

## PLANNING BOARD MINUTES

September 9, 2020

**APPROVED: 10/14/20**

AGENDA: WORKSHOP  
SITE PLAN AMENDMENT – 231 Lake Street  
20SUB01 SUBDIVISION: Nashawaty, Map/Lot #113-011, Pleasant St  
20MSP01 MINOR SITE PLAN REVIEW: Mayhew Program Mayhew Island, North Cabin

ATTENDING: Denice DeStefano (Chairman), Don Milbrand (Sel. Rep.), Paul Barnett, Bruce Beaurivage (Alternate), Jackie Elliott

ABSENT: Jackie Elliott, Betty Seeler, Evan Hickey (Alternate)

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

Ms. DeStefano appointed Mr. Beaurivage to sit in for Ms. Seeler.

The meeting opened at 6:00 pm with a quorum for the workshop.

Ms. DeStefano stated that there is still an emergency order issued by the Governor that allows for meetings to be held both in-person and electronically, due to the pandemic. Members are attending in-person, via video and telephone conference and the meeting is open to the public via the same options. The meeting continued by roll-call vote 4-0.

### WORKSHOP

#### *Impervious Cover*

Mr. Simonds presented the current Impervious Cover in the Zoning Ordinance vs. the proposed changes. He has compared the proposed percentages to other town ordinances. It will also eliminate the confusion or potential inconsistency within the Ordinance with impervious cover versus lot coverage by structure.

Ms. DeStefano advised the Board that a sub-committee reviewed the changes at a past meeting. Mr. Barnett inquired on mixed-use and whether the Board was proposing an overlay or a district and if the Rural lot coverage would remain Rural. Ms. DeStefano stated that the Board will be discussing mixed-use a little later in the meeting, but mixed-use is proposing a district and not an overlay, so Rural would remain Rural.

Jackie Elliott joined the meeting.

Mr. Barnett inquired on Page 4 of the proposed changes and how it relates to what is being discussed. Mr. Simonds stated that he pulled out any place throughout the ordinance that the words impervious or lot coverage were located for the Board to review. Mr. Barnett inquired on what is a dwelling unit; is it an apartment building or residence? The definitions were pointed out in Article VIII.

Ms. DeStefano stated that all we are doing is replacing lot coverage by structure with impervious cover and increasing the percentages allowed. Mr. Simonds pointed out that there are some suggested changes on page 3, to replace ground cover with impervious. Ms. DeStefano stated we would do this throughout

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the Ordinance. Mr. Milbrand inquired on page 5 where the wording lot coverage is used. Mr. Simonds recommends removing that wording. Ms. Goodwin clarified that any text, crossed out in proposed document, would be eliminated and the high-lighted text would be replaced. Mr. Simonds confirmed.

D. Milbrand motioned to move the proposed amendments to lot coverage by structures to public hearing, D. DeStefano second. The motion carried by roll-call vote 5-0.

### *Stables*

Ms. DeStefano explained that this has been discussed a couple of times, in the past and during the last workshop group. The group reviewed many different scenarios to determine if the definition of stables was needed. It was determined that it could be safely eliminated.

Mr. Barnett inquired about what the concern was to have stable in the Ordinance. Mr. Simonds explained that it was not necessary. Mr. Barnett inquired about a stable riding business. Ms. DeStefano stated that it was felt that that type of business would be covered under agriculture. Mr. Simonds pointed out that originally it was discussed to add the word commercial or eliminate the definition and eliminating it seems like the best option.

D. Milbrand motioned to move to public hearing to eliminate the definition of stable and allowed use from the Zoning Ordinance, D. DeStefano second. Mr. Beurivage inquired on how stable would be used and further discussion centered around examples and the existing definition of agriculture. Mr. Beurivage asked if it was a redundant definition. Ms. DeStefano confirmed. The motion carried by roll-call vote 5-0.

### *Signs*

Ms. DeStefano reported that she worked with Tyler and Christina to update the sign section of the Zoning Ordinance. There isn't a redline version as there was a lot of restructuring and it would have been too confusing to follow. Ms. DeStefano out-lined the summary of changes to include: consolidating the number of sections and adding headers, adding new language for purpose and intent, including a definition of sign in the purpose and intent, adding a mixed-use development section, adding a section describing various types of signs, clarifying types of temporary signs and eliminating the need for a permit provided that all conditions apply, removing language regarding billboards, adding a quick reference chart once the amendments are approved, and eliminating the need to apply for a permit for some signs, such as yard sale, garage sale, and real estate signs.

