

Westmoreland Planning Board
July 10 2012
Approved minutes

Present: Jim Ranson, Jim Starkey, Richard Paul, Bruce Smith, Jack Zeller, Dawn Lincoln, Lauren Bressett, Laurie Burt

Review of June 12 minutes

Dawn Lincoln made a motion to approve June 12, 2012 minutes as read Laurie Burt second, all voted to approve.

Continuation of Larkin hearing

7:10 pm Lauren Bressett reopened the Larkin hearing. Jim Larkin explained to the board members that he has filed an application with the Zoning Board for a parking variance and also proceeded to inform the members about his revised site plan, he has moved the pole barn on the site plan back from the wetlands setback. Do to the recent flooding that has happened to the property he has added water diversion to the site plan to divert the water away from his building. Lauren Bressett stated that she is concerned with Jim Larkin diverting the water away from his property, could possibly affect an abutter's property. Laurie Burt asked how his lot went from 1.20 to 1.27 in size, Jim Larkin stated with the new information he had received from the State of NH in regards to his driveway and the States right of way, his engineer adjusted his site plan accordingly. Lauren questioned Jim Larkin about lot coverage and he stated that his engineer has come up with 17800 sq ft which is inclusive buildings, parking lot and driveways or 32 percent lot coverage with his site plan. Jim Starkey asked how many parking spaces the Westmoreland ordinances require, Jim Larkin stated 27, but realistically Jim Larkin figured he would need 12 with what he is planning on.

Jim Larkin stated in his parking variance he is going to ask the Zoning Board to extend his deadline for their phase one approval. He feels he will not be able to have it all done by then, more like Sept or Oct. Jim Starkey asked how much water was in his basement after the last flooding. Jim Larkin stated there was 5 feet of water in the basement. Jim Starkey suggests maybe all solvents and/or chemicals should be stored at least five feet above the basement floor. Jim Starkey clarified that after the site visit his concerns with an oil tank leak with the sump pumps in the basement were lessened when he saw the elevation of the sump pumps; he may still want take precautions and try to contain any oil leak to the smaller oil tank room area. Jack Zeller asked if Jim Larkin's engineer felt that if he had in place what is proposed on the revised site plan regarding flooding, would this have happened. Jim Larkin stated that his engineer felt

this would not have happened. Bruce Smith is still concerned with flooding and possible polluting if the sumps pumps discharge any contaminated water outside, in the event of flooding. Jim Larkin stated that he is going to do everything he can to assure that something like this does not happen because he needs to protect his livelihood. Bruce Smith stated that in the past 17 years he has seen that section of Route 12 flooded over three times.

Lauren Bressett read an email that she had received from Marshall Patmos, chair of the Conservation Committee, in regards to the raising of grade, that there is no state issue as long as it occurs outside the wetlands boundary but doing so can create problems with abutting properties. Jim Starkey suggested maybe an independent engineer could look at this situation. Jim Larkin stated that at his last Zoning hearing, Russ Huntley who is on the Zoning board and who is an engineer had agreed the plan was good. Jim Larkin stated he was confident that Russ Huntley felt it was a good plan. Jim Larkin also stated that all he is doing is trying to move forward, improve his property and trying to protect his property. Jim Starkey stated that the board was there to protect neighboring properties in this town. Richard Paul recused himself at 7:45; Lauren Bressett seated Jim Ranson in his stead. Laurie Burt made a motion to close the public hearing Jack Zeller second all voted in favor.

At 7:50 pm the board started deliberation. Lauren Bressett stated that she is concerned how many revisions have been done to this site plan and at what point maybe we should start re-notifying abutters, for this is the 3rd or 4th revision. Dawn Lincoln felt that he does have some right to protect his building in regards to the diverting water and the plans have changed because he has been addressing the issues at hand. Bruce Smith pointed out that the building itself has been acting like a dam, so adding the water diversion is only going to help with the flow of the flooding water around the building where it ended up anyways if it did not go through the building. Bruce Smith also stated one major concern for him is that the oil tank is not filled until it is strapped down. Laurie Burt questioned who will be checking on this, Lauren Bressett stated it would either be the building inspector or the Selectman.

Bruce Smith made a motion to reopen the public hearing, Jim Starkey second all voted in favor.

Bruce Smith asked Jim Larkin if he has altered the height of the proposed garage. Jim Larkin stated yes it has been raised by a foot. Jim Starkey asked Jim Larkin if what is proposed to be put into phase one, will that work? Jim Larkin stated yes it would. Bruce Smith made a motion to close public hearing Laurie Burt second all voted in favor.

