

**PLANNING BOARD PUBLIC MEETING
TOWN OF LITCHFIELD**

Held on January 7, 2020

minutes approved on 1/21/2020 as amended

The Litchfield Planning Board held a meeting in the Town Hall conference room, 2 Liberty Way, Litchfield, NH 03052 on Tuesday, January 7, 2020 at 7:00 p.m.

MEMBERS PRESENT: Michael Croteau - Chairman, Kimberly Queenan - Vice-Chairman, Kate Stevens, James Boffetti, Joshua Smith, Ronn Stephens - Alternate, Curtis Sampson - Alternate

MEMBERS ABSENT: Kevin Lynch - Selectmen's Rep., Tony Turecki,

ALSO PRESENT: Joan McKibben (P.B. Admin. Assistant), Jay Minkarah (Executive Director Nashua Regional Planning Commission - NRPC)

CALL TO ORDER

Mr. Croteau called the meeting to order at 7:00 p.m. and led the Board in the Pledge of Allegiance. Roll call of members.

Public Input: No Public input on non-agenda items.

AGENDA ITEMS:

- 1. Home Occupation Bryant and Catharine Morris, 23 Moose Hollow Rd. Photo Studio, map 14 lot 183**
- 2. Amended site plan Theroux Properties Map 20 Lot 29 increase warehouse by 12' map 20 lot 29**
- 3. Mel's Funway Compliance Hearing on plan approved 1/15/19, #40070**
- 4. Mel's Funway proposed amendments to 1/15/19 plan**
- 5. Public hearing Zoning Amendments for March 2020**

Morris Home Occupation 23 Moose Hollow Rd. Photo Studio (7:00 p.m.)

Home owners Bryant and Catharine Morris are present. They have installed a 420 sq. ft. shed at their location. It is serviced with electricity and used for storage, office space, meeting space. The photography business is primarily off site weddings, etc. Prior to Thanksgiving they hold 3 days of photo shoots for charity events, that does create traffic. There has been on street parking.

On average the rest of the year they have clients coming to the home studio once a week or less.

Chairman Croteau reads two letters from abutters. Canberra Village stated they had no issue with the home occupation. Second letter 12/16/19 from Petrino, 24 Moose Hollow, Martel, 25 Moose Hollow, and Morgan 26, Moose Hollow objected to the Home Occupation based on the impact of parking, visual disharmony and road safety. The abutters stated they are concerned with safety in the area and operation of a retail business.

Mr. Morris: We are aware the three charity event days caused parking issues. November is the only volume event with three days in November for charity. We will do parking differently next winter. We have a year to plan we will do a better job. The Morris' also stated they have a lot of family gatherings when cars will park on the street.

Heidi Ames, 21 Moose Hollow has no objection to the business, and no concern with traffic.

Kim Q. reads the ordinance that states no on street parking relating to a home occupation.

Curtis S. feels a few things to remedy the situation, better communication with abutters and better planning.

Jay M. This meets the requirements of the home occupation.

Mr. Morris: "We guarantee clients will park in the driveway"

James B. makes a **MOTION** seconded by Joshua S. to approve the home occupation for Bryant and Catharine Morris 23 Moose Hollow Rd. Motion passes 5-0-0.

Amended site plan Theroux Properties Map 20 Lot 29 increase warehouse by 12' map 20 lot 29 (7:55 p.m.)

Tobin Farwell (Farwell Engineering) and Sylvain Theroux (owner) were present to present the amendment to the previously approved plan (12/19/17)

The plan amendment is to change the proposed warehouse from 80' X 100' to 80' X 112'. To comply with life safety requirements from the fire dept. they will have a two hour rated fire wall between the existing warehouse and the newly constructed warehouse. The new square footage will be 8,960. No increase in impervious area is proposed. The impact fee dollar amount will increase.. It will require a trip back to the Zoning Board because the proposed expansion differs from the plan approved by the Zoning board in 2017.

A **MOTION** to accept the plan for consideration was made by Kim Q, seconded by Kate S. The motion passes 5-0-0.

Mr. Farwell agrees pages 0-1 and C-1 will be amended.
There was no public comment.

A **MOTION** to conditionally approve the amended plan was made by Kate S. and seconded by James B. with the following conditions:

1. Plan references on sheet 1 should be amended to reference the 2017 Site Plan approval
2. Note 16 should be amended to indicate that the total impact fee is now \$9,498
3. The owner's signature is required on sheet 2
4. The building elevations shown on Sheet 3 of 4 of the 9/29/17 plan set and the specifications for the grass swale shown on sheet 4 of 4 of the 9/29/17 plan set remain a part of the approved Site Plan
5. Approval subject to Zoning Board of Adjustment approval of revised plan.

Motion passes 5-0-0

Mel's Funway Compliance Hearing on plan approved 1/15/19, #40070

Present are Andy Prolman, Esq., Owners, Wayne Caufield, and Michael Accomando, Engineer Tucker McCarthy, Keach-Nordstrom Associates.

