

Town of Carroll Planning Board

Meeting Minutes

April 1, 2021

7:00 PM

"These minutes of the Town of Carroll Planning Board have been recorded by its Secretary. Though believed to be accurate and correct, they are subject to additions, deletions, and corrections by the Planning Board at its next meeting when the Board votes its final approval of the minutes. They are being made available at this time to conform to the requirements of New Hampshire RSA 91-A:2."

Due to COVID-19/Coronavirus crisis and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04, the Town of Carroll Boards are authorized to meet electronically. The Board will be conducting meetings through the Zoom app.

Planning Board Members Present: Chairperson Alex Foti, Vice Chairperson Mike Finn, Donna Foster, Brian Mycko, Terry Penner, Austin Alvarez

Public Present: Jeremy Oleson, Fire Chief, Imre Szauter, Heather Brown, Holly Benson, Michelle Palys, Kevin Leonard, Principal Engineer, Northpoint Engineering, LLC

Minutes Taken By: Judy Ramsdell

**Item 1: The meeting was called to order by Chairperson Foti at 7:00 p.m.**

Chairperson Foti stated this is the April 1, 2021, meeting of the Town of Carroll Planning Board and pursuant to Executive Order 2020-04, we are conducting this meeting electronically because of the on-going COVID outbreak and to ensure the safety of all participants. He then asked all participating members to state their name and remote location and if anyone else was present at their remote location.

Foti – Home, two kids downstairs

Foster – In a motel room in Avon, Colorado, husband is with her

Penner – Home on earphones, no one is listening

Finn – in Florida, arrived to meeting at 7:05 p.m.

Mycko – home alone

Alvarez – home in the upstairs office, wife is downstairs

Chairperson Foti stated that there is a quorum, and asked for Brian to be activated for the duration of this meeting. He is now a seated member of the board.

**Item 2: Pledge of Allegiance**

**Item 3: Election of Officers**

Chairperson Foti asked if anyone would like to step up and be the Chairperson? Alex said he is happy to continue for another year if so needed. Mike Finn said that he doesn't want to be chairman. If no one else wants to do it, Mike said he will remain as Vice Chairperson.

Terry Penner moved the slate of officers as voiced here be nominated and approved. Donna Foster second. All in favor, no opposed, Alex Foti, Chairperson and Mike Finn, Vice Chairperson approved.

#### **Item 4: Approval of March 4, 2021 Minutes**

Chair Foti said the minutes were recorded very well, and asked if there any edits. Donna Foster made a motion to accept the minutes as presented. Mike Finn second. All in favor, no opposed. The minutes are approved as presented.

**Item 5 – Subdivision & Lot Merger Application submitted by Kevin Leonard of Northpoint Engineering, LLC, on behalf of Pike Industries, Inc. The applicant proposes to merge Map/Lot: 204-005-000-000 and Map/Lot: 204/006-000-000, located at Route 3 North, Twin Mountain, NH and then subdivide 11.11 acre frontage from Lot 5. New lot is located in the southeast corner of Lot, across from Ledoux Drive, Land above the bluff will create buildable area for new lot. Bluff and wetland at bottom of bluff is expected to remain undisturbed. This property is zoned Industrial (IND).**

Chairperson Foti explained that this is a three-part application: a merger of two lots that is followed by a creation of a subdivision from that merged lot and followed by a site plan application for one of these lots. Kevin Leonard will take us through the application, realizing we will just accept the application as complete tonight, and hear the details at this meeting and be ready to approve or not approved at the next meeting.

