

PLANNING BOARD MINUTES

January 26, 2022

APPROVED: 2/23/22

AGENDA: 22PCC01: AZAM NAWAZ, 380 LAKE ST, #112-058
22SUP01: GERRY BRIGGEMAN, 193 PIKES POINT RD, #105-025
PUBLIC HEARING: SEXUALLY ORIENTED BUSINESS
WORKSHOP
2022 PRIORITIES FOR 2023 BALLOT
AMENDMENTS TO SITE PLAN/SUBDIVISION REGULATIONS
PRIORITIZE FORMS/APPLICATIONS FOR REVIEW IN 2022
MASTER PLAN WORK UPDATE

ATTENDING: Denice DeStefano (Chair-via Zoom), Don Milbrand (Select Board Representative), Betty Seeler, David Shirley

ABSENT: Randall Kelley (Vice Chair), Bruce Beaurivage (Alternate)

OTHER: Christina Goodwin (Land Use Manager), Lindsay Thompson (Land Use Administrative Assistant), Applicant/public

Mrs. DeStefano opened the meeting with a quorum in person at 7:00 pm. She introduced the newly appointed member, David Shirley, and welcomed him to the Board.

22PCC01: AZAM NAWAZ, 380 Lake St, #112-058

Mrs. DeStefano explained that a Preliminary Conceptual Consultation (PCC) is not binding on the applicant or the Planning Board, but is the best off-the-cuff reaction to the concept being presented this evening. The applicant is advised that they should not make any substantial financial commitments based on any statements made during this PCC.

Mr. Nawaz presented his proposal for adding four (4) units to the Board. Mrs. DeStefano stated the project is in the Village Commercial district, which allows for multi-family. The Board then reviewed the square footage requirements of the lot and it appears that the increase meets the requirements. Mr. Nawaz was encouraged to review the requirements to be certain. Mr. Milbrand inquired on the additional building and Mr. Nawaz stated that there is also a mobile home on the lot. Mr. Nawaz stated that the changes would be inside the barn. Ms. Goodwin inquired if there would be any changes outside the barn. Mr. Nawaz stated they would be very minor. Ms. Goodwin pointed out how close the current building is to the setbacks and that any changes to the structure would need to meet those requirements. Mr. Nawaz inquired if the parking area needed to meet setbacks. Mr. Milbrand stated that it did. The Board agreed that the project would need a Minor Site Plan and referred Mr. Nawaz to review the parking requirements. Ms. Goodwin also suggested that the project be reviewed with the Fire Chief and the Water/Sewer Department for any additional requirements they might have.

22SUP02: GERRY BRIGGEMAN OBO MILLS, 193 PIKES POINT RD, #105-025

Ms. Thompson read the application, the abutters notified, and where the hearing was advertised. There were Department comments from the Conservation Commission, the Health Office, and the Land Use Office. There were no comments from the public. Mrs. DeStefano directed the Board to Section 9.6 and 9.7 for the review the Special Use Permit.

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22SUP02: GERRY BRIGGEMAN OBO MILLS, 193 PIKES POINT RD, #105-025 (continued)

Matt Barnard presented the proposal on behalf of the Mills and their contractor Gerry Briggeman. The current cottage has been there for about 100 years and the current septic/leach is unknown. The Mills are removing the existing building and installing a new home and septic/leach. The proposed septic is an Enviro-septic and will be the same bedroom count as existing. Mr. Barnard pointed out that the State has already approved the septic and the shoreland permitting. The new system will blend in and meet the contours of the property, the location is better overall, and the improvements will make the lot more usable.

Mr. Milbrand asked if the septic will be above grade. Mr. Barnard reported that it is. Mr. Milbrand pointed out that there isn't really any spot on the lot that isn't more than 125 ft from the setback. Mrs. DeStefano pointed out the comments from the Conservation Commission, Health Office and Land Use Office. Conservation informally submitted comments that the new septic would be an improvement on any existing and the Health Officer agreed. Land Use comments pertained to any blasting, which Ms. Goodwin pointed out was unknown at the time of the application. It has been updated that any blasting will be for the home site and not attributed to the septic install. Mr. Barnard added that the building was being removed by a controlled burn and the site would be cleared. The project is proposed to be completed while there was little to no traffic in the area.

With no members of the public being present and no further questions from the Board, the public hearing was closed.

Mr. Milbrand made a motion to grant the Special Use Permit for the Mills, second by Ms. Seeler. The motion carried 4-0-0.

The applicants were thanked for their attendance. Ms. Goodwin reported that the Demolition Permit has been issued and the work will begin on the Land Use Permit with the Land Use Office.

