

## **PLANNING BOARD MINUTES**

June 8, 2022

**APPROVED:** 7/13/22

**AGENDA:** 22SUP08 – PHILIP & SUSAN BRUNO – 61 COUNTRY CLUB RD - #214-045  
22PCC06 – DONALD MILBRAND – 22 HEMPHILL RD – #214-037  
ZONING ORDINANCE – PROPOSED DEFINITION AMENDMENTS  
MANUFACTURED STORAGE CONTAINERS  
MASTER PLAN DISCUSSION

**ATTENDING:** Denice DeStefano (Chair), Don Milbrand (Select Board Representative), David Shirley, Randall Kelley (Vice-Chair), Elizabeth Seeler, John Miller (Alternate)

**ABSENT:** Bruce Beaurivage (Alternate)

**OTHER:** Christina Goodwin (Land Use Manager), Lindsay Thompson (Land Use Administrative Assistant)

Mrs. DeStefano called the meeting to order at 7:00pm with a quorum in person.

### **NEW BUSINESS**

#### **22SUP08 – PHILIP & SUSAN BRUNO – 61 COUNTRY CLUB RD - #214-045**

Ms. Thompson advised the Special Use Permit is for a storage container to be kept on the lot located within the Wetland Conservation Overlay District. The applicant has received a Special Exception from the Zoning Board. Ms. Thompson read the abutters notified and where the application was advertised. She reported that there were no telephone calls and no written responses from the public, however, there were two (2) Department comments submitted. The first from the Conservation Commission who supported the application as presented. The second from the Water/Sewer Department who noted that the storage container is in the wellhead protection area and recommends that best management practices be utilized, which include proper storage of gas and oil to prevent leakage into the Town's water supply.

Mrs. DeStefano opened the hearing to Board members. Mr. Shirley inquired if this is an approved subdivision and Ms. Thompson confirmed that it is a prior approved subdivision. Mr. Shirley inquired if the Bruno's had done anything to further delineate the wetland and Mr. Bruno advised that he has not. Mr. Bruno was made aware that there were wetlands by the staff and was not aware prior to that. Mrs. DeStefano asked for the exact location on the lot and Ms. Thompson showed on the map. Mr. Milbrand pointed out that there is an open access area off the corner. He is familiar with the lot end notes that this lot is slightly elevated from the area lots around it. Mr. Milbrand inquired what is stored in the container and Mr. Bruno reported a lawnmower, snowblower, furniture, etc. They have a home on the lake with little storage area. Mr. Milbrand inquired if he had any plans to store any gas or oil and Mr. Bruno stated at most a 5-gallon jug. Mrs. Bruno reported that sometimes they use it for overflow parking when they have

## **PLANNING BOARD MINUTES**

June 8, 2022

### **22SUP08 – PHILIP & SUSAN BRUNO – 61 COUNTRY CLUB RD - #214-045 continued**

guests. Mr. Kelley inquired why he is using the storage container instead of a shed. Mr. Bruno said it is more cost effective.

Mrs. DeStefano opened the hearing to members of the public and there were no comments. With no other comments from the Board or the public, Mrs. DeStefano closed the public hearing at 7:10 pm. Mr. Kelly motioned to approve the Special Use permit for Map/Lot #214-045 to allow the storage container for personal use only. Mrs. DeStefano seconded. The motion carried 5-0-0. The Notice of Decision will be sent to the owner within the next few days.

### **20PCC06 – DON MILBRAND – 22 HEMPHILL RD - #214-037**

Mrs. DeStefano advised the applicant that a Preliminary Conceptual Consultation (PCC) is not binding on the Board or the applicant and is the best off-the-cuff response to the concept being presented this evening. The applicant was advised not to make any substantial financial commitments based on any information discussed this evening. Mr. Milbrand stepped down from the Board.

Mr. Milbrand reported that he would like to change the hours that are listed on the Site Plan and proposed opening at either one or two o'clock on Saturdays and Sundays. He reported that with his license he cannot serve beyond 10:00 pm in the evening. In addition, he would like to look at adding outside seating. Ms. Thompson reported that the original Notice of Decision from the Site Plan is included in the Board packets. Mr. Milbrand would like to add a non-attached deck off the back of the building and add outdoor seating in that area. He has 24 seats now and would not increase the number of seats but would adjust the seats to be 24 total inside and out.

