

## PLANNING BOARD MINUTES

December 11, 2019

**APPROVED:** 1/8/20

**AGENDA:** PUBLIC HEARING ON PROPOSED ZONING AMENDMENTS  
19MSP05: MINOR SITE PLAN: CLAUDETTE & TIMOTHY SMITH, 365 Lake Street, #112-034  
19LLA03: LOT LINE ADJUSTMENT: PAUL THOMPSON & MARY O'MARA, 15 Tristan Lane,  
#104-012 & -015  
COMPLIANCE: 19MSP04: MINOR SITE PLAN: VERY EXCELLENT IMMOVABLES, LLC, 290 Lake St.,  
#112-066  
COMPLIANCE: 19MSP02: MINOR SITE PLAN: ELIZABETH A. SEELER, 66 & 88 Danforth Brook Rd.,  
#223-071

**ATTENDING:** Denice DeStefano (Chair), Evan Hickey (Vice Chair), Don Milbrand (Sel. Rep.), Jackie Elliott, Betty Seeler

**ABSENT:** Paul Barnett (excused), Clay Dingman (excused), Bruce Beaurivage (excused)

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

The meeting opened at 7:00pm with a quorum. As there was no one in attendance for the public hearing, the hearing was moved to later in the evening.

### **19MSP05 MINOR SITE PLAN: CLAUDETTE & TIMOTHY SMITH, MAP/LOT #112-034**

Ms. DeStefano stepped down from the Board, as she is an abutter. Mr. Hickey, Vice-Chair, took over the meeting. Ms. Laferriere read the application, the list of abutters notified, where the case was advertised, and stated that there were no phone calls or any written correspondence received and there was one written concern from the Water/Sewer Department. Mr. Hickey read the concern: The applicant needs to apply for an additional unit with the Water/Sewer Department. Mr. Milbrand stated that his wife has a Bed & Breakfast and asked the applicants if they wished for him to step down, as well. They stated that they were okay with Mr. Milbrand remaining at the table.

The Board then went over the checklist. D. Milbrand made a MOTION, second by E. Seeler, that THE APPLICATION IS COMPLETE. The motion CARRIED.

No questions were asked by the Board nor anything further stated by the Smiths. Mr. Hickey opened the hearing to public comment. Ms. DeStefano, abutter, had no objections. There were no other comments and the public portion of the meeting was closed.

J. Elliott made a MOTION, second by E. Seeler, to APPROVE THE MINOR SITE PLAN FOR CLAUDETTE & TIMOTHY SMITH AS PRESENTED. The motion CARRIED. The Notice of Decision and plans were signed.

Ms. DeStefano returned to the table.

## **PLANNING BOARD MINUTES**

December 11, 2019

### **19LLA03 LOT LINE ADJUSTMENT: PAUL THOMPSON & MARY O'MARA/ALAN BARNARD, MAP/LOT #'S 104-012 AND 104-015**

Mr. Barnard explained that they have received an approval for a Variance to decrease lot -015 and increase lot -012. The Department of Environmental Services (NHDES) has approved reducing the O'Mara lot and increasing the Thompson lot though it makes one more non-conforming, but the other becomes less non-conforming. This change will not create a buildable lot and both have residences already on them. A discussion was held on Nitrate being an issue if there are 4 bedrooms or more. These lots both have town water. Mr. Barnard added that any unequal exchange is considered a subdivision with the State. Mr. Simonds was given a copy of the State approval.

With no questions, D. Milbrand made a MOTION, second by E. Seeler, to APPROVE THE LOT LINE ADJUSTMENT FOR PAUL THOMPSON AND MARY O'MARA. The motion CARRIED. The Notice of Decision, plans, and mylar were signed. Mr. Barnard asked to let him record the mylar as he must send it in with the deed.

### **COMPLIANCE: 19MSP04 MINOR SITE PLAN: VERY EXCELLENT IMMOVABLES, LLC, MAP/LOT #112-066**

Ms. Goodwin explained that the property has been shut down again per the State as there are now electrical issues to be dealt with.

