

Town of Boscawen

Planning Board
Boscawen Municipal Complex

Meeting Minutes – Draft
Tuesday, January 3, 2017 at 6:30 PM

Members Present: Bruce Crawford – Chair, James Scrivens, Douglas Hartford, Matt Lampron, Jeff Reardon

Members Absent: Roberta Witham – Vice-Chair, Rhoda Hardy

Member Ex-Officio Present: Bernard O. Davis, Jr.

Alternate Member Ex-Officio Absent: Roger W. Sanborn

Others present: Alan Hardy – Planning and Community Development Director, Kellee Jo Easler, Planning and Community Development Assistant, Katie Phelps, Recording Secretary.

Chairman Crawford called the meeting to order at 6:33pm with a voting board.

Review and Acceptance of the Prior Meeting's Minutes:

Motion made by Jeff Reardon and seconded by Bernie Davis to approve the minutes from the December 20, 2016 meeting as written. All in favor.

The Board reviewed legislative changes effective January 1, 2017 which include changes to RSA 91-A and House Bill 1418 and 1419. It will now require that nonpublic session minutes include the same contents as public session minutes – ex: board members present, names of people appearing before the board, brief description of subject matter and final decisions. House Bill 1419 will require the addition of each member's vote for all actions taken in nonpublic.

Old Business

Public Hearing:

- **Article IV – Use Regulations**

The board reviewed the proposed changes to **Use Regulations** as follows:

1. Educational Facility, Private: **Allowed in Commercial** zone.
2. Temporary Events: **Conditional Use in all zones.**
3. Accessory Dwelling Unit designed for and occupied by a person employed on the same premises: **Conditional Use in all zones.**

Chairman Crawford opened a public hearing and closed with no public comment.

Motion made by Douglas Hartford and seconded by Matt Lampron that Article IV, Use Regulations, is in its final form and ready for Town Meeting. All in favor.

- **Article XII – Definitions**

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The board reviewed the proposed changes to **Definitions** as follows:

Accessory Dwelling Unit (ADU): A residential living unit that is within or attached to a single-family dwelling, and that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation on the same parcel of land as the principal dwelling unit it accompanies.

Agriculture (Farming) and Horticultural Operations: As defined by RSA 21:34-a as amended. In summary, farm, agriculture or farming means land, buildings or structures where agriculture and farming operations are carried out and shall include the residences of owners, managers, interns, students, or employees located and working the agricultural enterprise. Refer to RSA for additional clarification of the definition of agriculture and farming operations. Should the farming enterprise cease, is leased or contracted to others who do not live on the property, the owner occupied primary residence may apply for an Accessory Dwelling Unit. Any other housing created for on-site occupancy shall be discontinued.

Chairman Crawford opened a public hearing and closed with no public comment.

James Scrivens recommended a typographical correction in the written ADU ordinance.

Motion made by Matt Lampron and seconded by Douglas Hartford that Article XII, Definitions, is in its final form and ready for Town Meeting. All in favor.

- **Article XIV – Cluster Developments**

The board reviewed a proposed change to **Cluster Developments** as follows:

Conditional Use Permit Criteria:

- Number 8: **“There shall be a 25’ setback from the jurisdictional wetlands. Buildings will not be allowed in the wetland setback.”**

Chairman Crawford opened a public hearing and closed with no public comment.

Motion made by Douglas Hartford and seconded by Matt Lampron that Article XIV, Cluster Developments, is in its final form and ready for Town Meeting. All in favor.

- **Article XXIII – Accessory Dwelling Unit Ordinance**

The board reviewed the proposed ordinance for **Accessory Dwelling Units** as follows:

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Purpose: The purpose of this article is to provide expanded affordable independent housing opportunities to a permitted, owner-occupied, single-family dwelling, while maintaining the aesthetics and residential use compatible with homes in the neighborhood.

Provisions: An ADU shall be permitted only by Conditional Use Permit in allowed zoning districts and only in accordance with the following provisions:

A. An ADU is allowed only in one-family dwellings. An ADU is not allowed in two family or multifamily dwellings or in any nonresidential buildings.

