

# PLANNING BOARD MINUTES

November 9, 2022

**APPROVED:** 12/14/22

**AGENDA:** PCC – #218-005 – HMC PRECISION MANUFACTURING LLC – BROOK DUPEE  
22MSP06 – #214-037 – DONALD MILBRAND - 22 HEMPHILL RD  
OFF PREMISE SIGNS PUBLIC HEARING  
BOUNDARY LINE AGREEMENT APPLICATION

**ATTENDING:** Randall Kelley (Vice Chair), David Shirley, Elizabeth Seeler, and Donald Milbrand (Select Board Representative)

**ABSENT:** Denice DeStefano (Chair), John Miller (Alternate), Michelle McCaleb (Land Use Administrative Assistant)

**OTHER:** Christina Goodwin (Interim Deputy Town Administrator), Joanne Bailey (Land Use Manager), Applicants and Abutters

Mr. Kelley called the meeting to order at 7:00 pm with a quorum present in person.

## **NEW BUSINESS:**

### *Preliminary Conceptual Consultation (PCC) #218-005 - HMC PRECISION MANUFACTURING LLC – BROOK DUPEE*

Ms. Goodwin stated that HMC Precision Manufacturing LLC was present for PCC to discuss what applications their project might require. They are relocating their machine shop from Danbury to Bristol and proposing the building formerly occupied by Family Dollar (Map/Lot #218-005) at the corner of Robie Road and Route 104. Ms. Goodwin added that the property is owned by Donzi Realty, LLC and that HMC was looking to purchase the property.

Partners Mr. Brook Dupee, Mr. Karl Marnum, and Operations Manager Ms. Miranda Batchelder were present to talk with the Board about their plans and get advice about what would need to be done.

Mr. Marnum spoke about the business. He stated the business started in Ashland initially and moved to Danbury. The business employs fourteen people and consists of metal and plastic fabrication using various machining equipment and lathes. He stated they use recycled cooking oil as a coolant for machines and other recycling to reduce their carbon footprint. The intention at this location would be to grow their business and allow for all activity to be housed indoors. A drive through loading area would be built so that deliveries of materials and hauling away of scrap could be done easily without having to back up trucks or store scrap in outside locations. Parking and outside lighting would not be changed. Signage would be on the building as it already exists. He stated he was a teacher at the Laconia Technology Center Adult Education.

In review, the Board determined that the use is allowed by zoning and the described changes to loading/unloading, hours of operation, and no increase to parking, lighting, or paving, applicants could file for an Amended Site Plan.

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### PCC -218-005 - HMC PRECISION MANUFACTURING LLC – BROOK DUPEE continued

Ms. Goodwin instructed the applicants on the application, review process and timeline and stated that if application was received by deadline of November 18, the Amended Site Plan could be scheduled for the December 14 meeting. She stated that if the purchase was not completed prior to the submission, there would be a need for authorization from the current property owner.

### 22MSP06 – #214-037 – DONALD MILBRAND - 22 HEMPHILL RD

Mr. Milbrand removed himself as a Board member and took his place as the applicant. Ms. Goodwin read the application to modify an existing Site Plan by three (3) items: 1) a change of business hours to 12 noon to 10 pm; 2) add a 16'X24' deck to seat 12; and 3) to change type of business from a Brew Pub to a Restaurant/Nano Brewery. She stated the abutters notified, where public notices were posted, and that one (1) telephone call was received from the public inquiring on the date of the hearing. There was no feedback received from Department Heads.

The Board reviewed the application for completeness. Mr. Shirley moved to accept the application as complete. Ms. Seeler seconded. The motion carried 3-0-0.

Mr. Milbrand was asked to present his application to the Board. He stated his business, Traveler's Rest, has been in operation for 1-year as a Brew Pub. As a Brew Pub, his State license requires him to be a full-service restaurant open to the public a minimum of five (5) days per week. He was finding the requirement taxing and he would like to be able to work less days. He has been operating with this requirement for the year with the hours indicated on the current Site Plan. During this year, patrons have asked him if he could open earlier on weekends and some also asked if he could provide outside seating. The change to Restaurant/ Nano Brewery would give him more flexibility with hours, menu and he could move to a beer and wine liquor license instead of full liquor license. His plan is to continue as a Brew Pub until his license runs out in January, allowing him the time needed to apply for State Licensing as Restaurant/Nano Brewery. In asking for the 12pm to 10 pm hours for operation he cited that he intended to remain at 4 pm – 10 pm on weekdays and wanted to be open earlier, Noon to 10 pm on weekends. Photos were shown to indicate where the outside deck would be placed.

