

PLANNING BOARD MINUTES
September 12, 2018

APPROVED as amended & clarified:
9/26/18 __jrl_____

AGENDA: 18MSPR04, MINOR SITE PLAN: DONALD MILBRAND, 22 Hemphill Rd., #214-037
18MSPR03, MINOR SITE PLAN: ANGELA DALPHONSE, 459 Lake St., #224-045
COMPLIANCE HEARING: VACATION PARADISE REALTY TRUST, 16 & 20 Central St.,
#114-121 & -122
PCC: RANDY COLBY, 150 Lake St., #113-039
PCC: JOHN JR. & ELIZABETH MORRISON, 26 Meadow Lane, #223-086

ATTENDING: Denice DeStefano (Chairman), Don Milbrand (Sel. Rep.), Evan Hickey, Paul Barnett,
Betty Seeler

ABSENT: Clay Dingman (Vice Chair – conflict), Dan Paradis, Melody Mansur (Alternate - away)

OTHER: Tyler Simonds (Planner), Christina Goodwin (Land Use Manager), applicants and public

The meeting opened at 7:01p.m. with a quorum.

PCC: RANDY COLBY

Ms. DeStefano explained the process for a PCC. Ms. Goodwin explained that, back in 1986, there was a mobile home on the rear of the property. By 1991, a garage had been built in its place and used as part of the business and that area has been used commercially ever since. Based on this history, Ms. Goodwin determined that a Variance is not needed. She added that, pre-1994, the whole property was in the Residential district. In 1994, the property was divided into 2 districts. The present owners had a Site Plan that showed the continued use as commercial.

Mr. Milbrand felt that it is okay to continue as commercial. Ms. Seeler asked about parking equipment there as right now it is only vehicles parking there. Ms. DeStefano stated that the abutters will be brought in for either a full site plan or a minor for their input.

E. Seeler made a MOTION, second by P. Barnett, to ALLOW A MINOR SITE PLAN FOR RANDY COLBY. The motion CARRIED. Mr. Colby was told that he needs to have his application and fees in by this Friday in order to be heard on October 10th.

PCC: JOHN JR. & ELIZABETH MORRISON

Ms. DeStefano went over the request by the Morrison's' in which they wish to demolish the present house, add a mobile home and a detached garage. Ms. Goodwin explained that it is grandfathered as it is now but does not have the frontage required for the Pemi-Overlay which it is in.

Mr. Morrison stated that there are 4 100' x 100' lots on the street and they have the last two. The second lot on the street has a mobile home and a garage. Ms. Morrison added that the house is imploding on itself. It has mold and the floor and roof beams are compromised.

MORRISON PCC continued:

Ms. Goodwin stated that the required 200' of frontage in the Pemi-Overlay is the problem. The board looked at section A & B of the Pemi-Overlay section of the Zoning Ordinance. Mr. Milbrand asked about the lot coverage and was told that it is 812' now and would be 756' with the proposed change. It was found that mobile homes are not allowed in the district, as well. Ms. DeStefano stated that they would need to replace the present home in the same or smaller footprint and it cannot be a mobile home. Mr. Milbrand added that the only alternative would be for a Variance for all three issues. Mr. Morrison mentioned that they have already had the check for asbestos.

COMPLIANCE: VACATION PARADISE REALTY TRUST

Eugenio Ianiciello, owner of the two buildings in question, pointed out the parking adding that there will also be ones allowed parking on the town parking areas on the street. There are 2 spots under the furthest building and 4 outside. Mr. Milbrand stated that the town has an agreement for the lot next to this one. Mr. Ianiciello stated that there is to be a retaining wall there. The town will be paving right up to the front of his building and he will marry the front with the town. The town is also putting in a sewer drain. Ms. Goodwin added that the town has shifted the road a little to accommodate both plans.

