

PLANNING BOARD MINUTES

September 13, 2023

APPROVED: September 27, 2023

AGENDA: 23SUB03 - MONIZ - #218-007 - Peaked-Hill Road
23PCC08 – QUINN/DUNKIN - #223-089 - 318-Summer Street
ZONING ORDINANCE AMENDMENT REVIEW FOR PUBLIC HEARING

ATTENDING: John Miller (Chair), David Shirley (Vice Chair), Scott Sanschagrin (Select Board Representative), Elizabeth Seeler and Steve Carten (Alternate)

ABSENT: Don Milbrand

OTHER: **Staff:** Christina Goodwin (Town Administrator) **via ZOOM**, Joanne Bailey (Land Use Manager) and Donna Sullivan (Land Use Administrative Assistant)

Applicants, Professionals, and Public: Christopher Moniz (MRH Development), Jonathan Voegele (Atty. MRH Development-zoom), Tracy Duarte (MBL Land Development), Brian Dunn (MBL Land Development), Russ Hertrich (Bristol Central Square LLC), Shaun Lagueux (Selectmen), Adam Quinn (Fonzi Donuts), Michael Quinn (Fonzi Donuts), Garret Gilpatrick, Denise Therrien, Stephen Coffill, and Robert Caristi

With a quorum present, Chair Miller called the meeting to order at 7:00 pm. Prior to actions on cases, Mr. Carten (Alternate) was seated as replacement for absent member Donald Milbrand.

CASES:

23PCC08 – QUINN/DUNKIN - #223-089 - 318-Summer Street

Ms. Sullivan stated that this case was a Preliminary Conception Consultation (PCC) regarding renovations for applicants Michael and Adam Quinn of Fonzi Donuts who own the Franchise for Dunkin' Donuts in town.

Chair Miller addressed the applicants and public that this was a PCC session which is not binding on the Board or Applicants but offers the chance for an informal discussion for the applicant to discuss plans to ascertain any issues, other requirements they may need to address which may require permitting or variances. He cautioned that the applicants are advised not to make any substantial financial investment based on any statements made during this PCC. He asked the applicants to present their proposed plans.

Mr. Adam Quinn introduced himself and his father, Michael Quinn as owners of Fonzi Donuts, which owns the Dunkin Donuts franchise in Bristol and has owned it for 20 years. He stated that DUNKIN periodically requires owners to renovate and update their shops. He went on to talk about the re-branding from Dunkin' Donuts to DUNKIN and the overall renovations that would be necessary to comply with the required renovations.

The biggest change based on Town requirements was indicated as the main menu board for the drive up which is to the rear of the building and not facing the street. He proposed that his will be updated to a TV screen type board with which will be smaller and allow the staff to remotely control any changes etc.

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Ms. Bailey added that the Sign Ordinance as interpreted by the Land Use Staff, would require a variance. She described the type of board it would be and how it would work and referenced the Ordinance concerning illuminated signs.

Discussion followed regarding the purview of the Planning Board to instruct/act on variances, the Planning Board's responsibility with permits and whether the menu board would be grandfathered. Mr. Michael Quinn talked about the history of permitting and that the menu board originally did not need permitting as a sign.

Chair Miller and the Board reviewed the Sign Ordinance information and sign definitions. It was determined that the sign definition did reference this type of sign and would require compliance with the Ordinance. Ms. Goodwin indicated that a variance would require the applicant to prove hardship.

More discussion followed about Site Plan review and other possible permitting requirements. Mr. Shirley mentioned the CITGO gas station that was able to go through Site Plan Review to change signs and complete other renovations. Ms. Goodwin stated that the Planning Board could determine if the applicant needs the variance or a Conditional Use Permit requiring Site Plan. Mr. Shirley stated that all the proposed plans fall into the Conditional Use Permit process which mentions internally lit signs.

After all informal discussion of the property owner's plans to renovate and update equipment for DUNKIN (Formerly Dunkin' Donuts), the Board advised the owners to apply for a Conditional Use Permit per Article 4.11 (H) for the Internally Lit Menu Sign. There was discussion of the notice requirements to give the applicant a timeline for the filing of the Conditional Use Permit application.

There was additional discussion with the applicant about whether ordinance was as is today when they initially opened Dunkin Donuts and clarification of what the definitions state now and the requirements as determined by this PCC discussion with the Planning Board. The Board cautioned the applicants that if they moved forward prior to getting the permit they would be doing so at their own risk.

23SUB03 - MONIZ - #218-007 – Peaked Hill Road

Ms. Sullivan read the application #23SUB03 into the record stating that the purpose of the subdivision was to carve out a lot for the existing single-family dwelling at 305 Peaked Hill Rd from the current 56-acre lot, and to create 4 separate buildable lots from the remaining lot area for a total of 5 lots.

