

Westmoreland Planning Board
March 18, 2024
Westmoreland Town Hall
Unapproved Minutes

Attending: Lauren Bressett Tim Thompson, Liana Capra, Lauren Bressett, Bruce Smith, Bill McGahie, John Stronk (alt.), Kristen Riley (clerk)
Excused: Alison Fissette, Larry Siegel (alt.)

Lauren Bressett called the meeting to order at 6:30 pm. John Stronk was seated to substitute for Alison Fissette.

Review of Minutes: 2/19/24

Tim Thompson moved to accept minutes as written. Liana Capra seconded that motion. All voted in favor.

Home Business Site Plan Review: U6-14, 66 Village Road

Kristen Riley Recused herself. The board reviewed the application submission. Liana Capra noted that the fencing isn't marked on the site plan and in Section C the well radius measurement is not shown.

Section D: Liana Capra noted that the applicant mentioned maple syrup production and sales. Liana asked where that would take place. Bruce Smith also wondered where the cordwood would be sold.

Section E: Tim Thompson noted that the driveways within 200 feet are not noted.

Section I: They checked no to 1, but it is in question whether they would need more permits. Lauren Bressett referenced RSA 143-A-12, for when a Homestead Food License is required.

Tim moved to accept the site plan application as complete, as long as the missing items will be addressed. Bruce Smith seconded that motion. All voted in favor.

Lauren Bressett opened the hearing and invited Jeff Lorditch to speak of his plans. He provided the board with a more elaborate plan for their business activity location. He stated all home business activity would take place within the designated 63' x 61' area. Plans would include sales of baked goods made on the property, maple syrup made on their property within the designated area, cordwood sourced solely from their yard, handicrafts, and offer pick your own from hanging containers. They would keep the stand open 7 days a week, but only staff the stand 2 days a week, the other days would be self serve. Saturday and Sunday would be the days that the Lorditches would physically be there.

Lauren Bressett asked the applicant about the maximum number of cars that are at the bake stand at one time. Jeff Lorditch said 3 vehicles. He noted that most are using the designated parking. In the occasional times that someone stops on the roadside they ask them to pull into the parking area. Liana Capra expressed concern about the fencing as it blocks off turn around room for vehicles. She said less fencing could address this. Bruce Smith said he views it as temporary fencing, as it keeps people from driving on the lawn. It also prevents the parking from gradually getting larger. It was noted that when the weather breaks, the parking and driveway would be worked on to meet the designated standards in the driveway permit.

Lauren Bressett opened the hearing to abutter and public comment. Dave Raabe, who lives directly across the street, sees it as a benefit to the community and has not seen issues with traffic or parking since the parking area was put in. He thinks the fencing helped to delineate parking. He had previously offered to let the bake stand use parking on his land next to the property, as well. Cindy Ham also expressed that she thinks it is great for the community. She says there is no overflow of parking. Karen and Darryl Leduc also agree that the fencing has alleviated people pulling up onto the side of the road. Karen Leduc also said that she compliments the planning board for reviewing home business use in residential neighborhoods and being so particular with requirements. Barbara Goodine said she is in support of having local handicrafts. She is a crafter herself, and sees this as a good addition to the community. Edward and Patty Yeorger have visited the shop and feel it is a nice addition to the village. The clerk read a letter received from abutter John Fitzpatrick aloud. While a previous letter expressed concerns, he stated with the better definition of where business activity would take place, he is now in support. The letter has been added to the property file.

Lauren Bressett closed the hearing, reserving the right to ask for clarification. She stated that as the multiple uses presented to the board exceeds the existing Zoning Permit, which defined use as home baked goods sold 2 days per week, they will need to go back to the zoning board. She noted that agricultural use such as a pick your own garden on the premises requires 2 acres. John Stronk asked who would be liable if someone were to get sick from an allergen that isn't labeled. Lauren Bressett said in addition to the owner liability from not labeling properly, municipalities have liability if they knew of a risk and it wasn't addressed. Lauren Bressett noted that the applicant is bringing in baked goods from other bakers, homestead exemption requires it must be made on the property. They also have a coffee bar which would be considered food service, and is not permitted under a homestead license. She suggested either receiving a letter from the NH DHHS (Department of Health & Human Services) stating that a permit is not needed for current and intended use or a copy of a permit. Bruce Smith said the lack of notation of abutters' driveways are not relevant to the site plan as the state did a site visit and issued a parking driveway permit. A further discussion of the driveway and parking plan took place.

