

**Hopkinton Planning Board**  
**Minutes**  
**January 26, 2006**

Chairman Bruce Ellsworth opened the Hopkinton Planning Board public hearing of Thursday, January 26, 2006, at 6:35 PM in the Town Hall. Members present: Clarke Kidder, Celeste Hemingson, Jane Bradstreet, Edwin Taylor and Cettie Connolly. Members absent: Timothy Britain, Michael Wilkey, Bethann McCarthy, and Richard Schoch.

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**I. Application—**

Chairman Ellsworth began by explaining that the Board would hear a presentation by the Applicant addressing specific questions the Board raised at the previous hearing. Following the Applicant's presentation, the Board would listen to public comment.

#2005-30 Larry Ehlinger—Attorney Brian Gould of Brown, Olson & Gould addressed the Board representing Larry Ehlinger and Susan Levesque, owners of the farm at 100 Chase Farm Road. Mr. Ehlinger and Ms. Levesque request Site Plan Review approval to operate an agricultural use boarding, breeding and training equines. As part of the agricultural use, the Applicant will construct a new arena and barn. The property is located in the R-4 (residential/agricultural) district, shown on Tax Map 243 as Lot 20. This was a continuation of the January 10, 2006 public hearing.

Attorney Gould reviewed with the Board a plan depicting the house, Chase Farm Road, and the proposed barn. Additionally, the plan depicted the location of existing power lines, wells, and proposed parking and lighting.

Lighting is proposed on both ends of the barn and on both sides of the barn. There will be additional lighting along a stonewall that is in front of the barn. The location and type of proposed lighting was referenced in the narrative submitted to the Board.

Chairman Ellsworth asked Attorney Gould to explain the characteristics of the lighting, whether they will shine up or down. In response, Attorney Gould stated that at the east and west ends of the barn there will sodium vapor lights. The lights will shine down. Mr. Taylor noted that the Town adopted a Lighting Ordinance that gives specific requirements for lighting. Chairman Ellsworth then explained that the lighting requirements are intended to reduce the affects that lighting may on the atmosphere and the neighbors. He then asked that the Applicant submit information as to what specifically will be used for lighting so that the Board can determine whether it is in conformance with the Ordinance. In response, Mr. Ehlinger stated that the lighting would be in conformance with the Town's Ordinance.

Attorney Gould explained how the Applicant plans to use a French drain system to take care of the runoff from the barn. The system would be constructed on both sides of the barn. Additionally, a 30-foot wide apron constructed of hard pack will be constructed around the entire perimeter of the barn. The French drainage will run down into a swale which lies between the proposed parking area and the proposed apron in the front of the barn. The swale is the natural and existing pathway for surface water for the area. The water will be collected and discharged into the swale following the same path that the surface water currently follows.

Attorney Gould presented an aerial photograph of the property pointing out the location of the proposed barn, existing farm house, roadway, easement area, and the Jalbert property.

The Board then reviewed information received concerning the wells on the property. The Applicant's had the flow of the artisan well and one dug well measured. The information provided had shown the flow of water available along with the depth of the standing water. Additionally, information was provided as part of the narrative outlining the amount of water that will be required for the horses on a daily basis. Attorney Gould explained that the Applicants plans to install a metering system that will control the flow of water to the horses to minimize the amount of water needed on a daily basis. Mrs. Bradstreet questioned whether the Applicant was proposing to use water from the two (2) wells referenced or planning to drill new wells. Mr. Ehlinger stated that he planned to utilize the five (5) wells that exist on the property. He believed by presenting the information with regards to the flowage and availability of water from the two (2) wells that he had proven to the Board that there is sufficient water available. Attorney Gould advised that they had also conferred with someone who had previously worked the farm and according to that person the dug wells have an abundance of water year-round.

Mr. Taylor referred to the Applicant's intentions to utilize French drains on both sides of the barn diverting water into a swale that is shown to be located through the parking area. In response, Attorney Gould stated that the swale is actually on the west side of the parking lot. Mr. Ehlinger stated that the water will travel underground through a gravel ditch. Mr. Taylor believed that was not shown on the plan, advising that there is potential for a French drain to freeze during winter months so that the water would be dispersed elsewhere.

Attorney Gould presented a plan showing the footprint of the barn, advising of a reduction in the total square footage of the barn of a little over ten (10) percent from what was originally proposed. He plan shows that the constructed of the barn is to be phased with the barn to be constructed first, the office, tack, and feed area to be constructed in the second phase and the tractor storage area would be the third phase. Construction would occur over two (2) to five (5) years.

