

PLANNING BOARD MINUTES

April 10, 2024

APPROVED: Approved April 24, 2024

AGENDA: **PLANNING:** No business

CASES:

24CUP01 - HAJOSCH/HESS - #217-102 – 102 North Main Street

24MER01 - RICHARDS - #104-78 & 79 – King Arthur Lane

24PCC01 - ALBERT - #214-023 - 83 Hemphill Road

24ASP01 - COHEN - #228-005 – 545 Pleasant Street

24PCC02 - REWILD RENEWABLES/PURINGTON - #223-025 – Summer Street

OPERATIONAL: Election of Officers

ATTENDING: John Miller (Chair), Scott Sanschagrín (Select Board Representative), Steve Carten and David Shirley (Vice Chair – arrived late at 7:30 pm)

Staff: Donna Sullivan (Land Use Administrative Assistant) Joanne Bailey (Land Use Manager), and Christina Goodwin (Town Administrator - *via Zoom*)

Applicants, Professionals, and Public:

IN PERSON - William Hess (Hess Engineering), Martin Cohen (Big Cat Coffees), Reuben Bassett (KW Commercial Realty), Keith Bennett, Richard Ruddy, Kyle Albert, Patricia Albert, Scott Albert, Shaun Lagueux, and Jeff Chartier

VIA ZOOM - Kevin Corbett (Rewild Renewables), Eric Redding (Colliers, Civil Engineer), Sean Pierce (Colliers, Project Manager), and Laurie and Thomas Hajosch.

Chair Miller opened the meeting at 7:00 pm.

PLANNING: *No business*

CASES:

24PCC01 - ALBERT - #214-023 - 83 Hemphill Road:

Ms. Sullivan read case #24PCC01 into the record. The applicants wished to either build a detached dwelling on their 4-acre lot whereby they already have a home located on Hemphill Road for use by a family member or seek advice on what they need to do to subdivide their lot to build another dwelling.

Chair Miller instructed the Board, audience, and applicants that this Preliminary Conceptual Consultation (PCC) was an informal and preliminary review of a project/plans with the applicant to help determine what the applicant may need to do to comply with any land use requirements for their proposed project. He added that the discussion and review is non-binding on the Board and Applicant and cautioned the applicant not to make any financial commitments for this project based on any discussions during this PCC hearing.

Mrs. Albert asked about the 3 application packets given to them. She asked which order these would need to be done. Ms. Bailey responded that the Alberts had come in to discuss their plans. The land use regulations and zoning ordinance, the property right of way, and possible opportunities to achieve their goals through variance, subdivision, or other permits were discussed with them and application

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24PCC01 - ALBERT - #214-023 - 83 Hemphill Road: - continued

information was shared. Ms. Bailey shared that at present, zoning does not allow any detached dwelling units on properties. She added that there was a House Bill in process in Concord that may impact this restriction, but it would not be enacted soon. The plot plans for the lot were reviewed by the Board while noting wetlands, frontages, and well protection areas to help determine what land use regulations affected this project.

Mrs. Albert spoke about their plans and indicated where they wished to place the detached dwelling unit on their 4-acre lot. Based on this not being allowed on one lot, they were exploring what they could do to have a second dwelling. She demonstrated where the right of way was. Maps were consulted for overlay information, contours and wetlands and the right of way.

Because the property is accessed by a right of way off another owner's property on Hemphill Road, the concerns discussed included whether use of the right of way was also for others and whether a lot line adjustment with the right of way landowner could be done to acquire the land to allow for subdivision with required frontage off Hemphill Road. There was additional discussion about whether the acquired right of way would need to be upgraded to a private road status to allow for subdivision of lot into two lots. Ms. Goodwin indicated that frontage was needed for both lots by subdivision requirements, so the right of way would have to be upgraded to a road.

In consideration of the wetlands overlay, Ms. Goodwin reminded the Board that wetlands cannot be counted as developable land. Ms. Bailey shared that if owners wished to dispute the wetlands, a Wetlands Soils Scientist could be hired to identify and delineate the wetlands boundaries for construction purposes.

Mrs. Albert asked if they could subdivide and build a unit if the frontage land was acquired from Mr. Plummer who owned the land where the right of way is located. It was determined that if all other land use and wetlands requirements were met such as setbacks it looks like that would work. Options of acquiring frontage land from owners of lot 24 or 26 were discussed. Mrs. Albert asked about a variance for wetland setbacks. Chair Miller indicated that that would be a Zoning Board requirement she should talk with the Land Use Office and Zoning Board about variances that would be necessary. Another option would be to build an attached dwelling unit.

