

**PLANNING BOARD MINUTES**

September 8, 2021

**APPROVED: 10/13/21**

AGENDA: 21MSP07 MINOR SITE PLAN: BRISTOL CENTRAL SQUARE LLC, 865 Lake St, #216-022  
21MSP08 MINOR SITE PLAN: CRH REALTY LLC, 162 Lake St, #113-038  
21SPR02 SITE PLAN: TOWN OF BRISTOL / BARRINGTON POWER, 180 Ayers Island Rd.,  
#223-075 & -076  
WORKSHOP ITEMS

ATENDING: Denice DeStefano (Chair), Randall Kelley (Vice Chair), Don Milbrand (Select Board Rep),  
Betty Seeler, Bruce Beaurivage (Alternate)

ABSENT: Jackie Elliott

OTHER: Christina Goodwin (Land Use Manager), Lindsay Thompson (Land Use Administrative  
Assistant), applicants/public

Ms. DeStefano stated that there was a quorum in the room and opened the meeting at 7:00pm. She then named Mr. Beaurivage to fill in for Ms. Elliott.

**MINOR SITE PLAN: BRISTOL CENTRAL SQUARE LLC/RUSS HERTICH, 865 Lake St, #216-022**

Mrs. DeStefano explained that this is a revised plan. Mr. Hertrich stated that he was unable to sell or rent the property and now is planning to do something himself. He wishes to sell vintage items; inside will be signs and gas pumps and outside will be old tow trucks. He understands that, if selling, he can have up to six (6) trucks, otherwise he can only have two (2). He is trying to keep his abutter happy and will only ask for one (1) tall Texaco structure, which will be in front of the building facing the street. He noted that people who like what he is proposing do not attend the hearings unfortunately. He added that his abutter (Mr. Ianniciello) has six (6) lantern type lights along the property line, one (1) of which is blinking. Mr. Hertrich has named his business PUMPS-R-USS.

Mrs. DeStefano mentioned that the six (6) trucks must be registered, and Ms. Goodwin stated that the business must be licensed by the State for automotive repair. Mr. Hertrich felt that he will not be doing much repair. Ms. Goodwin also stated that six (6) vehicles designate it as a junkyard, but vehicles for sale are different. Mrs. DeStefano then read the definition of a Sales Room and the Board determined that Mr. Hertrich falls under this definition.

Mr. Beaurivage asked if the structures are still the Texaco type signs or a business sales sign. Mr. Hertrich explained that he wants his business sign to be similar to that of Mr. Ianniciello. The Texaco structure is to be up by the building facing Lake Street. This is to give an idea of the old items that he will have. Mrs. DeStefano asked about lighting. Mr. Hertrich answered that he plans on gooseneck lights. He went on to say that sales will be by appointment only from 8:00 am – 6:00 pm. Mr. Beaurivage asked how many days a week and was told seven (7). Mr. Beaurivage then questioned the lights being on until 8:00pm. Mr. Hertrich felt that there would be no need of lights at 6:00pm for a lot of the year. Mrs. DeStefano asked if the Texaco structure would have downward lighting and about lights on the display area. She was told that they will be downward or to the side. When asked about the display items currently outside and why

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BRISTOL CENTRAL SQUARE LLC, MINOR SITE PLAN continued:

those items have been allowed all summer. Ms. Goodwin explained that this is allowed if the applicant has an application in process. Mr. Beaurivage asked if there is a limit as to how many gas pumps can be outside, and Mrs. DeStefano stated that that is up to the Board to determine. Ms. Goodwin felt that a set number would be hard for the Land Use Office to enforce. Mrs. DeStefano felt that the applicant has been listening to all concerns.

Mrs. DeStefano asked for any abutter or public comments. Mr. Ianniciello stated that he will fix the blinking light and he doesn't care about working on trucks or what Mr. Hertrich is proposing. There were no other comments.

Mrs. DeStefano gave a recap of the proposal and said that the Board needs to determine the number of vehicles, hours of operation, lighting past 8:00pm, and the number of display items.

