

PLANNING BOARD MINUTES
Old Town Hall
August 23, 2017

APPROVED as amended & clarified:

9/13/17 __jrl_____

AGENDA: PCC: MARK MCDONOUGH, 1567 Summer St., #221-008

ATTENDING: Denice DeStefano (Chairman), Clay Dingman (Vice Chairman), Paul Manganiello (Sel. Rep.), Bob Curtis, Steve Favorite, Dan Paradis, Betty Seeler

ABSENT: Brian Howe (Alternate, excused)

OTHER: Liz Kelly (Bristol Planner), Christina Goodwin (Bristol Assessing Assistant/Land Use Adm.), Peter Daniels (Bristol Land Use Officer)

The meeting opened at 7:00p.m. with a quorum.

MINUTES OF AUGUST 9, 2017; The following amendments and clarifications were made: Page 1, last paragraph, 3rd line, insert “abutment” following “specific”. Page 2, 2nd paragraph, 1st line, insert “garage” before “height”. In paragraph 2 (in 2 places) and 6 (in one place), change “impervious” to “pervious”. Paragraph 3, 2nd line, replace “it” with “runoff” and 4th line, insert “runoff” before “impact”. Page 3, first paragraph, 1st line, delete “e” and 3rd line, change “small” to “smaller”. Next line, delete “review set (with impervious surface” and replace with “amount for escrow determined”.

E. Seeler made a motion, second by C. Dingman, to approve the minutes as amended. The motion carried.

WORKSHOP:

As Mr. McDonough had sent word that he would be late, the Board addressed their workshop agenda:

4.11 Signs: Mr. Dingman went over the change that he made which consisted of removing the last sentence. A discussion followed concerning 4.11, D2 which has the word “periodically” in it. It was generally felt that it may need to be defined. Some members thought that it meant a sign was changing all the time. It was generally agreed that this refers to signs changed mechanically. Signs changed by hand would not come under this. Mr. Dingman said that he would look into a periodic definition. LED lit signs are handled through Site Plan. It was suggested that “Manually changed signs are not included).

Ms. Goodwin asked about a Conditional Use permit for Internally-lit external signs versus Internal signs which can be seen from outside. The Land Use Team feel that it is not clearly defined. Mr. Dingman will look into this also.

C. Dingman made a MOTION, second by B. Curtis, to MOVE 4.11 SIGNS TO PUBLIC HEARING, DATE YET TO BE DETERMINED. The motion CARRIED.

WORKSHOP continued:

Article IX WETLANDS CONSERVATION OVERLAY DISTRICT:

9.3, F = Add "A Special Use Permit is required for certain development activity within 50 feet, as well as for construction of or enlargement of private subsurface sewage disposal systems within 125 feet, of the Wetlands Conservation Overlay District."

Mr. Paradis reminded everyone that the town attorney cautioned us not to legislate by definition. Mr. Dingman felt that this expanded on the use. Mr. Favorite questioned active or inactive wetlands and Ms. Seeler felt that the definition would depend on the soil. Mr. Dingman said that the 50' and 125' figures are not a part of the district and Mr. Paradis was afraid that one district might be missed. Mr. Dingman wanted to leave this as is. Mr. Paradis agreed and added that we could always do something later on if we wanted to.

Article IX, 9.4, A, B, and C:

Mr. Dingman had clarified A. and B. eliminating the reference to the "Wetlands Map of 1988". He explained that we now have a wetlands sub-layer on the tax map. He got rid of the 1 acre criteria and threw it into the definition. The area is now determined more by hydric soils. It was suggested that links be done to make the information more accessible. Mr. Dingman mentioned that Dan Sunquist (LRPC) says to use just hydric soils. These are poorly drained soils of an acre. He added that some other towns do not list the size, only the soils.

Article IX, 9.8 Special Provisions:

Mr. Dingman explained that, in the 2nd line, he is correcting "a boundary" to "boundary".

C. Dingman made a MOTION, second by P. Manganiello, to BRING 9.8 TO PUBLIC HEARING ONCE THE DATE HAS BEEN DETERMINED. The motion CARRIED.