Mrs. Albert asked about the order of steps she would need to take. Chair Miller stated that based on interpretation of the zoning and land use requirements impacting their plans for a separate dwelling unit, the steps to take would be to talk with neighbors and owner of right of way for acquiring frontage first, consider wetlands that would be impacted by construction and if necessary get a wetlands scientist to delineate the boundaries of these, then review the square footage of buildable area per 80,000 sq. ft. specifications of the ordinance, secure right of way or neighboring land for frontage requirements before subdivision applications and apply for variance(s) with Zoning if needed for development plans as well as completing any land use permits that may be required. Mrs. Albert asked about notification of abutters and other neighbor requirements. She was told only abutting properties would need notification at time of application.

The Alberts were thanked for coming in to share their plans and get feedback from the Board.

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24MER01 - RICHARDS - #104-78 & 79 – King Arthur Lane:

Ms. Sullivan read the lot merger application information for case #24MER01 into the record. Mr. Richards was not present for the meeting. The merger was for two contiguous lots owned by Mr. and Mrs. Richards to be merged into one lot.

Chair Miller indicated he was a neighbor in Camelot Acres so he would recuse himself as Chair and abstain from the voting on this application. He asked Vice Chair Shirley to act as Chair for deliberation on this application.

The Board reviewed the case application to determine if it was complete. After review, Mr. Shirley motioned to accept the application as complete. Mr. Sanschagrín seconded. The motion carried 3-0-1 with Chair Miller abstaining.

The Merger process was discussed. Ms. Bailey explained that the property owner owns both lots and wished to merge these. The process for the Board is to approve this and provide signatures so the owner can record this with the County Registry of Deeds and the office can update Assessing maps and property records.

Vice Chair Shirley asked if anyone from the public wished to comment on this application. Hearing no comments or questions from the public and no further discussion by the Board, he closed the public portion of the application review and the Board moved to deliberation.

Following review of the merger application, Mr. Sanschagrín motioned to approve the merger of lots 104-78 and 104-79. Mr. Carten seconded. The motion carried 3-0-1 with Chair Miller abstaining.

Vice Chair Shirley turned the meeting back over to Chair Miller.

24PCC02 - REWILD RENEWABLES - #223-025 – Summer Street:

Ms. Sullivan read the PCC case information into the record. The project was submitted by ReWild Renewables to create a solar array to be operated as a 5-megawatt AC fixed-tilt Solar Energy System on undeveloped acreage located off Summer Street and owned by Purington Family 2016 Trust. She noted the Land Use Department comments about this project included that the property is in Current Use and acreage removed from Current Use by this project would be subject to the Land Use Change Tax (LUCT) and that the project would require a Conditional Use Permit and a Special Use Permit for wetlands.

Chair Miller counseled the applicants, audience, and Board that this Preliminary Concept Consultation (PCC) was an informal presentation and conversation with the Board to assist the applicant with any compliance issues or land use permitting that may be necessary for the project. This consultation is not binding on the Board or applicant and the applicant is advised not to make any financial commitments for this project based on any discussions during this PCC hearing.

ReWild Renewables was represented by Kevin Corbett of ReWild Renewables and Eric Redding and Sean Pierce of Colliers Engineering and Design. All three attended via Zoom.

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24PCC02 - REWILD RENEWABLES - #223-025 – Summer Street: - continued

Mr. Redding began the presentation citing the location, land ownership, access points, and conditional use permit requirements. He continued with a review of the engineering plans for a 5-megawatt solar array noting its location and details on the plan. The array layout and perimeter fencing would consist of about 14.5 acres of the least sloped area of 44 acres owned by Purington Family 2016 Trust. The existing gravel driveway access will be used, and utility poles and equipment would be built along this to access the electrical grid. The topography and wetlands were noted, and impact mitigation was presented. Some tree clearing was planned for the array so that there will be no shading on the array and a buffer area of tree line would be maintained along property lines. Finishing seeding and plantings, grading, and driveway access details and materials were noted.

The Board reviewed the property for overlay mapping of 15 % and 25% steep slopes. Discussion followed about the location of the array in lower southern area of the lot in the least sloping area.

