

PLANNING BOARD MINUTES
January 23, 2019

APPROVED:

See the minutes of 3/27/19 jrl_____

AGENDA: PUBLIC HEARING ON A PETITIONED WARRANT ARTICLE: BOAT STORAGE.
PUBLIC HEARING ON PROPOSED ZONING AMENDMENTS: IMPERVIOUS COVER,
FACILITY, KEEPING OF FARM ANIMALS & FARM ANIMAL, MANUFACTURED
STORAGE CONTAINERS & DEFINITION OF
18SPR02, CONTINUED SITE PLAN REVIEW: MARYANN PARKHURST/ALAN BARNARD,
11 Hobart Rd., #217-040
18SUB02 SUBDIVISION: COLIN R. BROWN FOR ANDREW D. & ANN T. HAMEL,
N. Main Street, #217-098
PCC: EKSIN REALTY LLC, 861 Lake Street, #216-021

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

ABSENT: Dan Paradis (excused)

OTHER: Christine Filmore (town attorney), Christina Goodwin (Land Use Manager), Tyler Simonds (Planner), Applicants, Public

The meeting opened at 6:40p.m. with a quorum. A non-public meeting was called at 6:42 pm with Ms. Goodwin taking the minutes. The non-public meeting was adjourned at 6:55pm.

Mr. Dingman opened the public hearing again at 7:00pm (as per the advertised time). He introduced Ms. Goodwin, Mr. Simonds, and Atty. Filmore and explained that Ms. DeStefano was attending the public hearing on the petitioned warrant article via telephone.

PETITIONED WARRANT ARTICLE: BOAT STORAGE

Mr. Dingman explained that a petition warrant article must be heard and cannot be changed for the ballot vote. He added that the Planning Board has already submitted a definition for Boat Storage as well which defines it for the need of Special Exception for Commercial cases only. He read the current Zoning Ordinance definition:

Facility for storing boats, marine equipment and related products either indoor or outdoor.

The proposed Petitioned Warrant Article states:

Commercial facility of any size for storing boats, marine equipment and related products either indoor or outdoor, or a residential facility other than for property with a single dwelling unit, for storing boats, marine equipment and related products either indoor or outdoor.

Nancy Dowey, 141 Gallahad Lane, representative for the petitioners, stated that the reason that they feel this is warranted is due to a concern in the case of multi-unit properties. She showed a rendering of two garages of 5 bays each to depict what could be built in a Residential area. Besides the size, it would increase traffic and have a lot of activity at the building site.

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PETITIONED WARRANT ARTICLE HEARING continued:

Ms. DeStefano asked if the applicants have any idea of how many multi-unit residences in Bristol that this would affect. No-one had a number and Mr. Dingman stated that it would affect any who were building new or any who might want to change what they have. He then asked if this was meant to include any residential duplexes. Ms. Dowey stated that it did. They would have to just take one more step and go for a Special Exception. Mr. Dingman mentioned that the Planning Board already addresses the issue in Site Plan and asked why they should do this. Ms. Dowey stated that it is to include commercial and residential. Mr. Dingman stated that this is for boat storage only and the garage could still be built as long as boats, marine equipment, and related products were not included.

Mr. Milbrand pointed out that the differential reason appears to be prejudiced, as in the case of a duplex. Ms. Dowey did not feel that it is discriminatory. Bill Dowey, 141 Gallahad Lane, asked to speak and stated that multi-unit properties come to the Planning Board or Selectmen so why shouldn't all multi-unit properties. Ms. Goodwin stated that a large garage, without boat storage, is still permitted without Special Exception. Mr. Milbrand stated that the Special Exception is only for the Lake District. Mr. Dowey said that any transportation should be included and was told that the Petition Article only refers to boats.

Larry Ellis, Wulamat Road, asked what the Planning Board proposal does, and Mr. Dingman explained that it only refers Special Exception for commercial uses not residential. Mr. Ellis felt that the petitioned article is very discriminating based on the style of residence. Mr. Barnett asked if this would end up in court. Attorney Filmore stated that, if both articles pass, it could go to court. Ms. Dowey felt that theirs covers more. Mr. Milbrand felt that they are looking to change zoning for one specific instance, trying to regulate it by a new definition.