Chairman Ellsworth asked what the rationale was in reducing the size of the proposed barn. In response, Mr. Ehlinger stated that the original proposal was for a metal barn; however, they found that the metal building would not be conducive to the area in trying to continue with the atmosphere of the structures in the neighborhood. The proposal is a wooden structure would provide additional space than that of a metal building.

The Board had also previously requested written statements from a number of Town Officials. In response, Attorney Gould referred to written statements prepared by the Superintendent of Public Works, Police Chief, and Fire Chief. Mr. Taylor asked Attorney Gould to explain his interpretation of what is being asked by the Fire Chief. In response, Attorney Gould stated that the Fire Chief has requested a dry hydrant for fire fighting purposes. The Applicant is prepared to install the hydrant in Deer Meadow Brook as requested. Mr. Ehlinger noted that the dry hydrant installation will assist the Fire Department in fighting the fires at all residences in the neighborhood. Mr. Taylor believed that the Applicant agreed to address the water issue relative to

fighting fires, but was not sure that the others issues with regards to roadway width and a turn-around had been addressed. Mr. Taylor was confused by what the Fire Chief was asking in his memorandum. Mrs. Connolly advised spoken with Chief Schaefer who had indicated that the fire hoses are not long enough to run from the Blackwater River to the barn and that is why he is requesting the dry hydrant. The request was not as a result of lack of water, but rather lack of access to the water.

Chairman Ellsworth inquired as to whether the Applicant's interpretation was that the installation of the dry hydrant would satisfy all of the concerns of the Fire Chief. Attorney Gould replied yes. Chairman Ellsworth requested that Ms. Robertson confirm whether or not the installation of the dry hydrant would address all of his concerns.

Attorney Gould then referred to the memorandum from the Superintendent of Public Works in which he requests that trees and brush be removed at two (2) corners along Chase Farm Road. Attorney Gould indicated the Applicant's willingness to remove the trees and brush.

Attorney Gould presented a cross-section of the proposed apron and French drain, explaining the gravel for 20-feet and 10-feet of hard-pack that will extend around the barn. Chairman Ellsworth asked if there is a piping system proposed to connect the bottom of the French drain. In response, Mr. Ehlinger replied no, explaining that the water will travel through the French drain to where the natural water currently flows on the property.

Mrs. Hemingson asked about the swale and the path shown on the plan. Mr. Ehlinger explained how the water will travel to an existing path. Mrs. Hemingson then noted that the water will travel along an existing trail. Mr. Ehlinger noted that the water has traveled along the path all along and that there are no changes proposed. The French drains will control the speed of the water. Mrs. Hemingson questioned the surface of the path. Mr. Ehlinger stated that it is approximately 20-feet wide and consists of stone and gravel.

Chairman Ellsworth questioned whether the additional run-off that will be created from the roof of the proposed barn will travel down the French drain and substantially increase the flow of water that currently travels along the path. In response, Mr. Ehlinger stated that the way the water will travel along the path will not change. Chairman Ellsworth suggested that there may be an argument that as the area of the proposed barn is now a standing field that much of the water is currently absorbed into the property and that the construction of the barn will no longer allow water to be absorbed in that particular location.

Attorney Gould presented a rendition of the barn, along with an interior floor plan showing the configuration of the proposed horse stalls.

Mr. Taylor questioned the handwritten note on the plan with regards to a 30-foot fire lane. In response, Mr. Ehlinger explained that where he is from the Town requires fire lanes around buildings.

Chairman Ellsworth asked Attorney Gould to explain the exact operation of the facility, questioning whether the facility will just house horses and whether it would be open to

the public. Susan Levesque responded by explaining that she boards, breeds, and trains horses. The horses are brought to shows so there will be no horse shows at the property. Chairman Ellsworth then asked about the necessary qualifications to be able to utilize the facility. In response, Ms. Levesque stated that the person would have to be interested in showing and taking lessons on a regular basis. The riding classes consist of no more than four riders that would usually consist of those people that have their horses boarded at the barn. Other uses of the barn will be by students and 4-H members. There is a bathroom in the house that would be available for use by those people that are utilizing the barn.

