

MINUTES
Business Meeting
Sanbornton Planning Board

Meeting Date and Time: Thursday, April 18th 2019 at 6:30 PM

Meeting Place: Old Town Hall

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

Roll Call

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

Alternate Members present: Andy Sanborn

Absent: Justin Barriault

Others Present: Town Planning Assistant, Stephen Laurin

New Business

a. Non-public session regarding reconsideration of PB vote on agritourism venue – Don Bormes made a motion to enter non-public session at 6:33pm under RSA 91A:3 II(l). Will Ellis seconded the motion and the motion passed unanimously. Roll Call vote: Ellis/Slack/Schneckloth/Olmstead/Bormes – Yes. During the non-public session, the Board received legal advice from Attorney Christine Fillmore related to this case. Don Bormes made a motion to leave non-public session at 7:27pm. Jody Slack seconded the motion and the motion passed unanimously. Roll Call vote: Ellis/Slack/Schneckloth/Olmstead/Bormes – Yes. Don Bormes made a motion to seal the minutes of the non-public session indefinitely. Jody Slack seconded the motion and the motion passed unanimously. Roll Call vote: Ellis/Slack/Schneckloth/Olmstead/Bormes – Yes.

b. Site Plan Application – Reconsideration of Planning Board vote from 2/21/19: Proposed events venue at 12 Davis Rd, applicants Tara Steward and James Westlake-Toms – The applicants' attorney, Brian Bouchard, explained that the Planning Board does not have the authority to determine if an events venue is a permissible use because the State has already determined that it is, under statute 21:34-a, II, b(5). He asked that they instead vote on this application based on the merits of the site plan itself. He reiterated the same points about the site plan as at the February 21st meeting, and stated that no buildings will be erected and that all events will take place in an existing barn. He explained that contracts will strictly enforce a 100-person maximum for events, parking will be located in a paddock on grass and that amplified sound will only be used in the barn at a maximum of 85 decibels at source, which the Planning Board approved several years ago as part of the neighboring KREBS Farm agritourism application. He noted that the applicants' have provided better documentation on lighting than at the last hearing, and they plan to use dark sky compliant lighting to light pathways which will have no impact on abutters.

Selectman John Olmstead asked if parking will be an issue during mud season, and the applicants responded that it will not, and that they have had parking on that area already during rain and there were no issues. Will Ellis stated that the applicants have chickens, alpacas, blueberry bushes and wood ash, and asked how much wood ash is sold per year. The applicants responded that they sold 50 pounds of wood ash last year. Andy Sanborn asked if the applicants have reviewed safety requirements for an events venue and Mr. Westlake-Toms responded that he has spoken with the Fire Chief twice regarding this and that any safety issues would be addressed after the application is approved. Don Bormes asked what the long-range plan is for the farm; Attorney Bouchard stated that the goal of agritourism is to preserve agriculture and farmland. Mrs. Stewart explained that they will be expanding their potato crop, have 80 blueberry bushes and now have 7 alpacas and plan to have more chickens.

Chair Schneckloth explained that she is concerned with events being an accessory use of the farm; Attorney Bouchard stated that events are accessory to the primary use of farming. Andy asked what the limits are on accessory versus primary use and asked if the applicants can propose a limit on events; Attorney Bouchard responded that they do not have to as there may be good years and worse years in terms of farming. Mrs. Stewart explained that it would be difficult to set a number of events anyway, because there are small events

like birthday parties, or just farm visits, and weddings as well, though their intent is not to host weddings every weekend. Attorney Bouchard noted that the statute regarding agritourism was created to both help farmers economically and to preserve farmland. Jody stated that he feels the statute was created to help landowners who have farmed the same land continually for many years and suffered from bad seasons which threaten their livelihood, not for people who purchased a farm two and a half years ago.

Chair Schneckloth asked Attorney Fillmore to elaborate on if the Board can decide if this would be an accessory use to farming, as Attorney Bouchard states that the Board cannot make that call. Attorney Fillmore responded that the Board cannot decide if agritourism is permitted, as the State already says it is, but the Board can indeed decide what is an accessory use. Attorney Bouchard stated that he disagrees.

