

## PLANNING BOARD MINUTES

February 9, 2022

**APPROVED: 2/23/22**

AGENDA: 22PCC02: ANDREW BRITELL, HEMLOCK BROOK RD, #201-003  
22SUP01: WILLIAM HESS, 44 HECTOR LN, #104-117  
22CUP01: KARA KENNEDY, 101 LAKE ST, #113-026  
22IDW01: ERIN DARROW FOR MICHAEL & MICHELLE DUNN, 11 GALLAHAD LN, #203-134

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

ABSENT: Bruce Beaurivage (Alternate)

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

Mrs. DeStefano opened the meeting with a quorum in person at 7:00 pm.

### **22SUP01: WILLIAM HESS, 44 HECTOR LN, #104-117**

Ms. Thompson read the application, the abutters notified, and where the hearing was advertised. There were no Department comments received, however the Conservation Commission provided informal recommendations. There were no comments from the public. Mrs. DeStefano directed the Board to Section 9.6 for the review the Special Use Permit.

Mr. Hess presented the application to the Board. It is being proposed to move an existing retaining wall that is failing about 10 feet back and add a seating area that will be impermeable. The applicant has received both the Shoreland and Wetlands approval. Mr. Shirley inquired on the existing brick patio further up on the property and whether the moving of the retaining wall would impact it. Mr. Hess reported that it will not. Mr. Shirley inquired on the expansion of that brick patio with semi-permeable pavers. Mr. Hess stated that the brick patio isn't being expanded, there is a new permeable patio being added in front of the retaining wall. Mr. Hess added that the new patio, per the Department of Environmental Services (DES) regulations, must be permeable. Mr. Shirley asked what would stop the homeowner for sealing and Mr. Hess added that that would be against the law. Mr. Shirley inquired from an engineering perspective what was the difference between permeable pavers and grass. Mr. Hess stated that there isn't a lot of difference, however the sand will act as filter with the pavers and the water will go through the sand a lot quicker than it will go through the grass.

Mr. Milbrand inquired if the wall follows the line of the existing wall. Mr. Hess confirmed that it will follow existing, just 10 feet back. Mrs. DeStefano read the Conservation Commission informal recommendations: "Must install a silt fence during construction and if the water level should reach the working area, that the work be stopped until the water level recedes." Mr. Hess stated that the plans do show the silt fence and DES requires the fence prior to construction, they can't work in the Lake, and the fence must remain until the project is complete.

With no members of the public being present and no further questions from the Board, the public hearing was closed at 7:12 pm.

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### **22SUP01: WILLIAM HESS, 44 HECTOR LN, #104-117 (continued)**

Mr. Shirley inquired if the condition was not added about the silt fence, then the Town of Bristol cannot enforce. Mr. Milbrand stated that the plan gives us enforcement rights. Mrs. DeStefano stated that she didn't feel there was any issue with adding the condition if the Board wanted.

Mr. Shirley moved to approve the proposal under the conditions that the project comply with the DES approval and plan as presented, seconded by Mr. Milbrand. The motion carried 5-0-0.

### **22CUP01: PARK AND GO, 101 LAKE ST, #113-026**

Ms. Thompson read the application, the abutters notified, and where the hearing was advertised. There was one (1) Department comment received from the Land Use Department and one comment from the NH Department of Transportation, which stated that if the Planning Board approved the sign, then it could not be relocated any closer to the main road than it is currently. There were no comments from the public. Mrs. DeStefano directed the Board to Section 4.11, G and H for review of the Sign Ordinance.

John Leclerc from Station Glo presented the application. The proposal is to keep the same square footage of the existing sign. The sign is just being refaced and adding LED digits to keep the employees safe when changing the prices. For the canopy there is proposed downlighting to brighten up the pump area a little bit. Mrs. DeStefano read the Land Use Department's questions regarding hours for the sign lighting, hours of the canopy lighting, and digital display for pricing only? Mr. LeClerc stated that the downlighting will only be on while the gas station is pumping fuel and the digital part will only be for pricing and no scrolling messages. Mrs. DeStefano pointed out the minutes from past meetings and the sign regulations that are being taken into consideration by the Board.

