

PLANNING BOARD MINUTES  
May 11, 2011

**APPROVED as amended & clarified:**  
**5/25/11\_jrl\_\_\_\_\_**

AGENDA: CONTINUED COMPLIANCE: PAUL & TAMI ZAREAS, 77 Ravine Drive,  
#111-084  
CONTINUED SUBDIVISION/MERGER: PEMI-VALLEY HABITAT FOR  
HUMANITY, South Main St., #115-008 & -009  
CONTINUED SITE PLAN: MAXTON TECHNOLOGY INC., Chestnut St.,  
#115-026  
PCC: TOM LEMIEUX, Peaked Hill Rd.  
PCC: GENE BRUNE, Lakeside Drive  
PCC: JASON NORTH, Peaked Hill Rd.

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

ABSENT: -----

OTHER: Public

The meeting opened at 7:00 p.m.

**CONT. SITE PLAN: MAXTON TECHNOLOGY INC.**

Mr. Paradis explained that the Board is obligated to continue a case if the applicant asks for a continuance. He added that the Board has the choice to terminate or extend a case. Jim Nyberg stated that he (for Slim Baker) has met with Maxton. David Gallagher asked that it be terminated. Ms. DellaCroce said that we usually do a courtesy extension. Ms. DeStefano mentioned that we did this before. The minutes were looked at and Mr. Paradis announced that we did a courtesy extension at our meeting March 23, 2011. Ms. Seeler said that she is stepping down and then stated that, as she said previously, extending this case is unfair to the abutters. Victor Labonte stated that Maxton will have to re-do the Site Plan anyway when they get a new location. He reminded everyone that, at Town Meeting, Selectman Rick Alpers said that the town could walk out within 30 days. Mr. Paradis thought that the Town wants to settle this amicably. Mr. Campbell asked if Mr. Dion could shed some light on the case. Mr. Paradis then read the e-mail from Ms. Lacasse, Ex. Admin. to the Town Admin. & Selectmen. It stated that they did not receive anything from Steve Kelleher or Maxton this week for the hearing. Mr. Nyberg stated that he met with Mr. Capone, Town Administrator, and Maxton yesterday and they are looking at Round Top locations.

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**MAXTON SITE PLAN continued:**

D. DeStefano made a MOTION, second by C. Dingman, to TERMINATE THE SITE PLAN FOR MAXTON TECHNOLOGY INC. AT THE CHESTNUT STREET EXTENSION LOCATION. The motion CARRIED, 4 for, 1 against, 2 abstentions.

**CONTINUED COMPLIANCE: PAUL & TAMI ZAREAS**

Mr. Paradis explained that the conditions are for DES approval of the septic system, a lighting plan, and approval from the Fire Chief, Steve Yannuzzi. There is also to be an affidavit to show that the Condominium has now been removed. Mr. Zareas stated that his representative, Mr. Bacon, said that it was never registered. The secretary, Ms. Laferriere, answered that she sent the plan to the registry herself. We do not get confirmation back but have paid the fees. The affidavit will still be needed.

Mr. Paradis then explained that the Fire Chief is confused about the apartment: whether it is to be over the restaurant (as stated by Mr. Bacon) or over the garage. Mr. Zareas stated that the area above the restaurant is purely for storage and he has removed the bathroom. He also mentioned that he is willing to meet with the Fire Chief at any time.

Mr. Zareas then presented the septic plan approved by DES and a plan of the current and proposed lighting. He stated that they plan to have the restaurant open from 5:00p.m. to 10:00 p.m. Water is to be municipal supply only and is already installed. Mr. Zareas got his copy of the DES approval #01399 to show the Board as we have not received a copy as yet. It states that Mr. Zareas is allowed the studio apartment over the garage, a 14 seat lounge and a 40 seat restaurant with 10 employees. Mr. Zareas had stated that they planned on a total of 70. Mr. Paradis questioned this and Mr. Zareas answered that the extra would be outside seating. Mr. Paradis explained that the approved number is the total that the State allows, inside or outside, and the town must go with that number.

Ms. DellaCroce asked to about the lighting and whether this is on the building or parking lot. Mr. Zareas answered that there is already some on the building and he wants to add some as well as lights on poles. He showed her the lighting plan.

At this point, Mr. Paradis stated that Mr. Zareas still needs an approval letter from the Fire Chief and the affidavit. He then read an LGC (Local Government Center) letter written to Michelle Bonsteel, past Land Use Officer, in regard to RSA 676:4-a. Ms. DeStefano explained that Mr. Zareas should call an attorney for the affidavit to clear the Condominium situation. The Board was happy with the lighting plan. Ms. DellaCroce asked when he planned to open and was told this year.

C. Dingman made a MOTION, second by D. DeStefano, to CONTINUE THE COMPLIANCE HEARING FOR TAMI & PAUL ZAREAS TO MAY 25, 2011, 7:00 P.M. The motion CARRIED.

