

**Ashland Planning Board
Approved Meeting Minutes
Wednesday, March 24, 2021**

CALL TO ORDER: Mardean Badger, Chair of the Board, called the meeting to order at 6:31 PM. The meeting was conducted via Zoom video and teleconference.

MEMBERS PRESENT: Mardean Badger, Kathleen DeWolfe, Paula Hancock and Susan MacLeod, Land Use Assistant

OTHERS PRESENT: Andrew Fitch (BOS), David Farnham (applicant), Andrew Lane and Chris Lane (owner, Squam River Hydro LLC), John Valpey (Commerce Properties), Anthony Guyotte (contractor), Jane Sawyer (Ashland Historical Society)

RIGHT TO KNOW LAW: Due to the COVID-19/Coronavirus crisis and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04, this Board is authorized to meet electronically.

Kathleen DeWolfe has been sworn in prior to this meeting as a regular member of the Planning Board. She had previously served as the Board of Selectmen representative and now is a regular member of the Planning Board.

DISPOSITION OF MINUTES

Kathleen DeWolfe made a motion to accept the Wednesday, March 3, 2021 minutes as presented. Paula Hancock seconded the motion. The motion passed by a 3-0 roll call vote.

CONTINUATION OF PUBLIC HEARING ON SITE PLAN REVIEW APPLICATION FOR FARNHAM TOWING AND RECOVERY (T/M/L 017-008-002) 6 MILL STREET

This Public Hearing was started at our March 3, 2021 Planning Board Meeting and was continued to March 24, 2021 at 6:30 PM. The minutes for the March 3 Planning Board meeting reference the conversations and the issues. Mardean Badger reopened the Public Hearing at 6:34 PM.

“We were last discussing the issue of primarily what was actually being done in the particular building which is the Squam River Hydro Properties LLC (TML 017-008-002) at 6 Mill Street. This hearing we are continuing is for Farnham Towing and Recovery who is leasing a space from Squam River Hydro. I assume Andrew Lane is here representing Squam River Hydro.”

Mardean Badger reviewed the March 3 Planning Board meeting:

- An explanation by David Farnham of what he does there -- He referenced towing and recovery, fixing flat tires, lock outs, jump starts, working closely with local garages; he does insurance tows, also buys auto parts worth salvaging or taken to another recycling business; he takes individual parts and sells them; he does auto recycling as a portion of the business.
- The primary concern was the auto recycling issue that stemmed from our Zoning Ordinance (Section 3.5) which prohibits junkyards within the town of Ashland; we also mentioned NH RSA 236:112 which defines junkyards. Both our Zoning Ordinance definition and the RSA definition of junkyards also includes automotive recycling as part of the definition.
- Another issue is that the town Zoning Ordinance prohibits junkyards in Ashland. A question was asked about Buskey's Auto which is also a junkyard. We explained that Buskey's Auto pre-

existed zoning in the town of Ashland, so it is a grandfathered enterprise and junkyard. The Zoning Ordinance that was put in place does forbid all other junkyards in town.

Mr. Farnham had nothing to add to what he had explained at the previous meeting.

Andrew Lane said that “Mr. Farnham is supposed to be confined to the interior of the building. The classification of junkyard should not be applying. Anything he is doing outside the building is outside the lease.”

Mardean Badger continued:

- The language in the lease states he is authorized to do “car repair and storage of up to 10 cars and a towing business.” The Zoning Ordinance of the town of Ashland also talks about junkyards and automotive recycling yard. An automotive recycling yard means “an establishment or place of business which is maintained in operation for use for storing, keeping, buying or selling of junk or for the maintenance or operation of an automotive recycling yard which also means any place that business is storage or deposit of motor vehicles purchased for the purpose of dismantling the vehicle for parts.” That information comes from NH RSA 236:112 “the action of taking an auto apart and doing something with those individual parts such as selling, bartering, trading, selling or bartering of parts is considered recycling which is a subcategory of junkyard.” This is reflected in both the Zoning Ordinance and the NH RSA 236:112.
- “Mr. Lane, does your lease allow him to put his towing vehicles and towed vehicles in the parking area of your building?”
- Andrew Lane advised that this particular issue had not been addressed. “When we signed the lease, we were not sure what he was doing. We mapped out the area of the mill where he could be doing his projects and he expanded. He went into the double garage door area that was previously rented out and okayed by the Planning Board at the time. He took over the Powdercoat area. We did not envision he would have things parked outside except his own vehicle. The objection is that you can see it.”