Kevin said that he was here in the fall for a conceptual. He shared his screen with an overview. The property lots, 5 and 6, are owned by Pike Industries and he is actually working for 3G Eagle, LLC, an organization that has a P&S for an 11-acre parcel on Route 3 on the southeast corner of the property. Kevin showed the town's zoning map and said the gray is the industrial zone and the property we are working with is zoned industrial. The orange is rural and is located across the street and north of the Pike property. There is a corridor running south along Route 3 that is zoned as a residential/business zone and is indicated in a reddish/orange color. Pike's entrance to their pit is up on the north end. Lot 6 is somewhat unusual and has no meaningful purpose. While doing this sub-division and merger we thought we would clean it up and merge lot 6 into the larger parcel. Pike's pit extends down into lot 5. The tracks run along the back of the property and the snowmobile trail goes through the property. He believes the snowmobile trail crosses over to the Patio Motor Court. Lot 5 is the large parcel and lot 6 is the floating piece. The green-piece, which Kevin is calling lot 5-1 for the purpose of discussion, is an 11.11-acre new lot. In the industrial zone the minimum lot size is 4 acres and the minimum frontage is 150 feet. Both the proposed lot and remaining Pike lot, lot 5, are really big lots and well exceed the planning board requirements. There is a wetland by the highway, which is delineated with the blue line on lot 5-1. The contour runs up the gravel pit area, and there is a wetlands complex located in there, and Alder brook runs through there. Red line represents the flood plain. All the proposed activity on a new lot would be up above the bluff so all the land to the south would remain undisturbed. They are planning to put in a new common drive across from Ledoux Drive, and they would give access across the lot to Pike so they would have an access to that property in the back if in the future they decided to do anything. The shared access lines up nicely with the Ledoux Drive intersection. 4.7 acres of land over the bluff would remain an open space. Kevin said that there are three waivers associated with the application.

Chair Foti asked if there any questions on the physical map aspects?

Terry Penner: Who is Kevin representing on this sub-division application and lot line adjustment and are you also representing the potential buyer of this parcel? Kevin replied that is more or less accurate.

He is being paid by the buyer but he has got permission from Larry Major, the real estate manager of Pike Industries, to represent Pike on the application. He expects Larry may be joining us tonight. The application did include an Authorization for Kevin to represent Pike.

Kevin said that he submitted a written waiver request as part of the application. Waiver #1 is we don't need to delineate the wetlands on the entire property. It is known that the area out to the west is wet and the brook goes through there. All of that is below the bluff and there is forest buffer between the pit and the pit is upwind. The lot we are leaving behind is a viable buildable lot. We demonstrated where the wetlands are located on the lot and there is plenty of buildable area. The Pike property is going to end up with 51.89 acres, which some of it is wet, but it is clearly a viable lot. We thought it was reasonable to ask. Alex asked about the criteria and why they were asking for this waiver. Kevin replied that the purpose of what is trying to happen here is the transaction is to sell the land in green, and the buyer is performing the work and based on their experience it is a reasonable request not to have to map the entire property if it is not going to have an impact on what is being proposed. If it was suspect, they would have to do it, but it doesn't seem necessary. Alex said we are bound by statute to what we can and cannot do, and there must be some sort of unreasonable burden for a waiver to be granted. Alex said when he purchased his 32-acre lot and did his development and only built on one-acre of the 32 acres he still had to map all 32 acres. What is the hardship? Kevin said it is the financial hardship. Alex said in his opinion that does not rise to a hardship. Kevin said that is why we are here tonight to talk about these issues. Alex said that there are regulations, and we can only grant waivers if there are certain reasons. It costs too much is not a reason that is really a significant impediment. Kevin said these waivers are granted all the time with other planning boards. Kevin said he is not sure what the benefit is to map the wetlands. Alex said to make sure we follow the state regulations that tell us wetlands cannot be disturbed. Kevin said he has demonstrated where the wetlands is, and all they are doing is a sub-division. Alex said you are telling us you are not doing a wetlands delineation. Kevin said he does have a wetlands delineation. There is a 50- foot buffer, and all the wetlands are below the bluff. Above the blue is upwind and the wetlands is down below. Alex asked if they are saying they have not mapped it, what reassurance do we have the wetlands is where you say it is? We would need a map from a certified surveyor saying that is the case. Kevin thinks Alex misunderstood what he said. The wetlands scientist in Kevin's office delineated with the blue line where the wetlands is. They have mapped it here, and are asking for a waiver to not map the entire remaining piece. Alex asked Kevin to clarify what area they are not mapping. Kevin said they not mapping this area in the back, but everything else is mapped. What is happening with the lot, is indicated with the wetlands marked. Mike Finn asked if this green area they have mapped out off of Route 3 is that the parcel the buyer is considering purchasing? Kevin replied the green area is the parcel they are trying to buy. Mike asked why would he extend beyond the line they are calling the wetlands? Why would they want to go beyond that? Kevin said when the wetlands scientist was out there, this line was not exactly defined yet and he felt he had enough. Mike said if he took the 50-foot buffer, why wouldn't he delineate that and not even bother putting that line for the wetlands. Brian Mycko said it is to get the minimum lot size. Kevin said it is an 11-acre parcel and most of it is upland. Terry Penner asked isn't there a requirement in an industrial zone development that you have so much open space and that is what he is accomplishing by adding that space? Kevin said the waiver is not to map the parcel all the way out back. What they are trying to accomplish is to subdivide out the 11.11-acre piece, which we feel is a viable lot and remaining lot is a viable lot with 52 acres. They didn't believe it was necessary to delineate the