Mrs. DeStefano pointed out that the Notice of Decision specifically states that any expansion of use included but not limited to hours and seating would require a Minor Site Plan. Mr. Shirley pointed out that they are changing the lot coverage and Mr. Milbrand responded that there is a large lot here and there should be no issues.

### **ZONING ORDINANCE – PROPOSED DEFINITION AMENDMENTS**

Ms. Thompson presented the discrepancies between the Zoning Ordinance and Site Plan/Subdivision Regulations. These are definitions that are found in Site Plan, but not in Zoning. Mrs. DeStefano inquired if all the definitions from Zoning have been transferred to Site Plan and Ms. Thompson confirmed that they have. Discussion centered around the following:

Bed and Breakfast - Mr. Kelley inquired if the bed and breakfast should be added to the definition for hotel/motel/lodging. Mrs. DeStefano pointed out that bed and breakfast as defined in Zoning serves breakfast. Ms. Thompson pointed out that there are definitions for bed and breakfast, short term rental, and hotel/motel/lodging. Mr. Shirley inquired if bed and breakfast are really hotel/motel/lodging and Mr. Milbrand advised that they are two different items. Per statute bed and breakfast is defined differently and per Zoning they are allowed in different locations. Mrs. DeStefano pointed out that in some locations

## **PLANNING BOARD MINUTES**

June 8, 2022

### **ZONING ORDINANCE – PROPOSED DEFINITION AMENDMENTS continued**

- it might be allowed to have an 8-bedroom bed and breakfast, but not allow a 20-bedroom hotel.
- Business Office - Mr. Miller inquired if working from home might fall under the business office definition. Mrs. DeStefano did not feel that working from home was categorized under this definition. She also felt that it did not fall under a home occupation. Mr. Kelley thought that if we added the words retail traffic or customers that that might help separate the definitions. Mr. Milbrand did not think that we should list off actual business types. He recommended that we start off with the definition of office. The Board agreed that the definitions of business office versus office needed a little work and would be corrected in both the Zoning Ordinance and the Site Plan.
- Inn – The Board agreed that the definition of inn will be removed from Site Plan and not added to the Zoning Ordinance.
- Community Docking Facility – Mrs. DeStefano felt that community implies Town run facility and that the Zoning Ordinance currently has commercial and condominium docking facilities, which are sufficient. The Board agreed and this will be removed from the Site Plan.
- New Construction - The Board agreed to remove this definition from Site Plan.
- Stable and Kennel – Ms. Goodwin pointed out that the Board removed Stable and updated Kennel in the Zoning Ordinance in 2021. The Board agreed that this would be removed, and the updated definition would be added to Site Plan, if needed.
- Self-service – Mr. Shirley inquired if this would apply to a grocery store that has gone to self-checkout and it was determined that it did not. Mr. Milbrand felt that we did not need this definition. The Board agreed to remove this definition from Site Plan.
- Tourist Home – Mrs. DeStefano felt that there were enough definitions to cover Tourist Home and the Board agreed to remove this from Site Plan.
- Buffer Strip – Ms. Goodwin pointed out that the buffer strip may not be needed in Zoning but should be kept in Site Plan. Mr. Shirley felt that containers should be added to the definition as there could be an argument that containers are not a structure. Mrs. DeStefano pointed out that this is just in Site Plan and the individual homeowner does not come into the Board. Mr. Milbrand pointed out that this is trying to regulate through definition. The Board agreed to review buffer strip and consider incorporating it into Site Plan in another location. The Board agreed to not add to the Zoning.

## **PLANNING BOARD MINUTES**

June 8, 2022

### **ZONING ORDINANCE – PROPOSED DEFINITION AMENDMENTS continued**

- Accessory Building – Mrs. DeStefano inquired if accessory building was listed as a permitted use in Zoning and Ms. Thompson confirmed that it was, however, there was a slight discrepancy in the definition from Site Plan to Zoning. Mr. Milbrand felt that the missing line is more regulation. Mr. Shirley inquired why we would exempt an accessory building from lot coverage. Ms. Goodwin pointed out that we are counting an accessory building as part of lot coverage and recommends that that sentence be removed from Site Plan.
- Subdivision Road – Mrs. DeStefano did not feel that subdivision road should be in the Zoning Ordinance. The Board agreed to keep it in Site Plan. Ms. Goodwin pointed out that subdivision road was part of the frontage definition only but still did not think that it needed to be added to Zoning. The Board agreed.