Ms. DeStefano went over each item that was required to be placed on the plan. Mr. Ianiciello stated that he wants to place some plants (in dirt if there is any or else in pots) to soften the front. Mr. Simonds questioned the amount of parking as it was not as normally required. Ms. Goodwin stated that the amount of parking had been waived during the Site plan process. Mr. Barnett asked about a landscaping plan. Mr. Ianiciello answered that the paving comes right up to the building and Ms. Goodwin explained that Hydro owns the land right up to the rear.

D. Milbrand made a MOTION, second by E. Seeler, to APPROVE THE PLAN FOR VACATION PARADISE REALTY TRUST AS THEY HAVE COMPLIED WITH ALL REQUIREMENTS. The motion CARRIED. The plans and Notice of Decision were signed.

MINOR SITE PLAN: DONALD MILBRAND

Mr. Milbrand stepped down from the table. A quorum remained.

Ms. Laferriere read the application, list of abutters, and where the hearing was notified. She stated that there were no telephone calls, written responses, or any Department Head comments received.

The checklist was gone through. Item #4, Ms. DeStefano read the explanation of services that had been included with the application. Item #6 explanation of parking calculations was read. #9 Previous Zoning Board decisions: Mr. Milbrand stated that he had applied for a Variance and was denied and he has waited for the change in the Zoning Ordinance before coming back. #11 Permits for Town, State, Federal: Mr. Milbrand asked for a waiver and if they might open the restaurant portion when completed and the brewery portion when the State and Federal licenses get approved. #12 description of exterior lighting was read and no changes are planned. #14 Waivers in writing = provided.

Ms. DeStefano stated that the Board could give conditional approval to open the restaurant before the brewpub if they wish.

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MILBRAND MINOR SITE PLAN continued:

P. Barnett made a MOTION, second by E. Hickey, to ACCEPT THE APPLICATION AS COMPLETE. The motion CARRIED.

Mr. Barnett stated that he feels that we could allow the restaurant to open before the brewpub.

Ms. DeStefano then asked for questions or comments from the abutters. The Benton Family Trust, abutters, stated concerns of the property values dropping because of this project.

Victor Field, neighbor, stated that the B & B is the sole business on the road, the rest are all residences. He went on to say that Ralph Shackett applied for a brewpub on May 7, 2013 and he read those minutes on page 2, item 4. He added that it seems that the new plan is an expansion of a non-conforming use. He was told that the current B & B is a conforming business as it was allowed by Special Exception. Mr. Field went on to say there are concerns about noise from party-goers, music and T-V, confrontations, more traffic, garbage and smells. He directed the Board to 4.1 of the Zoning Ordinance which is dealing with Obnoxious Use. This was read. Mr. Field feels that this plan will disturb his way of life.

Sandy Surels, abutter, asked the hours of operation. These were to be 4pm to 11pm, Friday through Tuesday. During snowmobile season to open at 11am on Saturday and Sunday. Someone mentioned that the snowmobile trail is closed and Mr. Milbrand stated that he will cut those hours out if this is so. He stated that they are also concerned about the noise factor with their B & B.

Pat Clark, neighbor, stated that the traffic coming down the hill is outrageous. Jan Barrett, neighbor, agreed and added that there is limited visibility which is dangerous. If this plan goes in, who will enforce this? Ms. DeStefano stated that the Land Use Officer will. Ms. Barrett stated that she feels that 8.15A Brewpub needs more definition. Ms. DeStefano mentioned that the Planning Board can control some things via condition to the approval.

Dorothy O'Hara, neighbor, stated that she was almost hit. The GPS directs folks over Hemphill to get to the B & B. She is fine with the B & B but is against the expansion. Susan Peterson, neighbor, stated that it will increase traffic and is not the location for it. Doug Benton, abutter, asked about any site work for the parking. Mr. Milbrand answered that he does not plan on doing any paving.

Mr. Field asked what the estimate for table turnaround is and Mr. Milbrand answered 45 minutes to an hour. Mr. Field felt that it will bring 125 more cars into the neighborhood; 190 for the 11:00 to 11:00 days. That's not counting snowmobiles. It is a massive change for a purely residential neighborhood.

