

Town of Albany, New Hampshire  
Planning Board Monthly Meeting Minutes  
Wednesday, August 14, 2013 7:00 P.M.

Next Meeting - Monday, September 9, 2013 7:00 P.M.

The Planning Board Public Hearing Meeting was held at the Albany Town Hall.

Present: Chairperson Josephine Howland, Vice Chairperson Mike Helmers; Tara Taylor, Adrian Simons, Peter Carbone, Alternate Voting Member; David Maudsley, Technical Advisor; Selectmen Representative Jack Rose, , Alternate; Joe Ferris, Alternate; Theresa Ann Gallagher, Recording Secretary

Absent: Matt Parker, Alternate

Also attending were Todd Provencher, Paul Olson

Chairperson Josephine Howland called the Planning Board Public Hearing to order at 7:00 P.M.

Approval of the Agenda: Chairperson Josephine Howland asked for a motion to approve the proposed agenda for the August 14, 2013 Planning Board meeting. Tara Taylor made a motion to accept the agenda as submitted; seconded by Selectmen Representative Jack Rose. Chairperson Josephine Howland asked if there were any addition or changes; Peter Carboni said he would like to add "property signs" and "Tin Mountain building permit". Chairperson Josephine Howland suggested making it item #3 and asked all those in favor of accepting the agenda as amended signify it by saying "Aye". All were in favor. None opposed.

Chairperson Josephine Howland made a motion for future meetings to add to the agenda "Report from the Code enforcement Officer"; seconded by Vice Chairperson Mike Helmers. All were in favor.

Public Comment:

Todd Provencher presented a driveway permit from the state of New Hampshire to the Planning Board. His house is on a State road, so the State of NH has jurisdiction over the driveway. The driveway will be 20 feet wide, 25 feet deep and an apron on each side of the driveway. Todd said he will have to pay someone to do the driveway. He will bring in the driveway permit for Kathy Vizard to make a copy for the Planning Board and also for the Board of Selectmen. The Site Plan Review approval is only for the sale of firewood; Todd will have to go before the Board of Selectmen to get the sign permit approved. Todd Provencher brought up the topic of starting a small engine repair shop. The Planning Board asked if it is going to be in the garage, which is paved and he said yes. Mike Helmers handed him some information from P-2 (Advisory Board in the State that works with small businesses who do automotive activities); when working with engines, their advice is to use the Identification Program and also the Certification Program. The Planning Board advised Todd to be involved in the Certification Program; small generator category is 220 lbs. of material or less each month; if Todd is not in that category than he is over that category, which means he is a generator. The Town of Albany doesn't want to deal with underground plumes (underground contamination aquifer). Todd Provencher should comply with the Small Quantity Generator

Volunteer Compliance Program. Todd said he tried to do that, but Christy Farrell told him he does not need to self-certify because he will not generate enough hazardous waste; she said if he needs to get rid of his hazardous waste, he should file as a temporary waste generator, a 30 day permit. That will allow him to get rid of his waste. It appears he is not getting consistent information from the State. Mike Helmers made a recommendation that if Todd is going to do this work, he does it on a pervious surface, and if Todd is going to generate any waste at all, he is compliant with the voluntary program. Todd is not planning to change oil, but will be doing brake linings. He has to deal with containment. Todd said he already cleans up hazardous waste at his job, so he knows what it involves. The Planning Board asked Todd Provencher to get a letter from the State of New Hampshire stating that they are waiving his responsibility for the hazardous waste. The garage is grandfathered as a residential garage; however, the Planning Board said if it becomes an auto repair garage, it is not grandfathered. The Planning Board stated that the self-certification program still applies in this situation. Mike Helmers talked to Jeff\_\_\_\_\_. David Maudsley also suggested that in this situation a full Site Plan Review needs to be presented to the Planning Board, with a survey map drawn by a licensed engineer. Todd told the Planning Board that about 8 years ago he came before them to discuss opening a small auto repair shop; they told him, since he is not changing anything on his property, he just needs to bring in a hand drawn map. Then Todd Provencher read the minutes from the last Planning Board meeting. He said the 75 feet does not apply because his building was already there. The Planning Board reminded him that for an auto repair business, a full Site Plan Review will be needed. Todd insisted that 8 or 9 years ago he was told different. Todd asked if he could use the Tax Assessment maps; the Planning Board told him no, they are not drawn to scale. The Planning Board reminded Todd that the Town Ordinance states that for a home business only 25% of the property can be used for the business; the Planning Board needs to see that drawn to scale showing the building that will be used. Todd Provencher said he already has to pay \$5,000 for the driveway for the campfire wood. Now he has to pay more for the full Site Plan Review. The Planning Board told Todd that when he first came to the Planning Board he only mentioned “campfire wood” for the business; but on his application it stated “campfire wood and auto repair shop by appointment only”, which the Planning Board was not aware of until it appeared in the Public Hearing announcement. Thus it was addressed at the Public Hearing meeting. A question came up about having 2 businesses on one property; the campfire wood retail business is considered a home business, but the auto repair would be a commercial business. Todd will have to present to the Planning Board 1) the letter from the State saying he is waived from the self-certification program and the responsibility regarding safety and hazardous waste, and 2) he will need to have a licensed engineer draw a plot plan of his property. Two businesses on one property may be confusing to passing vehicles, and could cause safety problems. Todd already has conditional approval to sell the campfire wood after the driveway is put in.

