

PLANNING BOARD MINUTES
December 13, 2017

APPROVED as amended & clarified:
1/10/18 __jrl_____

- AGENDA:** CONTINUED 17SPR03 SITE PLAN: TURNER COTTAGES LLC, Wulamat/Batten Rds.,
#110-032
17MSPR04 MINOR SITE PLAN REVIEW: VACATION PARADISE REALTY TRUST,
16 & 20 Central St., #114-121 & -122
PCC: DOUG WILLIAMS, Brown's Beach Road
PUBLIC HEARING #1 FOR PROPOSED ZONING AMENDMENTS
- ATTENDING:** Denice DeStefano (Chairman), Clay Dingman (Vice-Chairman), Paul Manganiello (Sel. Rep.), Bob Curtis, Steve Favorite, Dan Paradis, Betty Seeler
- ABSENT:** Sathesh Mani (alternate)
- OTHER:** Liz Kelly (Bristol Planner), Peter Daniels (Bristol Land Use Officer), Sandra Heaney (Conservation Commission), public

The meeting opened at 7:00p.m. with a quorum. Mr. Dingman sat in as Chair as Ms. DeStefano had a conflict that would make her late.

CONT. 17SPR03, SITE PLAN: TURNER COTTAGES, LLC

Mr. Dingman read the letter received from the Turner Cottages, LLC President in which they ask another continuance to January 10, 2018. An abutter asked how long this can be delayed and was told that the 60-day clock from the Board has been stopped until such time as the applicant stops asking for a continuance.

E. Seeler made a MOTION, second by B. Curtis, to CONTINUE THE SITE PLAN FOR TURNER COTTAGES, LLC TO JANUARY 10, 2018. The motion CARRIED.

17MSPR04 MINOR SITE PLAN REVIEW: VACATION PARADISE REALTY TRUST/ALAN BARNARD

Ms. Laferriere read the application, the abutters that were notified, and the places of notification. She stated that there were no telephone or written requests concerning the project and no Department Head requirements.

Mr. Barnard, surveyor, explained that there is a brick firewall, which he pointed out on the plan. The first building has no land with it and they wish to use the land on the 2nd lot for both buildings. They wish to do the retaining wall off the street to eliminate the drop-off. There is a 50' strip next to this area, owned by the Hydro plant, that is required to be left open for access. They would like to get permission from the Hydro owners to use this access to their parking area of 8 spaces. If they cannot, They will access from the street but with 7 parking spaces (a more difficult but doable access). They have received permission to store their snow with that of the Hydro plant. Two of the parking spaces will be on the lower portion of building #2.

-2-
Planning Board Minutes
12/13/17

VACATION PARADISE continued:

Mr. Barnard pointed out that we might want to look at the Zoning Requirements that conflict in that they allow 100% coverage of a lot but also have setbacks in the Downtown Commercial District. Mr. Barnard then pointed out the deed for this area in which 5,0000 sq. ft. was given to the town but he could only find 4400 sq. ft. He also pointed out a small triangular piece that did not seem to belong to anyone. Mr. Barnard then presented photos and old plans of the area to the Board. Mr. Dingman felt that the plan meets the copy that we have in our files. Mr. Ianniciello, owner of Vacation Paradise, stated that he already has Hydro permission for snow removal.

The Board addressed the checklist. Mr. Dingman verified that they wish the Board to accept as complete with a conditional approval for the access. Mr. Barnard agreed but added that they could access on their own but it won't be as easy. The Board understood.

S. Favorite made a MOTION, second by P. Manganiello, to ACCEPT THE APPLICATION AS COMPLETE WITH THE POSSIBLE CONDITION. The motion CARRIED.

Again, Mr. Barnard stated that they will have to jockey the plan if the access is on their property. Mr. Ianniciello added that it would be better to access by the 50' strip. Ms. Kelly asked what the surface of the parking lot is to be. Mr. Ianniciello answered that he would like to pave it but could use stone. A discussion followed on the fact that they will need Shoreland Protection okay from DES. Mr. Barnard then asked for approval with the condition of permission of the easement access. He added that, if they cannot get the permission, they could reconfigure the plan. Mr. Dingman stated that they need to place the retaining wall on the plan. Mr. Barnard explained that, should they not get the permission, he would remove one parking spot and reconfigure the rest. Mr. Dingman asked the time line for the project and Mr. Barnard stated that they will finish the first building and later the second.

