

**MINUTES**  
**Business Meeting**  
**Sanbornton Planning Board**

**Meeting Date and Time:** Thursday, November 18<sup>th</sup> 2021 at 7:00 PM

**Meeting Place:** Old Town Hall, 19 Meeting House Hill Rd, Sanbornton

**Roll Call**

Regular Members present: Chair Andy Sanborn, Selectman John Olmstead, Will Ellis, Jody Slack

Alternate Members present: Tom Lynch, Jamie Holland (seated as voting member)

Others present: Planning Board Assistant Steve Laurin

**New Business**

**a. Site Plan Application**

Property Owner: Conley Enterprises, Inc./Mark Conley

Agent: George A. Chadwick, P.E, Bedford Design Consultants.

Subject Address/Tax Map & Lot: 6 Bay Road; Tax Map 24, Lot 24.

Description: Proposed change-of-use Site Plan for a 99-interior seat restaurant/bar, takeout counter, fish market, and outdoor function/event tent with seating, all with associated parking and facilities. The property lies within the Commercial Zoning District. (PB2021-07).

Engineer George Chadwick explained that this is a proposed change-of-use site plan for a 99-seat restaurant/bar plus an outdoor tent. The restaurant will also contain a fish market and take-out counter; the outdoor tent for clambakes and events will be similar to what was previously approved by the Planning Board (June 25<sup>th</sup>, 2020). A 6-foot tall fence will be located around the tent area and there will be portable toilets near there as well; the exact location of these is to be determined. Craft beer will also be brewed on site and served to patrons but not for sale for take-out. The location is commercially zoned and located in the aquifer district but not the shoreland district according to the State.

The hours of the project are the same as in the previous application, 11:00am – 10:00pm with any music being turned off at 9:00pm. Parking as required by the Town's ordinance will be heavily exceeded; 20 spaces are required but there will be 102 space provided. A fully enclosed dumpster will be on-site. Facilities are supplied by well and public sewer. A previous entrance will be gated for emergency use only and won't be the primary access for the facility. By pushing the entrance further back away from the intersection of Bay Rd and Rt 3, George stated this should alleviate some concerns made previously about traffic at the intersection. He added that there is plenty of snow storage on the property and they will be adding a 6-foot tall stockade fence between this property and the abutting Redimix property along with No Trespassing signs. Lighting will be dark-sky compliant and will not cast onto roadways or abutting properties.

Steve Laurin explained that there are not yet waiver requests; George wanted to know if the items in the plan related to screening are satisfied with fencing, otherwise he is prepared to submit a waiver request.

Will Ellis made a motion to accept the plan as complete. Tom Lynch seconded the motion and the motion passed unanimously.

Abutter Elaine Dolbec explained that she has a cottage across the street from the property and wants a solid gate put up to eliminate headlights casting through her windows. She stated that when construction trucks were parked there this past year they cast light over her own fence. She is also concerned about dust and wants the parking lot paved, and doesn't think that there will be enough parking. George responded that Mark Conley will not put up a fence on his property; he needs to maintain visibility to his restaurant from the road.

Chair Sanborn asked if the area will be salted since it's in an aquifer protected area; George stated that it's a gravel surface but he can put in a stipulation that says that it won't be salted. Chair Sanborn asked if there has been a traffic study; George stated that one is not required since the entrance is not on a State-owned road, but he does not foresee stacking near the intersection becoming an issue. The driveway location is 300 feet from the intersection.

Will asked if the 9:00pm end-time for the tent area would include weddings and George responded that it would. Chair Sanborn stated that he is not concerned about the inside of the building as that will be in the jurisdiction of the State. Audry noted that the minutes of June 25<sup>th</sup>, 2020 state that the noise level maximum was set to be 85 decibels at source, but the site plan lists 85 decibels at property line. George explained that “at source” can be subjective so most towns use “at property line” instead. Chair Sanborn suggested making the “source” the entrance of the tent and members agreed.

Steve Laurin read comments from department heads; Highway Dept Director Johnny Van Tassel wrote that there is adequate sight distance and he doesn’t have concerns. Fire Chief Paul Dexter has been working with the applicant and does not have issues. Police Chief Steve Hankard wrote that noise would be his main concern as liquor enforcement would be done by the State. Steve Laurin also read letters from abutters concerned about noise, traffic, lights, dust and the tent capacity. Other residents wrote that they are in favor of the project.

Chair Sanborn asked if there will be visible seating limits in the tent, i.e. only a certain number of chairs and tables will be available and the applicant responded Yes. Chair Sanborn asked if there would ever be a concert held in the tent; the applicant responded that there could be a small band or DJ but it would always end at 9:00pm.