Liana made a motion to approve the site plan, under the following conditions:

- Add the measurement of the well radius to the site plan
- Obtain an updated zoning permit. As of now, the home business is permitted to sell baked goods 2 days a week. The updated zoning permit must be attached to the site plan, delineating the activities it is permitted for.
- Provide the board with either a state permit, or a letter from the DHHS saying that the home business is exempt from needing a permit. Reference RSA 143-A-12.
- The home business activity shall only take place in the 63'x61' area indicated on the site plan.
- When the driveway is completed, the site plan will be updated to reflect the changes.

These conditions are required to be met within 6 months. Bruce seconded that motion. All voted in favor.

Business Site Plan Review: R14-34

Kristen Riley recused herself. The board reviewed the application submission.

Section A. Liana Capra noted that their phone number is not listed on the site plan. Also, the zoning district isn't labeled. C. Lauren Bressett noted that an engineer created the site plan. There should be a

reference to the survey used to delineate boundaries. E. Tim Thompson noted that they give square footage of buildings, but no dimensions and in at least one instance, when dimensions are given they don't match the listed square footage. G. Liana Capra pointed out that they have the parking spaces, but no dimensions. Lauren noted the snow removal plan is not on the site plan as well.

Liana Capra moved to accept the application as complete, reserving the requirement for the missing items to be provided:

- Add phone number and zoning district to the site plan
- Reference to survey used to delineate boundaries
- Include dimensions of buildings
- Include dimensions of parking spaces and area.
- Include dimensions of disturbed area.

Tim Thompson seconded that motion. All voted in favor.

Lauren Bressett opened the hearing at 7:55 pm and invited Jim Larkin to present his plans. Mr. Larkin has made some changes to his property. He has added a berm. He would like 10 parking spaces in the back instead of 7. They also want to add 2 storage units with a canopy. He had an extensive conversation with NH DES who he said agreed that his plans made sense for his property. He provided letters from both the Alteration of Terrain Bureau and Land Resources Management Division stating no permit for the berm was required.

Lauren noted that the parking and disturbed area has changed significantly from the original site plan. It is now encroaching much further into the wetland setback. Tim Thompson noted the necessity of dimensions. There is a square footage discrepancy; the rear storage containers and canopy should say 560 sq. ft, not 532 sq. ft. Without dimensions, we cannot calculate coverage and change in lot usage.

Lauren opened the hearing for public comment. Abutter Barry Shonbeck spoke. He presented the board with written comments, which have been added to the property file. He is concerned that the new berm will increase flooding to abutting properties and that reduction of permeable land and change of grade could allow contamination to the brook.. He felt the barn was in violation of setback. He also thinks that they have changed their use, and therefore should go to the zoning board. Barry mentioned their bridge over the stream, as he believes this requires a permit. He objects to the fence along his property line.

Lauren Bressett. closed the hearing, reserving the right to ask for clarification.

Lauren Bressett stated that the reason why the Larkins were required to provide a new site plan was because it appears they have made changes not in alignment from their approved 2012 site plan. She noted that it is a nonconforming lot and it had known flooding issues. This was known when the applicant purchased the property. The applicant has gone further into the wetland setback, more than halfway into what was to be preserved in the 2012 plan. This will increase water runoff which, while improving the Larkin's property may affect abutting property to the side or downstream. Bruce Smith and Liana Capra felt that they were not qualified to make a decision on the floodplain, as they are not professionals. There was discussion on the necessity for outside advice. Lauren Bressett said she would reach out to the NHDES.

Lauren Bressett noted there has been a change in use, which is the addition of the outdoor market. The zoning board determines permitted use, so they would have to go back to the zoning board for this. Regarding the fencing, it is not considered a structure and is allowed in setback. The barn is in the location approved by Zoning and Planning Boards in 2012. The propane tank is 500 gallons and under the size restrictions.

Bruce Smith made a motion to continue the hearing to the April 15 Planning Board meeting with Mr. Larkin in agreement so that the missing plan information and additional information that the board has requested can be gathered and the board can get outside advice. It may be further extended to May 20 if necessary for Mr. Larkin to provide the necessary information. Liana Capra seconded that motion. All voted in favor.

Election of Officers

Kristen Riley moved to nominate Bruce Smith as co-chair. Liana seconded that motion.

Bruce Smith moved to nominate Kristen Riley as board clerk. Liana seconded that motion.

Bruce Smith moved to nominate Lauren Bressett as chair. Liana seconded that motion.

All voted in favor.

Update on Property R2-11

Lauren Bressett said that the selectmen discussed this at their last meeting. They said that they will not be taking further action. Kristen Riley questioned if the board can sign off on the site plan if all conditions have not been met. Lauren Bressett said she would check in with MHMA on how the board should proceed.

Liana Capra motioned to adjourn the meeting at 9:21 pm. Bruce seconded that motion. All voted in favor.
Draft. Recorded by Kristen Riley.