

**Town of Grantham**  
**Planning Board Meeting Minutes**  
March 1, 2018

Chair Carl Hanson called the meeting to order at 7:00 p.m. The meeting was held in the Lower Level of the Grantham Town Hall located at 300 Route 10 South in Grantham, NH.

Present: Chair Carl Hanson, Vice Chair Peter Guillette, C. Peter James, Mary Hutchins, Selectmen's Representative Warren Kimball

Meeting minutes: Eryn Bagley

Applicants and Members of the Public: Joey Dunbar Holmes, Rae Tober, Aleene Hastings, G. Barton, Nancy King, Andy Gaston, Barry Schuster, Arthur Mountain, T. Ryan Haac, Amy Hayward, Shawn Hayward, William Cioffredi, Patrick O' Grady, Kelly Spiller, Ernest Collier, Sheridan Brown, Cynthia Towle, Gary Bohrer, Linda Bohrer, Keith Grohbrugge, Donna Stamper, Renee Gustafson, Richard Hocker, David Suso, Klaran Warner, Jane Deane Clark, Russell G. Clark

Chairman Hanson appointed C. Peter James as voting member for this meeting.

**Approval of Minutes**

Chair Hanson asked the Board if there were any corrections or changes to the February 1, 2018 meeting minutes. No corrections or changes were suggested. Hanson asked if there was a motion to accept the minutes as written.

There was a motion to accept the minutes as written by Vice Chair Guillette; seconded by James.

*Unanimously Approved and Accepted*

**I. New Business**

a. Site Plan Review:

**Application #03-2018-001:** For Proposed Physical Therapy business Cioffredi & Associates; Map 226 – Lot 020 - Route 10 North/ Grantham Greenway Plaza

Discussion: Co-Applicant's William Cioffredi, PT (owner of business Cioffredi & Associates) and Amy Hayward (CEO of business Cioffredi & Associates) were present at the meeting. Chair Hanson noted application is for the installation of a Physical Therapy (PT) office in building area which formally housed, "Grace's Café". Per the application, and confirmed by the co-applicants, business plan is to offer PT services, housing between 1-2 PT providers with sufficient parking (4 spaces for clients/2-3 employee vehicles) in the area designated in application. The company's main office, on Etna Road in Lebanon, NH will continue to be so, and, administration will remain in Lebanon. Board member James notes this is the type of plan our Master Plan would support. Selectman Kimball notes that application references "Intended hours" of operations noted as 7am-7pm, and, questioned if there are circumstances when they may go outside these hours. Mr. Cioffredi spoke that there are occasions where these hours would be flexible to meet the patient needs. If this something that did not create issue, and there was a need, they would consider updating hours. The board has asked if the co-applicant would be amendable to changing the application

wording from “intended”, to that of a definitive for hours of operation. Shawn Hayward, citizen attending the meeting, offers the suggestion that the applicants should update their application to amend hours of operations to be between 630am-7pm, Monday- Friday; with the intention the applicants would not work outside the confines of those hours. Chair Hanson asks if there is anyone who would entertain a motion to approve the Site Plan Application, with the amendment of the hours of operations to be between 630am-7pm, Monday- Friday.

Motion was made to accept application on the condition the hours are updated to 630am-7pm, Monday- Friday, by Vice Chair Guillette, seconded by Hutchings. Unanimously Approved and Accepted.

b. Sign Permit

**Application #03-2018-002:** - For approval of business sign for Cioffredi & Associates; Map 226 – Lot 020 - Route 10 North/ Grantham Greenway Plaza Re: Signage for business

Chairman Hanson asks the board if there are questions about the sign application, which consists of one sign, on the building. James asks what face the building will be on. Amy Hayward, notes this will be on the gable end, facing park and ride on Route 10. Chairman Hanson details that the sign will be 9 ½ by 1 ½ sign, approx. 16 square feet. Chairman Hanson notes there was no specification surrounding lighting, to which the applicants note there will be no lighting.