Lastly, Attorney Gould advised of the location of the proposed composting facility on the west side of the proposed barn. The compost facility will be made of a 30' x 60' concrete pad utilizing the Department of Agriculture's Best Management Practices, which was provided to the Board.

Mr. Taylor questioned whether there would be a water management system constructed beneath the composting facility as is referenced in the Best Management Practices Handbook. In response, Attorney Gould stated that the handbook depicts three (3) different means of composting. Mrs. Hemingson noted that the Board had been referred to Best Management Practices to understand the system; however, the Board is not sure which of the composting facility designs the Applicant is proposing. Attorney Gould stated that the composting facilities referenced in the handbook are examples. He noted that there are different methods of composting. The proposal is very similar to the windrow method which is generally placed on open ground, but the Applicant is proposing a concrete pad. Mr. Taylor then questioned what would happen to the run-off from the composting material. In response, Mr. Ehlinger stated that the composting facility will have a roof over it, explaining that it will be a three sided facility with a roof cover. Again, Mrs. Hemingson reiterated that the fact that the Planning Board has not seen the proposed composting facility, so she had that the Applicant explain how he proposes to compost and store the manure. In response, Mr. Ehlinger stated that the manure will be located in a 30' x 60' concrete container that will have five (5) foot walls and if the Board requests it will have a roof constructed over it. Chairman Ellsworth recalled Mr. Ehlinger previously stating that he is constructing a roof over the facility. He questioned whether that was going to be a decision of the Planning Board or whether Mr. Ehlinger is proposing the roof. Mr. Ehlinger responded by explaining that Best Management Practices indicates that a roof may or may not be constructed over the facility. He stated that if the Board had a concern with runoff then he would construct the roof. Mr. Taylor asked Mr. Ehlinger that he needs to be specific as to what he is proposing and that it not the Planning Board's responsibility to design the facility. The Board would then review the proposed design to determine whether it meets the requirements in the Ordinance. Mr. Ehlinger then stated that the composting facility will have a roof over it.

Chairman Ellsworth requested that a more specific diagram of the facility be provided to the Board. Additionally, Mrs. Hemingson noted that at the previous meeting the Board felt that the use of best management practices would be appropriate for the site and for the well-being of the neighbors. When provide specific manure management system that will be utilized, reference where in the best management practices the method is outlined.

Chairman Ellsworth recalled comments at the previous meeting that the manure would periodically be hauled and removed from the property. Mr. Ehlinger presented a diagram of a compost facility showing a concrete pad with sides and roof to avoid runoff. Chairman Ellsworth asked about the advantages and disadvantages of having open or closed storage of the manure. In response, Mr. Ehlinger stated that he would cover the storage facility. Attorney Gould referred to the definition of the agricultural district which includes the use and spreading of animal manure. Chairman Ellsworth indicated that the Board is trying to understand what the Applicant is requesting permission to do at the property.

Attorney Gould noted that according to the Best Management Practices Handbook if manure is composted it forms a harden skin as it dries which reduces the number of flies.

Chairman Ellsworth inquired as to the schedule of removal of the manure. In response, Mr. Ehlinger indicated that the proposed compost facility is designed to hold 6-months supply of manure. He has three companies that have already agreed to remove the manure. Removal could occur when the facility is full or sooner. Mr. Ehlinger stated that he could remove it every ten days using his own truck; otherwise, the manure could be removed at one time by a larger truck.

With regards to transportation involving other uses of the property, Attorney Gould referred to the narrative provided to the Board. The Applicant's own a couple of horse trailers, a couple of pick-up trucks, a farm truck, an RV and one Buick automobile. The traffic for the horse owners and children attending the farm is estimated an average of seven (7) vehicles per day. Generally, the owners obtain their grain with their own pick-up truck and every two to three months they receive a shipment of sawdust that is used for bedding. Then, in November they receive two tractor trailer loads of hay. In addition, there will be traffic generated from general services such as the blacksmith and veterinarian.

Ronald Klemarczyk representing the Conservation Commission addressed the Board explaining that the Town has a vested interest in the project in that the land that the Applicant owns along the Blackwater River is protected by a conservation easement that was given to the Town by the Jalbert family. The Conservation Commission is the group that enforcing the terms of the easement. Abutting the easement on the Applicant's property is an easement that was also given to the Town by the Janeway family. Mr. Klemarczyk inquired as to the intended use of the land that is under easement. Mr. Ehlinger responded that the area is to be used as a hay field. Mr. Klemarczyk stated that use of the area as a hay field is allowed in the easement as long as they follow Best Management Practices.

