

## EPPING, NH PLANNING BOARD MEETING MINUTES

THURSDAY June 13, 2019

**PRESENT** – Joe Foley, Susan McGeough, Heather Clark, Dave Reinhold; Selectman’s Rep. Mike Yergeau; Alternate Mike Vose; Planner Brittany Howard; Secretary Phyllis McDonough.

**CALL TO ORDER:** Chairman Foley called the meeting to order at 6:00

### **PLEDGE OF ALLEGIANCE TO THE FLAG**

**PUBLIC HEARING:** Site Plan - Asphalt Plant  
**Owner/developer:** Sam Patterson Real Estate Dev., LLC  
**Location:** Shirking Road, Tax Map 035 – Lot 026-002

Chairman Foley read notice of a continued Site Plan hearing. The Chairman reminded the Board and the public at the last meeting, the Board, at this meeting, will be discussing and making their decision and that there will be no public input.

The Chairman explained the issues he has with this proposal: that it does not meet all the requirements of the Town’s zoning. He noted the applicant bought a machine to manufacture asphalt. The town’s ordinances allow a manufacturing or assembly plant, not a machine sitting in a field with a partial building and feels this type of facility requires complete enclosure. The ordinance also does require water & sewer. Regarding the odor, the applicant has a NH state permit for air emissions in the amount of 400,000 tons of asphalt per year. The Chairman stated these limits are less stringent than the Towns requirement and since the Town’s Planning Board rules and regulations require a performance standard of no emission from odorous gas to be readily detectable at any point along the lot lines without the use of instruments, meaning if it can be smelled it doesn’t meet the requirement. The odor doesn’t need to be toxic; it can be a nuisance odor to disqualify it. Second performance issue the town says the sound from the site shall not be objectionable to surrounding areas. The Chairman stated the sound study didn’t address all the areas, tail gates banging or back up noises and it can be a nuisance. He stated the well right now is producing about 25 gallons a minute when they pump it but it’s located over a stratified aquifer. He explained at one time that well could produce 200 gallons a minute and satisfied the needs of the town. He further stated that the Town might want to drill another well in this aquifer in the future. The Chairman noted that he has read all of what has been given to the Board.

McGeough stated she agrees with Chairman. She explained the work was being done on the sidewalks and the asphalt was used, the smell was noxious. She said it did go away.

Clark stated there was a lot of material that was given to the board that was very informative, but looking at the Town’s regulations not everything matched up and agrees with the Chairman’s concerns.

Reinhold agreed with the Chairman. He stated he is concerned with the roads with the weight going over the roads. He stated he has seen trucks traveling where it’s posted no trucks.

Selectman Yergeau noted the request is contradictory to 3.2 the ordinance, and stated the purpose of this ordinance is to provide the orderly development of the Industrial/Commercial and encourage the highest and best use of the land, he doesn’t believe this is the best use of the land. He explained the Town would like to attract a good use if not best use of the land. He stated 3.3 goes along with what Reinhold’s

concerns are. Selectman Yergeau stated if the use is going to cause damage to the infrastructure it will not broaden the tax base, it will cost the tax payers.

Clark addressed the Fremont residents for coming to the meetings to share their feelings on what is happening and that it is appreciated.

McGeough moved Clark seconded the motion to deny the application. The motion carried unanimously.

**DISCUSSION:** Joseph Falzone – multi-family development

Scott Cole from Beals Associates and Joseph Falzone came before the board to discuss a parcel of land located between Railroad Ave. the old railroad bed and St. Laurent, five and a half acres and one home the property in the high-density residential zone. The intent would be to have a duplex, residential project and keep the existing house on its own parcel, and create duplexes with a connector road from Railroad Ave. to St. Laurent, approximately 600 feet long.

Cole stated they have contacted the abutting neighbor to take a small corner of his lot in exchange providing two access points to access the new roadway for his future use. He explained that currently this will be on two wells until there is adequate water supply from the town. Cole stated there are 22 units shown on the plan is 21 units.

Falzone stated there are no wetlands, it's all uplands. The future loop to the shoe factory they gave additional frontage that was needed to get a 50 foot right of way. The two wells will only allow 18 units, in speaking with the S&W the town doesn't expect water until 2021.