B. An ADU is not allowed as a freestanding detached structure or as part of any structure which is detached from the primary dwelling unit. Mobile homes or trailers may not be erected or added to the principal dwelling to serve as an ADU.

C. An ADU is not allowed in any dwelling in which the owner of record of said dwelling does not personally reside, and the owner shall demonstrate that one of the units is his or her principal place of residence. The owner may reside in either unit.

D. The front face of the primary dwelling structure is to continue to appear as a one-family dwelling after any alterations to the structure are made to accommodate the ADU. Any additional entrances to the ADU must be located so as to preserve the appearance of a one-family dwelling.

E. At least one common interior access between the primary dwelling unit and an ADU must exist. A second means of egress from both units must exist, but must not face the street address side of the structure.

F. Off-street parking shall be provided to serve the combined parking needs of the principal dwelling unit and the ADU. There shall not be a separate driveway for the ADU.

G. The gross living area of an ADU shall not be less than 350 square feet and shall not exceed 50% of the primary structure or 750 square feet.

H. A building permit for an ADU must be approved and issued prior to the construction of an ADU. The house number for the ADU shall comply with current 911 regulations.

I. Multiple ADUs are not permitted on any individual lot.

J. The original single-family dwelling shall not be a unit of manufactured housing.

K. An ADU shall not be permitted with divided interest ownership.

L. Separate utility entrances and meters are allowed if required by the utility.

Procedural requirements: Applications for Conditional Use Permit approval under the regulation of this Article shall include the following items:

A. All plans submitted with any application for an ADU building permit shall denote, describe and/or identify the intended ADU area as such.

B. Prior to granting a Conditional Use Permit by the Planning Board, the applicant shall provide, as part of the building permit application, the following:

1. The applicant for a permit to construct an accessory dwelling unit shall make adequate

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provisions for water supply and sewage disposal for the accessory dwelling unit in accordance with RSA 485-A: 38,

2. Both units shall have a fire alarm system which is compliant with the NH Fire Marshall's requirements.

Chairman Crawford opened a public hearing and closed with no public comment.

Motion made by Matt Lampron and seconded by Douglas Hartford that Article XXIII, Accessory Dwelling Unit Ordinance, is in its final form and ready for Town Meeting. All in favor.

- **Official Zoning Map Amended**

The Planning Board is recommending the following amendment, as proposed by petition, to the Official Map of the Municipality under the provisions of RSA 674:11. The proposed change is:

The proposed change will create consistency between lots within a zoning district if approved. Map 45, Lot 29, Sublot 2 is currently Agricultural/Residential, (A/R), but will change to Residential, Medium Density, or (R1).

Chairman Crawford opened a public hearing and closed with no public comment.

Motion made by Bernie Davis and seconded by Jeff Reardon to recommend the Zoning Map amendment for Town Meeting. All in favor.

New Business

- **Site Plan Review – Dollar General**

Chairman Bruce Crawford recused himself as Chair because he is a direct abutter for this Site Plan Review. James Scrivens was elected by the members present to act as pro tempore Chair due to Vice-Chair Roberta Witham's absence.

Austin Turner of Bohler Engineering and John Scribner of Lisciotti Development Corp. stepped before the board to present their application for a Dollar General retail store proposed for Map 81A, Lot 42, 169 King Street in a COM zone. Mr. Turner states the Site Plan has evolved throughout the review process with the Zoning Board of Adjustment over the last several months. The product created is dimensionally compliant with the underlying zoning. They are not seeking any other relief from the Zoning Ordinance other than those already approved by the Zoning Board of Adjustment. A more condensed lighting program has been created which, in their interpretation, meets the Town's standards. The Zoning Board had asked that the Planning

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Board weigh in on the lighting and if relief was required they would go back to the Zoning Board.