She noted the public notices posted and read the list of 8 abutters that were notified. She stated that no phone calls or other responses were received. Department Heads were notified with no comments from Water/Sewer and Highway stated that driveway permits would be required.

The Board reviewed the checklist to determine if the application was complete. Chair Miller asked for confirmation that these would all be private well lots. Mr. Shirley mentioned shared driveway for 3 lots with grading and drainage not indicated. Brian Dunn of MBL Land Development addressed the question about the shared driveway, drainage, and grading. He stated that this checklist item #24 for 612 A of regulations was interpreted to refer to construction of subdivision roadways not subdivision along existing roadways. Mr. Shirley asked about utilities access and other issues for driveways and referenced what it means for the one driveway for shared by 3 lots. Mr. Dunn described the usual process for utilities installation and access on lots and their preference to consult with power companies and leaving it up to homeowners as to underground or above ground installations.

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23SUB03 - MONIZ - #218-007 – Peaked Hill Road – continued

After review, Mr. Shirley motioned to accept the Subdivision application as complete; Mr. Sanschagrin seconded. The motion carried 5-0-0.

Chair Miller asked the applicant to present the proposed subdivision plans. Ms. Tracy Duarte presented the new subdivision plans. She noted the lots, the previously approved lot line adjustment with Mr. Gilpatrick separately, and the wetlands as delineated and those excluded from the subdivision square footage determinations. She stated that each of the lots would have over 5 acres and do not need NH DES subdivision approval. She spoke to perc tests on lots and noted the septic system and well on Lot 5. She addressed questions about the wetland's setbacks, test pits, and other information for the subdivision and lots. She indicated that they would use an existing snowmobile trail entrance for the shared driveway access. She stated that septic designs were in process to comply with wetland setbacks of 125 feet.

Mr. Shirley asked about the buffer areas for wetlands on the plans and asked if they intended to remain 125 feet from wetlands for septic systems. She spoke of test pits and expected that they may need to come in for permits if not meeting the 125 feet requirement.

Mr. Shirley asked about slopes. The contours were reviewed. Ms. Duarte stated that at the time of driveway construction any grading would be addressed. Mr. Shirley stated driveways cannot be more than 10% slope. Discussion followed regarding contours on the plans, but percentage of slopes not clearly indicated. It was determined that more information was needed to address steep slopes of 15 % and 25%.

Mr. Shirley asked Land Use Staff if there were any restrictions for how many houses could share a single driveway. The Board expressed concerns about the steep slopes with reference to driveways, emergency services access and other possible issues. Ms. Goodwin stated if applicants cannot meet 10% slope grade for driveway permitting, they would have to get a variance which is Zoning.

Chair Miller asked if there were any comments or questions from abutters and the public. Hearing none, he asked if the Board had any other comments or concerns. Mr. Shirley stated he wanted more information about steep slopes before he could make a decision on these plans. Chair Miller concurred.

Discussion followed about conditioning subdivision approval and who would have jurisdiction for driveway and other permitting after subdivision approval. Ms. Goodwin stated it would be Highway for Driveway permitting and Land Use for any others.

Ms. Duarte asked for clarification of what more would be required by them for subdivision approval. Chair Miller stated the Board wants to be clear about the driveway location with regard to steep slopes regulations. It was mentioned that there is also removal and fill requirements for site disturbance on sites that have steep slopes that may need to be considered.

After all discussion, Mr. Shirley motioned for a continuance of case #23SUB03 to Sept 27th so the applicants can provide more information regarding steep slopes; Mr. Sanschagrin seconded. The motion carried 5-0-0.

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23PCC09 -Hertrich -#113-039 and #216-022 865 and 150 Lake Street

Ms. Sullivan stated that Mr. Russ Hertrich was present for a PCC. He would like to use his properties at 150 and 865 Lake Street as museums for display of vintage signs, cars, and gas pumps.

Chair Miller reminded the applicant and public that this was a PCC session which is not binding on the Board or Applicant but offers the chance for an informal discussion for the applicant to discuss plans and ascertain any issues, or other requirements they may need to address such as permits or variances. He cautioned that the applicant not to make any substantial financial investment based on any statements made during this PCC. He asked Mr. Hertrich to present their proposed plans.

Mr. Hertrich stated he was a collector of vintage gas pumps, gas station signs and vehicles and owned two properties on Lake Street that he would like to set up as museums to display this collection to the public. He was looking to have limited hours open, maybe one day a month or by appointment only. He did not see museums indicated in any of the Zoning Regulations so he wanted to understand what he might need to do to open a museum at each location.

Mr. Shirley indicated that one of the permitted uses was Amusement and asked if this could apply to his use as a museum. Ms. Bailey stated that one of the properties was in a split zone of Village Residential and Village Commercial. Chair Miller asked about the process for this with regard to permit or variance. She asked Mr. Hertrich whether this would be for inside only. Mr. Hertrich stated it would be inside though he did have some things already outside at these locations. Ms. Bailey stated that this had come in for a PCC before 2021 and provided minutes of this meeting discussion. She asked if anything has changed since that time. She outlined the items he would display.

