

PLANNING BOARD MINUTES

November 18, 2020

APPROVED: December 9, 2020

AGENDA: 20 MSP03: LAVALLEY BUILDING SUPPLY, 400 Summer St., #223-080
19MSP01 AMENDMENT: SPEEDY GONZALEZ, 265 Lake St., #112-024
COMPLIANCE HEARING: ERIC CHAFE, 150 Barron Rd, #209-051
2021 CAPITAL IMPROVEMENT PLAN PRESENTATION
PUBLIC HEARING ON PROPOSED ZONING AMENDMENTS: Impervious Lot Coverage, Signs, Stables, Yard/barn/garage Sales, Signs – Temporary
POTENTIAL ZONING/SUBDIVISION-SITE-PLAN AMENDMENTS: Uses to CC district, Exceptions to height for mixed use development.

ATTENDING: Denice DeStefano (Chairman), Don Milbrand (Sel. Rep.), Elizabeth Seeler, Bruce Beaurivage (Alternate via conference call)

ABSENT: Jackie Elliott (Vice Chair), Paul Barnett

OTHER: Christina Goodwin (Land Use Manager), Applicant

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.

LAVALLEY BUILDING SUPPLY, BOB JACKMAN – 400 Summer St, Map/Lot #223-080

Ms. Goodwin read the application, abutters notified, where the hearing was advertised, and stated that there was one (1) e-mail from the Department of Transportation (DOT) and one (1) written correspondence with no Department Head input. Ms. Seeler pointed out that she is an abutter, but Mr. Jackman had no problem with Ms. Seeler remaining on the Board for the case. Ms. DeStefano mentioned that parking has no changes, lighting is addressed on the plan and the lot numbers for the properties are located on page 2 of the plan. The Board reviewed the checklist.

D. Milbrand made a MOTION, second by E. Seeler, to ACCEPT THE APPLICATION AS COMPLETE. The motion CARRIED by roll-call vote 4-0.

The Board reviewed the plans and photo submissions. They had no questions and there was no public in attendance. The public hearing was closed.

B. Seeler made a MOTION, second by D. Milbrand, to APPROVE THE MINOR SITE PLAN FOR LAVALLEY BUILDING SUPPLY AS PRESENTED. The motion CARRIED by roll-call vote 4-0. The plans were signed.

SPEEDY GONZALEZ MINOR SITE PLAN AMENDMENT – 265 Lake St, Map/Lot #112-024

Ms. DeStefano stated that this is to amend the cab parking and to change the hours of operation from 11:00am – 7:00pm to 9:00am – 10:00pm. Ms. Goodwin stated that she sat with the applicant to

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update the plan and did not require him to come to the meeting tonight. He needs to remove the antique cars before snow flies, and he has been made aware of this. Mr. Beaurivage questioned the taxicab and Ms. Goodwin explained that the taxicab is allowed under the current plan but is supposed to be parked next to the fenced in space. Mr. Gonzalez is currently in compliance except for the two vehicles in the front. A discussion was held on adequate parking and the Board agreed that a store owner should know what parking they need for the business. Mr. Beaurivage inquired on the tow truck. Ms. Goodwin will send enforcement out to check on the matter.

D. Milbrand made a MOTION, second by E. Seeler, to APPROVE THE MINOR SITE PLAN AMENDMENT FOR SPEEDY GONZALEZ. The motion CARRIED by roll-call vote 4-0.

COMPLIANCE HEARING: ERIC CHAFE – 150 Barron Road, Map/Lot #209-051

Ms. DeStefano stated that the Compliance stems from a Special Use Permit that was issued with conditions for being within 125 feet of the Wetlands Conservation Overlay District, which in this case is the Pemigewasset River. The Board reviewed the conditions and material submitted; an updated plan and a letter from Barnard Enterprises. It was determined that the plan and project is in compliance.

B. Seeler made a MOTION, second by D. Milbrand, to APPROVE THE PLAN AS BEING IN COMPLIANCE. The motion CARRIED by roll-call vote 4-0.

