

PLANNING BOARD MINUTES

September 23, 2020

APPROVED: 10/28/20

- AGENDA: 20SUP04 SPECIAL USE PERMIT: Mayhew Program Mayhew Island, Map/Lot #204-001
AMENDMENT (S) TO SITE PLAN: Bleiler for 231 Lake St, Map/Lot #112-002
POTENTIAL ZONING AMNEDMENTS: Mixed-Use Development Ordinance; Signs
PCC–PRELIMINARY CONCEPTUAL CONSULTATION: Miller, 11 Hobart, Map/Lot #217-040
- ATTENDING: Denice DeStefano (Chairman), Don Milbrand (Sel. Rep.), Paul Barnett, Betty Seeler, Bruce Beurivage (Alternate), Jackie Elliott
- ABSENT: Evan Hickey (Alternate)
- OTHER: Christina Goodwin (Land Use Manager), Tyler Simonds (Planner), Applicants, public

Ms. DeStefano appointed Mr. Beurivage to sit in for the open seat.

The meeting opened at 7:00 pm with a quorum.

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 6-0.

20SUP04 SPECIAL USE PERMIT: Mayhew Program Mayhew Island, Map/Lot #204-001

Mr. Simonds presented the application, the abutters, and where the hearing was advertised. Ms. Goodwin reported that the abutters were selected for any property that was near the location on the island for the project, but not the full island. This was reviewed by the Town's Attorney and approved. There were no telephone calls, written comments or Department Head feedback. The Conservation Commission and the Health Officer provided input. Ms. DeStefano added that Mayhew is looking to replace the existing sleeping cabin with a new cabin and adding a septic within 125ft of the wetland delineation, which requires a Special Use Permit as noted under Section 9.6.

Ms. DeStefano asked if anyone from the Mayhew Program would like to add information. Mr. Buckley reported that a piece of the cabin is over 40 years old and the other portion is over 60 years old. There are no restroom facilities and the current structure is tired. The new building will have a modern septic system, and an infirmary. The proposed septic meets the State requirements. Mayhew feels it is the right thing to do, to have a system like this for the building.

Ms. DeStefano pointed out that much of the information for the project was viewed with the Minor Site Plan at the last meeting. She read the Conservation Commission and Health Officer comments into record.

"The Conservation Commission has taken into consideration that the Department of Environmental Services has approved a septic design with new technology in relation to the Lake and any wetland areas around the project and understands that these technologies were not in existence when setbacks were created. Therefore, the Conservation Commission supports the septic as proposed within 125 feet of the wetland's delineation. Construction work must follow best management practices (BMP's) to protect the

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Lake and any wetland areas around the project. When construction is finalized, all landscaping and site work to complete the project, must follow BMP's."

"The Health Officer feels the installation of a septic of this design and new technology is a better solution and a great improvement for the island by the Mayhew Program."

Ms. DeStefano opened the meeting to public comments. There were none. The Board reviewed the standards for a decision as directed by the Ordinance. Mr. Milbrand reviewed the design and feels that Mayhew did their homework, by considering the plastic tank vs the concrete tank, as concrete will leach water over the years. He also feels the Advanced Enviro-septic system is a very efficient system. With no other questions or concerns from the public or the Board, the public hearing was closed.

D. Milbrand motioned to approve the Special Use Permit, J. Elliott second. Ms. Goodwin asked if the best management practices needed to be added to conditions. Mr. Milbrand pointed out that there is a note on the plan that covers this. The motion carried by roll-call vote 6-0.

The Board thanked the applicants for their work on the plans. Mr. Simonds asked if the Board could approve and sign the Minor Site Plan for Mayhew.

D. Milbrand motioned that the Minor Site Plan for Mayhew is now in compliance, J. Elliott second. The motion carried by roll-call vote 6-0.

PCC – PRELIMINARY CONCEPTUAL CONSULTATION – Patricia Miller – 11 Hobart Rd – Map/Lot #217-040

Ms. DeStefano read the disclaimer for Consultations and opened the discussion to the applicant. The applicant's representative explained that the Town had allowed outdoor seating and they would now like to keep that outdoor seating, which is currently along the parking area. Newfound Experience is an ice cream take-out and restaurant near the Lake, so the outdoor area it is a great addition for the location. The seating is currently located near the center of the lot where there is an island.

