

PLANNING BOARD MINUTES
March 23, 2011

APPROVED as Amended & Clarified:
4/13/11__jrl_____

AGENDA: ELECTION OF OFFICERS
CONT. SITE PLAN: MAXTON TECHNOLOGIES INC., Chestnut St.,
#115-026
PCC: SARA SHATTUCK/BLUE SKIES, Central Square
PCC: MARIO MENARD, Batten Road
SPEAKER: DAVE JEFFERS, Lakes Region Planning Commission (LRPC)

ATTENDING: Dan Paradis (Chairman), Elizabeth Seeler (Vice Chair), Phil Dion (Sel. Rep.),
Murray Campbell, Janice DellaCroce, Clay Dingman, Steve Favorite (Alternate)

ABSENT: Denice DeStefano (family emergency)

OTHER: Michael Capone (Town Administrator), Boyd Smith (Newfound Lakes Region
Association-NLRA), public

The meeting opened at 7:00 p.m. Mr. Favorite sat in for Ms. DeStefano.

ELECTION OF OFFICERS:

Chairman - Mr. Paradis stated that he would be glad to step down if someone else would like to fill this position.

E. Seeler made a motion, second by J. DellaCroce, to elect Dan Paradis as Chairman. The motion carried with one abstention.

Vice-Chairman – Ms. Seeler asked to be replaced as she cannot always be available.

S. Favorite made a motion to elect Janice DellaCroce. As Ms. DellaCroce did not appear to be willing, there was no second.

J. DellaCroce made a motion, second by D. Paradis, to elect Denice DeStefano as Vice Chairman. The motion carried.

CONT. MAXTON TECHNOLOGY INC.

Mr. Paradis explained that the lease was not approved at town meeting. As the Selectmen have not met since the vote (they will meet tomorrow night), the Planning Board shall need to continue this case.

M. Campbell made a MOTION, second by J. DellaCroce, to CONTINUE THE HEARING FOR MAXTON TECHNOLOGY TO APRIL 13, 2011 AT 7:00 P.M. The motion CARRIED.

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PCC: SARA SHATTUCK/AUDREY PELLEGRINO

Mr. Paradis explained that a PCC (Preliminary Conceptual Consultation) is not binding on either the applicant or the Board. The Board will try to give the best advice based on what is presented.

Ms. Shattuck explained that they (she and Ms. Pellegrino, her partner) have had complaints on their entryway. They need to address this with either new steps that come in to the side of the present steps or with the use of railings. They would like the Board's advice.

Mr. Paradis stated that there would be a problem of adding the new steps as they would cover the sidewalk more than they do now. This would require permission by the Selectmen. They would also need to go to the Historic District Commission (HDC) and to the Planning Board (the latter as a minor Site Plan possibly).

Ms. Shattuck stated that they would not be out any further than the present steps. She then asked what would be needed if they added new railings instead. Mr. Paradis said that they would need HDC and Planning for that. Mr. Dion agreed that the Selectmen would no longer be involved for railings.

Mr. Dingman, Chairman of the HDC, stated that he thought that the HDC would look favorably on new railings. They might even be able to put up temporary ones while they go through the necessary process.

Ms. Pellegrino added that the biggest problem is the last step which is wood and rises higher than the granite steps do. She asked if they might just drop the wooden platform to conform to the granite steps. Mr. Dingman thought that this would be considered maintenance.

Mr. Campbell suggested that, if it is possible, the idea is to have risers that are equal. The women thought that it would and Ms. Shattuck added that they would keep it wood. They thanked the Board and the Board thanked them for coming in.

PCC: MARIO MENARD, Batten Road

Mr. Menard stated that they would like to build a 2-stall garage with an apartment over it. Later on, he would like to build a house on the same lot.