Mardean Badger: “The primary objection of junkyard and recycling yard has to do with business which takes cars in and takes them apart and sells the parts. That is automotive recycling. Parking is another issue. The primary issue is the definition of a junkyard and the included automotive recycling.”

Chris Lane raised the question whether the town would be okay with towing trucks parked outside?

Mardean Badger: “Parking can become an issue if it overflowed into the public street. That would be considered part of the business. What we are dealing with right now is, do we approve of the Site Plan Application as it has been presented and dealing with what is happening there right now.”

Andrew Lane advised that there is a long ramp that goes up to the double doors where a towing vehicle could be parked. He mentioned to David Farnham that he amend his present application to those things that are approved rather than have a second hearing.

Mardean Badger advised that we need to act on this particular application.

Andrew Lane advised David Farnham to restrict his business to towing and recovery and only use for storage. David Farnham said that there would be no problem.

Susan MacLeod noted that the previous renter, Mr. Eckert, dealt with intact cars; there would be no mechanical work done on them; he assured us that his floorplan was set up so there would be containment if there was any leakage of fluids.

Susan MacLeod went on to explain that with this application the property is in that sensitive area close to the river. The Planning Board has already received two complaints from abutters of various fuels leaking on the outside of the building where some vehicles have been worked on outside. It has been witnessed by our Building Inspector as well. It has become an issue about taking things apart or the drainage of fluids and things of that sort. It is the taking apart of vehicles that is the major problem and that's when you get into the definition of salvage and that has multi-layers.

Mardean Badger made the following points on salvage and the recycling of auto parts:

- One of the complaint letters did address the fact that it was more of a salvage business, the buying and selling of parts. In addition, we have seen a Facebook posting on Farnham Towing/Recovery on March 8 “buying all junk cars, equipment, trailers, farm machinery, atvs, motorcycles \$50-\$1,000 message with pics and info same day pick up.” There were also several Marketplace postings on Facebook that parts are being salvaged and sold.
- We have all that indication that it is more than a towing/recovery business. That is the issue we are dealing with.
- Susan MacLeod advised that if the salvage/recycling business is personal or commercial, it still needs to meet all State standards/regulations set; the same problems would exist in the Squam River Overlay whether the enterprise was individual or commercial.
- Mardean Badger said, in summary, that if we were to approve this, it would be with probably a very detailed set of conditions. All conditions would be subject to inspection. If there were any violations of these conditions, it could result in fines or removal of the Planning Board’s approval for Mr. Farnham’s ~~your~~ business.

Andrew Lane and David Farnham discussed moving the salvage and recycling portion of the business to another location in another town. Kathleen DeWolfe advised that issues between the lessor and lessee should be discussed outside the Public Hearing.

Kathleen DeWolfe said she had issues with this type of storage being directly over the Squam River. This issue brings DES into the situation. The building is not only over the Squam River but is located within the Squam River Watershed which DES has jurisdiction over.

Mardean Badger advised that the two complaints from abutters mentioned oil and/or fuel on the driveway within the property boundary and also some oil and/or fuel running down the street. “We do not want any hazardous materials getting into the river whether through direct drainage, storm drainage, or through drainage within the building. If the parameters of the business are to change, the discussion between Mr. Lane and Mr. Farnham needs to take place outside of the Public Hearing. The two options we have tonight are 1) continue this hearing to another meeting or 2) to close the hearing and make a decision on the information we have before us on this present application.”

Kathleen DeWolfe advised that she would like to resolve this issue tonight with the information before us tonight. Paula Hancock agreed with Kathleen DeWolfe and felt this issue needed to be resolved tonight.

Kathleen DeWolfe made the following motion: I make a motion to close the Public Hearing. Mardean Badger seconded the motion. The motion to close the Public Hearing was passed on a 3-

0 roll call vote. The Public Hearing was closed at 7:07 PM.

Mardean Badger asked the Planning Board what conditions they would like to see as priority conditions? Planning Board members made a variety of suggestions and comments:

- All motor vehicle salvage material including snowmobiles, etc. be removed from the premises.
- Thought this was a towing/recovery business and nothing else.
- Think we should wrap up this issue, so Mr. Farnham knows that a) we have a junkyard ordinance in the town of Ashland; b) the auxiliary business appears to fit the definition of junkyard/automotive salvage; sensitive area where doing business needs to be addressed; there seem to be a lot of conditions that we won't know if it has been complied with.
- All salvage and material parts be removed from the premises, but also that activity of salvage of parts be stopped immediately.
- Conditional approval; even with towing business there are issues often with leakage of fuels and other hazardous materials
- There must be a plan for remediating any spillage of hazardous material either on the property or adjacent street.
- Concern about drainage of fuel or other hazardous materials that can make it into the river through drainage in the building
- Accepted practices for containing spills if there is a spill; acceptable practices for cleanup of spills. Expect to see plan of that type.
- Issue of parking used for towing and recovery purposes. They should not be restricting public vehicles or pedestrians on that street.
- Specify that any activities that are defined within our Zoning Ordinance junkyard section and NH RSA 236:112 dealing with recycling/junkyards, any activities falling within those descriptions be restricted and be ceased. There should be reference to the Zoning Ordinance and RSA 236:112 specifically.
- Issues in the Inspection Report need to be addressed and resolved for safety, health of any employees and surrounding properties.
- Some sort of inspection plan needs to be put in place so that there is inspection going forward.
- Any inspection of the changed business done by the Fire Chief needs to include inspections both of the interior and exterior of the business. All areas used by the tenant (both interior and exterior) need to be safe.

Susan MacLeod explained that the Planning Board can divide the conditions as one set of conditions that need to be met before the approval and a set of conditions that need to be met following the conditional approval. If the conditions are not met, the conditional approval can be revoked.

Mardean Badger summarized the detailed conditions under which this Site Plan will be conditionally approved as follows:

1. Any salvage/recycling activities must cease
2. Any salvaging/recycling materials must be removed from the premises
3. The business will not include any activities that are defined as prohibited in Ashland's Zoning Ordinance and will not include any activities that fall into the auto recycling definitions of the NH RSA 236:112.
4. There will be a plan going forward to prevent and remediate spillage of hazardous substances.
5. Parking will not restrict safe passage of vehicles and pedestrians on Mill Street.

6. There will be an inspection by the Fire Chief to include interior and exterior being used by the business to insure they are safe; there will be a follow up inspection by the Building Inspector/Code Enforcement Officer as well.
7. It is incumbent upon the applicant to reach out to DES to see if there are any issues that he might have to address. Contact DES about any permits necessary for a towing business in that location within 150' of the Squam River.
8. Applicant has copy of Title X Transportation Chapter 236:112 Motor Vehicle Recycling Yards and Junk Yards.

Kathleen DeWolfe: I make a motion that we conditionally approve the Farnham Towing and Recovery (that alone) with conditions that the Planning Board just went through. Mr. Farnham can continue with the towing/recovery business but everything else must cease. Paula Hancock seconded the motion. The motion passed by a 3-0 roll call vote. The Site Plan is conditionally approved with the list of conditions as noted above.

INFORMAL CONSULTATION WITH MR. JOHN VALPEY OF COMMERCE PROPERTIES

Mr. John Valpey, of Commerce Properties, and Tony Guyotte, contractor, met with the Planning Board for an informal consultation of development plans for 10 and 14 Winter Street. Mr. Valpey and Mr. Guyotte explained plans for the property. The Planning Board discussed processes and procedures going forward for his project. The Board reviewed the location of 4 proposed duplexes on the site in a cluster development, the extension of water, sewer and electric utilities for the new buildings, the extension of the gravel driveway and creation of the required 2 parking spaces per unit. The developer was advised to consult with the water, sewer and electric departments to review the extension of the utilities, and to consult with the Fire Chief regarding access for emergency vehicles.

CASE 2019-10 ASHLAND HISTORICAL SOCIETY UPDATE

Jane Sawyer met with the Planning Board at their Wednesday, March 24, 2021 meeting to update them on the progress of the Ashland Historical Society project to extend the boardwalk at the Railroad Depot on Depot Street. She advised that the lease can't be submitted to the Governor and Council until the issue of a current annual insurance policy for the project be obtained. Toward that end, Ms. Sawyer requested an extension for the project from the Planning Board from March 24, 2021 to June 23, 2021.

Kathleen DeWolfe made a motion to extend the continuation for the Ashland Historical Society Application for Case 2019-10 for 90 days from March 24, 2021 to June 23, 2021. Paula Hancock seconded the motion. The motion passed on a 3-0 roll call vote.

The Planning Board discussed briefly upcoming meetings and events, including the scheduled joint meeting of the Planning Board and Zoning Board on April 7, to consider a variance request and subsequent site plan approval.

NEXT MEETING

The next meeting of the Ashland Planning Board will be Wednesday, April 7, 2021 at 6:30 PM.

ADJOURNMENT

Mardean Badger made a motion to adjourn. The motion was seconded. The motion passed. The meeting adjourned at 8:36 PM.

Minutes submitted by Paula Hancock