**CONTINUED SUBDIVISION/MERGER: PEMI-VALLEY HABITAT FOR HUMANITY**

The Board received an e-mail asking for a continuance. Mr. Dion explained that they are still having financial problems that need to be worked out.

D. DeStefano made a MOTION, second by C. Dingman, to CONTINUE THE HEARING FOR PEMI-VALLEY HABITAT FOR HUMANITY TO JUNE 8, 2011 AT 7:00 P.M. The motion CARRIED.

**PCC: TOM LEMIEUX**

Mr. Lemieux was not in attendance.

**PCC: GENE BRUNE**

Mr. Brune stated that he bought his property 4 years ago. It has a house and 6 cottages on it. At the time that he purchased it, he was told that it could be turned to Condominiums. When he investigated this further, he was told that there is not enough land. One day, he was digging to put in a light and the Police and Ms. Bonsteel came and stopped him as he was in the right-of-way. He explained the situation to Ms. Bonsteel and she checked everything and did not find anything to prevent him from turning this into Condos and that he should look up the RSA's on Condos. Mr. Brune then showed the Chairman Ms. Bonsteel's letter to him and what he had looked up.

Mr. Paradis explained that Condos are just a form of ownership. Mr. Brune would only need the local subdivision/site plan regulations. Mr. Brune stated that a fellow here that he talked to at the time said that Mr. Brune would be okay for the local regulations. He continued to say that, in the meantime, he has greatly improved the property and the buildings. At the time of purchase, he paid too much for the property and now there is not enough coming in as he only rents during July and August as he is still working in Massachusetts. He does not like to rent it when he cannot be here himself.

Mr. Brune continued to say that Condos would help the town tax-wise. Bruce Barnard looked at his two septic systems and said that they are well maintained. Mr. Brune has fixed the alarm system, as well. His renters have been there for years and no-one has ever had a problem.

Mr. Brune stated that the State had suggested that he make this a Co-op. Ms. DellaCroce wondered what they based this on. Mr. Brune continued to say that he had 4 sold but then 3 of them backed out as it was contingent with the sales of their other property, which did not happen. The 4<sup>th</sup> person then backed out. Mr. Brune feels that it is more beneficial to the lake to have personal ownership. People take better care of property that they own. The septic is for 15 bedrooms which is what they have: 3 in the house and 2 for each cottage.

Mr. Campbell asked how large the property is and Mr. Brune thought about 30,000 sq. ft. Mr. Dion stated that the tax map lists it as .50 acres. Mr. Campbell asked if the intent is to have the 7 condos retained as they are now or will he need new. The intent is to leave as is.

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**PCC: BRUNE continued:**

Mr. Paradis stated that he will need DES approval for the septic. Ms. DeStefano explained that he may need more land in case of failure. Mr. Paradis continued to say that Mr. Brune will also need to apply for subdivision approval (needed for Condos). He thought that the only problem might be with DES (Dept. of Environmental Services). Mr. Paradis and Ms. DeStefano explained that Mr. Brune will need an engineered plan and a lawyer for the condo documents. Mr. Campbell asked why Mr. Brune came to the Board before and Mr. Brune answered that it was about having a Co-op and the town had no regulations for this. Mr. Paradis added that the reason for the application to DES is that, though your system is working now, they need a back-up plan in case of failure.

Mr. Paradis then explained that, though the Board gives answers to the best of their ability at the time, a PCC (Preliminary Conceptual Consultation) is not binding on either the applicant or the Board. Mr. Brune was then thanked for coming in.

**OTHER:**

Joe Denning, Selectman, announced that the Board is invited to a meeting in regard to Central Square on Monday, May 16, 2011 at 8:00 a.m. at the Masonic Hall.

**PCC: JASON NORTH**

Mr. North explained that he lives at the corner of Peaked Hill Rd. and River Rd. and they would like to have a home based child/day care center there. There will be no changes to the property.

Mr. Paradis read the definition of Home Occupation. Had the whole operation been inside, there would be no problem. However, they plan on having the children in the yard as well. Therefore, they need a minor site plan. As Mr. Paradis explained, anything outside allows for abutters input.

Mr. North stated that the State allows them to have 10 kids plus their own 2 kids. The employees will just be he and his wife. The children will only be allowed in the back yard which backs up to the high school. Ms. DellaCroce asked what the State allows and Mr. North answered that they are vague. There can be 4 children under 36 months, 6-10 pre-school, and up to 5 school-age (to 16 years old). The school-age kids would only be there after school.

Mr. Paradis again stated that he feels that they will need a minor site plan. This still requires notifying the abutters. This gives the abutters a chance to express any concerns. We will also be looking at parking and the safe pick-up and drop-off area. Ms. Seeler suggested that they read the abutter description. When Mr. North asked when this could be heard, the secretary explained that she needed everything in to her by this Friday if they want to meet the June meeting deadline. Mr. North assured her that he would.