The proposed building would be approximately 7500sq ft., roughly 85x85. It meets building setbacks, parking setbacks and open space requirements. The proposed location is in a Commercial zone. They are not seeking waivers or variances from performance standards. The lot size is 60,146sq ft., just shy of 1.5 acres. It will have pedestrian accessible corridors on the front and side of the building. It will have 30 parking spaces. They are working on the driveway with DOT and their application is under review. They provided the anticipated truck movements for delivery vehicles. There is one primary delivery to the site in a WB 67 tractor trailer. The vehicle typically comes once a week and the maneuver for the vehicle would be to enter off of King Street, run parallel to the store briefly before backing into loading position. The loading door is in the rear side of the building with a ramp for accessibility. Other expected deliveries will be made by separate vendors who will deliver their products throughout the week. In terms of utilities they are proposing a connection to Municipal water on King Street. The electric and telecommunications connections will be made via a pole on the opposite side of King Street which will cross the road and come down to service the building. Sanitation and gas services will be provided onsite by a septic system and above ground propane tank.

The storm water system was designed to be compliant not only with Town's standards but also the Department of Environmental Services. DES requires that they assess a higher rainfall intensity than is on record. Also called the Cornell Rainfall Intensity. To the rear of the building there is a shallow storm water basin collecting runoff from the roof as well as the back of the property. The primary storm water basin is located in the front of the property by King Street. The basin in the front serves as an overflow for the basin in the rear. It also collects runoff from the parking area.

Relative lot and building elevations were discussed with the board. From a grading perspective they intend to bring the site down. The building itself will be about 5 feet higher than the road. The slope out back goes up about 4-5 feet. On the south side of the plan there will be a 5ft tall retaining wall. On the north side of the property the slope will go up. Both sides will have an 8 ft. solid wood fence. The top of the fence on the south side of the building is approximately 13 ft. higher than the first floor of the building.

Mr. Turner discussed lighting with the board. He said that the lighting height proposed couldn't exceed 20 ft. tall, however, it's also governed by proximity to the property boundary. In the case of being closer to the property boundary you apply a specific equation. They developed a new plan that meets the ordinance requirements. It incorporates LED lighting, which is more efficient and gives more even distribution. Mr. Turner explained their proposal in detail with the board. The lights vary from 3.5 ft. to 18 ft. high with a downward throw. Some are pole mounted and some are mounted on the building.

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The hours of operation will be from 8am to 10pm – 7 days a week. James Scrivens asked whether deliveries could be expected during business hours. Mr. Turner said they are typically done a half hour before opening so it doesn't affect customers, however he asserted that may not always be the case. Mr. Scrivens also expressed concern that a delivery truck pulling in during business hours could potentially block in customers. Mr. Turner says that's why Dollar General tries to schedule their deliveries during off peak hours - before opening or after closing. Mr. Scrivens said one of the major concerns is parking on King Street and the dangers. He said 18 wheelers are known to park on the side of the street to go to Dunkin Donuts which creates a traffic hazard.

Alan Hardy referenced #11 on the Lighting Plan making reference to an ATM. Mr. Turner states no ATM is included at this location and that they are standard notes. Mr. Turner got back to lighting and anticipated illumination for the Dollar General sign out front. Dollar General revisited this issue with their vendor and looked for ways to blend the sign in better. They are proposing that the sign be externally illuminated by goose neck lighting to give a softer appearance. Security lighting before and after hours will allow one light on each side of the building to remain lit but the sign and pole mounted lights will turn off. Alan asked whether the sign would be the same standard sign that they use and Mr. Turner said yes. The pylon sign proposed will be 20 ft. tall and a 50 sq. ft. panel. The building sign allowed and proposed is 40 sq. ft. Dollar General is proposing race way letters as opposed to a solid panel. The vendor is still working out the appearance and materials. Matt Lampron asked whether the lighting would be dark sky compliant. Mr. Turner said they are fully cut off and shielded so they will be dark sky compliant. The sign itself will not be shielded. Getting back to the height of the building Matt wanted to make it clear to the audience that the building will stick above the fence by 6.5 ft. Jim Scrivens asked if the lights will be above the fence as well. Mr. Turner said the pole mounted light labeled "A" will be approximately 6 ft. above the fence.

