

PLANNING BOARD MINUTES  
December 12, 2018

**APPROVED:**

See the minutes of \_\_\_\_\_

**AGENDA:** 18MSPR04B, MINOR SITE PLAN WAIVER REQUEST: DONAL MILBRAND, 22 Hemphill Rd., #214-037  
18SPR02, SITE PLAN REVIEW: MARYANN PARKHURST/ALAN BARNARD, 11 Hobart Rd., #217-040  
PCC: DEB DENNING, 100 N. Main St., #114-002  
COMPLIANCE: FRED SCHNEIDER/AUTO TRENDS, 215 Lake St., #112-001  
WORKSHOP: PROPOSED AMENDMENTS TO THE ZONING ORDINANCE = KEEPING OF FARM ANIMALS, MANUFACTURED STORAGE CONTAINERS

**ATTENDING:** Denice DeStefano (Chairman), Clay Dingman (Vice Chair), Don Milbrand (Sel. Rep.), Paul Barnett, Evan Hickey, Betty Seeler

**ABSENT:** Dan Paradis (excused), Melody Mansur (excused)

**OTHER:** Christina Goodwin (Land Use Manager), Tyler Simonds (Planner), Applicants, Public

The meeting opened at 7:00p.m. with a quorum. Ms. Goodwin and Mr. Simonds were introduced to the public.

**18MSPR04B, MINOR SITE PLAN WAIVER REQUEST: DON MILBRAND**

Mr. Milbrand stepped down from the table. Ms. DeStefano read the waiver request which had been overlooked at the Minor Site Plan hearing. When asked by Mr. Dingman, Ms. Goodwin stated that our attorney stated that we should hear the request.

Mr. Barnett asked when Mr. Milbrand felt the project would be done. Mr. Milbrand answered that the restaurant should be done in 3 – 4 months, by March. He added that the State said that he could open the restaurant and later the brewpub. Mr. Barnett asked if the brewpub license has been applied for. Mr. Milbrand stated that there is both a Federal and a State license which he has started. The Federal license should be complete in a week or two. If longer, Mr. Milbrand will speak with our Senator. The State license can take up to 6 months.

Mr. Dingman mentioned that this waiver is a part of the Site Plan and asked if the Planning Board can change what is in the Zoning Ordinance. In it, a restaurant in that district can only be done by a Special Exception. Ms. Goodwin read the legal opinion and Ms. DeStefano stated that a restaurant alone is only by Special Exception. Mr. Milbrand's request is so that he can sell beer from a local brewery until he gets his brewpub license. Mr. Milbrand stated that this would be allowed by the State. Mr. Dingman asked if he wouldn't need a license for that. Ms. DeStefano answered that he would need a liquor license. Ms. Goodwin added that a liquor license usually takes 30 to 60 days. Mr. Dingman said that the difference is selling his beer or beer from others.

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**MILBRAND WAIVER continued:**

Ms. Goodwin felt that this causes an enforcement issue and sets a precedence, though she does not feel that Mr. Milbrand would be a problem. However, others could be if they ask for the same thing and need to be shut down if the license is turned down. Mr. Milbrand felt that the Planning Board would need to address that.

Victor Field, neighbor, felt that it might make sense to give a conditional approval. He would hope that we have the ability to shut down an establishment if they can't get the license. He asked if he could address signage and lighting and Ms. DeStefano explained that he could not as this is strictly pertaining to the waiver. Mr. Field asked if there is no liquor license, it means no alcohol. Ms. DeStefano stated that the license covers all types of liquor. Mr. Milbrand explained that he is not planning to have a full bar.

Jan Barrett, neighbor, asked who would monitor this. She feels that it opens a can of worms and is a hardship for the town. She added that Mr. Milbrand never reached out to them.

Dot O'Hara, neighbor, asked that this be done the right way and asked if Mr. Milbrand gets his way because he is a Selectman. Ms. DeStefano answered that friends are friends and business is business and, in this case, this is business. She added that if anyone on this Board has a preconception, she would ask them to step down. Ms. O'Hara thought this was for a brewpub not a restaurant. Ms. DeStefano stated that it is for a brewpub which requires that they also have a restaurant. Ms. O'Hara felt that they were not told this when brewpubs were voted on. Ms. Goodwin stated that we held public hearings, with proper notice, on brewpubs before they went to a vote by the voters. She added that the attorney explains how to write it for the ballot. Ms. DeStefano added that we added brewpubs to the town per an Economic Development Committee request. Mr. Milbrand is only requesting to have a 24-seat restaurant.

