

PLANNING BOARD MINUTES

August 28, 2019

APPROVED: as amended & clarified.

See minutes of September 11, 2019__jrl__

AGENDA: 2019 PCC: PAUL BEMIS, Ayers Island Road, #223-075 & -076
WORKSHOP

ATTENDING: Denice DeStefano (Chairman), Evan Hickey (Vice Chairman), Don Milbrand (Sel. Rep.),
Paul Barnett, Jackie Elliott, Bruce Beaurivage (Alternate)

ABSENT: Clay Dingman (excused), Betty Seeler (excused)

OTHER: Christina Goodwin (Land Use Manager), Tyler Simonds (Planner), Paul Bemis, Bill Dowey

The meeting opened at 7:01pm with a quorum. Mr. Beaurivage sat in for E. Seeler.

2019 PCC: PAUL BEMIS

Ms. DeStefano explained that a PCC is not binding on either the applicant or the Board and that no financial expenditures should be made based on what is said until all permits/hearings are completed.

Mr. Bemis explained that he is an Engineer and is on the Energy Committee, working to bring more solar to town. They and the Economic Development Committee (of which Mr. Dowey and he are members) are involved in this. They are looking into placing a solar array at the Water/Sewer area where the wood, etc. used to be for the Transfer Station. This is along the Pemigewasset River. They have two qualified respondents and have the support of the Select Board. They are looking at options of a battery, as well.

When asked by Mr. Barnett, Mr. Bemis stated that this will be a lease payment of a low amount for the town property and can be canceled at any time. If they can get a contract by the end of October, the electricity will be at 30% with 26% next year. The Board suggested that they get a Letter of Intent by the end of October instead, as they will not be through final approval by that time. Mr. Milbrand explained that the Selectmen can approve it for one year and then it has to go before the legislative body for a formal vote.

Mr. Barnett asked clarification of the solar equipment being put in the ground. Mr. Bemis answered that they spoke with counsel and this is okay. Mr. Beaurivage asked, if this will produce 700 kilowatts, how much usage does the Water/Sewer average. Mr. Dowey stated that peak demand is about 80 kilowatts. Mr. Barnett questioned this as he understands that a home averages 700 kilowatts. He does not see excess power unless they have metering. Mr. Bemis stated that solar runs during the day where Water/Sewer runs 24 hours.

Ms. Goodwin asked where this will be located exactly and was told that it will be across the lower old town dump area. She feels that the town would be best to do a voluntary merger which would eliminate a Variance for a Commercial Entity. It is in the Pemi-Overlay district, she added.

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2019 PCC continued:

Mr. Bemis stated that the grade is not above 15% and it is beyond the 250' for Shoreland Protection. Some trees will have to come out. Mr. Milbrand asked about the Army Corps of Engineers but it was felt to be beyond them. Mr. Barnett questioned any insurance issue. Ms. Goodwin showed that they are out of the FEMA line, so it is not a problem. Mr. Barnett asked about Eversource and was told that this will be up to the builder.

Ms. DeStefano then asked the Board to consider if this should be a Minor or a Full Site Plan. Mr. Barnett asked about footings and stated that most folks want engineered plans. Mr. Milbrand asked about an access and was told that they will use the existing driveway. Ms. DeStefano read the requirements for a Minor Site Plan and stated that she leans toward a Full Site Plan. Mr. Beaurivarge how many acres will this be on. It was determined that it is on lot #075 which has 4.4 acres; lot #076 has 5.75. Mr. Bemis said that it must be 5 acres. Mr. Milbrand also said that he is leaning to Full and the Board agreed. The final determination was that the town would do a merger and the applicant is to do a Full Site Plan. Ms. Goodwin will start on the merger for the Select Board. Mr. Bemis was told that they must apply for the Site Plan by September 13th in order to be heard on October 9th. It was discussed that the Letter of Intent could be based on the approval of the Site Plan.

WORKSHOP:

Ms. DeStefano explained that the Board must complete their slate of proposed amendments by the end of December as they must hold public hearings on them in January. In order to fit a 2nd hearing (in the case of a major change to be made after the 1st hearing, they usually hold the 1st one in early January. After the hearings, they can then go onto the ballot for March Town Meeting. The State sets the dates for public hearings.

ECONOMIC DEVELOPMENT LIST:

Ms. DeStefano chose this item first so as not to keep Mr. Dowey longer than he needs to be. She cautioned him that the Board already has a list of items they need to address and prioritize everything. Ms. DeStefano cautioned him that, after reading this list, she feels that more in-depth study is needed as it can affect other areas of the Zoning Ordinance.

Ms. Goodwin stated that there is a problem with a 5-story building as this would be about 65' tall and the Fire Chief said that their ladder is only 75' which will not cover the roof. Mr. Barnett did not think that this would be an issue as the 1st story could be below ground with only 4 stories above. He suggests that we select key people to work on this and come back with what would be needed for the Ordinance. Ms. Goodwin, Tyler Simonds, Paul Barnett, Denice DeStefano, Bill Dowey, and Don Milbrand will do this. Ms. DeStefano stated that a date will be set up and anyone interested can attend. The committee will have to look at what else it will affect. Mr. Simonds mentioned the 4.14 language should be looked at.