Ms. Goodwin mentioned that enforcing the petitioned article would be a nightmare to enforce. Mr. Dingman agreed and added that this is a petition regulated by the number of units. Mr. Ellis asked if this could be gotten around if they were to build ten individual garages. Atty. Filmore gave an example of difficulty: in the case of Cluster Housing, 10 individual houses, 10-unit garage, and only 1 wants to store a boat. Ms. Goodwin mentioned that a trailer park would be affected as well. Mr. Dowey thought that multiple residents should come to an agreement and then come to Special Exception.

Deborah Richards, Wulamat Road, asked if a single family might build a 5 or 10 bay garage. Mr. Dingman thought that is a good question. Mr. Milbrand added that a single dwelling with an unattached In-law apartment would also come under this.

With no more questions, Mr. Dingman closed the public portion of the hearing and then took a roll call vote as to whether the Planning Board wished to support or not support this petitioned article. Ms. Goodwin explained that this vote is required by law.

Denice DeStefano = not support, Evan Hickey = not support, Clay Dingman = not support, Betty Seeler = not support, Don Milbrand = not support, Paul Barnett = not support.

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SUBDIVISION: COLIN R. BROWN FOR ANDREW D. & ANN T. HAMEL

Ms. Laferriere read the application, who was notified, and where the hearing was advertised. She stated that there were no phone calls or written comments received nor any comments from Department Heads. The checklist was then looked at. Waivers were asked for #14, 16 18, 23, 24, 25, & 27. The Board determined that #14, 16, 23, 26, & 27 were okay. #18 was questioned as it noted that a culvert was possibly needed with the change of the driveway. Mr. Brown stated that he spoke with Mark Bucklin, Highway Superintendent, who wanted to wait until after the Subdivision gets approval. The Board was okay with that. #24 – Mr. Brown explained that the long “tail” to the new lot was because the folks like to go out in back to walk. The Board felt that was okay.

D. Milbrand made a MOTION, second by E. Hickey, to APPROVE ALL OF THE WAIVERS AS PRESENTED. The motion CARRIED.

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

Mr. Brown then explained that the property consists of 2 ½ acres. The owners may retire here and wish to build a new house on the proposed new lot and give the cottage to their kids. There is to be one access for both lots. Frontage required is 75’. The old lot will have 76’ and the new lot will have more than that. Mr. Bucklin is okay with moving the driveway and Jeff Chartier, Supervisor of Water/Sewer, is okay for the water. They have applied for the State Subdivision approval and asked for 5’ grades instead of 2’ as the State requires 5’ and they preferred not to submit two separate plans.

There were no questions from either the public or the Board.

E. Seeler made a MOTION, second by E. Hickey, to APPROVE THE SUBDIVISION AS PRESENTED. The motion CARRIED and the plans, Notice of Decision, and mylar were signed.

CONTINUED SITE PLAN: MARYANN PARKHURST/PAT MILLER/ALAN BARNARD

Ms. Goodwin stated that they are asking to be continued to Feb. 13, 2019. Mr. Dingman noted that continuing or denying or asking to start over can cause problems per Atty. Filmore. She said, earlier, that it is better to err as we have been doing (which is to continue when they ask).

D. Milbrand made a MOTION, second by E. Hickey, to CONTINUE THIS CASE TO FEBRUARY 13, 2019 AT 7:00PM. The motion CARRIED.

PCC: EKSIN REALTY LLC

Ms. Goodwin asked if this can be rescheduled to a later date as she is confused as to what everything is needed. Mr. Ianniciello would like to add living space over the garage. He has 2 apartments and 2 commercial spaces in the main residence. He is okay for the maximum lot coverage but will need a Variance for an un-attached unit, she expects. Mr. Dingman thought that there is something about only allowing the storage of cars in the garage. We would need to pull the previous Site Plan. It would also mean two dwellings on a lot which would require a Variance. The Board determined that he could be rescheduled for Feb. 13, 2019.

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PROPOSED ZONING AMENDMENTS:

Shaun Lageuex, forester, stated that the change for Sapling would give them a problem. Mr. Simonds recommended that we pull this one amendment until we can look at it again.