Ms. Goodwin pointed out that the Board had wanted to fix the wording under signs prohibited in all districts. Ms. DeStefano added that the wording will change from periodically to automatically. Mr. Barnett inquired about the informative signs that the Town was proposing and if those signs would be hindered by this Ordinance. Ms. DeStefano stated that, as a courtesy, the Town would notify the Planning Board of what was being proposed, but the Ordinance changes did hinder. Mr. Barnett inquired about the roadside signs from the State. Ms. DeStefano replied that those are usually only on State right-of-ways.

Mr. Beurivage inquired about the jurisdiction of signs installed on utility poles. Ms. Goodwin stated that it depends on the type of sign, but the Land Use Office would be the enforcement mechanism.

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Mr. Simonds inquired on the difference between the definition of signs in the proposed section versus the existing definition in the Ordinance. Ms. DeStefano also pointed out that there is a difference between the definition of a temporary sign.

Mr. Beaurivage inquired about a seasonal sign being covered when the business is closed and who enforces. Ms. DeStefano stated that the Land Use Office would enforce, but it is up to the Board if they want this section to read as proposed. Ms. Goodwin pointed out that this is a new requirement for the sign ordinance and there is no enforcement currently, but if this goes through then there would be enforcement by the Land Use Office.

Ms. DeStefano stated that there is a little more work to finalize the proposed changes. She asked that the Board review the definition differences and review one last time the full proposal, so that the Board can move forward with a public hearing.

### *Yard Sale, Barn Sale, Garage Sale*

Ms. DeStefano presented the current versus the proposed for yard sale, barn sale and garage sale. The proposal is to eliminate the need for permitting and eliminate the limitation on these sales. The provision also requires that all items must be removed from public view at the end of the sale period, which is three (3) consecutive days.

Mr. Barnett inquired how neighbors would feel about the items being left out for three (3) days. Ms. DeStefano stated that that is where the public hearing comes into play, so that anyone can provide feedback for the Board. Mr. Barnett feels that it shouldn't be left out overnight for the three (3) days. The Board agreed and the wording was amended to remove items from public view at the end of each day.

Mr. Milbrand commented that it is good to remove the limitation on the number of sales, as it is too hard to be able to track and enforce it.

P. Barnett motioned to amend the proposal for yard sale, barn sale, garage sale as discussed, second by D. Milbrand. The motion carried by roll-call vote 5-0.

D. Milbrand motioned to move the amended proposal for yard sale, barn sale, garage sale to public hearing, second by J. Elliott. The motion carried by roll-call vote 5-0.

### *Tents and Camping*

Ms. Goodwin presented that most towns do not regulate tents specifically, but it is regulated under a camping provision. There are two options she has found, to create a camping section all together under recreation or to define tents. The only issue with the latter is that definitions can't have regulations, such as requiring on-site bathroom facilities of some sort as part of the definition. Ms. Goodwin asked the Board what they would prefer.

Ms. DeStefano agreed that the Board is going to need to do some more research and was concerned with the time frame for everything the Board had on its list already. Ms. Goodwin pointed out that there are a lot of different sections in the Ordinance that pertain to camping, whether it is recreational vehicles or tenting or other.

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Mr. Beaurivage pointed out that the Board needs to define the number of tents that could be added to a property with no facilities. He feels that there is a location in town that has become a conversation piece. Mr. Milbrand felt that there are multiple areas. Mr. Milbrand stated that there is too much information to consider and we don't want to rush this along.

Mr. Beaurivage inquired on when the Town's portable units are removed. Ms. Goodwin reported in October. Mr. Beaurivage inquired on the electrical panel on Shore Drive. Mr. Milbrand stated that that is not a Planning Board item but a Select Board item.

The Board agreed to hold the tents and camping to be worked on in 2021.