Chairman Hanson entertains motion to approve the sign permit. Motion was made to approve the permit by Hutchins, seconded by Vice Chair Guillette. Unanimously Approved and Accepted.

c. Site Plan Review “Rescind”

**Application #03-2018-003** – For proposed demolition of old brick building; Gray Ledges Condo Association; Map 232 – Lot 001

Prior to the start of discussion Planning Board Vice Chair Guillette recused himself from the Board for this portion of the meeting as he also serves as the President Gray Ledges Condo Association. Guillette stepped down from the board and sat in the public seating. Chairman Hanson acknowledges that there remains a quorum for voting.

President Gray Ledges Condo Association, Peter Guillette introduced Nancy King, association member, who would also speak on the part of the association, if needed.

Mr. Guillette offered a brief history surrounding the approximate 30 years spanning from the time of the inception of Grey Ledges to the present. Mr. Guillette specifically noted that in 1988 site plan approved to construct grey ledges with the brick building approved as rec building. The current developers at the time, then came back to the Planning board asking for permission to demolish the brick building in question. The Board granted this request. Following this approval, concerned citizens stepped forward in September 1988, and the PB made reversed their previous decision, rescinding their approval for the old brick building demolition. Mr. Guillette notes that during this time (late 80s/early 90s) a public group (not specifically identified by Mr. Guillette) asked to buy the

building however, funding was not obtained. On 06April1989 the developer approached the Planning Board asking for permission to rebuild the building, without the dormer and ell, but with a new roof. The Planning Board approved this request, with stipulations that the structure is kept close to original, and, all salvageable brick is retained where able.

Mr. Guillette carries on with the observation that over the last 30 years the structure and historic bricks have deteriorated, that there is rotting siding, unsound foundations, and the chimney is collapsing. The original developer attempted to fix issues, however, in the case of the chimney, this has fallen in at this time.

At this time, the Grey Ledges Association would like to demolish the current structure and build a new pool building in its place. The association is filing for relief from 1987 plan condition that as originally noted the developer should maintain and refurbish the building. Mr. Guillette and Ms. King both noted that the building is not on the historical register, nor do they believe that it is eligible to be considered as such.

At this time, Chairman Hanson asked what efforts the Association has made to find resources/funds for preservation of the building. Ms. King, who has been a resident since 2009, spoke on the topic that there is no one at ledges who wants to see this iconic building demolished; however, following transfer of ownership from developer to owners, any discussion of building was to keep it standing with no further elaboration. She points to the fact that at this time, the building is not to code as pool house, which was evident at ownership transfer.

Board Member James asked if part of the building will be rebuilt, and, was this ever done as was mentioned in the PB minutes previously. Board Member James is asking that the “intent” was to be used as a recreation meeting place, however, it seems to him that never happened. Ms. King notes that no activities have taken place in the building which has only been used as storage. Mr. Guillette notes that the building was in such bad shape that they had a contractor build fake walls where in a person immediately entered and exited the building.

Board Member James asked how recently a qualified restoration person has provided an estimate to bring back the building including for sustainability for future use. Ms. King and Mr. Guillette are unaware if funds were available for a restoration consult, however, they did note that 3 separate contractors had seen the building and all returned with the same comments, indicating any fix would be temporary due to the type of brick (unglazed) and deterioration of the current building.

Mr. Guillette notes that the Association’s point of view is that they would like an appropriate pool house that they can utilize. Board Member Peter James asks what “appropriate” means. Ms. King responded that the building would be a similar structure to the current condo units that fits in to community, but with the ambiance of the current building there.

Chairman Hanson presented a letter that the Board received from the NH Preservation Alliance, dated yesterday – from Andrew Cushing. Chairman Hanson opted to not fully read the letter, however, offered that the letter highlights the importance of preservation, and, that in the short term the NH Preservation Alliance can offer qualified 2<sup>nd</sup> opinion on the integrity of the building and ability to rebuild. Mr. Guillette notes that he would need to bring this offer back to the Association as this would need to be discussed with the owners.

Board Member Hutchins questioned Ms. King and Mr. Guillette as to whether anything has been done to shore and/or brace the building. Mr. Guillette notes yes, since the sills were rotting, and, notes this was a temporary fix. Chairman Hanson asks if anything has been done where chimney has caved in to protect the inside for the building. Mr. Guillette states that nothing has been done.