The board returned to deliberation at 8:20, Dawn Lincoln made a motion to approve the site plan as amended June 28th 2012 and presented to the board on July 10th 2012 with the following conditions,

Phase one defined as:

1. existing building
2. proposed garage
3. septic to be installed
4. parking in front and rear of building

5. removal of garage and shed
6. water diversion

With the following conditions:

1. oil tank strapped or moved to first floor
2. oil tank not filled until first condition is met
3. contingent upon receiving a parking variance from the Zoning Board
4. all contaminants and/or VOC's at least five feet above the basement floor
5. removal of asphalt from south east side of the building
6. to leave the cement slab so as not to disturb the area
7. use of downward facing exterior and sign lighting
8. a report of completion of phase one to the Planning Board before phase two can commence

Phase two defined as:

1. Proposed pole barn
2. Finish landscaping
3. Maintain a vegetative buffer along London Cross Road

Jim Ranson, second.

Jim Starkey made a motion to amend the motion by adding landscaping in front of building per Westmoreland ordinance as part of Phase one. Bruce Smith second, Laurie Burt abstained, all others voted in favor of the amendment.

Vote on the motion as amended. Motion passed 5-2, Laurie Burt and Lauren Bressett voted no.

9: 00pm Laurie Burt excused herself from the meeting, Richard Paul was reseated.

Old Business

Lauren Bressett asked the board members to suggest what to pay the secretary per continuance of a hearing, back in November of 2010 the board had changed the fee schedule and had determined Secretary pay to include \$25 per board meeting, \$50 per application, additional application fees for extended applications but it was not clear what the continuation of hearing rate would be. Richard Paul made a motion to pay the secretary an additional \$25.00 per hearing continuation meeting per applicant. Bruce Smith second, all voted in favor. Board members also indicated that they review and print their own minutes but asked to have two extra copies of previous month's minutes available to review at a meeting.

Bruce Smith stated that through these past few hearings, we as a group need to look at the process of how they went through, he was not happy with how the information does not flow along with this process, maybe with more complicated hearings they need to be joint. Lauren Bressett reiterated to Jack Zeller, this is why we have a select person on the board so we can inform them with our concerns, when there is file it needs to be a complete file so it can be referenced as with these cases we did not have all the information, it needs to be here at the

town offices. Jim Ranson feels most of these hearings should have been joint hearings. Lauren Bressett commented that we may want to suggest to applicants they may want to come in for a Design Review meeting as allowed by RSA if it seems like a complex plan and that may help with the process. Richard Paul stated he feels the process of these last two plans kept changing every time they came in and that makes it more complicated and he is disappointed how they went through. Jim Ranson stated he found it weird that we had this hearing tonight without Jim Larkin not having all of his variances. Bruce Smith stated he is expressing his dissatisfaction of the process and let the chair of both boards and selectman look through the process to see how it can be improved. Lauren Bressett will speak with zoning and/or selectman about this and let them know the Planning Board feels Zoning should go first with hearings in the future.

Discussion ensued in regards to the official file which is kept in the town office. Alison Fissette stated that she has a public file and the official file, for there are items she is to be accountable for during and after the hearing process. Lauren Bressett stated they had implemented a public reading file in the past because items were coming up missing. Jack Zeller stated there should only be one file, the official file and if anyone needs information from it, Joann Labarre, the administrative assistant, will get that for them. The public should not be allowed to freely go through the official file. Jack Zeller stated he would talk about this at the next Selectman's meeting.

New Business

Lauren Bressett informed the board that we have received notification from the State of NH that they have received an application for alteration of terrain for a site here in Westmoreland. Lauren Bressett mentioned that maybe we should consider having another meeting per month with all that the board has ahead of them, most members thought after summer that would probably work.

Jack Zeller made a motion to adjourn, Richard Paul second, all voted in favor to adjourn at 9:55pm. Jim Starkey abstained.

Respectfully submitted
Alison Fissette
Planning Board Secretary

Approved on 8/14/2012 with the following amendments

- 1. Bruce Smith requested to change the word, dissatisfaction to frustration. "Bruce Smith stated he is expressing his frustration of the process and let the chair of both boards and selectman look through the process to see how it can be improved."*
- 2. Jim Starkey requested to have the word he, changed to Mr Larkin "Jim Starkey clarified that after the site visit his concerns with an oil tank leak with the sump pumps in the basement were lessened when he saw the elevation of the sump pumps; Mr. Larkin may still want take precautions and try to contain any oil leak to the smaller oil tank room area. "*