

Planning Board Meeting Minutes
January 12, 2023

Attendance: Chairman Jeff Couture, Jeff Feenstra, Bill Meserve, John Hayden, Michael Price, Town Planner Glenn Greenwood and Selectmen's Rep. Michael Sununu. Also in attendance was Fire Chief Jeff Buxton and Police Chief Wayne Young.

The meeting was called to order at 7:01pm.

The minutes of December 8, 2023 were reviewed. A motion was made by Jeff Couture and seconded by Mike Price to approve the December minutes as written. All were in favor and the motion carried.

Old Business:

The Board discussed the status of the Rugg project. Glenn indicated that he met with Bruce Scamman and he realizes there is more engineering to be done before coming back to the Board. John Hayden noted that he spoke with Derek after last month's meeting, and he said he was willing to be somewhat patient with the process.

Michael Sununu said that the Town was asked to assign an individual to join the Rugg's in their discussion with the different organizations that might be financially supportive of purchasing a conservation/recreation easement on the property. He volunteered to be the representative for the Town. Jeff Couture also expressed interest in being involved in the discussions and being the liaison to the Conservation Commission.

Jeff Couture stated that there are still issues with the portion of land in Exeter that need to be resolved. The Rugg survey indicated that they own land in Exeter which is now in contention because Exeter took possession of it.

The Town needs to seek consultation with SELT to be privy to the discussions with Derek Rugg. Jeff Couture stated that SELT was hired by the Town to broker the deal for a conservation easement on the Conner property a few years ago, and they were acting on our behalf. SELT prefers to conserve land rather than have it developed but we are talking about a recreational easement for this property.

The Board discussed the Vernon Family Farm Notice of Decision.

Mike Price stated that it was his assumption that conditions need to be completed before VFF can move forward with any additions.

Glenn indicated that the VFF's schedule to add events and do improvements to the pavilion immediately requires a letter to them stating they are responsible for getting an approval from the ZBA for the use of the pavilion. And the Board's expectation is that the process begins immediately.

John Hayden agreed that someone needs to contact VFF stating they cannot start building and then get a building permit and they cannot start having additional events without completing the conditions of approval first. Glenn agreed that we need to reach out to VFF.

Jeff Buxton said that Jeremiah had recently contacted him by email about an amended permit of assembly. He has yet to do the inspection. The existing permit of assembly is valid through April 1, 2023. Jeff is under the assumption that the amended permit of assembly includes the use of the pavilion.

Bill Meserve said that if the site location of the building/pavilion isn't approved, VFF cannot ask for permission to use it.

Glenn stated that the first item for VFF to comply with in the Notice of Decision is the requirement to get approval from the ZBA for the siting of the pavilion as Attorney Manzelli agreed to in the Notice of Decision.

Michael Sununu advised that VFF should not be using the facility until all inspections have been completed.

John Hayden said that no entity in this community would come before this Board with a site plan, have a discussion, get a conditional approval, and move forward without meeting the conditions of the approval. They need to get an amended driveway permit and they filed for the off-site catering permit with the use of the pavilion for 300 people. VFF portrayed to the State that they had permission from the Town. It was shocking to John that this occurred. It was his understanding that individuals, other than Larry Shaw, would inspect the building/pavilion to ensure that it meets all life safety criteria, structural criteria, and health inspections first.

Mike Price said that there is no reason to inspect the pavilion until it has been approved by the ZBA.

Michael Sununu commented that VFF cannot hold these events until the ZBA has approved the site location of the pavilion. Additionally, they need to get an amended driveway permit at an alternate location on site, which is in direct violation of the terms of the conservation easement. The conservation easement requires that no stone walls are to be disturbed on the property.

The Board's expectation is that they get a new driveway permit as soon as possible, as they agreed to. Glenn added that it is up to VFF to figure out how to obtain the new driveway permit.

Bill Meserve suggested that when the driveway permit is applied for the Town needs to inform the DOT that the driveway permit is for a store, 15 employees and up to 300 people to travel in and out of.

According to Michael Sununu the DOT thought that the driveway permit was still active. Police Chief Young said DOT indicated that the driveway permit from 2020 was not still active because the driveway was not built within a year. The new driveway was needed because of the lack of site line distance with the existing driveway.