Mr. Milbrand suggested that they limit the display to within 6 feet along the east and west sides of the building. Mr. Beaurivage would prefer that they cannot be seen from Lake Street. Mr. Beaurivage asked about other outside storage and Mr. Hertrich stated that there is a propane tank, and that area is kind of hidden. Mr. Milbrand clarified that this is in the Northwest corner. Mr. Hertrich added that the abutter there is the State, and it is all woods. Ms. Goodwin advised that it appears that the current storage may not be on Mr. Hertrich's property. Mr. Kelley suggested that an area of 8 x 8 x 8 be fenced in for this. Mr. Hertrich felt that he needed an L-shaped area which he would fence. Mrs. DeStefano added that it must be 6 feet or under to not be considered a structure.

Ms. Goodwin asked about the lighting on the building, the sign, and the display. Mrs. DeStefano stated that we allow business signs to be on until 10:00pm in other areas. Mr. Milbrand mentioned that the outside storage area should be out of the setbacks. Mrs. DeStefano closed the public hearing.

D. Milbrand made a MOTION, SECOND by R. Kelley, to APPROVE THE MINOR SITE PLAN FOR BRISTOL CENTRAL SQUARE LLC WITH THE FOLLOWING CONDITIONS:

1. The hours will be by appointment, 7 days a week, 8:00 am to 6:00 pm.
2. A maximum of 10 vehicles can be displayed outside.
3. Outdoor display area will be limited to an area 8 feet from the building along the south and east side.
4. Outdoor storage is limited to the west side of the building and must meet property setbacks with fence screening.
5. Outside lighting until 10:00pm.

The motion CARRIED 4-1-0.

The Land Use Department will follow up with a compliance hearing date once the plan has been updated. The applicant will also need a sign permit.

### **MINOR SITE PLAN: CRH REALTY LLC/CHRIS HERTRICH, 162 Lake St, #113-038**

Ms. Thompson read the application, abutters notified, and where the hearing was advertised. She reported that were no public comments or written responses. The Fire Department will need submitted plans. The Water/Sewer Department will need upgrades for the 5<sup>th</sup> unit. The Highway Department is requesting that there be no on-street parking.

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The checklist was reviewed.

CRH REALTY LLC MINOR SITE PLAN continued:

B. Seeler made a MOTION, SECOND by R. Kelley, TO ACCEPT THE APPLICATION AS COMPLETE. The motion CARRIED 4-0-0.

Mr. Hertrich wishes to finish the area in the barn in which there had been a music studio, which would create a 5<sup>th</sup> unit and there would be an addition of an 8 x 12 deck with outside stairs for a second egress.

With no further questions, Mrs. DeStefano asked for abutter or public comments. Mr. Ianniciello inquired on the size of the land as he had tried to do this himself before. The Board noted that this property is in the Village Commercial district, and they calculated the measurements needed. A multi-family building is allowed here. With no other comments, the public portion of the meeting was closed.

B. Beaurivage made a MOTION, SECOND by B. Seeler, to APPROVE THE MINOR SITE PLAN FOR CRH REALTY LLC. The motion CARRIED 5-0-0.

### **SITE PLAN REVIEW: TOWN OF BRISTOL/BARRINGTON POWER/HORIZONS ENGINEERING (JACK BINGHAM, RYAN FOWLER, TED VANSANT), Ayers Island Rd, #223-075/076**

Ms. Thompson read the application, list of abutters notified, and where the hearing was advertised. She reported that there were no telephone calls or written comments received. The Fire Department is to complete the final inspection when the project is complete.

The checklist was reviewed.

D. Milbrand made a MOTION, SECOND by R. Kelley, to ACCEPT THE APPLICATION AS COMPLETE. The motion CARRIED 4-0.

Mr. Fowler stated that they are proposing a 225KW ground mounted solar array. They have applied to the State for Shoreland Protection. A lot is already cleared to the Water/Sewer lot as well as to the existing burn pit and they will be clearing in between. Ms. Goodwin stated that they are working on a right-of-way agreement. This is not for the public. She asked if there is any disposal agreement or is that up to the Select Board. The Board determined that the Select Board should have this in the contract.

D. Milbrand made a MOTION, SECOND by B. Beaurivage, to APPROVE THE SITE PLAN FOR THE TOWN OF BRISTOL/BARRINGTON POWER/HORIZONS ENGINEERING with the condition that the proof of representation be supplied once the purchase and sales is final. The motion CARRIED 5-0-0.

At this point, Mr. Beaurivage asked to be excused (8:35pm).

