

## PLANNING BOARD MINUTES

April 13, 2022

**APPROVED:** 4/27/22

**AGENDA:** 22SUP04 – ERIN DARROW FOR GORDON ELLINWOOD – PEAKED HILL RD #218-017  
22PCC04 – CIELITO MEXICAN RESTAURANT, ALEXA VASQUEZ – 50 SOUTH MAIN ST #114-139  
CONTINUED 22SUP03 – FLOYD FROST – HOLIDAY HILLS DR #110-048  
MASTER PLAN DISCUSSION  
OFF PREMISE SIGN  
SPLIT-ZONING DISCUSSION

**ATTENDING:** Denice DeStefano (Chair-via Zoom), Don Milbrand (Select Board Representative), David Shirley, Randall Kelley (Vice-Chair)

**ABSENT:** Elizabeth Seeler, Bruce Beurivage (Alternate), John Miller (Alternate)

**OTHER:** Christina Goodwin (Land Use Manager), Lindsay Thompson (Land Use Administrative Assistant)

Mrs. DeStefano opened the meeting with a quorum in person at 7:03 pm.

### NEW BUSINESS

#### **22SUP04 – ERIN DARROW FOR GORDON ELLINWOOD – PEAKED HILL RD #218-017**

Mrs. DeStefano announced the case and referred the Planning Board members to Section 9.6 of the Zoning Ordinance for Special Use Permits. Ms. Thompson read the application, the abutters notified, and where the hearing was advertised. There was one (1) telephone call with questions from the public. There were no comments from the Water/Sewer, Highway, or Fire Departments. There was one (1) comment from the Conservation Commission that was read into record by Ms. Thompson. The Conservation Commission recommended that any further encroachment into the setbacks be limited and that the project follow best management practices.

Ms. Darrow advised that she was contacted by the Ellinwood family to review what options there were for building locations and associated setbacks on the property. During the review, it was determined that there wasn't a place on the property that didn't impact the setbacks. The proposed plan has the least impact. Mrs. DeStefano inquired on the tiny house on the property. The tiny house is stored on the property, but it has not been set in place yet and when it is set in place, it will not violate the setback requirements. There is a driveway area and a gravel pad area where the tiny house will be placed. Mr. Shirley raised some concerns over the location of the well. Ms. Darrow stated that they were working with a location that is approved by the Department of Environmental Services (NHDES) that allows for a well company to drill. In NH, if the property owner cannot meet the full well radius on the property, then it is required to have an easement restricting uses in that area or a well release recorded with Grafton County Registry of Deeds (GCRD). The release indemnifies uses within that area and this proposal will have a

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### **22SUP04 – ERIN DARROW FOR GORDON ELLINWOOD – PEAKED HILL RD #218-017 continued**

release recorded with GCRD. Mr. Shirley inquired why the wetland delineation report wasn't included. Ms. Darrow stated that there isn't normally a report included with a plan.

Mrs. DeStefano opened the meeting to the abutters. Mr. Johnston, an abutter, didn't have concerns, but did comment about the 125 foot setback and that it is quite a bit more than NHDES rules. Mr. Johnston asked if the project was meeting the State rules. Ms. Darrow stated that this project is meeting the 50 foot setback as required by NHDES. Mrs. DeStefano reread the Conservation Commission recommendations, which also raised concerns about the proposed building site. Ms. Goodwin pointed out the plan submitted to the Planning Board is slightly different than the Conservation Commission's plan as Ms. Darrow had corrected the plan. In addition, the owners are not ready to build and may not be for a few years, so they do not want to apply for a permit, which would expire before they build. The owner is only applying for the septic setback. Mr. Shirley inquired on violating the 50ft setback with excavation. Ms. Darrow stated that they are not going to be doing any work at this time that would violate the 50ft setback.

Mr. Shirley asked for the Board to consider another expert to delineate the wetlands as he has concerns with the current expert, stemming from the disputed wetland case. Ms. Darrow stated that Mr. Sisson is a Certified Wetlands Scientist and a Certified Soil Scientist and doesn't feel there is a need for another expert. Further discussion centered around the certification of wetlands and the expert testimony. Mrs. DeStefano asked how the other Board members feel as she feels that experts take their licensing very serious. Ms. Darrow pointed out that they review the project and try to help applicants achieve their goals, however, there are times they have to tell a client they can't do a specific project. Ms. Darrow felt that they did more than what was required, and that the Town's mapping did not designate a wetland, but they brought it to the Town anyway. Mr. Milbrand shared Mr. Shirley's concerns about the expert, however, he felt that this case was a different case than the disputed wetlands and what has been submitted is more than what was required. Mr. Kelley felt that the property shape and constraints show that this is the best possible solution. Mr. Shirley inquired on steep slopes. Ms. Goodwin stated that the upper part of this lot is a little more level and for what is proposed, it doesn't exceed the steep slopes rules. With no other comments from the public, Mrs. DeStefano closed the public hearing at 7:29pm.

Mr. Kelley motioned to approve the Special Use Permit with the Conservation Commission recommendations as conditions, seconded by Mr. Milbrand. The motion carried 4-0-0.

### **22PCC04 – CIELITO MEXICAN RESTAURANT, ALEXA VASQUEZ – 50 SOUTH MAIN ST #114-139**

Mrs. DeStefano explained that a Preliminary Conceptual Consultation (PCC) is not binding on the applicant or this Board, but is the best off the cuff response to the information received at the meeting. The applicant was advised to not make any substantial financial commitments based upon the discussion of the Board.