Mr. Shirley inquired if the downlighting under the canopy is dimmable. Mr. Leclerc added that it is. Mr. Shirley inquired on the accent lighting around the canopy. Mr. Leclerc stated that it is in a hooded channel and shines downward. Mr. Shirley asked if the price sign will have the red LEDs only. Mr. Leclerc confirmed. Mr. Shirley inquired on the impact of the lighting to the residential neighborhood. Mr. Leclerc advised that it would be minimal. Mrs. DeStefano inquired on the proposed sign sections of the free-standing sign and if all will be lit. Mr. Leclerc advised that the proposal is to have the complete sign backlit. Mr. Shirley inquired on the current sign and was advised that it was previously backlit. Ms. Goodwin inquired if the proposed sign is the same height and dimensions as the existing. Mr. Leclerc confirmed that the existing sign is being reused with new panels. Ms. Goodwin asked for the Board to consider clarifying the hours of operation when they review. Mr. Kelley inquired on the TriClean section and whether it could be replaced with something different. Mr. Leclerc advised that the TriClean is the brand of gas and the Park 'N Go is the name of the store. Mrs. DeStefano reminded the Board that we cannot regulate the content of the sign.

Mrs. DeStefano opened the meeting for comments from the public. Derrick Evans with Evans Group is the supplier of the station and confirmed that the pumps are not open overnight. The lights would shut off when the station closes.

Mrs. DeStefano referred the Board to the Master Plan, which notes keeping the rural character and quality of the Town. The Board reviewed the application and the justification of safety issues. With no other comments from the Board or the public, the public hearing was closed at 7:39 pm.

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### **22CUP01: PARK AND GO, 101 LAKE ST, #113-026 (continued)**

Mr. Kelley has no concerns with the sign other than the bottom two signs on the free-standing and feels that it is a great improvement for the area. Mr. Shirley has some concerns with the downward lighting and the accent lighting and feels that the free-standing sign should not have all the insert panels backlit. Mr. Kelley felt that the sign is the same square footage as exists, just rearranged. Mr. Kelley also felt that this sign is part of progress that the Board must embrace, replacing like for like with an improvement. Mrs. DeStefano stated once we allow one then we must have a good argument about denying any future. Mr. Kelley pointed out the Cumberland Farms sign. Ms. Goodwin pointed out that the sign was approved, in error, by the Land Use Office and not the Planning Board.

Ms. Goodwin clarified what exactly was being reviewed by the Board. The downward lighting existed and was replaced with LED lighting, like for like, and shouldn't be in the application. The Citgo word mark and arrow on the canopy, replaces the existing Gulf sign. The lighted Citgo letters on the side, the canopy accent lighting and the free-standing internally lit and digital sign are what should be under consideration. Mr. Milbrand asked if the Citgo letters and arrow on the canopy are backlit. Mr. Leclerc confirmed that they are backlit.

Mr. Milbrand motioned to approve the signs with the lighting to be on while the convenience store is open, seconded by Mr. Kelley. Ms. Seeler felt there should be some hours added. Mr. Kelley felt that their hours could vary. Ms. Goodwin stated that this Board has set hours on other signs along the same roadway in the past and that the Board is leaving this open ended, which allows the lighting to be on whatever hours the store is open whether it is 24 hours or not. Mr. Milbrand felt if they were open 24 hours, they should be allowed to have their sign on. Mr. Kelley felt that the Board needed to provide every opportunity for small businesses to keep their doors open and regulating the accent lighting and not the downward lighting makes no sense at all.

Mr. Shirley motioned to amend the original motion to include no accent lighting on the canopy. There wasn't a second, so the amendment failed. The Board returned to the original motion, to approve the signs with the lighting on while the convenience store is open. The motion failed 2-3-0.

Mr. Shirley motioned to approve the signs with no accent lighting on the canopy and the lighting for the signs only be turned on while the business is open, seconded by Mr. Milbrand. The motion carried 3-2-0.

### **22PCC02: ANDREW BRITELL, HEMLOCK BROOK RD, #201-003**

Mrs. DeStefano explained that a Preliminary Conceptual Consultation (PCC) is not binding on the applicant or the Planning Board, but it 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. Britell joined the meeting and presented the proposal for the Hemlock Brook Road property. The concept for the property is retire here. He sees two (2) avenues to make that work. One is to put up a barn wedding venue with cabins. The other option would be to potentially subdivide and sell off a few of the parcels. Mrs. DeStefano inquired on total acreage. Mr. Britell reported that there is 180 acres in Bristol and the rest of the acres are in Bridgewater. Mrs. DeStefano inquired on wetlands. Ms. Goodwin reported there is a stream but no other designated wetlands. Mrs. DeStefano inquired on road frontage and Ms. Goodwin advised that Hemlock Brook Extension was just converted to a Class V Road, just past the existing driveway to the cell tower in Bridgewater and the Drews property.

