

PLANNING BOARD MINUTES  
October 10, 2018

**APPROVED as amended & clarified:**  
**10/23/18 \_\_jrl\_\_\_\_\_**

- AGENDA:** 18MSPR04, MINOR SITE PLAN: DONALD MILBRAND, 22 Hemphill Rd., #214-037  
COMPLIANCE: FRED SCHNEIDER/AUTO TRENDS – **RESCJEDULE**  
PCC: ARTHUR & REGINA CESTARO, 80 Prospect St., #115-049  
PCC: MaryAnn Parkhurst, 11 Hobart Rd., #217-040  
**WORKSHOP:** KEEPING OF FARM ANIMALS, SOLAR MODEL ORDINANCE
- ATTENDING:** Denice DeStefano (Chairman), Clay Dingman (Vice Chair), Don Milbrand (Sel. Rep.), Evan Hickey, Betty Seeler, Melody Mansur (Alternate)
- ABSENT:** Paul Barrett (excused), Dan Paradis (illness)
- OTHER:** Christina Goodwin (Land Use Manager), Tyler Simonds (Planner), Heidi Milbrand, MaryAnn Parkhurst, Arthur Cestaro, Victor Field, Dorothy O’Hara, Jan Barrett, Andy O’Hara Jr.

The meeting opened at 7:00p.m. with two members out. Ms. Mansur is sitting in for Dan Paradis.

**PCC: ARTHUR & REGINA CESTARO**

Ms. DeStefano explained that a PCC is not binding on either the applicant or the Board and that no financial obligations should be made based on this evening. The Board will give their best information based on what is presented at the PCC (Preliminary Conceptual Consultation).

It was established that there was no site plan found on this property which is in the Village Residential district. Ms. Goodwin explained that the assessment card shows 3 apartments. Mr. Cestaro purchased the property with 4 units but has never put it to use. It has town water and sewer. The Board checked the lot coverage. Mr. Cestaro stated that the building has 5 bathrooms and he has owned it for 10 years. Ms. Goodwin added that the Village Residential district does not list multi-family as an allowed use. Ms. Seeler stated that it will need a Variance for that and Mr. Dingman added the need of a Site Plan. Ms. DeStefano felt that a Minor Site Plan would suffice.

**PCC: MARYANN PARKHURST**

Though there has been diligent searching, a file has not been found for this property. Ms. Parkhurst felt that it is part of a Waring subdivision. She added that her Dad may have a copy of the mylar. Ms. Parkhurst asked if this could be a minor site plan. Ms. DeStefano stated that it could be a minor if a good copy of a site plan can be found. Ms. Goodwin verified the Boards intent: if full plans are found, we shall allow a Minor Site Plan. Mr. Dingman answered that this would be so if the plan found is clear. He asked if a minor is do-able with the additional use of kayak, etc. rentals. Ms. Goodwin stated that they already got a Special Use permit for that.

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**PARKHURST PCC continued:**

The Board looked at the Zoning Ordinance and Ms. DeStefano read 8.3 about the requirement. She agreed with Mr. Dingman and added that, if the Land Use office feels the plan is okay, this can be a minor site plan. If a plan cannot be found, Ms. Parkhurst will need a full site plan.

C. Dingman made a MOTION, second by D. Milbrand, to ALLOW A MINOR SITE PLAN FOR MARYANN PARKHURST IF AN ADEQUATE PLAN CAN BE FOUND. The motion CARRIED.

**CONTINUED MINOR SITE PLAN: DON MILBRAND**

Mr. Milbrand stepped down from the table. Ms. DeStefano explained that the Board has accepted the application as complete and has listened to the public testimony. The Board requested some answers to questions from legal counsel. We have learned that we cannot use "obnoxious use" as this is an allowed use for the district. Mr. Dingman clarified by adding that it is a permitted use but the Board can place restrictions on it. He added that the applicant appears to be a good neighbor. It was explained that the Economic Development Committee (EDC) had asked for additional uses, an amendment was made and voted on at town meeting. Mr. Dingman went on to say that the Planning Board held public hearings on this before it went before the voters.

Victor Field, abutter, asked about the property values issue. Mr. Dingman stated that the Board can place limits but they cannot deny this as it is an allowed use in the district. Dorothy O'Hara, abutter, felt that 2 or 3 times it has been mentioned that if Mr. Milbrand were to sell, it could drop their values. She asked if we can stop him from being able to sell. The Board answered that they cannot.

Mr. Milbrand stated that the two issues of concern seem to be traffic and land values. He spoke with an Assessor in Lebanon who said that it could go either way, up the values or decrease them, depending on the time of sale. Mr. Milbrand also spoke with folks at T-Bones and at the Lakes Region Community College who explained that, with 24 seats, 8 parking spaces, and peak hours being 6:00-8:00pm, it would average 8 cars per hour, which is not tremendous. Added to this, some will be the Bed & Breakfast guests who will not add to the traffic once they arrive. Mr. Milbrand was told that off-peak hours would be an average of 40% capacity.