Chairman Hanson introduced a second letter, also dated yesterday, from NH Division of Historical Resources' Director and State Historic Preservation Officer, Elizabeth Muzzy. Paraphrasing the letter, Chairman Hanson relays the intent of Ms. Muzzy's letter to note the historical importance of building, with the Planning Board to specifically take into account the historical significance this building embodies. Chairman Hanson concludes that the NH Division of Historical Resources is not offering any grant funds (monetary), but would be happy to visit site and work to assist with historical assessment.

At this time, Chairman Hanson opens the floor for public commentary surrounding the current application.

Rae Tober, a Grantham citizen for 9 years notes her sincere interest in this town. She presented the Board with a letter from former NH State Senator, Peter Hoe Burling, of Cornish, NH. Chairman Hanson tells Ms. Tober that the Board has received a copy of the same letter, and, to please paraphrase the content. Sheridan Brown, another Grantham citizen, asks Chairman Hanson to not editorialize on the letters if they will not be read in full.

Ms. Tober summarized Senator Burling's letter wherein Burling recalls his connection with the Howard family (who were the original owners of the land/building). Senator Burling recalls, in his letter, that he and Mr. Dennis Hoard discussed the importance of preservation and the need for enforceable conditions that ensured the preservation of the Grey Ledges building upon sale to the developers. Senator Burling implores that the Planning Board support the preservation of the building based on memory of the Howards.

Next to speak was Sheridan Brown, an abutter to the Grey Ledges land and attorney representing himself and his wife. Mr. Brown, at this time, submitted a brief to the Planning Board titled, "*Sheridan T. Brown and Deborah M. Brown (Abutters) v. Grey Ledges Condominium Association: REQUEST TO DENY APPLICATANTS REQUEST FOR WAIVER*". Mr. Brown presents that he feels that there are missing pieces to the current information previously presented to the Board from the Association, which he has taken the effort to research further based on a "Right to Know" Request.

Mr. Brown brought to the attention of the Board his thoughts that the letter sent to abutters for this meeting was not clear in its intent. He felt the notification made it seem as if a decision on the matter in question was already made, and found the intent not clear. Mr. Brown further conveyed his feelings surrounding the matter of Mr. Peter Guillette's conflict of interest, as the President of the Association and as the Vice Chair of the Planning Board. Mr. Brown felt that Mr. Guillette should have recused himself from both sides of the conversation to allow for an unbiased discussion on the matter of the demolition of this building. Mr. Brown noted additional deficiencies he feels are in current system, those of which can be reviewed in the submission he has supplied the Board.

At this time, Mr. Brown carried on this discussion surrounding what he feels are untold truths surrounding the building's past. Mr. Brown notes that the board has been told that structure unstable, that the homestead, build circa 1820 was the residence of NH's first Attorney General Edwin Gamage Eastman, and, that the Master Plan speaks of this building as one of only two remaining standing structures made with Grantham bricks. Mr. Brown also notes that the NH Preservation Alliance is submitting letter [discussed later], wherein there is notice that for adequate assessment by preservation assessment is \$100.00. Mr. Brown commented that he would write check.

Mr. Brown presented the following information that in the 1988 approval for Grey Ledges, this was made with stipulations bound the developers to the approval made by planning board, and, in referencing legal agreements that when the home owners association took over ownership from the developers, that the home owners association is now bound to uphold the stipulations set forth in the original agreement. Mr. Brown suggests that during the settlement agreement between the developers and the ownership association that everyone who previously has any responsibility to the Grey Ledges development had been released from responsibility.

It is Mr. Brown's opinion that the original developer breached its duty to maintain the house through what he considered "demolition by neglect". He feels that promises were made to win approval for the project on the part of the original developers, but then the conditions were not upheld. He notes that in 2006 Bob Byrnes Associates reviewed the property and concluded that to renew the building would include: new foundation, replaced sills, reinforce the structure, painting (int/ext), among other things, and, would cost would cost approximately \$85,000.

