

## PLANNING BOARD MINUTES

March 25, 2020

**APPROVED:** 4/8/20

**AGENDA:** 19SPR02 Request for change in site plan conditions, Chestnut St, #227-037

**ATTENDING:** Denice DeStefano, Don Milbrand (Sel. Rep.), Evan Hickey, Bruce Beurivage

**ABSENT:** Jackie Elliott, Betty Seeler, Paul Barnett

**OTHER:** Tyler Simonds (Planner), Christina Goodwin (Land Use Manager), Fran Parisi (Attorney for Vertex Towers)

The meeting opened at 7:00 pm with alternates Evan Hickey and Bruce Beurivage being moved to a member to replace missing Board members and to provide the Planning Board with a quorum.

Ms. DeStefano stated that as there has been an emergency order issued by the Governor that allows for meetings to be held electronically due to the pandemic. All members are attending via conference call. She advised we will proceed with review of the request for a change in the Site Plan conditions by Vertex Towers.

Mr. Milbrand pointed out that votes should be done via roll call vote.

### **19SPR02: Attorney Fran Parisi – Vertex Towers, Chestnut St, #227-037**

Attorney Fran Parisi joined the conference call regarding the request to change the conditions of the original Site Plan approval. He explained a letter of credit is a security instrument issued by a bank who secures an obligation of the debtor, in this case it would be Vertex Towers. Vertex Towers does not have any debt relationship with any banks as they are a privately owned and privately funded business and they have never been asked to provide a letter of credit before. He reports that the Town's request is not unusual, to have the owner be required to supply some measure of security for removal of the facility, however, typically what they supply is a bond from an insurance company. Mr. Parisi stated the Zoning by-law stipulates that a letter of credit is the preferred form of security, but it is not the only option of security and they would ask that the Notice of Decision be modified to allow for a removal bond.

Ms. DeStefano reported for the Planning Board members, that, in order for an approved Site Plan to be amended without a public hearing, a minor change must meet all of the following criteria:

- The proposed change is one which does not alter the manner in which any regulatory standard contained in these Regulations or in the Bristol Zoning Ordinance applies to this proposal;

Ms. DeStefano pointed out that the regulatory standard is that letter of credit is the preferred method, but not the only method.

- The proposed change does not alter any aspect of the reasoning which the Board utilized for its decision, or of the effect or implementation of any express condition of approval;

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- The change is one which would not, by itself, trigger site plan review jurisdiction under Section 8.3 of these Regulations;

Ms. DeStefano reviewed Section 8.3 of these regulations and she does not feel that this change would trigger a review.

- The change is otherwise one which the Board believes does not alter in any respect the impacts of the plan upon abutters or the public; which any doubts concerning such impacts being resolved in favor of holding a fully-noticed public hearing.

Mr. Milbrand feels that this doesn't trigger a re-hearing. He feels that the fact that Vertex puts a bond out vs a letter of credit is a more secure way of protection and the Board may want to consider changing the Zoning Ordinance. He feels this is a good thing rather than detrimental.

Mr. Beurivage agrees.

Mr. Hickey agrees that this change doesn't have much affect and clearly the bond is a better form of security.

**Mr. Milbrand motioned to accept a removal bond issued by an insurance company and to allow the condition #3, of the Site Plan conditions, to be updated to reflect this change, Mr. Hickey 2<sup>nd</sup>, the motion carried by roll call vote 4-0.**

Ms. Goodwin advised the building is currently closed to the public and any applications should be mailed to her attention.

### ELECTION OF OFFICERS

Ms. Goodwin updated the changes in position – Mr. Dingman is not coming back to the Board, Mr. Hickey has changed to an Alternate member, and the Board now has two (2) open positions. Further discussion centered around options for Chair and Vice-Chair.

**Mr. Milbrand nominated Denice DeStefano as Chair, Mr. Beurivage 2<sup>nd</sup>, the motion carried by roll call vote 4-0.**

The Board chose not to elect a Vice-Chair until all members of the Board were available to discuss the options. In the future, and until a Vice-Chair is elected, the Board will have to elect an acting Chair at any meeting that Ms. DeStefano cannot attend.

### APPROVAL OF MINUTES

The Board reviewed the minutes of 1/29/20. **D. DeStefano motioned to the approve the minutes of January 29, 2020 as amended, D. Mibrand 2<sup>nd</sup>, the motion carried by roll call vote 4-0.**

The Board reviewed the minutes of 2/12/20. **D. Milbrand motioned to approve the minutes off February 12, 2020 as amended, D. DeStefano 2<sup>nd</sup>, the motioned carried by roll call vote 4-0.**

The Board discussed the unofficial minutes of March 11, 2020. No vote was needed for these minutes.

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### NEW BUSINESS

Promoting members – Mr. Simonds reported that he has updated an advertisement for the TV channel and the website. He and Ms. Goodwin will work on getting that distributed. He will also reach out to Pete Nostram to verify his interest in the Planning Board.

Public hearings – Ms. DeStefano inquired on the ability to conduct meetings while in shutdown. Ms. Goodwin explained that we have added a line to the advertisement and abutters notices to have them contact the Town Offices on how to participate. We are also working on either Microsoft Teams or Zoom, which allows participation via video or call in. We will share the information with the Board members as it becomes available. Ms. Goodwin did advise that the cases can be delayed but the clock timer still is in effect as we have no relief from the Governor's office at this time. In addition, the public needs to be able to view the same documents as the Board, so the Land Use Office is working on options.

Kudos – Mr. Beaurivage gave Mr. Milbrand kudos for keeping the Town Meeting as scheduled. Mr. Milbrand stated that Ned Gordon was behind it, but he fully supported the decision and the voters.

Ms. Goodwin updated the Board with the status of the Land Use Department staff, as all are working from home until further notice. She will continue to work at the office certain days of the week.

The Board agreed to meet April 8, in order to continue moving forward on updates for the Zoning Ordinance and the Site Plan Regulations.

Mr. Milbrand reported that he is still going to be the Select Board representative and Mr. Anderson will be the Alternate Select Board representative.

Mr. Simonds advised, that he will contact Lakes Region Planning Commission to check on the status of the Sewer to the Lake Analysis and on the steps to start the Master Plan project. He should have a report at the next meeting.

### NEXT MEETING:

The next Planning Board meeting will be held Wednesday, April 8, 2020 at 7:00pm via some type of teleconference for the proposed Zoning Amendment and Site Plan Regulations changes.

With no other business before the Board, Mr. Beaurivage motioned to adjourn, Mr. Hickey 2<sup>nd</sup> and the meeting adjourned by roll call vote 4-0, at 7:45 pm.

Respectfully submitted,  
Christina Goodwin,  
Land Use Manager