

**Present:** Robert Frizzell, Chair; Steven Neill, ex-officio; Sharon Francis, Vice Chair; Douglas Neill; Rosie Smith-Hull; Dick Lincourt; Terry Spilsbury

**Alternates present:** Patty Chaffee

**Staff present:** Steven Schneider; Sarah Davis, Secretary

Call to order and seating of alternates: Mr. Frizzell called the meeting to order at 7pm.

Approval of minutes of 8th August, Sharon Francis moved approval, Rosie Smith-Hull seconded. Amendments by Mr. Lincourt, p.1 7<sup>th</sup> line from the end: "requirement to show on site water disposal" should state "waste water"; p. 2 5<sup>th</sup> line from the end change "compiled" to complied; p.3 3<sup>rd</sup> paragraph, 3<sup>rd</sup> line remove the word "being". Mr. Spilsbury p.1 3<sup>rd</sup> paragraph, 3<sup>rd</sup> line remove the word "it"; p.1, paragraph 4 change "seeing no answer" to neither was preferred so Ms. Francis identified Steven Schneider as the mediator on this.; p.2, paragraph 3, line 16 change "portion" piece.

Mr. Frizzell called for a vote to accept the minutes, all in favor minutes approved. Mr. Frizzell and Mr. Douglas Neill abstained as they were not present at the meeting.

**Site plan review - Nickerson - 24 Baldwin Court; residential addition.**

Mr. Frizzell requested confirmation that everyone has been notified, Steven Schneider replied in the affirmative. Ms. Chaffee asked for a copy of the original site plan and accompanying documentation. Ms. Chaffee spoke to the original plan possibly having notes which should be referred to. Mrs. Smith-Hull queried the payment of fees of \$130 when there are only 12 abutters, Mrs. Nickerson confirmed a notification was sent to herself as well as to the abutters. Ms. Francis confirmed that Ms. Chaffee raises a valid concern on the plans. Steven Schneider provided a copy of the original plans from 2004, signed: approved as submitted. Steven Schneider read out the original approval letter. The only alteration to the plan is the change being proposed. Mr. Frizzell called for comments.

~~Motion by Ms. Francis: final approval of Mrs. Nickerson's amendment to the site plan for the Baldwin Court facility specifically an addition to her property that would provide living quarters as well as storage. Seconded by Mrs. Smith-Hull.~~ Mr. Steve Neill commented that the amended plan does not meet planning regulation 5.7.3 section O as the development exceeds the 50% rule by 2% (51.986%) and asked if the plan should be referred to the zba for a variance, Mr. Frizzell stated the alternative of making an exception, Mrs. Smith-Hull asked if the board can do this. A discussion ensued regarding exceptions to this rule such as Dollar General however this was after significant financial investment and a stone water installation underground. Mr. Douglas Neill asked if there are any catch basins on the Nickerson property at present, Mrs. Nickerson confirmed that there are 4 dry wells on the property, additional water disbursement was added to the property as the water was coming off the street and flooding the property, these are included in the presented plans. Mr. Frizzell posed the question if the plans should be sent for a zoning board waiver. Mr. Lincourt confirmed that this is not zoning but town site plan rules so a waiver can be granted, Steven Schneider confirmed that there is provision for a waiver. Mr. Frizzell asked Mrs. Nickerson if there has been a water problem whilst the property has been in place, Mrs. Nickerson answered in the negative. Mr. Lincourt asked Mrs. Nickerson if the property is lower than neighboring properties, Mrs. Nickerson confirmed that it is. Mr. Lincourt further commented that any water problem would be the Nickerson's and Mrs. Nickerson agreed. Mr. Lincourt asked if a driveway is to be added to the western edge of the property, Mrs. Nickerson replied in the negative. Steven Schneider located a different plan with different figures, 47.9 versus 48.5 percent. Mr. Steven Neill confirmed he does not have a problem but this issue needs to be addressed correctly. Tom Cobb commented through the chair that the town had to put a catch basin in front of the property last

year as the water was pooling in the road, Mrs. Nickerson confirmed that this was down the street from her and that it was bad. Mr. Frizzell spoke to a dry well being put in Mrs. Nickerson confirmed that there is no issue now. Mr. Frizzell further commented as to whether the development will adversely affect the water situation on the property.

Ms. Francis spoke to amending the motion for final approval, a discussion ensued and Ms. Francis withdrew her motion and Mrs. Smith Hill withdrew her second.