Mr. Brown also included that as of May 19, 2006 the association president sent email with pictures showing state of the building. Mr. Brown compared these photos to recent photos taken, asking for acknowledgment that since time lapse between photos that a lot of the structure was taken out of the building. [Pictures are part of the packet submitted to the Board by Mr. Brown]. Mr. Brown questioned where the interior of the structure went.

As an abutter Mr. Brown feels that the building offers rural historic character to the neighborhood where is a resident and to which he feels is enjoyed by outdoor enthusiasts/birders/etc. Mr. Brown asks why, the association has never contacted the Grantham Historical Society for assistance concerning the building. There is confirmation from Guillette that the association has not contacted the Grantham Historical Society.

In conclusion, Mr. Brown request the following from the Board:

- 1.) Reminder that the Board members may request on the disqualification of a member (in reference to the conflict of interest of members)
- 2.) If a decision is rendered in favor of the Association for demolition, that the board stipulate that no demolition take place for a period of 30 days post decision date.
- 3.) That if demolition permit is issued, that it is not issued for at least 30 days post the board decision.

At a break in the conversation, Chairman Hanson noted the Board has consulted with town counsel in regards to the conflict of interest of Mr. Guillette, and, that the town counsel has noted by Mr. Guillette stepping down from his Board position during this conversation is the proper way to proceed.

Renee Gustafson was the next to speak on behalf of the preservation of the building. She presented a letter to the Board from Ken Story, President of the Grantham Historical Society. In brief, the letter from the Grantham Historical Society strongly supports the preservation of the building and will offer any support needed.

Shawn Hayward questioned why the association had not gotten a full estimate, and, questioned Mr. Guillette if the association even had funds to support a rebuild, if possible. Ms. King acknowledged that the association did have an account available, however, the funds also were used to support the operation and maintenance of the association property.

Jane Deane Clark was the next to speak, noting she has lived in Grantham 11 years. In past history she and her husband have restored 2 homes, the second was condemned and in extremely poor condition. Following work on the building it is now on the state historical register in Michigan. Ms. Deane Clark feels that the people in Grey Ledges ignored a house that needed help and did not invest in the building, leaving it to the current state it now sits in.

Long time Grantham resident, Joey Dunbar Holmes noted that it was a one of her distant relatives that built the building in question, and that she supports the restoration of the building for sentimental reasons.

David Suco, resident of 490 Dunbar Hill Road is draw to the building for its historical significance, and, worries if a decision to demolish this building would set a precedence for how the town views historical buildings. He is in favor of keeping the building.

Donna Stamper, resident of 115 Olde Farms Road, has lived in Grantham since 1970. She notes that when she moved to Grantham, they occupied the house below the Ledges where the bricks were made. Ms. Stamper urged the Board to take time with the decision regarding the Grey Ledges, and, take options (i.e. grants, estimates for restoration) in to account when making a decision on this matter.

Kelly Spiller, resident of Grantham Village 382 Route 10 recently spent time at Grantham Village School sharing the history of Grantham with the kids. Ms. Spiller recalls the kids showed interest in the history of Grantham, and that they were amazed that people in Grantham live in buildings that are over 200 years old. She feels that the Board would be doing a disservice to say, "Building does not meet the need and we need to get rid of it". She notes that Grantham moved a church 200 years ago, and that there has to be a way to save this building to save the historical integrity for our community.

Chairman Hanson asks for the Board to consider whether the application is complete. Chairman Hanson questioned about whether there are any current estimates, and, given letter from NH Preservation Alliance if the Condo Association is willing to agree to a qualified assessment of the building. He notes that the association would need to grant access if this assessment was to be

completed. Chairman Hanson has reviewed past meeting minutes, noting that initial subdivision application that was approved did not contain any specific reference to the brick house in question. Chairman Hanson spoke that it was not until the 1988 events of approval for the development, and the want to demolish the building that there was swift Grantham response. It was due to this response that there was the agreement between the Board and developer, where developer agreed to the responsibility for renovation (Jan 1989 – restoring brick portion and leveling the ell). It was in April 1989 that the developer said the old brick house was to be used as an amenity will be restored as close to original as possible, wherein a new roof would be installed and the dormer removed).

