

PLANNING BOARD MINUTES

October 14, 2020

APPROVED: 10/28/20

AGENDA: 20MSP02 MINOR SITE PLAN: Mike Thomas, Map/Lot #227-002, 529 South Main St
POTENTIAL ZONING AMNEDMENTS: Mixed-Use Development Ordinance; Sign, Temporary

ATTENDING: Denice DeStefano (Chairman), Don Milbrand (Sel. Rep.), Paul Barnett, Betty Seeler, Bruce Beaurivage (Alternate)

ABSENT: Evan Hickey (Alternate), Jackie Elliott

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

Ms. DeStefano appointed Mr. Beaurivage to sit in for the open seat.

The meeting opened at 7:00 pm with a quorum.

Ms. DeStefano stated that there is still an emergency order issued by the Governor that allows for meetings to be held both in-person and electronically, due to the pandemic. Members are attending in-person, via video and telephone conference and the meeting is open to the public via the same options. The meeting continued by roll-call vote 4-0.

Mr. Barnett joined the meeting.

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Ms. DeStefano asked Mr. Thomas for proof of representation and Mr. Thomas presented the document to the Board.

Mr. Simonds presented the application, the abutters, and where the hearing was advertised. There were no telephone calls, written comments or Department Head feedback. Mr. Simonds added that Minor Site Plan is for Wicked NH Carving, which includes, parking areas and calculations (1 parking space in Driveway 1 / 1 parking space in driveway 3 / 2 residential parking spaces in driveway 2).

Ms. DeStefano asked the Board to review the checklist. The parking requirements were discussed as there wasn't a specific requirement for this type of business. Ms. DeStefano inquired on the number of units in the building. The owner reported that Assessing has updated this to a single-family property. Ms. DeStefano inquired on parking requirements on single-family properties. Ms. Goodwin reported that it was on the Land Use Office's to do list, but at this time, the Site Plan does not have any. She also reported that when they reviewed the parking requirements with Mr. Thomas, they matched as close as possible to other uses, looking at the parking for multi-family. Mr. Thomas is proposing two (2) residential parking spaces and two (2) commercial parking spaces. Ms. DeStefano stated that the Planning Board's goal is to make sure that there is sufficient parking provided for the proposed location. Mr. Thomas met with the Department of Transportation (DOT) about the driveways and parking. He is going to make signs that make the parking clear for the customers.

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D. Milbrand motioned to accept the application as complete, E. Seeler 2nd. The motion carried by roll-call vote 5-0.

Ms. DeStefano asked if the Board had any questions about the plan. Ms. Goodwin pointed out that the shed is not built yet, but Land Use recommended that the applicant put it on the plan, so he can move forward when ready. Mr. Milbrand inquired on the difference between the DOT driveway approvals and the plan designation. Mr. Thomas reported that DOT stated that he could adjust the approvals at any time. He wanted to come to the Planning Board to find out what the Town would approve and then adjust it with the DOT, if needed. Mr. Beaurivage inquired on driveway three (3). He stated the plan shows 43 ft wide, but the State shows the driveway should not exceed 20 ft. Mr. Thomas reported that DOT staked the driveway access out for him and that the lot is going to be 43 ft wide, but the actual driveway is going to be the narrow portion shown on the plan. Ms. Goodwin explained that driveways flare at the roadside, which means Mr. Thomas can have 30 ft entrance at the roadside and then it must narrow down to 20 ft. Ms. DeStefano is concerned with the plan having specific dimensions and DOT requirements are different and feels that it should be updated. Mr. Thomas questioned the lot again. He said there is proposed log storage on this lot, so the driveway isn't going to be the full opening. Mr. Thomas stated that he didn't mark the plan appropriately to show the size of the driveway.

There were no further questions from the Board and no members of the public in attendance, so the public hearing was closed. D. Milbrand motioned to accept the Minor Site Plan Review with a condition that the plan follow the specifications for the driveways as approved by the Department of Transportation permit, D. DeStefano 2nd. The motion carried by roll-call vote 5-0.