The Board asked questions about State licensing restrictions and whether the change from Brew Pub would change the menu options as well. Mr. Milbrand responded that his liquor options and full-service menu options would change, as most patrons to date prefer the beer and wine options rather than liquor options.

With no further questions from the Board, Mr. Kelley opened the floor for public questions either for or against.

Mr. Victor Field, a neighbor on Hemphill Road agreed that to date there were no issues with Traveler's Rest, but he expressed a concern for increased activity with the increase of hours. Mr. Milbrand stated he was looking for the flexibility with the hours intending to open on weekends from Noon to 10 pm but only less hours on weekdays. Mr. Field stated that if it is written as 12 to 10 pm and Tuesday – Sunday then it could be those hours and currently Mr. Milbrand is open for less hours on those days. Mr. Field was also concerned that adding the outside seating could pose a noise issue for neighbors

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### 22MSP06 – #214-037 – DONALD MILBRAND - 22 HEMPHILL RD continued

and wondered if this could end up expanding seating or possible party situation, which may not be appreciated by residential neighbors. Mr. Milbrand stated he had total seating capacity of 24 and intended for only 12 seats to be available on the deck as outside seating and that would leave 12 seats inside only. He had no plans to expand seating.

Ms. Goodwin advised the Board that Amending the Site Plan would change the conditions of original Site Plan, if not added as new conditions. Mr. Milbrand agreed that specific weekday and weekend hours could be conditioned as could the restriction of 12 seats for outside seating and 12 for inside seating keeping the maximum to 24. Ms. Goodwin also reminded that Board that any decision motioned needed to list the criteria for approving or denying specifically per the new law changes.

With no other comments or questions, Mr. Kelley closed the public hearing. After clarification and discussion of reasoning and decisions, Mr. Shirley moved to allow amendment of the Minor Site Plan for Case #22MSP06 with conditions as follows:

- That hours of operation on weekdays will be limited to 4 pm to 10 pm and on weekends the hours of operation will be limited to 12 pm to 10 pm
- The deck is not to exceed 16' X 24'
- The deck is not to exceed 12 seats with a maximum capacity limited to 24 seats.
- The owner be allowed to operate as a Restaurant/Nano Brewery limited to Friday to Tuesday
- That patrons be encouraged and directed to access the business from West Shore Road
- No entertainment allowed on site either indoors or outdoors
- That any expansion or change of use including but not limited to hours, seating or capacity will require an additional Minor Site Plan

Ms. Seeler seconded.

Mr. Shirley added that reasons for the approval were:

- that this was not a big expansion of the business
- the business has operated a year without any complaints from neighbors
- the request makes sense to give the business owner flexibility to operate fewer than five (5) days a week
- the Planning Board has allowed other businesses to make similar changes, so it is fair and consistent
- To cover concern of outdoor parties, the condition limiting outside seating will alleviate that concern from neighbors

The motion carried 3-0-0.

Mr. Milbrand returned to Planning Board for further action of the Board.

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### OFF PREMISE SIGNS PUBLIC HEARING -rescheduled

Ms. Goodwin stated that this hearing was removed from the agenda and rescheduled to December due to the hearing not being posted in advance of the meeting, in error. Proper posting is now in place for the rescheduled date.

### BOUNDARY LINE AGREEMENT APPLICATION FORM REVIEW

The Board reviewed the draft of the Boundary Line Agreement application form which will be used for these agreements moving forward. A change was suggested for the boxes indicated as “Lots to be adjusted” and the Board agreed to “Identify affected Lots.”

Following further discussion, Ms. Seeler moved to approve the Boundary Line Agreement Application as amended. Mr. Milbrand seconded. The motion carried 4-0-0

### **MINUTES:**

The meeting minutes of October 26, 2022, were reviewed. Several edits were suggested and noted by Ms. Goodwin. Ms. Seeler motioned to accept the minutes as amended. Mr. Milbrand seconded. The motion carried 4-0-0.