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### **22PCC02: ANDREW BRITELL, HEMLOCK BROOK RD, #201-003 (continued)**

Mrs. DeStefano reviewed the proposal with the Board:

- The cabins could fall under Recreational Camping Park or Short-Term Rentals. Recreational Camping Park would require a Special Exception. If the Short-Term Rental passes the ballot, then it would be a permitted use in the Rural District.
- The barn/wedding venue would most likely be considered a Recreational Facility, as a similar property on Hemlock Brook Road, which would require a Special Exception.
- Steep Slopes could impact the project – anything impacting 10,000 sf of disturbance on a 15% grade would have to follow the regulations in the Ordinance
- Raising buffalo, if considered Agriculture, would be a permitted use. Mr. Shirley raised a concern that the cattle on steep slopes could cause erosion and runoff issues and the proposed owner should consider a review.
- Subdivision would require a road access possibly brought up to Town standards. Mr. Shirley inquired if it would be Town standards down to four corners. Ms. Goodwin reported the road access for the subdivision properties would be what is affected. Mr. Shirley inquired on the Town's maps and the right-of-way indicated. This would have to be verified by the owner as the maps are not for legal purposes. Ms. Goodwin pointed out that any plans would have to be engineered plans for a subdivision.
- Mr. Britell was encouraged to research the area as there is a lot of mixed information in the lots.
- Mr. Britell inquired if he would need an engineered plan for wedding venue and cabins. Mrs. DeStefano stated that the project will most likely require a Full Site Plan and the Board agreed. A Full Site Plan will require an engineered plan.

Mr. Britell added that the Town staff has been fantastic, and the Town's website is great for a smaller town like Bristol.

### **22IDW01: ERIN DARROW FOR MICHAEL & MICHELLE DUNN, 11 GALLAHAD LN, #203-134**

Ms. Thompson read the application, noting that these applications did not require abutters to be notified, and where the hearing was advertised. There were no Department comments received, however the Conservation Commission provided informal recommendations. Mrs. DeStefano directed the Board to the application, the checklist and report provided by expert Jonathan Sisson.

Ms. Darrow felt the application as summarized speaks for itself. There were concerns raised about the driveway roughed in and future building site as the area was included in the Town's overlay district. Ms. Darrow worked with the owner and Jonathan Sisson to review. The job of the wetland scientist is to look at the features and where the actual wetlands boundaries are located. Ms. Darrow did test pits for septic and Mr. Sisson did test pits to review the soils for wetlands delineation. The Town's overlay district is more of a broad, brush stroke and the updated plan shows the accurate delineation. The plan looks at hydrology, soils, and vegetation. Ms. Darrow added that Scott Sanborn prepared the plan. She also added that in NH a soil scientist does not have the credentials to delineate the wetlands. Mr. Sisson is both a soil and wetland scientist.

Mrs. DeStefano read the informal comments of the Conservation Commission into record. "The report appears to be incomplete as not all test pit information was provided, and test pits do not appear to be done in the driveway. The Conservation Commission feels that the driveway should be excavated to the original soils and retested. It was recommended to bring in a third-party review."

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### **22IDW01: ERIN DARROW FOR MICHAEL & MICHELLE DUNN, 11 GALLAHAD LN, #203-134 (continued)**

Mr. Sisson responded that he has done this. Ms. Darrow pointed out the maps that have been provided. There are two types of test pits that were done, that added to confusion in the report. Mr. Sisson stated that the test pit near the edge of the driveway could only go down about 15 inches and the soils did show that it wasn't a wetland. Ms. Goodwin asked about the test-pits again. Ms. Darrow stated that the report is according to the site standards for NH and Vermont and that again there were two different types of test pits and reporting. Not all the test pits would be added to the report. Mr. Sisson stated that he follows the standards of the State. Ms. Darrow felt that this application went above and beyond the requirements and there wasn't a need to have a third-party review.

