

DRAFT MINUTES- Rockingham Development Review Board  
Wednesday, May 8, 2024 – 6:30 pm

DRB Members: Chair Patrick Moyna, Co-Chair Kath Martin, Thaddeus Guild, Archie Gleason  
Development Staff Present: Ryan Gumbart (Land Use Admin)  
Public Present: Chris Sherwin, Paul Lawrence, Steve Adams, Brian Lescord, Diana Jones, Michael Bruno,  
Erica Daniels, Tim Wells, Palmer Goodrich, Laurie Goodrich, Gary Rapanotti, Remy Walker

AGENDA

Call to Order: Meeting of the DRB was called to order by Martin at 6:49 p.m.

1. Agenda Review- No changes to the agenda were made.
2. Public Comment (items not on the agenda)- No comments were received.
3. Approval of Minutes: April 10, 2024- Guild said to “**include the size of the existing building, existing parking spaces and area as comparison to existing, and Martin said the amount of front setback, of lights in maintain**” Guild *moved to approve the minutes of 04/10/24 as amended, Gleason seconded, and motion carried.*
4. Public Hearing: Application 24.0122.Gin - 22 School Street – Conditional Use Review- Change of Use to Multiple Family Dwelling

*a. Continued from April 10, 2024* – Gumbart said they would be ready in June. Board agreed to set a site visit at 5:30 pm June 12, 2024, *Guild moved to continue the hearing until the next meeting on June 12, 2024, 24.0122.Gin at 6:30 p.m. with a site visit at 22 School St. at 5:30 pm seconded by Gleason, motion carried.*

5. Public Hearing: Application 24.0328.Lea by Leach Road Farm Partnership - Boundary Line Adjustment – 447 Leach Road (Parcel: 0370447) Located in AF & RR-1- Requires Subdivision Review

Gumbart administered oath: “I hereby swear or affirm that the evidence I give in the cause under consideration shall be the whole truth and nothing but the truth, under the pains and penalties of perjury.” They responded “I do”.

Recommend final plat review. This is a transfer of 12.78 acres Leach Rd. Farm Partnership to Margo Freeman with 710-acre remaining and going to Margo’s 130-acre parcel. He said this piece has no frontage, Leach Rd to the north is 1000 feet. There was no conflict of interest through Martin being a colleague of Gary.

*Hearing closed 24.0328.Lea – 447 Leach Road*

6. Public Hearing: Application 24.0328.Les by Richard A. & Mary M. Lescord – 253 Darby Hill Rd. (Parcel: 0460253)– Located in RR-1 - Requires Subdivision Review –

Gumbart administered oath: “I hereby swear or affirm that the evidence I give in the cause under consideration shall be the whole truth and nothing but the truth, under the pains and penalties of perjury.” Brian Lescord responded, “I do”.

Each lot meets minimum lot size, bordered by Class 4 road. The 3-acre property on the backside will be accessed by cousin, no other access is requested, nor any plans for commercial use of subdivision. Gleason asked if the road connected Darby Hill to old Darby Hill, Lescord said yes, the old Class 4 Road.

Gumbart said stormwater should be addressed in the subdivision review: provision made for wastewater and stormwater. He said regulations could be waived if not deemed necessary. Martin asked if the steepness was discussed with surveyor. Gumbart said on Pg. 13 of the packet, the ANR atlas overlay indicated that anything in red is 25% slope which is located on the northern end of the property. Moyna said the 3.08 acres is primarily 25%. Theoretically, access could be added from the old Darby Hill Rd. Gumbart said the Town has a Class 4 road policy, which is not Town maintained and must be maintained by property owner. If it was requested to upgrade to Class 3, a formal recognition to convert it would be made with the select board. Lescord said his intention was to leave it the way it is, as a Class 4 road. Gleason said to add specification on the Class 4. Martin's concern on parcel 1, everything red is 25% slope will be added to conditions that it is unbuildable. Conditions general for development, before building is constructed state permits required for septic are received. The deed should state on sale that the buyer must received said permits. The DRB can approve the subdivision, but building permits would be separate. Gumbart said in the decision on conditions and sections that can be waived. Condition on future sale that the buyer meets state regulations on sewer and water.

*Hearing closed for 24.0328.Les – 253 Darby Hill Rd.*

7. **Public Hearing:** Application 24.0328.Way by Palmer Goodrich – Change of Use - 5 Town Farm Rd (Parcel: 0810005) Located in C -(2) Requires Conditional Use Review and Site Plan Review

Gumbart administered oath: "I hereby swear or affirm that the evidence I give in the cause under consideration shall be the whole truth and nothing but the truth, under the pains and penalties of perjury." They responded "I do".

