

**PLANNING BOARD PUBLIC MEETING
TOWN OF LITCHFIELD**

Held on March 3, 2020

minutes approved on 5/19/2020

The Litchfield Planning Board held a meeting in the Town Hall conference room, 2 Liberty Way, Litchfield, NH 03052 on Tuesday, March 3, 2020 at 7:00 p.m.

MEMBERS PRESENT: Mike Croteau - Chairman, Kimberly Queenan - Vice-Chairman, Ronn Stephens – Clerk, Steven Webber – Selectmen’s Rep., Joshua Smith, Curtis Sampson - Alternate

MEMBERS ABSENT: Kevin Lynch – Selectmen’s Rep., Kate Stevens, James Boffetti

ALSO PRESENT: Jay Minkarah (Exec. Director, Nashua Regional Planning Commission - NRPC).

CALL TO ORDER

Chairman Croteau called the meeting to order at 7:00 p.m. and led the Board in the Pledge of Allegiance. Alternate Curtis Sampson was appointed a voting member. Roll call of members.

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

AGENDA ITEMS:

1. **Mel’s Funway Park: Proposed Amendments to the Site Plan approved Jan 15, 2019, to show the following:**
This hearing is continued from Jan 7, 2020 and then continued to Feb 4, 2020.
 - **Replace “Carnage Haunt” with a food service and temporary attraction area,**
 - **Shiplap siding on Pavilions #1 and #2. T1-11 to remain on Pavilion #3 behind the façade.**
 - **Expand Kiddie area to allow family gathering area**
 - **Show overflow parking**
 - **Employee parking and Storage Areas**
 - **Minor modifications to landscaping and certain construction details.**
2. **Mel’s Funway Park: Compliance Review**

1) Mel's Funway Park: Proposed Amendments to the Site Plan

Attorney Andrew Prolman, from Prunier & Prolman, P.A. introduced himself and one of the owners of All things Mel's, Michael Accomando.

Attorney Andrew Prolman highlighted changes done to the plan since last one that was before us.

1. He said they made a number of changes to the NOTES on the drawings.

Note #1: We removed the reference to the employee parking across the street on Map 20 Lot 14. Employee parking is no longer part of the application.

Note #2: We provided some more detail about the operation of the food service and temporary attraction area. Specifically, we are proposing use of the area from Aug 1 to Nov 30th. August 1 to Nov 30th period includes the setup and breakdown, and we specify that that period will include the 22-to-24 days of Spooky World, and the setup and take-down of said event. So, there won't be any events every day beginning August 1st, it is only to allow the setup, and so we were going to have the same 22-to-24 days for Spooky World that we've always had.

Also, in Note#2, we are proposing language for the Zombie Paintball Tent, the Bar Tent, the Food Service Trucks, the picnic tables -- shall be removed from December 1 to July 31st. So, for most of the year, 8 months, it's going to be just an open field, there will be nothing there.

Note #3: There was a question about when we would be using the Merchandise Area in Pavilion #2, and so we specified that. You remember, we are going to have three Pavilions, and each of them have haunts. But the rear portion of Pavilion #2 (the Pavilion in the middle) was going to have a Merchandise Area, to buy your pictures, your tee shirts, hats, etc. We now specify that the Merchandise Area will be used for Spooky World events only. That is, it would not be open any other time during the year -- other than Spooky World nights.

Note #5: We reduced the overflow parking around the Laser Plex building to no more than 50 cars, and we provided a layout. Andy said he would come back to that later in the meeting.

Old Note #6 was removed. This prior note talked about the employees parking across the street. Again, that has been removed from the plan entirely.

Note #23: The middle portion of the notes remain the same. We have 30 sanitary facilities (the porta-potties), are now shown on the plan -- and shall be

located in the approximate areas/locations shown on the plans. So we have laid out a number of places where the porta-potties go, where they have gone in the past. These are approximate areas where the porta potties are going to end-up for the Spooky World events only.

Note #24: We call out eight temporary light fixtures situated around the big lot, Map 20 Lot 17. Then we have an additional three temporary light fixtures across the street on Map 18, the Sand Pit parking lot. The temporary light fixtures are located in front of the lot along the Charles Bancroft Hwy, by the walkway, in the middle of the lot, and by the crosswalk that the police escort people across from the Sand Pit lot to Mel's, and likewise, the Spooky World building.