PRESENTATION OF THE CAPITAL IMPROVEMENTS COMMITTEE (CIP) PLAN FOR 2021

Bill Cote, Chairman of the CIP Committee, via Zoom, presented the 2021 plan, showing the Board the updated spreadsheet and narrative. Mr. Milbrand (also a member of the CIP committee) explained the spreadsheet. There was a discussion to clarify some items.

D. Milbrand made a MOTION, second by B. Seeler, to APPROVE THE 2021 CAPITAL IMPROVEMENT COMMITTEE PLAN AS PRESENTED. The motion CARRIED by roll-call vote 4-0.

PUBLIC HEARING ON PROPOSED ZONING AMENDMENTS

Ms. DeStefano opened the public hearing for proposed Zoning amendments. It was noted that there were not members of the public in attendance.

Impervious Lot Coverage

Ms. DeStefano read the amendment and explanation. Ms. Goodwin stated that she has not heard back from the Town Attorney as to the language yet.

D. Milbrand made a MOTION, second by B. Seeler, to APPROVE THE AMENDMENT FOR IMPERVIOUS LOT COVERAGE AND submit it to the March Town ballot. The MOTION carried by roll-call vote 4-0.

Signs

Ms. DeStefano read the proposed amendment and the explanation. Mr. Milbrand inquired if the moving parts signs were corrected and it was confirmed that it was. D. Milbrand made a motion, second by D. DeStefano, to approve the amendment for Signs. A roll-call vote was taken and carried 4-0. Ms. Seeler questioned her lot. She said that she was promised that she could put a sign on both

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sides of her lot. The current Sign Ordinance also doesn't allow it. Ms. Goodwin questioned how the Town could adopt an ordinance and give someone permission to do something different. Ms. Goodwin will research this. The Board then continued Signs to a Public Hearing on December 9, 2020.

Stables

Ms. DeStefano read the proposed amendment and the explanation.

D. Milbrand made a MOTION, second by B. Seeler, to APPROVE THE PROPOSED ZONING AMENDMENT TO REMOVE STABLES and submit it to the March Town ballot. The MOTION carried by roll-call vote 4-0.

Yard, Barn, Garage Sales

Ms. DeStefano read the proposed amendment and the explanation. Ms. Goodwin questioned, if it fails, the only way to enforce the limit on yard sales, was to do some type of permitting. The Board agreed.

D. Milbrand made a MOTION, second by E. Seeler, to APPROVE YARD, BARN, AND GARAGE SALES and move it to the March town ballot. The MOTION carried with a roll call vote, 4-0.

Signs, Temporary

Ms. DeStefano read the proposed amendment and the explanation.

D. Milbrand made a MOTION, second by B. Beaurivage, to APPROVE THE AMENDMENT TO THE DEFINITION OF SIGN, TEMPORARY and move it to the March town ballot. The MOTION carried with a roll-call vote 4-0.

At this time, the public hearing was closed.

POTENTIAL ZONING/SUBDIVISION-SITE-PLAN AMENDMENTS

Mixed-Use Development

The Board discussed the Corridor Commercial (CC) district extending and developing mixed uses within that district. Ms. DeStefano stated that the Board needs to review the permitted uses and six (6) other uses to be approved for 2020. They must decide what is to be allowed and what is to be allowed by Special Exception, which has a good mix of uses already. Ms. DeStefano suggested that they enlarge the Special Exceptions for this year. Ms. Goodwin thought they need to look at automotive / service stations. Ms. DeStefano felt that there will be more to look at for the 2022 ballot. Mr. Milbrand asked about retail sales and it was agreed to include it. Ms. Goodwin thought there might be a contradiction with multi-family dwellings and Ms. DeStefano thought they might look at that. She continued to say that we should talk about all these items. Ms. Goodwin added that, as you work, you may find different uses.

It was determined to have a proposal for the CC district for December 9. We should do just basic for now. Ms. Goodwin mentioned that the height definition is also different. Ms. DeStefano presented some language for the Attorney to review.