Ms. Seeler stated that she would like to see earlier closing than 11:00pm. Mr. Milbrand stated that some guests cannot get there earlier and 10:00 or 11:00 would not be peak hours. Ms. DeStefano asked if the B & B could have later hours than the public and Mr. Dingman questioned how this could be regulated. He felt it would be easier to limit hours than to differentiate. Ms. Seeler felt that the neighbors would prefer that as well.

Mr. Fields mentioned the snowmobiles and Jan Barrett, abutter, stated that the snowmobile trail has been closed. Mr. Dingman added that the conservation easement trail was illegal so had to be closed. Mr. Milbrand stated that he would prefer the hours of 4:00 to 11:00pm. Mr. Hickey stated that neighbors' noise concern is like the guest noise. Mr. Milbrand said that the plan was originally to accommodate the Bed & Breakfast. There is no smoking on the property as this is an old building and too susceptible to fire. Mr. Hickey said that he searched comments on the Bed & Breakfast and found

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**MILBRAND MINOR SITE PLAN continued:**

the only complaint was too many rules. Mr. Dingman stated that this sounds like Mr. Milbrand enforces the rules.

Mr. Dingman asked if Mr. Milbrand would ask his guests not to go over Hemphill. Mr. Milbrand answered that he already does this now with the B & B. Mr. Dingman thought we might add the following conditions: 4:00 to 10:00 or 11:00pm, no undo noise, to not use Hemphill, no live entertainment, any expansion would need to come back to the Planning Board. Ms. Seeler would like it to be 4:00 to 10:00, Friday to Tuesday. When someone asked about weddings, Heidi Milbrand (owner of the B & B) stated that she does not allow weddings to be held there. Ms. Seeler said that this would be if they should ever sell. Ms. DeStefano stated that, if a new owner wishes to have events, it would be an expansion of business.

Mr. Barrett had sent in comments to Ms. Goodwin in which he suggested a traffic study and a noise study. Ms. DeStefano felt that a traffic study for 24 seats is overkill. Mr. Dingman thought that this was more or less answered by the attorney. Mr. Hickey questioned how a noise study would be done. It was mentioned that the Police have a town ordinance on noise. Mr. Milbrand stated that it would be up to the Police Chief to determine and added that the Woodman's Brewery on Peaked Hill is similar to what he wants. Ms. DeStefano and Mr. Dingman both felt that any changes and expansions require that this come back before the Board.

Mr. Dingman stated again conditions to be the hours, directions for getting to and from the establishment, no entertainment, and any expansion requires that they come back to the Board. Ms. DeStefano asked about not congregating outside. She felt that the B&B guests would object. Mr. Milbrand added that he will have cameras. Ms. Mansur suggested signs saying "no congregating". Mr. Dingman mentioned again that Mr. Milbrand should caution his guests on noise and Mr. Milbrand stated that he already does.

Ms. DeStefano explained that counsel stated that we cannot do graduated restrictions (checking later to see that conditions comply or more should be added).

C. Dingman made a MOTION, second by E. Seeler, to APPROVE THE MINOR SITE PLAN FOR DONALD MILBRAND WITH THE FOLLOWING CONDITIONS: HOURS ARE RESTRICTED TO FRIDAY THROUGH TUESDAY, 4:00PM TO 10:00PM, APPLICANT MUST MAKE EXPRESS EFFORT TO DIRECT PATRONS TO USE WEST SHORE ROAD INSTEAD OF HEMPHILL ROAD, NO ENTERTAINMENT ON SITE, INDOOR OR OUTDOOR, AND ANY EXPANSION OF USE, INCLUDING BUT NOT LIMITED TO: HOURS, SEATING, EVENTS, WILL REQUIRE, AT A MINIMUM, A MINOR SITE PLAN. The motion CARRIED and the plans and Notice of Decision were signed. The Land Use office will see that the conditions are typed and attached to the plan.

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**COMPLIANCE: FRED SCHNEIDER/AUTO TRENDS:**

Mr. O'Hara Jr. asked what happened and was told that the State approval of their portion has not been approved as yet so we are re-scheduling. A discussion was held where the new Planning Board members were informed of the past history on this case. We have placed Mr. Schneider on our Oct. 24, 2018 workshop meeting.

