

## **PLANNING BOARD MINUTES**

December 9, 2020

### **APPROVED: Approved 1/13/21**

AGENDA: LOT LINE ADJUSTMENT: PACINO REALTY TRUST, #107-051 and -052  
CONTINUED PUBLIC HEARING: SIGNS

ATTENDING: Denice DeStefano (Chairman - Zoom), Don Milbrand (Sel. Rep.), Elizabeth Seeler (Zoom),  
Bruce Beaurivage (Alternate - Zoom)

ABSENT: Jackie Elliott (Vice Chair), Paul Barnett

OTHER: Christina Goodwin (Land Use Manager), Applicant

Ms. DeStefano appointed Mr. Beaurivage 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 4-0.

### **LOT LINE ADJUSTMENT: PACINO REALTY TRUST, ROBERT & JOANN PACINO**

Ms. Goodwin read the application, abutters notified, where the hearing was advertised and that there was one telephone call asking about the case. Ms. DeStefano reminded the Board that this came to us as a Preliminary Conceptual Consultation (PCC) on October 28, 2020 and we have the Conservation Commission's minutes regarding their review of the case. On a plan, Ms. Goodwin pointed out where the cul-de-sac was supposed to be located and where it is located. Ms. DeStefano added that there is a driveway that needs to be corrected. She then read the requirements for a Lot Line Adjustment. Mr. Beaurivage asked if the 50-foot radius needed still applies. He was told that they met with Mark Bucklin, Highway Supervisor, and he felt it was adequate for this. Ms. DeStefano stated that the Conservation Commission felt it did not affect any environmental issues.

Ms. DeStefano called for any public input and there was none. The Board had no further questions.

D. Milbrand made a MOTION, second by E. Seeler, to APPROVE THE LOT LINE ADJUSTMENT FOR PACINO REALTY TRUST and the TOWN OF BRISTOL. The motion CARRIED by roll-call vote 4-0.

### **PCC: JOHN AND ELIZABETH MURPHY, ALAN BARNARD**

Ms. DeStefano explained the procedure for a PCC. Mr. Barnard explained that they wish to complete their subdivision that involves wetlands and wanted to review with the Planning Board as this is a complicated case. He pointed out the buildable areas on the lots. One (1) lot currently has a house on it. The owners will need a Special Use Permit as the new house and septic will be within the wetland setbacks. Then the owners can pursue the State subdivision. This is to be a 1.7-acre lot. Mr. Milbrand felt that there would not be a problem for the Board.

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### **PUBLIC HEARING CONTINUANCE: SIGNS**

Ms. Goodwin had done some research on the matter that had come up at the first public hearing. She looked at the Site Plan and an older plan that was in the file and found nothing specific regarding signs allowed. There were permits issued for signs on both the back side and west side of the building. Ms. Seeler stated that it was supposed to be in the minutes due to the strange situation of her lot. Ms. Goodwin found nothing on signs in the minutes. Ms. Goodwin asked if the concern is about having a sign on the back of the building and was told that it was. Ms. Goodwin felt the issue might have been due to the trees in that area. Ms. Seeler stated that there is some open space; the first section, 66A Danforth Brook Rd, may not be obstructed, although 66B and 88 A,B,C may be. Ms. Goodwin pulled up the current regulations for Commercial Signs in the Zoning Ordinance and pointed out that both the current and the proposed sign ordinance allow for signs on a building that abut public streets. Ms. DeStefano stated that Ms. Seeler's property faces both Danforth Brook Road and Route 104, so it appears she can have a sign on any building side that faces a road and should be all set.

Ms. DeStefano added that the Board approved the amended sign ordinance at the last meeting, and it will go to ballot unless Town Counsel has substantive changes.

### **MINUTES OF NOVEMBER 18, 2020**

The minutes of November 18, 2020 were reviewed and amended. B. Beaurivage made a motion, second by D. Milbrand, to approve the minutes as amended. The motion carried by roll-call vote 4-0.

**COMMUNICATIONS:** None.

**NEW BUSINESS:** None.

### **REPORTS:**

**Historic District Commission** = They did not meet and voted to cancel their December meeting.

**Select Board** = The Board discussed taxes and set the new tax rate.

The Select Board met with the Budget Committee at last night's meeting.

They are working on language for decreasing the number of members for the Planning Board.

The Solar project will need a Lot Line Adjustment. Ms. Goodwin stated that they will need a Site Plan as well. She suggested that they consider a voluntary merger.

The Capital Improvements Plan was presented to the Select Board and the Budget Committee. Mr. Milbrand reminded the Department Heads that it is the Capital Improvements Program Committee's job to do the planning.

