

**Town of Greenville, New Hampshire**  
**Planning Board**  
**Minutes**  
**Thursday, May 26, 2016**

The Greenville Planning Board met on **Thursday, May 26, 2016 at 7:00 pm** in the Town Hall, 46 Main Street, Greenville, NH 03048.

*In attendance were Scott Tenney, Vice Chairman; Ed White; Steve Spratt, BOS Ex-Officio*

**Called to Order:**

Vice Chairman Tenney called the meeting to order at 7:05 pm.

**Minutes:**

The approved minutes of March 24, 2016 & April 14, 2016 requires signatures as the originals were misplaced at Town Hall. Members of the Board present for those meetings signed the minutes, however, Chairman de Winter's signature is needed as well. The Board requested that those minutes be tabled until the next meeting on June 9, 2016. The minutes of April 28, 2016 were also tabled until Chairman de Winter was present.

**Site Plan Review Application – Doug Rabida – 129 Temple Road:**

Vice Chairman Tenney reported that the applicant filed an application with the State Department of Motor Vehicles to add an inspection station to his motorcycle shop. He said that after a brief review, he as the Town of Greenville's Building Inspector, sent a notice to the New Hampshire DMV recommending to deny the application. He said the application was an expansion and change of use of his existing shop. He said he referenced the town's ordinance and that it classifies and qualifies as a home occupation which is a permitted use in the district. He said that with his shop being in existence for as long as it has, it did become a "gray" area for him whether adding an inspection station would be a change in use or not. He said that he discovered in the Planning Ordinance that the Planning Board is the only Board to make that determination. He said there is nothing in the ordinance that would allow the Building Inspector to make a determination on whether it is or is not a change in use and that the decision must be made by the Planning Board.

E. White stated that his concern is that the motorcycle shop has never been approved so if it has never been approved, how can the Planning Board make that decision. He said that just because it's been there for 15 years doesn't mean it was done right the first time.

Vice Chairman Tenney responded by saying that the Planning Board does not have to approve a home occupation. He said the way the town's ordinance is written and the language precludes to that, a customary home occupation is someone running a small business directly from their house and does not take up more than 20% of their building itself – building and not property.

44 E. White stated that he is aware that the owner has expanded that garage at least once and asked if he  
45 obtained a building permit for that. Vice Chairman Tenney stated that he is unaware of that and said  
46 he would have to research that because that was prior to his employment in the town. E. White stated  
47 that it's been expanded at least 5 feet. Vice Chairman Tenney stated that he is aware that the  
48 applicant added a storage shed and built a roof over it and, subsequently, filed an "after the fact"  
49 building application as a result of him notifying him that his roof structure required a permit.

50 Vice Chairman Tenney stated that he will address the building permit situation if he is building without  
51 permits or expanding and if he can prove that, he can make him pull a permit. He said that in  
52 reference to the current application, he instructed him to submit it without any abutter notices until  
53 the Planning Board determined whether it was or was not a change in use.

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55 S. Spratt questioned "What was the percentage of the new plant use of the business vs. the total  
56 physical plant existing on the property"? Vice Chairman Tenney stated it would not expand the actual  
57 foot print in any way, it's an added service. S. Spratt asked whether the buildings added to the physical  
58 plant of the property. Vice Chairman Tenney stated that only if he is using the garage for his  
59 motorcycle repair and based on his inspections, it appears that way. He said that looking at the square  
60 footage of the house, he is comfortable saying it is below the 20% requirement.

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62 S. Spratt stated that the Planning Board would need to consider adding the inspection station as an  
63 extension of service. He said it's not a change or a new service because he is providing a service that he  
64 already provides so he felt it is not a change in the intent of the business - it's only expanding the  
65 services of the business.

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67 E. White stated that he is going to take the "hard" side on this and stated at what point do we stop  
68 allowing businesses to just "show up". S. Spratt said there are two issues here - one is the extension  
69 and the other is the way it was done.