### *Mixed-Use Development Ordinance*

Ms. DeStefano showed the Board a draft ordinance on a Mixed-Use Development. She asked the Board to review the draft for the next meeting, including the maps of possible districts. She asked the Board to be ready to discuss at that meeting. The sub-committee had spent many hours developing the draft version for the Board to consider. Ms. DeStefano would like the Planning Board to understand it, and any developers who may read it, to also understand it. Ms. DeStefano stated that the Board needs to be prepared to address any questions / concerns. She pointed out that there is an additional page that goes with the proposed Ordinance, labeled general building criteria.

Mr. Simonds will share again the proposed maps with the Board for the workshop meeting in October.

Mr. Barnett inquired on how the meeting will be handled to follow COVID rules. Ms. DeStefano reported that applicants will have to wear masks and we can handle groups in stages, if needed, for any public hearings.

### **20SUB01 SUBDIVISION: Nashawaty, Map/Lot #113-011, Pleasant St**

Mr. Simonds presented the application, the abutters, and where the hearing was advertised. The Nashawaty's are proposing to subdivide their 2-acre parcel into two (2) lots. There was one (1) comment from an abutter that stated they had no issues with the proposal and one (1) Department feedback about clarification on wording on the plan.

Ms. DeStefano referred the Board to review the checklist and pointed out that there are waivers to be reviewed at the end of the checklist review, which include: soil types, 2ft topography, proposed public improvements, construction drawing, drainage plan, other permits, site inspection by Board, and review by engineer or other. Mr. Simonds inquired about the monuments on the plan. He stated that our regulations specify a certain type of monument. The Board reviewed the definition of monuments and agreed that the plan is accurate. The Board reviewed the request for waivers and agreed that they could vote all together as one. D. Milbrand motioned to grant the waivers for checklist items #13, #14, #18, #23, and #24 (#25, 26, and 27 would be determined by the Board and do not require a waiver) as presented, J. Elliott second. Mr. Milbrand felt the applicants supplied an extensive environmental report and the plan and application have been handled very well. The motion carried to grant the waivers by roll-call vote 4-0.

Mr. Milbrand motioned to approve the checklist as complete, J. Elliott second. The motion carried by roll-call vote 4-0.

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Ms. DeStefano asked the applicant if there was anything she would like to add. Ms. Nashawaty felt that both would be buildable lots and add to the value of the Town. There were no other questions or comments from the Board or the public, so the public hearing was closed.

J. Elliott motioned to approve the subdivision as presented, D. Milbrand second. The motion carried by roll-call vote 4-0.

Ms. Nashawaty inquired on the size of the signature box for the Mylar and the Board agreed that the size was fine. The Board members will come in to sign so the Mylar, once it is ready.

### **20MSP01 MINOR SITE PLAN REVIEW: Map/Lot #204-001, Mayhew Island, North Cabin**

Mr. Buckley submitted updated plans to the Board. Mr. Simonds presented the application, the abutters, and where the hearing was advertised. There were no telephone calls, written comments or Department Head feedback. The Board reviewed the checklist. The septic and shoreland have both been approved. The only item pending is the Special Use Permit.

D. Milbrand motioned to accept the checklist as complete, J. Elliott second. The motion carried by roll-call vote 4-0.

Ms. DeStefano inquired on the height of the building. Mr. Buckley reported the new building will be lower than the existing building by approximately two (2) feet, but didn't have an exact number as the ridgeline and ground are at different levels.

Mr. Buckley presented the proposed change to the building. What Mayhew has now is two portions of a building that are extremely old, showing its age and leaking roof. Mayhew felt that the right way to do this, is to tear the building down and rebuild. They will have the Fire Department use the building for training. They are moving the new building back about twenty feet to get away from the shoreline and will be adding a septic to the location. Mayhew doesn't have an infirmary currently and this building change will allow for an infirmary with a nurse on location.

Mr. Beaurivage asked for confirmation on the height. Mr. Buckley reported that the peak of the new building is going to be two (2) feet lower than the existing. Mr. Milbrand inquired on the periodic pumping. Mr. Buckley reported that they have worked a deal with a barge to get an excavator out to the island and future pumping when needed. Mr. Alpers added that the barge was going to allow Mayhew to provide better maintenance and consistency to the island. The barge will hold up to 30,000 lbs. Mr. Milbrand feels that moving the building back from the waterline is another great item with the plan. Mr. Simonds inquired on Note #3 on the plan. Ms. DeStefano felt that other notes covered any concerns. Mr. Buckley felt that it was saying don't rely on my drawing for where the utilities are.

