

## PLANNING BOARD MINUTES

June 24, 2020

**APPROVED: Approved 8/12/20**

**AGENDA:** PUBLIC HEARING, SUBDIVISION AND SITE PLAN REVIEW REGULATIONS  
PRELIMINARY CONCEPTUAL CONSULTATION (PCC): 290 Lake Street  
SUBDIVISION AND SITE PLAN REVIEW REGULATIONS  
ZONING ORDINANCE AMENDMENTS

**ATTENDING:** Denice DeStefano (Chair), Don Milbrand (Sel. Rep), Betty Seeler, Bruce Beaurivage (alt.)

**ABSENT:** Jackie Elliott (Vice Chair), Paul Barnett, Evan Hickey (alt.)

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

The meeting opened at 7:00 pm with alternate Bruce Beaurivage being moved to a member to replace a missing Planning Board member and to provide the Board with a quorum.

Ms. DeStefano stated that there is still an emergency order issued by the Governor that allows for meetings to be held electronically due to the pandemic. Members are attending via video and telephone conference and the meeting is open to the public via the Zoom platform and regular phone access. The meeting continued by roll-call vote 4-0.

### **PCC: Map/Lot #112-066 - Very Excellent Chinese Restaurant - Hector Hsu, Robert Prendergast**

Mr. Hsu stated that he is not doing the Bed and Breakfast for now and he is living upstairs. They are still working on the bar area. He is removing the propane tank, the bump-out on Hillside Avenue, and the small bump-out on the opposite side of the building. He is planning to remove the concrete and replace with lawn / greenery. Under the rear porch (where there is one parking space currently), he would like to put in underground parking. Mr. Prendergast clarified that it would have a flat roof and no additional building over it.

Ms. Destefano asked if the access would be from Hillside Avenue or Green Street and she was told Hillside. Mr. Milbrand asked if they would extend the roof and was told that they would rebuild the existing porch to shore it up but that is all. Ms. DeStefano asked about a Structural Engineer and they said that they will give the plans to the materials supplier who will send them to the manufacturer. Mr. Milbrand asked if they will be adding any fill and was told that they will bring in some fill in the back. Ms. DeStefano asked if they will need a retaining wall and Mr. Prendergast answered that they will need to do a small piece. Ms. DeStefano then asked about water run-off. Mr. Prendergast stated that they will do a storage structure, dry well, or something similar. Mr. Hsu added that there will be a gutter along Green Street and along Hillside. Ms. DeStefano asked where this will come out and Mr. Milbrand added that they might have a State issue with drainage being added to Lake Street. Mr. Prendergast mentioned a dry well on that side. Mr. Hsu felt it would empty into the storm drain.

Mr. Beaurivage stated that the water is going to sit. Mr. Milbrand mentioned that they are taking up all the concrete and putting in green. Mr. Prendergast added that they will add a bump to the entrance to the garage so that water will not enter from the street.

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Mr. Milbrand felt this is the right way to go and Ms. DeStefano thought it could be a Minor Site Plan. Mr. Simonds stated that they may need a Variance to construct the garage in a setback. Mr. Milbrand also thought it could be a Minor and Ms. DeStefano read the requirements for a Minor Site Plan.

D. Milbrand made a MOTION, second by D. DeStefano, to ALLOW A MINOR SITE PLAN WITH THE STIPULATION OF CALCULATIONS OF THE ENGINEERED BEAMS AND A VARIANCE IF IT IS NEEDED.

D. DeStefano - yes, B. Seeler - yes, D. Milbrand – yes, B. Beaurivage – yes. The motion CARRIED.

Mr. Hsu was thanked for attending the meeting and he stated that he wants to make positive changes. Ms. DeStefano said that he needs to be placed on both Planning Board and Zoning Board agendas at the same time. Ms. Goodwin explained that to be on the July agenda, the applications needs to be in this coming Friday or else they will be on the August agenda.