The changes will be prepared for a future meeting and when all changes have been approved, then a public hearing will be held.

### **MANUFACTURED STORAGE CONTAINERS**

The Board reviewed the proposed changes to the Manufactured Storage Container section of the Zoning Ordinance and made additional amendments:

- The word “use” was changed throughout the document
- Letter C will be adjusted to spell out that they are doing construction and demolition work only with a permit. Mr. Shirley inquired about active permits versus approved and Ms. Goodwin reported that permits are only valid for one (1) year and must be renewed when they expire. The Board agreed to change approved to valid. Mr. Milbrand asked the Board to review the last sentence. He suggested that the wording be changed to a permit for the container must also be obtained.
- Mr. Milbrand inquired if limiting it to one (1) container is too restrictive. Ms. Goodwin pointed out that the Board is not going to make someone go for a Variance for a 90 day use for more than one (1) container. The Board agreed to add “a waiver to be granted by the Land Use Department for extenuating circumstances” under Letter B.
- Under letter A “moving purposes only” will be removed. Letter A will be split up into two (2) sections. The first section will be Letter A and it will state “a manufactured storage container shall not be considered living quarters for any period of time.” The second sentence will be moved to a new letter and will state “the manufactured container must meet all front rear and side setbacks unless a waiver is granted by the Land Use Department.”

The changes will be prepared for the next meeting.

## PLANNING BOARD MINUTES

June 8, 2022

### MASTER PLAN DISCUSSION

Mrs. DeStefano presented an outline of the Master Plan process and a draft article for advertising for the public. The following changes were made:

- Mr. Shirley asked to change the downtown improvement plan bullet on the draft article to this chapter may be renamed economic development and the Board agreed.

The Board finished reviewing the outline process. At the next meeting, the survey questions will be distributed for discussion, which will include the mechanism for distributing the survey. There were no questions or concerns about the process outline.

The Board discussed the Master Plan Vision Chapter and made the following additional changes:

- Mr. Shirley pointed out a typo in the first paragraph of the planning process on Page 2. It was noted that the word “include” should be “includes.”
- Mr. Miller inquired if the Planning Process section needs to be amended to capture the process outline. Mrs. DeStefano added that the process outline is a moving target. Mr. Kelley felt it was great as it is.
- Ms. Goodwin pointed out under the Planning Process Strategic Alignment to change “council” to “commissions.” The Board agreed to Boards, Committees, and Commissions.
- Ms. Goodwin asked about the ending that lists the current chapters. The Board agreed that these sections should be what exists currently and not what is proposed. Proposals would be presented, adopted, and then changed in the Vision Chapter.
- Mr. Shirley inquired about page numbers. Mrs. DeStefano advised that we could number each chapter individually and then put them together as a group.
- Mr. Kelley pointed out the third page where it starts with the Planning Perspective that there is an extra L.
- Mr. Milbrand pointed out that the first paragraph where it states Expanding the Opportunities has a typo.
- Mr. Milbrand inquired under Vision in the first paragraph why we are explaining what it is, and the Board agreed to remove this paragraph.

Mr. Shirley pointed out under the Vision at the start of the next page after the pictures that there is a sentence that states “this draft touches on reducing the tax burden” that should be adjusted. Mr. Shirley feels that tax collection is always going to go up and is not sure if the Board should add that word or not. Mr. Miller stated that the whole reason the tax burden was included

## PLANNING BOARD MINUTES

June 8, 2022

### MASTER PLAN DISCUSSION continued

Was based on the 2018 survey and the responses were about reducing taxes. Mr. Kelley felt it should say “keeping it stable is what you should shoot for.” Mr. Milbrand suggested saying “reduce the burden to the taxpayer” instead of the municipal tax burden. Mr. Kelly thought you it should be “innovative ways to reduce the burden.” The Board agreed.

- Mr. Shirley pointed out in the next two (2) sentences where it talks about vacation destination, business growth and family. He felt that it should also have retirement community added. The Board agreed.

Ms. Goodwin pointed out that the staff could take over the edits for the Master Plan and they will be made and presented one final time to the Board at the next meeting. It is anticipated that the Board will be able to approve it and schedule the two (2) public hearings at that time.