Steve explained that a letter from DOT stated that a permit would be required by the Town due to increased traffic on Bay Rd as it approaches the intersection of Rt 3. George responded that he has done many projects adjacent to a State right-of-way and he has never heard of this being required. He stated that he would be open to working with Johnny Van Tassel regarding this DOT issue and making this a condition of approval. He also noted that Mark Conley will work with abutter Elaine Dolbec regarding her concern about lights shining through her fence but he will not agree to building an additional fence on his own property, as this will block visibility to his restaurant.

Jody Slack made a motion to approve the application with two conditions:

1. 85 decibel sound limit should be measured at tent entrance, not property line
2. Developer will work with Highway Dept Director to address NHDOT concerns at no expense to the Town

Jamie Holland seconded the motion and the motion passed unanimously.

### **b. Subdivision Application**

Property Owner: David Bingham, Trustee of the D. Bingham 2008 Property Trust

Agent: Frank P. Yerkes, LLS, Yerkes Survey Associates, LLC

Subject Address/Tax Map & Lot: 608 Sanborn Road; Tax Map 26, Lot 5-2.

Description: Proposed 2-lot residential subdivision of a 10.57 acre parcel of land. The parcel is located in the Historical Preservation Zoning District. (PB2021-08).

Surveyor Frank Yerkes explains that his client has an existing septic system and a driveway permit. He added that Steve’s report to the Board states that the application is technically incomplete because the required 5% conservation setback is not shown, but his client has agreed to use a strip of property toward the back of his land as this setback. Will Ellis noted that there is already a 1.1 acre common land area shown on the map and asked if this could be used as the setback. Chair Sanborn suggested having the applicant show the correct proposed setback on the map; the application is incomplete.

Will Ellis made a motion to accept the application as complete. Jody Slack seconded the motion and the motion failed.

Frank asked the Board if he could ask some questions about the application, as his client is under contract to purchase the property and wants to get this settled as soon as possible; members agreed. He stated that DES is asking for a new test pit near the existing leach field and asked if that would be a requirement for the application; Will stated that this is just for a subdivision and it should not be required and other members agreed. He also asked if pins instead of granite bounds could be used on the boundary angles fronting on the road as there are stone walls there; members were in favor of this so as not to disturb stone walls when possible. Frank also asked if rebar is okay instead of iron pipe per the ordinance; members were okay with that.

Chair Sanborn noted that the application is rejected because it was incomplete and therefore the applicant will need to reapply.

**c. Conceptual Consultation**

Property Owner/Applicant: Kevin Calley

Subject Address/Tax Map & Lot: 139 Weeks Road; Tax Map 20, Lot 37.4.

Description: Use of property for business activities.

Kevin Calley explained that he has been operating a metal shop in his garage since 2003 part-time. Chair Sanborn explained that an at-home business requires a home occupation permit; there are two levels. Kevin stated that he has no employees and the square footage of his garage is less than half of that of his house; Steve noted that this is a requirement in the home occupation permit and members agreed that this would be a Level 1 home occupation. Chair Sanborn stated that signage for the business also needs to be approved; Steve instructed Kevin where to find these applications on the website.

**d. Home Occupation Notification** – Level One Property Owners/Applicants: Audry and Justin Barriault

Subject Address/Tax Map & Lot: 16 Burleigh Hill Road; Tax Map 21, Lot 22.

Description: Proposed off-site rentals of ebikes. The parcel is located in the Residential Zoning District.

Steve stated that the Health Officer is supposed to sign off on home occupation permits but he is not able to currently work. He asked members if they want to waive the acceptance by the Health Officer for this permit. Will Ellis stated that this shouldn't be required to be voted on by the Planning Board as the last applicant was told that Level 1 applications do not have to be reviewed by the Planning Board. Steve responded that the Home Occupation permits are within the purview of the Planning Board.

Selectman Olmstead made a motion to waive acceptance by the Health Officer for this application. Jamie Holland seconded the motion and the motion passed, with Will Ellis voting No as he stated that this is unnecessary.

**Other Business**

**a. Minutes of 11/4/21** - Jamie Holland made a motion to approve the minutes of 11/4. Chair Sanborn seconded the motion and the motion passed, with Jody Slack abstaining.

**Meeting adjourned at 8:55pm.** The next meeting is scheduled for Thursday, December 2<sup>nd</sup> at 7:00pm at the Town Offices.

Respectfully submitted,  
Audry Barriault