Board Member James puts forth that before we (Board) can make a decision we need to have a qualified assessment of the property, and, at this time we are not qualified to make this decision without the input of an accredited authority. James also suggests the board view the site as a “hosted site visit” to better understand the actual conditions of the building.

At this time, Chairman Hanson notes that more information is needed prior to the Board making an informed decision regarding the application. There is a need for an assessment from a qualified expert as to what is entailed with renovating, restoring or stabilizing the building to avoid demolition.

Chairman Hanson entertains a motion to find the application as incomplete pending further assessment from a qualified expert to assess the building as it stands. This motion was made by Hutchins, and seconded by James. Unanimously approved. Application found incomplete.

## **II. Old Business**

### **a. Continuation of Public Hearing: Per Court Order on Remand: Town of Grantham v. Stocker Brook Realty, LLC and G.H. Evarts & Co. Inc. - Map 236 Lot 010 / Route 114 - Saw Mill**

Chairman Hanson reviewed last month’s meeting minutes, wherein there was a call for further proposal for application of limiting hours of operations. Minutes from previous meetings show hearing was concluded, but not closed, and current intention of old business is to continue the meeting to receive the proposal of limited hours from Evarts.

Chairman Hanson notes that the issue is largely the timing of the delivery of logs (outside of normal business hours), saw dust accumulation, receipt/removal of logs/chips from the site.

Evart legal representative, Barry Schuster, notes that post the last meeting, Evarts hired the Resource Systems Group (acousticians that measure sound and impact of sound), which went to the mill Feb 6, 2018. This group placed sound meters at the mill and the public right of way near the Bohrer house to measure sound difference. T. Ryan Haac, of the Resource System Group, presented the findings. Sounds was recorded over a period of one week, during which time there was a weekend delivery, and, a late night delivery during the recording period.

Mr. Haac reported that the results from the testing showed that, measured near the Bohrer house, there was an approximate maximum increase in decibels of 3 decibels during the “loudest” times.

According to Mr. Haac, a 3 decibel increase is where the human ear can just begin to acknowledge a fluctuation in sound.

Detailed research findings from the study run by the Resource Systems Group were provided, in writing, to the board for review.

Board member James agrees that the study did address sound waves, but does not address the issue of frequency (in relation to sound). He posits that what is found as an annoyance by the abutters are the higher frequency noises (springs, back up beeping, etc.). These stand out because are different. Mr. Mountain said that there are no back up beepers on the truck, to which Board member James notes are OSHA requirements.

For the purpose of clarification, Mr. James notes that the only objection is that the noise is outside the hours of normal hours. Mr. James questioned Mr. Mountain if the mill is a band mill or circular. Mr. Mountain responded that the mill is both.

At this time there is no proposal for time restrictions that were previously asked for.

Chairman Hanson notes that there are numerous complaints from people that should have been taken in to account, and, there are other sounds are not taken in to context. Evarts disregards the complaints of the abutters because they believe that these complaints are “red herrings”.

Board member Hutchins asked Mr. Haac if he slept by the mill at night and truck load comes in, using jake break, would it wake him up? Mr. Haac noted that there were actual recordings that were taken over the course of the week, and that he did not hear any jake break when listening to the recording.

Board member Hutchins asked Mr. Mountain, if was there no way to gauge when sawdust bins are getting full, or when there would be deliveries. Mr. Mountain responded that there is no way that they can gauge this. As the loggers are not direct employees of the mill, the mill is subject to the availability of the drives. Mr. Mountain explained that during certain seasons, loggers are subject to many variables. One is road conditions, siting that in some cases road agents will not allow loggers on town roads until evening hours when the road have firmed up. Due to circumstance like this, loggers may not end up at the log yard until late, or, until they are able to get the logs out of the woods.

Ms. Bohrer noted that feels that there is an issue of integrity of the results as it was the log company who hired the acoustic company, and, that because this company is “paid” there is the possibility of bias results. Mr. Haac rebutted this, nothing that he is a member of the Acoustical Society of America, and though not board certified, he is overseen by a board certified acoustician.