### **PCC: Map/Lot #112-002 – Cardigan Mountain Store and Restaurant - STEPHEN AND DAVID BLEILER**

The Cardigan Mountain store on Lake Street is attending the Planning Board meeting regarding an outside cooker and expanding the hours. David Bleiler stated that they have been closed for some time and are opening again. They have a mobile cooker, which is registered, and met with the Fire Chief who explained where the fireboxes are to be located and that a barrier is to be placed around the cooker to prevent folks from getting too close. As to hours, they are thinking of 4 or 5 days a week, Wednesday through Saturday, from 8:00 am to 8:00 pm or possibly 10:00 pm. They will do take-out as well.

Mr. Milbrand advised them to check with the State as they may require that they be open 5 days for licensure. He asked if the cooker is only outside and Ms. DeStefano asked if they have outside tables. D. Bleiler stated that they can fit one or two. Ms. Seeler was concerned as there is not much space between the cooker and the street. Ms. DeStefano stated that they are to have a barrier and D. Bleiler stated that there is at least 3 feet to a white chain barrier proposed. Ms. DeStefano asked about smoke and was told that it doesn't produce much. He invited the Board to come and look at it. Stephen Bleiler added that the smoke dissipates before it reaches the road. D. Bleiler mentioned that it can be moved as it is on wheels. Ms. DeStefano asked if it is moved when they are closed. D. Bleiler answered that they leave it stationary on site but in the future, they may do catering.

Ms. DeStefano read the requirements for changes to a Site Plan. Mr. Milbrand stated that he was not on the Board when the original Site Plan was done and he questioned why they were restricted to the limited hours and he felt that 10:00 pm would be okay for a restaurant in that area. D. Bleiler thought he might only stay open until 8:00 pm. He added that they will not extend their liquor license right now.

Ms. Goodwin stated that due to the Coronavirus regulations, she could allow the outside seating until Labor Day. D. Bleiler would also like to place another sign on the building to be seen by folks coming into Town from the Lake.

Ms. DeStefano felt the Board could amend the Site Plan without a public hearing. Mr. Beaurivage said that, without a Site Plan, we will get calls. Mr. Simonds asked if we want a Minor or to amend this now and asked if we need a public hearing. Ms. Goodwin said that if the Board determines the changes are minor enough, then it doesn't require a public hearing. Ms. DeStefano felt it is a minor change for expanding hours and the cooker has already been checked with the Fire Chief and Health Officer and the

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outside tables are okay. Ms. Goodwin will have them draw up the new plan and will bring to the Board for signatures.

D. Milbrand made a MOTION, second by B. Seeler, to MODIFY AND APPROVE THE SITE PLAN TO INCREASE THE HOURS FROM 8:00AM TO 9:00PM, FOR UP TO 5 DAYS A WEEK, WITH 3 TO 4 OUTSIDE TABLES AND FOLLOWING THE REQUIREMENTS FROM THE FIRE CHIEF AND HEALTH OFFICER FOR THE COOKER. D. DeStefano – yes, B. Seeler – yes, D. Milbrand – yes, B. Beaurivage – yes.

### **PUBLIC HEARING ON SUBDIVISION / SITE PLAN REGULATION CHANGES**

Mr. Simonds stated that the hearing was advertised in the Laconia Daily Sun and there was no communication received. Ms. Goodwin added that it was on the Town's website and copies were available at the Town Office, for those who requested. It was noted that there was no public in attendance at this Zoom meeting.

Ms. DeStefano asked, in light of no public and the Board has already been over these, do we want to do them individually or as a whole. The changes are just to be implemented and made to update to be the same as in the Zoning Ordinance. Mr. Milbrand said that we should do them as a group and the Board agreed.

D. Milbrand made a MOTION, second by b. Seeler, to APPROVE ALL OF THE DEFINITION CHANGES AS PRESENTED. D. DeStefano – yes, B. Seeler – yes, D. Milbrand – yes, B. Beaurivage – yes.

The changes will be completed in the Site Plan / Subdivision Regulations by Mr. Simonds.