Ms. Clark asked if it will diminish their property values. She added that her main concern is for the kids in the road. Mr. Barnett asked what the speed limit is and Ms. Clark stated that it is 25mph. We need another sign or speed limit posted. Mr. Barnett asked if she spoke with the Police and Ms. Clark answered that she did about 3 years ago and was told to go pound sand. Someone from the Highway said they would try to find another sign and she never heard from him again. She added that her dog goes onto the road and she has placed her red van along the side to try to slow things down. She does know that there is a leash law but folks used to feed her dog on the road and he continues to go there.

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MILBRAND MINOR SITE PLAN continued:

Alan DeStefano, Real Estate and in the audience, asked to speak and then stated that, concerning property values, commercial ventures diminish values usually. A study could be done to prove whether or not this venture would diminish them.

Andy O'Hara Sr., neighbor, asked how many chairs and was told 24 seats. He then asked how many cars is he planning on. Mr. Milbrand stated that he has 8 and there is additional parking to the side and rear. Mr. O'Hara stated that he feels that we already have a lot of cars which is a danger to the kids. He questioned the availability to hold the necessary amount of vehicles. Mr. Milbrand stated that he parked 40 cars this summer for the Navy Seals events overflow parking. Ms. O'Hara stated that this is a quiet residential road. That the B & B is fine but not the restaurant. Ms. Barrett added that it is a scenic road and part of that is the serenity. The Inn is gorgeous but she is not in favor of a restaurant.

Jeff Goodrum, in the audience, stated that the brewpub in the Square (in his building) hasn't impacted anything in that area (odors, parking). Ms. Barrett stated that he is only open on weekends. Mr. Goodrum said that he is open Wed., Thurs., and Friday only because he can't keep up. Bill Barrett, neighbor, questioned the parking and Mr. Goodrum answered that Mr. Shackett was there when Pat's was there and there wasn't a problem.

Rich Delyle, neighbor, stated that he lives alone, does not cook and loves beer. At this time, Ms. DeStefano asked the applicant to address the concerns that have been expressed.

Mr. Milbrand stated that he was glad to hear their opinions. He also walks his dogs along that road and sees kids there. He also has witnessed the racing vehicles. What he is planning is a nice quiet restaurant. The B & B has been open for 14 years and folks who come are often from a distance and are looking for a place to have a meal and a drink. They would prefer not to have to leave for this. In these cases, having the restaurant and brewpub on the property will diminish the traffic because they will stay. Folks from the Lake who are interested in his having the restaurant would only be coming from the Lake side and Mr. Milbrand encourages his patrons to come around by the Lake, as well. As for entertainment and noise, the reason for this expansion is to enhance the B & B. We do not want noise either. A brewpub is now an allowed use in this district, which the town voted in and has brought Mr. Milbrand back to apply. He has been brewing since 1992 but cannot charge for this. He is not looking for a bar. There are 2 courses to attend in order to get a liquor license. He has completed one and does not want any problems.

Ms. DeStefano asked about Obnoxious Use. Mr. Milbrand answered that he would encourage the Board to say no entertainment as a condition of approval. He does not intend to brew any more than he already does so there will be no change in odor, etc. Ms. DeStefano asked about the roads and Mr. Milbrand stated that he cannot control the roads. He noted that some neighbors squeal tires when leaving their driveways, some use noisy tools late at night, etc. This is tough on the B & B.

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MILBRAND MINOR SITE continued:

Ms. DeStefano asked about values. Mr. DeStefano stated that it is residence to residence, not residence to commercial. Ms. Milbrand asked if they should include this. Ms. Barrett asked if an expansion of the restaurant could be done later and Mr. Milbrand said that they have no plan to do so. Ms. DeStefano stated that no expansion could be a condition on the approval.

Mr. DeStefano asked about septic requirements and Mr. Milbrand went over what Bruce Barnard had provided him on the current septic. He has 3 tanks and the final result shows that he is 241.5 gallons a day short of capacity if the restaurant and brewpub are added.

