

Minutes

Planning Board Meeting

January 11, 2018

Members of the Planning Board in attendance were Steve Leighton, Acting Chairman, Don Clifford, Scott Young, and Donald Coker, Alternate member. Noting that the Chairman could not be here this evening, the Acting Chairman opened the meeting at 7:35 PM and announced the members present. The closing date for applications to appear on the agenda for the February 2018 regular meeting was 5 p.m., Tuesday, January 9, 2018. The Chairman advised that the Board has a policy setting time limits for meetings and that the Board will not consider any new business after 10:30 PM and that the meeting will adjourn by 11:00 PM. Don Clifford then made a motion to accept the minutes of the December meeting as presented. Scott Young seconded the motion. There was no further discussion and the vote was unanimous in the affirmative.

The first item of continuing business was the application of CECIL C. ABELS II for Non-Residential Site Plan Review for a Concert and Outdoor Event Venue to be located at his property at 664 First Crown Point Road (Tax Map 19, Lot 73A). Cecil Abels was present for this item. Scott Whitehouse, the Fire Chief and Health Officer was also present. Noting that the application has been accepted as complete, the Acting Chairman asked Mr. Abels if he wanted to go forward this evening, since there are only four Board members available, noting that although four members present is enough to constitute a quorum, Mr. Abels would have the option of postponing discussion until he could be heard by a full five member Board. If he chooses to proceed, the Acting Chairman noted that not having a full five-member Board available this evening would not be grounds for an appeal in the event that the application is denied at this meeting. Mr. Abels advised that he wished to present the revised materials prepared for this meeting, and after a brief discussion of the timetable for plan review, he advised that he would continue the decision clock forward until the next meeting.

Mr. Abels presented a revised site plan narrative and a detail plan for the concert venue and surrounding camping area. He advised Board members that his December plan had included padded numbers for the maximum number of concert attendees, in part because he was trying to plan ahead as suggested by the Board. He advised that the revised plan submitted this evening shows numbers that have been dropped back close to what he originally proposed, and that these are numbers that he is more comfortable with proposing. The new plan shows parking spots scaled at 10 by 20 he noted. The yellow suns on the detail plan indicate lighting, which will be a combination of ground lighting and some lights on poles. As noted on the plan legend, the green areas are designated for tent camping. Mr. Abels directed Board members to a memo received from NH DES regarding the regulations for water and septic for the size/style campground that is proposed. Mr. Abels also submitted a separate detail of the stage area. Donald Coker noted that the DES letter seems to indicate that the state will be okay with a septic hauler for the portable toilets and graywater, but the letter indicates that a well will be needed. Mr. Abels said that DES has told him that his existing dug well will meet the requirements if the water tests okay. Mr. Coker asked how the Board would get the results, and Scott Whitehouse explained the process for approving a public water supply.

Reviewing the revised plans and the list of items previously requested by the Board, Don Clifford said that it seems that Mr. Abels is now applying for a campground with music festivals from time to time, since the proposal is for continuous camping from May to October. He asked how you could build a campground with no showers/bathing areas. Mr. Abels noted that the enclosed campers have little showers, and that the cabin tents will have places for solar showers. There was a general discussion of whether this question was beyond the scope of the Planning Board if not required by the state, although provisions for graywater collection would be needed for the tent platforms. Discussion then turned to access and the emergency exits. Scott Whitehouse agreed with earlier requests from the Board that the emergency exits need to be marked. Mr. Abels advised that the Tottens are working with their attorney regarding the easements to allow the use of the driveway. The detail plan for the stage area confirms that the existing stage is closer to the boundary line than zoning requires for commercial use. Mr. Abels again asked if the stage would be considered a structure. Board members reviewed the definition of a structure under zoning advised that the stage would be considered a structure, and that the setback will be a problem. It was noted that the Board of Adjustment has certain criteria that they must meet in order to grant a variance. Mr. Abels can request a variance from the Zoning Board, or he could consider working out a boundary adjustment with the Tottens as a solution. A lengthy discussion of the situation with the Tottens followed. Don Clifford said that if Mr. Abels must give back the easement for the "emergency access", things are at an impasse, because they must

have the ability to get emergency vehicles in and the ability to evacuate the site. Board members advised Mr. Abels that should there be no agreement with the Tottens regarding using the existing easement across the Tottens' lot for an emergency access road, a full two-lane entrance roadway will be needed. It was noted that the main entrance driveway also crosses land belonging to the Tottens and a legal agreement allowing the use of this land, or a boundary adjustment, will be needed. Steve Leighton noted that an emergency access road must be designed and built to accommodate emergency vehicles. Scott Whitehouse said that a 20 foot traveled way would be needed for the access roadway, and he provided Mr. Abels with required specifications.

Finally, in wrapping up review of the new materials, Mr. Abels asked if letters of support for the project from the Police Chief and the Fire Chief had been added to the file. The Fire Chief's letter was noted and the Board will check on the Police Chief's letter. Returning to the site plan, Board members noted that the requested detail of the intersection with First Crown Point Road is still missing. Finally, the question of decibel levels was noted; speaker positions are shown on the detail sheet for the stage area. Mr. Abels has suggested that he will require that sound not exceed 90db at the boundary line. Mr. Abels had earlier provided a sheet suggesting that a 90db level should not be maintained for more than 2.5 hours. Mr. Abels noted that the music is not continuous and that decibel levels should be based on time weighted averages, so the OSHA numbers aren't appropriate. He said that Prescott Park in Portsmouth is also set to 90db at the boundaries, so he feels that this level is appropriate for his venue.

In closing, Board members urged Mr. Abels to work on the access issue with the Tottens. Further discussion was continued to the February meeting.

Board members then briefly reviewed applications received for the February meeting agenda. There being no other business before the Board, a motion to adjourn the meeting was made and seconded. The vote was unanimous in the affirmative and the meeting adjourned at 9:30 PM.