wetlands beyond what they did. Kevin said it is not true that they did not do any wetlands delineation. Chair Foti said it makes a lot more sense now.

Waiver #2 is this is a large tract with a lot of history, and we did not do a boundary survey of the entire rear of the parcel. The surveyor established the front line and the edges so he has confidence in locating the green area. They are seeking a waiver to acknowledge that we haven't shown a boundary in the rear. Alex said that it not changing from what is there currently, and Kevin said that is correct. No questions from the board

Waiver #3 is this is a big property, and the surveyor performed on the ground field topography of the proposed new lot and associated frontage along Route 3 in anticipation of site plan design of the same. The plans use LIDAR available from NH Granit for the remainder of the parent property to provide existing topography conditions. We have blended that to show the remaining topography of the parcel is adequate to demonstrate the conditions out there and has no substantial bearing on the sub-division we are trying to accomplish.

Mike Finn: What is the state involvement in this? Is it more than just the town getting involved in these wetland issues? Kevin said both the proposed lot and the remaining Pike property are both much larger than 5 acres. The State of NH does not require state sub-division approval for acres larger than 5 acres. The sub-division approval is solely from the planning board. We have delineated the wetlands and we are not planning to do anything below the bluff so we are not going to be impacting the wetlands and will not need a wetlands permit. When we get to the site plan application, the development area is going to impact over 100,000 square feet which is the threshold for alteration of terrain so we will need to secure an Alteration of Terrain Permit when we get to that point. This will be pursued down the road.

Kevin said they did test pits in the development area, submitted those with the application. They are what you expect them to be in a gravel pit, gravel and sands. Wanted to make sure there wasn't ledge that would influence construction. Other than that, Kevin doesn't have a lot of additional content.

No further questions on the subdivision/lot merger application? The review by Fire Chief and Road Agent has been requested but not completed. Kevin said he has spoken with the Fire Chief, and he was more concerned with the development and the building. As we move forward with that, Kevin said we will address his concerns. Jeremy Oleson, Fire Chief, said that he has no issues with the merger. It will be with the next section.

Alex said we are just accepting the application, not voting on it. Don't see any other significant waivers.

Austin Alvarez had a question, as he is a new member. Where are we in this overall process? Alex said the process is really two steps. First, we have to review an application and accept it as complete. The acceptance of an application triggers a review of the application. It is technically possible for that review to happen on the same night. We used to do that, but we have stopped doing it in one night. We found that there really is not enough time for the board and the public to digest the information that is presented, and things get approved too quickly and people aren't ready to make a decision. The process is we will accept this application tonight. We are hearing as much information as we can. The board over the next 30 days has the opportunity to review the application and consider applicable regulations. At the next meeting, which is also a public hearing, there is the opportunity for public to comment and

then we will get to a vote whether we approve it or not. Two key things: Acceptance of the application then a vote to approve or not to approve an application.

Alex recommends we move to a motion and vote to accept this application as complete.

Mike Finn made a motion to accept the application as complete. Brian Mycko second. All in favor, no opposed. The motion passes—the application is accepted as complete.

Chairperson Foti said we will enter the public hearing section. Is there any one from the public who would like to weigh in on just the application to create these lots, not talking about the actual development? No public comment. Alex said we can continue this public hearing until the next meeting where we will vote to approve or not approve the application. The date of the next planning board meeting will be May 6<sup>th</sup>.

We will now move on to the third part of the application, which is the site plan.

