

PLANNING BOARD MINUTES  
October 25, 2017

**APPROVED as amended & clarified:**

**11/8/17\_\_jrl\_\_\_\_\_**

**AGENDA:** PCC: EKSXN REALTY LLC, 16 & 20 Central Street, #114-021 & -022  
WORKSHOP – POSSIBLE ORDINANCE CHANGES

**ATTENDING:** Denice DeStefano (Chairman), Paul Manganiello (Sel. Rep.), Bob Curtis, Steve Favorite, Dan Paradis, Sathesh Mani (alternate)

**ABSENT:** Clay Dingman (Vice Chairman – away), Betty Seeler (excused), Brian Howe (Alternate, excused)

**OTHER:** Liz Kelly (Bristol Planner), Peter Daniels (Bristol Land Use Officer), Eugenio Ianniciello, Alan DeStefano, Margaret Hoyle

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

**PCC: EKSXN REALTY LLC – EUGENIO IANICIELLO AND ALAN DE STEFANO**

Ms. DeStefano explained that a PCC (Preliminary Conceptual Consultation) is not binding on either the applicant or the Board but is the best information based on what is presented. Also, that no financial funds should be spent based on what is stated tonight.

Mr. Ianniciello stated that he purchased 16 Central Street and then 20 Central Street so as to meet the parking requirements. #16 is to have 3 1-bedroom apartments and #20 to have 1 2-bedroom and 2 1-bedroom units. The latter has a bump-out and Mr. Ianniciello wishes to construct 2 overhanging decks above it. #16 is to have dormers on top along with a cupola.

Ms. DeStefano went over the requirements for Site Plan. A discussion followed and the Board determined to allow a Minor Site Plan for the two lots.

S. Favorite made a MOTION, second by D. Paradis, to ALLOW EKSXN REALTY LLC TO DO A MINOR SITE PLAN FOR MAP & LOT #114-021 & -022. The motion CARRIED.

**MARGARET HOYLE, 95 Prospect St.:** Ms. Hoyle came about the horses and dogs on Chestnut Street. Ms. DeStefano stated that the Board is working on getting kennels put before the voters in March. Ms. Hoyle explained that the property in question is located behind her. The owner has now come up with a survey that says she has 1.01 acres. She can now have horses but the number is not specified. There are now 3 horses there. The owner also has a house, cottage, barn, horse trailers, camper and a smelly burn pit on it as well as dogs and puppies which produce a lot of noise.

Ms. Hoyle continued by stating that she just returned from Germany this morning and was faced with the 3 horses loose and tearing up her yard. There is damage all over it. She added that the dogs get loose sometimes as well. They are German Shepherds. Ms. Hoyle is concerned about public safety as

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**HOYLE continued:**

there are several children in the area (and 2 school buses were picking up kids at the time that the horses were racing around. They also present a nuisance. Ms. Hoyle mentioned that the State recommends 1 ½ acre per horse. For Ms. Hoyle's property damage, she is asking it to be done by a professional. She added that two other neighbors as well as herself have been aware of the smell.

Mr. Paradis explained that he empathizes with her but the Planning Board can only look at what the Ordinance states. Mr. Daniels added that it is a Police matter. Ms. Hoyle stated that her immediate concern is the safety, especially of the children. Ms. DeStefano said that the Board will consider a change to the Farm Animals definition.

Ms. Hoyle asked if the dogs are registered and, if not, if there is there a penalty. Mr. Manganiello directed the Board to look at the definition for Obnoxious Use. Mr. Paradis felt that it covers this situation though it is very broad. Ms. Kelly explained that we have little enforcement capability. The Land Use Team has sent out a letter of violation today. We have learned that there are the 3 horses and about 26 dogs (14 of which are puppies). Ms. Choate, the owner, has been informed that she has 3 options: apply for a Variance, come back in to the Planning Board for a PCC to determine the next step, or remove the dogs. This was given a deadline of Nov. 2<sup>nd</sup>. Ms. Choate has answered that she will remove th4e dogs.

Ms. Hoyle asked about the Board's jurisdiction on rental properties. Mr. Paradis stated that the Board deals with Commercial properties, Residences are not in our purview. Mr. Favorite added that the Board does take suggestions and considers them. Ms. Hoyle was thanked for coming in with her concerns.

**WORKSHOP:**

**Kennels:** Ms. Kelly had presented information on kennels (as well as distilleries and wineries/meaderies. She asked if the Board would like to have separate requirements for residential and commercial kennels or all in one. Her recommendation is to have it in one and include things such as the number of animals and their ages.

Ms. DeStefano stated that she likes the Windham language and the number and age as in the Marlow language. Ms. Kelly pointed out that Hancock and Bradford each have additional provisions. Bristol has allowed this by Special Exception in the Rural district. She feels that the most important part, based on time elements, is the definition. Mr. Favorite felt that square footage for number of animals is important. He also mentioned that dogs dig under fences so something should be stated as to that. Mr. Curtis felt that 5 or more dogs should determine a kennel and he added concern as to how to regulate puppies. Ms. DeStefano again stated that she leans to a combination of Marlow and regular Windham.

Ms. Kelly will draft up something for the Nov. 8<sup>th</sup> meeting. Ms. DeStefano added that we need to amend the definition of Stable/Kennel to just Stable.