Shaun Lageuex, resident, stated that Mr. Milbrand is asking no more or no less than any other person in Bristol. Mr. Field asked if the waiver could be conditionally approved with a deadline. Mr. Milbrand expected that they would have deadlines. Ms. Seeler asked what would be the deadlines. Ms. DeStefano felt that to open the restaurant, they need a liquor license<sup>4</sup> and could wait for the brewpub license. The Federal would be June, the State September. Mr. Lageuex felt that an approval or denial should not be based on something perceived to happen. Mr. Hickey stated we would need specific dates to get done and Ms. Seeler agreed. Mr. Barnett asked if Mr. Milbrand is willing to shut down if the dates are not met. Mr. Milbrand stated that he would definitely shut down. Mr. Dingman again stated that he does not think this should be up to the Planning Board but should go to the ZBA. The restaurant requirement is to be with a brewpub. Ms. Seeler felt that other people will want to do the same if we approve this. She feels that he should open the restaurant with the brewpub when he gets the licenses or go to ZBA for Special Exception. Mr. Hickey asked verification of the fact that Mr. Milbrand was denied for a this in 2012 and in 2017 he decided on the brewpub. Mr. Dingman stated that, in 2012, he was denied a Variance. Since then, brewpubs have been allowed. A discussion was held as to the need of a Special Exception for a restaurant.

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**MILBRAND WAIVER continued:**

E. Seeler made a MOTION, second by C. Dingman, to DENY THE WAIVER TO OPEN THE RESTAURANT BEFORE RECEIVING THE PROPER LICENSES FOR A BREWPUB. The motion CARRIED with one abstention.

Mr. Field asked if the case automatically goes to the ZBA now. He was told that it does not. Mr. Milbrand can either wait for his licenses or he can apply to the ZBA for a Special Exception.

Mr. Milbrand came back to the table. He mentioned that it is better to make a positive motion and let it get voted down if the Board prefers.

**SITE PLAN: MARYANN PARKHURST/Tricia Miller/Alan Barnard**

Ms. Goodwin stated that they are again requesting a continuance.

C. Dingman made a MOTION, second by D. Milbrand, to CONTINUE THE SITE PLAN FOR MARYANN PARKHURST TO JANUARY 9, 2019. The motion CARRIED.

**PCC: DEB DENNING**

Ms. DeStefano explained the procedure for a PCC. She then asked what district the property is in and was told that it is in the Village Residential. She then read what is allowed in that district. As Ms. Denning would like to add a 3<sup>rd</sup> unit to her 2 unit property, she was told that Multi-family properties are not allowed in the district so she would need a Variance and then Site Plan if the Variance is approved.

Ms. Denning explained that the new unit would be on the 2<sup>nd</sup> floor. For egress, there is a bedroom window to a porch and then there are inside stairs. There would be no changes, including no changes to lighting. The unit would be a little over 500 square feet.

C. Dingman made a MOTION, second by E. Seeler, to ALLOW MS. DENNING TO HAVE A MINOR SITE PLAN ONCE SHE GETS VARIANCE APPROVAL. The motion CARRIED.

**COMPLIANCE FOR FRED SCHNEIDER/AUTO TRENDS**

Ms. Goodwin stated that, now that she has a copy of the State approval for Mr. Schneider, she has reached out again for him to come in to the Planning Board. She has received no answer and will start the process for a violation. The Board then determined that Mr. Schneider will need a full Site Plan at this point.

C. Dingman made a MOTION, second by D. Milbrand, to REQUEST A FULL SITE PLAN FOR AUTO TRENDS/FRED SCHNEIDER. The motion CARRIED.

**WORKSHOP:**

**Keeping of Farm Animals:**

Ms. Goodwin presented the new language for this. It was determined that "simply for pleasure" needs to be added to the last line of the definition.

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**WORKSHOP: KEEPING OF FARM ANIMALS continued:**

C. Dingman made a MOTION, second by D. Milbrand, to MOVE KEEPING OF FARM ANIMALS, AS AMENDED, TO THE JANUARY 9, 2019 PUBLIC HEARING. The motion CARRIED.