**MINUTES OF APRIL 27, 2011:**

The following amendments and clarifications were made:

Page 1, under Dave Jeffers, 2<sup>nd</sup> paragraph, 3<sup>rd</sup> line, replace “sufficient and is confusing.” With “the Wetlands Overlay map.” Page 2, 1<sup>st</sup> paragraph, 1<sup>st</sup> line, following “waterbodies was seen” insert “by the Conservation Commission”. 3<sup>rd</sup> paragraph, 1<sup>st</sup> line, delete “needs to be” and 3<sup>rd</sup> line, replace “Ordinance” with “Article 14”. 5<sup>th</sup> paragraph, 2<sup>nd</sup> line, replace “on soil” with “about soil”. 6<sup>th</sup> paragraph, 2<sup>nd</sup> line, replace “infiltrating” with “infiltration”. Page 3, 1<sup>st</sup> paragraph, 3<sup>rd</sup> line, replace “the additional.” with “each additional structure.” Page 4, 1<sup>st</sup> paragraph, last line, replace “we had nothing for” with “no regulation covers”. Page 5, Historic District Commission, 5<sup>th</sup> line, replace “as Addendum A” to read “an Addendum A”. 7<sup>th</sup> line, replace “Rule” with “Ruell”. Selectmen, 2<sup>nd</sup> line, replace “drainage piece/grading and ditches” with dredging and clean-up of metal from the east end of the beach”. Other, paragraph 1, 1<sup>st</sup> line, insert “show” after “slide”. 6<sup>th</sup> line, replace “Izzard” with “Izard”.

E. Seeler made a motion, second by D. DeStefano, to approve the minutes as amended. The motion carried.

**COMMUNICATIONS:**

The latest copy of “The Source” will be held in the office awhile for members to read.

**OTHER:**

Nancy and Steven Bleiler have asked to come in to see the Board again. As they have already seen the Board once, it was felt that we can have them come in to our Workshop Meeting on May 25th.

**REPORTS:**

**Historic District Commission** – Mr. Dingman stated that met last night; they worked on revising their guidelines and had a pictorial workshop of the on-line base.

**Selectmen** – Mr. Dion stated that they have changed their meetings to every other Monday night for July and August so as to be able to attend the summer concerts. There is an up-coming meeting between the Northern Pass folks and the Selectmen, which will be held at the Old Town Hall. Mr. Dion was not certain of the date and said we should watch for it.

**Capital Improvements Plan** – Mr. Campbell reported that the committee met with the Budget Committee on May 2<sup>nd</sup> so as to better understand the coming year. The consensus is that the Budget Committee would prefer total appropriation for each purchase rather than capital reserve or lease-purchase. They felt that leasing of police cars might be looked into. They also discussed impact fees for new construction or new development. Mr. Paradis stated that a couple of years ago, the town voted down impact fees for single housing. Mr. Dion agreed and added that impact fees are okay for multiple projects, he feels. Ms. DellaCroce asked what impact fees are for. Mr. Paradis explained that they help cover the cost of the increase to schools, traffic, etc.

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**CIP REPORT continued:**

Mr. Campbell continued by saying that the CIP committee will meet again next Tuesday night, May 17<sup>th</sup>. Mr. Paradis added that he has been trying to update the history and met with Mr. Capone, Town Administrator, who is having trouble following some, as well. It is in the Water/Sewer department with \$292,000 for Central Square that Mr. Paradis cannot figure where it has gone. Mr. Dion explained that they had to appropriate the full funds (the town's and the grant's) and it will go out when the project is completed. Mr. Campbell added that it is like the \$497,000 for the Downtown that is also listed under the grant for \$397,000. Mr. Campbell then stated that he is hoping that we shall get the plan from the Selectmen for the repair of the Old Town Hall. Mr. Dion suggested that they speak to Mike Lewis, Police Chief, about leasing cruisers.

**LAKES REGION PLANNING COMMISSION (LRPC) REPRESENTATIVE:**

As it is time again to select a representative to the LRPC, this chore falls to the Planning Board.

C. Dingman made a motion, second by P. Dion, to elect Steve Favorite to continue as Bristol's representative to the LRPC. The motion carried unanimously with the comment that Mr. Favorite has been doing a great job.

**NEXT MEETING:**

The next Planning Board meeting will be held on May 25, 2011 at 7:00 p.m. On the agenda will be the continued Zareas Compliance Hearing, the PCC for Nancy and Steve Bleiler, and our Workshop.

With no other business before the Board, C. Dingman made a motion, second by E. Seeler, to adjourn at 8:54 p.m.

Respectfully submitted,  
Jan Laferriere, recording secretary