Building architecture will have a combination of building materials. There will be a canopy that creates the front entrance. The architect is proposing to use a brick banding on the bottom, a glass front entrance and an upper metal paneling in an off white color. That same metal paneling will wrap the building on the sides and rear. There will be race way letters with an interior illumination as well as goose neck lighting fixtures above. Doug Hartford referenced Central NH Regional Planning Commission's note number 13 which states that given the historic nature of the corridor it may be beneficial to consider a building design that fits the corridor's historic properties and more landscaping to break up the facade. He doesn't feel the proposed building looks aesthetically pleasing. Mr. Turner says they originally made provisions for plantings in the front of the building on either side of the front entrance. They aren't proposing trees as their root systems could have a negative impact on the foundation or tall plants that would obstruct lighting. They are however proposing groundcover that will be around 2-3 ft. tall. Discussion ensued regarding potential plantings such as arborvitae and optional building designs. Mr. Turner suggested HardiePlank siding on the front side of the building and faux windows. Matt Lampron suggested creating a gable end over the front entrance. Discussion ensued. Jim Scrivens asked

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whether a wetlands delineation was done. Mr. Turner said yes, no wetlands exist on the lot. Alan Hardy asked about the Fire Chief's recommendation of a fire hydrant. Mr. Turner said they were going to add one to the preference of the Fire Department.

The board reviewed turning exhibits provided. It shows the delivery vehicle arriving from the North or South. The vehicle has to be able to make maneuvers onsite and not in the right of way. The truck cannot cross the double yellow line. The truck must pull in to the site, they are not allowed to back in to the site. Alan Hardy suggested having Underwood Engineers review the storm water, turning exhibits, and lighting plan.

Pro tempore Chairman James Scrivens opened the public hearing and asked for testimony from residents in the audience.

Andy Newcomb, 171 King Street, stepped forward to address the board. He is a direct abutter to the project. He is opposed to the project. He has lived in Boscawen for 11 years. He is impressed with the board's questioning of the applicants so far. He and other abutters attended all of the Zoning Board meetings. He feels the applicant doesn't know the answers to questions asked so they guess at it. There was an ATM listed on the plan and the building will be visible above the fence. They say it's a standard plan. With all the money and resources that go into this application they are not specific to the town. The applicant thinks they can get people to sign off on things. Mr. Turner said you can google anything. He would encourage the board members to go home and google Dollar General. Google their interaction with communities our size. See what their community relations are. This company will do what you ask them to do. He recommends riding up to Bristol to see the new Dollar General there. You don't even know it's there. Bristol shot down a large sign. It isn't a bad looking building. Lighting is an issue and they have been consistently unprepared to discuss it. All the trees will be gone. Traffic and frequency of deliveries have been misrepresented from the beginning. Residents have been asking for a traffic study. There are parking issues now. In this market his home is assessed at \$235,000. He has received different estimates that say he could lose up to ¼ of his property value if this project moves in. It will negatively affect him as a direct abutter. He has no plans to move. Would you want to live next to a Dollar General? The Planning Board can dictate what they want to see. Dollar General wants to be there. They are going to be a busy store. There has been minimal if any public support for this project. He wouldn't mind a Dollar General in town, just not there.

Fordace Pearl, Sr., 3 Acre, stepped forward to address the board. He has concerns over screening for the residential properties in the back of the property. There are no landscape plans that show what type of trees are in the back. There are mature pines so the canopy is high in the air and the homes look down on the property. There are leaf trees that shade the area from April to September but the ordinance says it should be year round. Are we going to protect the residential area behind the new store? There is no fence planned for behind the property. Kids will cut through the property to get down there. He would hope it would be controlled onsite. He also has concerns over trash from the store.

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Elaine Clow, 357 Queen Street, stepped forward to address the board. She is a direct abutter to the project. She is opposed to the project. She says there is an area in front of her property by King Street that gets very wet. Her bedroom window will face the proposed Dollar General. There will be no privacy and her enjoyment of her property will be diminished. There will be trucks coming and going before and after closing. There will be countless residences affected. The store will operate 362 days a year. It will affect the resident's lifestyle. How will the funeral home be impacted with all the cars coming and going from Dollar General?