The wetlands located on the plans were discussed. Chair Miller asked how they were mitigating any impacts and what drainage, and construction details were to be employed for array panels to be located within or adjacent to the wetlands. Mr. Shirley asked if they were required to file for NH Department of Environmental Services (NHDES) Wetlands Permits. Mr. Redding replied that these would be required. Discussion and questions followed about the construction process and detail within and adjacent to the wetlands. The concern for the Board was runoff impacts for neighbors and a need to see the construction detail for foundation installation of the array panels and bridging indicated over wetlands as described by the engineers.

The visibility of the array was a concern for the Board in light of the road being a gateway to the Town as mentioned in the Master Plan. Mr. Redding explained that the panels would be approximately 12 feet high on the upper side tilt of the array and should not be very visible from Summer Street as this would be below the tree line. Mr. Corbett shared the reflective coating information and other statistics indicating no impacts to neighbors for views or heat. Mr. Shirley suggested some photos from Rte. 104/Summer Street might be helpful to confirm this should they move ahead with this project to let residents know there would be no view impact.

With no other discussion, the applicants were thanked for coming in to discuss their plans.

24ASP01 - COHEN - #228-005 – 545 Pleasant Street:

Ms. Sullivan read the application information into the record for case #24ASP01 for the commercial property at 545 Pleasant Street. She stated that new owners would be continuing a retail use of the space. Abutters were not notified. Department heads were notified, and the Water Department recommended upgrading the water service.

The Board reviewed the application to determine if it was complete. Following review, Mr. Sanschagrín motioned to accept application #24ASP01 as complete. Mr. Carten seconded. The motion carried 4-0-0.

Ms. Sullivan shared information from the application indicating that no major changes to the original site plan will be made; Signage will be updated to the new business; Access to the lot will remain the same; Current parking is more than needed and will remain the same; no major lighting changes are planned;

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and the owner may look to install a larger access door on the rear of the building but does not have immediate plans for that.

24ASP01 - COHEN - #228-005 – 545 Pleasant Street: - continued

Mr. Cohen spoke about his business and the relocation of his business. It is primarily to address shipping and retail sales for a mainly online coffee business, Big Cat Coffees. He indicated that no major changes would be made, new signage was needed, and he may need to install a larger access door.

The Board asked about the Water Department recommendation to upgrade water service. Superintendent Chartier was present to address this. He stated that the property used to have a house on it with an older residential service and he was recommending it be upgraded to a new service line to better serve the commercial need. The work and location information for the new and old service lines were discussed.

Chair Miller asked if anyone from the public wished to speak to the application. Mr. Rueben Bassett of KW Commercial Realty spoke in favor of the application stating that he felt it was great to see the building in use again and this well-established business is well suited to the location.

General discussion followed about Mr. Cohen's Big Cat Coffee business, its history, and Mr. Cohen's plans for the site. The Board asked about distribution. He indicated it was mostly online sales, but the visible location may bring in more retail sales locally.

With no other comments or questions from the Board or public, Chair Miller closed the public hearing portion. The Board continued with deliberation on the application.

Mr. Shirley motioned to approve the application #24ASP01 with the condition that the business comply with Superintendent Chartier's suggestion to upgrade to new water line service as outlined in the Department Review Form because it is a limited change to and good use of empty retail space. Mr. Carten seconded. Motion carried 4-0-0.

Mr. Bassett asked about the condition placed on the motion and the Board's reason for it. Mr. Shirley stated the intention was to avoid having any broken old lines. Mr. Bassett was concerned about the timeline and responsibility of getting a contractor to complete the work. He asked if the Board could reconsider this motion to allow for more time to comply.

Mr. Shirley moved to amend the previous motion to approve application #24ASP01 with the condition cited to include that the applicant hooks up to the new water line within 12 months of the date of a Certificate of Occupancy from the Fire Department. Mr. Sanschagrín seconded. The motion carried 4-0-0.

24CUP01 - HAJOSCH/HESS - #217-102 – 102 North Main Street:

Ms. Sullivan read the information for case #24CUP01 into the record. The application is a residential driveway that has sections that exceed steep slopes regulations. She stated that 27 abutters were notified and read the names. She noted the public notices posted. Two abutters visited the Land Use Office to review the plans and express concerns and 1 phone call was received from Mr. Woodward. Mr. Woodward shared concerns for a parking location if vehicles are unable to go up driveway in winter. She stated Department Heads were notified and the responses are included with the application packet. The

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24CUP01 - HAJOSCH/HESS - #217-102 – 102 North Main Street, continued:

Highway Department concerns for runoff impacts to roads and culverts were read into record. The Water Department concerns for the right-of-way access at water tower gate, runoff and erosion concerns and reduced or no access on right of way during storms, winter, and mud seasons to preserve access road and erosion and runoff controls were read into record. Superintendent Chartier was present to address his concerns.

