Sanborn Rd

The meeting was called to order by Chair Pro Tem Don Bormes at 7:00 PM

Roll Call

Regular Members present: Will Ellis, Selectman John Olmstead, Don Bormes, Jody Slack

Alternate Members present: Andy Sanborn, Kalena Graham (seated as member)

Absent: Justin Barriault, alternate, Chair Deb Schneckloth

Others Present: Town Planning Assistant, Stephen Laurin

Minutes of 10/3 – Selectman Olmstead made a motion to approve the draft minutes of 10/3 with corrections. Jody Slack seconded the motion and the motion passed.

New Business

a. Site Plan Application Continued from September 19th meeting: Solar farm proposed at 63 and 71 Tower Hill Rd, Tax Map 22, Lots 14, 19-2, 19-3 and 19-5 - Stephen Laurin explained that Sean Colella of NE Solar Garden has requested a continuance on this application; the Planning Board's engineering firm, Northpoint Engineering, has provided comments on the site plan submitted by the applicants and the applicants need more time to address these. Will Ellis made a motion to grant the continuance to the November 21st Planning Board meeting. Jody Slack seconded the motion and the motion passed unanimously.

b. Site Plan Application - Property Owner/Applicant: Tara L. Stewart/James Westlake-Toms of 12 Davis Road, Tax Map 10, Lot 116. Site Plan application proposing an events venue in conformance with State Statute 21:34-a, II, b(5) (Farm, Agriculture, Farming). The property lies within the General Residential Zoning District. This application is returning for Site Plan Review after ZBA decision regarding permitted use. The Planning Board originally accepted this application under its jurisdiction on January 17, 2019. (PB2019-01) - Chair Pro Tem Don Bormes read a statement provided by Attorney Filmore which reiterated that the decisions made in this case are not blanket decisions that apply to all other agritourism requests. Applicant Tara Stewart stated that the previously accepted site plan she has submitted was denied twice by the Planning Board but the ZBA has determined that agritourism is a permitted use. Will Ellis stated that he is still concern about parking on grass rather than gravel and lighting. Tara responded that the site plan was denied because the Planning Board did not consider the use of the land an acceptable one, and it is unfair to now come up with new reasons for it to be denied. James Westlake-Toms stated that the Police Chief did not have an issue with parking or lighting. Don stated that he agrees with the applicant and the Planning Board cannot present new reasons to deny the application at this point; he also does not believe gravel should be used for parking in case that part of the land needs to be used for farming in the future.

Selectman Olmstead stated that he is concerned about lighting; James stated that they still plan to use the led ground-mounted solar lights as presented in the plan. Stephen read a statement from Chair Schneckloth who was absent from this meeting which stated she is concerned about screening, parking, and noise. Andy Sanborn stated that an electrical inspection of the barn being used for events should be required because it will be a place of public assembly and adhere to more stringent codes than those that the Fire Chief inspects for. Stephen responded that the town may not have adopted specific safety codes but the applicant will still need to meet State regulations.

Abutter Richard Mills asked if there will be a cap on the number of events at the property and how these will be regulated to ensure that they remain an accessory use of the land; he is also concerned about 8 hours of continuous music as outlined in the site plan. Tara responded that it is not her intention to do weddings and will instead focus on smaller events and only hold events June through September. Jody Slack stated that a cap on events would be advisable to appease abutters. Abutter Terese Trepener stated she is concerned about noise and lighting; Tara stated that she has the same noise levels in her site plan as KREBS Farm used. Andy also suggested a cap on larger events. Will stated he does not think fireworks should be permitted at events. Tara responded that she would allow professionals to do fireworks only, and noted that KREBS did not have any conditions about fireworks in their approved site plan. She also noted that she will adhere to any regulations set forth in the Ordinance for residents of Sanbornton but does not believe she should have to adhere to more stringent rules, as fireworks are not prohibited anywhere in town.

The Board discussed the previously-accepted site plan which still includes noise limited to 85 decibels at source to be located only in the barn, and lighting from ground-mounted solar LED lights to adhere to recommended lumens per foot. Kalena Graham stated that she believes there should be a buffer on the other side of the property as well, as visual screening is required, and she would also like to see a note stating that roadside parking is prohibited. The applicants agreed that they could plant 6-foot trees or put up a fence so as to screen from the Mills' property and can add a note about parking.

The Board added conditions for approval to include the following:

1. The number of events hosting 25 or more people shall be limited to 6 per season, June through September, inclusive;
2. No more than 8 hours of continuous music per event shall be allowed between the hours of 9:00am and 10:00 pm;
3. Maintain the existing vegetative buffer as shown on the plan;
4. All parking shall be limited to on-site only;
5. Install 6' high, opaque visual buffer consisting of vegetation and/or fencing along Davis Road between the applicants' second driveway and the start of the Class VI section of road

Don Bormes made a motion to approve the site plan with these conditions. Kalena Graham seconded the motion and the motion passed with votes as follows: Bormes/Graham/Ellis – Yes
Olmstead/Slack – Abstain. Selectman Olmstead stated that he is still concerned about lighting.

Other Business

a. Discussion with Larry Matty regarding Zoning Ordinance definition of Residential Solar -

Larry Matty explained that the 500 square foot limit for panel coverage outlined in the Solar Energy Ordinance should be eliminated, as solar panels are becoming smaller while allowing for more wattage. The Planning Board explained that they will keep this in mind when reviewing the ordinance in preparation for voting in March 2020 and have discussed this previously. Members mentioned that an applicant with a residential solar energy system larger than the 500 square feet/10 kW limit outlined in the Ordinance can apply as commercial solar; the applicant would meet with the Planning Board to explain their project as part of site plan review.

Meeting adjourned at 10:00. The next meeting is scheduled for Thursday, November 7th at 7:00pm.

Respectfully Submitted,

Audry Barriault