

## PLANNING BOARD MINUTES

September 11, 2019

### APPROVED: September 25, 2019

**AGENDA:** 19LLA02 LOT LINE ADJUSTMENT: COLIN BROWN ON BEHALF OF CHANDLER R & CORA A. BROWN & CHANA D & WILLIAM P. WADE, South Main St, #230-006.1 & 006.2  
19SPR03 SITE PLAN REVIEW: ELIZABETH A. SEELER, 66 & 88 Danforth Brook Rd., #223-071  
19PCC: CLAUDETTE & TIMOTHY SMITH, 365 Lake St, #112-034

**ATTENDING:** Denice DeStefano (Chairman), Don Milbrand (Sel. Rep.), Evan Hickey, Betty Seeler, Bruce Beurivage, Paul Barnett

**ABSENT:** Clay Dingman (Vice-Chair, excused)

**OTHER:** Christina Goodwin (Land Use Manager), Tyler Simonds (Planner)

The meeting opened at 7:00 pm with a quorum. Ms. DeStefano asked Alternate Planning Board member Mr. Beurivage to join the Board as a regular member for the meeting as Mr. Dingman was absent.

### **19PCC: CLAUDETTE AND TIMOTHY SMITH, 365 Lake St, #112-034**

The Preliminary Conceptual Consultation (PCC) is to address proposed changes for 365 Lake Street, Map/Lot #112-034, which include the planting of grape vines and the use of a 2<sup>nd</sup> floor apartment space as a short-term rental. The property is zoned as Village Commercial.

Ms. DeStefano inquired if the 2<sup>nd</sup> floor apartment space is the only residential space in the building and the owners reported that it is not, they also maintain a residence. Ms. Goodwin reported the history of the units for the property; currently it is three (3) units in Assessing, however, in 1995 it was five (5) units. In 2018, the winery was advised to complete a Minor Site Plan should they add units above the approval that was given at that time, which included the winery, the residence and a shop. The 2<sup>nd</sup> floor apartment space exists, but it is not in use. Ms. Goodwin inquired on how many short-term rentals would be in this space. The owners reported that it would only be one unit. Ms. DeStefano inquired on the length of time for the rentals and the owners reported, at minimum two (2) nights. Ms. Goodwin inquired on parking. The owners reported that there are over 20 parking spaces. Ms. DeStefano inquired among the Board, where this might fall as part of the defined uses in the Zoning Ordinance. The Board reviewed the definition of Hotel/Motel/Lodging Facility. Mr. Smith inquired if the use would fall under Bed & Breakfast. The Board reviewed but the use does not. Ms. Goodwin inquired on the lot coverage. The Board reviewed and the Land Use Office agreed to verify the calculations and update the owners as needed. After further discussion, the Board agreed that the Hotel/Motel/Lodging Facility is best comparable use and would require a Special Exception through the Zoning Board for the Village Commercial District.

Mr. Simonds asked the Board how grape vines would be categorized for this location. The Board reviewed the Agriculture and Accessory Use definitions, determining that there are multiple principal uses in this building. Mr. Hickey inquired on the size of the plantings. The owners reported that there are 5 rows the length of the house. After further discussion, the Board agreed that Accessory Use fits the use of grape vines and is allowed in the Village Commercial District.

## PLANNING BOARD MINUTES

September 11, 2019

### **19PCC: CLAUDETTE AND TIMOTHY SMITH, 365 Lake St, #112-034 (continued)**

D. MILBRAND MOTIONED, E. HICKEY 2<sup>ND</sup>, TO ALLOW FOR A MINOR SITE PLAN TO USE THE 2<sup>ND</sup> FLOOR APARTMENT SPACE AS SHORT-TERM RENTAL ONCE THE SPECIAL EXCEPTION HAS BEEN GRANTED. THE MOTION CARRIED.