The Board reviewed the application to determine if it was complete. Following review, Mr. Carten motioned to accept application #24CUP01 as complete. Mr. Sanschagrín seconded. The motion carried 4-0-0.

Chair Miller asked for clarification concerning the process for a waiver request. He indicated that he had notes that waivers needed to be addressed and approved or denied one at a time. This was confirmed.

Procedural discussion followed about jurisdiction by Planning Board for issuance of Conditional Use Permit, no jurisdiction for Planning Board to issue a waiver and the need for a Variance from Zoning to allow the applicant to exceed the slope restrictions of the Ordinance. Chair Miller asked if they should go through with seeking the Variance first and then come back to the Planning Board for the Conditional Use Permit. Ms. Goodwin stated she would advise the Planning Board to go through the Conditional Use permit application review to determine they have addressed all they need to for the plans.

Chair Miller started the Board review by asking the applicant about the request to exceed steep slope requirements and asked if there were plans to detail the driveway plans impacting only 1.75 acres and areas exceeding 10% and plans showing the described impact to the 10 acres as described in application to comply with ordinance.

William Hess of Hess Engineering spoke on behalf of the applicant to address the driveway plans and questions from the Board. He addressed the limitations of the topography to design driveway access to the house lot area. When trying to design the driveway to meet the steep slopes restrictions, they found that 10 acres would be impacted and added that the plans presented would only impact 1.75 acres. He added that the access over the right-of-way was the only viable access for the driveway.

The access point over the Water Tower right-of-way on the owner's land was reviewed. Superintendent Chartier addressed his concerns for gate security, runoff, erosion, and seasonal weather issues that the Water Department has experienced with the gravel right-of-way access. He indicated that paving of right-of-way as suggested may help with seasonal issues. He indicated that the access is at 22% so it is already steep. He added that there would be concern for increased traffic on the access road.

Chair Miller expressed his concerns for weather related runoff, and drainage impacts with development on steep slopes and impacts to driveways, roads, and abutting properties. He mentioned the Highway Department concern for runoff and the need for calculations. There was some discussion of recent storms that severely impacted gravel and paved roadways in Town as a reference for runoff and erosion concerns.

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Chair Miller asked if any abutters wished to comment. Mr. Richard Ruddy of 30 Ballou Road asked where this project is in relation to his lot. It was pointed out that the driveway was near Keezer Road, and he stated then he was not impacted by it and had no concerns.

24CUP01 - HAJOSCH/HESS - #217-102 – 102 North Main Street: - continued

Additional public comments followed. Mr. Keith Bennett asked if a driveway was required for access to the homesite or could he place a shorter driveway with parking down below and walk up to home. Mr. Shirley responded that one of the reasons for steep slopes restrictions to driveways was to allow for access by fire and safety services should there be any emergency requiring fire or ambulance services.

Mr. Shaun Lagueux spoke to remind the Town that all of Mr. Chartier's concerns about access and impacts on right of way is on land owned by the applicants. He added that he believed it is possible to build gravel roads on 18 % steep slopes with proper drainage, engineering, and controls. He added that as a forester he would have the right to do this under a logging permit that would not have oversight by the Town at all. He added that an engineer should be hired to make sure this is done correctly. He asked that the Town and the Highway Superintendent quantify what runoff calculations they want from the applicant. Chair Miller stated that now the access is impervious, but if any of this is paved and the addition of the applicant's driveway, the runoff calculations change so culverts could be impacted and may need upgrading to sufficiently handle runoff. Mr. Hess added additional information about the engineering details employed with the plans to handle runoff. Chair Miller asked for some clarification from Mr. Lagueux about his right to do a logging road. He asked if there were plans to use this driveway for logging. Mr. Lagueux stated that it was just a point he shared not planned in this case.