### **WORKSHOP ITEMS:**

*SEXUALLY ORIENTED BUSINESSES:* It was felt that this is ready to go to Counsel before a public hearing. Mr. Milbrand asked if we could advertise and notice the Mixed Use with this one and it was felt that we could.

D. Milbrand made a MOTION, SECOND by R. Kelley, to bring Sexually Oriented Business Ordinance to a Public Hearing on October 27, 2021. The motion carried 4-0-0.

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### *TENTING:*

Mrs. DeStefano directed the Board to 4.10.B2 and suggested that they add “or lessee” after Property Owner as we did in the first section. Ms. Thompson said she found in other towns tenting ordinances and they include off-street parking. The Board determined to add a 4.10B7 to say, “No on street parking permitted and approved driveway access required.”

B. Seeler made a MOTION, SECOND by D. Milbrand, to send the proposed tenting document to counsel and to move the amendment to the October 27, 2021, public hearing. The motion CARRIED 4-0-0.

### *INCORRECTLY DELINEATED WETLANDS:*

Mrs. DeStefano mentioned that the form has been given to one applicant, even though it hasn’t been approved. Ms. Goodwin stated that they will include the forms with subdivision cases that have incorrectly delineated wetlands. She added that no fee is proposed. The Board reviewed the forms, and no changes were made.

D. Milbrand made a MOTION, SECOND by R. Kelley, to approve the forms as presented. The motion CARRIED 4-0-0.

### *MIXED USE:*

The Board read the draft for Mixed Use presented by Don Milbrand. They discussed a few changes to the definition and removing the words “pedestrian friendly”. They also discussed how to fit in allowed uses by category. Mr. Milbrand will work on the changes and send questions to the Town’s Attorney.

### *OTHER WORKSHOP ITEMS:*

The Board discussed a proposed amendment to allow banners during business hours in all but the Historic District. Mrs. DeStefano will prepare something for an upcoming meeting.

Legislation - Mrs. DeStefano stated that nothing has passed in Legislation that will affect us at this time.

### **MINUTES OF AUGUST 25, 2021:**

The Board made changes to the Tenting section of the minutes. B. Seeler made a MOTION, SECOND by R. Kelley, to approve the minutes as amended. The motion CARRIED 4-0-0.

**COMMUNICATIONS:** There was a survey for the Darwent property located on #216-029.

### **REPORTS:**

*Historic District Commission (HDC)* – The meeting was canceled.

*Select Board* – There have been approximate nine (9) bales of cardboard collected.

*Capital Improvements Program Committee (CIP)* –

CIP has met with the Fire Department, the Police Department, and the Water/Sewer Department. They are to meet with Highway/Transfer Station Department and the Kelley Park Committee on September 21.

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*Conservation Commission (CC)* - They had an informal meeting September 1 but needed input for four (4) Special Use permits so even though they didn't have an in-person quorum, they discussed the applications.

*Land Use Department –*

The property located at 250 Lake Street has seven (7) units, which include three (3) shared rooms. Ms. Goodwin asked the Board for assistance on how to categorize the building. Mrs. DeStefano stated that if the three (3) rooms shared kitchen and bathroom, then she considers them one (1) unit. The Board agreed.

Enforcement letters went out today: parking, camping, porta potty issue, an extra driveway, a need for an amended Site Plan for an addition and parking area/driveway change. There is also, a sign permit application that has been submitted, that was previously denied. Mr. Milbrand felt that they should come in for a Preliminary Conceptual Consultation (PCC).

Ms. Seeler explained that she has two (2) commercial buildings and in the past both #66 and #88 were two (2) units. When she rented #88 to her current tenant, he used the whole building as one (1) unit but has now chosen to make his business smaller. She would like to be able to rent the other half of the space as a unit. Does she need Site Plan for four (4) tenants? Ms. Goodwin stated that she is now allowed three (3) commercial units. The Board agreed that Betty would need to amend her Site Plan.

**NEXT MEETING:** The next Planning Board meeting is scheduled for September 22, 2021 and is a workshop meeting.

With no other business before the Board, B. Seeler made a MOTION, SECOND by R. Kelley, to adjourn at 9:46pm. The motion CARRIED 4-0-0.

Respectfully submitted,  
Jan Laferriere,  
Land Use Associate