### MINUTES OF MAY 25, 2022

The minutes were not available for this meeting.

### COMMUNICATIONS

A Shoreland Permit Application for 40 Beech Street, a Wetlands Permit Application for Manor Estates on West Shore Road, and a Merger of lots or parcels on 481 West Shore Road were reviewed.

### REPORTS

*Historic District Commission (HDC)* – The Commission does not meet until August, unless there are applications.

*Select Board* – The Board is working on the process for the Public Safety Building and looking for a new Town Administrator. Mr. Milbrand reported that he will be taking the reins working on the Pemi-trail and has had a meeting with the Army Corp to work on a lease agreement for the area. Mr. Kelley inquired if anything came out in the Brownfields study and Mr. Milbrand reported that they did find a couple of cars over the bank and a concern of a bucket of fire suppressant foam. He stated that the New Hampshire Department of Environmental Services (NHDES) is fully aware of the issue and has walked the area. Mr. Miller inquired if there was any more information on the “All Committees Meeting” and Mr. Milbrand reported that the Select Board has decided to hold hiring of an Economic Development Consultant and any changes from the Committee Meeting, until a new Town Administrator is hired.

*Conservation Commission* – Ms. Thompson provided the update that the Commission met to discuss the Special Use Permits seen by the Planning Board, the wetland setbacks, development of a Lake Water Quality Study Group, and the Bennett Wetlands.

*Land Use Department* –

## **PLANNING BOARD MINUTES**

June 8, 2022

### **REPORTS continued**

- Zoning Ordinance - In the review of the Zoning Ordinance under Article 5 for the Board of Adjustment, there is a priority concern that has been found. This section restricts the Zoning Board members to no more than three (3) consecutive terms. Ms. Goodwin has a concern that it is hard enough to find members to serve on the Boards and recommends that the Planning Board adjust this if there is no requirement for it to be this way. She will prepare something for the July workshop meeting.
- Lot off Winter Street - A family has approached the Town about building on a middle lot off Winter Street. In the research it was found that the middle lot should not exist as a Boundary Line Adjustment was done in 1984, which would have incorporated this middle lot into the one (1) existing. The Town never fixed the mapping. Mr. Shirley inquired if two (2) houses could share the same driveway and Ms. Goodwin reported that there are no restrictions on sharing driveways. The Board agreed that the owner could apply for a Variance to keep the two (2) houses on the one (1) lot, subdivide the lot making the driveway access up to Town standards for a private road access that would grant frontage to the lot, or the owners could apply for a Variance for the frontage requirements for the subdivision. Mr. Miller pointed out that they could consider a condominium conversion and Ms. Goodwin will review those regulations. Mr. Shirley inquired if New Hampshire 911 requires a hammerhead turnaround on roads so that fire equipment could turnaround and Ms. Goodwin reported that they do not have that requirement. However, the Fire Chief may.
- Alternates - The Board was presented with an article on how Alternates can participate in meetings previously. Ms. Goodwin checked with Town Counsel and the laws have changed. Alternates are allowed to participate in meetings, but not vote, if there is a full Board and the bylaws state how alternates can participate. The Board agreed that Alternates should be allowed to participate in the discussion but not vote and the bylaws will be amended and brought back to the Board to approve. Mrs. DeStefano also pointed out that the only member that the current Alternates cannot sit in for is Mr. Milbrand, who is the Select Board Representative. It is by statute that a Select Board Representative, must be replaced by another Select Board member.

### **OTHER**

The Board agreed that throughout the Zoning Ordinance, Land Use Office will be updated to Land Use Department as a housekeeping change.

Mr. Shirley has volunteered to amend the steep slope section of the Zoning Ordinance. Ms. Goodwin pointed out that the Conservation Commission did discuss their review of steep slopes and they would like to review the document that the Planning Board proposes.

## **PLANNING BOARD MINUTES**

June 8, 2022

**NEXT MEETING:** The next meeting is June 22, at 7:00pm. There will be off premise signs, survey questions, master plan discussion, split zoning, incorrectly delineated wetlands, and two (2) Site Plans.

With no other business to come before the Planning Board, Ms. Seeler made a motion, seconded by Mr. Milbrand, to adjourn at 8:56 pm. The motion carried 5-0-0.

Respectfully submitted,  
Christina Goodwin  
Land Use Manager