Mr. Shirley inquired if the wetland was delineated by the type of vegetation. Mr. Sisson stated that a wetland delineation must have hydrology, greater than 50% wetland vegetation and hydric soils. He reviews the property for all three (3) items. Ms. Darrow stated there were two elements in this evaluation - the wetlands delineation and the soil survey. Mr. Shirley asked if the vegetation meets the requirements and the soils do not, then that would not be part of the wetland. Mr. Sisson confirmed, however Ms. Darrow pointed out the impact on the property changes the review and vegetation isn't as important in the review. She stated that the soils play a more important role when there is an impact. Mr. Sisson also confirmed that the boundaries on this report are most likely less than a standard report because his delineation is reviewing more information than a standard report does, and he feels that the report is more accurate. There was additional discussion on the reporting and the terms of the report were further defined by Mr. Sisson. Mr. Shirley inquired on the date of the report as 2017. Mr. Sisson confirmed. Ms. Darrow stated that it was 2021, late September or early October. The fill was placed in 2020 and the year in the report is a typographical error.

Mr. Milbrand inquired on the methodology for determining how much the disturbed area affects the wetlands. He stated the topography of the mapping is strange that it follows the filled area. Mr. Sisson stated there is a gap in the area where the wetlands is versus the disturbed area. Mr. Milbrand felt they were concentric lines and was concerned that the fill that was put in pushed that wetlands boundary. Mr. Sisson stated that it takes a long time for soils to be hydric. He stated the fill wasn't that old and it wouldn't have changed the soils that quickly. Ms. Darrow stated that it would change the hydrology but not the soils themselves. Mr. Sisson completed a LiDAR of the site and there was not much difference in the 2-ft contours between now and before. Mr. Sisson stated that the fill was easy to determine in his review. Ms. Darrow pointed out that the Town's GIS layer isn't a site-specific review, but the reporting supplied is. Mr. Sisson stated there is water, but the soil was drastically different in the wetland versus the area between the wetland and the disturbed area. The discussion continued regarding the disturbed area and its impact.

Mr. Kelley asked if it was easy to define the delineation. Mr. Sisson stated that it was an extremely challenging site and took much longer to complete.

Mr. Sisson added that he feels that the overlay is inaccurate, and the Board should consider having it reviewed.

With no members of the public being present and no further questions from the Board, the public hearing was closed at 9:00 pm.

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### **22IDW01: ERIN DARROW FOR MICHAEL & MICHELLE DUNN, 11 GALLAHAD LN, #203-134 (continued)**

Discussion followed regarding the process of the Board. Mrs. DeStefano stated that there could be a motion to approve, conditions could be sent, or a third-party review. Ms. Goodwin added that the Board could continue to the next meeting if they needed to digest the information.

Mr. Kelley motioned to approve the incorrectly delineated wetlands application, seconded by Mr. Milbrand. The motion carried 3-2-0.

### **MINUTES OF NOVEMBER 10, 2021, DECEMBER 8, 2021, JANUARY 26, 2022**

The review of the minutes was postponed to the workshop meeting.

### **COMMUNICATIONS**

None

### **REPORTS**

#### *Land Use Department*

Meeting Attendance - Ms. Goodwin reminded the Board members to confirm meeting attendance by responding to the invitation or by emailing.

Zoom Zoning Amendments – Ms. Goodwin asked who would like to participate in a video explaining the Zoning amendments. Mr. Kelley and Mrs. DeStefano will participate.

Temporary Outside Seating Authorizations – Ms. Goodwin reported that this was allowed for two (2) years. The intent was temporary. She inquired on what the Board thought should be done. There is one (1) business that has followed through and amended their site plan as is required. The Board agreed that the temporary authorizations shouldn't be continued, but the business should follow through with either amending their site plan or following the appropriate process. Mr. Kelley inquired if we the Board can add term limits on outside seating on an amended site plan. Ms. Goodwin will check with the Town's Attorney.

24/26 Central Square – A door has been added to the back of the building, but no deck yet. Ms. Goodwin has contacted the owner and project manager to advise that they have other steps to complete before they can do the deck.

Master Plan update – Ms. Goodwin has reached out to Lakes Region Planning Commission (LRPC) regarding the Master Plan. LRPC was advised that if the draft is not ready, then we would be seeking alternative solutions. Mrs. DeStefano will contact Jeff Hayes. Ms. Goodwin alerted the Planning Board to the possible budget issues with the Master Plan, depending on what happens with LRPC.

**NEXT MEETING:** February 23, 2022, at 7:00pm.

With no other business before the Board, Ms. Seeler made a motion, second by Mr. Shirley, to adjourn at 9:30 pm.

Respectfully submitted,  
Christina Goodwin  
Land Use Manager