Chairman Croteau reads the Notice of Decision (NOD) of 1/15/19 for the site plan expansion and lot line adjustments for Mel's Funway.

Chairman states one of the biggest issues was fencing of the carnage haunt, please explain what happened to delay that.

Mr. Prolman runs through the notice of decision and the meeting the applicants had with the fire dept., board of selectmen, and January 7, 2020 from the police dept. discussing pedestrian traffic and traffic flow in general.

The outstanding issues Mr. Prolman mentions are the finishing the sidewalk, siding on the pavillions and the carnage haunt.

The delays with the carnage haunt have been conflicting issues and dealing with four different town building inspectors. Andy did go to a July 16 meeting with one building inspector that wanted a structural engineer to look at the wall. Wayne and Michael did buy 40 twenty foot steel poles for reinforcing the wooden wall around the carnage haunt. Due to delays they didn't get started before they had to have patrons coming in for the Spooky World event.

In the amendment that is next on the agenda the proposal is to take the carnage haunt out entirely and put in something smaller.

Siding on the buildings (pavilions): Mr. Prolman gave the history of the siding on the pavillions. In the next amendment the proposal is to go back to ship lap siding on two of

the three pavilions.

Sidewalk: The sidewalk was a condition subsequent before the certificate of occupancy (%) of the Bumper Boat attraction. The sidewalk is functional but not finished. It was more cost effective for the contractor to come back and do all the sidewalks on the site at once.

Chairman Croteau: We should be told of some of the time delays on the project. We would like to know every month of progress.

Public Input: Rick Charbonneau and Attorney Morgan Hollis representing abutter Jill Charbonneau Revoc. Trust.

Morgan Hollis: Rick sent in a letter to the Board in the fall (11/5/19) regarding some items that have not been completed, that is why they are here this evening.

Our perspective is a little different than the applicants.

In January (2019) we had a meeting with Andy (Atty. Prolman) and understood and agreed to the conditions subsequent due to the financing on the applicants part. But we understood that certain items would be done by the summer, certainly prior to Spooky World opening.

The big three items are the carnage fencing, hayride fence, pavillion enclosures. We had concerns about safety and the need for the sidewalk that were not really tied to the Bumper Boat %. In addition there is offsite parking near the Lazer Plex building and parking on the east side of 3A.

We have a plan they are not in compliance with, you can argue there were no time constraints on the plan. You have to decide are they in compliance with the 2019 plan or not. Morgan strongly recommends the Board put some time constraints on the plan. He suggests if the amended plan never gets approved, then there are still no time constraints. Morgan feels the applicant should have come back to the planning board with the change of barn boards to T1-11 on the pavilions, it should not have been a change with the building inspector.

Rick Charbonneau had some comments regarding the applicants need to comply with the plan that is presented. He feels there are permanent buildings in the hayride that were not on a plan and that the carnage haunt was never on a plan.

9:10 Attorney Prolman takes exception to some of Rick's comments the 2 storage barns on the hayride site had permits. With issue to the barn boards Mike and Wayne went to the building inspector regarding the barn board, they were not sent back to the planning board by the building inspector, that is how the T1-11 got out there.

Attorney Prolman does not disagree with Attorney Hollis' comments. We are trying to address those issues with the amended site plan. Keep the amended plan in context to the compliance issues.

9:13 Chairman Croteau opens comment to the board.

Mr. Croteau comments that the plan was approved (Jan. 2019) with conditions that were not carried out to me that is non-compliance. Irrespective of the building inspector issue with the barn boards vs. T1-11 conditions were made by the board. I feel the applicant didn't meet the conditions as they should have.

James Boffetti: I understand I wasn't here last January. The approval did not contain a deadline. I don't know how we find someone in non-compliance when they didn't have a deadline. As far as the T1-11 they received a building permit they relied on what an official of the town was telling them, that they did not need to go back to the planning board. I think we should have a full vetting of the amended plan, that may clear up some of these issues.

Kate S. They aren't technically in violation. The functional sidewalk was in, safety was addressed.

Discussion continues on siding, carnage haunt, abuttal by Wayne Caufield.

Jay Minkarah: There were some conditions tied to the certificate of occupancy for the Bumper Boats and some were not. The carnage fencing was not. In a Jan. 9, 2019 letter from Attorney Prolman it was stated that improvements were expected to be done by spring. That was a reasonable expectation by the board, although not a firm deadline.

The plan evolved to include Spooky World, you have to look at the totality of circumstances.

Kim Q. states both sides are correct and both are incorrect. We as a Planning Board are placed in a moral dilemma.

9:50 James Boffetti makes a **MOTION** to defer action on the issue of compliance until we review the amended site plan. Seconded by Kate Stevens. Motion passes 5-0-0.

