

**TOWN OF EPSOM
PLANNING BOARD
NOVEMBER 10, 2010**

In Attendance: Philip Demeritt, Chairman; Deirdre Davis, Vice Chairperson; Keith Cota, Selectman's Representative; John Dodge; John Keane; Jay Hickey; Norm Gentry, Alternate

Not in Attendance: Sharon Burnston

Other Attendees: Attorney John Cronin; Ken Smith; Lee Adams; Rick Belanger; Marc Warren; David Fiorentino; Bucky Stiles; Mary Frambach; Donald Wead, Jr.; Nick Wead; Mr. Snedeker

Phil opened the meeting at 6:30 PM.

6:30 PM Administrative Session

a. Minutes

The minutes of October 27, 2010 were reviewed and amended.

Jay motioned to accept the minutes of October 27, 2010 as amended, Keith seconded the motion. The motion passed, John Dodge abstained.

b. Mail

There was no mail to review.

c. Committee Reports

John Keane noted the final draft of the CIP has been made up with copies available next week. The public hearing will be December 8th.

Rick Belanger brought several potential zoning changes to the Board. regarding rental equipment, he suggested drafting something for rental equipment as it is not included in the regulations. The zoning board of Adjustment has created a new zoning check list that has to be approved by the voters. Rick discussed having a change on the Route 28/Route 4 area south of the traffic circle to commercial zoning rather than the current zoning districts. He suggested the area from the Chichester Town Line over to the northern outlet of Elkins Drive. Norm noted an effort by someone attempting to create this type of zoning in the past; the Board would need to address the "box store" type of business also.

Keith clarified the request for rental equipment.

7:04 PM - Public Hearing – Request for Additional Automobiles – Kenneth Smith & Lee Adams d/b/a as Autosmith Car Company – Tax Map U3, Lot 23, 96 Old Turnpike Road

Jay motioned to open the public hearing, John Dodge seconded the motion. The motion passed.

Attorney John Cronin presented the plan and reviewed the letter he had forwarded to the Town and Attorney Soltani's response. He noted the parcel could support additional cars in the sales area to display more vehicles to make the business more viable. Attorney Cronin had letters from abutters in support of the application. They anticipate concerns from an abutter that has concerns with visual aspects; the applicant is willing to install screening (arborvitae) to mitigate the concerns. They are not willing to install a fence along the frontage of the property on Route 4.

Marc Warren, an abutter on Old Turnpike Road, thanked the applicant for meeting with him. The issue is in 10 years Autosmith has been in business the lot has gone through several changes. Mr. Warren wanted to address the commercial change. He is concerned with its impact to his property. He is concerned as he questions if Mr. Smith and Ms. Adams will be the owners in 20 years. He is also concerned with the garage where they store items and what occurs in that area and its affect on his property.

No other abutters desired to speak.

John Keane asked Mr. Smith what he wanted to increase the vehicle count to in the residential area. Mr. Smith wanted to distinguish between the personal vehicles vs. the business cars. He would like to leave the business at 15 vehicles and not have the personal cars counted.

David Fiorentino requested the Board clarify for Jay the difference between the registered cars and business cars. Mr. Warren questioned why the concern with customers at the garage, Mr. Smith would not be bringing customers to the house/garage.

Keith clarified the increase in the number of vehicles (to 76 vehicles) in the lower lot could be achieved by a change in the dimension of the parking spaces. Attorney Cronin noted a salesman brings the car a customer is interested in purchasing to the area of the sales office. Discussion regarding the width of the spaces occurred between Keith and Attorney Cronin. Keith noted 7 feet seemed narrow for a space. Attorney Cronin noted it is not a public parking lot. Keith thought an 8 foot dimension would be more in line. Dee asked the number of vehicles that could fit with 8 foot spaces.

Keith noted in the upper lot Mr. Smith was asking for clarification for the personal vehicles. Keith asked why the need for the additional 5 sales vehicles there. Mr. Smith explained to take the pressure off the Zoning Compliance Officer.

Keith noted the dwelling is a two-family, asking the number of personal vehicles. Mr. Smith noted 4. Keith noted they would have to give consideration to this.

Keith noted Attorney Soltani's response to Attorney Cronin's letter. Keith remembered during the previous meetings the focus of the repairs that would be occurring and the intent. Attorney Cronin discussed the type of light repairs that are being done vs. repairs that are sent to other vendors.

Keith noted Mr. Smith needed a document from the town for permitted uses to obtain State approval for inspections. Mr. Bickford's letter indicated no major repairs would be allowed, only light repairs. Phil noted the Board needed to define what is light and what are heavy repairs and at some time Mr. Smith will need to give the Board a list of what defines light repairs. Attorney Cronin noted he had attached a list to his letter. Mr. Smith noted the original list was submitted with the original site plan to the Planning Board. Attorney Cronin noted the list was requested in 1999. Jay noted in the same previous minutes Mr. Smith indicated no repairs would be occurring on the property. Phil read items from the Zoning Board minutes of April 8, 1999 in which Mr. Smith noted no repairs would occur on the property. Attorney Cronin noted the only repairs are for the sale of the vehicles with no work being done for the public. Jay suggested the Planning Board needed to do a clarification on this.