**MINUTES OF SEPTEMBER 26, 2018:**

The following amendments and clarifications were made: Page 1, Other, last line, add to "(TAC)" so as to read ("TAC, Transportation Advisory Committee"). Auto Trends, 1<sup>st</sup> line, following "draft copy" insert "of the driveway permit application", delete "as yet" and replace "plan" with "permit". Page 2, 1<sup>st</sup> paragraph, 1<sup>st</sup> line, replace "we had a" with "we had regulated the" and following "Improvement" insert "Chapter to the bottom of our list in anticipation of the Downtown development committee work; which has since changed to the EDC (Economic Development Committee). Eliminate the rest of that sentence. Line 4, 5, & 6, delete the sentence beginning "Mr. Barnett, as a new member..." 2<sup>nd</sup> paragraph, 2<sup>nd</sup> line, delete "about 75% of" and replace with "a large percentage of community input for". Paragraph 3, 1<sup>st</sup> line, replace "will need to" with "should". Paragraph 4, 1<sup>st</sup> line, following "internet" insert "soon". Replace "Mr. Dingman" with "Ms. DeStefano". 3<sup>rd</sup> line, following "suggested", delete "and" and replace with "can". Paragraph 5, last line, following "meantime" insert "before an Economic Development chapter is complete". Paragraph 6, 1<sup>st</sup> line, following "preamble" insert "and for the Economic Development chapter this could serve to show that Bristol is committed to new business". Page 3, 1<sup>st</sup> paragraph, 4<sup>th</sup> line, delete "for this now" and replace with "at the Budget Committee meeting". Page 4, Communications, 3<sup>rd</sup> line, replace "letter back" with "proposed response". 4<sup>th</sup> line, following "moratorium" insert a new sentence: "The Board approved the Land Use Manager to send a response on their behalf." Capital Improvements, 1<sup>st</sup> paragraph, last line, replace "better" with "good". 2<sup>nd</sup> paragraph, 1<sup>st</sup> line, replace "Blanchett" with "Barnett". 3<sup>rd</sup> paragraph, delete the 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> sentences. Land Use, 2<sup>nd</sup> paragraph, 2<sup>nd</sup> line, following "cut out" insert "parts" and following "parking, insert "was moved to site plan" and after "Wetlands" add "was paired down". Page 5, paragraph 1, delete the last sentence of paragraph 1. 4<sup>th</sup> paragraph, at the end, delete "and in two places". 6<sup>th</sup> paragraph, 3<sup>rd</sup> line, move "Per sections 4.3 and 8.77" to begin the sentence on the next line that begins with "The ordinance says...". 6<sup>th</sup> line, replace "of the past" with "as defined in the ordinance". 8<sup>th</sup> paragraph, 1<sup>st</sup> line, delete "application form or". 9<sup>th</sup> paragraph, 1<sup>st</sup> line, before "It is to be a" insert "the ordinance states". Last paragraph, replace "sign-up sheets for" with "Code of Ethics policy to be signed by". Page 6, 1<sup>st</sup> paragraph, 2<sup>nd</sup> line, following "process" insert "for applicants" and after "GIS" add "maps". 3<sup>rd</sup> line, delete "updates". Following "Soils" insert "and other water resources". Replace "us" with "staff" and "ourselves" with "program". 2<sup>nd</sup> paragraph, 2<sup>nd</sup> line, delete "she can use some of the funds from the HDC budget" and replace with "that costs should be shared among Zoning, HDC, and Planning budgets".

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

**COMMUNICATIONS:** There was one Wetlands Permit for the town and Cummings Beach.

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**REPORTS:**

**HDC** – They met last night to be compliant with the requirement of meeting 4 times a year.

**Selectmen** – The Budget Committee voted to recommend the warrant article for the Medical Building (8-3-1). The “no” was about the total cost of the project. We go to Superior Court on October 22 at 10:30 a.m. about the special town meeting. If it is denied, we hope to extend the purchase and sales agreement.

**CIP** – We finalized plans with the Departments and plan to present the final plan to the Planning Board at their first meeting in November.(11/14/18).

**LAND USE** – Ms. Goodwin reported that the survey notices went out in the mail today. The response time is to be between 10/15 to 11/19. It is not on the web yet. Mr. Dingman will send Ms. Goodwin a copy of his press release from last time. Ms. Goodwin went on to say that she will print out hard copies of the solar model ordinance if they need them. Next week, we shall be doing the rehearing of the Turner approval. Mr. Simonds has provided the Board with an updated copy of the work we need to do. He would like the Board to provide feedback. We have ready manufactured storage and the keeping of farm animals. Ms. Goodwin thinks that Special Use and Conditional Use permits need clarification and maybe the Board can look at others that Liz Kelly worked on. Ms. DeStefano felt that she should bring these to our next meeting.

As to the Master Plan working group, Ms. DeStefano feels that 2 Planning Bd. Members, 2 EDC members, Mr. Simonds and Mr. Coates should be on this committee. She suggested that the new members on the Planning Board would be good so as to have new eyes on it. There should be an outline of the work at our workshop.

**NEXT MEETING:** Our next meeting is our workshop on October 24, 2018 at 7:00pm. We shall have the Compliance of Auto Trends and then work on farm animals, solar, and any others we can fit in. We do not have to amend the bylaws about a Chairman when the elected Chairman and Vice-Chairman are both away as the bylaws say we can elect a fill-in from the Board for that meeting.

As it was getting late, E. Seeler made a motion, second by D. Milbrand, to adjourn at 9:05pm.

Respectfully submitted,  
Jan Laferriere,  
Land Use Admin. Assistant