70  
71 The Board felt that this is more of a Building Inspector's issue rather than a Planning Board one. Vice  
72 Chairman Tenney stated that site plan review would be needed if this application is considered a  
73 change in use, abutters will be notified and a formal hearing will be conducted. He stated that he felt  
74 the applicant did not need a site plan review by the Planning Board. He called for a motion from  
75 members that a site plan review was not required.

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77 S. Spratt motioned that a site plan review was not required because it cannot be determined that it is a  
78 different business, E. White 2<sup>nd</sup>. *VOTE: Voting in favor of the motion was Vice Chairman Tenney & S.*  
79 *Spratt. Opposed - E. White. The motion carried 2-1 in favor.*

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81 GREENVILLE RECYCLING - CONSTRUCTION/PERMIT UPDATE:

82 Present: Chad Branon, P.E.; Fieldstone Land Consultants; Tim Brown, owner (arrived at 7:40pm)

83  
84 Mr. Branon introduced himself to members of the Board. He stated that the main reason for meeting  
85 was to update the Board on the status of the construction and permitting process and what issues  
86 remained outstanding. He stated that he hasn't had any luck in obtaining an engineering letter from

Underwood Engineering despite repeated requests for their review of the water and sewer for the project. He stated that they attended the Board of Selectmen's meeting last evening because they were told that they would be presenting the review results to the Selectmen acting as the Water & Sewer Commission. Mr. Branon stated that he learned from Underwood Engineering that they no longer are allowed to submit their comments directly to Fieldstone and must submit their comments to the town. He also stated that he learned that Underwood submitted their review just prior to the Selectmen's meeting and because of the late submission, the letter was not discussed.

S. Spratt asked who informed him that this would be reviewed because the Selectmen didn't know that this was being presented but confirmed that the email was received by the Selectmen's office at 2:48 pm (time stamped). Mr. Branon stated that he spoke with Tom Page of Underwood Engineering in hopes of obtaining a copy of the letter. Mr. Branon stated that Mr. Page was instructed by the Town Administrator not to release the letter. Mr. Branon stated that he emailed the Town Administrator requesting a copy but never got a response. He said that he has a client ready to invest a lot of money locally and he is extremely frustrated with the delays that have occurred. He said it's been one month since he has submitted additional information to Underwood. He said that since that time, they have successfully secured the remainder of their permits and this review is the only item holding up his client from getting the "green light" to begin construction. Vice Chairman Tenney confirmed that the Planning Board has not received a copy of Underwood's latest letter either.

For the record, Vice Chairman Tenney reviewed the timeline for when documents were received by the town. Discussion followed regarding the series of correspondence between Fieldstone and Underwood Engineering. Mr. Branon stated that the only item outstanding was the utility issues.

S. Spratt stated that receiving a letter just prior to a meeting didn't provide enough time for the Selectmen to review the contents of a 12-page letter containing technical specifications. He stated that if the letter was presented, he would have refused to take any action on it. Vice Chairman Tenney stated that he didn't disagree with S. Spratt that the Town should have received it sooner and having it received 30 minutes prior to a meeting did not allow the Selectmen to review the contents. He stated the same for the Planning Board – a review period is required. S. Spratt felt that it was "Standard Operating Procedure" for all matters such as these. Vice Chairman Tenney stated that they will put this on their June 9, 2016 agenda.

Mr. Branon stated that he understands that Underwood is the town's engineer, however, he reminded the Board that his client is paying for these reviews. He requested that a copy be submitted to them so any concerns raised by them can be addressed. He said there is no point in waiting for the next meeting to get a copy and that typically the way it is handled is the engineers engage in a dialogue and then it is presented to the town with all correspondence provided to them. He said he wasn't sure whether the reason is because it involves a municipal utility that it is handled differently. Mr. Branon stated that his client is getting very concerned about timing.

S. Spratt asked Mr. Branon to bring him through the process involving Keach Nordstrom and whether their concerns have been met and resolved if any. Mr. Branon referenced the minutes of December 10, 2015 where he went through each line item addressed by KNA and stated that all items were

ultimately addressed at that time. Vice Chairman Tenney stated that the Board voted to accept the conditional approval at that time.

