

PLANNING BOARD MINUTES

March 9, 2022

APPROVED: 3/23/22

AGENDA: 22SUP03: FLOYD FROST, HOLIDAY HILLS DR, #110-048
22MSP01: PAUL & GARLYN MANGANIELLO, 1777 LAKE ST, #106-018
MASTER PLAN UPDATE
OFF PREMISE SIGNS
STEEP SLOPES
ACRONYM LIST

ATTENDING: Denice DeStefano (Chair-via Zoom), Don Milbrand (Select Board Representative), Betty Seeler (via Zoom), David Shirley, Randall Kelley (Vice-Chair), Bruce Beaurivage (Alternate)

ABSENT: None

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

Mrs. DeStefano opened the meeting with a quorum in person at 7:00 pm.

22SUP03: FLOYD FROST, HOLIDAY HILLS DR, #110-048

Mrs. DeStefano directed the Board to Article 9.5 for the Special Use Permit. Ms. Thompson read the application, the abutters notified, and where the hearing was advertised. There were comments provided by the Sewer Department, the Highway Department, and the Conservation Commission. There were two (2) calls with questions, and one (1) emailed comment from the public. Ms. Thompson read the abutter comment into the record, which references concerns with drainage.

Mr. Frost pointed out that right now, they are just putting in a driveway and culvert so that they can access the property but will come back again when ready to build the house for the second part of the project. Mrs. DeStefano inquired about the abutter's concern over water in their basement from drainage issues. Mr. Frost didn't feel that the culvert and driveway would cause additional drainage onto the abutter's property in the back, which is Robin Ingalls-Fitzgerald. Mr. Shirley felt that the concern relates to changing the flow of the water with the installation of the culvert. Mr. Frost stated that the wetland narrows, from left to right and this would be an improvement. Mr. Shirley inquired, if when the culvert is installed, will there be any changes to the flow. Mr. Frost felt that the culvert would direct the flow in the existing stream. Mr. Shirley inquired on the turtles and bats. Mr. Frost stated that they are restricted to specified time frames for the work to be completed to protect the turtles and bats. Mr. Milbrand inquired on tree removal. Mr. Frost stated that he would assume trees would be removed down near the end.

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Mrs. DeStefano read the Department Reviews into record. The Highway Department requires a Driveway Permit be issued if the Special Use Permit (SUP) application is approved. The Water/Sewer Department states that there is a curb stop located to the left of proposed driveway. They recommend the owners apply for service and connect a ¾ inch copper tubing line to the curb stop. This will eliminate the need to cross the brook a second time. They also recommend a sleeve to be added to the water service for the potential sewer service and the lines would need to be 10 feet apart. The NH Department of Environmental Service (NHDES) provides feedback on wood turtles. NH Fish and Game raised concerns with plastic netting in the erosion control and the cutting of trees during a specified time frame to protect bats.

Mr. Beaurivage inquired on the lot development potential and the requirement of a sewage system. He said that the owner would have to have an individual sewage system. Ms. Goodwin confirmed. Mr. Beaurivage asked what the driveway would be used for, if not building at this time, and Mr. Frost stated access to the property, for possible development of a permanent home, but to mainly be able to use the property until that time. Mr. Beaurivage inquired on a culvert. He said that the drainage comes off the hill through this lot and floods next to West Shore Road. He feels that the existing culvert can't handle a storm now and he is concerned that this property development will cause even further issues. He wants to know how we can enlarge what is coming into the property without addressing the outlet. Mr. Frost stated the existing culvert comes out under West Shore Road and that Headwaters Hydrology has done the review. Mrs. DeStefano stated that the Board can follow up with the Highway Department if the Board deems it necessary. Mr. Milbrand inquired on who determined the size of the culvert. Mr. Frost stated that Headwaters did the calculations based on the 100-year flood. Ms. Goodwin also pointed out that NHDES has reviewed.