Mr. Field stated that it is a new business in a residential neighborhood. He asked why they don't just fix their patrons a meal with their current kitchen facilities. Mr. Milbrand said that they only have a license to serve breakfast. Ms. DeStefano asked that we pull the file to see what was previously approved.

Ms. Clark asked if there is any way to change the direction for folks instead of over the hill. Mr. Barnett asked if Mr. Milbrand has directions and Mr. Milbrand stated that he does via West Shore Road. Ms. O'Hara felt that there is no need of a restaurant or brewery on that road. Ms. Goodwin asked the bracket of time that folks come and Mr. Milbrand stated that 4:00 on is the time.

With no other comments, Ms. DeStefano closed the public portion and stated that she would like time to digest all that has been said. Mr. Barnett suggested two things: a traffic study and an evaluation study.

Mr. Field asked if they can have input when a decision is to be made. Ms. DeStefano stated that they cannot. They are allowed to come and listen and there is a 30-day window in which they can appeal the decision. Mr. O'Hara asked if the Board gets out to see the area and Ms. DeStefano answered that they do. Ms. Goodwin added that the applicant has given permission for the Board to do so. Ms. Clark added that a police officer was parked on the road one day but nobody came that day.

E. Seeler made a MOTION, second by P. Barnett, to CONTINUE THE HEARING FOR DON MILBRAND TO OCTOBER 10, 2018 AT 7:00PM. The motion CARRIED.

MINOR SITE PLAN: ANGELA DALPHONSE

Ms. Laferriere read the application, list of abutters, where the hearing was noticed, and stated that there were no telephone calls, written notices, or Dept. Head comments received. The checklist was gone over. Item #4 Description of services was read, #6 Parking as well. #12 Exterior Lighting = Mr. Goodrum, owner, stated that they used the same fixtures but changed to motion sensors in the back.

E. Seeler made a MOTION, second by E. Hickey, to ACCEPT THE APPLICATION AS COMPLETE. The motion CARRIED.

Mr. Goodrum explained that they wish to place an office in the lower level, salon on the main floor, a 3-bedroom on the 2nd floor and a 2-bedroom on the 3rd floor.

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DALPHONSE MINOR SITE PLAN continued:

There were no questions or comments from the Board or the Public.

Mr. Goodrum stated that the insurance is the hardest part. He is installing a fire alarm system and met with the Fire Chief and is complying with his requests. Mr. Barnett asked who will use the office and Mr. Goodrum answered that Robin Fitzgerald will. She already rents an office in another of his buildings and needs more room. She has 25 employees who are all around. She has been with Mr. Goodrum for 4 years and has signed a 5 year contract for this office.

D. Milbrand made a MOTION, second by E. Seeler, to APPROVE THE MINOR SITE PLAN FOR ANGELA DALPHONSE AS PRESENTED. The motion CARRIED and the plans and Notice of Decision were signed.

MINUTES OF AUGUST 22, 2018

The following amendments were made: Page 1, next to last paragraph, 3rd line, following "ironworks there" insert ").". Page 3, top of page, replace "6/6/18" with "8/8/18". Page 4, 1st line, replace "8/12/18" with "9/12/18".

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

COMMUNICATIONS:

An NHDHR Project Review for McCammon Family Rev. Trust, 391 Wulamat Rd., #103-013 was looked at. The copy of The Sources will be in the office if any member wishes to read it.

A letter was received from Eric R. Nelson in regard to placing a proposed temporary moratorium on multiple family dwellings. As this is not the purview of the Planning Board, it was suggested that Ms. Goodwin seek guidance from the Municipal Association as to the proper procedure and bring it back to us at our workshop meeting on Sept. 26th.

REPORTS:

HDC – Did not meet.

