

PLANNING BOARD MINUTES  
November 14, 2012

**APPROVED AS AMENDED & CLARIFIED**

**11/28/12\_jrl\_\_\_\_\_**

AGENDA: MINOR SITE PLAN: JOHN & AMY SOUTHLAND, 100 Schofield Rd.,  
#220-015  
LOT LINE ADJUSTMENT: THOMAS M. & LUCILLE M. KEEGAN,  
Rte. 104 & Robie Rd., #228-013 & -016  
PCC: BETH DIXON  
PCC: DON MILBRAND  
FINAL APPROVAL OF PROPOSED ZONING AMENDMENTS

ATTEND: Denice DeStefano (Chairman), Dan Paradis (Vice Chair),  
Murray Campbell, Janice DellaCroce, Elizabeth Seeler

ABSENT: Phil Dion (Sel. Rep. – excused), Clay Dingman (away),  
Steve Favorite (alternate – conflict)

OTHER: Public, Michael Capone (Town Administrator), Don Milbrand (Selectman)

The meeting opened at 7:00 p.m. with a quorum.

12MSPR04: JOHN & AMY SOUTHLAND/ ALISON SOUTHLAND

The secretary read the application, abutters notified, where the hearing was advertised, and stated that there were no telephone calls or written responses regarding this case. There were no Department comments either.

Alison Southland presented a paper naming her as representative to her parents. The Board then went through the checklist. When they saw that a DES permit line was checked, Ray Reimold, abutter and State employee, explained that a State permit is required for a pool.

Mr. Paradis asked about hours of operation. These were listed on the application as 9:30 am to Dusk. Ms. Seeler asked about a fence and this will be done.

M. Campbell made a MOTION, second by E. Seeler, to ACCEPT THE APPLICATION AS COMPLETE. The motion CARRIED.

Mr. Reimold expressed that, as an abutter, he is in full support. Mr. Paradis asked about the building schedule and Ms. Southland answered that they will try to get it in this fall.

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SOUTHLAND MINOR SITE PLAN continued:

With no other comments, E. Seeler made a MOTION, second by J. DellaCroce, to APPROVE THE APPLICATION OF JOHN & AMY SOUTHLAND WITH THE CONDITIONS OF RECEIVING A COPY OF THE STATE PERMIT AND THAT THE POOL BE FENCED. The motion CARRIED and the Board signed the plan and Notice of Decision.

12LLA03: LOT LINE ADJUSTMENT: THOMAS M. & LUCILLE M. KEEGAN/COLIN BROWN, Surveyor

The secretary read the application, the abutters notified, where the hearing was advertised and stated that there were no telephone calls, no written correspondence and no comments from the Dept. Heads.

Mr. Brown explained the two pieces of property in which they are to change lot 13 from 5.36 acres to 2.00 acres and lot 16 from 1.53 acres to 4.89 acres. Ms. DellaCroce asked if there is a curb cut on Route 104 and was told that there is not. Access to both will be on Robie Road.

With no other comments, D. Paradis made a MOTION, second by M. Campbell, to APPROVE THE LOT LINE ADJUSTMENT AS PRESENTED. The Board signed the plans, mylar, and Notice of Decision.

PCC: BETH DIXON

Ms. DeStefano explained that a PCC is not binding on either the applicant or the Board but that the Board will give their best answers based on what is presented. Both Ms. Dixon and Mr. Milbrand were in attendance when this was done.

Ms. Dixon stated that she has a home in Bellmore Court, on the shoreline. It was purchased several year's ago and has a limited common area of 60'. Her deed allows for expansion. The present residence is 25' x 18'. They hope to expand out and up. They spoke with both Alan Barnard who thought they should go to the State first and then to Colin Brown who thought they should go to the Town first.

Mr. Paradis stated that they would need a Special Exception to build up more than one foot. Ms. Dixon explained that they would like to expand 10' to the back and go up in order to accommodate 2 bedrooms and a bath. Ms. DellaCroce mentioned that a DES permit would be needed. Ms. Dixon and Mr. Nyberg, who was with her, agreed that this is needed. Mr. Paradis felt that a land use permit would be enough if they meet setbacks and are 60% or less of the area in structures. Again, Ms. DellaCroce mentioned DES for Shoreland Protection.