The applicant asked about the crosswalk being eliminated. They are concerned for the public's safety. Mr. Milbrand stated that this is a State issue. The applicant reported that the light at the intersection was also just removed and the State was saying it is the Town's Select Board who requested it to be removed. Mr. Milbrand assured the applicant that it was not the Select Board who requested the light to be removed.

Ms. Goodwin clarified that the Town allowed the outdoor seating through October, due to the COVID issues and to keep it, the restaurant would have to do some type of Site Plan. Mr. Barnett felt it could be a Minor Site Plan. Mr. Milbrand felt it might qualify for a minor amendment to the Site Plan.

Ms. DeStefano stated she has been reviewing the guidelines and feels that it could be a Minor Site Plan. According the guidelines, it involves no expansion of the building or changes to the site and no Zoning Board decisions so it shall be designated as a Minor Site Plan. Ms. Goodwin inquired on the type of lighting the applicant would be installing. The applicant reported that there would be some sort of spotlights to light up the area more appropriately or something like the lighting that the Very Excellent Restaurant has done along the fencing for their outside seating.

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The Board agreed that the changes could be a Minor Site Plan. The applicant inquired if there was a deadline for applying. Ms. Goodwin suggested that the applicant complete their process at least 30-60 days before they want to install the outdoor seating.

The applicant inquired on who he would talk to about Town plowing from Hobart Road. Mr. Milbrand referred him to Mark Bucklin, Highway Superintendent.

The applicant was thanked for coming in.

AMENDMENT (S) TO SITE PLAN: Bleiler for 231 Lake St, Map/Lot #112-002

Mr. Simonds showed the Board what has been submitted by the property owner. The plan submitted appears to be a copy of the previous Site Plan marked up. Ms. DeStefano stated that her notes show the amended site plan needed to include: adding the outside cooker and the area around it and that it meets the requirements of the Fire Department and Health Officer, which basically was to install a safety fence around it, and adding the increased hours from 8 to 9 pm for up to 5 days a week with 3-4 outside dining tables. Ms. Goodwin will follow up with a letter to the owners so that this can be finalized.

POTENTIAL ZONING AMENDMENTS

Mixed-Use Development Ordinance

Ms. DeStefano stated that this is going to take the Board a few meetings to get through. The sub-committee took some other ordinances from other jurisdictions and cobbled them together for the draft prepared before the Board. There is also a list of the current uses by district. The last column on the list is MU for mixed-use and the suggestions are from the Economic Development Committee (EDC). Ms. DeStefano asked the Board to review the list to determine if there are uses that the Board agrees should be allowed in this district or by Special Exception.

Mr. Simonds presented the Board with three (3) mapping options for consideration for the district. One is to take over the Corridor Commercial district, which voters approved for Mixed-Use to be allowed in this district this year. The next is the area near Village House of Pizza on Lake Street that is zoned Village Commercial. The last is the area across from Homeland Cemetery on Pleasant Street. Ms. Goodwin added that there are a few options within the proposals as well. The differences would be to stop breaking up lots into two different districts, thus expanding to incorporate the full lots. Mr. Barnett felt that Alt-2 is the better option, which is the expanded Corridor Commercial area. Mr. Milbrand agreed that Alt-1 is not conducive as a sliver of area to propose for this type of district. Ms. Goodwin also pointed out that although all three (3) locations are on the proposal, it would be up to the Board whether to do all three (3) or not. Mr. Milbrand inquired on whether these would be new districts or an overlay district. Ms. Goodwin advised that the new areas are proposed to be new districts and not overlays. Overlays have two separate rules and the stricter of the two apply, so there are instances where this would defeat what the mixed-use district is trying to accomplish. Ms. DeStefano inquired on the parcel across from the cemetery and how many residential properties surround it. Mr. Barnett stated that this would boil down to what gets put in the location. He felt that if this was going to be a commercial light industrial area, the location has got potential. However, if you are looking at residential, commercial, light industrial combination then there are better locations than across from a cemetery. Ms. DeStefano asked if the districts would be an all or nothing or if the voters can vote each one up or down. The Board agreed that they would hate to lose all of them if one location is less appealing than the others for voters. Mr. Barnett agreed and felt that the focus should be on the Corridor Commercial area. Ms. DeStefano felt that maybe

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the Board start with the best area first that will have the less impact on residential properties. Ms. DeStefano asked the Board to consider the uses and the districts for the next meeting. She pointed out that the Board needs to know the proposed ordinance and own it, so to speak. Mr. Barnett offered to create a redline version for the Board to review at their next meeting.