Mr. Lincourt asked about having a motion regarding a waiver on the impervious surface before granting final approval, Ms. Francis commented that the waiver can be included in the motion, Mr. Douglas Neill asked about the completeness motion first before the waiver. Steven Schneider clarified the issues and sequence.

**Motion by Ms. Francis:** that the board accept the application as complete including the following waiver: 5.7.30 of the Charlestown Site Plan Regulations that a lot should not exceed 50% of impervious surface. Seconded by Mr. Steve Neill.

Mrs. Chaffee asked if the specific amount should be noted, Steven Schneider confirmed that this is not necessary as any further development, increase to the impervious surface has to come back before the planning board.

Ms. Francis confirmed that she does not see the waiver request in the application, the board confirmed that this is their waiver.

**Motion by Mr. Lincourt:** to amend the motion to include a limit of 53% impervious surface, seconded by Mrs. Smith-Hull, all in favor, motion carried.

**Motion by Mr. Frizzell:** for completeness. Mr. Steve Neill requested confirmation that the existing driveway will be used, Mrs. Nickerson replied in the affirmative, seconded by Mr. Steve Neill, all in favor, motion carried.

**Motion by Ms. Francis:** moved final approval for Mrs. Nickerson's proposed site plan at Baldwin Court including the waiver for the amount of coverage approved in the amendment, seconded by Mr. Steve Neill, all in favor, motion carried.

#### **Site plan review: T Cobb Services LLC - 200 Main Street; Tech and Hobby.**

Mr. Frizzell asked Steven Schneider if the application is complete, Steven Schneider confirmed that nothing appeared to be missing. Mr. Frizzell asked for questions from the board. Mr. Frizzell commented on the hours of operation being 5am to 9pm Ms. Chaffee confirmed that the premises could be open 24 hours technically, Mr. Lincourt clarified that this is a 7 day operation. Tom Cobb apologized for not including 7 days a week. Ms. Francis asked about the 1st page of the application which states that there will be up to 5 people employed in the next 3 but only 2 people will be working at any one time. Mr. Joel Cobb confirmed that there will be 2 parking spaces for employees. Mr. Frizzell asked for the figure for parking spaces for this business. Mr. Joel Cobb confirmed that there will be shared parking for the businesses with sufficient parking for customers. Tom Cobb confirmed that the parking is shared, with employee parking and first come first served for customers. Ms. Chaffee asked for confirmation of the number of spaces per business. Tom Cobb confirmed that 2 spaces will be marked as handicapped. Ms. Smith-Hull commented on the 2 hour parking, Tom Cobb confirmed that this will be state authorized. Tom Cobb confirmed that the deeds reads that they own up to the westerly edge of Main Street with the State and the Town having a right of way and there will be grass strip and a small fruit tree or similar and a loading zone as this will allow a green strip and allow for through traffic as is the case at present. Mr.s Chaffee reposed the question parking, Mr. Frizzell requested that Ms. Chaffee record parking allotments in the plans. Mr. Spilsbury made the request that all 3 applications be opened up simultaneously as discussed at the previous meeting and confirmed that he would not be willing to vote on one without having all applications open. Ms. Francis confirmed that this is essential. Mr. Frizzell

asked about implications for future businesses, Mr. Spilsbury confirmed that any future businesses would take into account any existing uses and would be reviewed together.

**Motion by Mr. Lincourt** that the board approve the application of T Cobb Services for Tech and Hobby, minor site plan review application as complete, seconded by Mr. Spilsbury. Ms. Francis opposed the motion.

Ms. Francis questioned the hours of operation, specifically the 9pm to 5am by appointment which she finds this loose ended. Mr. Frizzell spoke to this being a separate discussion.

**Motion carried 6 to 1, Ms. Francis objecting.**

Mr. Frizzell asked how the other 2 applications are to be opened. Steven Schneider confirmed that the other 2 applications are similar, the same level of detail and the same application.

**Motion by Mrs. Smith-Hull** that the board accept the application for Fresh Fades barber shop as presented as complete, seconded by Mr. Steven Neill. Mr. Lincourt stated that the application does not mention the number of employees, Tom Cobb confirmed that the application should state "up to 4 employees". Ms. Chaffee questioned who is making the application as the application is by T. Cobb Services and the applicant name is Samantha Darrell. Tom Cobb clarified that the application is being made by T Cobb Services and Samantha Darrell has signed the application. Aare Ilves asked questions on the parking area and the boundaries which was confirmed as an approval issue which will be addressed later. Further question was asked about the property line which Tom Cobb confirmed as the westerly edge of Main Street. Mr. Lincourt asked that the number of employees be considered as added, all agreed.