Ms. DeStefano read the list of items required, for the Site Plan to be in compliance:

1. Occupancy as determined by the Fire Chief
2. The building to be protected by an automatic sprinkler system in accordance with the State Fire Code and as approved by the Fire Chief
3. Lighted sign is turned off by 10:00pm
4. Flood lights to be facing downward and away from neighbors
5. The 4' x 2' sign with the digital display is not allowed
6. Snow storage area to be added to the plan.

Ms. DeStefano noted that the snow storage is now on the plan. She added that the applicant will need to come back to the Board if they wish to have extended hours. Ms. Goodwin stated that she, Water/Sewer, and Fire met with the applicant. He is still not in compliance with the State, but is with the Town. Ms. DeStefano asked for a copy of the Fire Department occupancy permit for our file. Ms. Goodwin added that they talked to the applicant about the dumpster, as well. Ms. Elliott mentioned how dark it is at this location and Ms. Goodwin stated that the light is out again and there may be an issue with the electrical. She added that she told him that, should he want additional lighting, he will have to come back to the Board to amend the Site Plan.

E. Hickey made a MOTION, second by D. Milbrand, to APPROVE THE MINOR SITE PLAN FOR VERY EXCELLENT IMMOVABLES, LLC AS BEING IN COMPLIANCE. The motion CARRIED and the Notice of Decision and plans were signed.

Jon Thouin asked to speak about the project and was given permission. Mr. Thouin explained that he feels that he is an abutter (though there is some discrepancy on that with the Town Attorney). He is glad that the shed has been removed. He is disappointed that this was treated as a Minor Site Plan as the applicant has increased an outer wall for the kitchen adding a take-out window and now is proposing a B and B. He feels that he should have been notified, because 14 years ago, he was notified for work there. He is concerned with the parking although it has improved since the take-out was opened. Mr. Thouin then read the Purpose and Authority section from the Zoning Ordinance. He feels that his property value has been affected. He does not want any animosity with the applicant, however, and asked how to solve the problem that this has created.

## PLANNING BOARD MINUTES

December 11, 2019

Ms. DeStefano stated that, in hindsight, the Board might have done better job with the Site Plan. Parking is supposed to be across the street. Mrs. Thouin mentioned that the dumpsters have attracted bears before. She is concerned about the school children who walk by there. Ms. Goodwin stated that these are enforcement issues. She also pointed out that the applicant has begun to put up No Parking signs. Mrs. Thouin added that the delivery trucks should also park across the street and the back light stays on 24 hours a day. This was thought to be safety for those living there.

The Notice of Decision and plans were signed.

### **COMPLIANCE: ELIZABETH A. SEELER, MAP/LOT #223-071**

Ms. Seeler stepped down from the Board. The Board went over the conditions:

1. Notes on the plan to have chains between the bollards
2. The gravel parking areas are to be kept clear.

D. Milbrand made a MOTION, second by J. Elliott, that THE SITE PLAN FOR ELIZABETH A. SEELER WAS NOW IN COMPLIANCE. The motion CARRIED.

### **PUBLIC HEARING ON PROPOSED AMENDMENTS :**

Ms. DeStefano asked the Secretary to read where the hearing was advertised and if any correspondence was received. The following proposed amendments were reviewed by the Board:

Article X. PWSF (Cell Towers) – The Town’s Attorney reviewed this Article during the Vertex Towers cell tower case. There were recommendations to correct changes with co-location laws and interpretations of the Telecommunications Act.

Under Article 10.2 Applicability, the proposed change is underlined – The terms of this Amendment and the Site Plan Review Regulations shall apply to new construction of PWSF or substantial modifications of existing PWSF as defined in RSA 12-K:2, XXV, proposed to be located on property owned by the Town of Bristol, on privately owned property, on property that is owned by any other governmental entity that acts in its proprietary capacity to lease such property to a carrier. This does not apply to co-location or modifications as defined in RSA 12-K:2.

Under Article 10.7.2, Height, Other Existing Structures, the proposed change is underlined - The height of a PWSF shall not increase the height of a structure by more than ten (10) feet, unless the facility is completely camouflaged or unless it is necessary to perform the facility’s intended functions and maximize opportunities for co-location; for example: a facility completely within a flagpole, steeple, or chimney. The increase in the height of the structure shall be in scale and proportion to the structure as originally configured. A carrier may locate a PWSF on a building that is legally nonconforming with respect to height, provided that the provisions of this Amendment are met.