Article IV, 4.21 FIRE SAFETY REQUIREMENTS

Ms. DeStefano explained that she removed the reference to the State Building Code and the 101 Life Safety Code and has left it to read the State Fire Code and the applicable portions of all codes adopted by reference.

C. Dingman made a MOTION, second by P. Manganiello, to BRING ARTICLE IV, 4.21 TO PUBLIC HEARING; THE DATE YET TO BE DETERMINED. The motion CARRIED.

Article Iii, 3.2 (also 4.4 & 4/12):

This is to reference the ridgeline height increase of over 1' in all three places. A discussion followed about allowing an exception if the increase is more than 1' so as to meet current roof requirements. However, the Board felt that it is too hard to regulate without creating a loophole and was determined not to exclude any.

C. Dingman made a MOTION, second by B. Curtis, to BRING ARTICLE III, 3.2Fc TO PUBLIC HEARING; HEARING DATE YET TO BE DETERMINED. The motion CARRIED.

WORKSHOP continued:

Article IV, 4.12,C.1 and ARTICLE IV, 4.12,C.3

Ms. DeStefano had made reference in each of these by adding "Any increase in height must not exceed the building height restriction as noted in Article 4.4. The Board discussed this and determined to change this to "Must conform with the building height restriction as noted".

C. Dingman made a MOTION, second by B. Curtis, to BRING ARTICLE IV, 4.12,c.1 AND ARTICLE IV, 4.12,c.3 TO PUBLIC HEARING WITH A HEARING DATE YET TO BE DETERMINED. The motion CARRIED.

Article VIII: Brew Pub and Distillery

Ms. DeStefano presented definitions and possible district locations for each. The Board felt that the Brew Pub should be similar to where a Nano Brewery is located and be concurrent with restaurants. As to Distillery, Ms. Kelly stated that the EDC (Economic Development Committee) is looking for a Micro Distillery. She was told that NH only has the one Distillery definition. Ms. Goodwin mentioned the possible fumes produced. Ms. Kelly will check with the EDC to learn exactly what they have for a definition of Micro Distillery and the Board will hold this off for now.

C. Dingman made a MOTION, second by P. Manganiello, to BRING ARTICLE VIII BREW PUB TO PUBLIC HEARING ONCE THE DATE IS DETERMINED. The motion CARRIED.

KENNEL: Ms. DeStefano presented thoughts she had located for the Board to think about. She suggested that Ms. Kelly might have some background on this as well. Ms. Seeler mentioned that some home occupation descriptions specifically exclude kennels. Mr. Manganiello stated that we need to define them and the districts for them. Mr. Dingman cautioned the town attorney's statement to keep definitions simple and to outline in further in the main text.

PCC: MARK MC DONOUGH

Mr. McDonough had arrived and stated that he has learned that their new patio is not in compliance. They received a Weeping Willow tree in memory of their recently deceased Mom and thought it would be nice to place it in that area and have outside dining. They also want future expansion for the lounge but the brothers have not come to an exact agreement on that as yet. Mr. McDonough added that things have changed; folks tend to like to eat outside or in the lounge. They plan to close the 3 dining rooms when the weather is right and folks can eat outside. The reason to do so is, in case the weather turns and they have to bring folks inside and the kitchen staff can only handle so much.

Mr. Dingman stated that he was not sure a Site Plan is needed for the patio. Mr. McDonough was willing to write something about closing the dining rooms when outside seating is used. Ms. DeStefano read the requirements for Site Plan. She stated that Site Plan would be required for the expansion. She felt that the patio could be included at the same time. Mr. McDonough was agreeable to this. Mr. Dingman asked when they expect to do the expansion and was told in Nov. or April. Mr. Dingman thought it might be a Minor Site Plan. Ms. DeStefano felt a Minor would be okay for the patio but the expansion would need a full Site Plan. Ms. DeStefano read the requirements for a Minor Site Plan. Mr. Paradis explained that a Minor Site Plan can have hand-drawn plans where a full Site Plan needs

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MC DONOUGH PCC continued:

engineered plans. A discussion was held about the possibility of giving the McDonough's 6 months to do either the full Site Plan including the patio or a Minor for just the patio.