A lengthy discussion followed regarding the items outlined in KNA's review and were readdressed by Mr. Branon. Mr. Branon stated that the driveway permit has been approved by the Department of Transportation. He stated that hours of operation will be Monday-Friday 7am-4pm with hours on Saturday from 7-1pm anticipated 12 times per year max. Vice Chairman Tenney stated that he had concerns with the word "anticipated". Mr. Brown stated that nothing happens before 7pm and assured the Board that Saturdays that they control their loads. E. White stated that he didn't have any concerns with Saturdays. Mr. Branon agreed to remove the word "anticipated". Vice Chairman Tenney stated the word "anticipated" is too "gray" in terms of operation.

Discussion followed regarding Blanch Farm Road where they will be rebuilding. He provided the site plan and depicted that on the map. Mr. Branon stated that they flared out the edge of pavement at the intersection.

He said that this is a phased project and when they set up the phasing notes and got the approval for those notes, they believe that they should be able to start construction on phases as they are approved. He said if they got the utility sign off, they would be able to build Blanch Farm Road and would be able to do Phase I. He said they will be getting their AOT permit, they can essentially do Phase II. He said they need the wetlands permit in order to do Phase III and they should have that in about two weeks. He said that once they get through the utility approvals, the goal is to begin and will provide the town with their permits. He stated that Phase IV requires a solid waste permit that they haven't filed for yet. He said that this is not a priority for the project but assured the Board that they would be involved in this process.

He stated that his client would like to begin Phase I and it doesn't require any utility work. He requested approval from the Board to allow his client to begin working on the storm water management area. He said the area is small enough not to trigger the Alteration of Terrain but they will have that. He said he ask the Board to allow his client to make some progress by allowing him to begin Phase I would help.

He stated that he will be getting in contact with the Town Administrator to obtain a copy of the Underwood letter and attend a Selectmen's meeting and address the comments directly to the Selectmen. He said it would be productive for all parties to address the letter and any issues.

Vice Chairman Tenney requested time to address the Underwood issue. He stated that it doesn't assist anyone in moving forward in a timely fashion if it has to be fielded through the Selectmen. He said it would make sense for the Planning Board separately to address that as a land use board with the Selectmen to find a reasonable alternative. It doesn't assist anyone in dragging out or prolonging projects. He said he understands that the Selectmen need to review and approve projects that come before them. He said he doesn't see why the project engineer was not given information.

Vice Chairman Tenney said that the discussion tonight clarifies all of Keach's concerns in their letter and asked if Mr. Branon had any other comments. Mr. Branon asked if his client could begin Phase I

and acknowledge that. He said he knows they haven't executed the plans but was trying to help his client gain some time.

Vice Chairman Tenney stated that granted the road construction is part and partial to the utilities and the road is not being touched going from the non-paved section on the latter half of Phase I and the storm water management area. He said basically beginning Phase I site work. Mr. Branon stated "yes" by clearing out that area.

Vice Chairman Tenney called for a motion to give them approval to start the site work for Phase I excluding utilities and the Blanch Farm Road construction. E. White made the motion but S. Spratt refused to second the motion. He said there is a process that must be followed and he will not vote on this until he receives some additional answers. *The motion failed to move to a vote.* The Board agreed to have Mr. Branon come back on June 9, 2016.

Rules of Procedures – Invoice:

E. White motioned to approve the invoice from Ransmeier & Spellman for a review of the Planning Board's Rules of Procedures for \$720, S. Spratt 2<sup>nd</sup>. *VOTE: All in favor.*

Adjournment:

E. White motioned to adjourn at 9:00 pm, S. Spratt 2<sup>nd</sup>. *VOTE: All in favor.*

*Next Meeting: Thursday, June 9, 2016 at 7:00 pm.*

Respectfully Submitted,  
Debra A. Butcher

APPROVED BY:  
*Greenville Planning Board*

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Ted de Winter, Chairman – ABSENT

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Scott Tenney, Vice Chairman

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Edward White

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Steve Spratt, BOS Ex-Officio

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Jonathan Bouley - ABSENT