

PLANNING BOARD MINUTES

April 27, 2011

APPROVED as amended & clarified:

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AGENDA: WORKSHOP – DAVE JEFFERS, Lakes Region Planning Commission (LRPC)

ATTENDING: Dan Paradis (Chairman), Denice DeStefano (Vice Chair), Murray Campbell, Janice DellaCroce, Clay Dingman, Elizabeth Seeler, Steve Favorite (Alternate)

ABSENT: Phil Dion (Sel. Rep.)

OTHER: Michael Capone (Town Administrator)

The meeting opened at 7:00 p.m.

DAVE JEFFERS, LRPC

Mr. Jeffers stated that he met with the Bristol Conservation Commission and has given out copies of his summary of the meeting. He then went over his summarization: The list of topics that he got from the last Planning Board meeting were as follows: protection on the Pemi are stronger than other Bristol water bodies (could we get consistency), to fill in the slack of anticipated Comprehensive Shoreland Protection Act (CSPA) changes, new Wetlands and Pemi-Overlay maps, education and outreach associated with buffers, and education and outreach associated with impervious surfaces.

Mr. Jeffers then listed the Conservation Commissions thoughts:

The Overlay mapping has been done and appears on the maps in the Town Hall meeting room. The Board looked at the map and determined that this is not sufficient and is confusing. Mr. Paradis added that we had a wetlands map of 1988 which needs updating. He referred to the Master Plan, Chapter V, Section IV where the map is mentioned. The Board is interested in an update.

Mr. Jeffers continued with the designation of prime wetlands – something that the Conservation Commission should pursue with NH DES.

Concern was expressed for potential damage around “the Shallows” off the Fowler River due to heavy boat traffic. Perhaps some signage could be set up there; the Commission will look into this.

Concern was also expressed that residents were failing to appreciate what, in some cases is literally in their backyard. They questioned if more could be done to encourage people to get out and enjoy the rivers and the beauty associated with them more. The terms “access”, “awareness”, “being in nature” and “uniqueness” were brought up. The Commission will look into this, as well.

DAVE JEFFERS continued:

The differing levels of protection on Bristol's waterbodies was seen as appropriate protection for the differing water bodies and terrain. Mr. Jeffers had attached a matrix to this summary which compares the Lake District and the Pemi-Overlay in our Zoning Ordinance. Mr. Paradis pointed out that there is a discrepancy on pages 9 and 17 of the Ordinance in which two different frontage requirements are listed. The Board will need to address this.

The Conservation Commission was really focused on Water Resource Strategies as shown in the Master Plan, Chapter V, Section III, 2.1.1 and 2.1.5. Mr. Paradis stated that 2.1.1 is in the Pemi-Overlay section of the Zoning Ordinance but is not in the Site Plan regulations. In 2.1.5, Mr. Paradis felt that things can be done to control the non-point source pollution from run-off from impermeable surfaces. The Commission is also concerned with the need to control the phosphorous budget and the need to minimize fertilizers and pesticides. Mr. Paradis pointed out that in the Zoning Ordinance, Article III, on page 10 has a section Erosion and Siltation Control. Mr. Jeffers agreed and added that on page 37 of the Site Plan regulations, it is in Sections K and L. However, these do not cover single lots.

A discussion followed as to how detailed the Board should be and the need of flexibility needs to be in the individual resident requirement. Mr. Jeffers then spoke of model language, which is a bit more specific, being available. He also gave Mr. Paradis a copy of Meredith's Ordinance which is an element of their Zoning Ordinance.

Mr. Paradis gave an example of putting in a garden on a lot with structures already filling that requirement. Would the garden be adding to it? Mr. Jeffers did not think so and pointed out that DES also has a new homeowner's guide available to go by.

Mr. Jeffers felt that a language change or supplemental information for the Board could help inform folks on soil erosion. He was asked how this could be done and answered that a checklist of tools could be handed out or they could be placed in the regulations or the Ordinance. Mr. Paradis felt that most construction is done by the developers/contractors.

Mr. Jeffers brought up the phosphorous issue and mentioned pavements and the washing off of pollutants. In the DES Homeowners Guide they suggest infiltrating ditches which are rated at 60% compared to swales at 20%. Homeowners would determine what would be best to be done. The DES Erosion and Sediment Controls puts out several tools and then goes on to diagram each. Mr. Paradis mentioned that it is sometimes too much and cited his driveway, which is on an incline, is better paved as dirt would wash away to other locations.

