

## **APPROVED**

### Planning Board Minutes February 4, 2016

Chair Carl Hanson called the meeting to order at 6:56 p.m. The meeting was held in the Jerry Whitney Memorial Conference Room of the Grantham Town Hall located at 300 Route 10 South in Grantham, NH.

Present: Chair Carl Hanson; Mary Hutchins; Peter Guillette; Selectmen's Representative Warren Kimball; Thain Allan.

Absent: Vice Chair Charlie McCarthy.

Public Attendance: Linda Bohrer; Gary Bohrer; Aleene Hastings; Philip Hastings; Barry Schuster; Gene Barton; Don Rumrill; Paul Holzer; Kristen Peck.

#### **Approval of Minutes**

Chair Hanson asked the Board members if there were any corrections to the January 7, 2016 minutes. He stated that on page six; first paragraph; line two remove "adopted by" and change to " to be placed on the ballot is recommended". Page ten; first line top of page; remove the word "intensions" and change to "intentions". Second full paragraph; line four remove "there is something" and change to "there is nothing".

There being no more changes motion by P. Guillette and seconded by M. Hutchins to approve the minutes as amended.

***Unanimously Approved***

#### **New Business**

##### **1. Annexation Application #02 – 2016**

**Brian & Kristen Peck**

**Tax Map 212 Lots 052 and 053/West Cove Section III**

Kristen Peck was present to explain to the Board that they had purchased the lot next door to their property and had no plans of doing anything with it other than possibly relocating their driveway sometime in the future.

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Chair Hanson asked if there were any further questions from the Board. There being none Chair Hanson entertained a motion to approve the annexation of Brian & Kristen Peck. A motion by M. Hutchins and seconded by P. Guillette to approve the application.

***Unanimously Approved***

At this time Chair Hanson said that the minutes should reflect Thain Allan will be a voting member at tonight's meeting due to the absence of Vice Chair McCarthy.

### **2. Site Plan Review Application # 02-2016 Paul Holzer – Proposed Café Tax Map 226 Lot 020 / 151 Route 10 North**

Chair Hanson asked Holzer to introduce himself and explain to the Board what his plans were for the proposed Café.

Holzer explained the general vision for Graces Grantham Café is to be an addition to what is already available to Grantham residents. This would be a place for people to congregate and spend some time similar to places he has been to in his travels. Holzer said that he plans on serving different types of coffee along with a breakfast and lunch menu. He continued that he would like to serve healthy meals along with products purchased from local business from Vermont and New Hampshire.

Chair Hanson asked Holzer what the hours would be. Holzer said the ideal times to start would be 6:00 a.m. and if economically feasible to be open until 5:00 p.m. or 6:00 p.m.

Chair Hanson said the Board had viewed a sketch of the floor plan, and not being familiar with the floor plan of the building, was unclear as to how much would be changing.

Guillette said he had met Holzers family at last week's Zoning Board meeting for their Special Exception application approval before coming to Planning Board, and the presentation given was excellent. Chair Hanson asked if Zoning Board had approved the application and Guillette stated yes.

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Allan asked Holzer if he had anticipated seating capacity. Holzer said from his understanding with state laws once you reach seating for 24, more than that would be further considerations such as more bathrooms. Holzer said with having a seating area with a counter, tables, couches and chairs to accommodate 24 patrons at a time is the plan for now.

L. Bohrer asked which building this would be in; Chair Hanson stated the larger older building on the property. Hutchins told her where the ice-cream parlor was.

Chair Hanson asked for a motion to approve the site plan application. A motion was made by T. Allan and seconded by P. Guillette to approve the application.

***Unanimously Approved***

### **3. Sign Permit Application #2-2016**

**Paul Holzer – Grace’s Grantham Café**

**Tax Map 226 Lot 020 / 151 Route 10 North**

Chair Hanson said that after the Board viewed information for the signage, and the size and lighting is allowed within the zoning ordinance he made a motion to approve the sign application. Motion by T. Allan and seconded by P. Guillette to approve the application.

Paul Holzer thanked the Board.

### **Old Business**

Continuance – Saw Mill

G.H. Evarts & Co., Inc. and Stocker Brook Realty, LLC

Attorney Barry Schuster and Saw Mill Manager Don Rumrill

Tax Map 236 Lot 010 – 631 Route 114

Schuster said he was here with Rumrill and a recent video that was taken of activities going on at the saw mill. Schuster asked board members if they had had a chance to get over to the saw mill and view what goes on. They said yes and at different times had visited the site.

Schuster next asked Rumrill to explain to the board members how the wood business runs. Rumrill explained that in the springtime; summertime is slow and wintertime is their busy season. He said that when the drivers are logging, they have to be willing to accept the deliveries or lose the business. Rumrill said that

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last summer they maybe had a delivery of 25 trucks versus what they are getting now and for them to operate and be profitable at operating they cannot afford to turn anyone away.

Chair Hanson asked Rumrill if it was his position to accept deliveries any time of the day or night and he said he does not encourage anyone to do that and he cannot control the trucks. He continued that he (Evarts) does not own the trucks, they have vendors that make the deliveries and they have made it known to most of them not to deliver after hours, so if it is someone new delivering they would not know.

Schuster said that there had been a delivery at approximately 1:00a.m. a few weeks back and Evarts has spoken to the person to let them know this was not acceptable. Schuster said Evarts does not want people delivering at those times. Conversation continued with regards to the cameras, lighting, hours of operation and deliveries. Next Schuster said that he had a "Supplemental Support Statement" to pass out to the Board members from Evarts.