Ms. Goodwin inquired on the distance of the driveway from the boundary. She pointed out that driveways now have a 10-foot setback that was adopted in December 2021. Ms. Goodwin pointed out that on the application it notes that the shifting of the driveway will increase the wetland impact. Mr. Shirley inquired if there was a minimum width for a driveway. The new regulations state 12 feet with a minimum four (4) foot shoulder on each side. Mr. Frost stated that the plan was to impact the wetlands as least as possible. Ms. Goodwin pointed out that the Highway Superintendent has the authority to waive the requirements of the Driveway Regulations.

Mrs. DeStefano asked for abutter input. Mr. Scott Thompson and Ms. Monica Zulauf were in attendance. Mr. Thompson stated that the Board has addressed most of their concerns at this time. Ms. Zulauf added that the area is very low and very wet. She has concerns about the construction in that location. She would like to see the project approved all at once, not just a random driveway on a lot. Mr. Kelley assured Ms. Zulauf that NHDES is very thorough on their review of the proposal.

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Mr. Kelley also raised a concern for a driveway to nothing. Mr. Frost stated that it gives them use of the property. Right now, they do not have use, but the property does have beach rights and the family uses the beach. Even if they could park vehicles on the lot to use the beach, that provides the owners the access. Mr. Kelley stated that normally, the Board can see a full plan of what is proposed with the project, but he is concerned with the “what ifs” for this project. Mr. Frost stated that they did include a potential building size in the package. Ms. Zulauf inquired if they would put a camper on the site. Mr. Frost stated that that is not their intent, but it is a possibility. Mr. Milbrand inquired on the entire grey area as proposed driveway. He felt that it might be close to exceeding the lot coverage by impervious cover. Ms. Goodwin advised that the lot allows for 35% coverage. She didn’t feel that the coverage calculations were completed for the full project, as this submission is for the driveway only. If the owner moves forward with the project, then the calculations would be required, and the house may have to be reduced.

Mr. Beaurivage inquired about the 29 items on the NHDES permit and who would be responsible for monitoring the requirements a daily basis. Ms. Goodwin stated that it depends on what the Board incorporates in the conditions of approval, because the Land Use Office does not enforce NHDES requirements normally. She pointed out that the Board needed to understand that staff doesn’t have the technical capabilities to enforce some of these items but would have to work with NHDES, if necessary. She added that the office does their due diligence to review a project and its conditions, but the enforcement aspect is not full-time.

Mr. Shirley stated that there are a lot of NHDES conditions, but some of the additional concerns do not appear to be included. He felt that those additional items should be included in the Town’s conditions. Mr. Milbrand is still concerned on the driveway size and whether it meets the 35% maximum. He would also like to have the calculations drawn out and the driveway setback added. Mr. Beaurivage added the concern that the driveway goes to nowhere and with no Town sewer it doesn’t give the Board the whole picture. Mr. Kelley added that the Board could be approving a driveway to a campsite. Ms. Goodwin understood the concerns of the Board, however, there are driveways on a lot of properties without structures, and this Board is only regulating this property because of a wetland. Mrs. DeStefano added that property rights entitle the owner to do this, and that the owner may go through this expense and find out that they can’t put a septic or a house on the property. Mr. Frost added that what you see on the plans is what you get. Mr. Milbrand understands using the property, but his concern is what is proposed doesn’t conform to the regulations and he would like to see the driveway setback properly and the actual lot coverage calculations. Mr. Shirley inquired on the impervious surface. Mrs. DeStefano pointed that gravel is included as impervious cover.

Mr. Milbrand motioned to continue the hearing to the 4/13/22 meeting and that the applicant include the dimensions of the driveway, the setbacks of the driveway, the lot coverage calculations and that the project be reviewed again by the Highway Superintendent. Mr. Kelley seconded. The motion carried 4-1-0.

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Ms. Thompson read the application, the abutters notified, and where the hearing was advertised. There were no Department Head comments. There were two (2) contacts with questions, but no other comments from the public.

Mr. Manganiello pointed out that he added the easement for the property across the street to the right side of the plan and updated the modification of the building on the plan. The square footage is slightly smaller. The Board reviewed the checklist and the submission. Mr. Milbrand motioned to accept the application as complete. Mr. Kelley seconded. The motion carried 5-0-0.

