

**Ashland Planning Board
Approved Meeting Minutes
Wednesday, July 28, 2021**

CALL TO ORDER: Mardean Badger, Chair of the Board, called the meeting to order at 6:30 PM.

MEMBERS PRESENT: Mardean Badger, Kathleen DeWolfe, Andy Fitch, Paula Hancock

OTHERS PRESENT: David Farnham, Catherine Farnham; Barry Gaw; Scott Vien, Code Enforcement Officer (by phone)

PUBLIC HEARING, REVOCATION OF SITE PLAN APPROVAL CASE 2021-01 FARNHAM TOWING AND RECOVERY 6 MILL STREET (T/M/L 017-008-002)

Mardean Badger, Chair of the Planning Board, opened the Public Hearing for Case 2021-01 Farnham Towing and Recovery 6 Mill Street (T/M/L 017-008-002) at 6:35 PM.

“The Ashland Planning Board is holding a public hearing tonight in accordance with RSA 676:4-a for the purpose of considering whether to revoke a plan previously approved with conditions on Wednesday, March 24, 2021, for Farnham Towing and Recovery, at 6 Mill Street, Tax Map 017-008-002, on property owned by Squam River Hydro LLC. The Board is considering revocation for noncompliance with the conditions as confirmed by the Ashland Building Inspector/Code Enforcement Officer on May 20, 2021.”

“Should a decision not be reached at this public hearing, this case will stay on the Planning Board agenda until such time as the revocation is either approved or disapproved.”

“Tonight’s hearing was advertised in the Laconia Daily Sun, on July 17, and was posted at the Ashland Town Hall and the Ashland Post Office. Twenty certified notices were sent to the owner of the business, the owner of the property and all abutters, as listed in the original application for site plan review. “

“On March 26, 2021, by a 3-0 vote, the Planning Board granted conditional approval for Farnham Towing and Recovery to operate a towing business only at 6 Mill Street, owned by Squam River Hydro LLC. The approval contained both conditions precedent and conditions subsequent and prescribed an inspection by the Code Enforcement Officer 30 days following the decision.”

“CONDITIONS PRECEDENT

- The location is only approved only for towing business activities
- All automobile, parts, materials and equipment considered as part of a motor vehicle salvage or automotive recycling business shall be removed from the premises immediately. Reference the following: Ashland Zoning Ordinance Section 3.5 Junk Yards and 3.5a Definitions; and NH RSA 236 Motor Vehicle Recycling Yards and Junk Yards, and 236:112 Definitions.
- All activities considered motor vehicle salvage or automotive recycling shall cease. Immediately.
- Submit a plan to the Planning Board and the Building Inspector/Code Enforcement Officer, outlining containment and remediation of spillage of hazardous substances

(including oil and fuel), reflecting best practices as per NH Department of Environmental Services (NH DES).

“CONDITIONS SUBSEQUENT

- The location is approved only for towing business activities
- No activities or materials shall be allowed on premises (inside or outside) that meet the definitions in Ashland Zoning Ordinance Section 3.5 Junk Yards and 3.5a Definitions; and NH RSA 236 Motor Vehicle Recycling Yards and Junk Yards and 236.112, Definitions.
- Submit a plan, with the approval of the Fire Chief and Building Inspector/Code Enforcement Officer, to address safety issues cited in the recent Inspection Report by the Department of Fire Safety.
- An inspection by the Code Enforcement Officer shall be conducted in Thirty (30) days of this decision.
- Parking of vehicles shall only be within the boundary of the property and shall not impede passage of vehicles and pedestrians on public streets.
- Obtain all necessary permits, including permits from state agencies such as DES, for a towing business in that location.
- Abide by all local and state ordinances, regulations, and laws.”

“On May 20, 2021, at approximately 10 AM, an inspection was conducted by Scott Vien (Building inspector/Code Enforcement Officer) and Steve Heath (Ashland Fire Chief). A written report was submitted to the Planning Board on May 24, 2021, outlining the conditions which were not met.”

- “All automobile parts, materials and equipment considered as part of a motor vehicle salvage or automotive recycling business were not removed from the premises.
- A plan was not submitted to the Planning Board and Building Inspector/Code Enforcement Officer outlining containment and remediation of spillage of hazardous substances (including fuel and oil), reflecting best practices as per NH Department of Environmental Services (NH DES)
- Open Electrical panel.
- No plan to address the safety issues cited in the recent Inspection Report by the Department of Fire Safety. There is no fire suppression system. (Sprinkler System is not working, no fire extinguishers in working order or up to date). Last updated in 2017.
- No state DES permits were obtained for a Towing business in that location.”