Mr. Thomas thanked the Board for their time and inquired on donating a carving. Ms. Goodwin stated that this request would go to the Select Board. Mr. Milbrand will speak to it at the next meeting and Ms. Goodwin will draw up a memo for the Board.

Mr. Beaurivage inquired about the DOT permit requirement for signs and what Department would enforce. Ms. Goodwin replied that the State would enforce this.

POTENTIAL ZONING AMENDMENTS

Public Hearing changes

Ms. DeStefano advised the Board members that the public hearing items did not get noticed in time and the hearings will be moved to November 18. This includes: Impervious Lot Cover; Signs; Stable; and Yard, Barn, or Garage Sale.

Sign, Temporary

The Board reviewed the proposed changes to the Sign, Temporary definition. Mr. Barnett inquired on the portion of the definition "reasonably short or definite limited period of time". He asked if it is open to the what the time limit is and how it would be enforced? Mr. Milbrand felt that there shouldn't be a time frame in the definition, but it should be in the ordinance itself to regulate. Ms. Goodwin pointed out that there are limits in the current ordinance and Ms. DeStefano confirmed that there are limits also in the proposed sign ordinance. D. Milbrand motioned to approve the proposed Sign, Temporary definition to public hearing on November 18, P. Barnett 2nd. The motion carried by roll-call vote 5-0.

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Mixed-Use Development Ordinance

The Board reviewed the updated Mixed-Use Development Ordinance from Paul Barnett. The following items were reviewed:

- Fix spelling of opportunities on first page
- Remove development out of the title and refer to the proposed ordinance as the Mixed-Use Ordinance
- Edits made to the purpose were to articulate what the Board is trying to accomplish
- Mr. Barnett added Commercial Corridor to Section 2. Ms. Goodwin advised that we did agree to this area in the last meeting for the district, but she was concerned about limiting the district in this section to Commercial Corridor for any future changes or additions that the Board might approve. The Board agreed and this limitation will be removed.
- Section 3 – The Board agreed to remove Commercial Corridor and change to Mixed-Use District
- Section 3d – Utilities: Ms. DeStefano inquired if the Board had any authority to do this negotiating. Mr. Barnett felt that a Mixed-Use project should be reviewed for the impacts that it might have to the Town's services and have the applicant pay for those upgrades. Ms. DeStefano pointed out that there would be impact fees and that there is already a process in place in the Zoning Ordinance. The Board agreed to have this section refer to Article XI: Impact Fee Ordinance, which would cover the intent of this section and allow for any changes that might occur with the Impact fee section to be incorporated. Mr. Barnett inquired if it should be for both sections under Utilities (i and ii). Ms. DeStefano felt that it would be for the first section (i) only. Ms. Goodwin inquired on the testing and if the information would be submitted. Mr. Barnett stated that any developer will have to submit to the State, so he will add that the test results should be submitted to the Town as well.
- Section 4 – The Board agreed to incorporate the language for investment grade that was adopted for the cell tower here.
- The Board discussed the community garden requirement and agreed to step the paragraph down. Ms. Goodwin mentioned that this is an all or nothing again and gives little leeway. Ms. DeStefano felt we could encourage the developer to leave some area open to the public for a park or community green space. Mr. Barnett will rewrite and encourage this option, but not make it a requirement.
- Section 4 – The reference will be updated.
- Section 5 – Mr. Barnett wasn't clear on what we were trying to accomplish with the dimensional requirements. Ms. Goodwin pointed out that the Town can't be more lenient than the State. Mr. Barnett will update.
- Section 5a – Mr. Milbrand pointed out that by saying "shall be" in this section, we are requiring it to be this. The Board recommended to change this to "shall include".
- Section 5b – Mr. Barnett inquired on the 65 feet max and if it should apply to any and all building types. The Board agreed to add purely residential homes would have a maximum height of 35 ft and then mixed-use / commercial structures would be maximum height of 65 ft.
- Section 5b – The Board reviewed the boundary line setbacks. Mr. Simonds felt that Site Plan could require larger setbacks. Ms. DeStefano stated that the Board can't adjust a requirement of the Zoning Ordinance in Site Plan Review. The Board agreed to leave this section as written.
- Section 5c – There was a question about green buildings. Mr. Barnett will review this section and provide updated wording for the next meeting.

