

# PLANNING BOARD MINUTES

May 10, 2023

**APPROVED:** May 24, 2023

**AGENDA:** 23MSP01 - DUBA - #112-024 - 265 LAKE STREET  
APPOINTMENT OF 2023 CIP COMMITTEE REPRESENTATIVE

**ATTENDING:** Randall Kelley (Chair), David Shirley, and Scott Sanschagrin

**ABSENT:** Elizabeth Seeler and John Miller (Vice Chair)

**OTHER:** **Staff:** Christina Goodwin (Town Administrator) Joanne Bailey (Land Use Manager), and Donna Sullivan (Land Use Administrative Assistant); **Applicants and Public:** Rick and Gabrielle Duba, Francisco Galeano, and Brad Leighton.

With a quorum present, the meeting started at 7:00 pm with Chair Kelley stating the first order of business is a Minor Site Plan application.

## NEW BUSINESS:

### 23MSP01 – DUBA/Newfound Lake Investment Group LLC - #112-024 - 265 LAKE STREET

Ms. Sullivan read the application for Minor Site Plan application 23MSP01 for renovations to an existing building located at 265 Lake Street to accommodate a bar, kitchen, dining area for a Café to serve Coffee, Tapas and alcoholic beverages. The plans also include an open area with the potential to rent to a commercial tenant. The building is currently used as a pawn shop. She stated that the parking plans were updated to match the map. She noted notifications to abutters, advertising and postings done as required. She read the names of abutters that were notified. She stated that one phone call inquiry was received from Mr. Brad Leighton. The Town Departments were notified. One comment was received from the Water Sewer Department regarding the services connections if proposed rental space is created. These were read into the record.

Mr. Kelley reviewed the application checklist to determine if it was complete. Following this, Mr. Shirley motioned to accept the application as complete. Mr. Sanschagrin seconded. The motion carried 3-0-0.

Mr. Kelley asked the applicants to present and speak to their application. Mr. Rick Duba stated he and his wife were the owners of Newfound Lake Investment Group LLC. He went on to present their business plans to build and operate a Café with their freshly ground Honduran coffee and later adding tapas and evening hours. At some point they would like to move the roaster to the open space to allow folks to see the roasting process as part of their dining experience.

Mr. Shirley asked about building capacity and whether they had plans for outside seating. The indoor seating capacity will allow for 42-45 patrons and at present there are no plans for outside seating. Mr. Shirley asked about the ratio of seating to parking. Mr. Duba stated that they are talking with abutters about additional parking and looking at options along Lake Street adjacent to the property. Further discussion followed about the guardrails along the property leading on to Bristol Hill Road and other parking issues along roadways.

With no further questions from the Board, Mr. Kelley asked if any members of the public wished to speak.

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Mr. Brad Leighton of 12 Bristol Hill Road stated he was generally in favor of the project and explained that he only had concerns about the parking plans proposed. He explained that he and the owner of the Day Care had concerns for patrons cutting through that parking area to and from Bristol Hill Road to park for the Café. He explained the history of the uses of the parking area and difficulties in backing out of parking spaces. Mr. Duba stated that signage and fencing has been discussed with Mr. Leighton to address concerns for the abutters. The property line has been a challenge for the parking created by historic ownership and uses over the years. Mr. Leighton indicated that he would be okay with the parking layout, but he would prefer that the lot line be surveyed. Mr. Kelley stated that may not be within the Board's purview to order.

Mr. Kelley stated his main concern was for the diagonal parking on the south side of the building and the difficulty for backing out onto Lake Street. Mr. Duba talked about options and would need to take into consideration snow removal and other issues. A possible way to address these would be with fill and a retaining wall at the rear of the building. Mr. Kelley stated that may increase parking but it would not address the safety issues. Mr. Duba stated that fencing may be the best option to block short-cutting over the abutter's parking area to get to Bristol Hill Road and possibly allow more space to back out of the parking area. He stated deliveries will come to the back of building.

Mr. Kelley stated that the issue of parking can be conditioned to allow for renovation work to continue while solutions are found. More discussion of parking issues and possible solutions followed. The applicant was advised that any agreements with abutters or requirements from NH DOT for allowing lot line adjustments would require an Amended Minor Site Plan.

Mr. Shirley motioned to accept the 23MSP01 application as presented because:

- The proposed use takes a commercial property in downtown Bristol that is currently not in use and turns it into a productive business that would benefit the community as a whole.
- The use is suited to that part of town.

With conditions:

- The applicant will install fencing or some sort of barrier on the south side of the lot that wraps around parking spaces 8-14 to prevent patrons from parking in or cutting through the abutter's parking lot.

Mr. Sanschagrín seconded. The motion carried 3-0-0

Mr. Duba was advised that his Notice of Decision would be available in a few days and there is a 30-day appeal period. He would be able apply for the Land Use Permit to start work but it would be at his own financial risk if there was an appeal filed.

### APPOINTMENT OF 2023 CIP COMMITTEE REPRESENTATIVE

Mr. Shirley nominated Randall Kelley to continue to serve as CIP Committee Representative. Mr. Sanschagrín seconded. The Motion carried 3-0-0.

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**OLD BUSINESS:** None

### **MINUTES:**

Mr. Sanschagrín motioned to approve the April 26, 2023 minutes as written. Mr. Shirley seconded. The motion carried by roll call voted 3-0-0.

**COMMUNICATIONS:** None

### **REPORTS:**

*HISTORIC DISTRICT COMMISSION (HDC)* – Ms. Sullivan reported that the last meeting was cancelled due to not having a quorum present. The next meeting is scheduled for June 16, 2023. She stated that they had elected officers at a previous meeting.

*SELECT BOARD* - Mr. Sanschagrín updated the Board about activities with the construction of the new Public Safety Building. Ms. Goodwin shared that Verizon will be on the local cell tower by the end of May. She reported that the Public Safety Building Groundbreaking Ceremony was held and covered by WMUR-TV and there is a video on the Town website. She stated that new Water/Sewer rates are in process and Breezeline updated its residential cable/internet rate changes.

*CIP COMMITTEE* – no report

*CONSERVATION COMMISSION* – Ms. Sullivan reported that the Conservation Commission met on May 3, 2023, and elected new officers. Mr. Brown stepped down as Chair and Mr. Batchelder was elected Chair and Ms. Miller was elected Vice-Chair. She stated that the Commission reviewed the Paul Fleming Special Use Permit application for 45 Lake Street to address activities within setbacks from Newfound River and following review of parking area and previous pavers and other relative wetlands protection activities, decided to recommend the project as presented for approval by the Planning Board. This application will be presented to the Planning Board on May 24, 2023.

*LAND USE* – Ms. Sullivan stated the Ms. Bailey reached out to Steve Whitman of Resilience Planning to request a quote for reviewing the Land Use Chapter of the Bristol Master Plan. Ms. Bailey stated he did the analysis of the Land Use Survey and did a good job. Ms. Sullivan shared the video created by Randall Kelley and John Miller about membership on the Planning Board and Planning Board activities and public participation. She stated this was uploaded to the Town website.

**NEXT MEETING:** May 24, 2023 – 7 pm

**ADJOURNMENT:** With no other business before the Board, Mr. Shirley motioned to adjourn. Mr. Sanschagrín seconded. The motion carried 3-0-0 and the meeting adjourned at 8:18 pm.

Respectfully submitted,

Janet Cote  
Land Use Associate