

PLANNING BOARD MINUTES
January 25, 2012

APPROVED as clarified:

2/7/12_jrl_____

AGENDA: WORKSHOP: LAW UPDATES WITH ATTORNEY BERNIE WAUGH
PCC: DONALD MILBRAND, 22 Hemphill Rd., #214-037

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: Michael Capone (Town Administrator), Town Attorney Bernie Waugh,
Sandra Heaney (HDC), Donald Milbrand (Selectman/HDC Rep.)

The meeting opened at 7:02 p.m.

LAW UPDATES: ATTY. BERNIE WAUGH:

Attorney Waugh went over most of the cases that he had previously e-mailed to the office and which were then e-mailed to the Boards. Following his presentation, he asked for questions.

Mr. Favorite asked about a private road that was plowed by the town at one time as it led to a farm. The farm went out of business but the Selectmen decided to continue to maintain it. Atty. Waugh stated that there are 3 criteria for this: (1) It was officially laid out, (2) It was officially accepted, and (3) It was in continued use for 20 years prior to 1968. Towns are not supposed to use tax money for this unless it was needed for emergency access. Mr. Dion said that, maybe now, the town should not be doing this.

Mr. Milbrand asked if it is valid for Selectmen to vote when on the Budget Committee or Planning Board. Atty. Waugh answered that all ex-officios are allowed to vote as a member.

Mr. Paradis thanked Atty. Waugh for his time and information.

PCC: DONALD MILBRAND

Mr. Milbrand stated that he wishes to add a Brewpub to his B & B and residence. He will need a Variance as his lot is in the Rural District. He would like to ask for a Minor Site Plan as he is not expanding any building.

Planning Board Minutes
1/25/12

PCC: MILBRAND continued:

Mr. Paradis read the criteria for a Minor Site Plan. Mr. Milbrand continued by saying that he has 225' of frontage and 9+ acres. On the property, he has a cape (his residence), the B & B Inn & barn, and a 2-room cottage, also used by the Inn. All are within the setbacks. Mr. Milbrand would like to turn a 35' x 35' section of the barn into a Brewpub. He would also add some parking. He has had the Fire Chief out to look at it and Chief Yannuzzi stated that it would not be a place of assembly and could hold 28 or 29 people. Mr. Milbrand is only looking for 24 people.

A discussion followed and Ms. DellaCroce asked if food is to be served. Mr. Milbrand stated that he would need a brewery license which calls for a full service restaurant, 5 days a week, with the majority of proceeds from it. Mr. Milbrand plans on serving beer and wine only.

Mr. Dingman made a MOTION, second by D. DeStefano, to ALLOW MR. MILBRAND TO COME IN FOR A MINOR SITE PLAN. The motion CARRIED.

Mr. Dingman then asked when Mr. Milbrand plans to open and Mr. Milbrand answered that he would like to open for the triathlon, if he can.

MINUTES OF JANUARY 11, 2012

The following amendments and clarifications were made:

Page 2, 1st paragraph, last line, insert "tax rate" following "school". Last paragraph, 2nd line, following "look into" insert "for using CLG funding" and delete "historical significance". Page 3, 2nd paragraph, 4th line, change "were impressed" to "was impressed". Last paragraph, next to last line, delete "Catholic" and insert "former St. Timothy's".

C. Dingman made a motion, second by M. Campbell, to approve the minutes as amended. The motion carried with 3 abstentions.

CORRESPONDENCE:

Mr. Campbell took the Town & Country magazine to read.

REPORTS:

Historic District – No update.

Selectmen - Mr. Dion stated that the Selectmen held the TE grant hearing and the Hydro Plant gentleman is amenable to working with the town. Mr. Capone added that Joe Denning wants to reconvene the committee that worked on this and the previous members will be notified when a meeting is set up. Mr. Dion continued by saying that there was much discussion on having "back-in" parking.

Capital Improvements - No update.

Planning Board Minutes
1/25/12

OTHER:

Special Exceptions in the Industrial District and Demolition Review:

Ms. Seeler has requested that the Board look at Special Exceptions in the Industrial District as several people have looked at her property that want commercial businesses but do not want to go through the expense of a Special Exception. At that point, they disappear. We have 2 cases out by Robie Road who have applied right now. Mr. Paradis is opposed to mixing all the uses of the two districts (Industrial and Commercial). Mr. Dion stated that the Medical facility is a good thing.

Mr. Dingman was the one to bring up Demolition Review. He agreed with Mr. Paradis that these two issues should be taken up next fall (September) and the Board agreed.

Atty. Waugh's final wording for the ballot issues:

Mr. Paradis went over the two recommendations for wording that we have received from Atty. Waugh. With the Boards permission, Mr. Paradis will make these adjustments and get them to the Town Clerk.

Master Plan Revision:

Mr. Paradis explained that the Capital Improvements committee requested \$15,000 a year for 2 years. The Selectmen lowered this to \$10,000 and the Budget Committee changed it to \$5,000. He is requesting the Board members to think about what we can do with only this amount of money. It was felt that State law asks updates at least every 10 years. Mr. Paradis suggested that we might just do Downtown where we are going to be making changes this year. Ms. DellaCroce asked what \$5,000 can get us. Mr. Capone stated that we could revise some and do some new. Lakes Region Planning Commission will review and edit for us, he added. Mr. Paradis mentioned that, last time, we appealed to the citizenry and got help from 20-30 people. Ms. DellaCroce stated that they do the cutting of the funds but we have to do the work. Mr. Paradis thought that maybe we can do Downtown and add Town Facilities. Mr. Dingman stated that he might be able to get is a CLG grant; he will look into that. Mr. Paradis stated that one cost is for surveys. He added that David Hill, from the Capital Improvements committee, has offered to help with the Master Plan. Mr. Capone suggested that, to be the most successful, it is best to have one person do the writing.

Planning Board Chairman:

Mr. Paradis stated that he wishes to step down as Chairman in March. He has been doing this role for 10 years and would like a break. He is willing to stay on the Board as a regular member, he added. He then asked the Board to think about this, as well.

NEXT MEETING:

Our next meeting will be held on Tuesday, February 7, at 7:00 p.m. or as soon as the ZBA is finished. As we had set up and announced a joint hearing that later fell through, we must keep that date. The ZBA meets at 6:00 and has 2 Variances to deal with. On our agenda is the continued Site Plan for Jonathan T. White Realty LLC (Family Dollar) and a PCC with Alan Barnard (Habitat for Humanity).

-4-

Planning Board Minutes
1/25/12

With no other business before the Board, C. Dingman made a motion, second by D. DeStefano, to adjourn at 8:53 p.m.

Respectfully submitted,
Jan Laferriere, recording secretary