All in favor, motion for completeness carried.

**Site plan review: T Cobb Services LLC - 200 Main Street; walk-in restaurant. Tom Cobb confirmed that this business will have up to 4 employees.**

Mr. Lincourt asked for confirmation of the applicant, Tom Cobb confirmed that their LLC includes property management and includes the planning application service on behalf of the tenants.

**Motion by Mrs. Smith-Hull** to accept the application on Foodies for completion, seconded by Mr. Spilsbury, all in favor, motion approved.

For all 3 applications:

Ms. Francis asked for Mr. Steve Neill's understanding of the ownership line, her understanding is that the state has 33 feet from the center line and the town has 33 feet beyond the state's line and there is no documentation she requested clarification on this. Mr. Steven Neill replied that he did not feel able to reply on this, the town has always maintained right of way from the side walk towards the state right of way and then the state right of way is from there into Main Street. Mr. Frizzell commented that this is known as the town green. Mr. Steven Neill confirmed that the width on Main Street varies. Tom Cobb confirmed that he had spoken to Art Grenier and also the DOT: the state has a right of way and the town has a right of way, in the driveway there is a sewer line, a forced main and a water line, the town's 3 lines overlay into the State right of way and then the State has a tie-in to the town right of way so the town and the state both have a right of way. Tom Cobb further clarified that he asked for confirmation from the state as to how many properties on Main Street own up to, are deeded up to, the white line and the figure is less than half. It is because the property is so old. Ms Francis confirmed that Tom Cobb was speaking to sub-surface right of way, her understanding is that the town has a surface right of way and asked The Cobbs if they have a legal reason for thinking that as property owner they have a right to

determine the use of this specific 33 feet. Tom Cobb replied in the affirmative and clarified that there is a difference between an easement and a right of way which leads to issues and there cannot be a change without mutual agreement. Ms. Francis confirmed that this is a subject that the board may want to come back to. Mr. Spilsbury spoke to there being a possibility that a conclusion might not be reached at this meeting. Mr. Frizzell commented that the discussion is on the strip of land which is currently town parking. Mr. Spilsbury confirmed this understanding as correct and further commented that it is unclear at this point what assumptions can be made as to the applicant's ability to assume how this land can be used in the way of parking. Tom Cobb commented that the applications were submitted on their own merit based on the previously approved site plan with their intentions included ie come back and deal with the site plan at a later date as they do not have time to deal with them at this point and cordially asked that the 13 parking spots that are on site be used to discuss the applications before them. Mrs. Chaffee spoke to previous discussions on parking. Mr. Spilsbury spoke to the previous discussion on the application and information on the intensity of use being unavailable until this point. In May, it was specifically anticipated that the specific uses would need to be reviewed when the information became available and suggested the discussion happen now.

