

PLANNING BOARD MINUTES
February 14, 2018

APPROVED as amended & clarified:
2/28/18 __jrl_____

AGENDA: 17MSPR04 MINOR SITE PLAN REVIEW: VACATION PARADISE REALTY TRUST,
16 & 20 Central St., #114-121 & -122
17SUP01 SPECIAL USE PERMIT: DOUGLAS J. WILLIAMS SR. REV. TRUST OF 1999,
Brown's Beach Rd., #104-123
17SPR03 SITE PLAN: TURNER COTTAGES LLC, Wulamat/Batten Rds.,
#110-032

ATTENDING: Denice DeStefano (Chairman), Clay Dingman (Vice-Chairman), Paul Manganiello (Sel. Rep.), Steve Favorite, Dan Paradis, Betty Seeler, Sathesh Mani (alternate)

ABSENT: Bob Curtis (resigned)

OTHER: Christina Goodwin (Land Use Manager), Liz Kelly (Bristol Planner), Sandra Heaney (Conservation Commission), James Houle, PhD (UNH), public, applicants

The meeting opened at 7:00pm with a quorum. Mr. Mani sat in for Bob Curtis.

CONTINUED 17MSPR04 MINOR SITE PLAN, VACATION PARADISE REALTY TRUST:

Ms. DeStefano read the e-mail in which the applicant is asking for a continuance as he is not ready yet.

C. Dingman made a MOTION, second by E. Seeler, to CONTINUE THE HEARING FOR VACATION PARADISE REALTY TRUST TO MARCH 14, 2018. The motion CARRIED.

CONTINUED 17SUP01 SPECIAL USE PERMIT, DOUGLAS J. WILLIAMS SR. REV. TRUST OF 1999

Ms. DeStefano read the town attorney answer and directed the Board to the Special Use section of the Zoning Ordinance. She then read that the Conservation Commission has recommended that, if the present building is demolished and rebuilt, they would ask that it be moved out of the 50' wetland setback, if possible. The Board was then directed to also look at the Zoning Ordinance on Special Use Permits.

When asked if the building can be moved further away from the Lake, Mr. Williams answered that, in his applying for the State Shoreland Protection permit, they were concerned with run-off and wanted the ground there to be preserved so as to absorb run-off. It would also mean that they would encroach on a neighbor and her right-of-way access. Mr. Dingman asked how far into the setback is the house now and was told about 21'. Mr. Dingman then asked what the driveway surface is and was told that it is black top. He next questioned the direction of the drainage and was told that it goes downhill. Mr. Dingman then asked how close the septic is from the water and Mr. Williams answered that it is 125'. He added that he has a DES approved system.

-2-
Planning Board Minutes
2/14/18

WILLIAMS SPECIAL USE PERMIT continued:

Ms. Heaney stated that the Conservation Commission would like it to remain as is if it cannot get better. It was calculated that the addition to square the corners is 80 square feet. A discussion followed in regard to permeable versus impermeable. Mr. Williams explained that the State is having them remove a shed and sidewalks. Mr. Dingman asked if it becomes more non-conforming. Ms. DeStefano again read the attorney answer and referred to the Zoning Ordinance sections again. When asked, Mr. Williams stated that it will remain a 2-story building but the living space will be on the first floor. Ms. DeStefano then read the Lake District section for non-conforming structures. Mr. Williams stated that the pitch of the roof will be lower.

Mr. Dingman asked the square footage of the present building and the square footage of the shed to be taken down. Mr. Williams said that the shed is 12' x 16' and they are also removing sidewalks. Mrs. Williams stated that the sidewalks and shed equal about 400'. Mr. Dingman wanted the calculations on hard copy; they should be put on the plan.

C. Dingman made a MOTION, second by E. Seeler, to CONTINUED THE WILLIAMS SPECIAL USE PERMIT TO APRIL 11, 2018. The motion CARRIED.