One of the items Jay wonders about is the repair shop is two-bays, are the BMPs being followed, etc. Keith remembered Mr. Smith indicated at past meetings he would not be changing fluids, etc. but would be going to Mr. Wead's for that type of work. Betsy noted she was Chairman of the Planning Board at the time of the approval and her understanding was the same as Keith's.

Keith noted an 8 foot dimension for the parking spaces would allow for 65 vehicles vs. 76 vehicles. He reiterated a 7 foot width would be very tight. Mr. Smith reiterated at the site walk the members did not indicate an issue with the 7 foot spaces.

Dave Fiorentino repairs parking lots, many lots have 8 foot spaces today. Cars are smaller; there is not a need for 9' X 18' spaces. He stated if you give Mr. Smith more cars than fit then Jay's job will be easy. The cars will not be so close that he cannot get into them.

Keith, as an engineer, noted a disagreement with Mr. Fiorentino. A standard space is 9 feet; he thought 8 foot could be a compromise or 7½ feet, but not 7 feet.

John Keane questioned if any other lots had a vehicle limit, Jay noted this lot had been granted a special exception. Jay noted in the past Mr. Smith had a trial period, Mr. Smith met the conditions during that period. After that time Mr. Smith did not always meet the conditions. The upper area was to be a residence.

Phil reviewed the list of items Mr. Smith had presented to the Board. Mr. Smith noted the exhaust work has never been completed on site. Phil noted a few items on the list he considered heavy repairs. Ms. Adams noted the list has been approved. Phil noted they are asking for a change, they want something and the Board may want something. Attorney Cronin objected to revisiting the list.

Mr. Snedeker suggested a designated area for parking cars rather than counting cars. Norm questioned the environmental concerns, to him adding cars added to that problem. He asked if it was possible to get an environmental impact statement. Mr. Snedeker noted the vehicles are inspected; he could not see those leaking fluids. Dee questioned condition #3; cars being on the asphalt. She is concerned the vehicles are not always completely on the asphalt.

Mr. Smith noted condition #4 with Keith noting they come with a caveat. Keith asked if the list was approved by the Zoning Board or the Planning Board. Betsy noted she did not remember seeing the list. Jay suggested the list be approved if it has not been previously approved.

Attorney Cronin noted they were here to visit the number of cars on the site, not other items. Phil noted the area sales vehicles are parked by the house is not paved.

Attorney Cronin requested three motions and votes from the Board:

1. Parking above
2. Parking below
3. Decision on repairs

Norm noted he has been checking on other Town decisions for definitions of light vs. heavy repairs. He felt we needed more discussion on what a minor vehicle repair is; Norm is concerned with environmental impacts, storage of parts, etc. He is trying to get a sense of minor vehicle repair. Jay noted the issues with the garage are environmental, if you are washing cars and then changing oil, where are the fluids going. They need to go to a recycling center for the oils. There are Best Management Practices to be followed. Mr. Smith noted they do not do any fluid changes, the most they would be doing is a brake job. He does not want contamination on his property.

Keith asked about changing tires. Mr. Smith noted the extra tires come with a vehicle purchased, they do not change tires. Keith noted two items on the list – exhaust and tires are not done. Keith noted when the lot was looked at, the environmental concerns were considered. It was determined the paved area would hold 60 vehicles. The Board could clarify no repairs with hazard fluids, etc. John Keane noted all hazard fluids can be harmful to the environment.

Phil noted when the Planning Board viewed the site someone mentioned putting a plastic chain across the upper area to distinguish from the business cars vs. the personal vehicles. Mr. Smith noted this happens now, he suggested a white line. Phil noted something temporary could be considered. Jay noted a number would be easier.

Mary Frambach is bothered by the statement that he would not have more than 10 cars in that area. Keith noted this is the interpretation given to this Board. He did not think this was the intent; this is what the Board wants to clarify. Keith noted the property has a joint use, vehicle sales and two-family units; Mr. Smith does not have to live there. There needs to be a check on the number of cars, maybe have 10 vehicles unregistered or dealer plates. Maybe keep them in the garage area and keep separate from the residential area.

Mr. Warren thanked the Board for their time. He commented the use on the residential side is becoming too commercial.

Dee asked the number of cars in the upper area to the west of the garage, Mr. Smith noted 10 cars. Dee noted it is unsightly when the cars start to stack up there. Mr. Smith noted he had discussed this with Mr. Warren, a barrier was discussed.

John Dodge asked if there were restrictions at M & M Ford or Tim's. Keith noted there is a record plan for Tim's with locations for the vehicles. Keith noted M & M is an older facility and did not know about their site plan.