Bruce Crawford, 357 Queen Street, stepped forward to address the board. He isn't here to say Dollar General shouldn't build in Boscawen. Quite the contrary. If they can find a lot that fits with the surrounding neighborhood without creating traffic problems he feels a Dollar General location could be very successful. Cumberland Farms in Boscawen is one of the highest volume stores in the state. They said the store would generate 10 transactions an hour and have one delivery truck a week. If you read minutes from all over the state that is typically what they say. You also will have Pepsi, Coke, beer companies, and other vendors coming throughout the week. The applicant has submitted turning exhibits for their trucks. It shows the outline of where the tires will go. Specifically in WB 67 arrival from the south: if there are any cars in the front parking lot the truck will be unable to make the maneuvers into the lot or cars will be stuck in the parking lot until the truck leaves. It would take a very skilled driver to make the maneuvers. The Penacook Dollar General store's delivery is Saturday mid-morning when it's busy. It takes an hour to an hour and a half to unload. During delivery time, 12 spaces at the Boscawen store would be unusable. There are limited opportunities to stop at a store along Route 3 or 4 once you get past Boscawen. He did traffic counts at various times at the Penacook location which he shared with the board. He recommends a traffic study by a professional chosen by the Town of Boscawen, Central NH Regional Planning Commission, or NH DOT at the expense of Dollar General. He would like to reserve the right to speak again when various reports come in.

James Scrivens addressed the applicants to see if either had comment. Mr. Turner had a comment relative to traffic. They had done a traffic impact assessment which was filed with their driveway application with DOT. They look at traffic counts based on ITE or Institute of Transportation Engineers as the industry and professional standard. They look at peak hours and assess what the store is expected to generate. Based on the ITE count that is approximately 44 trips. Each trip counts as a car in or a car out. One vehicle is generating two trips. ITE in the state suggests additional assessment is required if the counts are at 100 or greater. They are less than half of that requirement. There is no need to do further traffic impact assessment.

Lorrie Carey, 151 King Street, stepped forward to address the board. She agrees with what Fordace Pearl, Sr. had mentioned previously regarding screening and trash. She lives three houses down from the proposed project. She also lives beside a Sunoco and across the street from a Dunkin Donuts. It is important to protect the neighbors as well as keep trash on the lots where it's generated. She would like the board to consider reinforced sidewalks in the vicinity of

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this project. A lot of residents walk on the sidewalks and there is a lot of degeneration caused by large trucks. There is a cross-walk by the proposed project lot. She would like the board to consider an enhanced sidewalk crossing for safety. She has concerns for snow removal. There is a 43 ft. space that needs to go into a 10ft. area. It could potentially impact the integrity of the fence because of the weight and the need to press it into a contained space. Drainage could be a potential issue that should be investigated further. In terms of aesthetics, Franklin Savings Bank made a building that fits the character of the area. Landscaping serves an important purpose including drainage, screening and curb appeal. She would recommend more landscaping on this property. She recommends a traffic study, not just an assessment. Assessment looks at existing, studies look at projections. If a delivery truck comes north at 7am they will wait in the road to turn because the traffic going south at that time in the morning is excessive. She would suggest a turning lane as well.

Elaine Clow, 357 Queen Street, stepped forward again. These assessments and studies are done by people selected by Dollar General. The town has the right to order studies by people of their choosing at the expense of Dollar General. She urges the Planning Board to do the proper studies that are there to help us.

Paul Matthews, 151 King Street, stepped forward to address the board. The developer's challenge will be snow removal, aesthetics, and parking. They didn't designate landscape in their snow removal areas because they can't afford to lose that space. They can't reduce parking area because they need it for vehicles to turn around. It has been commented before that the property is too small for what they are trying to accomplish. He agrees with Bruce that any Dollar General that goes in on the corridor will be very successful.

Pro tempore Chairman James Scrivens closed the public hearing with no further comment from the audience.

Mr. Scrivens said the public brought up a lot of concerns that they will need more information on in order to make a decision. He suggested contacting Underwood to have them review information. Matt Lampron suggested that the board gather their thoughts and review the information prior to sending to Underwood. The applicant will make revisions within 10 days.

Motion to continue discussion February 7, 2017 at 6:30pm made by Matt Lampron and seconded by Jeff Reardon. All in favor.

Motion to adjourn made by Douglas Hartford and seconded by Jeff Reardon. All in favor. The meeting adjourned at 10:00pm.

Next meeting of the board will be Tuesday, February 7, 2017 at 6:30pm.

Minutes respectfully submitted by Katie Phelps