CONTINUED 17SPR03, SITE PLAN REVIEW: TURNER COTTAGES LLC

Ms. DeStefano explained that we have several more letters to be read into the minutes. Mr. Dingman read the first group and then Ms. DeStefano read the others.

Dr. Houle (UNH) then explained that he has been working with Mr. Brown (surveyor on the project) and the applicant has been addressing all of the previous issues. With the pervious pavement, the outlet will be an inlet with a second fail-safe system as back-up. The roof of the garages will be tipped away from Batten Road. Mr. Dingman asked if everything in the 2/2/18 e-mail has been addressed. Dr. Houle answered that everything except for a small area by Batten Road which they plan on adding a swale for. When asked about a re-design, Dr. Houle stated that this does not need to be designed. So far, Mr. Brown has amended everything and is willing to work with him.

Mr. Dingman asked about the 60-day clock and, following a discussion, it was felt that in the interest of the applicant, they should ask for a continuance.

Alan Bogossian, Gallahad Lane, stated that he is against the project. He purchased his house last September and feels that the swales on Gallahad Lane are not working as he still gets puddles in front of his garage. His concern is that it will compromise his leach field. At one time, it had flooded the basement. He does not feel that the project fits in the area. Most of his land will face the garages which concerns him as to his value decreasing.

Bill Dowey, abutter, would like to see documented structure of swales due to this past history. There is no drainage of the rip rap system; it is not enough for the water flow. The wetland is very damp, wet, and this last year, two 80' trees fell down. He is concerned that another might hit one of the abutting houses.

-3-
Planning Board Minutes
2/14/18

TURNER COTTAGES continued:

Nancy Dowey, abutter, was offended by Attorney Nassar's comments about the abutter properties and their open storage with no buffer. Also, Mr. Brown's "coulds and shoulds" have not been the history of the Turner property.

Deb Richards, Turner Cottages, was offended by the statement that they do not take care of their property. They did go and clean the outside storage area and Hemlock trees have been planted. Dr. Houle added that permeable pavement is the best use; that modelling doesn't do as well. The designed system infiltrates the run-off. Mr. Dowey felt that there is no rationalization of the rocky, shallow soil there.

Larry Ellis, President of Turner Cottages LLC, stated that they have a property manager and have looked into getting a vacuum for the permeable pavement. Mike Tenney asked if this will replace the outside storage. Ms. DeStefano explained that the outside storage area was discussed at a PCC and they were told at that time that they needed a Site plan, which has not happened. Apparently there has been a misunderstanding with that issue. The Board has to follow stringent conditions. Mr. Tenney asked if they can do something about the outside storage and Ms. DeStefano thought that it can be a condition of approval. She added that the Board will deal with all of what we have heard. Ms. Kelly, Planner, asked if they will address the outside storage and Mr. Ellis answered that he felt that this had been done already. Ms. DeStefano felt that filing the conditions with the registry might help.

Mr. Dingman was concerned and asked if the property being out of compliance must be addressed before the new project can be done. He was told that the Board cannot just deny it if the applicant meets everything in the Zoning Ordinance. Ms. DeStefano stated that need does not come into it.

Paul Bemis, abutter, asked what the Planning Board can do to protect the Lake. Ms. Kelly answered that there is more consideration when in the Lake District. Mr. Bemis pointed out that there is a narrow section to consider. Mr. Favorite stated that the Board does mitigate and Ms. Kelly added that the Board can only go by the Zoning Ordinance. Mr. Bemis asked if character is a part of it and she answered that it is. Ms. DeStefano added that this is also a part of the Master Plan. Mr. Manganiello stated that it has been a 2-year process for him to learn and this Board did a great job with Dollar General, as an example.

