

Approved as Amended: _____

**TOWN OF EPSOM
PLANNING BOARD
AUGUST 10, 2011**

In Attendance: Philip Demeritt, Chairman; John Keane, Vice Chairman; Jay Hickey; Sharon Burnston; Keith Cota, Selectman's Representative; Norm Gentry, Alternate

Not in Attendance: Deirdre Davis; John Dodge

Other Attendees: Rick Belanger; Dave Fiorentino; Dan Houde; Beth Prieto; Donald Champney; Bucky Stiles; Rob Topik; Frank Eaton; Karen Towle; Bill Towle; Attorney Mike Cletella; Attorney Simon Leeming; John Klose; Scott Snedaker; Bridgett Jackson

Phil opened the meeting at 6:30 PM.

6:30 PM - Administrative Session

a. Minutes

The minutes of July 27, 2011 were reviewed and amended.

John K. moved to accept the minutes of July 27, 2011, Jay seconded the motion. The motion passed with one abstention.

b. Mail

Phil noted the cell phone bill was due.

Sharon moved to pay the cell phone bill, Jay seconded the motion. The motion passed.

Committee Reports

There were no committee reports.

**Preliminary Discussion – Concession Vehicle – Jean-Paul Bernier –
Lawderdale Realty Trust (Care Pharmacy - Owner)
Tax Map U 5, Lot 51- 1912 Dover Road**

Mr. Bernier did not appear to discuss his concession vehicle.

**Preliminary Discussion – Site Plan Revision – RV Rental Office & Storage
Facility – Karen Towle - James V. Prieto (Owner)
Tax Map U9, Lot 29 - 1188 Suncook Valley Highway**

Ms. Towle noted they have a commercial site. They would like to service, rent and store at the site. It was noted Tough Times Trading had vacated the site. Keith noted the site plan for previous approvals was to keep the access for the residential area separate from the commercial use.

Mr. Towle noted they had moved to the site last weekend. The sign was discussed. Jay noted he had viewed the site and informed Mr. Towle they had to go before the ZBA for a special exception for rental campers. Jay has also spoken with Mr. Prieto informing him that the business was not permitted.

Mr. Towle noted they are also renting an area behind the Merrimack Valley Church for storage. He indicated their business is done mostly online. Most of the trailers are delivered rather than picked up by clients at the site. Mr. Towle confirmed they are not leasing the residential area, only the commercial area. Mrs. Towle noted they currently own 18 RV's.

Jay noted they are only before the Planning Board for informational purposes; they are going before the ZBA on September 7. Mr. Towle indicated they are asking if they have to return to the Planning Board if only the office is located at this site.

Keith asked if they had to complete a site plan for the area also behind the Church for the storage of the trailers. Mr. Towle did not feel they would need to as the area was previously used for construction equipment storage. Keith noted the Board needed to be sure both sites were in full compliance, not just one. Keith suggested if they are going before the ZBA for the special exception both lots should be included. Mr. Towle noted the Church had told him they did not feel it was a change in use for the storage site. Keith said it comes down to the original approval for that site.

Mr. Towle had the approved site plan for the property at 1188 Suncook Valley Highway. Jay explained what the ZBA would be looking for. Keith noted if there would be units on the 1188 Suncook Valley Highway lot the Planning Board would require a site plan review for the parking of the RV's re the proximity of the river and people being able to maneuver on the lot.

Jay will check the site plan for the Church property to verify the uses for that site.

Mr. Towle noted it is a seasonal business from May to November. They do not have to be concerned with plowing snow.

They will contact Betsy to return to the Board after they have met with the ZBA.

**Preliminary Discussion – Site Plan – 78 White Birch Lane Realty Trust –
Ricky Belanger – Tax Map U3, Lot 17C – 78 White
Birch Lane**

Ricky noted the Board had requested a copy of the report regarding the spill from a roll-off. Betsy noted the Board had copies of the report. Phil had Sharon read the report for the public.

It was noted Phil, Betsy, Jay and John K. had reviewed the site. No one was sure who the Zoning Compliance Officer was at the time the roll-offs came to the property, as it was the early 1990's.

Keith asked what the concerns the Board needed to address, the spill or roll-offs. Phil explained an abutter had complained about the spill and also the location of some of the roll-offs. Rick explained that his engineer, Charles Hirshberg had noted possible locations for the containers were requested by a DES reviewer. It was not a requirement of the permit and does not limit the site placement of the containers.

Rick explained the site plan, etc. for Sharon and Keith's information as they were not present at the previous meeting during the discussion. Rick explained this is not something new; the containers had been in that area for some time.