**Item #6 – Site Plan Application- Submitted by Kevin Leonard of Northpoint Engineering, LLC, on behalf of Pike Industries, Inc. The applicant proposes to pursue a Planned Unit Development (PUD) conditional use permit and acceptance of the concept plan to serve as a schematic master plan of a commercial phased development on the new 11.11 acre frontage lot. The project is looking to bring commerce, job opportunities and tax revenue to the town. Phase One is expected to consist of a middle building site which will consist of 8,464 square foot distribution/warehouse with a small office. Property is located at (proposed new lot) Map/Lot 204-005-001-000, located on Route 3 North, Twin Mountain, NH. This property is zoned Industrial (IND).**

Kevin said this is a site plan application for a Planned Unit Development. We are assuming that this new lot will exist. Kevin said you notice on this that the plans have been shifted so the north is to the right. The floating lot 6 is the Pike property that will be merged into the bigger property so Pike will be the biggest abutter to the west and will own the land to the north. State of NH owns to the south. Variety of abutters across the street. UPS located across the street. The first step in a PUD is to, according to Section 704 of your zoning ordinance, pursue a conditional use permit for a PUD and get acceptance of a conceptual plan to serve as a schematic master plan for a commercial phased development.

We have shown here an overview of a proposed planned unit development. It is a three-phase project. The first phase is to have the middle building built first and other buildings to the north and south will be built based on users and demand that arises. This shows the overall idea and shows the shared driveway for all three building sites, and will serve as the access easement to Pike in the back. The top of the bluff is indicated. Everything we are proposing is above the bluff. The wetlands that were delineated by the wetlands scientist is below the development. This is very similar to what was shown to the board in the fall. These are not absolute final footprints, but we think it is representative of what it will look like. We envision the first phase with the entrance drive and all the pavement around it. This will allow the first building to serve as a distribution/warehouse facility with a small office. The tractor trailers will come in and back into the building where there will be loading docks inside the building and they can transfer goods from one truck to the next and move on. Another phase would be for a user on one side of the middle lot and the other phase would be on the other side.

Alex asked if Kevin had a sense of the purpose for the other two commercial buildings in the future phases might be? Kevin said not for sure. The larger building is geared towards some sort of

distribution/warehouse facility, and we are thinking with overhead doors and potentially a loading dock in the back. If a user came and said I want a small light manufacturing facility to make widgets then that could happen. Not sure, visualize it as commercial, and have circulation. The goal of the master plan is each time we advance an actual development phase we come with a comprehensive design with all the factors of the user, the elevation, drainage, lighting, etc. Kevin wants to reiterate that 3G Eagle, LLC would be building this in Phase 1, and would like to start this year if possible. It is an 8,500 square foot building with distribution/warehouse and small office and staff parking and the current purpose of this building is so the trucks would come in and exchange goods with other trucks and head out. Has a preliminary rendering of the building. Four overhead doors on the back of the building with a loading dock where they would exchange their goods and head out. Mike Finn: From a business plan for the clients, have they identified the type of businesses they are trying to attract or a list of clients who may be interested in this type of property? Is it light industry they are trying to attract or is it a distribution center or a mix? Kevin said he thinks it is a mix. One of the lots is proposed to have bays and you may have someone who owns one or more bays. It could be for office space. The only user they have lined up is Kevin's client, who is ready to do this. This will provide the town with growth. It is zoned industrial, and there is a pretty intense list of what can go there, i.e., medical offices. The thought is it would be light manufacturing/warehouse in one of the buildings or distribution. The other building would have more variety of uses. In Concord a similar development has an electrical supply house, you could have a kennel, dog grooming, could be a plumber, contractor, woodworker or something like that. Alex said we can go through the application line by line. Donna Foster asked about Ledoux Drive and the entrance to this area right across from that. What does the state say about that? Are we going to have put up stop signs? It is making an intersection, not just a road. Kevin said the State of NH actually prefers this, as it is good transportation planning. It is actually easier for people to see each other with the same intersection. It is a good practice to line up intersections. They need to pursue a NH DOT driveway permit. He has spoken to the district engineer about what they are doing and explaining where we want to put the driveway. He was supportive of that and felt it made sense to line it up and didn't have any major concerns. Once we are settled on the layout of what we are doing, the next step will be to work on the 3-D design, grading, drainage, driveway layout, and that is all needed before we submit the driveway permit to NH DOT. Brian Mycko asked if that other driveway sketched in is that the snowmobile crossing? Kevin said it is delineated on the plan. Brian asked if they are going to reroute the trail around the building? Brian said they are having a hard time getting the state to approve any crossings. It has been a two -year process. Kevin said he overlaid the snowmobile map with his plan. Kevin said that this has been a subject from the beginning with Pike and the town and abutters. Kevin said he has gotten calls from homeowners who own the property for the snowmobile trail. They want to keep the trail open and figure out how to route the trail so it can work. Brian said his second option is to go up further, which would be the best and not cross their drive and reuse the existing road crossing. Kevin said it is their intention to be part of the community. We are not trying to create waves with the snowmobile community.