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MINUTES OF OCTOBER 28, 2020

The minutes of October 28, 2020 were reviewed. E. Seeler made a MOTION, second by D. Milbrand, to APPROVE THE MINUTES AS AMENDED. The MOTION carried via roll-call vote 4-0.

COMMUNICATIONS

There was a flyer from the Department of Environmental Services.

REPORTS

Historic District Commission

They did not meet in November but are scheduled for December. New signs are to be ordered this month for the district boundaries, that will have the Town seal on them.

Select Board

Mr. Milbrand reported that the tax rate has been set. The Select Board decided with the uncertainty with revenues, etc. that they wouldn't lower the tax rate with additional funding as they have done in the past. Ms. Goodwin added that the tax rate is now \$20.69. The bills will go out in the mail next week.

The Board is working on budgets currently. There are concerns that the Highway Block Grant and the Meals and Room Tax will be lowered.

Capital Improvements Program Committee

No further meetings scheduled for this year since the Plan was approved tonight.

Land Use Department

Ms. Goodwin has met with the representatives of a project on Pike's Point. They are proposing three (3) stages: They will demolish and rebuild the boathouse; enhancing an access road and removing a retaining wall; and enlarging a pavilion type building. The boathouse project will replace the existing structure in the same footprint with no more than one (1) foot increase in height, so they will apply for Shoreland with the State and then a Land Use Permit with the Town. The retaining wall will be removed and replaced with natural material and the road leading to the boathouse will be enhanced to support equipment. The Board agreed that, in addition to Shoreland and Wetlands with the State, this part of the project should also get a Special Use Permit. The final project is the replacement of the pavilion, which is assessed as measuring 16' x 22' but its actual measurements are 13' x 26'. As it has been there for some time, the Land Use Office is considering it grandfathered, as it exists. They wish to move it 5' or 6' toward the road and enlarge it to 16' x 28' with an approximate increase in height of 2 to 3'. The Board agreed that they will need a Variance and a Special Use Permit for this project. Mr. Beaurivage suggested that we get photos before anything is done. He said that the topography is steep, and he questions the removal of the retaining wall. Mr. Beaurivage has concerns on all three (3) projects.

Rite Aid has submitted permitting to change their signs. There are two (2) on the building facades that currently cover 44 sf and they are proposing to replace them with new signs that are 59.4 sf. The Board agreed that these two (2) signs will need a Variance.

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The Country Club Road subdivision was never fully developed. There are two (2) roads that were never installed and now a proposed owner wishes to put the road in, so that he will be able to access his lot. The new road would go through a wetland district and half of the property is in the same wetland designation. Ms. DeStefano pointed out that the road may not be able to be built to Town specifications. If the road isn't allowed, then some lots become unbuildable. Ms. Goodwin believes that they are grandfathered as they are on an approved subdivision plat, but she is not completely sure. The Board felt this is an attorney question as well as a question for DES.

The Master Plan project is moving forward. The Town has signed an agreement with Lakes Region Planning Commission (LRPC) to complete the work and the funds will be encumbered to begin the work in 2021. The agreement covers two (2) phases. Phase one is for an assessment of the Master Plan. Phase 2 is for the Vision and the Land Use sections. LRPC will review the other phases discussed by the Planning Board and provide feedback on the costs etc. next year.

Ms. Goodwin presented the Board with their 2021 schedule and they thought it looked good. They reviewed quarantine requirements for travel and for also attending meetings in person or via Zoom.

Ms. Goodwin stated that the Land Use Department is proposing to change the Planner position to a Planning Technician.

Ms. Goodwin reported that Ms. Seeler's Danforth Brook property has come into compliance.

NEXT MEETING: The next Planning Board meeting will be held on December 9, 2020 at 7:00pm. We shall have the public meeting continued from tonight, a lot line adjustment on Fox Run Road and Ms. Goodwin should have answers to her research.

With no other business before the Board, E. Seeler made a motion to adjourn at 9:13pm, second by D. Milbrand. The motion carried by roll-call vote 4-0.

Respectfully submitted,
Jan Laferriere,
Land Use Administrative Assistant