Under Article 10.7.3 Height, Ground-mounted Facilities, the proposed change is underlined - The allowed height for any telecommunications tower or support shall be the minimum height and size necessary to perform the facility’s intended functions and maximize opportunities for co-location, as determined by the Planning Board, which, when considered together with other existing or reasonably feasible facility locations potentially available for use by the same carrier, will provide the carrier with adequate service coverage

## PLANNING BOARD MINUTES

December 11, 2019

without any undue adverse impacts upon the performance and design parameters set forth in Section 10.8. In no case shall the height exceed 180 feet above ground elevation

Under Article 10.4 Procedure, the proposed change is underlined - The Planning Board will make a reasonable effort to review and comply with federally imposed time limits on applications. Applicants shall be required to submit the following information to the Planning Board:

Impervious Cover (Article VIII) – In order to clarify that the Planning Board considers hardpack (gravel) impervious. The proposed change is underlined - Permanent surface having the potential to cause runoff during a rain event. Examples include—but are not limited to—asphalt roads, hardpack, metal or shingled roofs, and concrete sidewalks.

Fence (Article VIII) – Proposed language distinguishes a fence from a structure that is meant to retain earth. The proposed change is underlined - A solid or divided wall that is meant to prevent access or visibility from one area to another. A fence is not meant to retain earth.

Research and/or Testing Facility – To allow research and testing facilities to develop and sell their product. The proposed change is to update the title to Research, Development and/or Testing Facilities and the definition is proposed to be changed as underlined - A facility whose purpose is the careful, systematic, study and investigation in some field of knowledge, undertaken to discover or establish fact or principles which can be further used for delivery, production, or commercialization. The use is currently only allowed in Industrial (I). The Board recommends that it also be allowed in Corridor Commercial (CC).

Light Industrial Facility – To eliminate the restriction of a maximum of ten (10) employees per shift to allow for different types of businesses that might fall under light industrial but may have more employees. The proposed changes is underlined - An enterprise which shall include the establishment of production plants that will not be noxious, offensive, or detrimental to the environment, the Town, or the abutters ~~and will have a maximum of ten (10) employees per shift.~~ The use is currently allowed by Special Exception in the Village Commercial (VC) and Corridor Commercial (CC) and is an allowed use in Industrial (I). The Board recommends to change Corridor Commercial from Allowed by Special Exception to Allowed.

Hotel/Motel/Lodging Facility – The change is to have this use changed from allowed by Special Exception to an allowed use in the Corridor Commercial district.

Mixed-Use Development – The Board proposes a proactive change to types of developments allowed with a new definition for mixed-use development. The proposed definition – A cohesive commercial, residential, and institutional development where uses may be located in the same building or in separate adjacent or interconnected buildings. A mixed-use development must consist of elements of a live-work-play environment that should be safe, comfortable, and attractive to patrons, residents, and people walking. It should include employment opportunities for a diverse range of ages with a particular interest in commercial uses that complement and support the nearby businesses and civic uses. To be an allowed use in the Corridor Commercial district.

## PLANNING BOARD MINUTES

December 11, 2019

Combined Dwelling and Business – The sub-committee on amendments proposed a change to make this use an allowed use in the Rural District as more and more people want to work where they reside, but may not qualify under home occupation. This change would still require a Site Plan in most cases.

Distillery – The Board proposed a change to the districts that this use is allowed, based upon feedback given during recent brew pub cases. It is recommended to remove Distillery from being an allowed use in the Rural and Lake Districts.

E. Seeler made a MOTION, second by E. Hickey, to PLACE ALL OF THE PROPOSED ZONING AMENDMENTS ON THE MARCH 2020 BALLOT. The motion CARRIED.

### MINUTES OF NOVEMBER 13, 2019:

The minutes of November 13, 2019 were amended. D. Milbrand made a motion, second by J. Elliott, to approve the minutes as amended. The motion carried with one abstention.

### PROPOSED ZONING AMENDMENTS FOR JANUARY 8, 2020 PUBLIC HEARING:

The Board reviewed the next set of proposed Zoning Amendments to be prepared for a public hearing on January 8, 2020.