SAPLING AND TREE DEFINITION:

For sapling, the proposed definition: do away with (or had). It was felt that the Shoreland Protection definition needs to be considered for both trees and saplings.

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IMPERVIOUS COVER DEFINITION:

It was determined that proposed definition, "Examples might" be changed to "Examples".

D. Milbrand made a MOTION, second by E. Hickey, that THE IMPERVIOUS COVER DEFINITION BE MOVED TO PUBLIC HEARING, THE DATE TO BE DETERMINED. The motion CARRIED.

ATTORNEY FILLMORE RECOMMENDATIONS:

The Board discussed the 5 issues listed and determined that #4 made common sense and could be eliminated from a change.

D, Milbrand made a MOTION, second by J. Elliott, to BRING TO PUBLIC HEARING #1, 2, 3, AND 5 OF THE WIRELESS SUGGESTIONS FROM ATTORNEY FILLMORE. The motion CARRIED.

SPECIAL OPERATIONAL PERMIT FORM:

Ms. DeStefano has come up with this form but directed the Board to 12.6 of the Zoning Ordinance; She pointed out that 12.7 gives authority to the Land Use staff and 12.9 requires a Special Exception by the Zoning Board, and the Planning Board does a Site Plan. Perhaps additional questions should be added to the checklist. Also 12.3 definitions. No-one was sure how the Ordinance came to be and Ms. DeStefano suggested we look at other towns to see what they have. We also need to allow it in other districts as we only have it in Industrial and there is nowhere in those areas that it could be placed. We need to determine if the Zoning Board should be involved.

MINOR SITE PLAN FORMS:

The instructions, application, and checklist changes were looked at and found to be okay.

B. Beaurivage made a MOTION, second by P. Barnett, to APPROVE THE APPLICATION, INSTRUCTIONS, AND CHECKLIST AS AMENDED. The Motion CARRIED.

MINUTES OF JUNE 26, 2019:

D. Milbrand made a motion, second by P. Barnett, to approve these minutes as presented. The motion carried with 2 abstentions.

MINUTES OF AUGUST 14, 2019:

The following amendments were made: page 1, remove "Jackie Elliott" from the absent list as she had not been sworn in yet. Last paragraph, 1st line, replace "MR. hickey" with "Mr. Hickey". Page 2, under Vertex Tower, delete the 2nd paragraph. Page 3, Selectmen, 1st line, following "market", insert "cost". Land Use: 1st paragraph, 1st line, replace "Beaurivage" with "Beaurivage" and 3rd line, replace "stores" with "stored". 3rd paragraph, 1st line, replace "need to do" with "could benefit from". 4th line, replace "Ready" with "Redi". 5th line, replace "slated for" with "closing on".

E. Hickey made a motion, second by D. Milbrand, to approve these minutes as amended. The motion carried with 3 abstentions.

COMMUNICATIONS: None.

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REPORTS:

HDC = To meet in September.

SELECTMEN = They had a tour of the new building and the main work is done. We got a grant for the furniture. When asked about back-up heat for the heat pump, Mr. Milbrand answered that it is all electric. The Board continues to talk about recycling again. The Transfer Station is now open at 7:00am on Monday and Wednesday.

CIP: There was no quorum for their first meeting this month but they held the second one and organized. The Chairman met with Water/Sewer and Highway and is to meet with Police and Fire tomorrow.

LAND USE: We are trying to track for a quorum for meetings so need everyone to respond either way (absent or attending).

The Board needs to sign the updated Vertex front page.

There is a Planning and Zoning Conference on Oct. 5th in Concord. The staff and Mr. Barnett are registered. If anyone else wishes to attend, please register with Ms. Goodwin as soon as possible.

We have been doing a packing and new building process plan.

Ms. Goodwin received an e-mail in regard to a property on Shore Drive (6.2 of the Ordinance. It was felt that this is a civil matter.

Chinese Restaurant: The closing has been done and Ms. Goodwin feels that this should be a Minor Site Plan as he is not changing the footprint. He does want to put in a 6' ramp where the side indents to be ADA accessible. Mr. Milbrand stated that 6' would not be compliant. It was determined that he would need a Variance unless he can show that it is removable. The Board was okay with his beginning inside renovations before the Minor Site Plan.

South Main Street: There is a home occupation who has displays of his carvings outside. The Board determined that he would need a Variance or he could have one statue with the sign hanging on it.

Ms. Goodwin needed clarification as to which road is the front when on a corner of two roads. It was determined that the front is the one with the address.

Bristol Diner: Ms. Goodwin has allowed them to live in the camper for the allowed time. They expect it to be just 30 days.

NEXT MEETING: The next Planning Board meeting will be held on Sept. 11, 2019 at 7:00pm. We have a Lot Line Adjustment for the Browns/Wades and Betty Seeler's Site Plan.

D. Milbrand made a motion, second by P. Barnett, to adjourn at 9:35pm.
Respectfully submitted, Jan Laferriere, Land Use Adm. Assistant