D. Milbrand made a MOTION, second by E. Seeler, to MOVE ALL OF THE PROPOSED AMENDMENTS, EXCEPT FOR SAPLING, TO THE MARCH VOTE. The motion CARRIED.

MINUTES OF DECEMBER 12, 2019:

The following amendments and clarifications were made: Page 1, under Don Milbrand, first paragraph, last line, replace "stated that we should hear" with "recommends we hear". 2nd paragraph, 5th line, after "license" insert "application". Last line replace "State" with "Federal". Last paragraph, 1st sentence, replace to read "Mr. Dingman asked if the Planning Board could waive through Site Plan the requirements of the Zoning Ordinance". Page 2, 3rd paragraph, add the sentence "Ms. Goodwin would be responsible to monitor. Last paragraph, 4th line, delete "4" from "license4". 6th line, following "Mr. Hickey" replace "stated we would need" with "asked whether". 7th line, replace "to get done and" with "could be provided for record and". 10th line, replace "requirement is to be with a brewpub." With "requirement goes with a brewpub per State requirement." Page 3, 1st paragraph, 2nd line, replace "abstention" with "opposed". Page 4, Manufactured Storage Containers, 1st line, insert "currently" following "direction". Page 5, Land Use, 1st paragraph, last line, replace "Grant Association" with "Humanities". 2nd paragraph, 5th line, begin a new paragraph beginning with "Mr. Simonds". 6th line, replace "FEMS" with "FEMA Watershed".

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

CORRESPONDENCE:

Mr. Dingman read a thank-you from Janet Barrett. There was also a Fact Sheet on Shoreland Accessory Structures.

REPORTS:

HDC – Didn't meet.

SELECTMEN – They held a public meeting on the sewer extension. There will be a warrant article for \$20 million but at least half will have to come from grants. They will look to other means for additional funding as well as taxation. Everything from the Lake will come down Hall Road.

CIP – Tomorrow night, there is to be a meeting (6:30 to 8:00pm) for recruitment for all committees. He asked if the Planning Board might want to appoint an interim for Dan Paradis until he can come back. Ms. Seeler stated that Mr. Paradis is now home and we should still have a full Board.

LAND USE – Mr. Simonds held the first Master Plan meeting and explained that the Vision and Land Use chapters are required. Mr. Dingman thought that we might work with this committee at one of our workshops

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LAND USE continued:

Ms. Goodwin stated that she has given a deadline to Auto Trends for a full Site Plan for our March meeting. Mr. Schneider is disputing needing a full Site Plan. Mr. Dingman stated that Mr. Schneider did not do what was on the subdivision with Dollar General. A discussion followed.

Mr. Simonds mentioned the survey results and Mr. Dingman suggested he see what LRPC did for us previously.

Ms. Goodwin attended the Watershed meeting and there is a timeline of a year. Mr. Dingman explained that FEMA is looking for updates. Mr. Simonds stated that it is primarily for the Pemi- but we will probably give more.

Ms. Goodwin wishes to reach out to the various Department Heads so as to meet and develop a better system for case information both for us and for them.

Mr. Milbrand mentioned that we might want to change to 5' intervals if the State requires them now. Ms. Goodwin added that we will be checking our forms and will implement this if the Board wishes. The Board determined to change to 5' intervals.

NEXT MEETING: Our next meeting will be Wednesday, Feb. 13, 2019 at 7:00pm. On the agenda will be a Special Use Permit for the Kelley's, the continued Site Plan for Parkhurst/Miller/Barnard, and the continued PCC with WKSJ Realty LLC.

Ms. Goodwin explained that the Kelley septic is within the 50' setback as well as the landscaping work (stone wall). She was under the impression that the setback was from the Lake itself but has since learned that it is from the high-water mark. She already told the applicants that the house was okay (adding foundation work) but now sees that some of the house is in the new setback. She asked that this be forgiven in this case and apologized for the confusion.

With no other business before the Board, D. Milbrand made a motion, second by P. Barnett, to adjourn at 8:55pm.

Respectfully submitted,
Jan Laferriere, Land Use Assistant Administrator