

PLANNING BOARD MINUTES
June 28, 2017

APPROVED:

7/12/17 __jrl_____

AGENDA: 17SPR02, MINOR SITE PLAN REVIEW AMENDMENT, ALAN BARNARD FOR KENNETH A. & LINDA D. ROSSI, 861 Lake St., #216-022
PCC: AUTO TRENDS/FRED SCHNEIDER – RESCHEDULED FOR JULY 12, 2017
PCC: BOBBI CHOATE, 28 Central Square, #114-095
WORKSHOP

ATTENDING: Denice DeStefano (Chairman), Paul Manganiello (Sel. Rep.), Bob Curtis, Steve Favorite, Dan Paradis

ABSENT: Clay Dingman (Vice Chairman – excused), Betty Seeler (excused), Brian Howe (Alternate)

OTHER: Christina Goodwin (Assessing/Land Use Manager), Alan Barnard, Bobbi Choate, Tom Fitzgerald, Margaret Hoyle, Nik Coates (Town Administrator)

The meeting opened at 7:00p.m. with a quorum.

17SPR02 MINOR SITE PLAN REVIEW AMENDMENT, ALAN BARNARD FOR KENNETH A. & LINDA D. ROSSI

Mr. Barnard explained that there was a misunderstanding between the applicants and the manufacturer of the building. Two feet was added to the 40' north side which does not impact the setbacks, Special Use Permit or anything else.

Mr. Paradis questioned the change as to needing a new hearing and read Section 8.3E and 8.3A of the Site Plan/Subdivision Regulations. Mentioned is the need of Site Plan for changes to construction. Mr. Barnard felt that this is only a paper change as the building is not physically on the property as yet. Mr. Curtis agreed that it does not exist but only a paper change and he commends the applicant for coming in to inform the Board. Mr. Favorite added that it does not infringe on any setbacks. Ms. DeStefano stated that it meets all criteria and she feels that it is okay.

Public comments were asked for and there were none (Ms. Hoyle came in later).

D. Paradis made a MOTION, second by S. Favorite, to APPROVE THE AMENDED MINOR SITE PLAN AMENDMENT AS PRESENTED. The motion CARRIED and the plans were signed.

PCC: BOBBI CHOATE

Ms. Choate stated that she is looking to open an office in the Tozier building at 28 Central Square. She would be selling dog items and use it as a location for customers to meet puppies. She breeds German Shepherd dogs. The customers meet the puppies 3 times before they are adopted. There will be no overnight animals staying on location.

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CHOATE PCC continued:

Ms. Goodwin explained that she received 2 types of licensing from Raymah Simpson, the Town Clerk. One is commercial and the other for personal. These dogs are to be at the applicant's home which appears to be a Commercial Business.

Mr. Paradis asked the district of the home and was told it is Village Residential (100 Chestnut St.). The Board began researching the allowed uses in this district. Mr. Favorite stated that the Board has never addressed kennels. Ms. Choate stated that she has 6 dogs and they are her pets. Mr. Favorite continued to say that the Board must address neighbors and barking and he understands that she also wants to add a horse. Ms. Goodwin stated that Ms. Choate has been advised that she needs a Variance to have a horse. There is an outside shed which houses the dogs at night and kennels for them during the day. Ms. Choate explained the setting which has a house, a cottage, and the shed/barn.

Ms. DeStefano read that the nearest allowed use would be "home occupation" and then read that definition in the Zoning Ordinance. She feels that this is not incidental to the use as described. Mr. Curtis asked if the adult dogs would be at the office. Ms. Choate answered that they are their personal dogs and that the office would be to meet the puppies. Mr. Manganiello stated that there is a fine line between kennels and pets.

Ms. Goodwin asked the Board as to their decision on the office. It was felt that it is okay as long as health and clean-up is adhered to. This is retail to retail and similar to a Pet Shop. Ms. Choate agreed that health and clean-up would be adhered to and that customers come by appointment. She was asked the hours and said that this depends on when the customer finds it convenient, however she did not think it would be late at night. The Board was fine with the office itself.