Paul Olson spoke about his business and the letter he received from the Town of Albany selling sheds. Paul has a permit for selling motorcycles on his property; he asked why he needs a permit to sell portable garages on his property. Paul stated that the garages are accessories for the motorcycles. When he came before the Planning Board 16 years ago he asked for a permit to have a retail business. He said he has been selling the accessory garages for years. David Maudsley recommended that the business is owned by the same person, and the sheds (accessory garages) are related to the business. The display of the shed is a signage, and that is the issue. David Maudsley recommended that if Paul Olson started to sell something totally different from the original retail, then it may generate a different traffic pattern. What is sold within the confines of the building is one thing, but when it is put outside it can be an issue; they can be blown away. Selectmen Representative Jack Rose asked about the setback, but it is not an issue. Since the accessory garage goes with the business and does not raise any concerns of the Planning Board with regards to matters

of a Site Plan Review, then it is allowed. Selectmen Representative Jack Rose brought up the issue of safety; he asked if there is a “no stopping” sign; Paul Olson said he did have one a month ago, but people still do not pay attention to it. The Planning Board suggested putting a sign there stating “Do not park here”. The Planning Board reminded Paul that if the business expands then Paul Olson will have to come back before the Planning Board. Tara Taylor made a motion to accept the accessory garages as a part of the motorcycle business, providing they do not cause a traffic safety hazard; seconded by Selectmen Representative Jack Rose; all were in favor.

Joe Ferris suggested hiring a Safety Officer for the Town of Albany.

Public Comment closed at 8:25 PM.

Peter Carbone, Code Enforcement Officer, reported that a sign was installed on a property in Albany, which is owned by a person living in Ossipee. There is no permit. A letter was sent to the owner, and he filled out an application. The house is being rented to a different person. The sign installed is for someone who lives in Conway; the sign is for his business. The issue is that the business is not being done out of the house; that makes it a bill board, which is not allowed. The Planning Board agreed that the sign has to be removed. The Sign Ordinance indicates that it is a non-conforming sign, free standing, and shall be taxed as structures when applicable. It is only allowed for 30 days. The sign does not follow the Town of Albany Ordinance. The signage is a primary sign and should be associated with a business on the premises. It has to be removed.

Peter Carbone reported that the septic plans for Tin Mountain Conservation Center have been approved, and the building application is in; he has copies of both. Peter does not have a copy of the building plans. The well line has to be moved before they put up the building.

Approval of the Minutes: Chairperson Josephine Howland asked for a motion to accept the minutes from the July 10, 2013 Planning Board meeting; Selectmen Representative Jack Rose made a motion to accept the minutes from July 10, 2013 meeting; seconded by Tara Taylor. Chairperson Josephine Howland asked if there are any errors or omissions. David Maudsley made a correction on page 5, top line – the mobile trailers to be used as classrooms are not “substandard”; they are “certified for classroom use”. Page 1, second line from the bottom, “the building at Tin Mountain is a special exception”, not “an egress”; Page 2, “EPA” should be “DES”. Selectmen Representative Jack Rose made a motion to accept the minutes from July 10, 2013 meeting as amended; seconded by Tara Taylor. Chairperson Josephine Howland asked all those in favor of accepting the amended minutes of the July 10, 2013 meeting, signify it by saying "Aye". All were in favor.

Chairman’s Report: The Town of Albany made a 1 year contract with a person to do haying on land owned by the Town, but that has not happened. The Town is working on a proposal to get several farmers to do farming on that land. Joe Ferris suggested getting the land cut this year, otherwise the overgrowth will create a challenge for next year. Suzanne Brown already cut half the property, and will cut the rest of the land by October. The Farm Plan is being worked on by the Town of Albany

Selectmen’s Report: Sara Young Knox resigned, and so Jack Rose is the full representative of the Board of Selectmen for the Planning Board. At the Board of Selectmen’s meeting Rob Nadler has been nominated and appointed as the Selectmen to fill Sara’s term. Also, the Conservation Commission is requesting to have an ordinance against overnight camping and campfires on the Town of Albany property. The Ordinance was pursued in accordance with the State RSA and will be posted on the property only after it is approved at a Public Hearing, which will be held next Wednesday.

Mike Helmers does a lot of travel for his business during the week; he has asked that the Planning Board change the meeting from Wednesday to Monday evening. Jack Rose made a motion to change the Planning Board meeting night from Wednesday to Monday; seconded by Tara Taylor. All were in favor. Theresa Gallagher will post a notice in the Conway Daily Sun.

Correspondence: Land Use Regulation Update needs to be reviewed; it's a survey that needs to be completed and missing information added. Chairperson Josephine Howland will complete the survey and send it back.

Adrian Simons asked about the Goldman's property; the road is completed. They had conditional approval and inspections have been done right along. They do not have to come before the Planning Board again.

Chairperson Josephine Howland asked what ordinances will go before the Town next year; the same ones that were voted on last year, plus any others that need to be addressed.

Adrian Simons suggested working on regulations for outside displays, regarding square footage and yardage.

If someone comes before the Planning Board and states that they received approval years ago, then they have to present the decision in writing; also the current ordinances have to applied to the situation when changes are involved.

Adjournment: Chairperson Josephine Howland asked for a motion to adjourn the meeting at 9:02 P.M. A motion was made by Adrian Simons to adjourn the Planning Board Meeting at 9:02 P.M.; seconded by Tara Taylor. Passed unanimously.

Respectfully submitted,

*Theresa Ann Gallagher*

Recording Secretary