

**Westmoreland Planning Board**  
**August 13, 2013**  
**Approved minutes**

❖ **Call to Order, Seating Members**

Lauren Bressett called the meeting to order at 6:30 pm

Present: Lauren Bressett, Dawn Lincoln, Bruce Smith, Steve Houle, June Hammond, Jim Starkey, Laurie Burt, Steve Houle seated for TJ Kelley

Excused: Tj Kelley resigned

David Hansel arrived 6:35

❖ **Review of Minutes: July 9<sup>th</sup> 2013**

Dawn Lincoln made a motion to accept the minutes as read, June Hammond second all voted in favor.

❖ **Application & Hearing**

**6:35 pm Ferguson application**

Ted and April Ferguson, Michael Bentley and members of the public were present

Board members reviewed the application and site plan checklist.

A #4 Laurie Burt pointed out checklist states the plan is to scale but plan states location not to scale

B #2 Lauren Bressett stated the lot already exists and is grand fathered

E #1 Lauren Bressett stated there are no dimensions on plan for the coverall

F #2 Lauren Bressett stated there is an existing driveway permit on file

H # 2 & 3 Lauren Bressett referred to the Zoning notice of decision which indicated there will be a porta potty and there is not one shown on plan and water would be provided by well on site which there is no well shown on plan.

H #2 & 3 Jim Starkey suggested to ask the applicant about the well and define 75' radius.

I #5 Jim Starkey noted only lighting was downward facing lighting on building, none on sign.

Dawn Lincoln made a motion to accept the application complete enough to continue with the hearing, subject to more details of H #3 regarding the well and other items as identified. June Hammond second, all voted in favor.

Lauren Bressett opened the hearing and asked the applicant if they would like to make a statement.

Michael Bentley, representing Ted Ferguson stated, the zoning board decision is for IF the property is rented for light manufacturing or light retail which was the approval from the zoning board, that is not what is going on at the property now, the existing use is covered under the earlier approval from the Planning Board for Mr Bates back in 1994. Michael Bentley stated currently there is no well on the property that is why it is not on the plan, also at this time there is no porta potty on site. His client understands that if he rents the property for either light manufacturing or retail, the well and/or porta potty will come into play for which the special exception was granted. Michael Bentley also stated that the current application does not have

to do with what is currently occurring at the property, only for possible future tenants Michael Bentley asked for permission for the tent that is currently on the property for the tenant does use it.

Lauren Bressett noted from the previous site plan for the Bates they were using the septic and well from the house on the property at that time. Lauren Bressett asked if the current tenant is doing sales from the property now. April Ferguson stated there were no sales from the property, she believes what is happening is if someone has a bent rim they would bring it to him to have repaired and/or he receives shipments from UPS and ships it back out. Lauren Bressett asked what does the person who is there all day long use for facilities; April Ferguson stated his brother lives nearby. Steve Houle questioned as to why they are saying there is no well on the property?

Ted Ferguson stated in his deed he has access to water from someone else's well and there is a well in the corner of his property, it is a dug well in the swamp. Lauren Bressett invited any questions or comments from the public. Wesley Staples commented that he feels Ted has done a nice job over there. Lauren Bressett noted also that per the square footage he actually needs to have one more parking space, which could be along the side of the driveway. Laurie Burt questioned if there were chemicals being used at the property now, she is concerned with the wetlands all around, Ted Ferguson stated there are no chemicals being used now. Jim Starkey stated he is concerned with the site plan stays with a property and if it changes hands what happens with the facility situation at that point. Lauren Bressett agreed. Lauren Bressett reiterated we are not being asked to approve what is currently there, we are being asked to approve if there is a change in use to light manufacturing or retail. Michael Bentley commented on Jim Starkey statement in regards to the next tenant and/or property owner and the current facilities situation and he feels at that time the town and/or state would need to address the porta potty necessity, Michael Bentley agrees that if the property changes use they have no problem with conditions as set in Zoning notice of decision. Laurie Burt strongly feels it needs to be noted on the plan. Bruce Smith asked where the porta potty would go; Ted Ferguson stated he had no idea as to where the porta potty would be, except that it would need to be outside somewhere. Jim Starkey feels there should be a porta potty there now, with the services required. Michael Bentley reiterated the situation requiring the porta potty is not in place now; this is for possible future light manufacturing or retail at the property. Alison Fissette questioned the change in use; prior to this tenant it was the village painter at the property not a garage. Lauren Bressett reiterated, we can only address this site plan, for future light manufacturing or retail. Changes in use would need to be address by the zoning administrator.

