

MINUTES
Workshop Meeting
Sanbornton Planning Board

Meeting Date and Time: Thursday, February 2 2017 at 7:00 PM

Meeting Place: Town Offices, 573 Sanborn Road, Sanbornton, N.H.

The meeting was called to order by Chair Evelyn Auger at 7:00 PM

Roll Call

Regular Members present: Will Ellis, Chair Evelyn Auger, Selectman John Olmstead, Don Bormes, Dick Gardner

Alternate Members present: Jody Slack

Alternate Members absent: Gail Morrison, Justin Barriault

Others present at the meeting: Town Planner, Bob Ward

Approval of draft Planning Board minutes from 1/19 – Don Bormes made a **motion** to approve the draft minutes of 1/19. Will Ellis **seconded** the motion and the **motion passed unanimously**.

New Business

Public Hearing regarding Application #P17-S01/Site Plan Review from Applicants Kris and Ralph Rathjen for wedding venue proposal at KREBS Farm under Agritourism. Property is located at 316 Upper Bay Road in the General Residential Zoning District.

Selectman John Olmstead stated that he would like to recuse himself again from this matter as he did at the last meeting given that he knows the Applicants personally. Don Bormes stated that the Board would then be left with four voting members, and that a tied vote would result in a denial of the Applicants' request. He noted that an alternate member cannot be seated in place of a Selectman, and that even if another Selectman would take his place, that person would also probably abstain from voting. Selectman Olmstead said that he would rescind his recusal from this matter if it was amenable to the Board and to the Applicant, and all parties agreed to allow Selectman Olmstead to vote in this case.

Chair Evelyn Auger explained that she wanted the Rathjens to be able to move forward with their proposal but to consider using a special exception in the Zoning Ordinance as grounds to do so (Article 18, Section B4), rather than through Agritourism and SB 345. She explained that this exception would allow for a one or two-year period of operation for the event venue at KREBS Farm, with renewals possible after that. Ralph Rathjen stated that the 18B4 exception is allowed for "non-conforming" uses, and that his proposal is a conforming and permitted use under SB345. Chair Auger stated that she felt the exception route may be a more comfortable option for neighbors in case they have issues with the operation after the first year. She also noted that even if the site plan is approved, the Town still does not have any regulations in its Ordinance related specifically to Agritourism, since SB 345 was passed in July of 2016, and that the annual Town Meeting would be needed to do that. Mr. Rathjen stated that the list of possible ordinance amendments kept by the Town Planner over the course of the year, referenced two meetings ago, could have had possible Agritourism amendments added to it months ago.

Ralph Rathjen explained that he has met with his attorney regarding the Planning Board's issue with the farm generating more revenue from events than from agriculture. His attorney's letter stated that the law previously used the word "ancillary" to describe non-farm uses, but now uses the word "accessory", meaning "not principle use, but occasional" and with no mention of profit.

His attorney also stated that the intention of SB 345 is to allow for long-term agriculture use, which is the Rathjens' intention. Ralph Rathjen also provided a drawing from a lighting consultant that shows where two lights would be placed on the property to illuminate the parking area, as per the Board's concern from the last meeting. He also stated that he is still waiting on gathering load ratings for the barn, where farm-to-table events would be held, from the Fire Chief.

Mr. Rathjen stated that he would like to include overnight stays in this site plan and proposal, since the use is allowed per SB 345, though not the Rathjens intention for the immediate future. He explained that it is easier to include this now when all the information is available to the Board. Will Ellis stated that he does not think a septic system would be able to handle a 100-person farm-to-table event in the barn plus 6 occupied bedrooms. Ralph Rathjen assured him that events requiring the septic system and overnight guests would not coincide, but offered to lower the indoor barn event capacity to 75 people if it would satisfy the Board. The Board agreed for the maximum occupancy to be lowered to 75 people, or the maximum set by the Fire Chief once that information is obtained, whichever number is lower. Will Ellis stated that he wants to see in writing from an engineer that the septic system will be able to handle that load, and Ralph Rathjen was agreeable to this.