As to the dogs and horse issue at the residence, Mr. Paradis read the keeping of animals (Zoning Ordinance 4.2) and a horse is not allowed in the Village Residential district. Mr. Curtis asked how we differentiate between house pets and puppies and a business. Ms. Goodwin answered that the permits go for a number of dogs. Ms. Choate felt that her activity is not big enough to be a business. Ms. Goodwin read the requirement which is 5 or more dogs for a commercial license. A discussion was held as to this case being commercial or private.

Ms. Goodwin asked if the Board considers this a kennel or what. Ms. DeStefano felt that there are 6 dogs and a kennel is not allowed in that district. Ms. Choate felt that a kennel has dogs coming and going. Ms. DeStefano stated that the Board can only go by the "keeping of animals" as we do not have a definition of a kennel as yet. We have to determine this and present it at a March town meeting. She felt that the Board must determine if breeding and selling of dogs constitute a kennel. Mr. Manganiello and she do not believe that it comes under home occupation. Mr. Paradis agreed. Mr. Manganiello stated that he is okay with the store but where the dogs live is not allowed. Mr. Curtis agreed that this is not a home occupation.

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CHOATE PCC continued:

The Board determined that Ms. Choate would need a Variance for the horse and for the dogs. Ms. Goodwin asked if they should be on the same Variance application and it was decided that there should be two applications so that if one is able to be approved but the other is not, both will have to be rejected. It was decided that we could save Ms. Choate the cost of a second mailing by combining it but the rest would have to be separate. She was thanked for coming in.

CONCERN: Ms. Hoyle, an abutter of Ms. Choate, asked if she could speak to the Board about the Choate case. She explained that 3 of the dogs had come in last April and the other 3 a couple of weeks later. They are put out in the pens during the day and are in the heat. Ms. Hoyle is concerned. She stated that she is a dog person. These 6 dogs have been here since April and have not been licensed yet. They want to bring in a horse on .97 acres which she is in opposition to. The run-off comes onto Ms. Hoyle's property. These folks are not living on that property and Ms. Hoyle is concerned about the animals. She does not want to see Bristol on WMUR for neglected animals as what has been on lately.

Ms. Goodwin stated that the Choates have not done anything yet depending on what the outcome is for their situation. They plan on living on their property in August. Ms. Hoyle said that, recently they have put up a tarp so that no-one can see what they are doing. Ms. Hoyle was thanked for informing the Board.

MINUTES OF MAY 24, 2017:

The following amendment was made: page 2, under Selectmen, 3rd line, replace "Salmon D'Elia" with "Samyn-D'Elia".

S. Favorite made a motion, second by B. Curtis, to approve the minutes as amended. The motion carried.

COMMUNICATIONS:

There were 2 driveway permits: a town application for Jason North, 1420 Peaked Hill Road and a DOT application for Matthew Berry, 50 Lake St. Ms. Goodwin has sent her concerns regarding the latter case to DOT. The application is to move to the other side of the house, which is closer to the traffic light. She is not sure if they plan to eliminate their present drive or not.

WORKSHOP:

Ms. DeStefano stated that we may add one or two items to our Zoning Amendments list, distilleries and breweries being one. She will handle this one. Mr. Dingman is handling animated signs. The Economic Development committee wishes to promote more signs to the Downtown area. Ms. Goodwin stated that the road agent, Mark Bucklin is working on the road section.

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TOWN ADMINISTRATOR:

Mr. Coates stated that he has been doing interviews for a Planner and a Land Use Officer. He will meet with the Selectmen tomorrow night to recommend that they hire one of the Planners. He has the ability to add hours for her. Mr. Coates will be away next week but hope to hire her by mid to end of July. She is expected to ramp up work before the Board meeting and on unfinished business. He also wishes to allow her to use her creativity. Mr. Manganiello asked if there was one resume he knew of and Mr. Coates answered that it is and is the one he is recommending.