Mr. Spilsbury read out the site plan regulation 5.7.7c p.29, specifically off street parking areas and posed the questions as to whether 13 spaces will fully accommodate the businesses. Ms. Chaffee confirmed 8 employee parking spaces, customers per hour is 21. Discussion ensued and parking spaces and uses for each of the businesses. Joel Cobb confirmed the food business is looking for the majority of customers to be take-out. Mrs. Smith-Hull questioned the number of parking spaces, the application states 13 and there appears to be only 12 on the plan. Joel Cobb moved to Mrs. Smith-Hull and illustrated the 13<sup>th</sup> space on the plan. Ms. Chaffee confirmed the number of parking spaces required at any one moment is 8 for employees and 5 for customers. Tom Cobb commented that when the Cobbs were reading the regulations they did not see anything about specific parking for customers and that if the application I to be turned down for customer parking deficiency then the application should be rejected now so that the property can be sold. Ms. Smith Hull referred to off-site parking, Main Street, the old Select Men's offices. Mr. Frizzell spoke to their being town parking, as the adjacent business uses when they have a requirement for a large amount of parking spaces. Ms spoke to her thoughts about the on-site parking and it appears that there is more control over employee parking than customer parking, looking to alternate parking for employees would assist with parking spaces. Ms. Francis asked for the number of parking spaces at the Bakery Building, are there any spots there that could be identified as parking for the 2 business' employees. Mr. Frizzell spoke to Jiffy Mart having an agreement with the Sumner House for employee parking. Ms. Chaffee spoke to the businesses having sufficient spaces in accordance with the planning regulations. Tom Cobb spoke to the Master Plan for the town and having referred to this. A personal preference is to having the employees parking on site and let the rest work itself out, Tom Cobb confirmed that they want to be a benefit to town. Mr. Spilsbury asked for the actual dimensions of each parking space. Joel Cobb spoke to there being compact spaces, the sizes peak to the sizes being options available and Mr. Spilsbury spoke to larger vehicles and the board needing to now the sizes of the spaces. Tom Cobb pointed out spaces on the plan which will be the larger spaces. Mr. Spilsbury spoke to a second point in the ordinance 5.7.7.7J and specifically the size required for spaces, will there be sufficient space for 13 parking spaces? Mr. Spilsbury spoke to standards for different parking spaces, the typical standard is either 9 by 18 or 9 by 20 with 24 feet for turning. The decision to turn this into 3 units and potentially 4 businesses, 10 to 13 employees plus 2 handicapped spaces, it would appear that parking is maxed out before customers are considered. Mr.s Smith-Hull spoke to the parking spaces being standard sizes, the sizes on the property are small. Tom Cobb spoke to needing to request a waiver and referenced ASHRAE regulations (The American Society of Heating, Refrigerating and Air-Conditioning Engineers), when laying out the space the spaces were angled to allow more space and

there are currently 3 businesses. Mr. Frizzell spoke to understanding the reason for the 4 businesses and that this is a space that has been empty for some time and that he believes leeway should be given. Mr. Spilsbury expressed his sincere sympathy with the applicants but there is a difference in customers for each business, specifically the food business, the plans should be requested to be drawn to scale, the ingress and egress..... it could get worse. Tom Cobb replied that the board has made it very clear that the businesses would need to come back for changes. Steven Schneider clarified the number of employees for the business and they not all being on site at the same time, Mr. Spilsbury clarified that he is seeing the correct number. Tom Cobb spoke to him being out of money from funding the business and asked if a waiver could be granted as he cannot afford to pay somebody to redo the plans. Changes have been made to appease the board such as reducing the number of businesses and making the ingress and egress one way. Judy Baraly spoke to almost every business in town needing to close down if the parking regulations are enforced, businesses share available parking, people are willing to walk across town. The town office spaces are not to code, the spaces are narrow with no radius for turning; the Jiffy Mart parking spaces are narrow. Nancy Houghton confirmed 100% agreement with Judy Baraly's comments, the parking situation at Jiffy Mart is ridiculous. The other point is that we want small businesses to come into town and we nitpick small details and this would not encourage new business into town. Mr. Frizzell pointed out to Mr. Spilsbury that the size is an ideal, Mr. Spilsbury confirmed the size is a minimum and confirmed that the ordinance is a law, what are we here for? Mr. Spilsbury agreed with the point about encouraging small businesses to town but resents the inference that a planning board member applying ordinances is nitpicking, his wife will not park at the town office because of issues with doors. Judy Baraly asked if their property can be used as a precedence. Mr. Spilsbury spoke to not wanting to attend this meeting as he has opinions that should be expressed. Mr. Spilsbury spoke to not being able to park more than 9 cars on the lot. Tom Cobb spoke to zone B business 8.5.4 section e which is what they used for their application. Ms. Francis spoke to the planning board being an elected board and having sworn an oath to uphold the law and asked for officials not to be mocked for reading out ordinances. Ms. Francis referred to the 1980s and a survey on congestion in town, the response rate was 70% and the biggest issue was finding parking in town and a change being requested, a business moved out of town to address their parking issue. Aare Ilves spoke to the parking spaces going to the edge of the sidewalk. Tom Cobb spoke to the parking spaces being angled and reducing the distance from the deck. Aare Ilves asked about there being sufficient space between the deck and the end of the parking spaces and the Cobbs confirmed that there is. The long terms plan is for the parking lot to be asphalted and lines painted, the land is currently recycled asphalt. Rosie Smith-Hull spoke to current customers of Fresh Fades being able to park at the business on gravel.

Mr. Frizzell posed the question to how to proceed.