### **LAND USE AND OTHER:**

Ms. Goodwin presented the Counsel's response to the Corridor Commercial District and Mixed-Use District requirements. Ms. DeStefano reminded the Board, that Mixed-Use was added as an allowed use by Special Exception and that it will be regulated by Site Plan. She also pointed out

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that we still have a lot of work to do on this, and if we leave it as is for this year, an applicant who wishes to build higher can always go for a Variance. Mr. Milbrand agreed. Ms. Goodwin mentioned that Counsel did not answer the 2<sup>nd</sup> part of the question that we sent, and she hopes to have an answer by this Friday. The last date to hold a public hearing is February 1. Mr. Milbrand stated that we are probably rushing this, and he feels that we need to wait and do it right. Ms. DeStefano added that there is no-one clamoring to do this right now and it is being pushed by the Economic Development Committee. She feels we should take a year and do this right. Mr. Beaurivage agreed. Ms. DeStefano added that commercial projects can be done now. Mr. Milbrand offered to attempt to take it on and make it into regulations.

Ms. Goodwin brought up the corner of Gallahad Lane and Castle Lane, lot #134. She has stopped work there as it appears the driveway was installed through a wetland. She is going to amend the driveway permit applications, as they do not let us know when someone is going through a wetland and thus caused this to be missed, in error. The property owner has been notified that he needs a Special Use Permit for what has already been done. Ms. DeStefano added that he will need a Subdivision before he builds as there is already a house on that lot. Ms. Goodwin added that she did not know that you can't count wetlands when looking at the minimum lot size until the review of the earlier PCC. It was noted that the property owner will also need a Variance.

Zoning Ordinance – Keeping of Farm Animals: Ms. Goodwin has had a complaint that we do not have a number for how many small animals a person can have. Her neighbor has 12 chickens which she feels can be obnoxious. Ms. DeStefano stated that it depends on the size of the property and its location. For example: a 3-acre lot is not a concern where ¼ of an acre would be. Not only for the number in the latter case, but where the pen is located. The woman also complained about the words “otherwise restricted”. She mentioned folks that may not have them in a safe cover. Ms. DeStefano said that this is where “best management practices” comes in. If a person is not doing so, it is up to the complainant to notify the proper authorities. Mr. Beaurivage feels that it is vague the way it is. Ms. Goodwin will look at the RSA regarding this and see if she can come up with something. Ms. DeStefano added it to the list for 2021 discussion. Mr. Milbrand felt that, if, they are fenced and on the owner's property, there shouldn't be an issue.

45 Lake Street – This property is for sale and several folks are looking at it. One wants to know if she can sell litters of puppies as a home occupation. She would do one litter at a time and keep them in the house. She usually has them for 6 to 8 weeks. Ms. Goodwin asked if this is a home occupation or a kennel. Ms. DeStefano asked if there wasn't an issue about that property being in some of the State right-of-way. Ms. Goodwin explained that they can renovate the building, but they may not be able to tear it down and build new. The building is currently only assessed for \$1,400.00. It is in the Downtown Commercial district. The Board looked at definitions for home occupation and for a kennel. A kennel is not allowed in this district. Ms. DeStefano felt that they would need to prove that it is a home occupation. A discussion followed about the danger if a puppy were to get out at that location and what if a puppy doesn't sell in the allotted time. They questioned how many litters the property owner would be held to and who would enforce

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it. The Board felt that it would be up to a property owner to show that it meets the definition of home occupation, etc.

Corner of School and Cedar Street – The lot in back has access through the front owner's driveway. The front owner has been doing some work and now ice and water are flowing into the street. Both folks are being notified of the problem and the need to address.

Country Club Road - Mr. Milbrand had taken photos of a property off Country Club Road in the past. We are now dealing with a driveway to go through a wetland. The Town's Attorney and the Department of Environmental Services (NHDES) are involved. The owner will need a full dredge and fill permit. They will need a Special Use Permit from the Planning Board. The owner says that there is a right-of-way listed on their deed. There are questions about developing the road to Town standards.

Ms. Goodwin met with the folks on Pike's Point and they will need a Special Use Permit. This will be for the 2<sup>nd</sup> January Planning Board meeting to allow the Conservation Commission and Health Officer 30 days to review and respond.

### **NEXT MEETING:**

The next Planning Board meeting will be held January 13, 2021 at 7:00pm. Applicants have until December 18, 2020 to apply.

With no other business before the Board, D. Milbrand made a motion to adjourn at 8:52 pm, second by D. DeStefano.

Respectfully submitted,  
Jan Laferriere,  
Land Use Administrative Assistant