Gumbart said this was Classified as industrial /other commercial, two uses single family residence will continue, and add other commercial/ industrial with no outside storage. Stone fabrication, masonry. Waysville said the Parcel is for sale, if sale falls through Palmer would continue selling firewood. If the sale goes through it would be used as Stone storage, request one day/week to utilize hydrologic hammer on stone processing. Gumbart said if more than one principal use otherwise approved as a conditional use by DRB. No changes, only activity. Gumbart said the forest products permit was from 1997 for a forest product sales and office, use requesting being changed. Martin asked about increased noise. Waysville said 200 ft. range 63-70 decibels at the loudest during cutting in open air, the cutting will be inside. The outside hammer was the question, but it should be less loud than ledge. Monday - Friday 7-5 hours. Stone breaking request on one day per week on Wednesday, 7-5 pm. Goodrich testimony or question no contract by intended buyers, could this be granted under condition that they purchase the property, we don't want to change the use if the sale falls through. Martin said the permit goes with the land. DRB can grant a condition with the land. Moyna said the application is asking for an additional use i.e. stone cutting. Firewood processing fall under the use of other industrial commercial. You can have 3 uses. Gleason asked if it was sold, how long would the firewood still be processed, it would overlap but not for very long. Martin asked to add a condition permitted three use permitted two use within a year. Martin asked for more information on the decibel levels around the processing and breaking, the DRB requested a noise study.

*Guild moved to continue the hearing of 24.0328.Way – 5 Town Farm Rd until June 12 meeting at 6:30 pm, Moyna seconded, motion carried.*

8. **Public Hearing:** Application 24.0411.Bal by 7 Balls Brewing LLC–Change of Use – 92-94 Rockingham St (Parcel: 5010092) Located in CB-7 – Requires Conditional Use Review and Site

Plan Review. Gumbart administered oath: "I hereby swear or affirm that the evidence I give in the cause under consideration shall be the whole truth and nothing but the truth, under the pains and penalties of perjury."

Sherwin, Adams and Lawrence responded, "I do". Gumbart said this was property was the two buildings, use seeding approval is restaurant/bar, no changes to building. They are looking to open a tap room on site for serving in the building and potential local distribution. Moyna asked for hours of operation, as many hours as possible. Moyna said we need specifics of understanding and apply for more now. 7 days per week, 10 am to 11 pm. Sherwin's goal is to have an intermediary between cafes and bars. Three employees to start with, trash dumpster on site, not screened but will be. Can use off-site parking in CB7, amend the sketch to use the parking spaces outside for outdoor seating. Moyna would there be changes to exterior lighting. Current lights outside, downward facing. Portable lighting is not regulated. DRB wants to make sure everyone in the neighborhood is happy, not interested in neon signs that are flashing into the residential neighborhood across the street, ruin the character. Rules state downfacing lights. Owners are in the process of building a fence to screen the dumpster less than six feet. Wells and Daniels moving here and buying these buildings we want to bring life back to this end of the Designated Downtown, finding a renter wanted something special and a draw. Sherwin said we all grew up here, and we want to bring people here in BF, within Design Review District no changes to the building. Renovations to the outside must see the DRD. A sign application will be a separate application. Lawrence said seating capacity will be dictated by Fire Safety permits, and liquor licenses. Moyna said they must take parking increases into consideration.

*Closed the hearing for 24.0411.Bal – 92-94 Rockingham St.*

9. **Public Hearing:** Application 24.0418 Win by Windham Antique Center—new fence structure –5 Square (Parcel: 5020001) Located in CB-7 – Requires Design Review.

Gumbart administered oath: "I hereby swear or affirm that the evidence I give in the cause under consideration shall be the whole truth and nothing but the truth, under the pains and penalties of perjury." Walker said, "I do".

Design Review District required on any structure including fences. Two sections of fencing one to screen the dumpster. Jones said there has been vandalism and fencing could block that. A chain link eight-foot fence was removed roughly ten years ago. It is not seen from the road. Nine-foot long six foot high, one foot from the abutting property building, and an eight-foot section six-feet high to block the visual of the dumpster. Will screen visibility down the alley to deter activity. Walker was concerned eight feet, egress on the first floor need a gate accessible from both sides. Walker said they have an easement and wanted to maintain access, power lines that go over the property and want to ensure GMP can maintain easements over that property. Martin said they will need more testimony on the easements, will be one-foot from the property line. Walker said easement extends onto WAC ROW eight feet wide. Jones said we were not aware of the egress. Martin said we can't permit something that encroaches on someone else's rights, includes overhead easements for power lines and any easements on the WAC property that provide access. Gleason suggested building the fences into two pieces for egress. Moyna said we don't know we need a detailed plan, easements, fence in proximity and copy of easements 8 feet it can't mean the fence can't go around it. Doesn't mean unfettered. We need a Copy of easement. We need to understand that before we make a decision. Martin suggested if Jones and Walker can consult on the plan, it might be he has legal rights and solve the problem before you return.

*Moyna moved to continue hearing to June 12 at 6:30 pm, Guild seconded. 24.0418.Win –with a site visit at 6 p.m. and motion carried.*

10. Rules of Procedure – Continued to next meeting

11. Other Business - No other business

12. Adjournment - *Guild moved to adjourn and enter deliberative session, seconded by Gleason at 8:30 pm, motion carried.*

Next Board Meeting- Wednesday, June 12, 2024 at 6:30 p.m.

Attest: \_\_\_\_\_ Recording Clerk Betsy M. Thurston \_\_\_\_\_  
Betsy Thurston, Recording Clerk

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