Note #28: We are keeping the language that was suggested by Mr. Minkarah (NRPC) in where improvements have to be completed prior to the issuance of the Certificate of Occupancy for the Bumper Boat attraction OR by August 31, 2020. We are on schedule for that.

Note #29: Says the same thing as in Note#28. That is, improvements shown on this plan as amended shall be completed not later than August 31, 2020 – exclusive of any appeals.

Now we get into more detail about the specific attractions (Notes #30,31,32,33).

Note #30: The Zombie Paint Ball attraction is an enclosed 40x80 tent where Spooky World guests use paintball guns tethered to tables to shoot live Zombies.

Note #31: The Bar Tent shall provide approximately 10 picnic tables. The Food Service area should provide approximately 10 to 12 picnic tables – those are outdoor. Subject to the approval of the NH Liquor Commission.

Note #32: No bird cannon noise after 10 p.m. All Spooky World ticket booth sales will end at 10 p.m. on a school-nights and 11.00 p.m. on non-school nights. Non-School nights include national holidays, teacher workshops and other scheduled days off.

Note #33: The Bar Tent and Zombie Paint Ball Tent shall be inspected and approved for use by the Litchfield Fire Department prior to use. And again, the Fire Department has been doing that for years anyway, but we are happy to have that note on the plan.

2. As for the Plan:

You can see we have Light Towers throughout the site. We have the Porta-Potties throughout the site. We have additional details when you go to the additional sheets.

SHEET #2: Is the blowup of the main area of Mel's, and we are showing the porta-potty locations, the light towers --- and they are scattered throughout the area.

SHEET #5: a) We have a detail of the Food Truck and Food Service area. Again, we are showing the approximate locations of where the trucks show up. On any given night there could be four, there could be eight trucks -- depending on if it is a Saturday, depending on the weather. But we are showing the approximate locations of where the trucks are going to be. Food areas are really where the picnic tables are laid out. b) You can see the back of the Pavilion #2 is has the Picture and Merchandise Area -- the scare cam. c) We are showing elevations. Pavilion #1, shown on the 6th sheet in our plan, shows how the barn board is going to be installed over the T1-11 that is there now. Pavilion #2, is the last sheet in your plan. Is very similar, but is a little different because the rear of Pavilion #2 has the windows and the garage doors for the Merchandise Area. Those are the substantive changes to the plan.

3. We have been through J. Minkarah's Staff Report.

We have no issues with it -- and we have no issues with the conditions of approval.

4. But we do have one last thing.

You can see on SHEET 5, on the detail showing the overflow parking area: Pretend that that's not there, because we are going to remove that overflow parking entirely from the plan. Talking with Attorney Hollis earlier today, we have come to an agreement that we are going to remove that entirely, and we are going to make the parking work as is. We may have to do overflow parking across the street on the Sand Pit Lot, and if we do, we will work that out with the Police Department. So, we are not presenting the overflow parking that is shown in this plan as part of this application. We are going to remove that, so that is not part of the plan, that stays as is -- a grassy area like it is today.

Unless the Planning Board has any questions, it was really more of a plan cleanup matter more than anything else.

Michael C. asked if the Board had any other questions for the applicant.

Question 1. Joshua S. inquired about the overflow parking, and how Jay M. had mentioned it in our staff report.

Andrew P. said it was a little awkward because Lou Caron (Town Consulting Engineer) suggested "why don't you show how the parking lays out." So we did. We showed how parking could conventionally lay out, but on kind of a grass area. Then Jay's comment

was very fair, saying “well, it is grass – so you don’t really have exact parking striping – and that is not how it is going to function.” But then again, talking further with Attorney Hollis today, we just came to the decision let’s just pull it off the plan all together. We’ll figure out the parking. We may park across the street. So, we are going to remove that portion of the application.

Joshua S. inquired: So, there is potential cause for more parking across the street then?
Andrew P. responded: That’s true. But again, don’t forget, it is not a lot and we use that anyway for Spooky World events – and if it is during the course of the summer, we have a beautiful Saturday, and you get a lot of events, we would do what Mel’s has always done, which is to call the Police Department and say we are going to need some crossing supervision. Which they have always done for years.