Mr. Lincourt spoke to it being clear that the parking is insufficient to meet the town regulations and possibly not the zoning regulations and asked if the application should be approved in the knowledge that there is plenty of parking in town, he is unsure as to how he should vote and if this application being approved is a slippery slope. Mr. Spilsbury asked the question of the Cobbs if the applications for Fresh Fades and Tech and Hobby be approved and withhold final action on the Foodies application until further information is available and businesses are established. The only issue the Cobbs see is that the notice has already been submitted and paid for. The Cobbs confirmed agreement and Mr. Spilsbury further spoke to not wanting to hold up the businesses. Steven Schneider confirmed that the application has been confirmed as complete and referred to the regulation RSA 676:41F spoke to the timeline being 65 days and agreement being required from both sides. Mr. Frizzell spoke to not seeing the benefit of holding back the third approval. Mr. Spilsbury clarified that looking at the applications for Fresh Fades and Tech and Hobby as established businesses but the Foodies Business is yet to be established. Judy Baraly spoke to parking spaces, Patty Chaffee clarified that the Cobbs were speaking to zoning

regulations and Mr. Spilsbury was speaking to town ordinance. Tom Cobb clarified the Foodies applicant is seriously looking at financing and needs to know if he has a business location and looking at funding for the next 18 to 24 months to be signed on imminently. Tom Cobb asked Patty Chaffee about zoning and planning board ordinance and what takes precedence. Patty Chaffee commented that the site plan bible for the planning board is not a suggestion and feels that the Cobbs have it covered but would like to make sure that the parking space sizes meet the site plan regulations. Aare Ilves spoke to the marking of the parking spaces on blue stone but the parking will be tarred and will take paint. Mr. Spilsbury spoke to the discussion centering on what can be accommodated on site and using overflow parking, he is seeing a qualitative difference between Tech and Hobby and the barber shop having relatively light traffic versus the food business potentially having heavy traffic. Mr. Steve Neill spoke to having a pharmacy on Main Street in the past with 3 parking spaces at the side of the building which were essentially employee parking; the building was allowed to be eliminated to allow the building to expand to the limit of their site, there is now no on-site parking for employees, "we are between a rock and a hard place" the business is needed and this is not uncharted territory. Mr. Frizzell asked Ms Francis for comment. Ms Francis spoke to the initial conversation being about parking but there are 2 or 3 other areas for consideration. The hours of operation: Foodies is looking to be open until 1am, there needs to be an explanation as to why the business is looking to be open until this time. Also, signage, it is important that tenants come before the board with their appropriate signage for approval. Further, will the Foodie business be attracting business with sound meaning that the neighborhood will need to be considered: Tom Cobb spoke to the business wanting to be open until 1am without using sound, the reason for the 1am time is for preparation, they do not plan on being open passed 9pm but they will be on site and take advantage of passing trade if it is there. There is a plan for tickets to be offered for high end meals one or twice a month when the other businesses will be closed. Ms. Smith-Hull asked about the opening hours of the Sumner house and if they are open until 1am. Ms. Chaffee spoke to last call being midnight but technically it could be 1am. Tom Cobb spoke to noise being reduced at 10pm but there is no official ordinance. Ms. Francis spoke to there being a 70 decibel limit for new business. Mr. Frizzell spoke to the times of the other businesses, The Hobby Shop is looking to be open by appointment all night, Joel Cobb spoke to having a 24 hour business and for example when printing t-shirts if a customer wants to collect at 3am they are looking to have that option to accommodate customers.

Mr. Frizzell asked for any other concerns other than parking. Tom Cobb spoke to signage and that each sign has to come before the board, this was not done because of all the information being processed at this time, there is a separate fee and this will be covered separately. Signage will be something like Dan's. Mr. Spilsbury clarified the site plan approved in the meeting of May 21st stipulated sign specifications.

Mr. Lincourt asked about the food facilities at the building, Tom Cobb spoke to the air conditioning unit currently on the roof being removed and replaced with a hood, Tom Cobb confirmed that he does not want anything obtrusive and everything will be to state standards and stainless steel. Mr. Lincourt confirmed his concerns as noise and the Fire Department looking at the equipment and installation. Tom Cobb confirmed that he is in contact with the Fire Department and everything will be to code. Mr. Lincourt asked about music and that there should be a requirement that there're should be no outside music for example Sunday services at St Luke's. Tom Cobb confirmed that he would like to refer to the site plan regulations and the 75 decibel limit. Mr. Spilsbury asked for the dimensions of the deck, these are 12 by 16 and built to commercial standards.