Mr. Paradis referred to page 29 of the Zoning Ordinance, Section 4.1.4 and read that only one primary structure is allowed on a lot. He then read the description of Primary Structures, page 45, 8.105 and Accessory Structures, page 35, 8.2 & 8.3. He then stated that, overall, he would advise that it is highly dangerous to depend on being able to do something in the future as the law can change by then. The original building can go up but, if he were to build the house, with present laws, the garage becomes the accessory structure and he could not rent the apartment. He could probably use it as a guest house. However, he could also run into a problem if the garage is over 20' as that is all that is allowed for an accessory structure.

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PCC: MENARD continued:

Mr. Campbell suggested that, when he goes to build the house, he combine the two, designing the house so that it could be attached. Mr. Menard felt that the topography is such that it would not be feasible. Mr. Paradis added that Variances could be applied for but he cannot guarantee that the Zoning Board would approve them. Mr. Dingman and Ms. Seeler agreed.

Again, Mr. Paradis stated that the Board cannot assure him as to what will happen when he decides to build the house. For now, all he needs is to apply for a building permit with the acting Land Use Officer, Mr. Capone. Mr. Menard thanked the Board and he was also thanked for coming in.

DAVE JEFFERS, LRPC

Mr. Jeffers explained that he is a regional planner for LRPC. One of his roles is to work with PRLAC, the organization that consists of several towns to protect the Pemigewasset River. Some work has been done under Watershed grants for one or two years. At present, they have the task of working with Bristol and New Hampton with a focus on watershed goals and objectives. He has been thinking of a deeper detail of watersheds for those towns. The grant involves outreach with education to the public and some is the task itself. At the moment, he is compressed for time as this grant runs out June 30th. He has met with New Hampton and is now here.

Mr. Paradis asked if he is thinking of the Pemigewasset watershed or Newfound. Mr. Jeffers answered either. New Hampton said that wetlands are important to them. Mr. Jeffers handed out a one-page Objective sheet and stated that he has looked through our Master Plan (as listed on side 2).

Mr. Paradis mentioned that LRPC documents include the history. He went on to say that PRLAC (of which he is a member) began working on the Pemigewasset and then the Planning Board brought up the Pemi-Overlay district as this river was not covered by the State Shoreland Protection Act at that time. He added that Mr. Smith and the NLRA have concentrated on steep slopes.

Mr. Favorite mentioned that we do not have good coverage on the Newfound River and silt from the broken dam is filtering down and landing from Bristol Hill Rd. to the Post Office. Mr. Jeffers suggested that, when talking about the Zoning Ordinance, we should think about implementing something. Mr. Paradis read section a., page 6 of the Zoning Ordinance which reads "Development of lands classified as "Lake District" shall include Newfound Lake, Newfound River, and Fowler River." Mr. Paradis feels that this sounds like the lazy man's way of approaching this. It does not say things like how far away to build, etc.

Mr. Campbell asked if all of our rivers aren't covered by the Shoreland Protection Act. Mr. Paradis stated that the legislature now is considering removing the guts of the act completely. He feels that it may not cover much of anything. Right now, it does cover our rivers.

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MR. JEFFERS continued:

Mr. Jeffers stated that it is under Senate bill #154. Last week it was posted as being not as severe but still has some parts, such as every 50' a certain amount of ground cover must be maintained; a lot has been cut in half. Mr. Paradis added that, for two years a large committee worked on the Shoreland Protection Act and now they want to throw all that work out.

Mr. Campbell stated that he feels that we need to protect our waters and asked Mr. Jeffers if he was looking for general or specifics. Mr. Jeffers answered that they need to be fairly specific and have possible implementation. We can start with models and education.

Mr. Paradis asked about the need to identify our aquifers. Mr. Dion felt that it was along the Alexandria town line and we deal with runoff. Mr. Jeffers stated that the Zoning Ordinance has some coverage in the Zoning Ordinance under the Pemi-Overlay and some in the Site Plan Review process. We might need some for low impact development. Mr. Paradis felt that the biggest runoff problem is at the foot of the Lake. The Selectmen were working on an Engineering plan at one time. Mr. Capone stated that they are talking about this some at present. Mr. Dion added that the area was built in the wetlands which created the problem.