It was explained that an approval with condition would mean setting a compliance hearing date. Mr. Barnard felt that the Compliance meeting could be set for the next meeting. The Board decided that it is just as easy to continue the case.

P. Manganiello made a MOTION, second by S. Favorite, to CONTINUE THIS CASE TO JANUARY 10, 2018. The motion CARRIED.

PCC: DOUG WILLIAMS/ALAN BARNARD

Ms. DeStefano took over the meeting at this point and explained that a PCC is not binding on the applicant or the Board and that no financial monies should be spent based on what is said. Ms. Kelly explained that the Land Use Dept. had reached out to the NH Municipal Association (NHMA) and they felt that only a Special Use Permit is needed based on the removal of materials in the Wetland area. They did not feel that the small amount of additional footprint would constitute the need for additional hearing or big enough to cease the grandfather clause in this case. Mr. Williams stated that he already has DES approval and just needs to know his next step. Ms. DeStefano addressed the grandfather issue and asked if NHMA was aware that there are 2 residences on the lot which is no longer allowed in our Ordinance. Ms. Kelly did not know.

-3-
Planning Board Minutes
12/13/17

WILLIAMS PCC continued:

Mr. Williams explained that this was 2 lots originally and his Dad merged them. Ms. Kelly stated that NHMA felt that the changes were not substantial enough. Again, Ms. DeStefano questioned having a second building and if NHMA knew this. Mr. Williams stated that he wants to make this building his "forever home". Mr. Barnard stated that if the house burned down, he would be allowed to redo it. Ms. DeStefano stated that the problem is that he will voluntarily take down the building. Mr. Barnard said that there is a time frame to rebuild and Ms. DeStefano again emphasized that this is a voluntary take down. His other option is a Variance. Mr. Barnard felt that it is common practice to allow this to stay grandfathered. Ms. DeStefano mentioned that the NHMA may not have known about our Zoning Ordinance in regard to a 2nd residence being prohibited. Ms. Kelly will check with NHMA again. Ms. Heaney stated that they also need to start a Special Use Permit application.

Mr. Dingman stated that they will need the Special Use Permit no matter what and that Land Use will reach out to NHMA again and let the applicant know the result as soon as they hear. Mr. Williams was thanked for coming in and he thanked the Board for their help.

PUBLIC HEARING ON THE PROPOSED ZONING AMENDMENTS:

Ms. Heaney asked if the Wetlands portion could be heard first as she needed to leave. Ms. DeStefano agreed and pointed out that this is on page 5, Article 9.4 Wetlands Conservation Overlay District. Mr. Dingman explained that this is done to clean it up and make it easier to understand. All changes appear in the crossed out sections. There was no public input.

C. Dingman made a MOTION, second by B. Curtis, to MOVE 9.4 WETLANDS CONSERVATION OVERLAY DISTRICT TO THE MARCH TOWN BALLOT. The motion CARRIED.

Article III Section 3.2A, C, D, E, & F:

One woman asked the reason for this change in these Districts (allowing the use of Brew Pub, Distillery, and Winery/Meadery). Ms. DeStefano explained that the Economic Development Committee asked for these uses. We also have received one citizen request for them. The lady then asked if there is a cap on licenses and Ms. DeStefano answered that all licensing is done at the State level.

E. Seeler made a MOTION, second by C. Dingman, to ALLOW THESE PERMITTED USES TO THE VILLAGE COMMERCIAL, DOWNTOWN COMMERCIAL, CORRIDOR COMMERCIAL, RURAL, AND LAKE DISTRICTS AND BRING THEM TO THE MARCH TOWN BALLOT. The motion CARRIED.

Article III, Section 3.2E, Kennel by Special Exception in the Rural Area

Ms. DeStefano read the description of Kennel as seen on page 4. Ms. Hoyle, resident, asked about horses and was told that the Board has separated the dogs from horses. Ms. Hoyle then asked about cats in a kennel. Mr. Manganiello stated that we did have one example with a definition including cats. Ms. Kelly stated that cats is a bit different. Grant Woolsey, resident, asked about animal licensing and it was felt that only dogs require licensing. Ms. Hoyle asked about including something about boarding, breeding, and/or selling. Ms. DeStefano felt that we would have to redo this and, in the interest of time, she would prefer to do this now and we can tweak it later. She did not want to lose out this year. Ms.