Jeff Feenstra assumed the Conservation Commission approved the driveway. Glenn stated that it is not the Planning Board's responsibility to contact the DOT. It is up to Vernon's to start the process. Michael added that he would be sending the conditions of approval to District 6 so they are aware of the conditions and request that a copy of the driveway permit be sent to the Planning Board, Select Board and Police Department.

Jeff Couture suggested making DOT aware that the new driveway would be on conservation land. The VFF had previous approval for the new driveway location, but they were unaware of the conservation restrictions.

Jeff Couture said that the onus is on the VFF to contact the Conservation Commission to fulfill the condition of approval for the new driveway location.

Bill Meserve is concerned with the noise ordinance being adhered to, to protect the neighbors. Michael said the Town will need to decide how to enforce and ensure that VFF is complying with the terms of the conditions, specific to noise.

John doesn't understand how it could be so unclear as to what was required of the VFF.

Michael Sununu volunteered to draft a letter for the Planning Board's approval, to clarify the conditions of approval required before events can resume. At a minimum,

List the conditions

John Hayden said that Sue McKinnon contacted him about the equitable waiver process because she wasn't sure how the process worked. There is an application for equitable waiver that needs to be filed with the ZBA. Glenn noted that the Equitable Waiver has specific criteria that need to be met to be granted.

John Hayden said it would be prudent to provide the ZBA with information on what occurred. There is concern that Jeremiah applied for the pad and then it subsequently morphed into what it is now and somehow the town told him it was okay. When Jeremiah realized, his plans were going to change, he should have addressed the situation properly by applying for the permit for the use it was intended for, a commercial kitchen and bar. That is not what was represented to the Town.

Bill Meserve asked about the State inspections that need to take place. Michael Sununu said it is not the Town's responsibility to schedule an inspection. Glenn said VFF needs to come to the Town to ask for the State inspections to be initiated, as provided in the Notice of Decision. Michael Sununu added that the Health Inspector, Building Inspector (not Larry Shaw), and State Fire Marshal need to provide an inspection report. Bill Meserve pointed out that the September 13, 2022 letter from the Building Inspector raised some serious concerns.

Jeff Buxton said that the State Fire Marshal will not come to inspect without the town initiating the process. The Fire Marshal does not need permission to inspect life safety issues.

Bill Meserve said that Jack Steiner is the Alternate Building Inspector, but he is also on the ZBA. Perhaps he should not be doing the building inspections. Michael Sununu informed the Board that VFF applied for a building permit with the Town for a hood fan and the installation is underway, specifically stating an alternate building inspector will be needed.

Michael asked at what point might the Planning Board revoke their approval.

Glenn said the Board has the right to revoke the approval, but we should give VFF the opportunity to address the issues. We need to send the correspondence first.

John Hayden asked how they can advertise and market an event this weekend, which is listed on their social media as a restaurant. They are promoting an event where tickets are available at the location. How can they track that less than 100 people will attend? There is no way for Chief Young to know if a detail is necessary.

Police Chief Wayne Young indicated that he received an email from VFF stating they would be having events every Friday and Saturday, with less than 100 attendees, from January 13 through May. He told

Jeremiah that he had concerns with providing details for traffic going in and out of the site on an unapproved entrance. It is a liability issue in his opinion.

John read the December 8, 2022, minutes where Jeremiah said that the events schedule would be the same as last year and he is not looking to add more music events. He is not looking to be an event space or to have festivals. It is curious that he would say that and then add more events.

The Board discussed the liquor application. Bill is concerned that the application checks off that there is a letter from the municipality stating there is no objection to the events to be held at the site.

Michael had spoken to someone at the Liquor Commission about the way VFF received their initial permit. The Liquor Commission granted the permit without VFF meeting all the requirements. The Town did not approve of the events and the way in which they applied did not fit with any permitted liquor license. The Liquor Commission stated they are revising their liquor commission rules for this type of facility.

The most recent permit application from the Liquor Commissioner indicates that the Town has approved of the events. It was checked off on the application that VFF has a permit of assembly and that they have a letter from the municipality stating there is no objection for events, which Attorney Manzelli signed.

Michael Sununu said there have been no approvals for these specific events from the Town.

Mike Price said that in one instance the business applies for a liquor license as a kitchen and in others it is referred to as off-site catering.

The meeting adjourned at 8:07pm

Respectfully submitted,

Sue McKinnon