Sapling/Tree: Based upon the Town Attorney's comments, it was recommended to remove these definitions from the current Zoning Ordinance. This change will be presented at the January 8, 2020 public hearing. The proposed definitions will be held in the Site Plan / Subdivision Regulations instead.

D. Milbrand made a motion, second by E. Seeler, to ask to remove this section from the Zoning Ordinance and bring to the public hearing January 8, 2020. The motion carried.

Commercial enterprises: It was felt that that the Board needed to do more work on this and discuss more for at the January 8, 2020 public hearing.

Agriculture/Hydroponics: The line "Non-commercial agriculture is allowed in all districts" and hydroponics will be added to the Agriculture definition. Hydroponics will be defined and added to definitions.

D. Milbrand made a motion, second by E. Hickey, to bring this amendment to the public hearing on January 8, 2020. The motion carried.

Energy Facility: Energy businesses are upcoming and plans to utilize solar as well as battery energy storage and are the topic of many towns and states. The Board proposes that this use be an allowed use in the Industrial (I), Corridor Commercial (CC) and Rural (R) Districts.

E. Seeler made a motion, second by J. Elliott, to bring this amendment to the public hearing on January 8, 2020. The motion carried.

Historic (Overlay) District: The Board will review and further discuss this at the January 8, 2020 meeting and be brought to a public hearing on January 22, 2020.

### REPORTS:

Historic District Commission - Did not meet.

## PLANNING BOARD MINUTES

December 11, 2019

Select Board - They have formed a Sustainability Committee to review options for recycling and other things in the future. The Board has approved a trailer for recycling cardboard.

Capital Improvements Program Committee (CIP) - The CIP is asking for an amendment to the 2020 CIP spreadsheet. Mr. Milbrand explained that there was a misunderstanding with the Police Chief who never intended to purchase more than one (1) cruiser a year. The mix-up occurred because the Chief will replace the standby cruiser with the next oldest, then trade in the #7 cruiser instead. They have agreed to a 6-year rotation.

E. Seeler made a motion, second by E. Hickey, to approve the revised CIP spreadsheet. The motion carried.

Land Use –

Mr. Simonds stated that he has e-mailed a summary of the REDI Initiative meeting. He would like feedback by the January 8<sup>th</sup> meeting.

Mr. Simonds asked the Board about the proposed “Free Library” that is being planned. He needs to know if this is considered a structure. Ms. DeStefano stated that she feels that, if it is 6 feet or less, a post in concrete with a box of about 3 shelves and a door, it would not be a structure. The Board agreed. Ms. Goodwin feels that the project should get a Land Use Permit, but with the fee waived, so that we know where they are located.

Ms. Goodwin mentioned the Master Plan budget and the fact that Lakes Region Planning Commission (LRPC) is tentatively coming in to meet with the Board on January 22, 2020. Ms. DeStefano noted that this is to minimize the potential impacts with the Sewer to the Lake project and the current Zoning Ordinance. Ms. Goodwin mentioned density, setbacks, and use. A discussion was held on the area to cover for the 2020 Master Plan. Ms. Goodwin mentioned that the budget has been cut from \$15,000 to \$13,000, but she meets with the Budget Committee next Monday and there could be additional cuts. A discussion followed about the Land Use chapter. Ms. DeStefano will follow up with Clay Dingman on the status of that chapter.

Ms. Seeler asked about the property across from her business property. Ms. Goodwin explained that this is an enforcement issue that the office is working on. They spoke with them once and more violations were added on and an Order to Remedy has been issued. Ms. Seeler asked about the property two doors down from there on the corner. Ms. Goodwin stated that that owner is working on it.

**COMMUNICATIONS:** None

**OTHER:**

Ms. DeStefano will be out of the State until next May. Ms. Elliott will be away in February. Mr. Beaurivage will be out for a bit.

**NEXT MEETING:** Wednesday, January 8, 2020 at 7:00pm. No applications have been received yet, but applicants have until this Friday to apply.

D. Milbrand motioned to adjourn, E. Seeler second, at 9:32 pm.

Respectfully submitted,  
Jan Laferriere  
Land Use Administrative Assistant