Clark asked about the plan showing is that the driveway will connect to St. Laurent and Railroad all the way through to be a public road from one side to the other. Falzone responded that is correct. Clark asked who will maintain it. If it's public the Town will take care of it, if it remains private it would be the condo association.

McGeough asked Reinhold about the road, left of the shoe shop. Reinhold stated it would be narrow. Railroad Ave. is the worse, St. Laurent is not bad.

Howard stated this would be treated like any other application there would be an offsite improvement for repairs to the road.

McGeough asked who owns the land in question. Cole responded the Leonard & Juliette Lavoie. Falzone stated there are a lot of Lavoie's in that area, he was told it is known as "incest way, not St. Laurent". McGeough objected to the statement made by Falzone, she knows all the Lavoie's and the statement is not appropriate, especially at a public meeting and takes offense to that statement.

Selectman Yergeau stated Water & Sewer Commission may have an issue because you won't be able to meet the sewer regulations on this site because the sewer is so shallow it won't meet the for the 5-foot depth.

Howard explained she has concerns with the Board approving a project that can't be fully built until there's enough water, unless the applicant wants to put something in writing, and suggested no building permit until there is town water.

**PUBLIC HEARING:** Site Plan – multi-family, Lot line Adjustment, & Merger

**Owner/developer:** Lewis Builders  
**Location:** 140 Pleasant Street, Tax Map 028 – Lots 038, 038-001, 039 & 040

Chairman Foley read notice of a continued Site Plan hearing.

Clark moved McGeough seconded the motion to plans. The motion carried unanimously.

Joe Coronati came before the Board for the hearing, continued from May 9. He reminded the Board waivers were approved, and updated the plans to address the waivers. He explained one of the changes was concerns of the dwelling units being 50 feet from the intersection shown on the plan they have been moved.

Coronati explained they modified the intersection and relocated some of the units to get away from the intersections. Only had to change one roadway and moved units to have consistent driveways. Some of the open space areas 160 acres of open space.

Coronati informed the Board this went to the Conservation Commission who are okay with the development and like that it's out of the buffer with all the homes, and are fine with the grading that had to be done in the wetland buffer. Wetland impacts are 3,500 square feet, all the impacts are at existing crossings. There are three existing culverts that are impacted, redesigned the roads to the standards of 24 feet or 26 feet.

Coronati talked about the cul-de-sacs are proposing a 102-foot diameter, and a truck turning plan has been submitted.

Clark questioned the units that have shared driveways at units 10 and 11 and concerns about shoveling and plowing in that area. Coronati explained they have a common drive and all shoveling and plowing is paid for by the condo association, also lawn care, mowing, and planting are all included.

McGeough asked how many units. Coronati responded, 83 buildings, 166 units.

The Chairman asked for input from Reinhold on the road. Reinhold responded if this isn't to town specs it has to be noted that the Town will not take the road over.

McGeough noted all it would take are the 300+ residents in this subdivision to put in the ballot for the Town to take the road over and if it passes the Town owns it.

Chairman Foley stated it would seem that the 150 feet could be expanded without encroaching the wetlands with pushing the houses back a bit. Coronati explained there are some that would be tight and would have to look at changing the design, and add another road.

Howard explained the Conservation Commission did ask about road widths if they could be narrower. The Board responded, no. Howard noted they also talked about oversized culverts for wild life crossings. Coronati when they apply with Fish and Game and AOT they will look at.

The Board as a whole agreed on the 150 feet radius for cul-de-sacs.

McGeough stated this is a huge development and doesn't want the Town to be at a disadvantage.

Clark moved McGeough seconded the motion to continue the hearing to July 11. The motion carried unanimously.

**PUBLIC HEARING:** Lot Line Adjustment  
**Owner/developer:** Don Madore.  
**Location:** 15 Oak Hill Lane & Oak Hill Lane, Tax Map 009 – Lots 018 & 018-003

Chairman Foley read notice of a Lot Line Adjustment.

Clark moved McGeough seconded the motion to accept the plans. The motion carried unanimously.

Previously subdivided off one house lot off of Linda Allen’s property. After the subdivision they staked out the property and found they were using up too much of the back field so Allen preferred take frontage of Oak Hill Lane and preserve more of the back field.

