

MINUTES
Business Meeting
Sanbornton Planning Board

Meeting Date and Time: Thursday, June 25th 2020 at 6:30 PM

Meeting Place: Teleconference + Old Town Hall, 19 Meeting House Hill Rd

The meeting was called to order by Chair Deb Schneckloth at 6:30 PM

Roll Call

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

Alternate Members present: Kalena Graham, Andy Sanborn

Others Present: Town Planning Assistant, Stephen Laurin

Minutes of 4/16 – Selectman Olmstead made a motion to approve the draft minutes of 4/16 with corrections. Don Bormes seconded the motion and the motion passed unanimously. (Kalena Graham/Andy Sanborn seated as members for voting on minutes; Will Ellis and Jody Slack arrived after).

Schneckloth/Yes Bormes/Yes Slack/Yes Ellis/Yes Olmstead/Yes

New Business

a. Level I Home Occupation Notification: Applicants Ronald and Carole Remy of 9 Perley Hill Rd/Tax Map 22, Lot 002.2-A, sales for jewelry and fashion accessories – no action needed by Planning Board.

b. Site Plan Application: Mark Conley of Conley Enterprises, Inc. for 6 & 14 Bay Rd, Tax Map 24/Lots 024 and 025; request to provide on-site, outdoor lobster baker and beer brewery within building to serve on-site customers – Engineer Peter Holden explained that this plan includes a tent Mr. Conley is renting for this season for outside cooking and dining but will replace with a more elaborate tent next year. The building on this property will eventually be converted to a restaurant and brewery. The existing bathrooms in the building would be used for this season. Portable A-frame type signs would be used displaying hours/days of operation. The existing restaurant, Lobster Connection is already owned by Mr. Conley and is located across the street. Food that cannot be cooked outside such as clams and lobsters would be cooked at the existing restaurant and then brought over to the tent.

Peter Holden included a list of conditions on the site plan already to make it easier for the Planning Board to review which includes hours of operation, music, lighting, etc. Mr. Conley met with the owners of Redimix next door to the tent site and they were not in opposition of the project but would like a fence extending down the property boundary so that patrons cannot trespass onto their land which was agreed to.

Gravel or crushed stone would be used for parking and pathways to eliminate the need for a stormwater management plan; this is located in an aquifer zone. Crushed stone will also be under the tent. The site plan explained that music would only be played “at an acceptable level”. Don Bormes stated that he would like a firm decibel number and to not leave this up to someone’s judgment. Chair Schneckloth stated that recent event venues were required to cap noise at 85 decibels at source and she would be in favor of the same limit for this plan; members were all in agreement.

A fence located around the tent area will be erected this year with an opening for patrons to access that area but prohibit travel to other parts of the property. Chair Schneckloth asked if

dumpsters would be on site; Mr. Conley responded that he has Casella pick up trash as needed at Lobster Connection currently and can continue to do this. The Board agreed that picking up trash as needed (when dumpster is full) by using an on-site dumpster at the tent location is recommended and Mr. Conley agreed to this. He noted that he already has a spot for this and it can be hidden with fencing. Andy Sanborn asked if any of this trash would come to the Sanbornton Transfer Station and Mr. Conley responded No.

Chair Schneckloth asked how far away the tent is from restrooms in the building and Peter responded that it is about 180 feet in distance. Walkways would be illuminated by landscape lighting and small LED lights on poles which are shown on the plan. The pathway from the parking lot to the tent is at a 2% slope or two feet rise for every 100 feet. There will also be a handwashing station closer to the tent so patrons will not have to travel to the restrooms to do that.

Chair Schneckloth noted that she has seen this parcel in person and there is very little vegetative buffer left, as it has been cut almost to the property line. Mr. Conley responded that trees were removed as that area is where his fence will be located, and it will eventually be landscaped with bushes. Chair Schneckloth asked if there are set times for music to play; Mr. Conley noted that this is on the plan already and is limited to 9:00pm, with total hours of operation (approved by the Board of Selectmen as part of his open air permit) from 11:00am to 10:00pm. Steve Laurin noted that location key and key sketch should be added to this site plan and that is an easy fix.

Don Bormes made a motion to accept site plan as complete. Jody Slack seconded the motion and the motion passed unanimously with votes as follows:

Ellis/Yes; Bormes/Yes; Schneckloth/Yes; Slack/Yes; Olmstead/Yes

Chair Schneckloth read 11 letters from abutters which stated concerns about traffic turning in and out of Bay Rd and onto Route 3, noise levels, intrusive lighting and headlights of cars at night, future expansion of the project, pedestrian safety, cooking and trash odors and limited vegetative buffering. These letters can be requested from Steve Laurin.

Chair Schneckloth stated that feels all abutters should be able to speak even if they are not full-time residents of Sanbornton; all members were in agreement.