Question 2. Michael C. asked, in terms of the lighting, is it going to be something that meets the site plan regulations?

Andrew P.: It is the same lighting that Mel’s has been using for Spooky World events for the past twelve years. You have those temporary generators at the base. They go up 15-to-20 ft high, and they are directed away from any neighbors -- out onto the fields and out onto the Spooky World areas. Again, we have not done any light studies or an illumination analysis – but they are the same ones that have been used for years.

Michael C. asked if the they were noted on the plan.

Andrew P.: Not as an illustration in the plan but just in the NOTES we speak to the “temporary light fixtures”.

Matt Peterson from Keach Nordstrom Assoc. pointed out on the Sheets where they were located.

Question 3. Michael C. asked, in terms of landscaping, is there going to be any additional landscaping?

Andrew P.: The primary landscape is shown on SHEET 4. If you recall, we had an initial landscaping plan that was design to screen the Carnage area. So we kept that same amount of landscaping, the same trees and the same bushes, but we moved them forward in between the existing mini golf and then the -- you can see Pavilion #1 and the Kiddie Area. But the amount of landscaping hasn’t changed, but it is just where the location of where we are going to be putting trees.

Question 4. Michael C. stated Kate Stevens is not here. On March 2, 2020, she sent an email asking if the temporary lighting met the lighting requirements of the Town, to limit glare and light pollution?

Andrew P. said his answer is the same. We have not done a light study. They are the same lights we have used for years. We could add a little diagram to show what the temporary light fixtures look like, but we are showing the locations and have the NOTE, but I can't tell you if it specifically meets the code. But again, they are temporary just for the Spooky World nights.

Question 5. Ronn S. said you mentioned 30 porta-potties, and they are going to be moved accordingly. Are there always going to be 30?

Andrew P. said that during the setup, the porta-potties are brought in, plopped down onto the ground, and they stay there for the entire term of Spooky World. Once they are on the ground, they don't change until they are gone. As opposed to the Food Trucks that come and go depending on a Thursday night vs. Saturday.

S.Webber stated he believed the note said no less than 30.

Andrew P. responded: Right.

Question 6. Michael C. asked Jay M. if he had anything to comment?

Jay M. said not a lot additional to add. It does seem as though a lot of the changes have been made that were in response comments that came at the prior hearings, or responses to staff comments, and board comments. Obviously noting the changes that were proposed this evening: a) Removing the overflow parking takes care of one of my outstanding concerns. b) Adding the additional page with the Pavilion #2 descriptions takes care of another one of the outstanding concerns. But no additional comments.

Question 7. Michael C. asked Andrew P. if there was anything else?

Andrew P.: No. That is it for now.

Michael C. said if the Board does not have any further questions, he would open it up to public comment.

No Board had no further questions.

Now Open to Public Comment:

Morgan Hollis, an Attorney at Gottesman & Hollis in Nashua approached to comment. He said he was here representing Jill Charbonneau Trustee of the Jill Charbonneau Revocable Trust. He said that with him this evening is Rick Charbonneau, as we have been through this process.

Morgan Hollis stated he was happy to say that with the subtraction of the overflow parking, we're happy with the plan. It's been a nice haul and we are happy that it is over. So, as long as that is removed, we are happy with it. We leave the rest of it to you.

There were no more members of the public who wanted to comment.

Michael C. asked if the Board had any further questions for the applicant.
No Board had no further questions.

Michael C. asked what's the Board's position? Do we want to conditionally approve these amendments?

Kim Q. makes a MOTION seconded by Steven W. to conditionally approve the amendments to the site-plan:

a. Remove overflow parking from the site-plan.

b. Revision of Site-Plan:

Note #1: Remove reference to the employee parking across the street on Map 20 Lot 14. Employee parking is no longer part of the application.

Note #2: For Food Service and Temporary attractions, add dates for Spooky World, and dates for when attractions will be removed.

Note #3: Add wording that the three Pavilions are for Spooky World only, and that Pavilion #2 provides a Picture and Merchandise area.

Old Note #6: was removed, which described employees parking across the street. (That has been removed from the plan entirely).

Note #23: The 30 Porta-Potties should be shown on the plan in approximate areas for Spooky World events only.