Mel's Funway Park proposed amendments to site plan approved on 1/15/19 to show the following:

- a. **Replace carnage haunt with food service and temporary attraction area,**
- b. **Shiplap siding on pavilions one and two, T1-11 to remain on pavilion three behind the facade,**
- c. **expand kiddie area to allow family gathering area,**
- d. **Show overflow parking, employee parking and storage areas,**
- e. **Minor modification to landscaping and certain construction details**

Attorney Prolman describes the amended plan and hands out a 8 x11 plan to follow his changes. .

The carnage haunt and wall will be removed in its entirety.

Pavilion one and two to have horizontal shiplap siding that will be placed over the

T1-11. Pavilion two will have some more openings in the form of roll up doors in the rear. . Pavilion three has Brigham Manor as a facade and will remain T1-11 in the rear. The family picnic area is an expanded area with picnic tables and temporary tents, not shown on the plan. This is behind the bounce house and kiddie bumper boats. We can show those on the plan if the board requires.

We are showing overflow parking to the south of the lazer plex building, used occasionally, 6-10 times per year. Showing employee only parking across the street. We are showing a slightly larger kiddie go-car track of 55'X46' on the amended plan. Showing a paved area between Mel's building and the batting cage area.

Amending the landscaping plan to move pine trees forward between mini-golf and pavilion one.

On the detail sheet 5 some changes in color of fence (from green to black) and some other fencing changes, internal crosswalk changes to paint. Stockade fence at haunted hayride some minor changes.

There will be food trucks, bar tent, zombie paint-ball in a 40x80 tent. These are items that have been there but now concentrated in one area.

Andy states Staff has suggested a six month approval window. We hope to be done by June 30.

Chairman Croteau questions the finishing sidewalk, Mr. Prolman says the sidewalk is tied to the bumper boat certificate of occupancy. Mr. Prolman: it is the goal to get the bumper boats ASAP.

10:20 A **MOTION** was made by Kim Q. and seconded by James B. to accept the plan for review. Notice has been given to abutters and the public, fees paid, plans submitted.

The motion passes 5-0-0

10:27 public comment on the amended plan

Morgan Hollis: 1. Employee parking on lot 14 should be considered 'new", there is no off site parking allowed under your zoning.

2. Overflow parking near lazer plex show numbers of cars, define how often, where they park more detail how they get there.

3. Family gathering area show max. Number of tents and tables, hours of operation.

4. Removal of carnage, define use of the area, clarify is it only for spooky world, hours of operation should be notated, max. Number of food trucks. Food trucks only related to Spooky World?

5. Porta potty issue where are they/reconsider notes should be some defined in the food area.

6. Zombie paint-ball, seasonal or year round.

7.No defined walkway to food area, no lights shown on the plan.

7. Hours of operation has never been discussed on the new amended plan. How late can they run and loud noises, cannon fired off.
8. Should someone be looking at and evaluating how much parking is needed.

Attorney Prolman: I don't disagree with Attorney Hollis. We hope to come back with more detail. We are not adding anything new.

Hours of operation are on the plan, note 22 on the new plan.

Walkways we can take a look at, plenty of temporary lighting with generators.

Chairman Croteau: When the plan comes back dates and deadlines are going to be important.

Kim questions parking on the east side lot. Atty Prolman: To clarify the employee parking is a separate lot and the house is on its own lot owned by the applicants.

We will have more definition on the plan.

A **MOTION** to continue the hearing on Mel's Funway amendment to February 4, 2020 at 7:00 p.m. was made by James B. and seconded by Kim Q. The motion passes 5-0-0.

Public Hearing for proposed zoning amendments for the March 10, 2020 Town election.

- a. Amend section 310.00 Dimensional Requirements, note 4, to change the square footage for a shed needing to meet the minimum ten (10) foot side and rear setback from 192 square feet to 200 square feet.
- b. Amend zoning sections 603, 703, 803, 953 a-c, 1003 a-c to permit Gasoline Sales, Automobile Service and Repair and Fast Food Restaurants with Take-Out and/or Drive-Through Service by Conditional Use Permit granted by the Planning Board rather than as a Special Exception under the Zoning Board of Adjustment. The standards and requirements for the above businesses will not change.
- c. Amend section 1500.00, Signs, to provide specific requirements for electronic signs
- d. Amend section 1502.02 Design and Lighting
- e. Add a new section 1502.03 Electronic Message Signs

There was no public comment.

Kate S. would like to see lighting addressed on the electronic signs to use correlated color temperature not to exceed 3,000 Kelvin (K).

There is documentation that brighter lighting is disruptive to animal behavior and nocturnal habits of animals.

Jay M. will prepare the wording for the second hearing on electronic signs.

Kate S. makes **MOTION** to amend the electronic signs with the above seconded by Joshua S.. The motion carries 5-0-0.

James and Joshua make a **MOTION** to hold a second public hearing on electronic signs on 1/21/2020. Motion passes 5-0-0.

James B. and Kim Q. make a **MOTION** to send item a. and b. above to the town ballot on March 10, 2020. Motion passes 5-0-0

Motion and duly seconded to adjourn.

Meeting adjourned at 11:07p.m.

Respectfully Submitted

J. McKibben