At 7:10 pm Lauren Bressett closed the public hearing and board members began deliberating. Board members had concern with no running water on the property as the zoning board made it one of their conditions. Bruce Smith suggested portable water and when it comes to manufacturing the State would be involved with water issues. Also if there is running water, you cannot just let water run out on the ground, so what would happen there if there was running water at this site, there is no place for it to go. Bruce Smith stated on Ted's application it states there is a porta potty on the premises, but there actually is not.

Bruce Smith made a motion to approve the site plan as presented with the condition if light manufacturing or retail occurs on the property a porta potty will be installed. Dawn Lincoln second.

Some discussion ensued; Jim Starkey suggested adding where the porta potty would be located and having necessary permits and follow regulations with water usage on the property. Jim Starkey decided not to amend motion on the floor.

Motion passed 6 to 1, Lauren Bressett voted no. hearing closed at 7:30 pm

❖ **Old Business**

Jim Starkey voiced his concern with the recent Zoning variance granted in reference to the sign at the industrial park; he feels this has set a bad precedence.

The zoning board did weigh in on our request for suggestions with the updating of sign ordinances and feel we are more restrictive with commercial entities than residential entities and would like the board to consider this when updating the ordinances.

Bruce Smith did a partial inventory of signs that are currently in residential areas of the town just to give an idea of what is out there and shared with the board members

Lauren Bressett encourages board members to fill out the master plan survey that was just sent and also encourage any of their acquaintances to do so also. This is the chance for every resident to share their thoughts.

❖ **New Business**

Sally Albrecht came in for information and procedures for subdividing her parent's property on Hatt Road. A few questions were answered and process explained.

Alison Fissette questioned the board if an applicant for a subdivision had all the pertinent information except for State of NH approval, which is required for lots under 5 acres, could she proceed with submitting an application and notice for hearing and if subdivision is not yet approved by the State of NH could the Planning Board approve it contingent upon State approval? Board members did not see a problem with the situation. Alison Fissette also stated this would probably be her situation next month and she could also see this scenario with other potential subdivisions.

Lauren Bressett reminded board members to review 155E in the event the Graves project comes to the planning board.

❖ **Select Board Update**

June Hammond questioned what the violations are with the Obama sign on Route 12. Laurie Burt stated she did not feel the sign is in violation of the town ordinances; it is freedom of speech. Lauren Bressett noted that the only signage allowed by ordinance is to advertise an onsite business. If this sign is for an on-site business, it needs to note the business somewhere on the sign. Jim Starkey suggests looking at all signs that are in violation not just one. Much discussion ensued in reference to signage.

❖ **Letters**

Lauren Bressett stated that TJ Kelley has officially resigned from the planning board and she suggested to David Hansel and Steve Houle if either of them would like the seat on the board instead of being an alternate to let Joann Labarre know.

Lauren Bressett brought to the board members attention of a notice from the State of NH requesting towns to have an ordinance for criminal history records check for Hawkers and Peddlers.

Lauren Bressett stated she received a phone call from the director of Southwest Regional Planning Commission (SWRPC) in regards to the planning board opting not to pay

membership fees this year; she informed them that the planning board felt that it was expensive for services that we do not use. SWRPC noted in many towns the membership fee is in the general administrative budget since the services are used by more than just Planning Boards and that Westmoreland has received grants and other services by other than the planning board from SWRPC in the past, so Lauren suggested they contact the Selectman to see if it could go into another area of the budget if it is not just the planning board that uses their services.

Jim Starkey made a motion to adjourn Bruce Smith second, all voted in favor, meeting adjourned at 8:20 pm

Respectfully submitted  
Alison Fissette  
Planning Board Secretary