Mrs. DeStefano opened the questions to the public, as the Board members had no additional questions. Mr. Hallberg, an abutter, agreed with the plans as presented. Ms. Goodwin pointed out a correction on the lot coverage calculations. She said that it is only 17.2% and not 34.8%.

The public hearing was closed 8:04 pm. Mr. Kelley motioned to approve the Minor Site Plan as presented. Ms. Seeler seconded. The motion carried 5-0-0.

Mr. Manganiello inquired on the time clock. Mrs. DeStefano added that there is a Notice of Decision that will have an expiration date. Ms. Goodwin added that the next step is a Land Use Permit.

MASTER PLAN UPDATE

Ms. Goodwin gave an update on the Land Use Chapter. Unfortunately, it hasn't been received as of the date of this meeting. Mrs. DeStefano asked the Board to be ready to review the Vision Chapter at the March Workshop.

OFF PREMISE SIGNS

Ms. Thompson provided the Board with examples from other towns that are similar in size to Bristol. She pointed out that Bristol appears to be the only town that handles off premise signs as Special Exceptions. Mrs. DeStefano added that it is not that these signs come up frequently, but they do come up occasionally and the Zoning Board has asked for further guidance.

The Board discussed different options for some changes. They felt that the signs should be regulated in some fashion. The Land Use Office will prepare some proposed changes to include adding allowing directional signs, using the example from the Town of Ossipee (eliminating their #3), adding the maximum square footage for the allowed sign to four (4) square feet, written permission of owner and to require a sign permit application. The proposed changes will be prepared for a Workshop meeting.

STEEP SLOPES

Ms. Thompson provided the Board with examples from other towns. Mrs. DeStefano asked the Board to review the packet and be prepared to discuss at the April Workshop meeting. Mr. Shirley added some comments about the size restrictions and the percent slope restrictions.

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ACRONYM LIST

Ms. Goodwin presented the draft Acronym List. The Board received the Land Use related list, as the proposed list has grown to incorporate other departments. Once the document has been updated, the Board will be given a new copy.

MINUTES OF FEBRUARY 23, 2022

The Board reviewed the minutes of February 23, 2022. Mr. Kelley motioned to approve the 2/23/22 minutes as written. Ms. Seeler seconded. The motion carried 5-0-0.

COMMUNICATIONS

A thank you card was received from Jan Laferriere.

REPORTS

Historic District Commission – No meeting for February or March.

Select Board – The Select Board is preparing for Town Meeting with the big item the public safety building. The Board voted on the Sewer to the Lake Extension and will not be moving forward with the project, however, will be doing some extension along Lake Street and other repairs. The solar project will be approximately 60 days out for completion. Les Dion and Carroll Brown, Jr. were elected to the Select Board and the Planning Board Representative will be selected at the next meeting.

Capital Improvement Plan Committee – They most likely will not meet until May.

Conservation Commission – The Commission hasn't been officially meeting due to a quorum. They have a Warrant Article to reduce membership to five (5) members at Town Meeting.

Land Use Department – Ms. Goodwin reported on the "Sunset Clause" – The Planning Board cannot set an expiration date on a use. It is either approved or it isn't. The Board can place operational limits on the aspects of a use, such as, how many months allowed or hours of operation.

Lot Line Adjustment – Ms. Goodwin asked the Board to sign a previously approved Mylar for the Town of Bristol and Lavalley Lot Line Adjustment for recording purposes. The Board heard the case and approved it on August 25, 2021.

By-Laws/Agenda – Ms. Goodwin and Ms. Thompson presented a proposed consideration for changing the by-laws and the agenda, to make them more uniform. The Board agreed and the changes will be presented to the March Workshop.

Tax Incentive Areas – Ms. Goodwin showed the Board the programs on the website and there will now be a layer on the mapping program as well that will show the "Tax Incentive Areas".

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NEXT MEETING: March 23, 2022, at 7:00pm. Currently there will be a discussion on a Solar Ordinance and a review of Vision Chapter of the Master Plan.

With no other business before the Board, Ms. Seeler made a motion, second by Mr. Milbrand, to adjourn at 9:02 pm. The motion carried 5-0.

Respectfully submitted,
Christina Goodwin
Land Use Manager