E. Seeler made a MOTION, second by S. Favorite, to ALLOW 6 MONTHS TO DO A SITE PLAN WHICH INCLUDES THE PATIO AND THE EXPANSION OR 6 MONTHS TO DO A MINOR SITE PLAN FOR JUST THE PATIO.

The date for the hearing would be January 10, 2018 and application would need to be received by Dec. 15, 2017.

The motion CARRIED.

LETTER FROM EDC:

The Board received a letter from the EDC with changes that they would like the Planning Board to consider making to the Zoning Ordinance.

1. The Board is addressing Brew Pub. We are asking about micro distillery input from them. As to a winery, the Board felt that this needs to stay in the Agriculture areas as they are now. Ms. Kelly stated that the EDC was just looking for a wine-tasting facility.

Ms. DeStefano would like the EDC to look at the town-wide surveys that we have done in which the townspeople did not want some of this. It does not make sense to have the Planning Board spend time on these things only to have them voted out in March.

2. Hotels – Ms. DeStefano asked to have the EDC consider if what they are suggesting is practical as some of the areas do not have water or sewer. Mr. Paradis added that our Industrial areas are small.

At this point, the Board was asked to look at the suggestions and we shall discuss them at our next workshop meeting.

MR. DINGMAN'S 2 SUGGESTIONS:

Mr. Dingman had asked to discuss revisions to the site plan regulations to encourage applicants to submit plans digitally and also to have the Board draft a letter in support of development of the proposed multi-use trail. Ms. DeStefano asked that, due to the time, that we hold these off to our next workshop. This was agreed to.

COMMUNICATIONS:

We received an invite to a field day about state-owned land certification on Sept. 22 in Lancaster. Also a request for someone to serve on the State Board, Lakes Advisory Committee. There were no volunteers. An application for a new Planning Board Alternate was received and he, Sathesh Mani is being presented to the Select Board.

REPORTS:

HDC = Have not met.

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REPORTS continued:

Selectmen = The voting for the State Rep. is coming up. The town won the law suit with Mr. Sellers. The Board is working on the Personnel and Wage Study. We received a healthy audit report.

CIP = The committee met with Mark Bucklin last night and with Chief Lewis the week before. The committee plans on meetings in Oct. before they turn in their report.

Land Use = Ms. Goodwin has received another complaint about the dogs on Chestnut St. They have the 6 pets and now puppies. We cannot prove that they are selling the puppies anywhere. The owner has not come in for a variance for her horse as she is trying to work out a boundary line adjustment with neighbors in order to meet the required lot size for one. Ms. DeStefano felt that if the dogs are a nuisance, which is an issue for the police.

Ms. Goodwin added that Mr. Jon Shackett has advertised for his Brew Pub. She has reached out to Jeff Goodrum (owner of the facility) as well as Mr. Shackett to again let them know that he will need a Variance unless he waits for the March town meeting vote. He had advertised on Facebook that he was opening in Dec. but that has now been moved.

Ms. DeStefano asked the status of Turner Cottages and Ms. Goodwin answered that they are waiting an answer from them.

Ms. Goodwin continued by saying that the fence up at the Lake is gone. She and Mr. Daniels are dealing with the Pike's Point issue. There is a property dispute in the Lake (not on the Lake). One owner cleared trees and now the remaining sand is running onto the neighbor's lot. We have reached out to the State and it is a civil issue. Mr. Favorite felt that there is some regulation for the overflow of water. It is not a town issue however.

Mr. Dingman asked about lapsed use (over 1 year) needing to come in for site plan. In looking it up, he found this to be only for non-conforming uses.

NEXT MEETING: The next Planning Board meeting will be held September 13, 2017 at the Old Town Hall, 7:00p.m. To date, we have the continued Turner Cottages site plan and a minor site plan for the DeStefano's.

With no other business, Mr. Manganiello moved to adjourn at 9:05p.m.

Respectfully submitted,
Jan Laferriere,
Land Use Admin. Assistant