Note #24: Add wording describing the temporary light fixtures, such as where they are located for lighting for: lots on the Charles Bancroft Hwy, by the walkway, by the crosswalk, etc.

Note #28: Add language that improvements (4-ft wide asphalt sidewalk is required) have to be completed prior to issuance of the Certificate of Occupancy of the Bumper Boat attractions OR by August 31, 2020 – or sooner.

Note #29: Add language that improvements have to be completed prior to August 31, 2020 (exclusive of any appeals of the approval).

Note #30: The Zombie Paint Ball Tent should be clarified on the plan.

Note #32: No Bird Cannon noise after 10 p.m.

Note #33: The Zombie Paint Ball and Bar Tents shall be inspected and approved for use by the Litchfield Fire Department prior to use.

c. To show Barnboard installed for Pavilion #2.

d. Requesting the Light Towers to be shown on the plan as to the approximate area they are located.

- e. Note #26: Hours of operation should be noted on the plan for Spooky World and Mel's.**
- f. All State Permits have been approved.**
- g. Plan copies with professional seals and signatures.**
- h. Original Mylar with profession seals and signatures.**
- i. All fees paid, and escrow maintained as required.**

Joshua S. had one point of discussion: He asked the applicant that if there are changes to the site plan, to come back to the Planning Board – and do not just go through the inspector.

MOTION carries 6-0-0.

2) Mel's Funway Park: Compliance Review.

Michael C. said we have done the amendment to the site plan. Now we need to go back to the compliance issue. We need to vote tonight on what we are going to do about compliance. It has been stated tonight, and I know that Jay M. has recommended that a date of August 31, 2020 to have everything completed for the applicant – to complete everything. So perhaps our first meeting we have in September, we would have a compliance review to make sure that the applicant is compliant with the amendments that have been made tonight and with the plan.

So, I would entertain a motion to have compliance on this specific site plan be on or before August 31, 2020, with a review date of September 1, 2020, to review it for compliance.

Steven W. makes a MOTION seconded by Joshua S. to have compliance on this specific site plan be on or before August 31, 2020, with a review date of September 1, 2020, to review it for compliance. MOTION carries 6-0-0.

Michael C. summarized that we should have a compliance review on September 1, 2020. Everything should be done by August 31, 2020 or before that. He asked the applicant if they could provide an update to either Jay M. or to him, to make sure that everything is being complied with.

Andrew P. asked Michael C. that if the Building Inspector tells you that we are in compliance with the plan prior to, can we cancel that hearing in September?

Michael C. replied that for this particular case we will schedule the hearing for review of compliance on September 1, 2020. He said that if the Building Inspector wants to do a report beforehand, and submit it to the Board at the September 1, 2020 meeting – to say “that you are in compliance, everything is all set, it is all good, wonderful” that is fine.

Andrew P. said we will try to get something to you. That would make the most sense. Michael C. said that way we know and all we are all on notice that at least you completed what you had to do.

Committee Reports

Kim Q.: 1) The Heritage Commission meets March 10, 2020 at 7pm in the Town Hall, unless cancelled due Town Voting Day 7am-7pm. 2) The quarterly meeting of the Nashua Regional Planning Commission meets March 18, 2020 at 30 Temple Street in Nashua at 7 pm.

Michael C.: 1) Lower Merrimack River Local Advisory Committee is not meeting next month. 2) CIP (Capital Improvements Plan) meets Monday March 9, 2020. He will keep the Planning Board updated.

Jay M.: 1) The 2020 NRPC Annual Forum is hosting an event called "Fostering Entrepreneurship in the Nashua Region" at LaBelle Winery in Amherst on Thursday April 9, 2020. 2) 26th Annual Planning and Zoning Conference is on Saturday, May 30, 2020, at the Grappone Conference Center in Concord, NH. This annual NRPC workshop reviews Land-Use Law and is good for Planning Board members.

Approve the Feb. 18, 2020 minutes

Kim Q. made a MOTION to approve the February 18, 2020 minutes as written. Curtis S. seconds the motion. MOTION carries 3-0-3. (Joshua S., Ronn S., and Steven W. abstained).

Any other Business:

None.

A MOTION to adjourn was made by Steven W., seconded by Joshua S. MOTION carries 6-0-0. Meeting adjourned at 7:40 p.m.

Respectfully submitted
K. Queenan