Mr. Paradis mentioned that development in Bristol these last few years has consisted of a house here and a house there. Mr. Favorite added that the fear of the Sewer to the Lake project would cause huge buildup, would require a more serious look at the problem. As an example, he mentioned Newfound Sands if they decided to develop above the present condos. They already have had runoff problems. Mr. Paradis stated that the Planning Board has tried to implement some safety valves before the Water/Sewer lines actually go in. Ms. DellaCroce added that we have not had a lot of big development but have seen lots of cottages become full-time residences. Mr. Paradis mentioned the campground and Turner's cottages were also brought forward as examples.

Mr. Dingman thought that we need to pick up the slack of the Shoreland Protection Act for our rivers. Mr. Paradis added that we need a balance between all of our rivers. Mr. Jeffers stated that the Act has had a reduction in half of coverage and increases of the impervious surfaces. It has not passed yet. Bristol does have stricter laws in the Pemi-Overlay. Mr. Paradis stated that he would like a recommendation of impervious surfaces. A discussion followed as to the other towns that adjoin Bristol along the rivers.

Mr. Smith thought that covering all of our rivers equally is a good idea. Mr. Jeffers stated that there is a model ordinance which has been developed state-wide which protects against gas stations and storage of hazardous materials. We have a short time to do this but it could lead to more interest later. We can share knowledge between New Hampton and Bristol.

Mr. Paradis asked Mr. Jeffers if he has had a meeting with Bristol's Conservation Commission. He had not. Mr. Paradis then mentioned that we have a crude wetlands map that could use upgrading.

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DAVE JEFFERS continued:

Mr. Jeffers thought that we should work towards equal protection of our waters and do a pamphlet to go to the public explaining the need and why we are doing this. He will schedule a meeting with the Conservation Commission. Mr. Paradis mentioned that the Chairman of the Commission works for DES.

Mr. Jeffers stated that he will send the Board some notes. Mr. Paradis would like something on zoning changes. Mr. Smith said that Mr. Jeffer's focus is on education on erosion and sediment. Bristol and other towns are dealing with steep slopes with the NLRA. They look at it on a lot line scale. On May 19th at 7:00 p.m., they are planning a workshop with Planning Boards and Selectmen dealing with steep slopes, erosion, buffers and storm water run-off. Mr. Paradis stated that we got tweaks for our Zoning Ordinance from NLRA. Mr. Dingman felt that we need something easy for the Land Use Officer to use. Mr. Smith stated that they have not finalized the maps as yet. We are working on grassroots and things could be done on specific lots.

Mr. Paradis thanked both gentlemen for coming in. Mr. Jeffers again stated that he will send some draft material to Mr. Paradis which Mr. Paradis will send to the members.

MINUTES OF MARCH 9, 2011

The following amendments and clarifications were made:

Page 2, 1st paragraph, first line, replace "existing" with "now being used by emergency services". 2nd line, replace "showing" with "which he claimed showed". 4th line, replace "the pole" with "the Cablevision tower in Alexandria." 5th paragraph, 1st line, eliminate "tower" and 5th line, replace "pay" with "collect". 6th paragraph, 1st line, replace "Team Mobile" with "T-Mobile" and "Verizon of US" with "Verizon or US".

Page 3, 2nd paragraph, 1st line, following "pay back" insert "the assessed value of the land." 5th paragraph, 1st line, following "present" insert "emergency services". 4th line, change "40 acres are owned" and replace with "the lot consists of 40 acres". 6th paragraph, 2nd and 3rd line, delete from "does not cover....." and replace with "would give double coverage to Newfound Lake."

Page 4, 1st paragraph, 5th line, replace "contract" with "lease". 6th line, replace "Mr. Paradis mentioned" with "In response to a question, Mr. Paradis explained". 7th line, delete "the" before "height". Following "height" insert "but has no relevance to the current application." 8th line, following "higher" insert "than 35". 2nd paragraph, 1st line, replace "A gentleman from Ellen Lane" with "Mr. Labonte". Last paragraph, 1st line, replace "The Ellen Lane gentleman" with "Mr. Labonte" and again in the 3rd line where it says "The gentleman"

Page 5, next to last paragraph, 7th line, before "communications" insert "emergency". 8th line, change "that a variance was asked" to "that the variances were asked".