Mr. Coates also spoke with Mr. Dingman. The Economic Development committee (EDC) will cross over to work with the Planning Board. They feel that it would be beneficial to have one of their members on the Planning Board or have the Planner as a liaison for both the Board and the EDC. Mr. Coates wishes the Board to think about the Select Board goal to look at a Mission and Vision as has been recommended.

NEWFOUND FAMILY HOUSING:

Ms. DeStefano asked what is needed in order release the escrow account for this project. Ms. Goodwin stated that the agreement says that the Planning Board must give approval to release the funds.

P. Manganiello made a MOTION, second by S. Favorite, to RELEASE THE ESCROW ACCOUNT BALANCE TO NEWFOUND FAMILY HOUSING. The motion CARRIED.

REPORTS:

HDC: Did not meet.

SELECTMEN: Mr. Manganiello felt that the joint meeting (Planning, HDC, and the EDC) was a great meeting. He is glad to see that the School is developing a CIP program but will be looking for the same tax dollars as the town. Don't forget to vote in the Primary on July 18th. The fireworks for the 4th of July will be held Monday night with the parade on Tuesday.

CIP: Don't meet until next month.

LAND USE: Ms. Goodwin reported that DOT is requiring Auto Trends to close up the areas beyond the driveways. They will be in for a PCC on July 12th for our concerns.

The Chinese Restaurant has health and land use issues. The shed in back is smaller than the foundation that is there and we feel that it is has been made more conforming in the setback at some point and is okay. The smaller shed is to be moved away from the boundary line and the sign insert is to be removed.

Jon Shackett is going to Jeff Goodrum's property in the Square (the lab and tasting portion of his Nano Brewery). The tanks will remain at the old location.

Cars left John's Auto and went to W. Shore Road (by John Palmer) and now are back at John's Auto. He has been told that he needs to apply for a Variance.

The fence at the Lake: It has been found that it may not be all on their property. DOT is involved. DES says that a fence is exempt from Shoreland Protection. A deck has been built to within 3' of the water and an outcropping retaining wall has been built without permits. A Special Use permit will be needed from the Planning Board; DES will handle the rest.

Mr. Favorite stated that a lot has been going on around town. The Planning Board should notice and bring things to Ms. Goodwin's attention to help her out. He also stated that he attended a Planning

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LAND USE REPORT continued:

Board meeting in another town and it was brought to his attention that we sometimes need to step back and do research before making a decision. It doesn't have to be done in the same meeting.

Ms. Goodwin stated that she has 10 Health issues right now and several Land Use issues to check and/or watch.

Mr. Coates is to meet with the Parking committee about the parking in the Downtown area. Mr. Manganiello added that there is a request for a Porta-Potty in the area, as well.

NOMINATION:

Ms. DeStefano received a request for a 2nd representative to LRPC (Lakes Region Planning Commission). It requires a 4 year term and meets 6 times a year. Mr. Favorite is the first representative. Mr. Coates stated that they nominated Bill Dowey for the additional TAC representative. Ms. DeStefano asked the Board to give it some thought. Ms. Goodwin will place it on the web site and Mr. Coates will look into possible nominees.

NEW:

It was reported that Max Stamp received an award at the annual LRPC dinner.

Ms. Goodwin thanked Mr. Favorite and Mr. Paradis for their help looking at the current applications that we received.

NEXT MEETING: Our next meeting will be Wednesday, July 12, 2017 at 7:00p.m. We have scheduled a Site Plan for Turner Cottages, LLC and the PCC for Auto Trends/Fred Schneider.

With no other business before the Board, B. Curtis moved to adjourn at 8:35p.m.

Respectfully submitted,
Jan Laferriere, Land Use Adm. Ass't.