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- Section 5c – Review of the 25,000 sf and Special Exception requirement – the Board felt that there should be more scrutiny for buildings of this size and agreed to leave these sections alone.
- Section 5d – Mr. Barnett was concerned that the carrying capacity of land isn't practical. Ms. DeStefano felt that it comes down to the overall project and what needs to be sustained to carry that project. The carrying capacity is the sum total of the whole project. The Board agreed to change "of the land" to "of the project" and to change "availability" to "feasibility".
- Section 6 – The Board reviewed and agreed to the suggestion by Mr. Simonds for the general building criteria. Mr. Barnett will incorporate this into the changes.
- Section 6b – Mr. Barnett inquired on corner setbacks. There is a concern to make sure that the information in the document doesn't contradict the current Zoning Ordinance. Mr. Simonds asked about having a build to line as it is a new phrase for Zoning in Bristol. The Board agreed that it doesn't need an edit as the wording states "shall generally" and this section will remain as presented.
- Section 6c – Mr. Barnett inquired about any conflicts between the Architectural Guidelines as drafted versus the type of project the Board might want to permit. Mr. Barnett will review the Guidelines. Ms. DeStefano advised that the Board does have the ability to waive them as they are Guidelines in Site Plan.
- Section 6d – Mr. Barnett inquired on the depth of commercial tenant spaces should be predominantly 50 ft. Ms. DeStefano pointed out that it is a "should" but felt this section could be removed. Mr. Barnett felt that ultimately this should be taken out, as the Board will review the full project. The Board agreed.
- Section 6d – Mr. Barnett inquired about allowing sidewalk cafes. The Board agreed that we would.
- Section 6e – Mr. Barnett inquired if the language needs to be here or if it should just say a landscaping plan is required. The Board agreed to leave the language in place. Mr. Barnett inquired on the 30% of the lot remaining as natural green space. Ms. DeStefano pointed out that it is all green space in a project that totals up to this 30%.
- Section 6g – Mr. Simonds pointed out that the Live-Work Unit section was supposed to be removed. The Board agreed.
- Section 6h – Noise Standards – Mr. Barnett will send some information to Ms. Goodwin. He added computer generated noise levels will be required and added ambient noise levels to the document to clarify.
- The Board agreed to add Visual Impacts after the Noise Standards. Ms. DeStefano inquired if this should be added to the checklist as an option. She stated that, if this section passes, then there may need to be some changes to the Site Plan checklist. Ms. Goodwin mentioned that it might be better to have a separate checklist for these projects. Ms. DeStefano thought it would be good to add a statement, such as "Depending on the mixed-use project elements the Board may require visual impact analysis as necessary".
- Section 6i – The Board agreed to remove residential and commercial parking demand.
- Section 6i – Mr. Barnett added electric vehicle charging requirements.
- Section 6i – Mr. Barnett inquired on the no more than 50% parking spaces required for a building or use may be supplied by parking facilities for another use and how this would apply to Bristol. Ms. DeStefano gave an example of sharing of parking spaces for projects within the development. The wording was reviewed and the Board agreed to leave as is.
- Section 6i – Mr. Barnett pointed out adding the loading or delivery schedules shall be restricted based on the composition of abutters and tenancy types. He explained that if there were industrial and warehouse facilities that the timing of deliveries wouldn't matter, however, a restaurant or

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industrial next to residences would need to be addressed. Ms. DeStefano felt that this could remain in the Ordinance and then added to the review under Site Plan.