Mr. Klemarczyk indicated on the plan a road that is used to access the easement area. He explained that he had completed the actual survey of the property and a timber sale for the Jalberts at the time they owned the property, so he is familiar with the property. The road is gravel and is where a lot of the drainage gathers. The steepest part on the property is on the western half going down towards the Blackwater River. Over the years the road has eroded over the years because of the run-off. Mr. Klemarczyk believed that if using the field regularly the erosion in the road bed will be increased. As a Forester, Mr. Klemarczyk explained that the French drains are used on longer roads; however, they are temporary because they do plug up easily and are

useless during the winter months. It acts as a dam, rather than a drain. In this particular case, Mr. Klemarczyk believed that with the addition of the parking lot, manure storage and use of the fields there is potential for an increase in run-off. Due to the steep slopes the run-off could travel down into the river. Mr. Klemarczyk suggested the Board consider requiring detention ponds. Mr. Klemarczyk questioned whether the Planning Board would have the authority to close down the operations if it is found that the owner violates Best Management Practices. In response, Chairman Ellsworth believed that the Town would have a responsibility to be sure that the Applicant met the requirement set forth by the Planning Board.

Mrs. Hemingson questioned whether the ultimate destination of the run-off would be in the conservation area and then into the Blackwater River. In response, Mr. Klemarczyk recalled that the run-off seeps off the road just before the field area, but if the run-off enters into the field it may make it difficult to hay. Mr. Klemarczyk expressed concern with the excess nutrients from the manure directly running into the Blackwater River.

Chairman Ellsworth asked Mr. Klemarczyk if the intention of the detention pond is to accommodate the run-off that will be created as a result of the building. In response, Mr. Klemarczyk stated that some of the problems in Town with regards to horse farms had involved the manure. He recalled a horse farm off Spring Street in which the manure went into streams and wetlands. He believed that there will be run-off from the manure and from around the barn where the horses tend to congregate. Additional run off will be as a result of soil compaction and the roof of the barn.

Chairman Ellsworth inquired as to the differences between the proposed farm and that of the existing farms in Town. Mr. Klemarczyk explained that the Houston and Bohanan farms are located next to the Contoocook River; however, the land is very flat. They do not have an issue with run-off. The Conservation Commission is not saying that horse farms should not be allowed, but rather they are saying that there will be increased run-off from the farm yard due to the slope of the property. Under Best Management Practices the Applicant should be addressing the potential run-off. The natural run-off has been channeled by the existing road and is no longer considering a natural run-off. Furthermore, the run-off will be increased because of the increased use of the area. The detention pond would be similar to those constructed in subdivisions where the engineer calculates the existing and potential run-off and designs the detention pond to accommodate the run-off calculations.

Mrs. Connolly asked about affects of the run-off onto a hay field. In response, Mr. Klemarczyk explained that too much water into a hay field typically changes the field into a meadow. Mr. Klemarczyk believed that the run-off from the property seeps off the road just before the hayfield; otherwise, the field would be too wet to consider it a hay field.

Erick Leadbeater, member of the Conservation Commission, addressed the Board explaining that most farmers are concerned about soil erosion as they have the potential of loosing their ability to grow a crop. There is a free service available to both the Planning Board and Applicant from the Soils Conservation District. If the Board feels there is a need for a detention pond the Soils Conservation District can design, layout and provide guidance for construction. Mr. Leadbeater noted that there is publication in the library that is entitled, "Is Your Town Ag Friendly". He believed that

if the Planning Board read the publication as it explains many of the issues being discussed.

Byron Carr, member of the Contoocook River Advisory Committee, addressed the Board concurring with Mr. Klemarczyk's concerns with regards to run-off. Mr. Carr noted that when considering run-off considerations should be given to the products that will be used on the horses for washing. He then mentioned the impervious surface of the barn and its surroundings, suggesting that there should not be a problem with the Applicant addressing run-off by way of a detention pond. In response to Mr. Carr's comments, Mr. Ehlinger stated that the horses are washed at horse shows. Ms. Levesque noted that the horses are rinsed at their property when it is hot.