Mr. Frizzell asked what the board wants to do about parking, regulation spaces with overflow or smaller cramped spaces. Ms. Francis spoke to the Cobbs being gifted and being able to do a scale drawing with the amount of the property etc. and legal sized parking spaces. Mr. Spilsbury spoke to wanting to see

the number of 9 by 18 spaces and then take the application from there, he confirmed that he is happy to approve the 2 applications Fresh Fades and Tech and Hobby tonight and leave Foodies for separate consideration. Mr. Frizzell spoke to not wanting them to lose a customer after they already lost one due to something he said and he feels bad about this. Mr. Steve Neill asked about the division of the businesses and the drawing not being to scale, Tom Cobb confirmed that the drawing is not to scale because he does not have the program. Ms. Chaffee asked if the drawing could be turned in afterwards so that it is in the file. Ms. Francis asked the applicants to confirm that Tech and Hobby has 2 units currently, Fresh Fades has 1, Foodies will have the space to the North end. Mr. Spilsbury asked where deliveries will occur, is there a dedicated space? Tom Cobb spoke to wanting to use the area between the side walk and main Street parking as a pick-up drop off area as discussed earlier. Ms. Francis spoke to needing a scaled drawing to show all the different areas delineated. Tom Cobb moved to Ms. Francis and illustrated the different areas on her copy of the plan. Tom Cobb spoke to Ralph's having used the area they have designated for their deliveries and it is used as a spot for other businesses in town to improve the current situation. Tom Cobb spoke to the flower box that used to be outside of Jiffy Mart and there still being sufficient space. Mr. Douglas Neill asked the Cobbs if they are opposed to the 9x8 spaces, Tom Cobb confirmed that there is no issue with this although they would prefer to not have to have these. Mr. Douglas Neill confirmed that per the site plan regulations ....alternative plans may be considered. Tom Cobb confirmed that the intention is to move things around to fit the site. Tom Cobb spoke to ASHRAE standards which are an overall US safety standard.

Ms Francis spoke to loose ends and reiterated the need for a plan to scale with the items discussed at the meeting with employee parking clearly identified, her concern now is that someone in the future trying to establish what has been approved would have something which is far from an ideal. Everyone knows and acknowledges that there is a congestion issue which everyone wants to minimize and would like to hear from the applicants on any alternative parking options: Tom Cobb spoke to the descriptions having everything to a t and read through the description and stated that he is happy to provide a plan to scale but everything has been addressed as requested in the site plans. Ms. Francis confirmed she has stated what is required. Mr. Spilsbury spoke to confirm agreement with Ms. Francis.

Mr. Frizzell asked if there will be a motion or if the applications will be put off for 2 weeks.

Joel Cobb confirmed that he has walked town and noted 90 municipal parking spaces with few used at 4pm and spoke to not understanding why there is a reluctance for this being used. Mr. Frizzell spoke to the issue being parking space size in the lot. Mr. Lincourt spoke to knowing only 3 businesses in town which do not use public parking and asked if the plan to scale is required as a condition.

Mr. Spilsbury confirmed that there is a strong desire to approve and that the board is trying to accommodate the applicants but realistically the number of spaces is reduced from those stated, he spoke further to the food business being a use which is more problematic in terms of traffic domination and this business being harder to approve. Mr. Frizzell spoke to not knowing about the food business until it operates. Tom Cobb spoke to the 9x18 not being in the zoning rules and asked if the board will allow the Cobbs to alter parking to be to code. Mr. Frizzell asked about parking spaces being different sizes allocated to different types of cars. Mr. Steven Neill spoke to the original site plan having an allowance for up to 2 cars being available for sale on the lot. The Cobbs confirmed that this will not be an economic business option if the occupancy is full.

Mr. Frizzell called for a motion.

**Motion by Mr. Lincourt:** to approve the site plan application of T Cobb Services LLC Tech and Hobby waiving the parking requirements of 5.7.7c1 subject to the following conditions: that the applicant add the days of operation to the application and provide a scaled drawing to show the property out to Main Street to the best of their ability. Mr. Frizzell added: showing parking spaces at 9x18 to scale, seconded

by Mr. Douglas Neill. Mr. Spilsbury clarified that the waiver applies to provision for parking and not space sizes. All in favor, application approved

**Motion by Mr. Lincourt:** to approve the site plan application of Fresh Fades Barber Shop subject to the condition that the number of employees is added to the application, granting a waiver of 5.7.7c1 and that they provide a drawing to scale of the entire property up to Main Street showing 9x18 spaces. Seconded by Mr. Douglas Neill. All in favor, approved.