PUBLIC HEARING – SEXUALLY ORIENTED BUSINESS

Mrs. DeStefano opened the hearing at 7:33 pm and advised that there was one additional change recommended by the Town's Attorney. The proposal is to remove Section 12.3.1. Mr. Shirley asked about the wording. He was concerned that this change allows this type of business in all districts. Ms. Goodwin pointed out that the allowed uses by district are listed under Article 3.2. Mrs. DeStefano pointed out that the current Industrial district is very restrictive and that an applicant could apply for a Variance in other districts. Mr. Shirley stated that during his research, he felt that the limits could be reduced. Mr. Shirley felt that the setbacks should be re-reviewed as they were inconsistent. Ms. Goodwin and Mrs. DeStefano pointed out that the Ordinance that was submitted was tried by legal in another town. Ms. Seeler stated that the Board is working on fixing something and it is only the first step.

Ms. Seeler motioned to move this Zoning amendment to the ballot, second by Mr. Shirley. The motion carried 4-0-0.

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WORKSHOP

2022 Priorities

- Properties split by different zones – Mrs. DeStefano came up with a list of about 48 properties that were affected. The Land Use Office will be doing research to make sure that all the properties have been picked up on the list. The Assessing Office will verify how property values will change.
- Solar Ordinance – A model Ordinance has been provided to the Board. The model would need to be reviewed and adjusted for the Town.
- Building codes – After Town Meeting, the Planning Board is going to check with the Select Board to determine if this will be supported. It would need to be financed in the budget.
- Steep Slopes – Review this Ordinance for any potential revisions.
- Sexually Oriented Business – consider some additional changes to setback requirements.

Mrs. DeStefano asked the Board to review and be prepared to have a discussion at the February workshop. Ms. Goodwin also advised that the Land Use Office will be asking the Zoning Board in March about any input they may have about the Zoning Ordinance. For example, off-premise signs have been discussed and the Zoning Board is asking for more guidance from the Planning Board. Ms. Goodwin also added that the Land Use Office has developed a Building Code Education Plan that can be revamped if the Select Board supports. The month of May is Building Code month and is the perfect time to kick off any programs, etc.

Amendments to Site Plan/Subdivision

Ms. Thompson is working on the tracking for the Board. Mrs. DeStefano stated there are some things that have changed through Zoning amendments and need to be changed in the Site Plan. Ms. Goodwin also pointed out that Ms. Thompson is re-comparing the documents again as it is believed that some of the past changes may not have been completed. Ms. Thompson feels she should have something prepared for the March workshop.

Updating documents

Mrs. DeStefano stated that Ms. Thompson will be adding forms to the workshop agendas so that all the forms will be updated over the next year. Ms. Thompson presented the Board with a list of the forms and the dates amended.

Master Plan update

Ms. Goodwin reported that there has been no response to the last email inquiring on the draft. She is very concerned that the Master Plan chapters will not be completed by the March deadline. The drafts were to include a new format that was more user friendly. Ms. Goodwin is reaching out to Jeff Hayes from the Lakes Region Planning Commission regarding the chapters. Mrs. DeStefano will reach out to Mr. Hayes if there is no response. At this point, the Board is considering alternative options and if so, asking for a refund of the deposit that was made.

MINUTES OF NOVEMBER 10, 2021/DECEMBER 8, 2021

Ms. Goodwin explained that both sets of minutes will be available at the next meeting. She reported that there was an issue with the recording for the November 10 meeting. Ms. Thompson and Ms. Goodwin have created the minutes from the meeting. Ms. Goodwin set up the Zoning amendments public hearing as bullet points and asked the Board if there were any additional comments that need to be added. Mr. Shirley added that there were concerns over water issues associated with steep slopes and this area being a wildlife corridor for hawk migration and bears.

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COMMUNICATIONS

The Center for Ethics in Society submitted an update on the June Developer's Lunch. Mrs. DeStefano has attended a few times and has received several emails about this from members of the public interested in housing solutions in Bristol.

REPORTS

Historic District Commission (HDC) – No meeting for January.

Select Board – The Board has set elections at the Old Town Hall. The Town Meeting will be in the gym at the High School. Masks will not be required, but one side will be for people who wish to wear masks and the other side for those that do not. The Board has been reviewing loans for the public safety project. At the next meeting, there will be a 2-hour work session to review the Sewer project. It is Mr. Milbrand's intent to have the Board decide on the project prior to Town Meeting. The first shipment of cardboard has been completed. The Town saved approximately \$85/ton, but the yield wasn't as much as anticipated because of loading issues. Mr. Bucklin of the Highway Department is going to build a dock to help with this for the future.

Capital Improvements Program Committee (CIP) – The Committee is done meeting until after Town Meeting. Ms. Goodwin pointed out that CIP is a sub-committee of the Planning Board. The report is a projection of capital expenditures for the Town, which includes building, projects, equipment. Mr. Milbrand stated that the Plan is proposed to help spread out the costs over the years so there are not drastic increases in the taxes.

Land Use Department – Mrs. DeStefano advised that she has asked the Land Use Office to create a list of acronyms used by the Board.