DAVE JEFFERS continued:

Mr. Paradis again pointed out the road frontage discrepancy (page 17 says 150' and page 9 says 100'). He feels that page 9 is the correct version. He also mentioned that on page 9 of the Zoning Ordinance, Section B states 150' for the additional. Is this different for funnel frontage? Mr. Jeffers stated that funnel frontage is used elsewhere in the Zoning Ordinance but is not in the Pemi-Overlay section. Mr. Paradis felt that requirements could be different for the Lake and for a river. The Pemi-Overlay is different. Mr. Campbell asked what can or cannot be done along a shoreline. Mr. Jeffers stated that some areas can reference the CSPA. He added that our Pemi-Overlay is more strict than the CSPA.

Mr. Paradis pointed out that the rules for the Lake are on pages 6 and 7 of the Zoning Ordinance while rules for the Pemi-Overlay are on pages 8, 9, 10 and 11. The original Pemi-Overlay section was done before the CSPA was adopted. He feels that the Board needs to give thought to this and may want to do more for the Lake. Both areas were developed by different groups. Mr. Dingman felt that this causes confusion for the applicant and we may need to set rules for all bodies of water. Mr. Paradis felt that we might want to develop some things just for one area or the other. Some things, like siltation, could be uniform for both. Mr. Campbell stated that there is a difference if dealing with water versus dealing with land. Mr. Dingman felt that there are steep slopes associated with both areas. He would like to see consistency between the two and that we might want to accomplish this before the State eases up on the CSPA restrictions.

Mr. Jeffers stated that Meredith has a separate ordinance for this (Article 14) and that they define the Planning Board as the proving agency. They show 3 types of development, activity planned, and specific things that are planned to be done during the development. Mr. Paradis feels that this depends on the individual plot per degree of slope. He asked if we want to go for individual houses; do we want control or just some suggestions and who is going to go out and check that this has been done. Mr. Dingman stated that lack of enforcement is not a good reason not to have the regulations. A discussion continued with pros and cons on this subject. Ms. DeStefano suggested that the Board do a trial approach with regulations in place where run-off goes to the Lake. She mentioned her neighborhood, in which a large house was built. Lots of fill was trucked in and with the Spring run-off, a lot of the fill has covered the neighboring lots. The owner lives out of State. Ms. DeStefano added that all run-off up there eventually goes to the Lake.

Mr. Paradis mentioned that we did some regulation for Steep Slopes last year. Mr. Dingman feels we need more for erosion control. Mr. Favorite mentioned that Alton Bay is working on Steep Slopes, which they have a lot of going to the Lake, and we might want to check theirs. Mr. Campbell stated that everything in Newfound Lake ends up in the Pemigewasset River. He would like to see them all treated equally. We should have something in place. Mr. Dingman suggested that we look at Meredith's and modify it for ourselves. Mr. Campbell asked about lot size, citing that a garden might make a difference, such as a small lot with a large garden. Ms. DellaCroce stated that it is a fine line for what a person can do with their property and what can't be done. Ms. DeStefano said that fertilizers should not be leaving the lot that it is spread on. A discussion of what happens when there is flooding

Planning Board Minutes

4/27/11

DAVE JEFFERS continued:

followed. Ms. DeStefano agreed with Ms. DellaCroce that the balance between regulations and property rights is difficult. Ms. DellaCroce added that we do need something on the books for the person who overdoes. Mr. Paradis felt that a list of suggestions could be given out with the building permit. Ms. DeStefano, Mr. Dingman, and Mr. Campbell feel that we need something so that a complaint can be checked out. Ms. DeStefano cited how, when all that fill was being trucked in to her neighborhood, the Land Use Officer could do nothing as we had nothing for this.

Mr. Paradis then asked Mr. Jeffers how much his grant covers and was told “not much”. Mr. Paradis stated that there’s a need to explore erosion/sediment controls but we do not want lots of pages to add to the Zoning Ordinance. Mr. Favorite asked if there is anything in the State Fire Code to cover any of this. Mr. Jeffers answered that there is some language on it. Mr. Paradis continued to say that we need a comparison of lake versus rivers. Give us a guideline. Mr. Jeffers said that he will also focus more on uses. Mr. Paradis felt that we need to take the good stuff of the Lake District and the Pemi-Overlay and put it in both. A simple ordinance sample would be useful. Mr. Jeffers stated that the Conservation Commission and the Planning Board need to talk about rationale of the differences. Mr. Paradis said that Boyd Smith (NLRA) is interested in silt run-off and phosphorous. Mr. Jeffers thought that the latter is not so much a Planning Board issue at this point. Soil run-off and erosion and impervious cover is more important.

At this point, the Board thanked Mr. Jeffers for his effort in helping us. Mr. Jeffers mentioned that there is to be a lecture on water protection on May 10th in Concord if anyone is interested. Ms. DellaCroce asked if we ever got the erodible soils map we were promised. As we have not, Mr. Paradis will ask about them.