- Section 6k – Mr. Barnett inquired on the goal for pedestrians not needing to cross more than 64 linear feet. The Board agreed to remove this section as the requirement may or may not make sense and it will be more situational.
- Section 6k – Mr. Barnett inquired if we need to have weather protection? The Board agreed to remove the “with weather protection” part of the sentence.
- Section 6l – Mr. Barnett inquired on commercial street front shall be defined as lot frontage to existing (or future) commercially developed parcels. The Board agreed to eliminate the recommendation of “existing (or future)”.
- Section 6l – Mr. Barnett added the word commercial to create specificity. The Board agreed to remove building design in this section. Ms. DeStefano advised that Bristol doesn’t have building design and there were a lot of sections that we weren’t sure if we needed to keep. Mr. Barnett felt that building standards could be kept. The Board agreed to revisit this section.

Mr. Barnett will update the document with the changes for the next meeting.

MINUTES OF SEPTEMBER 9, 2020

The minutes of September 9, 2020 were reviewed and amended. D. Milbrand motioned to approve minutes as amended, P. Barnett 2nd. The motion carried with one (1) abstention per roll-call vote 3-0-1.

COMMUNICATIONS:

Lakes Region Planning Commission (LRPC) emailed Mr. Simonds about regulations on short-term rentals. LRPC is presenting an ordinance to their Commissioners. Ms. Goodwin will reach out to them to determine if they will be able to share the ordinance once approved.

REPORTS:

Historic District Commission (HDC) – The HDC met last night and conducted the following business: welcomed a new member to give the HDC a full Commission; reviewed updates to forms, instructions and the Certificate of Approval; reviewed the preliminary Certified Local Government (CLG) report due at the end of October.

Select Board – The Board did not meet.

Capital Improvements Program (CIP) Committee – The CIP Committee met to continue to organize the proposed plan.

Land Use Office – The Land Use Office signed a Professional Services Agreement with Ms. DeStefano, who will be helping cover Planning and Zoning until the position is hired. The position is being discussed to determine if it will be hired as a Planner or a type of technician.

Freudenberg sign – The sign is an off-premise sign for a job fair. Ms. Goodwin advised the business the steps but inquired with the Board if there is anything that she may have been missed. There was concern that the size of the sign may also require a Variance. The Board felt that they could put a temporary sign on the building lawn and get far more coverage than the Square.

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Lavalley's – Ms. Goodwin advised that she missed the Preliminary Conceptual Consultation (PCC) requirement and asked the Board if it is okay to schedule the PCC for the October 28 meeting. The application has been submitted on time and can still move forward for November 18. In addition, the Board reviewed the proposals for the sign. There are three (3) options, but the largest one is what Lavalley's prefers. Ms. Goodwin's thoughts were to allow them to trade the signs, but the proposed change is substantially larger than the former RP William's sign and the Board agreed that this will require a Variance.

Woodman's Brewery – Ms. Goodwin received an application to build a deck with roof to allow for additional seating. The Board reviewed the Site Plan jurisdiction and determined after much discussion, that the property owner can amend the Site Plan, but through a Public Hearing. This will require that the owner submit fees for a newspaper advertisement and the abutters notification only, but no application fee.

The Board agreed that they do need to review the jurisdiction section to make clear and it will be added to the review list.

Mayhew – Ms. Goodwin updated the Board on the fencing being removed from around the tennis courts. The fencing will be re-install around the solar panels. Mayhew will also remove the tennis court base all around the solar. Ms. Goodwin okayed the changes as it was noted in the prior minutes.

The Board wished Mr. Simonds good luck with his future endeavors.

NEXT MEETING: The next meeting is scheduled for October 28, 2020, at 7:00pm and currently a PCC for Lavalley's is scheduled as well as continued review on amendments.

With no other business before the Board, E. Seeler motioned to adjourn at 9:53 pm, D. Millbrand second. The motion carried by roll-call vote 3-0, as members of the Board were disconnected with technical difficulties just before the end of the meeting.

Respectfully submitted,
Christina Goodwin
Land Use Manager