Mary Coyle had provided one of the letters read by Chair Schneckloth where she requested a site walk of the property with Mr. Conley which he provided to abutters. She thanked him for providing assurances to abutters about the project and has learned that the lighting will not be as intrusive as she initially thought and that the tent is set back further from the road than anticipated. She stated that she hopes music will end at 9:00pm as stated on the plan and is still concerned about traffic.

Jeff Cloutier from Redimix stated that he would like a fence that extends down the property line to the road which was agreed to earlier in this meeting. He would also like signage to prevent trespassing and stated that this is safety issue, as this parcel abuts an access road for his tractor trailers; Mr. Conley agreed to signage.

Abutter Rick Dolbeck explained he is worried about dust from gravel and recommended Mr. Conley use additives that help abate dust. He suggested prohibiting omnidirectional speakers and only allowing directional speakers to help contain sound. He also noted that he walked the site with Mr. Conley and discussed possibly moving the driveway further north to help with dust and noise. Don Bormes noted that the type of ledge pack proposed in this plan will not produce dust once rolled. Elaine Dolbeck stated that she is worried about intrusive headlights.

Dick Gardner explained that Mr. Conley's development is located in a Commercial Zone and though abutting homeowners have rights he also has a right as a property owner to have his business there. He noted that Mr. Conley met with Steve Laurin several times before purchasing this property and asked if this project would be compatible with Sanbornton's Zoning Ordinance and was told Yes. Dick also stated that Mr. Conley already operates the same type of business across the street and there are no issues with cooking or trash odors. He noted that the applicant has extended himself in this site plan review more than many other business owners would be willing to, and that this is the type of economic development that Sanbornton should be open to.

Steve Laurin explained that he received correspondence from David Silva at Department of Transportation in May who stated that he does not see an issue with traffic backing up to Route 3 as cars will be staggered as they enter and exit, not coming and going all at once. Sanbornton Highway Department Director Johnny Van Tassel did not have any issues with the plan. Police Chief Steve Hankard had previously noted that he would be concerned about liquor being served but that would be an issue for State Liquor Enforcement. Health Officer Mike Capsalis would need to see the plan for restrooms, handwashing stations and ADA compliance and would provide an on-site inspection as well.

Will Ellis asked about the seating capacity of the tent; Mr. Conley responded that it can hold 250 people but patrons will be coming and going throughout the day and seating outside the tent will be provided as well but contained within the fence. Mr. Conley also stated that he understands the concern about the existing driveway location and he can't make a change to that this year but would consider it for the next season.

Steve stated there are two waiver requests in this application, 5b and 5k, both related to buffers and landscaping and screening requirements. Mr. Conley stated that he will be able to erect a fence this year but will not be able to do planting until next year. Chair Schneckloth noted that she thinks adding vegetation next year will help absorb sound.

Jody Slack made a motion to accept the waivers for 5b and 5k. Don Bormes seconded the motion and the motion passed 4-1 with votes as follows:

Ellis/Yes; Bormes/Yes; Schneckloth/Yes; Slack/Yes; Olmstead/No

Chair Schneckloth stated that this site plan will need to have some additional conditions based on information from tonight's hearing and will expire December 30th 2020. Mr. Conley asked if this portion of the site plan will remain in place after December 30th 2020 and Chair Schneckloth responded no, the entire site plan will expire and a new one can be submitted. Will Ellis stated he would like to see item 13 removed from the site plan as he believes once we approve this tonight Mark Conley should not have to come before the board again for this site plan. Don Bormes also stated he believed the Dec 30th expiration date should be removed as well. Chair Schneckloth noted that if this was permanent, she would have asked for other items to be included such as vegetation planted this year rather than next, changing driveway location, etc. She also stated that the site plan was provided to the public stating that it will expire December 30th. Item 13 will remain or we will have to start this process all over again.

Jody Slack made a motion to approve the site plan as presented with the following conditions:

- Sound will be limited to 85 decibels at source with directional speakers to the southwest
- An 8-foot fence will be located around the tent and also extending down to the road to provide barrier to Redimix property
- Trash will be removed as needed, with dumpsters on-site
- Hours of operation will be 11:00am-10:00pm.

Will Ellis seconded the motion and the motion passed unanimously with votes as follows:

Ellis/Yes; Bormes/Yes; Schneckloth/Yes; Slack/Yes; Olmstead/Yes

Other Business

a. Joint Land Use Boards Meeting – Steve asked about a possible date for this joint meeting; members agreed that September would be the best time.

b. Home Occupancy Ordinance – Chair Schneckloth explained that Attorney Fillmore suggested amending the current ordinance as there is currently a gray area between Level I versus Level II.

Meeting adjourned at 9:35pm. The next meeting is scheduled for Thursday, July 2nd at 7:00 at Old Town Hall.

Respectfully submitted,
Audry Barriault