

TOWN OF LEE PLANNING BOARD  
MEETING MINUTES  
July 12, 2023, at 7:00PM

MEMBERS PRESENT: Mark Beliveau, Chairman; Lou Ann Griswold, Vice Chair; Wayne Lehman; John LaCourse; David Cedarholm; David Houston, Alternate & Nicholas Bennion, Alternate.

OTHERS PRESENT: Irene Boisvert; Scott Frankiewicz, NH Land Consultants; Peter Hoyt, Lee DPW and Caren Rossi, Planning & Zoning Administrator

**MINUTES**

Draft 5/10/2023 Minutes

Wayne Lehman made a motion to approve the Draft Minutes.

David Cedarholm second.

Vote: all, minutes approved.

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**P2324-01**

**Consultation with John Ovadek for property located at 67 Concord Road, known as Lee Tax Map#04-06-0500.**

Scott Frankiewicz spoke representing John Ovadek. He explained that John Ovadek purchased the property last winter. He owns a moving company called First Class Moving and Storage. He had property in Northwood for the business, but he sold the property and still has the trucks, trailers etc. He currently parks the trailers on the site and about twice monthly he gets deliveries into the trailers, then he comes in with a smaller truck and delivers the items. The items are Nanco Products, Limber Liquidators and Cabinet Maker. He doesn't have any employees, it's just him. He uses the smaller truck to deliver into the tighter spots that the larger trucks can't get into. Scott Frankiewicz showed the Board the previous approval for the property which is a nursery retail site, and he feels that the use is comparable and should not require site plan approval. The nursery approval was in 2011/2012. His firm has been retained to do the survey, soils work and a site plan review application etc. once the property owner determines what he wants to do and can do on the site.

Caren Rossi explained that a major issue is that NHDOT also considers it a change of use and they do not have a permit for the additional exit that they have created to get the larger trucks out. Once they pull in and back up to the trailers to unload, they can't make it

out of the permitted exit, so they go down further and out the grass/dirt area. She provided pictures that the police chief had taken. At the very least, they need to apply to NHDOT for a change of use.

Mark Beliveau, Chairman asked how long ago the nursery stopped operating.

Caren Rossi isn't positive, but the nursery had purchased the property from Mr. Nault, who held the loan and when the nursery defaulted on the loan payment, he took the property back and that was in 2017 but it had been closed before that.

1. Mark Beliveau, Chairman read the following from the 2023 site review regulations.  
*The Board shall have the responsibility for making the final decision as to the necessity of site plan review. Where there is any doubt as to whether a project requires site plan review, the affected party should request a determination from the Board. To clarify what type of proposed development triggers Site Plan Review by the Board, a non-exclusive list of examples is set forth below:*
  - a. *A proposal that involves new construction of nonresidential or multifamily development (i.e., more than two dwelling units).*
  - b. *A proposal that involves a change of use category, e.g., from residential to commercial, or from single-family to multifamily.*
  - c. *Nonresidential or multi-family use that did not receive site plan review when originally constructed.*
  - d. *A proposal that involves the change or expansion of an existing use.....*

Nicholas Bennion commented that he feels they are changing from retail to storage.

Mark Beliveau, Chairman commented that he feels its bad practice as its located in one of the busiest parts of town, Rt. 4. As well as if site review is required, it will allow police and fire a chance to weigh in on the change of use. He would have a hard time waiving the regulations.

John LaCourse commented that he also agrees as well as the entrance/exit is an issue.

Lou Ann Griswold commented that when she looks at the purpose of the site review regulations, she doesn't feel that this property is esthetically pleasing.

Wayne Lehman agreed.

Wayne Lehman moved to require a full-size plan review for storage use.

John LaCourse second.

Vote: all, site plan review is required and not waived.