### **19LLA02 LOT LINE ADJUSTMENT: COLIN BROWN ON BEHALF OF CHANDLER R & CORA A. BROWN & CHANA D & WILLIAM P. WADE, South Main St, #230-006.1 & 006.2**

Mr. Brown presented the plans for the lot line adjustment of two abutting lots located off of Route 3A South in the area of Profile Falls. On the plans, Parcel A is 1.10 acres, which will be removed from the Brown property and added to the Wade property. The lots were previously approved by the Planning Board and the State, and as they are being made smaller and under five (5) acres, the State requires approval again, which they have. There is also a note that Parcel A is not allowed to be a separate lot and is required to be merged with the Wade property.

E. SEELER MOTIONED, J. ELLIOTT 2<sup>ND</sup>, TO APPROVE THE LOT LINE ADJUSTMENT FOR LOTS 230-006-001 AND 230-006-002. THE MOTION CARRIED.

### **19SPR03 SITE PLAN REVIEW: ELIZABETH A. SEELER, 66 & 88 Danforth Brook Rd., #223-071**

The proposed site plan was done at the Board's request to provide an updated plan for the properties located at 66 & 88 Danforth Brook Rd. Mr. Brown gave a picture of the area that was being used. The Board reviewed the application and the checklist as presented. On the checklist, the following items were discussed:

- Under #4, the detailed description of the types of services states existing industrial space and the Board questioned this meaning. Ms. Seeler explained that this property is rental property and the uses change so she was reluctant to list out the uses on the Site Plan. The Board agreed to have the application changed to rental industrial space.
- Under #5, the abutters list, the Land Use Office added one abutter, after confirming, the staff will contact the applicant to update information and costs.
- Under #10, the map would need to be updated with the adjoining properties.
- Under #16, the contour lines were as existing.
- Under #36, parking provided, Mr. Brown has calculated out the travel lane and the actual square footage is the remaining area to be used. Ms. Goodwin inquired if the area had been cleaned out and the plan is representative of what is truly there and Ms. Seeler reported that they have and it is.
- Under #40, there are no proposed signs.

The Board reviewed the waivers requested, which include #15 request to provide detail on the developed area only, #28 indicates there are no wetlands found on the developed area and to waive the undeveloped property, #30 no changes to the site proposed so no landscaping plan should be needed, #31 existing utilities are shown however size and location of sewer and water lines are not, #42 no changes to the drainage of the site proposed, and #43 no changes to the site so no erosion and sediment control plans are needed. The Board discussed the wetlands delineation and how it affects this applicant.

P. BARNETT MOTIONED, D. MILBRAND 2<sup>ND</sup>, TO GRANT THE SIX (6) WAIVERS, SPECIFICALLY #15, #28, #30, #31, #42 AND #43. THE MOTION CARRIED.

## PLANNING BOARD MINUTES

September 11, 2019

Ms. Goodwin inquires on #38 for walks, fences and screening and that there was a change from the original Site Plan. Ms. Seeler stated that former Land Use Office said she didn't have to put the fence in but to use signs. The Board will further review this under the Site Plan.

E. HICKEY MOTIONED, P. BARNETT 2<sup>ND</sup>, TO ACCEPT THE MINOR SITE PLAN CHECKLIST AS COMPLETE. THE MOTION CARRIED.

Ms. DeStefano inquired on the submission of the minutes over the years for the application. Mr. Simonds advised that Mr. Brooks felt there were issues over the years with parking that the Board should be aware of. Mr. Robert Brooks stated that the parking was backing in and out as they please. He stated that the fence was installed temporarily and seemed to address the issue. Mr. Brooks feels that there are too many vehicles parked in front of the second building. He feels that people go in and out and go where ever they want as there is no delineation. Ms. Goodwin reported that there is currently an enforcement issue for this property. Mr. Beurivage inquired if the photo provided is a current event that occurs five (5) days a week. Ms. Goodwin reported that the picture is from 2017 and that the enforcement officer reviews this property on a weekly basis. Mr. Beurivage inquires on the no parking. Ms. Seeler advised that the 2<sup>nd</sup> building is not marked with no parking signs. Ms. Seeler reviewed the history of the property for the Board.