Mr. Hertrich stated that he wanted to share his collection. He stated there were supporters here tonight and he also shared a support letter from Dennis and Lucy Ford.

Chair Miller asked if he wanted this on one property only. Mr. Hertrich stated he would like to use both properties. Ms. Goodwin stated that there was an approval for this use back in 2021 at 865 Lake Street and she shared the details of that approval which included conditions for hours etc. She stated if he wanted to do this at 150 Lake Street it would have to be handled separately. Discussion followed with the determination that at 865 Lake Street the use was permitted but if he wished to change from the approval and conditions, he may need to come back for minor site plan or amended site plan.

Members of the public and neighbors to the 865 Lake Street stated that they would be in support of this proposal because they felt it would be a great attraction and good for the Town.

After reviewing the 2021 minutes, the previous permit, variance information, and zoning regulations, the Board reminded Mr. Hertrich that his property at 865 Lake Street had already been previously approved with conditions for the use he wanted. He would need to apply for a sign permit for his business sign. Regarding the property at 150 Lake Street, the Board advised that he apply for a variance due to the location being in both the Village Commercial and Village Residential zones and the stricter zone's regulations apply. It was stated that the Land Use Office could help with any next steps.

MINUTES:

Ms. Seeler made a motion to accept the minutes from August 23, 2023, as amended to change Hobb to Hobbs in second paragraph under New Business. Mr. Shirley seconded. The motion carried 5-0-0.

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OLD BUSINESS:

ZONING ORDINANCE AMENDMENT REVIEW AND APPROVAL FOR PUBLIC HEARING

Mr. Shirley stated that the Land Use Staff updated the Proposed Zoning Changes for Steep Slopes and Ridgelines and the changes to Minimum Lot Size in the Rural and Lake District. It was determined that the Board needs to vote on final approval of these changes for the Public Hearing scheduled for November 8, 2023.

Ms. Seeler motioned to approve the Board changes to Article 4.17 Steep Slope and Ridgeline Provisions. Mr. Carten seconded. The motion carried 5-0-0

Ms. Seeler motioned to approve the changes to Article 3.3 Land and Space Requirements. Mr. Sanschagrin seconded. The motion carried 5-0-0.

The Board was informed by Ms. Sullivan and Ms. Goodwin that the Conservation Commission was working on recommendations for Wetlands Overlay District Zoning changes that would be finalized and voted on at its next meeting October 4, 2023. These would be forwarded to the Planning Board for consideration for the Public Hearing and Ballot.

COMMUNICATIONS:

RESILIENCE PLANNING COMMUNICATION RE: MASTER PLAN WORK ON LAND USE CHAPTER

Ms. Bailey updated the Board about communications and a quote from Mr. Steve Whitman of Resilience Planning to work on review and update to the Land Use Chapter of the Master Plan. Chair Miller stated what he has for expectations for the work and the cost that still needed some finalization discussion which will happen at a virtual meeting with Mr. Whitman on Monday. Ms. Bailey stated that there was some money in the current budget, but additional money would be proposed for the 2024 Budget. Ms. Goodwin stated that the Budget deadline was pending before the next meeting so it would be helpful for the Board to give the Chair the authority to negotiate this.

Chair Miller was given authority to negotiate with Steve Whitman from Resilience Planning to move this project forward.

REPORTS:

HISTORIC DISTRICT COMMISSION (HDC) – No Report

CIP COMMITTEE – Mr. Milbrand was not present so there was no report but, Ms. Goodwin stated the CIP meeting will meet on September 14, 2023

CONSERVATION COMMISSION –Ms. Sullivan reported that the Commission had a presentation from Wetlands Scientist, Cindy Balcius and will be contracting with her to review the Wetlands Overlay District Zoning and associated application checklists and forms for Incorrectly Delineated Wetlands and other permits and recommend cleaner language.

LAND USE – Nothing more.

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SELECT BOARD - Mr. Sanschagrin stated that there was not too much to report. He and Ms. Goodwin talked about Community Power options and SIG SAUER. Mr. Sanschagrin announced the resignation of the Finance Officer and said the Select Board will move forward with replacement. Chair Miller asked about the All-Committee meeting which was to be scheduled for the fall. Ms. Goodwin stated that this was still on her plate and not yet scheduled.

BOARD MEMBER COMMENTS: None

STAFF COMMENTS: None

NEXT MEETING: The next meeting will be September 27, 2023.

ADJOURNMENT: With no other business before the Board, Ms. Seeler motioned to adjourn. Mr. Carten seconded. The motion carried 5-0-0. The meeting adjourned at 9:11 pm.

Respectfully submitted,

Janet Cote
Land Use Associate