Kevin said we anticipate each of the buildings to have their own septic systems. Those are sketched in where they might be. Also know there is water on Parker Road and they are exploring the option of extending water on Parker Road to bring to the site. Not sure if they will do it on Phase I. There may be a well. The architect who is working on the design of the building thinks the building will be sprinkled and that is a concern of the fire chief. The construction manager is evaluating the cost differential between drilling a well and putting fire pumps in the facility or alternatively bringing that water line

across and serve the building with municipal water. Kevin said that they have spoken with Greg Hogan and Dave Scalley about the idea of extending the water line. It will need to be built to town standards and they will have to work with the state to drill through the right-of-way. Phase I is a financial decision, which way is more viable. Kevin said that we will do code review and meet fire code for all buildings constructed. If we need a sprinkler, we will have a sprinkler. Not sure if this will be with an on-site system or if it will be with municipal water. Mike Finn: On the property with light industry, any consideration of down the road if there are chemicals being used in their process that they are able to adequately process/purify these chemicals to prevent any run-off that would hurt the environment. Is that in the light industry section? Kevin said he can't predict what is going to be there. If this project is of magnitude, that it will require an alteration of terrain permit from NH DES, and that group is concerned with that sort of thing. They are actually called hydro uses. Kevin said as they actually have users, they will be designing the site to meet all town and state standards for their use. That is the best answer he can give us for right now. Mike is wondering if there are things the planning board should be looked at that could be installed in anticipation of that happening? Is doing it after the fact give the town a problem? Kevin said this plan and application is to get the board to accept and like the idea of this Planned Use Development. The purpose of a Planned Used Development is to try to cluster uses together, use common access drives, and try to have a resulting open space and green space as part of the development. This is smart for transportation planning. They like one entrance coming out for all three buildings. Before Kevin can pursue the first phase, they need to approve the bigger idea and agree on the phases. Then they would approve all the technical specificities one phase at a time so they are meeting the needs of that use and all the rules that might apply. Kevin said he envisions a retention pond at the low end of the site, and it makes sense to put a pond in. There are pretty good soils out there. Probably try to plan that pond for future development. One of the things the alternation of terrain permit requires is treatment from run off from pavement and roofs. You plan for the build out. Mike Finn: would Kevin's client have restrictions on what could be stored in these facilities, i.e. chemicals, raw materials, asphalt to zinc? Would the planning board put those restrictions on? Kevin said the board would approve this idea. Kevin said he should have some base lines on the plan with the understanding that a comprehensive design of each phase and intricacies of it would be submitted as a subsequent application for the board's review and all state approvals. If we are advancing a particular use the board has concerns over, it is appropriate to discuss these concerns. Right now, it is premature to guess what those are because we don't know what the uses are at this time.

Donna Foster: In regards to the road, any way you can give us an estimate of what you would consider to be usual truck traffic going in and out for the warehouse and the other buildings on each side? Kevin said they have not done it yet. Not unreasonable for the Board to be asking about that. They could look into a traffic study to come up with that. Donna said we already have UPS with small and large trucks coming in and out of that area on Route 3. Kevin said Route 3 is a pretty substantial highway that is intended is for truck traffic. This is a reasonable request that we could look into and provide to the board.

Kevin said his question now is does more content in the application to get specific about the criteria for a PUD? All of that documentation is in the application. Does it make sense to go through that before we accept the application? Chair Foti suggested we go through the application itself. Alex asked Kevin to take us through the application and go over any items indicated not applicable or any waivers requested.