Chairman Hanson noted that the Public Hearing portion of this discuss is being reopened to abutters to respond to the findings presented by Mr. Haac. Chairman Hanson believes hearing from people’s own experience is more important than effort to measure, as current there are no restriction in site plan regulations regarding the number of decibels a company can output, but there are restrictions about unreasonable noise and noise interfering with their quiet enjoyment of their property.

Board member James reported that the charts are valuable, but issue is the timing of deliveries (after hours), and, the impact to the neighbors.

Ms. Bohrer said that they hear the noise from the mill 12 hours a day, noting several deliveries, vehicles moving, bulldozers, and when there is business happening outside of business hours that this is more annoying. She reports that the noise is a low level rumbling, which is constant. This noise, she feels, is worse outside and unbearable when in the yard. Ms. Bohrer has noted that the house shakes and that there are many instances of trucks in and out, outside of business hours. Ms. Bohrer also has 50 videos taken outside of business hours (when closed) since the time of the trial, as evidence of deliveries and noise associated. She has also been documenting hours when they were there outside of hours. There are time stamps on the videos. Chairman Hanson asked Ms. Bohrer to submit these videos in email that can be reviewed. Ms. Bohrer says she does not have the ability to do this based on the volume of the videos and her technological abilities. She notes that they are abutters and they cannot afford a lawyer. They [Bohrers] own a historic home and that their taxes have decreased.

Mr. Barton, during the day, notes that there is a different noise from mill. In the summertime he contacted Connie Jones. She and Melissa [town administrator] went over to Mr. Barton's home. Mr. Barton stated that Melissa had a decibel meter on her cellular phone and that it showed that the noise from the mill was loud.

Following the open discussion, Chairman Hanson verified that with Mr. Schuster that Evarts did not provide an amendment to the site plan, as was asked for during the past meeting. In lieu of the applicant not supplying their own plan, Chairman Hanson set forth a proposed motion for review.

Chairman Hanson asks the board if there is a motion to amend the plan follows:

In consideration of the health, safety and prosperity of the abutting property owners, the site plan approval with respect to the Stocker Brook Realty LLC property is amended as follows:

- The applicant will continue to make every reasonable effort to instruct the drivers bringing logs for delivery to the property that deliveries should be made in accord with this site plan. In addition, the regular hours of operation of the business shall continue to be limited to 6:00 AM to 6:00 PM Monday through Friday, and 7:00 AM to 12:00 noon on Saturday, with no hours on Sunday.
- During the winter months January, February and March, only, and until the roads are posted with weight limits:
- Delivery of logs outside the operating hours of the mill will be allowed during extended hours of 6 AM and 10 PM only.
- The applicant will conduct its business during the regular hours of operation, including: moving of logs on the site; and removing sawdust and chips from the site.
- Deliveries, moving of logs on the site, and removing sawdust and chips from the site may be made outside the hours set forth above in the event of an emergency required by the nature of the logging industry. In the event of such emergency, the applicant shall notify the Town in writing within 10 days regarding the circumstances and reasons for the emergency.

Vice Chair Guillette made a motion to amend application to site plan as proposed. James makes a second. Chairman Hanson asks for discussion on board. Hutchins agrees to the first paragraph, but all others too nebulous (i.e. circumstances and reasons of emergency from the logging industry), and,

opted to abstain from the vote. Peter defaults back to the court order. Quorum still stands without Hutchins voting. Unanimously Approved and Accepted (Hutchins abstaining).

### **III. Other Business - No other business**

#### **Adjournment**

Chair Hanson announced that he would entertain a motion to adjourn the meeting. A motion to adjourn was offered by Vice Chair Guillette and seconded by Peter to adjourn the meeting at 9:52 p.m.

#### ***Unanimously Approved***

The deadline for the next Planning Board meeting is Thursday, March 8, 2018

The next Planning Board meeting will take place on Thursday, April 5, 2018 in the Jerry Whitney Memorial Conference Room at the Grantham Town Hall Building at 7:00pm.

Respectfully Submitted,

Eryn Bagley  
Planning Board Clerk