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### ***22PCC04 – CIELITO MEXICAN RESTAURANT, ALEXA VASQUEZ – 50 SOUTH MAIN ST #114-139 continued***

Ms. Vasquez explained that they want to expand the patio but haven't been able to get it done with the construction delays. In the past few years, they were able to utilize the outdoor seating in the parking lot with the temporary COVID approval and they want to continue that same plan. Mrs. DeStefano asked how many parking spaces would be eliminated and Ms. Vasquez responded only two (2). Mrs. DeStefano inquired on the barrier and was advised that it is made of cinder blocks and two by fours. Mrs. DeStefano asked Land Use to explain the minutes and emails shared. Ms. Goodwin reported that the minutes were from a prior PCC discussing the expansion of the patio, which would require an Amended Site Plan. The original site plan was approved for 64 seats and the Land Use Office was trying to clarify the total number of seats, and if the front parking was going to be a permanent addition including the patio area. Mr. Kelley inquired if, when the patio is redone, would the space in front remain. Ms. Vasquez reported that the front would not remain when the patio was complete. The front seating would be removed at the end of the summer and then hopefully the patio would be done for next year. The Board felt that this could be an Amended Site Plan. Ms. Vasquez asked if this could be done by May 5, 2022. Ms. Goodwin advised that the Amended Site Plan doesn't need to be noticed, and it would just need to be advertised on the agenda. The Board agreed that they could review an Amended Site Plan at the April Workshop.

### **OLD BUSINESS**

#### **CONTINUED 22SUP03 – FLOYD FROST – HOLIDAY HILLS DR #110-048**

Mr. Frost has submitted a request to continue the Special Use Permit application to the May meeting.

### **MASTER PLAN DISCUSSION**

The Board received a copy of the suggested edits in their folders from Mr. Miller. Mrs. DeStefano asked the Board to review for the April workshop.

### **OFF-PREMISE SIGNS**

Ms. Thompson prepared the proposed amendments from the last meeting and reviewed the changes with the Board. The new amendments would change the requirement of Special Exception to a Variance, which gives the Zoning Board more specific criteria to follow. Discussion centered around the wording of the paragraphs and formatting. The Land Use Office will amend and bring back to the Board at the April workshop for further discussion.

### **SPLIT ZONING DISCUSSION**

Ms. Goodwin presented the first section of split zoning issues; Village Commercial versus Village Residential. There are 31 parcels affected in this first group with a handful of properties that are not going to be an easy to fix and will require more thought. The majority of the parcels will not see a value change, however, Ms. Goodwin will re-review the list to make sure. Ms. Goodwin advised that the reason for the Board to consider fixing is because of the issues that split-zoning

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### **SPLIT ZONING DISCUSSION continued**

causes. One main issue has been that the stricter rules of a split zone lot apply to the whole lot. The Board discussed the issues and the options for addressing. It was determined that it would be best to start with the smaller sections and Ms. Goodwin will prepare a few for the April workshop.

### **MINUTES OF MARCH 23, 2022**

The minutes of March 23, 2022 were not available for this meeting.

### **COMMUNICATIONS**

Ms. Thompson shared a voluntary merger from Bristol Community Services, which will combine 114-192 and 114-189. The Board discussed whether a Site Plan would be required and determined if the addition is under the 400 sf then no Site Plan would need to be done. Mr. Milbrand motioned to waive the Site Plan for the proposed expansion, seconded by Mr. Kelley. Mr. Shirley asked for the motion to be amended to waive the Site Plan for the proposed expansion as long as the addition is 400 sf or less. The amended motion carried 4-0-0.

Ms. Thompson provide the members an updated copy of the by-laws.

### **REPORTS**

*Historic District Commission (HDC)* – HDC Met April 12. The Commission will amend their agendas and by-laws, approved a historic sign for the Historic Town Hall, reviewed forms, discussed boundary sign locations, discussed signs created for buildings in the historic walking tour, discussed a set meeting schedule and discussed demolition review of historic structures.

*Select Board* – Paul Bemis will be presenting a proposed solar project for the new public safety building and the possibility of a micro-grid at the next Select Board meeting.

*Capital Improvement Plan Committee* – They will not meet until May.

*Conservation Commission* – The Commission reviewed the Ellinwood Special Use Permit, discussed recommendations for the wetland setbacks, reviewed prime wetlands, finalized the brochure, provided recommendation on incorrectly delineated wetlands, and set testing dates for the Plankey Spring.

*Land Use Department* – Ms. Goodwin asked the Board to consider an amendment to the Manufactured Storage Containers section of the Zoning Ordinance. This section was changed in 2019 and there are a number of containers throughout town that are beginning the defined process. Ms. Goodwin raised concerns stemming from the Zoning Board meeting, about screening requirements, and about allowing a container to be installed for a year, getting assessed for the container and then the Special Exception gets denied and the property owner is now ordered to remove. She is asking the Board to consider changing the Ordinance to allow the containers for construction without a Special Exception, but if the property owner wants to keep

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permanently with no construction, then a Special Exception would be required immediately. The Board also discussed the setback requirement for a temporary 90 days, especially when

### *Land Use Department continued*

containers are being used for moving. Ms. Goodwin will prepare some wording for the Board's April workshop.

Ledge Water – There are three (3) different seating approvals, from the Notice of Decision, the Site Plan and the Assembly Permit. Ms. Goodwin will grant a liquor license letter and work with the owners to get their Amended Site Plan to correct the seating.

Hazard Mitigation – Hazard Mitigation planning is looking for a representative from the Planning Board. Mr. Kelley volunteered.

**NEXT MEETING:** The next meeting is April 27, 2022, at 7:00pm. Currently there is a PCC for a dog grooming business and many workshop items.

With no other business before the Planning Board, Mr. Milbrand made a motion, seconded by Mr. Kelley, to adjourn at 9:04 pm. The motion carried 4-0-0.

Respectfully submitted,  
Christina Goodwin  
Land Use Manager