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## P2223-10

**An application for a Public Hearing from the Town of Lee, Public Works Director, requesting to cut/remove trees on the following scenic roads: Demeritt Ave.; Birch Hill Rd.; Cartland Rd.; High Rd; Sheep Rd and Stepping Stones Road.**

Peter Hoyt stated that they are looking for permission to cut diseased trees and damaged trees on scenic roads in Town. They need to be taken down before they come down on their own and cause damage.

Lou Ann Griswold asked who owns the trees?

Peter Hoyt said they only cut trees in the right-of-way (ROW) and then they are the Towns.

Mark Beliveau, Chairman read a portion of the NH RSA 231:158 -- Scenic Roads. He then asked if they got permission from the property owner or how does that work.

*I. Upon a road being designated as a scenic road as provided in RSA 231:157, any repair, maintenance, reconstruction, or paving work done with respect thereto by the state or municipality, or any action taken by any utility or other person acting to erect, install or maintain poles, conduits, cables, wires, pipes or other structures pursuant to RSA 231:159-189 shall not involve the cutting, damage or removal of trees, or the tearing down or destruction of stone walls, or portions thereof, except with the prior written consent of the planning board or any other official municipal body designated by the meeting to implement the provisions of this subdivision, after a public hearing duly advertised as to time, date, place and purpose, 2 times in a newspaper of general circulation in the area, the last publication to occur at least 7 days prior to such hearing, provided, however, that a road agent or his designee may, without such hearing, but only with the written permission of the selectmen, remove trees or portions of trees which have been declared a public nuisance pursuant to RSA 231:145 and 231:146, when such trees or portions of such trees pose an imminent threat to safety or property, and provided, further, that a public utility when involved in the emergency restoration of service, may without such hearing or permission of the selectmen, perform such work as is necessary for the prompt restoration of utility service which has been interrupted by facility damage and when requested, shall thereafter inform the selectmen of the nature of the emergency and the work performed, in such manner as the selectmen may require...*

Peter Hoyt explained that they do try to get permission from the homeowner unless it's a storm and immediate danger, that has always been the practice.

Mark Beliveau, Chairman commented that he recalls in years past several people in the audience with concerns of trees being cut, he recalled possible Stepping Stones Rd. He believes it's good practice to let owners know of the removal of trees and to use good common sense.

Caren Rossi recalled the same and believes that it was in fact Stepping Stones Road.

Mark Beliveau, Chairman asked how the trees are determined to be an issue?

Peter Hoyt stated that the ones that they have questions about they ask the local forester or tree expert in town.

David Houston asked if there were any guidelines used in the past?

Caren Rossi replied that no, we just trust the DPW director.

David Cedarholm asked if the trees are marked as have been in years past?

Peter Hoyt said some were and some weren't.

Public comment

Irene Boisvert- Demeritt Ave spoke with question as to what had been identified to be cut on Demeritt Ave.

Peter Hoyt stated he thinks that those were taken care of during the last storm.

Irene Boisvert asked how will cut them? And when?

Peter Hoyt explained if they can be down by employees, they will if not, Orion Tree Service does the towns work and hopefully by years end.

Public closed

Mark Beliveau, Chairman summarized that he had the following conditions.

1. The Town documents the condition of the tree, ie. diseased or impaired by a photo.
2. Consent of the property owner.
3. If the landowner won't give consent, hold off until determination of who actually owns the tree for certain prior to its removal.
4. A consistent way of marking the trees such a ribbon prior to the consultant with the landowner.
5. Do not mark the trees with paint, this is due to the possibility of the tree not being removed.

Others agreed to the conditions.

Wayne Lehman made a motion to grant the request subject to the following conditions.

1. The Town documents the condition of the tree, ie. diseased or impaired by a photo.
2. Consent of the property owner.
3. If the landowner won't give consent, hold off until determination of who actually owns the tree for certain prior to its removal.
4. A consistent way of marking the trees such a ribbon prior to the consultant with the land owner.
5. Do not mark the trees with paint, this is due to the possibility of the tree not being removed.

With no further business, the meeting adjourned at 8:10PM.

Minutes transcribed by:

Caren Rossi