Attorney Derek Lick addressed the Board representing Marc and Donna Jalbert. Attorney Lick provided the Board with materials concerning his presentation to the Board and explained the location of the Jalbert residence in conjunction with the Applicant's property. Attorney Lick understood that at the previous meeting of the Board that they had deemed the proposed use as an agricultural use. He respectfully requested that the Board reconsider their decision explaining that he believes that the use is a commercial use and requires a special exception by the Zoning Board of Adjustment.

Attorney Lick referred to the application submitted to the Board of Selectmen by the Applicant in which the Applicant indicates that the proposal is a boarding and breeding facility. The property is not currently being used as a farm where they are currently raising or breeding horses. The proposal is a new use that is a commercial use as the Applicant has described it has a facility, not a farm.

Mr. Taylor questioned how the proposal would differ from the Leadbeater farm that is currently a means of an income for them. In response, Attorney Lick stated that they are already a farm. Mr. Taylor suggested that the Applicant's property is already a farm. Attorney Lick disagreed, referring to the Building/Use Permit Application indicating that it is a change of use from residence to an agricultural use. Under the Board's Zoning Ordinance if someone comes before the Board seeking a new use or to construct a building, the Board has to look at the type of use.

Mr. Taylor referred to paragraph 2.1.A.4 (II) in which the words "agriculture" and "farming" mean all operations of a farm, including the breeding, boarding, raising, training, riding instruction, and selling of equines. In response, Attorney Lick referred to that section of the ordinance listing the various types of uses permitted in the Town in which there is a specific reference to "commercial stable and riding trail". He believed that the proposed use is clearly commercial. Mr. Taylor stated that what the Ehlingers are proposing is the breeding, boarding, raising, training and riding instruction of equines, which is significantly different than a commercial riding stable where someone would come to the property to rent a horse for an hour and rides along a trail. Attorney Lick then referred to the definition of "commercial" in the Ordinance which is "any activity involving the sale or trade of goods or services". Mr. Taylor stated that the definition of "commercial" that would mean every farm in Town is a commercial use. Attorney Lick believed that any farm in Town can sell goods or services. He noted that the difference is that he is coming before the Board for a change in use and there is a question as to which of the definitions applies, whether it

is agriculture use or commercial use. The Ordinance requires that if there is a conflict in interpretation then the more restrictive interpretation shall be applied by the Board. This would mean that the Board must apply its commercial use standards.

Attorney Lick stated that the Jalberts understood from the previous meeting that the Applicant is moving the operations from Londonderry to Hopkinton. He wasn't sure whether the Board was aware that the Town of Londonderry had treated the Applicant's property as commercial. In 1995, the Applicant sued the Town indicating that it was an incorrect interpretation. They went before the Rockingham County Superior Court who had disagreed with the Applicant. Mrs. Connolly questioned whether the decision was based on the Town of Londonderry's Zoning Ordinance. Chairman Ellsworth noted that the information presented is helpful; however, the Board will review it and the Board may or may not view this situation as the same. Attorney Lick was not suggesting that the Planning Board is governed by the decision. The suggestion is that the more restrictive provision of the Ordinance should be applied.

The Jalberts had several issues with the site plan presented and the lack of information that had been provided to the Board. Attorney Lick stated that it the Jalbert's position that the application submitted did not have enough information before the Board to make a final decision. There is a lot of concern about drainage control measures that will be used. Another concern is the building scale and the lack of architectural detail provided. Other concerns include what the Applicant is proposing to do to ensure that the building does not turn into a fire hazard. There was discussion about the dry hydrant being installed and the Fire Department's ability to run a truck back and forth from the dry hydrant; however, the Fire Chief has also raised concern about the size of the road and the fact that the size of the road. Attorney Lick urged the Board to further discuss the concerns of the Fire Department. There will be a very large wooden structure that has a lack of accessibility to water.

Attorney Lick stated that another issue of concern is that the Board requires the Applicant to address the parking standards. Another concern is that the Applicant addresses lighting. The Jalberts will not only have a large building adjacent to them, including a 30' x 60' manure storage facility, but will have additional lighting.

Chairman Ellsworth believed that Attorney Lick's request is reasonable and therefore he will ask the Board if they chose to reconsider.

Elizabeth Marston of East Penacook Road discussed the rural character of Hopkinton and Contoocook. She asked if the containment area for the manure is sited on the plan. Chairman Ellsworth replied yes. Ms. Marston then questioned whether the containment facility for the manure would be on level ground or would it be possible that the manure could seep out from the front of the facility. Mr. Ehlinger advised that the containment structure would be level. Ms. Marston also expressed concern with the amount of manure to be stored in one location with the possibility of run-off affecting the aquifer in the area.