Jay motioned to close the public hearing, John Keane seconded the motion. The motion passed.

Phil noted the Board could redefine things to make them clearer. Phil liked Keith's idea of unregistered and dealer plated vehicles. Keith noted this would limit the vehicles to the westerly side of the building. Keith noted these vehicles could be within the area 70 feet westerly from easterly end of the garage bays. Jay assumed the gravel area needed to be paved and the site plan would need to be updated. Dee would like to see some type of screening for this area to not see these cars.

Keith suggested a limit of 10 unregistered vehicles or vehicles with dealer plates to be located on a paved surface 70 feet from the westerly side of the garage bays with appropriate screening from the town road. Mr. Smith wanted to be sure he and his wife could park a vehicle with dealer plates near the house. Keith noted we could note he has five dealer plates with two vehicles with dealer plates could be outside that zone. It would allow an additional 4 vehicles (in the residential area) in the upper area. Jay noted previously trailers and golf carts were counted. Keith noted if they are not registered they would be part of the number.

Parking Above

Phil surveyed the Board regarding the number of cars to be allowed in the upper area, the Board compromised with 12 unregistered vehicles in the repair area on pavement. Two vehicles with dealer plates would be allowed at the residence. Screening would be installed, starting with 6 foot arborvitaes. The screening would be on the westerly side of the westerly driveway for approximately 75 feet.

Jay motioned to modify condition #4 of the October 27, 2004 Planning Board decision to allow the following on the upper area:

- 1. 12 unregistered vehicles or dealer plate vehicles in the repair area on a paved surface 70 feet from the westerly side of the garage bays**
- 2. Two vehicles with dealer plates would be allowed at the residence**
- 3. Screening to consist of a minimum of 6 foot high arborvitaes. The screening would be on the westerly side of the westerly driveway for approximately 75 feet along Old Turnpike Road. The trees should be spaced per County Extension Service recommendations**

John Keane seconded the motion. The motion passed.

Maintenance/Repairs on Vehicles

Phil noted the only vehicles to be inspected are those for sale, not any personal vehicles.

Jay motioned to add condition #9 to the October 27, 2004 PB Minutes to include the following:

Maintenance/repairs to be allowed maintaining Best Management Practices include:

- 1. Detail vehicles, i.e. washing, environmentally friendly detergent, waxing, and vacuum vehicles**
- 2. Light Repairs, i.e. Check and Repair the Following:**
 - Emergency Brake**
 - Brake Pads**
 - Replace Brake Drums**
 - Calipers & Springs**
 - Replace Rotors**
 - Wheel Cylinders**
 - Tie Rods**
 - Ball Joints**
 - Shocks & Springs**
 - All Lights & Bulbs**
 - Horn**
 - Defroster**
 - Mirrors**
 - Windshield & Wipers**
- 3. No outside storage of tires or other automobile parts**
- 4. No hazard fluid replacements are allowed, i.e. oil, transmission fluid, etc.**

John Keane seconded the motion. The motion passed.

Parking Below

Phil polled the Board on the number of vehicles they would like to see in the parking area as follows:

- Keith – go to 7 ½ foot width spaces that would increase to 70 vehicles
- Jay – 65 vehicles
- John Keane – 75 vehicles
- John Dodge – 76 vehicles
- Dee – 75 vehicles

Keith questioned if 75 vehicles are approved would they have to be in designated locations and not in the aisles.

John Keane motioned to allow 75 vehicles in the lower lot with no vehicles parked in any aisle way, updated site plan required to include this and garage repair area, list the light repair items, John Dodge seconded the motion. The motion passed with Jay opposed.

A revised site plan is to be completed and presented to the Planning Board by the December 8, 2010 meeting.

Phil noted he was concerned with contact by applicants asking Board members how things would be going at a meeting. Keith noted any Board member contacted should indicate they have no comment.

Public Hearing – 2010 Master Plan Update

Jay motioned to open the public hearing for the Master Plan, John Keane seconded the motion. The motion passed.

No one commented on the updated Master Plan.

Proposed Zoning Regulation Revisions for 2011

Jay noted the ZBA wanted accessory dwelling units connected by a common wall, not a garage, breezeway, etc. Accessory dwelling also has to be listed in the glossary.

Regarding the rental equipment, Keith recommended changing the wording of accessory uses #5 to include the selling or rental of motorized equipment. Change #2 to include sell or rent, i.e. home equipment, lawn mowers, tillers, log splitter, chipper, furniture.

Jay motioned to close the public hearing on the Master Plan, John Dodge seconded the motion.

Keith motioned to approve the Master Plan as presented, Jay seconded the motion. The motion passed.

Old/New Business

There was no old/new business.

Keith motioned to adjourn, Jay seconded the motion. The motion passed.

Phil adjourned the meeting at 9:30 PM.

Respectfully submitted,

Betsy Bosiak
Recording Secretary