Chair Hanson stated that it seemed to him that Evarts is asking for the Board to clarify or reinterpret the Site Plan application that was already approved back in 2012 and then again in 2014 with a Site Plan to amend the hours that was withdrawn. Hanson said that procedurally all the Board has to work with is the application that was granted in 2012 and this can be interpreted in different ways. Hanson said in effect what Evarts is saying is they are going to do their best to make everybody happy, but they (Evarts) cannot control when the loggers are going to deliver the logs. Schuster said that the three months during winter time is crucial. Hanson stated that the applicant is always free to come in and make a request for the modification of the hours.

Schuster said that is what he had submitted this evening and Hanson said it looked like he was asking to reinterpret what was approved back in 2012 to have it mean something different. Schuster said A. through G. on the paperwork he passed out earlier should make it very clear what operational would mean.

P. Hastings said he can appreciate Schuster's argument with regards to hours of operation that were asked for in 2012 was in the context of the historic use of the property which included deliveries and this business is located next to a

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residential community, this board has to take this into consideration. Hastings continued this may be an unnecessary economic hardship for Evarts and every business faces different hardships and granting the hours would very well make this a hardship for the neighbors.

Abutter L. Bohrer said most of the neighbors were not in favor of expanding the hours of operation back in 2012 because they were not the same hours as the previous mill had. Chair Hanson asked if she had meant historically, and she said yes and that the additional 32 hours per week has changed their way of living. L. Bohrer asked even though Evarts has been consistently violating the hours who does enforce these regulations. Hanson stated she would have to talk to the Selectmen; the Planning Board does not have anything to do with enforcement. Schuster said that is why they were here tonight because the Selectmen had taken previous action. L. Bohrer reiterated she felt it was all going their (Evarts) way and they get nothing.

Abutter Gene (Doodle) Barton stated first he would like to say the lights are on a timer not a motion detector, Schuster stated yes. Barton continued secondly this past Sunday around 2:00p.m. a truck went into the saw mill yard, Schuster said there were three. Third Barton said he remembered Langley saying back in 2012 that there would virtually be no noise. Chair Hanson said that was to do with the buildings and does not believe he was talking about moving logs around in the yard.

G. Bohrer said at the last meeting he had mentioned about the noise from the compression brakes and wanted to know if anything had been done about looking into signage. Selectmen Kimball said that signage on state roads such as Route 114 could only be posted by the state and Selectwoman Connie Jones had researched this. If the Town were to put up a sign DOT (Department of Transportation) would remove it, that DOT would not support it, as they believe it creates a safety issue.

Schuster agreed the Planning board does have a difficult role here trying to balance a residential and light industrial zoned area together and both are permitted uses. Chair Hanson agreed. Schuster said regardless of what has been said, understood or implied in the original proposal in 2012, the proposal now before the Board is Evarts request.

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Selectmen Kimball asked Schuster if the deliveries of logs in this critical three month period have changed in two and a half years, why wasn't something mentioned back then (2012) in the application about winter deliveries. Schuster said he wasn't here then. Kimball said in the original application that was presented to the Board the traffic in and out of the mill would be no more than the previous mill activity. Chair Hanson said that was the representation and that's what was approved.

Barton told Kimball the difference between this operation and the previous operation is the cable that went across the opening and they (Evarts) will not put one up to keep deliveries out after hours, and they won't tell their drivers to come in during the day during working hours. Rumrill stated they have told the drivers what the hours are, but in order for the business to operate he cannot refuse the drivers when they show up. Chair Hanson stated he can understand this certainly could create a hardship, but that argument has no limit to it.

Allan said that Barton had indicated at the previous meeting the logging mill over by the power plant had defined hours on delivery, but did not recall exactly what they were. Allan said he shared the experience with an acquaintance who has been a sawmill operator and a hauler of logs his entire working life like his father before him, and shared with Allan he has always worked within hours of deliveries whether they be 6:00a.m. to 6:00p.m. or 7:00a.m. to 7:00p.m. and it seemed to have adverse impact on his business.

Guillette said that he was not on the Planning Board back in 2012 when this was approved, and he felt there was a difference between hours of operation and deliveries and expressed his thoughts on this.

Chair Hanson said the Board has listened a great deal to the public and now the board has an opportunity to have a discussion among themselves. The Board will need some time to come up with an agreement on what to do and there has not been any decisions made at this time, only opinions. Hanson stated procedurally the public input at this time was closed. Selectman Kimball asked Schuster if the paper passed out earlier was the new proposal (application) and Schuster said yes.

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Chair Hanson suggested to the Board they go through the requested items A through G on the new proposal and see if there is some census from the Board as to how to deal with them. Further discussion ensued with Schuster and Board members with regards to the requested changes and a decision was made to continue this to next month's meeting which would give the members ample time to vote on the conditions to be made.

Abutter Aleene Hastings for the record wanted it to be known that she will not agree to any winter months because the fractions of deliveries have gone on year round since the mill first started. She would agree to all day on Saturday, but please let's leave Sunday as a holy day.

Chair Hanson clarified where the Board was procedurally; that they had closed all the input from the public and the application. Hanson then entertained a motion to declare that the application (the Supplemental Support Statement given the Board earlier by Schuster) is complete. Motion by P. Guillette and seconded by T. Allan that the application is complete.

***Unanimously Approved***

Chair Hanson said to the board members their job next month will be to decide the terms of the conditions.

### **ADJOURNMENT**

Chair Hanson asked for a motion to adjourn the meeting. Motion by T. Allan and seconded by M. Hutchins to adjourn the meeting at 8:35 p.m.

***Unanimously Approved***

The deadline for the next Planning Board meeting is February 11, 2016.

The next Planning Board meeting will take place on March 3, 2016 in the Jerry Whitney Memorial Conference Room of the Grantham Town Hall at 7:00 p.m.

Respectfully Submitted,

Martha M. Norris  
Temporary Planning Board Clerk