Ms. DeStefano inquired on how the Board is going to resolve the "No Parking" issue in front of the building. Ms. DeStefano inquired on the fence. Ms. Seeler reported that the fence was damaged by the town plow and the fence holes were filled in by them. Mr. Barnett stated that the signs don't work, why can't the front of the property be fenced in as this would eliminate the issue. Mr. Beurivage stated that obviously the signs don't work and inquired if there have been any accidents at this location. Mr. Brooks stated that he has had near misses every day. Mr. Hickey inquired on removable bollards. Ms. DeStefano inquired on bollards or water barriers. Ms. Goodwin advised that they don't have to be against the building and thus it would block the parking in the front. Mr. Barnett inquired on the possible use of jersey barriers. Mr. Milbrand inquired if the driveways were approved. Ms. Goodwin reported that they have been in existence and she isn't able to confirm that they were approved driveways. Mr. Brooks provided a copy of the minutes that stated that the accesses were approved. Mr. Milbrand felt that whatever mechanism was used to stop the parking should be installed across the front, leaving the driveways open and the overhead doors. He felt that the Highway Department could provide feedback on the method.

The Board directed the applicant to work with the Highway Department to establish barriers for the front of the building to eliminate parking and access to the front of the building, as well as adding no parking signs. Mr. Simonds inquired on the maintenance of the gravel area. Ms. Seeler stated that parking on this area will stop anything from growing. Ms. Goodwin asked the Board to consider some type of maintenance to be required as the parking area isn't going to be utilized enough to keep the growth. Ms. DeStefano stated that the Board could require on the Site Plan that Ms. Seeler maintain the designated parking areas.

D. MILBRAND MOTIONED, E. HICKEY 2<sup>ND</sup>, TO CONTINUE THE SITE PLAN REVIEW TO OCTOBER 9, 2019 TO GIVE THE APPLICANT TIME TO ADDRESS THE ISSUES RAISED. THE MOTION CARRIED.

### **MINUTES OF JUNE 12, 2019:**

The following amendments and clarifications were made: Page 1, 2<sup>nd</sup> paragraph, end of paragraph, add options of battery storage as well. 3<sup>rd</sup> paragraph, change first sentence to read, Mr. Bemis stated that the lease can be cancelled at any time and the Payment in Lieu of Taxes (PILOT) will be a low amount for the