SELECTMEN – The Central St. paving project is scheduled for the last week of September. Ms. Goodwin is sending out the abutters notices. The Board voted to send all refuse to Solid Waste, except for glasses and bottles, due to the cost. Glass is repurposed and only costs \$30.00 a ton so that will continue. Mr. Milbrand intends to continue looking at other avenues. The other refuse goes to an incinerator and is less cost than to recycle.

CIP – To meet next week.

LAND USE – Ms. Goodwin spoke with the Conservation Commission about Cummings Beach and they have one change so she will bring this to us at our workshop meeting. She also met with the Commission in regard to the Mayhew project. A Special Use Permit is needed and, where she has already spoken to the Commission, she wondered if we still have to wait 30 days. As this is required in

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LAND USE REPORT continued:

the Zoning Ordinance, the Board said that we must. It was determined that we can schedule it for the workshop meeting in October.

There is a lot on West Shore Drive that has 4 buildings. The owner wishes to subdivide. He will need 2 Variances: one for lack of frontage on the rear lot and one for making the front lot non-conforming. Ms. Goodwin then sent around photos of a retaining wall (12' high) with a fence on the top. Apparently when Scott was Land Use Officer, he received a complaint but we did not hear of it when he left. The Board determined that the wall is a structure and requires a Variance. This led Ms. Goodwin to ask another question: 6' and under fences are allowed to be built on the boundary. If over 6' fences are considered structures, are they allowed to be built on the boundary? No answer was forthcoming at this time.

NEW BUSINESS:

The EDC would like to add a chapter to the Master Plan and they have sent a list of what the content would be. A copy was given out to the Board. Ms. DeStefano asked the Board to look it over, look at the Master Plan, and have some ideas for our workshop as the EDC is planning on coming in to talk about it. Mr. Barnett stated that he has been sitting at the EDC meetings and questioned if we thought there is a conflict of interest there. Ms. DeStefano felt that it might be advantageous and can be a help. Mr. Barnett stated that, as a developer, he would look at the Master Plan which would have a positive effect. Ms. DeStefano mentioned that Newfound Family used the Master Plan for their project. Mr. Barnett feels that the EDC lost out some when they decided not to add to our survey.

Ms. DeStefano stated that she will be away for our November workshop. She will also be gone from January through April as she told us earlier. Mr. Dingman may be out some as well. We need to think about what we shall do if both are out. Mr. Barnett added that he will be going someplace warm in either Dec. & Jan. or Jan. & Feb. It was mentioned that we do our public hearings in December usually. Mr. Milbrand felt that we need to amend our bylaws to be able to elect a second Vice Chairman.

Margaret Hoyle questioned if a sign in the Square has a permit. Ms. Goodwin explained that the businesses are allowed one sandwich sign on the sidewalk (not impeding traffic) as well as the one on their building. She added that they are aware of the sign that Ms. Hoyle is referring to. A discussion was held as to an update of signs, which Liz Kelly had been working on. Ms. DeStefano stated that she will look at our list to try to determine priority for this year. Ms. Hoyle asked how many event signs are allowed. Ms. Goodwin answered that a non-profit is allowed to put up signs 2 weeks before the event and take them down 2 days following. Peter Daniels, Land Use Officer, is coming in one Saturday a month to check on these.

Mr. Barnett asked what we should do about Traveler's Rest (Mr. Milbrand's property). Ms. DeStefano stated that we should look at it and try to determine what we think. Ms. Goodwin mentioned that if the Board has any needs in regard to this case, they should speak to her, Mr. Simonds, or Ms. Laferriere. Ms. Seeler added that we need to pay attention to any conditions we feel are necessary.

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NEXT MEETING: Our next meeting will be held at 7:00pm on Wednesday, Sept. 25, 2018. We shall have the public hearing on Boat Storage, compliance for Fred Schneider/Auto Trends, and meet with the EDC.

With no other business before the Board, E. Seeler made a motion, second by E. Hickey, to adjourn at 9:55pm.

Respectfully submitted,
Jan Laferriere,
Land Use Admin. Assistant