Discussion followed by the Planning Board members and the owners of Farnham Towing & Recovery, David and Catherine Farnham. The Farnhams claimed that they have removed auto salvage materials and are looking for another place for their business. The Board noted that the Farnhams have not submitted a plan for remediation of spillage of hazardous substances; the Farnhams agreed with that point. The Farnhams also stated that they had not initiated any contact with DES regarding hazardous substance spillage near the river. While the Planning Board said that many of the building issues in the Fire Marshall’s inspection report are ultimately the responsibility of the property owner, the business owners still need to provide fire protection, such as fire extinguishers. The Board reminded the Farnhams that the original notice of decision had been sent to them and that it also included the Ashland Zoning Ordinance section relative to junkyards, and NH RSA 236 and 236:112. The Farnhams denied receiving a copy of the Fire Marshall’s report and the Code Enforcement Officer’s report. At this meeting, the Farnhams were handed copies of the original notice of decision, the Code

Enforcement Officer's inspection report and the Fire Marshall's inspection report.

The Chair closed the Public Hearing at 6:55 PM.

Andy Fitch made the following motion: To extend the Site Plan Approval for Farnham Towing and Recovery for 30 days until the next scheduled Planning Board meeting on Wednesday, August 25, 2021. This motion includes the following conditions:

- **Another inspection of the business needs to be completed by the Code Enforcement Officer by August 20, 2021, and the results of that inspection need to be submitted to the Planning Board for the August 25 meeting.**
- **DES needs to be contacted. The DES process needs to be started and addressed.**
- **David Farnham (applicant) needs to submit a plan to the Planning Board and the Building Inspector/Code Enforcement Officer, outlining containment and remediation of spillage of hazardous substances (including oil and fuel), reflecting best practices as per NH Department of Environmental Services (NH DES).**
- **All fire extinguishers need to be brought up to code**
- **If these conditions are not met by Wednesday, August 25, 2021 and if the Planning Board does not see significant progress with DES and in meeting the goals/conditions mentioned above, the Planning Board will act accordingly and revoke the Conditional Approval of Farnham Towing and Recovery and revoke the Site Plan for this business.**

Roll call vote: 3 votes (Fitch, DeWolfe, Hancock) in the affirmative and 1 vote (Badger) in the negative. The motion passed.

INFORMAL CONSULTATION SQUAM RIVER LANDING, BARRY GAW

Barry Gaw updated the Planning Board on the status of Phase 1 of the Squam River Landing development. Nineteen homesites have been sold and 13 houses have been constructed, with other construction underway. Some of the original lots have been reconfigured through lot line adjustments or merging. There has been one re-sale of a lot for considerably more than its assessed value. He characterized the typical property owners as year-round, second-career occupants of primary residences. The company is now beginning to consider the character of Phase 2, which will be approximately 11 lots on the upper ridge. The Alteration of Terrain permit is under development for Phase 2. One issue being discussed is road width, in the current developed area and in future sections. The future Phase 3 at the lower end could possibly include smaller parcels and homes.

The Planning Board asked Barry Gaw to provide an updated plot plan of Phase 1 of the development.

UPDATES

The Board reviewed a draft of a letter to T. Randlett relative to a request for a Full Site Plan Review or a Waiver of a Site Plan Review. The letter strongly suggests that any new property owner meet with the Planning Board in the Site Plan Review process to explain the property owner's proposal for the property. The members of the Board agreed that the letter expressed well the Site Plan Review process and to send the letter to all new property owners.

Mardean advised that the Planning Division previously in OSI (Office of Strategic Initiatives) has reorganized and will now be referred to as the Office of Planning and Development under the New Hampshire Department of Business and Economic Affairs.

DISPOSITION OF MINUTES

The Board reviewed the minutes from their Wednesday, July 7, 2021, meeting. Andy Fitch made a motion to accept the Wednesday, July 7, 2021, minutes as written. Kathleen DeWolfe seconded the motion. The motion passed on a 4-0 roll call vote.

ADJOURNMENT

Andy Fitch made a motion to adjourn. Kathleen DeWolfe seconded the motion. The motion passed. The meeting adjourned at 7:55 PM. The next Planning Board meeting will be Wednesday, August 25, 2021, at 6:30 PM at the Conference Room at 6 Collins Street.

Minutes submitted by Paula Hancock