-4-
Planning Board Minutes
12/13/17

PUBLIC HEARING ON ZONING continued:

Hoyle asked about safety issues with businesses and Ms. DeStefano stated that a business has to comply with Life Safety Codes. Mr. Dingman added that the Town Health Officer would have jurisdiction of too many cats. M. DeStefano and Ms. Kelly felt that the Health Officer and Life Safety would have jurisdiction in these cases.

C. Dingman made a MOTION, second by S. Favorite, to MOVE KENNEL TO THE MARCH TOWN BALLOT. The motion CARRIED.

Ms. DeStefano took Article VIII Definitions on page 4.
The definitions for Brew Pub, Distillery, Kennel, and Winery/Meadery were read. There was no public comment.

C. Dingman made a MOTION, second by S. Favorite, to MOVE THE DEFINITIONS TO MARCH TOWN BALLOT. The motion CARRIED.

ARTICLE III, SECTION 3.2, Fc

Ms. DeStefano explained that this is a housekeeping issue to make folks aware that height issues are also under 4.4. No public comments.

C. Dingman made a MOTION, second by S. Favorite, to MOVE THIS SECTION 3.2, Fc to THE MARCH TOWN BALLOT. The motion CARRIED.

ARTICLE IV, SECTION 4.3 KEEPING OF ANIMALS

Ms. DeStefano read the addition language that the Board wishes to add regarding large animals. Mr. Dingman asked if someone were to combine lots, would they then comply. Ms. DeStefano pointed out that they are prohibited in Village Commercial, Village Residential, Downtown Commercial, Corridor Commercial, Lake and Industrial Districts. She felt it best to go with this and tighten it possibly next year.

Ms. Hoyle asked if they can have structures on the lot as well and was told that they could. Ms. Hoyle then asked about control of this. She felt there may be a loophole in this. She asked if the grandfather clause would be lost if a large animal is moved off the property for a year or so and was told that they would. Mr. Dingman felt that this would get it started and we can strengthen it later. Mr. Woolsey thought they might want to discuss types by size restrictions. Ms. DeStefano stated that they are trying to fill the need that is here now so at least we can go this far. In the future, we might look at going by weight.

Ms. Hoyle asked about renters and Ms. DeStefano answered that the property owner is responsible. Mr. Manganiello felt that we might want to include sheep or goats. Ms. DeStefano said that, to do so, we would need another hearing and she was afraid that we wouldn't meet the time line.

C. Dingman made a MOTION, second by P. Manganiello, to MOVE KEEPING OF FARM ANIMALS TO THE MARCHTOWN BALLOT.

PUBLIC HEARING ON ZONING AMENDMENTS continued:

ARTICLE IV, SECTION 4.12, C1a and C3a NON-CONFORMING STRUCTURES, LOTS & USES, LAKE DISTRICT
Ms. DeStefano explained that this was to give folks a heads-up that the height issue is also in 4.4. There were no comments.

C. Dingman made a MOTION, second by B. Curtis, to MOVE SECTION 4.12, C1a and C3a TO THE MARCH TOWN BALLOT. The motion CARRIED.

ARTICLE IV, SECTION 4.21 FIRE SAFETY REQUIREMENTS

Ms. DeStefano explained that this change is due to a request from the Fire Chief. There were no comments.

C. Dingman made a MOTION, second by E. Seeler, to MOVE THE FIRE SAETY REQUIREMENTS TO THE MARCH TOWN BALLOT.

ARTICLE IV, SECTION 4.11,D SIGNS

Mr. Dingman stated that this will remove time and temperature signs from being prohibited. Mr. Paradis added that we cannot discriminate. Ms. Hoyle asked if this is just for exterior signs and was told that it is.

C. Dingman made a MOTION, second by E. Seeler, to MOVE SIGNS TO THE MARCH TOWN BALLOT.

ARTICLE VIII DEFINITIONS, STABLE

Mr. Dingman stated that this has been split from kennels and Ms. DeStefano said that it gives us more to work with. Mr. Paradis explained that it replaces our current ordinance which has horses with dogs. There were no public comments.