Mr. Beaurivage inquired on the requirements for other applications. Ms. DeStefano pointed out that they have the shoreland and septic, and once the Special Use Permit is approved, then the Mayhew would just need to finalize a Land Use Permit.

With no other questions or concerns from the public or the Board, the public hearing was closed. D. Milbrand motioned to approve the Minor Site Plan subject to the approval of the Special Use Permit, J. Elliott second. The motion carried by roll-call vote 4-0.

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Mayhew is scheduled for a Special Use Permit at the September workshop.

### **SITE PLAN AMENDMENT – 231 Lake Street**

Mr. Simonds recommended that the Board continue this as the plans were only penciled in and no hours were added to the plan. Once the changes have been made, then the plan will be presented to the Board.

### **MINUTES OF AUGUST 12, 2020:**

The minutes of August 12, 2020 were reviewed. D. Milbrand made a motion to approve the minutes as amended, J. Elliott second. The motion carried by roll-call vote 4-0.

### **COMMUNICATIONS:**

The Supply Lines with the Source from the State of NH was received. Ms. Goodwin will share via email.

### **REPORTS:**

*Historic District Commission (HDC)* – They didn't meet because of elections.

*Select Board* – Mr. Milbrand reported that the Board accepted the Sunset Heights roads. For this year, the Board will contract with the current plow provider, but will need to look at options for future years.

The Town approved a Memorandum of Understanding (MOU) with the Army Corp of Engineers to be able to extend the new pathway.

*Capital Improvements Program (CIP) Committee* – The Committee met to discuss organizational needs and will meet again next week.

*Land Use Office* – Ms. Goodwin presented options for reducing the Planning Board members. She needs to get a legal opinion on who presents the Warrant Article and she will bring to the next meeting. The Board would like to move forward pending what is found, with lowering the required members.

Ms. Goodwin asked the Board about concerns raised over the Very Excellent Restaurant.

- Is there a time limit for completing construction under a Site Plan? The Board agreed that if the work isn't begun then the Site Plan expire, but there are no limitations on how long it takes the Site Plan to be finalized. There is also no time frame set by the conditions of this particular site plan. Ms. DeStefano pointed out that extensions may be granted by the Planning Board on Site Plans when projects are not started.
- Questions about the spiral staircase being a violation? The Board agreed that the staircase didn't exceed the existing footprint and is on the current plan, so there isn't a violation.
- The kitchen was renovated and bumped out to eliminate existing decks. The Board agreed that this was not an expansion of the footprint and was on the Site Plan.
- Lights – the current lights on take-out entrance were updated from one (1) to two (2) as approved on the signed plan. The lights in the back of the building have not been changed. The Board agreed that the best option for the restaurant would be to consider being a good neighbor by either updating the lights sooner or lowering them for dark skies compliance, but this is not currently an enforcement issue.
- Does Site Plan discuss employee smoking areas? The Board agreed that it does not. There are State laws and local laws that cover public property but not private.

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Ms. Goodwin asked about Hannaford making a change to their dumpster location to fix an issue with delivery trucks and access to the property. Concerns discussed included why there is a drain being installed below the dumpster pad and who is doing the work. Otherwise, this can be an amended Site Plan.

Ms. Goodwin updated the Board about Robieson Drive. The Land Use Office and Highway Department will be submitting a proposal to the Select Board to take over the whole road for Phase 1 of the development.

### **OTHER:**

Ms. DeStefano will attend the September workshop meeting via Zoom. She will be back in-person for the October meeting.

Ms. DeStefano will do a reminder for the next meeting to share with the Board.

**NEXT MEETING:** The next meeting is scheduled for September 23, 2020, at 7:00pm, and is a workshop meeting.

With no other business before the Board, D. Milbrand motioned to adjourn at 8:25 pm, J. Elliott second. The motion carried by roll-call vote 4-0.

Respectfully submitted,  
Christina Goodwin  
Land Use Manager