**Manufactured Storage Containers:**

Ms. Goodwin explained that there is no direction in the Zoning Ordinance. She has based this to Recreational Vehicles somewhat. After much discussion, the following corrections were made:

**General Provisions:**

Paragraph A, first sentence, replace "accommodate" to "have" and place a period after "container", deleting the rest of the sentence. 2<sup>nd</sup> sentence, delete "Temporary".

Paragraph B, move to the end of General Provisions and change to D.

Paragraph C (now B), remove "temporary" and after "90 days" insert "to one year".

Paragraph D (now C), delete "long-term", replace "90 days" with "one year", replace "may" with "shall", and replace "apply for" with "apply and receive".

**Definitions:**

2<sup>nd</sup> line, after "storage of" change the rest to read "residential, commercial, or industrial goods."

E. Seeler made a MOTION, second by C. Dingman, to MOVE MANUFACTURED STORAGE CONTAINERS, AS AMENDED, TO PUBLIC HEARING ON JANUARY 9, 2019. The motion CARRIED.

**MINUTES OF NOVEMBER 28, 2018:**

The following amendments and clarifications were made:

Page 1, Agenda 1<sup>st</sup> line and 18SUP02 title, change "EXCEPTION" to "USE". MAYHEW, 2<sup>nd</sup> line of first paragraph, replace "Vignalli" with "Nute". Wherever there is "Vignalli" replace it with "Vignale". 3<sup>rd</sup> paragraph, 5<sup>th</sup> line, following "one" add "on Newfound Lake" and insert "pipe" before "anchor". 4<sup>th</sup> paragraph, 1<sup>st</sup> line, replace "an anchor" with "a boat anchor". 2<sup>nd</sup> line, replace "Mr. Mansur" with "Ms. Mansur". Page 2, 2<sup>nd</sup> paragraph, replace "MOTIO N" with "MOTION". Under Workshop, 1<sup>st</sup> paragraph, next to last line, delete "(the latter by a Land Use Permit.". Last paragraph, 2<sup>nd</sup> line, replace "needs a definition" with "recommended by the attorney to define." Page 3, 2<sup>nd</sup> paragraph, insert "community" before "surveys". Under Other, 1<sup>st</sup> paragraph, delete the last line.

C. Dingman made a motion, second by E. Hickey, to approve the minutes as amended. The motion carried with 3 abstentions.

**COMMUNICATIONS:**

Ms. DeStefano read the note of thanks received from Jim Nute, Mayhew. The NHDHR Review of Sewer Extension to the Lake was looked at.

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**REPORTS:**

**HDC** – Did not meet.

**SELECTMEN** – Mr. Milbrand stated that they are working on the sewer extension to the Lake.

**CIP** – The plan was presented to the Budget Committee and the Selectmen.

**LAND USE** – Ms. Goodwin stated that the Budget Committee questioned the CLG grant for the town cemeteries because we have to pay some. It was explained that the grant covers the survey for 6,303.00 but not the \$600.00 for the workshop. Mr. Dingman mentioned that we might get a grant for that from the NH Grant Association.

Ms. Goodwin went on to say she is attempting to get the Planner on full-time, as well as to have help with Assessing and filing one day a week. As she is the only full-time employee in the department and we have been very busy all year, she feels these positions can be justified. Ms. DeStefano added that the volunteer time by the Boards has declined and now all that they did is passed on to Land Use. She also mentioned that the Economic Development committee continues to try to bring in more. Mr. Simonds stated that he attended the first FEMS meeting and there will be others to come. It was mentioned that NLRA has some free maps and Liz Kelly is doing a flow chart for us.

**NEXT MEETING:**

Our next meeting will be held January 9, 2019 at 7:00p.m. There will be the public hearing for 5 proposed Zoning amendments, the Continued Site Plan for MaryAnn Parkhurst, and a Subdivision for Colin Brown on behalf of Andrew and Ann Hamel.

It was noted that no warrant article has been received for another boat storage definition. Ms. DeStefano stated that she will be gone now until May 1, 2019. She added that, should we need a quorum at any time, she could call in.

With no other business before the Board, C. Dingman made a motion to adjourn at 9:05pm.

Respectfully submitted,  
Jan Laferriere, Admin. Assistant