Mr. Dingman again asked about past performance. Ms. DeStefano stated that the Board cannot consider that to stop this project but can add it to conditions. Ms. Goodwin, Land Use Manager, read about regulations for conditions. Mr. Dingman felt that an amendment should be documented; he would like to know if run-off will be lesser, greater, or the same as now. Dr. Houle answered that the stormwater management will improve drainage for the development.

Ms. Seeler questioned the vacuuming change from 3-4 times a year to 1-2 times. Dr. Houle stated the recommendation in 2004 was 2-4 times. It now goes back to the use; standards are now site specific. It is best to keep watch and clean it as needed. They usually recommend 1 in the Spring after the snow and 1 in the Fall after the leaves have fallen.

-4-
Planning Board Minutes
2/14/18

TURNER COTTAGES continued:

Mel Scott stated that calculations cannot control mother nature and he asked where the swales go. He also asked what happens if someone new buys and they don't know about the conditions. Mr. Bemis asked how we enforce compliance. He was told that this is done by the Land Use Officer and Ms. Goodwin added that we are looking to software to better track conditions. Mr. Dingman stated that this can also be done during construction. Dr. Houle felt that this is wise to do.

At this time, Ms. DeStefano directed the Board to prepare for deliberations at the next meeting.

E. Seeler made a MOTION, second by P. Manganiello, to CONTINUE THE TURNER COTTAGES LLC SITE PLAN TO MARCH 14, 2018. The motion CARRIED.

Mr. Brown stated that he will continue to work with Dr. Houle about the drainage on Batten Road. Mr. Dingman mentioned that they should go over the entire list to be sure that all is addressed and suggested that they look at our Architectural Standards, as well. Ms. Goodwin asked if it okay for her to send Mr. Brown a bullet list of all that has come up and was told that this would be fine.

MINUTES OF JANUARY 10, 2018: The following amendments were made: Page 1, last paragraph, 3rd line, replace "stationary" with "stationery". Page 2, next to last paragraph, 1st line, remove the "D" from "CONTINUED".

C. Dingman made a motion, second by E. Seeler, to approve the minutes as amended. The motion carried.

REPORTS:

HDC – Did not meet.

SELECTMEN – They will be making their decision for the new Police Chief on Thursday. The Selectmen and Space Needs committee will hold two more meetings (2/24 and 3/4) on the warrant article for the Police/Office renovations. Mr. Manganiello will not be running for re-election; he is taking a break. As he will be done following the 3/13 election, he will ask Don Milbrand (his alternate) to attend the Planning Board meeting on 3/14.

Mr. Dingman felt that we need to wait for Ms. DeStefano to be back (she cannot make the 3/14 meeting). This was discussed along with the fact that we have a new alternate who will be filling in for Bob Curtis. The Board did not want to short-change the applicant due to lack of folks who have not been involved. It was felt that we might need to continue to April 11th. Ms. Laferriere, Land Use Admin. Assistant, suggested that, in the interest of time, they might continue to March 28th instead as Ms. DeStefano will be back then. This was thought to be considered.

CIP - Do not meet yet.

-5-
Planning Board Minutes
2/14/18

REPORTS continued:

LAND USE – Ms. Goodwin explained that she has extended the application for the Homestead to the 3/16 deadline. Mr. Dingman asked about Auto Trends and she answered that he is to be back for a PCC in March.

COMMUNICATIONS:

Bob Curtis' resignation letter was read, as was the in-house memo to the Selectmen on Member terms.

NEXT MEETING:

The next Planning Board meeting is scheduled for February 28, 2018. On the agenda: the annual law updates with the town attorney and discussion of a proposed kiosk. We may also see a proposed pamphlet that Ms. Kelly is making up to try to recruit more members.

OTHER:

Mr. Favorite read his letter of resignation stating that he has gone over his files of the last 15 years and the lack of enforcement. He is also resigning from the CIP committee but is still on with LRRPC.

With no other business, Ms. Seeler moved to adjourn at 10"03pm.

Respectfully submitted,
Jan Laferriere
Land Use Admin. Assistant