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MINUTES continued:

Page 6, 5th paragraph, 3rd line, delete “no more than” and replace with “as”.

J. DellaCroce made a motion, second by M. Campbell, to approve the minutes as amended and the motion carried.

FREUDENBERG NOK ADDITION:

Mr. Favorite stated that he is confused as to which building the addition is to go up on. The Board did not recall and said that it will be obvious when the addition is done.

COMMUNICATIONS:

The latest Town & City magazine was received and will be in the office, available for anyone to read.

REPORTS:

Historic District Commission – Mr. Dingman stated that they met last week and worked on more Design standards. Also, Nadine Peterson of Certified Local Government (LGC) had a list of things for the Commission to address. Most have been done. Mr. Dingman asked Mr. Paradis if he recalled that the HDC section of the Master Plan had been updated, as he thought. Mr. Paradis agreed that it was and that only the building information had not been done. Mr. Dingman stated that the HDC on-line data base is up and running now.

Selectmen – Mr. Dion stated that he felt that town meeting was the longest that we have had. The Select Board has not met yet but are scheduled to meet tomorrow night. Mr. Paradis asked if they will discuss the cell tower issue there. Mr. Capone answered that Rick Alpers, Chair of the Select Board, has not said but it may be in non-public as the case is still on-going. Mr. Capone spoke with Mr. Alpers about giving the Planning Board some indication as soon as they meet.

Capital Improvements Plan – Mr. Campbell stated that their next meeting will be held April 19th. The first meeting was a week ago last Tuesday with some discussion on procedure for this year.

NEW BUSINESS:

Ayer’s Island Road dam (PSNH) – Mr. Capone explained that they need to do some re-enforcing to the dam and have bids out, hoping to do the work from May to December. The material could impede some access for the equipment.

Mr. Paradis thought that this is similar to Freudenberg NOK. He read from the Site Plan regulations for a minor Site Plan. He feels that, again, this is new construction but with no change of the footprint. He thought that they might come in for a PCC. Ms. Seeler said that she thought it is just repair. Mr. Dion was concerned about silt control. Mr. Capone stated that they will not be in the river so no Wetlands permit will be needed. Mr. Dion asked who will monitor it and Mr. Capone said that DES will. He continued to say that he and Barbara Lucas of New Hampton discussed which side of the river the

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Ayer's Island Dam continued:

cement trucks should come in on. They felt that it would be best to come in on the Bristol side if the cement company was to come through Bristol as Mr. Capone would rather not have the trucks going down to the Central St. bridge if we were taking down the mica building at that time. Mr. Paradis stated that he would be willing to waive Site Plan and Ms. Seeler felt it was only repair.

David Munro:

Mr. Capone stated that Mr. Munro has called him and would like to replace the temporary lights on his sign with two permanent gooseneck, downlit lights. The Board did not remember ever giving any permission for any lights. Mr. Dingman thought that it could be minor Site Plan review. That the Planning Board would only be interested in hours of operation. Mr. Paradis looked up the requirements for Minor Site Plan (page 34,B of the Subdivision/Site Plan Regulations) and felt that he should come in for a PCC.

NEXT MEETING:

The next meeting for the Planning Board will be April 13, 2011 at 7:00 p.m., Town Office building. Scheduled is the continued Subdivision/Merger for Habitat and the continued Maxton Tech. Site Plan. There is a possible PCC for Jack Sullivan for an increase in height. He has been told that he needs Special Exception for this. We are not sure if he has other questions.

With no other business before the Board, E. Seeler made a motion, second by S. Favorite, to adjourn at 9:05 p.m.

Respectfully submitted,
Jan Laferriere, secretary