## PLANNING BOARD MINUTES

September 11, 2019

town. 3<sup>rd</sup> paragraph, 2<sup>nd</sup> sentence, change to ... the eligible tax credits would change from 30% the first year to 26% the next year. 3<sup>rd</sup> paragraph, 3<sup>rd</sup> sentence, change to read Ms. DeStefano recommended that they consider a letter of intent for the developer, as they will not be through the final approval by the end of October. 3<sup>rd</sup> paragraph, last sentence, add after formal vote, for longer lease agreements. 4<sup>th</sup> paragraph, 2<sup>nd</sup> sentence, change after counsel and, the handling of the lease is okay. 5<sup>th</sup> paragraph, 1<sup>st</sup> sentence, change after located to in relation to the multiple lots on the proposal. 5<sup>th</sup> paragraph, 2<sup>nd</sup> sentence, change the sentence to it would be best to do a voluntary merger which would eliminate a Variance for violating the setbacks. 4<sup>th</sup> paragraph, second to last sentence, change to 700 kilowatt hours. 5<sup>th</sup> paragraph, last sentence, change to It is also in the Pemi-Overlay district. Page 2, 1<sup>st</sup> paragraph, 3<sup>rd</sup> sentence, change after questioned to whether this is in the flood zone requiring flood insurance. 1<sup>st</sup> paragraph, last sentence, remove sentence. 2<sup>nd</sup> paragraph, 5<sup>th</sup> sentence, add asked, and word add after 4.4 acres, 2<sup>nd</sup> paragraph, 6<sup>th</sup> sentence, change to said the project is 5 acres. 2<sup>nd</sup> paragraph, 7<sup>th</sup> sentence, remove also and add Site Plan Review. 3<sup>rd</sup> paragraph, 3<sup>rd</sup> sentence, fix parentheses. 3<sup>rd</sup> paragraph, 4<sup>th</sup> sentence, change after hearings to the proposed amendments can go on the ballot. 4<sup>th</sup> paragraph, 2<sup>nd</sup> sentence, remove everything. 4<sup>th</sup> paragraph, 3<sup>rd</sup> sentence add after Ms. DeStefano also, cross out him, add after reading the EDC. 5<sup>th</sup> paragraph, 1<sup>st</sup> sentence, change there is to there may be. Page 3, 1<sup>st</sup> sentence, fix changed. 4<sup>th</sup> paragraph, fix comma after D. 5<sup>th</sup> paragraph, 4<sup>th</sup> sentence, change to Also the definitions of section 12.3 should be reviewed. 5<sup>th</sup> paragraph, 6<sup>th</sup> sentence, change allow to consider allowing. Page 4, 5<sup>th</sup> paragraph, change Vertex front page to plans for the cell tower. 8<sup>th</sup> paragraph, fix parentheses. 9<sup>th</sup> paragraph, change has been done to property has closed. The Board also agreed to correct the spelling of Mr. Beaurivage's name throughout the document.

B. BEAURIVAGE MOTIONED, P. BARNETT 2<sup>ND</sup>, TO APPROVE THE MINUTES AS AMENDED. E. SEELER ABSTAINED. THE MOTION CARRIED.

**COMMUNICATIONS:** None

### REPORTS:

**Selectmen:** Don Milbrand reported the following:

- Discussions on recycling – possibly bringing back aspects of it and considering baling cardboard.

**Capital Improvements Committee:** Met to establish some processes and steps forward. The Chair is still meeting with some Boards.

**Historic District Commission:** The Commission met on 9/10 to discuss the following:

- Set specific meeting dates that the Commission will meet, Feb, May, September, and October and then they will meet as needed for additional business.
- Revisions to the Historic District Section of the Zoning
- Replacing HDC boundary signs
- CLG cemetery survey – workshop is posted on the website and the survey will also be posted. The HDC has done a great job and ownership will transfer to Cemetery Trustees.
- Updates to the HDC Website

### Land Use:

- Tyler reported that he will be taking a step back from the sub-committee on Zoning Amendments.

## PLANNING BOARD MINUTES

September 11, 2019

- Sub-committee met. The meeting was a very good meeting. The next meeting is 9/18. It is anticipated that more information will be presented to the Planning Board at the upcoming workshops.
- Ms. Goodwin asked the Board to consider adding Combined Dwelling and Business to be allowed in other districts.
- Community BBQ at Wellington on September 15, 2019
- Proposed changes to the minutes and their processing in the future
- The Board discussed the enforcement process currently in place with the Land Use Office
- Mr. Simonds inquired about the funds in the budget for Master Plan and the discussion to have Lakes Region Planning Commission review the current Zoning Ordinance and what could happen when the Sewer to the Lake project goes through. Ms. DeStefano felt that under our current Zoning it would be good to have a review and recommendation about what could happen. The Board agreed to this approach and Mr. Simonds will reach out to get a scope of services agreement signed so the funds could be encumbered if needed.
- Mr. Simonds reported that he is communicating with Melissa Levy regarding the REDI Initiative and next steps.

### **NEXT MEETING:**

The next Planning Board meeting will be held Wednesday, September 25, 2019 at 7:00pm at the Town Offices for a Workshop Meeting.

With no other business before the Board, the meeting adjourned, unanimously, at 9:19 pm.

Respectfully submitted,  
Christina Goodwin,  
Land Use Manager