Ms. Goodwin pointed out that the Board is asking for a lot this year and feels that the Board should scale back from three (3) districts to the expanded Corridor Commercial area instead. Ms. DeStefano agreed. Ms. Goodwin also pointed out that the public needs to be educated that the Ordinance will provide regulations for what they have already approved. Ms. DeStefano stated that she is going to look to the EDC for assistance with educating the public.

Signs

The Board reviewed the definition of sign as proposed in the new Sign Ordinance versus the existing Zoning Ordinance. Ms. DeStefano recommends that the Board keep whichever definition of sign is approved in the definitions section of the Zoning Ordinance. Mr. Milbrand stated that the current definition is the better definition and the draft should be removed. The Board agreed.

The Board reviewed the definition of temporary sign as proposed in the Sign Ordinance versus the existing Zoning Ordinance. Mr. Milbrand stated that the proposed definition is the better definition. The Board agreed.

Ms. DeStefano asked the Board about the proposed seasonal signs and the added section that signs must be covered when a business is closed for the season. Ms. Elliott thought it was better to take this line out. Ms. DeStefano felt this would be too much to enforce. Ms. Elliott felt that we have a lot of seasonal businesses here. The Board agreed to remove that sentence.

Mr. Milbrand motioned to move the sign ordinance as amended to public hearing, Ms. DeStefano second. Ms. Goodwin asked if the reference chart should be ready for the public hearing. Ms. DeStefano felt that it didn't need to be. Ms. Goodwin asked if it should be an Appendix. The Board agreed. The motion carried by roll-call vote 6-0.

MINUTES OF SEPTEMBER 9, 2020

The minutes of September 9 were not prepared and will be available for the next meeting.

COMMUNICATIONS:

A letter from Kathleen Firth was submitted regarding her request to consider allowing the agriculture use to other districts. Mr. Milbrand doesn't feel that the Board should add something ad-hoc, but there should be further research done. Mr. Barnett inquired if property owners could have a home garden. Mr. Milbrand stated yes. Ms. DeStefano felt that we have enough done this year and we should add to the list for next year. She felt that it is important, but we don't have the time to give it the discussion and consideration that it needs. The Board agreed.

REPORTS:

Historic District Commission (HDC) – The Commission didn't meet.

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Select Board – Mr. Milbrand reported that the budgeting season is starting. He feels that it is better for the Board to review the revenues and then consider spending before making decisions on budget cuts. He believes the Select Board is on the same page for this year.

Mr. Milbrand spoke with two (2) people from the Sustainability Committee on ideas for beginning recycling again. The Capital Improvements Program (CIP) Committee was in favor of adding the ideas into the CIP plan.

Alexandria is looking to build a new Transfer Station and potential options to create a regional recycling center are being considered.

Capital Improvements Program (CIP) Committee – The CIP plan is getting to the point where it is a smooth process and the meetings are more organizational.

Land Use Office – Mr. Simonds updated that the Board has a Minor Site Plan Review on October 14th. Ms. Goodwin and Mr. Simonds will be meeting with the applicant tomorrow to try to finalize the rest of the application. There are some concerns with the State permitting versus what the property owner would like to do. In addition, the property owner is relying on verbal approvals where the Board needs these approvals in writing.

Mr. Simonds stated that 802 Lake Street has someone looking at the property. The Board agreed, that if the owner has one residential and one commercial then he would need to do a site plan, but if the property is returned to completely residential, the new owner wouldn't need to do anything.

Mr. Simonds updated the Board that we are looking at getting Master Plan going again. Ms. Goodwin reported that we did budget \$13,000 and we are working to get a contract with Lakes Region Planning Commission so we can encumber those funds for next year. The Board needs to determine a scope of work to get the contract finalized.