Ms. Goodwin asked the Board about the proposed NH Electric Cooperative change in the power lines. They are being increased to E115 lines, with some excavation around the older poles and installing of new poles. There are some areas near wetlands. Ms. Goodwin stated that the lines were most likely in place before the requirement of the wetland setback. The Board agreed that the project would need a Special Use Permit and asked that the Town's Attorney provide feedback on how the abutters are determined.

Ms. Goodwin presented a project on Ravine Drive for a home to build on Map/Lot #111-090. She was concerned that there were mobile homes originally on the lot and now it is proposed for a new home with a large increase in height. During the discussion, it was determined that the property is conforming, and the project is not required to meet the height restrictions of the Lake District.

Ms. Goodwin stated that the Moderator has concerns over electioneering, regarding staffing the elections to answer questions on the Zoning amendments. The Land Use Office will work on the normal handout explaining the reasons for the proposed changes. Mrs. DeStefano inquired if there would be any recorded interviews on the amendments. Ms. Goodwin will check.

Ms. Goodwin inquired on the Newfound Sands project. The upper lots have questions on them currently. The Land Use Office will do some research.

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REPORTS (continued)

Ms. Goodwin advised that there is a Special Use Permit application where the Town maps do not indicate wetlands, however, the property owner's maps do, so the Office has advised the need for a Special Use Permit. The owner is only asking for the driveway, as he is not planning to build until the Sewer project goes through the area. Ms. Goodwin wanted to confirm the Land Use Office interpretation. Mrs. DeStefano pointed out the lot coverage calculations. The Board agreed with the need for a Special Use Permit, but strongly recommends the property owner verify the coverage requirements.

Ms. Goodwin reported that Jeff Goodrum is inquiring on installing the deck on the back of the old hotel building. Mr. Goodrum is concerned that the hydro hasn't followed through yet and wants to start deck installation. Ms. Goodwin advised that the conditions of the Zoning Board must be met, and the Site Plan must be amended before any deck construction can begin. The Board agreed.

Ms. Goodwin reviewed a question from the Conservation Commission about the Incorrectly Delineated Wetland forms. The forms grant permission for the Planning Board to access the property, but should also grant the Conservation Commission permission. Ms. Goodwin suggests that this also be added to the Special Use Permit application. The Board agreed.

Mr. Milbrand inquired on the Carlson property. Ms. Goodwin confirmed that the property sold and the Land Use Office is working on a "welcome letter" for the new owners. There are concerns on this property with the easement restrictions and the Land Use Office wants to make sure the owners are fully aware.

Ms. Goodwin asked about a campground. Can the property remain one lot, and not be subdivided? The Board agreed as long as it was an allowed use. The proposed buyer is considering a residence, a campground, a wedding venue and raising buffalo, but it would be done in stages.

Mr. Milbrand reported that he testified on Senate Bill 249, which is regarding short-term rentals. He has asked the Committee to look at this as a higher-level review, rather than dictate to Towns how they regulate. He tried to impress upon the Committee that every town is different, and they should not be trying to impose a one size fits all set of rules. Mr. Milbrand said that Laconia has a good boiler plate ordinance for short-term rentals that the Planning Board could consider.

Ms. Goodwin asked the Board about a proposed project at the former Frosty's property, located at 384 West Shore Road. The proposal is to be completed in stages, with the first stage continuing the ice cream shop that hasn't been opened for several years. Mr. Milbrand added that it has been at least four (4) years. Mrs. DeStefano added that it is two (2) years for a use to be considered discontinued. Mrs. DeStefano stated that an ice cream shop is a permitted use under Restaurant; Take-Out in the Lake District. Ms. Goodwin said the second question is that the owners would like to build a residence and keep the ice cream shop on the same lot. Ms. Goodwin thought that they would have to subdivide but inquired if there is anything else. Mrs. DeStefano agreed that they would have to subdivide. The last question is if the proposed owners could add small Airbnb or glamping sites. Mrs. DeStefano stated that it would most likely fall under Hotel/Motel/Lodging or possibly a Recreational Camping Park and both of those uses would require a Special Exception. If Short-term rental passes in March, then it would be allowed in the Lake District and it is possible that the use could fall under that category. Mrs. DeStefano recommended having the property owner come in for a PCC once the plans are more final.

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NEW BUSINESS

Mrs. DeStefano discussed how she runs meetings for the benefit of Mr. Shirley. She asked if there are any questions, that she is available as well as the Land Use Office.

NEXT MEETING: The next Planning Board meeting is February 9, 2022, at 7:00pm. Currently there is a Special Use Permit, a Conditional Use Permit, and an Incorrectly Delineated Wetlands Application. Ms. Goodwin pointed out that this meeting will be at the Minot-Sleeper Library and if the Budget Committee is snow delayed, then she will not be able to attend the Planning Board.

With no other business before the Board, Ms. Seeler made a motion, second by Mr. Shirley, to adjourn at 9:06 pm.

Respectfully submitted,
Christina Goodwin
Land Use Manager