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**WORKSHOP continued:**

**Craft Distillery:** Ms. Kelly explained that there are quite a few of these in NH. David Marshall has expressed his desire to open a small-scale, craft distillery in town and would distill, sell, offer for tasting, and wholesale up to the amount allowed by law at this facility. She provided the Board with the RSA's governing the licenses for these. Ms. Kelly stated that the Land Use team is looking at the possible districts for this in the Corridor Commercial and Village Commercial districts. Ms. DeStefano thought that the districts designated for brewpubs might be done. Mr. Favorite mentioned that Tamworth follows the State laws. Ms. Kelly will bring a draft to the Nov. 8<sup>TH</sup> meeting.

**Winery/Meadery:** Ms. Kelly explained that these are not a vineyard. Mead is a honey wine. The definition is a facility that produces, bottles, sells, and offers samples of wine or mead. She had presented the Board with the RSA's. Ms. DeStefano suggested that for definitions we might adhere to the State RSA's. Ms. Kelly will bring a draft to the Nov. 8<sup>th</sup> meeting.

**SETTING OF THE PUBLIC HEARING:** After looking at the State calendar, it was determined to hold the 1<sup>st</sup> public hearing on Dec. 13<sup>th</sup>.

**ACCESSORY DWELLING UNITS (ADU):** Mr. Favorite has supplied the Board with RSA 674:71 definition, RSA67:72 and 73, one town's proposed ordinance, types of ADU's, and another ordinance on ADU's. He stated that these used to be referred to as in-law apartments. Ms. DeStefano stated that we gave this item a top priority listing. We might do something like the one town due to time constraints and adjust it later. Mr. Favorite felt that we need to include square footage. Mr. Daniels stated that there have been several queries on these and we have held that they must be attached. Mr. Favorite mentioned a breezeway being in between. He added that he found that only Wolfeboro allows them to be unattached. Ms. DeStefano felt that #7 and #17 of the Hebron proposed might be included. Mr. Curtis added that we might want to include a note on the State law and the septic, parking, etc. Mr. Paradis thought we might want to just refer to the RSA for now. Ms. Kelly said that the Land Use team can come up with a draft for Nov. 8<sup>th</sup>.

**MINUTES OF 9/27/17:** The following amendments and clarifications were made: Page 2, 4<sup>th</sup> paragraph, 3<sup>rd</sup> line, following "said that" insert "he believes that". Page 3, Kennels, 3<sup>rd</sup> line, following "Commercial" insert "if it". Last paragraph, 1<sup>st</sup> line, replace "Mini" with "Mani"; 2<sup>nd</sup> line, replace "claiming" with "claimed by the owners" and following "6" insert "dogs".

P. Manganiello made a motion, second by B. Curtis, to approve the minutes as amended. The motion carried with 2 abstentions.

**COMMUNICATIONS:**

There was a survey for Bobbi Choate's property showing the 1.01 acres. There was also a wetland permit application for #103-013 on Wulamat Road.

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**REPORTS:**

**HDC: -----**

**Selectmen:** Mr. Manganiello stated that the first Space Needs hearing was held with about 50 people in attendance. Several suggestions were made and they will hold a 2<sup>nd</sup> hearing on Nov. 15, 2017 at 7:00pm at the Old Town Hall.

**CIP:** Mr. Paradis reported that they met and finalized the 2018 CIP. They will present it to the Planning Board on Nov. 8<sup>th</sup>. Mr. Manganiello mentioned that in 2022 and 2023 the overall total goes down. Mr. Coates (Town Administrator who had joined us) stated that the banks say that they will only do a 15 year loan. USDA will do 30 or 40 years.

**Land Use:** Ms. Kelly stated that Bobbi Choate has taken option 3, removal of the dogs. Kelley Park is proposing to purchase 2 scoreboards. They are 24' in height. The Board thought that they would come under signs and may be a structure. They have received approval by the Selectmen for funding and approval from the commission. Ms. DeStefano stated that it would be a courtesy if they come in to the Board to show the size, location, etc. Mr. Favorite mentioned that the Kelley Park Commission is also planning a Charrette in the Spring. Ms. Kelley also mentioned that 3 letters have been sent to owners of off-premise signs.

Ms. Kelly then mentioned Auto Trends. The Board looked at the plan approved by the State and asked that Mr. Schneider (owner) be invited back in to see the Board.

**LRPC REPRESENTATIVE:** Ms. Kelly stated that Mr. Mani had shown an interest when we discussed this previously and Mr. Dowey had refused the position. Now Mr. Dowey would like to be considered and Mr. Mani is still interested. Ms. Kelly has learned that we can have one alternate, as well.

D. DeStefano made a MOTION, second by P. Manganiello, to NOMINATE SATHESH MANI AS REPRESENTATIVE AND BILL DOWEY AS ALTERNATE. The motion CARRIED.

**OTHER:** Mr. Coates mentioned that NHPC is to do a piece on the story of Bristol's rebirth on Nov. 3<sup>rd</sup>.

Mr. Favorite mentioned that Bill Dowey had asked that Turner's be continued to Jan. or Feb. and he wondered why it was moved to Nov. (Mr. Favorite did not attend that meeting). He was told that the applicant requested that we not do so and only waived the 65 day clock to Nov.

**NEXT MEETING:** The next Planning Board meeting will be held Nov. 8, 2017 at 7:00pm at the Old Town Hall. Scheduled is the continuation for Turner and the CIP presentation.

With no other business before the Board, D. DeStefano made a motion to adjourn at 9:13 pm.

Respectfully submitted,  
Jan Laferriere,  
Land Use Admin. Ass't.