Mr. Simonds asked about McLaughlin Way. Ms. Goodwin stated that there needs to be some research on how the lots were created. The Board felt that the owners should contact a Land Use Attorney to determine how best to proceed.

Mr. Simonds advised the Board that his last day with the Town will be October 15 and he is very proud of the work that has been accomplished with the Board and the Land Use Office.

- Ms. Goodwin updated the Board on the status of the Pawn Shop. A Final Notice of Violation was issued for: three (3) businesses on the property, advertised hours of 24 hours a day and use of parking for pawn shop vehicles and other equipment. The owner has responded and is addressing matters. He would now like to change the operating hours from 11:00am to 7:00pm to either Option 1 – 11:00am to 9:00pm or Option 2 – 9:00am to 7:00pm. Other issues include parking the taxi in front of the building as well as other vehicles and there are tow trucks parked across the street next to the building. The owner is removing the extra vehicles from the property and states that the tow truck is not a business. Ms. DeStefano asked if the Land Use Office has researched advertising for the tow truck business. Ms. Goodwin stated that they have not but will do so. Ms. Elliott felt that it was late for 9:00pm for a pawn shop to be open. Ms. DeStefano didn't care what his hours were, but if he stuck to them, it was more important. Mr. Beurivage felt the Option 2

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for hours would be better. Ms. Goodwin would like to work with the applicant but asked the Board if it would be a minor amendment or a Minor Site Plan. The Board agreed it could be a minor amendment within the hours of 9:00am to 9:00pm.

Ms. Goodwin reported that the Land Use Office made an error on a property in Holiday Hills. The Office was focused on the garage not exceeding the footprint and unfortunately missed the requirement in the Lake District for no increases of the ridgeline over a foot. There is an aggrieved party. They have been offered to apply for an Administrative Appeal but have not completed the process as of this meeting.

Ms. Goodwin stated that Lavalley's would like to add an additional shelving unit over the existing lumber storage piles. They will meet the setbacks. Ms. Goodwin asked if they need a site plan for this change. Ms. DeStefano read the Site Plan Jurisdiction. Ms. Elliott asked if they just want to cover. Ms. Goodwin stated they want to extend the existing unit to cover the lumber and then add another full-size unit to cover the second lumber pile. Mr. Barnett doesn't feel that they should have to go through site plan because what they are doing is in line with the existing. Ms. DeStefano read the structure definition. Ms. DeStefano inquired about 8.3A, which states that site plan is required for the following including increasing of structures with non-residential uses. Mr. Milbrand felt that there was confusion over the other jurisdiction requirements. Ms. DeStefano stated that it meets all criteria under #3 then it would be exempt. Ms. Elliott felt that they should do a site plan since they are adding a structure. The Board agreed that Lavalley would need to come in for a PCC to be designated a Minor Site Plan.

Ms. Goodwin discussed the budget with the Board. Are there any other items that the Board would like to submit? Master Plan is the only concern and those funds will be encumbered.

Ms. Goodwin discussed membership with the Board. The number of members can be reduced. However, the Select Board would have to add the request to the Warrant. Mr. Milbrand felt it was a good idea. Ms. DeStefano stated that having a quorum has been difficult and reducing the quorum to three (3) might help. Boards all over the place are having issues with staffing. Mr. Barnett asked why we wouldn't want to do this, if it makes functionality better. The Board agreed to move forward with the recommendation to reduce members.

Ms. Goodwin inquired on November meeting. The Board confirmed it is November 18th. CIP will be at this meeting to present their plan.

Mr. Simonds stated that the Mylar from Nashawaty's subdivision is ready and needs to be signed. Members were asked to stop by to sign.

NEXT MEETING: The next meeting is scheduled for October 14, 2020, at 7:00pm and currently a Minor Site Plan is scheduled as well as public hearings on amendments.

With no other business before the Board, D. Milbrand motioned to adjourn at 9:05 pm, J. Elliott second. The motion carried by roll-call vote 6-0.

Respectfully submitted,
Christina Goodwin
Land Use Manager