Anne Fontain of East Penacook Road questioned whether the neighboring properties would be impacted by the proposed lighting. In response, Chairman Ellsworth advised of the Town's Lighting ordinance that was designed to minimize impact. Ms. Fontain then asked whether there would be noise as a result of use of speakers or whistles

from the facility. Ms. Levesque responded that most of the work with the horses is done inside the arena.

Harold Janeway, abutter of the Ehlinger property, addressed the Board expressing concern about the water quality in the area. He believed that the substantial impervious surface created by way of the barn, parking, future additions, and manure storage structure will increase the run-off and ultimately enter into the river. Mr. Janeway suggested that the proposal could lead to further uses of the property, other than agricultural.

Jamie Robertson of Bohanan Farm advised that Bohanan Farm had previously hayed the field at the Ehlinger property. Mr. Robertson expressed concern with the affects, if any, that changing the Bohanan farm at some point in the future from a dairy farm to horses or another agricultural uses. He questioned whether such a change would be permissible, noting the difficulty of farming today. Mr. Robertson discussed Best Management Practices as established by the University of New Hampshire and Department of Agriculture. Best Management Practices have been designed to protect farmers and others.

John Rowell of Penacook Road advised that he was brought up at Sandbank Farm. Mr. Rowell discussed the history of Chase farm which included raising cattle and haying the fields.

Bobby Murphy of East Penacook Road expressed concern with the noise that may be created as a result of the 24-horses, traffic and people at the property. Ms. Murphy expressed concern with the run-off from the waste water than be travel down hill towards her property.

The previous owner who had sold the property to the Ehlingers addressed the Board explaining that when the property went on the market she had many developers interested. She was excited with the thought that the Ehlingers were going to operate a farm continuing the history of the property.

Marc Jalbert expressed concern with the speed at which the application process is going and the lack of planning and preservation of the ecology. Mr. Jalbert stated that the wells on the north end of the property had not been used for the past 30-years. He had tried at one point to draw water from one of the wells and it was dry. Mr. Jalbert then presented photographs of a seasonal stream that connects to other streams that eventually lead into the Blackwater River.

Mrs. Connolly asked Mr. Jalbert where he would recommend that the barn be constructed. In response, Mr. Jalbert suggested that the barn be located further up hill so to allow the natural filter of the run-off.

Clifford McGinnis, Deputy Commissioner of Agriculture, addressed the Board to discuss the equine industry in the State and Best Management Practices. Mr. McGinnis referred to the State's definition of agriculture, farm and farming that includes the raising, boarding, breeding, training, and selling of equines.

Bruce Lyons of East Penacook Road believed that there has been a misinterpretation of the abutters' feelings with regards to farming, explaining that the concerns is the

impact to the environment and that the operations of the business do not affect the abutters. Mr. Lyons recalled discussions at a previous meeting in which the Applicant had proposed to construct a fire pond; however, during this meeting there has been no reference to the fire pond. Mr. Lyons also expressed concern with the lack of detail information concerning run-off.

Rob Johnson, Director of the NH Farm Bureau, addressed the Board questioning whether the proposal meets the intent to be classified as an expansion or change of use. Mr. Johnson discussed the State's definition of Agriculture, Farm and Farming advising of the amendments over the years in support of farming.

Attorney Lick suggested that the Planning Board seek advice of Town Counsel concerning the characterization of the proposed use.

Attorney Gould believed that it is important that the Board refer to the definition in the Ordinance as it relates to agriculture and farming.

Donna Beth Murphy (Jalbert) expressed concern with the Board allowing Ms. Levesque, at the previous meeting, to explain what is considered a commercial riding stable when the Town's Ordinance refers to Webster's Dictionary when trying to define words that are not specifically defined in the Ordinance.

Chairman Ellsworth asked the Board whether they wished to reconsider whether the Applicant's proposal is an agricultural or commercial use. Motion made by Mrs. Bradstreet, seconded by Mrs. Connolly, to not reconsider the Board's decision of January 10 regarding the classification of the proposed use in accordance with definition 2.1.A.4 of the Zoning Ordinance. Motion carried unanimously.

The Board reviewed the lack of sufficient information relative to lighting, the manure storage facility, and drainage design.

Mrs. Bradstreet believed that there was sufficient information with regards to lighting.