Town Planner Bob Ward asked Ralph Rathjen if he has considered having non-amplified music, and he responded No, and explained that amplified music will be mitigated by backdrops, and that a required wedding planner will be on-site to monitor sound levels. Town Planner Ward also asked if they have considered not including the church parking lot across the street in their parking plans, so that wedding guests do not have to cross the street. Ralph Rathjen responded that fencing and crossing signs are outlined in the site plan and will be used to lessen safety concerns, as well as having a police officer on site for later events. Abutter and church trustee Jim Sweeting stated again that the parking agreement with the Rathjens is not automatically transferable to a future owner of the farm.

Don Bormes made a motion to approve the site plan as presented previously, with the following amendments:

- Maximum barn capacity lowered to 75 people, or the number provided by the Fire Chief after determining load capacity, whichever number is lower
- Overnight stays
- Two flood lights for illuminating the parking area, per engineer and lighting consultant's recommendation
- Guests may be on the premises between 8:00am and 11:00pm. Amplified music will be between the hours of 9:00am and 10:00pm for a maximum duration of 8 hours. All guests will vacate the property by 11:00pm. Vendor staff may be on premise beyond 11:00pm for purposes of breaking down or securing equipment if necessary.
- Wedding planner to be required to be on site for duration of the wedding reception
- Copy of the wedding contract to be added to the application file from the Applicant
- Letter from licensed septic engineer stating that current 900-gallon system is adequate for proposed uses, both farm-to-table events in the barn, and overnight stays
- Amplified music limited to 85 decibels at the source

Dick Gardner seconded the motion and **the motion passed**, with members voting as follows:
Don Bormes, Dick Gardner, Selectman John Olmstead – Yes
Will Ellis – No
Chair Evelyn Auger – Abstain

Dick Gardner made a motion to include the following statement to be filed with the Applicants' proposal: **The Planning Board approves this site plan with the intention that the use of the**

property will be compatible with underlying qualities of the residential zone in which it resides.

Don Bormes seconded the motion and the motion passed, with four Yes votes and with Chair Evelyn Auger voting No.

Don Bormes made a motion to approve the site plan including all the above amendments. Dick Gardner seconded the motion and the motion passed, with members voting as follows:

Don Bormes, Dick Gardner, Selectman John Olmstead – Yes

Will Ellis – No

Chair Evelyn Auger – Abstain

Other Business

BOS Request for Tax Lien Verification - Selectman John Olmstead presented a request from the Board of Selectmen. He asked that the Planning Board add a checklist item to its application for mergers and boundary line adjustments that states they have checked with the Tax Collector to see if any tax liens are present on the property. He explained that this has been an issue with previous mergers. Dick Gardner made a motion to add this checklist item to the application for mergers and boundary line adjustments and Don Bormes seconded the motion. The motion passed, with Dick Gardner, John Olmstead and Don Bormes voting Yes, and Chair Evelyn Auger and Will Ellis abstaining.

Possible Request for Economic Development Committee – Town Planner Bob Ward asked the Planning Board for its authorization for him to go to the BOS and request that an Economic Development Committee be formed. Dick Gardner stated that he feels the Town needs a main point person to be actively involved in economic development instead of a committee. In order to form a positive motion, Dick Gardner made a motion for the Town Planner to request the formation of an Economic Development Committee from the Board of Selectmen. Chair Evelyn Auger seconded the motion and the motion failed, with members voting as follows:

Don Bormes, Dick Gardner, Will Ellis - No

Chair Evelyn Auger – Yes

Selectman John Olmstead – Abstain

Meeting adjourned at 9:35pm. The next meeting is scheduled for Thursday, February 16 at 7:00pm.

Respectfully submitted,

Audry Barriault