

**DRAFT**



**Town of Henniker  
Planning Board Meeting  
August 24, 2016  
Henniker Town Hall**

**Members Present:** Ron Taylor, Chair; Richard Patenaude, Vice Chair; Tia Hooper, Selectman rep.; Scott Dias; Jonathan Lapointe; Dean Tirrell; Aaron Wechsler

**Non-Voting Alternates:**

**Members Absent:** Dan Higginson, Jason Michie;

**Town Planner:** Mark Fougere

**Guests:** Bruce Trivellini, Leo Aucoin, Steve Forster, Russ Barton, Fred Moreland, Pat Moreland

**Recording Secretary:** Karen Rose

**1) Call to Order/Attendance**

Chairman Taylor called the meeting to order at 7:00 pm.

**2) Approval of Minutes – July 13, 2016**

Chair Taylor asked that the July minutes, page 2, Item 3 reflect the name of the dissenting voting member to be Dias.

**Motion by Selectman Hooper to approve the minutes of July 13, 2016 with the edit above. A second was made by Dean Tirrell. Motion passed 5-0-2 (Wechsler, Patenaude)**

**3) Projects of Regional Impact**

Mark Fougere stated that under RSA 36:56, the board is required to make a determination on every application. It is a good reminder to keep this as an item agenda

**4) Public Hearing**

- a) **PB2017:10 Amend existing site plan of All in One Market to install new underground gas tanks and pumps, generally located in the area of the former pumps, 316 Weare Road, Lot 522-B, Owner/Applicant FMI Investments, Inc., Zoned Commercial Recreational CR—**

Russ Barton from Wilcox and Barton, is the engineer of record and the environmental consultant for this project. He provided a brief history on the removal of the three existing underground storage tanks in order to comply with federal/state mandated rules. He stated they followed procedures, collected soil samples and encountered some minor contamination in the groundwater. He and the landowner are working through the issues with the State. He stated that they are also seeking approval with the State to install new tanks that are in compliance. They will be double-walled, double piping etc. He anticipates a review by the State in a month.

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Chair Taylor asked if the concerns of the Fire Chief and the fire suppression system were addressed. Barton stated that they addressed his concerns. Mr. Fougere stated that Norm Bumford of the Water Department reviewed the plan and didn't have any concerns.

Chair Taylor opened the meeting up to the public at 7:08 pm

Leo Aucoin said he had no comments. He thought this was good for the town. Bruce Trivellini asked if this was a zoning issue? And was this related to Cogswell?

Chair Taylor closed the public meeting at 7:12 pm.

**Motion was made to accept the application as complete by Selectman Tia Hooper; seconded by Mr. Dias. Motion passed 7-0.**

**Motion was made to approve the application by Selectman Hooper; seconded by Mr. Wechsler. Motion passed 7-0.**

**5) Reappointment of Aaron Wechsler as alternate planning board member—**

Mark Fougere stated that the Planning Board needed to vote in Aaron Wechsler as an Alternate Planning Board Member.

**Motion was made to appoint Aaron Wechsler as an alternate Planning Board Member by Selectman Tia Hooper; seconded by Mr. Patenaude. Motion passed 6-0-1(Wechsler).**

**6) Discussions:**

**a) Zoning Changes 2017?**

**i) 1,000 foot setback to Cogswell property?**

This conversation is in conjunction with Item 6(a)(ii) below.

Mark Fougere stated he had been talking with the town's attorney about improving some of the zoning regulations. The regulations regarding the Cogswell Property were written when we had one well and not the three we have now. Mr. Fougere showed the committee the map outlining the aquifer area and stated that the town could create an overlay district and any uses within that district would have to go before a special planning board review process.

Selectman Hooper asked if that wouldn't restrict new businesses significantly. She stated she would rather approve the 1000 ft. setback on Cogswell first. Mr. Dias stated that the aquifer area on the map is approximately 20% of the land mass of the town. This would eliminate any change of use business in town. He stated we could be looking at more attorney's fees down the road. Mr. Fougere stated that we could ask the applicants to provide BMP's for the area and how they will use the area.

Mr. Patenaude stated it matters what flows from above into the river. Mr. Trivellini stated that there is history from January 2007 when the town wrestled with a watershed overlay. A warrant article was introduced but never went anywhere.

Chair Taylor polled the board for comments:

Mr. Wechsler said an overlay does not have to have outright prohibitions but provide guidelines to the applicants.

Mr. Dias said we should stay with what we have and treat each situation on an individual basis. He is afraid of the consequences to economic development in the community.

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Mr. Patenaude said he would rather clarify the 1000 foot setback to the Cogswell property.

Selectman Hooper agreed with Mr. Patenaude. She was concerned that the aquifer overlay would stifle industry.

Mr. Tirrell said we should do a six month study before making a change like this. He felt the map was a good tool to have for the planning board's use. It should also show every property along with the overlay.

Mr. Lapointe said he agreed we should clarify the setback to the wellhead but also to take each application on a case by case basis.

Mr. Wechsler asked the board, how did they see the overlay as stopping development? He said that he has not seen any issues in the towns he has dealt with. Selectman Hooper stated it was another restriction and if applicants have to jump through hoops they may decide to go to another town. Chair Taylor said we should have a paragraph that we can reference for the applicant to use good management practices. Mr. Forster said the board should take into consideration any farms using fertilizer that is not organic.

Chair Taylor asked that this item be placed on the agenda for next month. Mark will rewrite the paragraph and bring it back next month.

### **ii) Adopt aquifer overlay regulations?**

Refer to Item 6(a) above.

### **iii) Diamond Drive CM zoning**

Mark Fougere stated that a neighbor on Diamond Drive came in to ask about rezoning the street from a CM to RN. He told him he could either make a request of the board or file a petition signed by neighbors. He indicated he would be attending the meeting this evening. After some brief comments, the Chair stated that the board will not take any action until the resident comes in.

iv) **Signage**—Mark Fougere stated that due to a Supreme Court lawsuit, *Weed v. Town of Gilbert*, we may have to tweak some of our ordinances. The lawsuit stated that the town can regulate the sign size etc. but cannot regulate the content.

### **b) Adopt new design review guidelines and landscaping standard for site plan regulations?**

Mark Fougere stated that after the Dollar General outcry, the new design review guidelines and landscaping standards may have to be changed. Selectman Hooper stated she is worried we are getting too restrictive. Mr. Dias stated that tree buffers get put in but no one maintains them. Selectman Hooper cautioned using the word maintain and what does that mean. Mr. Wechsler stated that if we are asking for a buffer and the trees die, then it has no benefit. Chair Taylor stated the town doesn't have a Code Enforcement Officer to follow up on this. The Board held off on any changes at this time.

### **c) Amend Article IV, 203-10 Site Plan regulations to be consistent with State Statute, 21 day minimum application submittal.**

Mark Fougere stated that the state statute has changed regarding the time for submitting site plan applications. It is now 21 days. Selectman Hooper asked Mr. Fougere to make sure this was on the website so the town is aware of the change. Chair Taylor stated they would put this on the

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agenda for a public hearing next month.

### **d) Bennett vs. Town of Henniker-**

Mark Fougere reported that this court case has been stayed. He stated that the Planning Board is not being sued. Selectman Hooper asked for a copy of the notification he received.

Mr. Forster asked the Planning Board for their opinion on what is going on with the case. Chair Taylor stated that they could not discuss this as it was not posted on the agenda and people need to be notified.

### **7) Adjournment**

**A motion was made to adjourn the meeting at 8:00 pm by Mr. Patenaude and seconded by Selectman Hooper. Motion passed 7-0.**