**COMMUNICATIONS:** None

### **REPORTS:**

*HISTORIC DISTRICT COMMISSION (HDC)* – Ms. Bailey stated that the HDC meeting was cancelled

*SELECT BOARD* – Mr. Milbrand reported that the Select Board continues work on the 2023 Budget. The CIP report was well received by the Select Board. The Economic Development Committee is forming a Pemi-Path Planning Sub-Committee to continue with planning the extension of the path to Profile Falls. Mr. Milbrand indicated that this group would help work through government red-tape issues and help to move this plan forward. He also updated the Board about the Public Safety Building status. Ms. Goodwin added that a Minor Site Plan application will be coming before the Board for the project sometime in January. In addition, the Tax Rate was set by Select Board and sent to Department of Revenue. There was an increase of fifty-seven cents on the Town’s portion.

*CAPITAL IMPROVEMENTS PROGRAM (CIP) COMMITTEE* – Mr. Milbrand will be going before the Budget Committee with the report on November 15.

*CONSERVATION COMMITTEE* – Ms. Goodwin reported that the Conservation Commission set up a Lake Water Quality Study Sub-Committee which met for the first time before the Conservation Meeting. This group will gather the research information and produce a report outlining current conditions and any impacts to water quality of Newfound Lake. She stated the Commission is also working on developing a Special Use Permit checklist for their use with applications.

*LAND USE* – Ms. Bailey updated the Board about an issue brought to their attention concerning a newspaper article about the relocation of Newfound Impressions to the former Skip’s Gun Shop Barn. The article highlighted the availability for conference table space on second floor for rent by others as

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### **REPORTS continued:**

part of phase 2 of business expansion. She stated they met with Dawna Shackley owner of Newfound Impressions and after discussion it was learned that there is no true expansion to their business, and it is simply offering the conference space to clients for a nominal fee as part of Newfound Impressions. Therefore, no further action would be required.

Ms. Bailey reported that a conditional offer was extended for the Land Use Officer position so she was hopeful that the position will be filled soon.

She also reported that the Land Use Office received a concern about clearing of land on North Main Street. Ms. Bailey stated she observed the site and sent letter to owner about Steep Slopes. She shared photos she had taken. She and Ms. Goodwin met with the owner and discussed the owner's plans. They spoke about the timbering project and the creation of a temporary driveway and flattening out of land area for logging. Ms. Goodwin stated that the owners were working with an engineer to design a driveway to enter elsewhere on the lot, but the Steep Slopes and Ridge Lines wasn't clear on temporary driveways. More discussion followed about returning the disturbed land to original state. Mr. Milbrand stated that logging was not considered for Steep Slopes. He asked if logging would be considered development. Ms. Goodwin will ask the owner to provide documentation of how much area was disturbed and what fill was used and if the disturbed area including fill exceeds 10,000 sq. ft., the Board believes that the owner will need to apply for a Conditional Use Permit.

Ms. Goodwin gave an update on the Land Use Survey. Manual entries of paper surveys are still in progress. Resilience Planning has been contacted to talk to the Land Use Office regarding an independent analysis of the survey. More info will be shared when cost and scope is determined.

A letter from Resilience Planning was received regarding their contract with the Newfound Lake Region Association (NLRA) to aid Planning Boards in the Newfound Lake Watershed. The focus of the contract is to help build Planning Board capacity to protect water quality. This includes assistance with research and amending related land use ordinances. NLRA is providing the funding for this, and Resilience would like to meet with the Board. Mr. Kelley asked about the intent of the partnership. Ms. Goodwin stated that NLRA has been working on protecting the watershed and the contract with Resilience included a workshop held in Bridgewater recently. Some discussion followed about lake level management, area dams and impacts. It was decided that Resilience Planning would be invited to attend a meeting in January.

**NEXT MEETING:** December 14, 2022

**ADJOURNMENT:** With no other business before the Board, Ms. Seeler motioned to adjourn. Mr. Milbrand seconded. The motion carried 4-0-0 and the meeting adjourned at 8:54 pm.

Respectfully submitted,

Janet Cote  
Land Use Associate