Mr. Shirley stated his concerns were for runoff, erosion and impacts downhill to others and to the Town right-of-way. He mentioned that access in winter was not usual due to degradation of access driveway with plowing and erosion issues. Mr. Hess stated that the applicants were willing to pave this section to allow for year-round access and mitigate the right-of-way maintenance issues. Mr. Shirley asked about culverts and Mr. Hess pointed out all the culverts in the driveway plans and addressed the right-of-way culvert that was an issue and indicated they would work with the Town to address any issues with this culvert.

Applicants Laurie and Thomas Hajosch spoke to the driveway and to the possibility to pave the Water Department right-of-way section only and keep the driveway pervious. Mr. Shirley asked if applicants planned to have any home deliveries over right-of-way and driveway. Mrs. Hajosch indicated that oil/propane delivery and typical services traffic would happen.

With no other questions from the Board or public, Chair Miller closed the public hearing portion of the meeting and the Board proceeded to a discussion about deliberation on this application.

Chair Miller indicated he still had concerns for Department Head issues. He felt that he did not have enough information to vote yet, especially with the need for Variance. The Board discussed deadlines for action on this permit application. Mr. Shirley indicated that a decision could be conditional on getting Zoning Variance. Chair Miller cautioned that there was still a need for final design if the runoff calculations indicate a change to engineering. Ms. Goodwin suggested that a continuance may solve the deadline

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problem if applicants were willing to continue to pursue a variance and any design changes that may occur. She added that the applicants would also have to go to the Conservation Commission.

24CUP01 - HAJOSCH/HESS - #217-102 – 102 North Main Street: - continued

The applicants were asked if they were open to continuing the application process which would waive the 60-day deadline. Mrs. Hajosch indicated she would like to continue to allow for the Variance application, adjustments to the driveway design and meet with the Conservation Commission. She added that there were several iterations of the design done and the design that is compliant with the Zoning is from the Street not using the right-of-way but impacts much more of sloped acreage. After a concern for other houses being built on the property, Mrs. Hajosch stated that their intention in the long term was to become full-time Bristol residents and to only have one residence on this land with the remaining property to be placed in conservation.

The application deadlines and dates for Zoning and Conservation meetings were discussed. It was determined that if the applicants could meet May and June Zoning and Conservation meeting deadlines a date could be set for the continuance and if they could not meet those deadlines, they could ask for another continuance.

Mr. Shirley motioned to continue this application to the May 22, 2024 Planning Board meeting to allow applicants to pursue a Zoning Variance with the Zoning Board to waive 10% slope restrictions, meet with the Conservation Commission, and to come back to the Planning Board with runoff calculations discussed for proposed driveway, design and calculations for paving the right-of-way as discussed, mapping of culverts from North Main Street entrance to homesite, and a safer design of entrance at North Main Street. Mr. Sanschagrín seconded. The motion carried 4-0-0.

OPERATIONAL:

ELECTION of OFFICERS:

Per its Annual process, the Board proceeded with the election of officers. Mr. Shirley motioned to elect Mr. John Miller as Chair. Mr. Sanschagrín seconded. The motion carried 4-0-0. Chair Miller motioned to elect Mr. Shirley as Vice Chair. Mr. Sanschagrín seconded. The motion carried 4-0-0.

MINUTES:

The minutes of the March 27, 2024, Public and Non-Public meetings were reviewed.

Following review, Mr. Sanschagrín motioned to accept the minutes from the March 27, 2024, meeting and the March 27, 2024, Non-Public session as written. Mr. Carten seconded. The motion carried 4-0-0.

COMMUNICATIONS: none

REPORTS

HISTORIC DISTRICT COMMISSION (HDC) - No Report

CIP COMMITTEE – No Report

CONSERVATION COMMISSION – No Report

LAND USE – No Report

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SELECT BOARD - Mr. Sanschagrín reported that the first of two public hearings on the Parsonage project will be held April 18, 2024. Ms. Goodwin added that the second hearing date was scheduled for May 2, 2024. A third meeting will be held for the Select Board vote on the project.

BOARD MEMBER COMMENTS: None

STAFF COMMENTS:

Ms. Goodwin updated the Board about the health status of the previous Board Chair, Denise DeStefano.

NEXT MEETING: April 24, 2024

ADJOURNMENT: With no other business before the Board, Mr. Shirley motioned to adjourn. Mr. Sanschagrín seconded. The motion carried 4-0-0. The meeting adjourned at 9:31pm.

Respectfully submitted,

Janet Cote
Land Use Associate