Chairman Ellsworth questioned whether the Board felt there was a need for a detention pond or some other method to address concerns of run-off. Following discussion, the Board believed that the Applicant needs to provide detail.

With regards to the Fire Chief's concerns, Chairman Ellsworth requested that Mrs. Robertson confirm whether the dry hydrant would be sufficient in addressing the concerns with lack of available water.

Chairman Ellsworth listed the following items as issues that may need further review.

- ❖ Lighting,
- ❖ Fire Department Memorandum
- ❖ Manure storage design,
- ❖ Drainage,
- ❖ Parking,
- ❖ Traffic,
- ❖ Location of the proposed barn,
- ❖ Viewing of the property.

Mr. Taylor expressed concern with the proposed location of the barn and how the run-off would be controlled and directed to the existing road or path.

Mr. Ehlinger was asked the distance of the proposed barn to his residence and responded approximately 300-feet. He believed the flattest part of the property is where the barn is being proposed. If they were to move the barn up hill, Mr. Ehlinger stated that he would have to cut the hill away and create a road to access the barn that may cause additional erosion.

Mr. Hemingson expressed concern in being assured that the run-off is property managed. She suggested that the Soils Conservation services may be helpful in developing an adequate design. Jamie Robertson spoke of the back log of the Soils Conservation District, advising that Bohanan farm was on a waiting list for assistance.

Chairman Ellsworth was not persuaded that relocation of the barn would improve the drainage of the property. He suggested that an adequate drainage design may be more appropriate than relocating the building.

Discussion ensued concerning the parking with the Board expressing no concerns relative to the location and suggesting that the parking area not be paved. Additionally, the Board agreed that the generally specificity of the plan presented was sufficient; however, detail information relative to manure storage, drainage, and compliance with the Fire Department's concerns may be needed prior to the Board approving the application.

Mrs. Bradstreet moved, seconded by Mr. Kidder, to table Application #2005-30 pending some authority regarding run-off. Chairman Ellsworth questioned whether included in the motion should be a request for additional information concerning lighting, manure storage, and the Board visiting the property. Following discussion, the motion failed as there were three members voting in favor and three voting in opposition.

Mrs. Connolly questioned whether consideration should be given to requiring a filter strip or buffer from the Blackwater River as referenced in the Best Management Practices Handbook. Following brief discussion, a motion was then made by Mrs. Bradstreet, seconded by Mrs. Connolly, to approve Application #2005-30 subject to the following conditions:

Mr. Kidder moved to amend Mrs. Bradstreet's motion to require submission of the information no later than March 21.

Chairman Ellsworth then asked Attorney Gould whether the March 21 deadline would provide sufficient time for the additional information to be submitted to the Board. Attorney Gould conferred with Mr. Ehlinger and agreed.

At this point in time there was discussion as to whether the application should be continued or approved, since there was a proposal to require the information by a specified time frame. Following discussion, Mrs. Bradstreet and Mrs. Connolly accepted Mr. Kidder's amendment to the motion.

With six members voting, four voted in favor (Bradstreet, Connolly, Ellsworth, Taylor) and two voted in opposition (Kidder and Hemingson). The application was approved with the following conditions:

- 1) Receipt of detail information as to the proposed lighting so to determine whether the lighting will be in conformance with the Town's Lighting Ordinance.
- 2) Assurance of the use of Best Management Practices in operating the horse farm.
- 3) Receipt of detail information as to the proposed manure storage. Manure storage shall be in accordance with Best Management Practices.
- 4) Receipt of detail information as to the proposed drainage design so to determine whether the drainage design will adequately accommodate runoff.
- 5) Submission of the above detail information shall be no later than March 21, 2006.

### **III. Adjournment.**

Chairman Bruce Ellsworth declared the meeting adjourned at 11:35 PM. The next regularly scheduled meeting of the Planning Board is Tuesday, February 14, 2006 at 7:00 PM in the Town Hall.

Karen L. Robertson  
Planning Director

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In accordance with RSA 677:15, any person(s) aggrieved by any decision of the Board concerning the application(s) may present to the Superior Court a petition, duly verified, setting forth that such a decision is illegal or unreasonable in whole or part and specifying the grounds upon which the same is claimed to be illegal or unreasonable. Such petition shall be presented to the court within thirty (30) days after the Board's final decision regarding the application in question has been filed and becomes available for public inspection in the Planning Office.