Kevin said for any criteria in the town's zoning ordinance for a Planned Use Development, he has submitted a project narrative, and on page two of the narrative he outlined the eight criteria and provided a response for each section. He will go through these.

In accordance with Section 704 1.a. of the Zoning Ordinance the following development objectives are supposed to be conveyed by the plan.

#1 – The anticipated distribution of permitted uses on the land to be developed.

Kevin said he wants to point out that you can have different types of planned use developments. Often times you have residential planned use developments where you might have condominiums in one section of the property and single-family homes and apartments. Some of these criteria we are going through are for those types of uses and not so much commercial development uses.

*Approximately 40% of the land on Map 204 Lot 5-1 is south of the top of the bluff and is intended to remain undisturbed and in open space. This is consistent with the spirit of the Industrial Districts open space requirements.*

*Phase I, the middle building site, will be approximately an 8,500 square foot distribution/warehouse facility with small office. The remaining building sites will be occupied by permitted uses in the Industrial District.*

Kevin said that he does not really know the specific uses but you can see the shape and form and layout of the buildings and parking for the other two phases.

#2 – The proposed general layout of major road systems.

*The proposed development will not require the construction of any new roads. The common driveway will remain private and shared by the uses. NH Route 3 is a major roadway corridor and will adequately service the development.*

Alex stated that Kevin said that this shared driveway is going to provide access to the rear of the Pike lot. Kevin said the dashed line on the plan is the easement. From side to side, it will have an easement for Pike if something happens out there down the road. Again, it is good planning to have a common driveway to prevent all kinds of entrances off of Route 3 when you have these types of developments.

#3 – The proposed major common open space systems.

*This project is a Commercial Planned Unit Development not a residential one. That said there is not a need for typical open space uses that you might see in a residential development (i.e., playgrounds, walking trails, parks, etc.)*

That criteria are geared towards a residential development. They are proposing to provide open space as part of the development and replace that open space adjacent to the bluff. That is something you don't want to disturb to cause erosion, and the wetlands complex and adjacent land heading towards the flood plan area down below where Alder Brook is.

#4 – A description of the major water, sewer, and drainage systems.

*Phase I of the development is expected to be served by a private well. Connection to municipal water on Parker Road may be considered in future phases if demand warrants and the Town allows the extension of that time. We may need sprinklers in this building, and we are weighing the financial option of doing that with a private well or municipal water. We do foresee as this builds out, that municipal water may accommodate more users. It will be determined based on numbers and also realizing we can't extend the water main without the Town of Carroll permitting it. Based on our preliminary discussions with Greg and the select board informally, it seems like they would be open to it if it done to their specifications.*

*Onsite septic systems will be designed, permitted, and constructed to meet NHDES regulations.*

*A comprehensive drainage design will be developed which meets NHDES Alteration of Terrain regulations. This will protect abutting properties from being negatively affected by development.*

Mike Finn: How about the water pressure issue? Is it too early to tell? Have you looked at the amount of pressure that will be needed to service these industries? Kevin said the construction manager for Phase I asked Kevin to reach out to Greg Hogan and get a feeling for what we have for pressures in that system. If the pressures weren't high enough, it would be possible that we would need to tie into municipal water and still need a fire pump to get the building to function how it is supposed to function. Greg is trying to connect with water system consultants and get that information. If it is not available, we may try to do a flow test at one of the hydrants. Working on that.

#5 – The topography of the land in intervals of not more than 600 feet per inch.

*A topographic survey of the property has been performed which provides detailed 2-foot contours for the lot. This detailed data will allow us to develop a comprehensive proposed grading plan during final design.*

#6 – A map describing the area to be developed.

*The included Subdivision Plan, PUD Overview Plan, and PUD Concept Plan depict the general intent of the development.*

That is the purpose of this plan showing you the area, natural feature, the wetlands, the bluff, property line, where the entrance is going to be and we believe this satisfies that intent

#7 – A statement establishing the anticipated overall density of dwelling units for the total project.

*This project is not proposing any dwelling units. PUDs are an allowed use in the Industrial Zoning District with a Conditional Use Permit secured from the Planning Board.*

As mentioned, this is a commercial development not a residential development. There isn't really residential density. We are proposing commercial uses. We are giving you a sense of what size those buildings may be, and are trying to have appropriate parking. We believe this is a reasonable layout

#8 – A statement establishing the anticipated percentage of land uses for the total project.