### **PROPOSED ZONING AMENDMENTS:**

Mr. Simonds explained that he took the recommendations of the NH Strategic Initiative for the Floodplain changes. He is suggesting that we make this Article 16 instead of an Appendix. He then went over the individual suggested changes. In "Violation", he suggested that we remove a lot as we don't usually use it. Ms. DeStefano thought that should it come up we might need it. Ms. Goodwin mentioned that we might have used it with the 32-unit complex and Ms. DeStefano couldn't remember if an actual certificate was done, but it did go to FEMA and the changes were made. She feels that we have a right, as a Board, to request it even if we remove it here.

Ms. DeStefano stated that we shall need to hold a public hearing on this and then it goes to the ballot. Ms. Goodwin will send it to Town counsel to verify the wording.

B. Beaurivage made a MOTION, second by D. Milbrand, to APPROVE THE CHANGES TO THE FLOOD PLAIN ORDINANCE AND TAKE IT TO PUBLIC HEARING. D. DeStefano - yes, B. Seeler – yes, D. Milbrand – yes, B. Beaurivage – yes. The motion CARRIED.

Ms. Goodwin will set the public hearing for August 12, 2020. Ms. DeStefano noted that, if counsel makes substantial changes (which will be brought out at the hearing) we shall need a 2<sup>nd</sup> hearing.

**COMMUNICATIONS:** None

### **REPORTS:**

HISTORIC DISTRICT COMMISSION – Will meet in July.

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### **SELECT BOARD**

Lots of comments on the 4<sup>th</sup> of July fireworks.

Economic Development Committee has started some ideas, such as badges for businesses.

Recycling – The Board is talking to Mark Bucklin about recycling cardboard again.

Finances - Our financials are good. Ms. DeStefano mentioned that their Real Estate is inundated with rentals.

**CAPITAL IMPROVEMENTS PROGRAM COMMITTEE** – To meet in August.

### **LAND USE:**

Mr. Simonds mentioned that there are two (2) Special Use Permit Applications and Ms. Goodwin stated that there are two (2) issues on one application – one for a septic within 125 ft and one for the house within 50 ft.

Mr. Simonds asked about the repairs to the spillway and Ms. Goodwin said that she is not sure about the steps for the dam to be repaired. She will check to see if it needs a hearing. It was noted that the spillway is owned by the 32-unit complex. Mr. Milbrand felt that the only damage might be from the silt fill.

Mr. Simonds mentioned Lakeside where they have proposed to build a deck over the water. Ms. Goodwin stated that they have not come to the offices yet but have not built anything. They do need a Special Use Permit and a Variance.

Ms. Goodwin will bring the Town Attorney explanation of abutters, with regard to the Mayhew project, to the next meeting for the Board to interpret as it is not totally clear. She added that they have demolished the cottage and are dealing with Shoreland Protection but have not applied for Town permits yet.

Ms. Goodwin spoke with Paul Barnett and he does not want to resign yet. He is out of state tonight. Ms. DeStefano mentioned that Mr. Simonds is working on brochures to try to gain members.

Ms. Goodwin stated that the numbers are down for permits, but the amount of money is on track.

### **SUBDIVISION/SITE PLAN SUGGESTED AMENDMENTS:**

Mr. Simonds went over another list of definitions the Planning Board may want to work on. As for Bulk Storage, Ms. DeStefano said that Mr. DeStefano told her that 1000 gallons for a propane tank is the max for businesses.

For Basil Area, Ms. DeStefano was not sure if we use. Ms. Goodwin said that it is under DES and often relates to timbering.

Ms. DeStefano asked that we replace Residential Institution with Residential Facility.

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Mr. Simonds feels that Multiple Uses needs modifying. Ms. DeStefano and Mr. Simonds will work together and come up with recommendations.

**NEXT MEETING:** The next Planning Board meeting will be held July 8, 2020 at 7:00pm. There will be no July workshop meeting.

With no other business before the Board, B. Seeler moved to adjourn with a second from D. Milbrand. The motion carried and the meeting adjourned at 8:45 pm.

Respectfully submitted,  
Jan Laferriere  
Land Use Administrative Assistant