Abutter Terese Trepanier provided photographs of the buffer between her home and the applicants' and explained that the maps provided by the applicants do not appropriately show the 75-foot buffer; she stated that the trees are much sparser than shown on their maps. Don noted that today's photos are taken in the spring time before leaves have popped, and that regardless of the greenery, the applicants meet the buffer requirements. Ms. Trepanier explained that she is concerned about light pollution and noise from events and does not think that 100 people will be contained in the barn during events in the hot summer months. Lynn Pory stated that she trusts that her neighbors will not allow their farm to become an events center and has no issues with their plan. Abutter Clare Mills stated that she is concerned about parking; the applicants explained that their contracts won't allow for parking on the road and that the paddock used for parking is not affected by rain.

Don Bormes made a motion to approve the site plan as presented. Will Ellis seconded the motion. Votes: Bormes/Olmstead – Yes Slack/Schneckloth/Ellis – No. The motion failed 3-2. Attorney Bouchard asked for the reason of denying the application. The Board reiterated its reason for the No votes from the February 21st meeting; they do not believe there is enough agriculture currently taking place on the property to constitute having events. Jody Slack added that he does not believe that this proposal would reflect the intention of the RSA.

c. Site Plan Application continued from February 21st meeting: Solar farm on Tower Hill Rd – (Chair Schneckloth recused herself from this discussion; Andy was seated in her place). The applicant has requested that the Planning Board continue the public hearing on this application to the May 16th meeting. Selectman Olmstead made a motion to continue this hearing to the May 16th meeting. Jody Slack seconded the motion and the motion passed unanimously.

d. Lot Line Adjustment – Applicants Elain Swain and Robin Simmons, Old Range Rd, Tax Map 10/Lot 108.001 – (Chair Schneckloth resumed as voting member). Michael Bemis of Steven J. Smith and Associates explained that his clients would like to transfer 72.94 acres from Lot 15 to Lot 16. He noted that the original parcels in this area were even lots of 300 acres and divided by stonewalls already, so many are still there and serve as legal bounds. The plan for this application was discussed at a conceptual consultation with the Board in September. Stephen Laurin stated that there are three waiver requests for this application, 9, 14 and 16. Jody Slack made a motion to accept the waiver requests. Don Bormes seconded the motion and the motion passed unanimously. Jody Slack made a motion to accept the application as complete. Don Bormes seconded the motion and the motion passed unanimously. Don Bormes made a motion to approve the application. Selectman Olmstead seconded the motion and the motion passed unanimously.

e. Site Plan Application – Level II Home Occupation 258 Upper Bay Rd – George and Christine Boyer provided a site plan for their Level II Home Occupation proposal; the Board requested at last month's conceptual consultation with the Boyers that they move from Level I to Level II if they plan to offer ice cream at their store. George Boyer explained that parking should be sufficient and that he plans on adding several solar lights around the parking area though they do not intend to be open at night and do not have set business hours. He stated that he has five letters of endorsement for his plan to add ice cream from neighbors as well as 30 signatures of endorsement. Stephen Laurin noted that many checklist items in the site plan review checklist are not applicable. The Boyers were asked if they have received a driveway permit already and they responded yes. Jody Slack made a motion to accept the application as complete. Chair Schneckloth seconded the motion and the motion passed unanimously. Stephen Laurin read a letter from

abutter Brittany Maia that stated she is concerned about the affect this business will have on traffic on Upper Bay Rd.

Don Bormes made a motion to approve the Level II Home Occupation application. Chair Schneckloth seconded the motion and the motion passed unanimously.

Other Business

a. Minutes - Selectman Olmstead made a motion to approve the minutes of 4/4 with one correction. Chair Schneckloth seconded the motion and the motion passed unanimously.

Meeting adjourned at 10:17pm.

The next meeting is scheduled for Thursday, May 2nd at 7:00pm.

**Respectfully Submitted,
Audry Barriault**