*Approximately 40% of the land on Map 204 Lot 5-1 is south of the top of the bluff and is intended to remain undisturbed and in open space. This is consistent with the spirit of the Industrial Districts open*

*space requirements. The remainder of the property will be a Commercial Planned Unit Development containing uses permitted in the Industrial District.*

Kevin said the only other relevant element is the part of the zoning ordinance that provides PUD dimensional requirements that are allowed to be relaxed if the planning board so allows. So, you will see there is a 100-foot front set back in the industrial zone and part of the application is to request the front setback to be reduced to 80 feet. All of those proposed buildings are closer than the 100 feet, and he has a series of exhibits and discussions to share with the board. Alex asked what setback are they trying to get a waiver from? Kevin said the 100-foot front setback, as the buildings are over that. One is 90.83, and the other two are 80 at the closest point. Alex thinks that would have to go to zoning board. Kevin said you need to review, as it came up at the conceptual meeting as well, page 64 of the town's zoning ordinance. It says in issuing a Conditional Use Permit for a Planned Unit Development, the Planning Board may reduce or waive minimum lot size, minimum setback, maximum percentage of lot coverage and minimum lot width. Chair Foti asked what is the driver to reduce the setback? Kevin said there is a whole set of circumstances why they think it is reasonable. One big driver is when you go back to the zoning districts, gray is industrial and residential business industrial has 100-foot setbacks, residential business, and rural has 40-foot setback so we have 40, 40 and 100. If he was proposing a junkyard or a noisy manufacturing facility or something that was maybe further warranted in a 100-foot buffer, he probably wouldn't be asking for relief but the PUD has specific language that allows the board to consider the uniqueness in the application and reduce that if they feel it is reasonable.

Alex said there are residential units right across the street, you will be having trucks going in and out. Alex said those are not silent. Kevin said they have a large right of way. If we can start looking at existing buildings, dimensions are approximate at this time based on an aerial. The front entrance is about 115 feet, which is over the 100, the Patio Motor Court is pretty close and UPS is 85 feet. He showed photos of those. Brian said even if we do approve that, when they go for their building permit, they will need to go to ZBA for a special exception because it is outside the zoning rules, it is within that 100 feet. Kevin said that is true if the Planning Board doesn't waive the criteria, which is what this application is asking the planning board to do. Brian thinks that is part of zoning. Alex is not sure. He will have to check on that. Kevin referred the board to page 64 of the zoning ordinance in the planning and development criteria. The details of that object are not critical to accepting the application. Alex said we can move on with accepting the application then the question will be if it has to go to zoning or not. It doesn't mean we can't accept the application. Alex said he thinks we can move forward with the application, and that is why we take 30 days to investigate thing and come back with an answer. Donna said we will double check with zoning to see if it needs to go before zoning or not. Donna asked what are they going to plant in the buffer? Kevin said the 100-foot buffer is the area between the road and the buildings. Kevin said we have not really discussed that yet. It could be part of the discussion. We want it to look nice. It would be a planting or try to leave a tree buffer or an alternative would be grass. It is open for discussion. Donna said an abutter sent a letter that had a recommendation of what they would like to see as the buffer. Kevin said that seems like it would be a subject for after the application is accepted. Alex said that would be part of the public discussion. Kevin set that would be it for now without going into further discussion on the building setback. Alex said that we are not prepared to discuss the building setback issue tonight.

Brian Mycko made a motion to accept the application as complete. Mike second. All in favor, no opposed. Motion passes – the application is accepted as complete.

Chair Foti said that we can move into the public hearing section.

Does anyone from the public have anything they would like to bring up in regards to this application?