**Motion by Mr. Douglas Neill:** to accept the site plan application from T Cobb Services LLC Tech for Foodies for up to 4 employees with the same conditions as stated for the previous 2 motions, seconded by Mrs. Smith-Hull. Question from Mr. Lincourt on limited indoor seating, the Cobbs confirmed that seating will be less than 15 which is size 1 per NH regulations and the Fire Department. Charlie Baraly added that an umbrella outside will be covered by this as well as this is all state regulated.

**Mr. Frizzell called for a vote:**

3 in favor, 4 opposed, motion rejected.

Ms. Francis, Mr. Spilsbury, Mr. Lincourt and Mr. Steve Neill opposed.

Mr. Steve Neill confirmed the reason for his objection is the noise of the exhaust fan and a limit on the noise not being a condition. Tom Cobb confirmed that everything going into the property is state of the art and whisper quiet and will conform to the ordinance.

Ms. Francis is apprehensive about a parking congestion situation and would like to see a revised drawing and evaluate what to expect in terms of parking for the Foodie business, also signs indicating customer parking instead of shuffling cars around to be fair to both customers and the business person.

Mr. Lincourt confirmed his concern is more information on the nature of the business, grab and go - what does this mean? Tom Cobb confirmed that this is 5 minutes, pre-prepared food to be selected and taken by customers such as Whelen employees.

Mr. Spilsbury confirmed his reasons overlap mostly with Ms Francis and Mr. Lincourt and that the Foodie business is the one that has the potential to get out of hand with the volume of customers and turnover of traffic, he is trying to pin down what the type of business this is.

Tom Cobb asked if anyone had read the information. Mr. Spilsbury asked for the question to be withdrawn as it is insulting. Tom Cobb stated that he felt targeted due to the way the applications have been processed in the meeting, there is no good reason to deny this application and everything possible has been done to make this a viable application. Mr. Spilsbury asked if he really felt targeted after 2 applications have been approved.

Steven Schneider confirmed that if the application is continued then it has to be considered within 2 weeks.

~~**Motion by Ms. Francis** to continue consideration of the application from T Cobb LLC for the Foodie business pending responses to the issues raised to the next meeting seconded by Mr. Douglas Neill~~

Mr. Spilsbury commented that he was reluctant to vote as he felt the board didn't needed to go to a final disposition and asked if he had the ability to move a motion to reconsider as a board member who vote against. Steven Schneider confirmed that this is an option.

**Motion by Mr. Spilsbury:** to reconsider and continue the application to the next meeting on 17th August. Ms. Francis withdrew her motion. Seconded by Mrs. Smith-Hull. A discussion ensued on the meaning of the motion and whether specifics need to be added. Steve Schneider confirmed that this application is being reconsidered at the next meeting. Mr. Spilsbury confirmed that the only person who



can make this motion is someone who voted against. Ms Chaffee asked for confirmation that the conditions will apply, Steven Schneider confirmed that the application is being reconsidered in full at the next meeting.

All in favor, motion approved.

Tom Cobb asked for a list of the questions that need to be addressed in addition to the fan noise. Steven Schneider confirmed specifics of off-site parking. Joel Cobb asked if a map of the 90 off site spaces is needed. Ms. Francis confirmed that the parking spaces closest to the business should be identified and any agreements with neighbors identified.

**Planning and policy issues.** Steven Schneider spoke to the next meeting having an application from Liberty for a scenic road, Old Acworth Stage Road. Steven Schneider distributed paperwork for site waste removal activity. Tom Cobb confirmed that at their location 150 tons of polluted material and 90,000 gallons of treated water.

Mr. Lincourt spoke to the sign outside The Sumner House for Friday lunch not being approved. Steven Schneider confirmed that this is now out of time and needs to be removed.

Ms Francis spoke to a new sign which has appeared at the storage space opposite Morningside and this needing to be addressed. Mr. Steven Neill commented that he brought this up when the sign was erected a year ago and nothing has been done.

Motion by Mr.s Smith-Hull to adjourn, seconded by Mr. Spilsbury, meeting adjourned at 10.15.

Submitted by Sarah Davis, Secretary