Keith asked who had rights to the right of way the containers were located on. Rick noted two other people besides his family. Keith asked if there were any limitations on any of the abutters' use of the right of way. Rick explained Mr. Fiorentino had a site plan that showed his access points from the right of way completed in 2008. Betsy noted she had seen trees growing within the right of way between some of the containers.

John K. asked Dave Fiorentino if he understood that the oil spill was a situation for DES. Dave noted he had spoken with DES and all containers were to be no less than 50 feet from the property line to control such situations, he did not have this in writing. Dave read from DES requirements. Keith noted that Dave may be over interpreting the DES requirements.

Sharon asked Dave what his issues were, Dave noted he was protecting his property and his access to the end of his property. Phil reminded people this was a preliminary discussion.

Rick re-explained Dave and Ponderosa's plans to Sharon. Sharon asked Dave what his concerns were. Dave explained the spillage of oil. Keith reiterated to Dave the spillage of oil was a DES issue.

Attorney Simon Leeming explained they had worked with DES and the oil spillage was not an issue. Attorney Leeming has reviewed the language of the right of way and feels as Mr. Fiorentino has access to his property and therefore this is not an issue.

Keith reviewed the plan.

Attorney Cletella, representing Mr. Fiorentino, disagreed with Attorney Leeming's view of the right of way. It was noted that the area was residential with commercial uses. He explained that Dave was concerned with the oil spillage.

Keith understood from the information presented there were containers stored on Mr. Belanger's property line area with the concern being the storage of the units close to the property line and the concern with the potential of contamination. Keith reviewed the regulations to determine if there was anything regarding commercial use of property within a right of way.

Betsy asked Dave if his site plan had been approved by the Planning Board. He indicated it had been approved. She noted that the site plan in the property file had not been signed.

Keith had found information in the Planning Board site plan review regulations regarding a need for a 50 foot buffer for Junkyards from the property line. It was dated in 1991.

Phil felt the Board should consider what it should do from this point. Rick noted he had thought this was something (the 50 foot setback requirement), but it was not in the current Zoning Book. Keith noted this regulation was from the Subdivision Regulations. Keith noted the Board needed to be sure the regulations would be available. He will request the Office Staff to post the Non-Residential Site Plan Requirements on the Web Site.

Phil reiterated this was a preliminary discussion. He is proposing to have Ricky file for a site plan revision with a plan locating all the roll-offs per his discussion with Attorney Soltani. Rick asked how far he had to go to show items on his plan, how complete the plan needed to be and would everyone have the same requirements in Town. Phil noted the Board was as even as they could be for everyone and everyone had to show the location of all items. Rick showed plans with very little on them that had been approved. Rick asked for a letter showing what would have to be shown on the plan. Phil will talk to Attorney Soltani and then forward a letter to Rick.

Keith noted the Board had an approach as to what needed to be done.

Attorney Cletella asked if putting the containers within the 50 foot setback would require further zoning relief. This will be looked into.

Preliminary Discussion – Business Relocation

Bridgett Jackson is attempting to move her beauty salon (Classic U) from the strip mall (U5, Lot 55) to Herb Bartlett's building (U__, Lot ____). She discussed the moving of her sign. Phil questioned the septic. Jay noted Mr. Bartlett should be able to obtain the information regarding the septic system. Keith asked the number of units in the Bartlett building, Ms. Jackson indicated two. It was discussed that Mr. Bartlett would be able to provide the information regarding the septic. It was requested Ms. Jackson return with the information on August 24th. Jay also noted the Fire Department would have to verify the site meets life safety codes.

Preliminary Discussion – Consignment Business – U5, Lot 65 – Goboro Road

Mr. Champney noted he wanted to have a consignment shop at U5-65. Jay noted Mr. Champney has contacted the Fire Department regarding life safety codes for the building. John K. asked the hours; Mr. Champney indicated 11 AM to 7 PM. John K. asked if there was lighting, Mr. Champney noted there was. Mr. Champney would also be having yard sales every weekend during the good weather with no more than three vendors. Phil requested a site plan showing the area of vendor locations, parking, etc. Mr. Champney noted the yard sales would be from 8AM to 2 PM. A letter from the landlord was requested. Mr. Champney will return on August 24th.

Old/New Business

John K. noted Dunkin Donuts came before the Board last meeting. He has viewed the site and feels the revision would be difficult due to the location of the leach field.

Sharon moved to adjourn, John K. seconded the motion. The motion passed.

Phil adjourned the meeting at 8:18 PM.

Respectfully submitted,

Betsy Bosiak
Recording Secretary