B. Curtis made a MOTION, second by C. Dingman, to MOVE STABLE TO THE MARCH TOWN BALLOT.

SECTION 9.8 SPECIAL PROVISIONS

Mr. Dingman said that this is done to correct a typo. No comments were received.

C. Dingman made a MOTION, second by P. Manganiello, to MOVE 9.8 TO MARCH TOWN BALLOT.

ARTICLE XVI ACCESSORY DWELLING UNITS (ADU)

Ms. DeStefano explained that this is a new law. Ms. Kelly added that she has included the purpose, definition and compliance. It is to be done by Special Exception but with further review, we feel that this is in contrast to folks being allowed one or two-family dwellings. Mr. Dingman said that we must follow State law. Ms. Kelly answered that we are more specific than the State. Mr. Dingman thought that we could just remove the Administration section which deals with Special Exception. Ms. DeStefano agreed. A discussion was held as to whether or not this is a substantive change. Ms. DeStefano felt that the change is for the better and the Board agreed that Administration should be removed. Also, Mr. Paradis pointed out the misspelling of "principal" in 3 places.

-6-
Planning Board Minutes
12/13/17

PUBLIC HEARING ON PROPOSED ZONING CHANGES continued:

C. Dingman made a MOTION, second by B. Curtis, to PLACE THE ADU SECTION FOR A SECOND HEARING ON JANUARY 10, 2018 WITH THE REMOVAL OF 12.3 ADMINISTRATION . The motion CARRIED.

MINUTES OF NOVEMBER 8, 2017

The following amendments and clarifications were made:

Page 2, 3rd paragraph, 4th line, following "addition" insert "and he asked what funding was left in the original warrant and" and remove "also.". 6th paragraph, 2nd line, replace "doges" with "dogs" and 5th line, replace "s. Choate" with "Ms. Choate". Page 3, 1st paragraph, 2nd line, replace "s." with "Ms." 2nd paragraph, 3rd line, following "11 puppies" insert "and that was too much." Page 4, 1st paragraph, 2nd line, following "NanoBrewery" replace "and" with "or". 2nd paragraph, 2nd line following "DISTRICTS" insert "OR" in place of "AND". 4th paragraph, 1st line, replace "s." with "Ms.".

E. Seeler made a motion. second by B. Curtis, to approve the minutes as amended. The motion carried with two abstentions.

COMMUNICATIONS

The Board had received a survey of the James Hazelton property west of Oakcrest Rd. It will go to the Assessor. Also received was the Fall 2017 edition of The Source which will remain in the office if anyone wishes to read it. Also a copy of Tom Fitzpatrick's letter regarding his signs. He has been told to apply for a sign permit.

REPORTS:

HDC – Didn't meet.

SELECTMEN – WMUR has reported about Bobbi Choates' dogs. She had 36 of them and did not comply with our 30 day deadline. Tomorrow, the Select Board will hold an employee meeting on policy changes followed by a holiday lunch at the Fire Dept. The Selectmen's meeting will be held there afterward. The Space Needs committee has come back with a 2.2 million dollar figure. There are safety issues to address for the Police Dept. and the Town Office will be on the new site. The old building works for the Police but not the office and also, it is more costly to build a new facility for the Police.

CIP – Done for the year.

LAND USE – Nothing stands out at the moment.

NEXT MEETING: Our next Planning Board meeting will be held Jan. 10, 2018 at the Old Town Hall at 7:00pm. We shall have Turner's continuation, Vacation Paradise continuation, and the 2nd public hearing. Folks have until Dec. 15th to apply still.

Planning Board Minutes
12/13/17

OTHER:

Ms. Hoyle mentioned that on Nov. 22nd Bobbi Choate lost 7 dogs and puppies and the house was condemned. On Dec. 13th, the cottage burned with 26 puppies and some dogs. Ms. Choate was not on the lot and did not comply with the Board's 30-day notice. With that, she had been given the advantage while the abutters did not. Ms. DeStefano stated that she will be more hard-nosed next time.

With no other business before the Board, Ms. DeStefano adjourned the meeting at 9:20p.m.

Respectfully submitted,
Jan Laferriere,
Land Use Admin. Assistant