Clark moved Reinhold seconded the motion to approve the plan. The motion carried unanimously.

**PUBLIC HEARING:** Site Plan – Change of Use  
**Owner/developer:** Ban Dissanayake  
**Location:** 415 Calef Highway, Tax Map 016 – Lot 052

Chairman Foley read notice of a Site Plan and Change of Use hearing. Abutters present: Nathan Kamensky and Mary Ahearn.

Howard explained this site was approved for a variance to allow this use and is back before the Board to talk about hours of operation; he already has 9:00-5:00 Monday through Friday and 8:00 to 12:00 on Saturday. She explained he does have outdoor storage to the left of the building, which is not necessarily needed now because it’s not approved for sales and also no painting, except for minor touch ups. Howard noted it’s only approved for auto repair and inspection station and Howard went on to explain there is no more large equipment being sold, no more rental.

Dissanayake explained the reason for the request to do auto repair and inspection station is because the previous request of what was approved, has failed and he’d like to continue with a business that would bring in a cash flow so decided on this business.

Howard explained the zoning board agreed on no full painting, only touchups. She stated Dissanayake is before the Board for hours of operation and what he can have outside. She stated he has already been granted the hours stated. Howard suggested this no longer needs a display area out front where he was allowed to store equipment should go away, no parts, no scrap metal, no cars sitting for any length of time, no body work, and should be limited to the parking spaces he has on site, which is six.

Abutter Mary Ahearn stated she has been to all the meetings for this site since ownership by Dissanayake. She asked that there be limitations on the number of autos, parts, no chassis, no tires and no unregistered junk vehicles. Ahearn stated she is ok with starting time at 8:00 on the weekdays and weekend day.

Howard noted during the Zoning Board meeting that pins may have been moved and needs to be put back in and some erosion fencing that needs to be fixed.

Abutter Nathan Kamensky a documented survey that the iron pipe that was moved is put back in the original location. He explained that iron pipe that was on Dissanayake’s survey didn’t just fall over

during the winter; it was an attempt to plow snow and when the snow melted there was some earth moved so the iron pipe is gone, and does not believe it is up to him to replace that iron pipe. He just asked that the boundary marker be put back in and noticed by an approved person.

Kamensky noted the erosion barrier there's a five-foot gravel wall to level off their property to put a fence on it, and in doing so now there's gravel on Kamensky's property and the erosion barrier when the work was complete there is now all rock gravel. He asked about assistance from the town on this. Howard informed Dissanayake that the dirt from his site should not be going over to Kamensky's property. Kamensky stated he is only requesting the dirt be removed from his property at and the erosion fence fixed.

Kamensky questioned what the transition plan is of the current plan to the old plan if they'll still be allowed to have large pieces of equipment on site and a pontoon boat on the property. Chairman Foley responded the Board will pick a reasonable time period and it will be part of the notice of decision.

Kamensky asked about the sale and leasing if that will be permitted. Howard responded they would not be allowed.

The Board as a whole discussed meeting on this site and to continue the hearing.

McGeough moved Clark seconded the motion to continue to July 11. The motion carried unanimously.

**MINUTES OF 5/9/19 FOR APPROVAL** – Clark moved McGeough seconded the motion to approve the minutes. The motion carried unanimously.

**INVOICE FROM TIGHE & BOND FOR PAYMENT – RE: SOLAR ARRAY-RTE. 125 INVESTMENT - \$480, RIVERSIDE SD \$1,440.00 & ASPHALT PLANT \$1,200** – Clark moved McGeough seconded the motion to approve payment to Tighe & Bond. The motion carried unanimously.

**REQUEST FOR OFFSITE IMPROVEMENT FEES WORK AT MARY BLAIR \$312.50** – McGeough moved Clark seconded the motion to approve the request for \$312.50. The motion carried unanimously. After Reinhold approves work.

**ADJOURNMENT**: Reinhold moved Clark seconded the motion to adjourn the meeting at 8:15pm. The motion carried.

**NOTE: THE NEXT MEETING DATE IS JULY 11, 2019 at 6:00 p.m.**

Respectively Submitted,

Phyllis McDonough  
Planning Board Secretary