MINUTES OF APRIL 13, 2011:

Ms. Seeler questioned that there was no direct mention of Mr. Dion’s saying that Maxton could buy, or lease from a buyer, the same piece of property. Ms. DeStefano thought that it was inferred and this was left to stand as it was.

The following amendment/clarification was made:

Page 4, Cell Tower Regulations, 1st line, replace “address” with “review” and insert “cell tower” before “Ordinance”.

D. DeStefano made a MOTION, second by C. Dingman, to ACCEPT THE MINUTES AS AMENDED. The motion CARRIED.

Mr. Capone mentioned that at the last Selectmen’s meeting, there was extensive discussion on the process for selling tax-deeded property. The Selectmen and Mr. Capone are still talking with Maxton about other sites.

COMMUNICATIONS:

The April 2011 NH Town & City Magazine was received. Mr. Dingman took it to read.

REPORTS:

Historic District Commission: Mr. Dingman stated that they met and had a PCC for "The Mill". They were okay with the plan and sent them to this Board. We also held a public hearing on a Code of Conduct which is required for acceptance to Certified Government Status (CLG). He was told by the Division of Historic Resources that Section 6 of the Master Plan needs updates. In 2009 we did the edits and decided to have as Addendum A. He asked what is needed to update it. Mr. Paradis answered that Addendum A was approved and Mr. Dingman asked if we can add it to the Master Plan. We added buildings like the Old Fire Station. Mr. Paradis said that we used David Rule the last time. We may still need to add buildings and Mr. Dingman explained that this is why we did it as an Addendum. Mr. Paradis asked about photos and Mr. Dingman felt that we shall have just black and white for now. Supplying this information was needed for the CLG to be a done deal.

Selectmen: Mr. Capone stated that the Cummings Beach water improvement is to be done in late May or early June. The drainage piece/grading and ditches will be done in the fall. Ms. DellaCroce asked if the Conservation Commission is aware of the vegetated swale. Mr. Capone will find out. He went on to say that the Brownfield Advisory Commission will take 3 to 4 weeks before we hear the results. We are working on an access agreement for the Reynolds building and have spoken with Mr. Adams about a swap of properties. They continue to explore options for a cell tower site.

Capital Improvements Plan: Mr. Campbell stated that the project request forms will be sent out next week. Kevin MacCaffrie spoke with the committee at the last meeting about ways of funding projects. On May 2nd, the committee will meet with the Budget committee at the Old Town Hall where we will discuss scheduling.

OTHER:

Mr. Favorite reported that he attended the LRPC meeting last Tuesday. Nancy Maville did a slide on the condition of NH bridges. The State has lost almost \$90 million. A discussion was held on HB78, working on a \$35.00 fee. They are looking to combine projects or divide up big ones. They are to use State and Federal funds. The State is concerned about how to stay afloat. NH is being scrutinized on their bridges. Each Highway Department is responsible for maintaining all bridges that lie within their town. TIP is concerned about the East/West corridor. Mike Izzard, LRPC, went over some of the bridges with them. Mr. Favorite added that they find that school budgets are killing town maintenance.

Mr. Capone mentioned that there is a case before him in which some folks on Peaked Hill Road would like to put in a Day Care with 1 resident and 1 outside employee, as in Home Occupation. Kelly Lacasse, acting Health Officer, had to go out and check the premises. There is to be no additional paving. They may fence in the back yard due to some areas that are steep drops. They intend to have 12 to 17 kids.

Planning Board Minutes

4/27/11

OTHER, Day Care continued:

Ms. DellaCroce thought that it might be good to look up our last Day Care hearing. Mr. Paradis asked about parking. Mr. Capone stated that it would be just drop off and pick up. He does not know the intended hours of operation but will check. There was a schooling mix-up, he explained, but it was determined that this is just the school kids who will be dropped off between 2:00 and 4:00 p.m. after school. Ms. Seeler asked about the State ratio of kids to adults. Mr. Capone stated that Ms. Lacasse is checking on that. Mr. Paradis then read about non-residential changes on page 37 of the Site Plan regulations which cite accessory use but when Ms. DeStefano read the definition for accessory use, this did not seem to fit. Ms. Seeler stated that it fits Home Occupation better. This was discussed and determined to be the best fit. Ms. DeStefano stated that the onus is now on them to be good neighbors.

NEXT MEETING:

Our next meeting will be held Wednesday, May 11, 2011 at 7:00 p.m. On the agenda to date are the Cont. Compliance for Paul and Tami Zareas, Cont. Site plan/Merger for The Pemi-Valley Habitat for Humanity, Cont. Site Plan for Maxton Technology Inc., and a PCC with Tom Lemieux about a Subdivision.

With no other business before the Board, E. Seeler made a motion, second by M. Campbell, to adjourn at 8:47 p.m.

Respectfully submitted,
Jan Laferriere, secretary