Jeremy Oleson, Fire Chief, said he did speak briefly with Kevin on water supply and things like that. Jeremy wants the Planning Board to realize the nearest hydrant to this proposed development is just over 1,000 feet away on the other side of Parker Road. If we were to have to lay a line, we would have to go across Route 3, which is not ideal or safe for anybody. Know it is early in the application like Kevin said, but we are not just looking at the buildings when we are looking at fire protection. There could be waste storage, dumpsters, other vehicle outside the envelope of what the buildings would be to mitigate. Jeremy said he would just like that consideration. If there are some alternative ideas they come up, it is definitely up for discussion with North Point or the developers. Jeremy just wants the board to be aware of things like that. They do need water supply at the site. Understand the phasing of the program, but you never know that Phase I might be there for 5 years before Phase II comes on. That is why Jeremy worries about not having it right from the get go. It could take years at the facility until we have that type of water supply. Alex asked about the water supply with the sprinkler system. Are their additional requirements beyond that for the fire staff to hook into or is the sprinkler system deemed sufficient? Jeremy said when they talked about having the building sprinkled, the problem is other systems do fail so you need to have back-ups to water systems so you need to have a secondary and a tertiary or third system. If they go with a well with a sprinkler system and a cistern within the building, fire pumps do fail. There could be outside the envelope of the building, vehicle fires, dumpster fires and for them to have to shuttle water, they don't have the personnel to begin with and to have something like this with potentially higher hazards we really need to look to have things as easy as they can be for fire department. Jeremy understands the cost effectiveness. Just trying to protect the staff who would be responding and the people at these facilities. Chair Foti asked Chief Oleson what would be the ideal solution? Jeremy responded one hydrant at least on that side of the road would be ideal. There are other options that could be out there that could be proposed by North Point or any of the other developers that might be an option. Jeremy said he is not going to design their project for them. That will be up to them to bring forward an option that might be more cost effective for them and satisfy both parties or the town and potential development. That is really the big item, the water.

Chair Foti said he would introduce a letter that was received on March 29<sup>th</sup>. He read the letter from Thomas & Charlene McGee for consideration of the site plan application. This letter is attached and is part of the meeting minutes. Alex said these are certainly valid concerns. What are the intended hours of operation? Kevin said he is not sure. He will get back to us on it. He doesn't think they are going to operate all hours of the night, but he will get an answer for us. Terry Penner said he is curious to know what the hours of operation are for the UPS facility across the street. Alex said that would give us benchmark. Then there is the question of the buffer, which is already stirring public opinion on the matter. Kevin said that this is industrial zoned land, we are proposing allowed uses. 100 foot is a building setback not a buffer. If we can meet the zoning ordinance by putting the buildings at 100 feet, there is no restriction on what is in front of that building. Certainly, going through the sub-division approval and site plan review, we want to have a nice project and are not trying to agitate the abutters. There is no requirement for a 100-foot buffer. Alex said he doesn't fully understand looking at the plan they are quite close to meeting the requirement of the 100 foot, what is the reason for wanting those extra 10 to 20 feet? Kevin said we have big trucks and trying to navigate in there. He said we will have some turning distances for the next meeting. They swing in and try and back in there. He can meet the

zoning ordinance by turning the building around 180 degrees and meet the set back and be doing all this business out front. It wouldn't look as nice for people going by, but it would meet the ordinance. Trying to make a nice project, put the business side of the development in the back. By moving this building forward, it just gives them more room to work. Alex said that makes sense.

There are a number of items that need to be addressed. Alex would like to continue this hearing to the next meeting on May 6<sup>th</sup>.

Terry Penner made a motion to continue this hearing until the next meeting. Donna seconded. All in favor. No opposed. Motion passes to continue this hearing until the next meeting – May 6, 2021.

Terry Penner asked if this falls within the 60-day limit for review? Alex said yes it does. This starts that clock. We have some work to do.

**Item #7 - Follow-Up: Driveway Regulations**

Alex said Dave is not here so we can't hear from the select board. The zoning board has denied for the second time the appeal from the select board. We are done at the local level. If the select board wants to pursue this further, they would have to pursue it at the court level. Not sure if that is what they have done or not or if they have an intention to do that. Alex said we should table this discussion until the next meeting as having Dave present is an important component of that. We need to discuss if we need to clarify this further and if we want to add that to our zoning ordinance. The route of the issue is that it is not part of the zoning ordinance.

No further business.

**Item #8 - Adjourn**

Donna Foster motioned to adjourn the meeting. Brian Mycko seconded. All in favor, no opposed.  
Meeting adjourned at 8:34 p.m.