Ms. Dixon was thanked for coming in.

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PCC: DON MILBRAND

Mr. Milbrand stated that he has applied for a permit to convert an indoor storage area (part of the barn) for recreational personal space. He mentioned that, if the Zoning Ordinance change that he suggested goes through, he might want to open it up to Commercial and knows that he would need to come back in to the Board. This, right now, is isolated and locked off from the Bed & Breakfast.

Mr. Paradis stated that the problem is that this is a commercial property. He then directed the Board to look at Page 33 of Site Plan Regulations and read the pertinent information. Where there is no change in the gross floor area, it was determined that he is okay due to the private use. Mr. Milbrand again stated that he would definitely come back to the Board if he decided to open it up to the B & B use. He added that this property has had the B & B since 1989 and there were other commercial uses prior to that. The Board felt that it is okay for him to have the permit for personal use.

Mr. Milbrand then asked when they were to discuss the zoning changes and was told that they are under consideration tonight. Mr. Milbrand also asked to be notified of Planning Board meetings as the HDC has not been very busy and he would like to attend some.

MINUTES OF OCTOBER 24, 2012:

The following amendments and clarifications were made:

Page 1, under AGENDA, 5<sup>th</sup> line, replace "Shitman" with "Whitman". Last paragraph, 4<sup>th</sup> line, delete the second "required". Page 2, 1<sup>st</sup> paragraph, delete "having". Page 4, 2<sup>nd</sup> paragraph, 2<sup>nd</sup> line, replace "residents" with "residence". 3<sup>rd</sup> paragraph, 2<sup>nd</sup> line, delete "on the web" and replace with " ordinance" from the Innovative Land Use Technique Handbook". Page 5, 2<sup>nd</sup> paragraph, 1<sup>st</sup> line, replace "if anything" with "what" and before "next year" insert "the Master Plan for". In the 3<sup>rd</sup> paragraph, 1<sup>st</sup> & 2<sup>nd</sup> line, delete the rest of the sentence following "Mr. Paradis" and replace with "suggested the survey will address new issues such as broadband adequacy."

M. Campbell made a motion, second by D. Paradis, to approve the minutes as amended. The motion carried with one abstention.

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PROPOSED ZONING AMENDMENTS:

The Board looked at Ms. DellaCroce's suggestions pertaining to Recreational Vehicles. Mr. Paradis had revamped it to better fit with what will be accepted. The following changes were made to Mr. Paradis' copy: Under 4.10A, 2<sup>nd</sup> line, inset "temporary" before "living quarters" and change "60 days" to "90 days". Under B., delete the word "unit". Under C., 1<sup>st</sup> line, change to read "periods of non-use" and in the 2<sup>nd</sup> line, replace "hooked" with better wording. Add "D. The property owner may apply for a Special Use Permit from the Planning Board to live in a recreational vehicle for a period of up to one year, but they must have an approve land use permit to build a new home on the same lot.". This will be Proposal #7.

E. Seeler made a MOTION, second by J. DellaCroce, to BRING PROPOSAL #7 AS AMENDED TO PUBLIC HEARING ON DEC. 12<sup>TH</sup>. The motion CARRIED.

Mr. Paradis reminded Ms. DeStefano that she must send these, in their final language, to the Town Attorney, Bernie Waugh for his input and this should be done so as to receive his answers back by the hearing date.

The other 6 proposals were then addressed:

- #1. To change all "Land Use Officer/Code Enforcement Office/Permit Coordinator" to "Land Use Office"

E. Seeler made a MOTION, second by J. DellaCroce, to BRING AMENDMENT #1 TO PUBLIC HEARING ON DEC. 12<sup>TH</sup>. The motion CARRIED.

- #2. To change all references of "Building Permit" to "Land Use Permit".

E. Seeler made a MOTION, second by M. Campbell, to BRING AMENDMENT #2 TO PUBLIC HEARING ON DEC. 12<sup>TH</sup>. The motion CARRIED.

- #3. To allow Retail Sales in the Industrial District and delete it from Special Exception.

Mr. Paradis stated that the Article is III and the Section 2G.

Mr. Campbell made a MOTION, second by D. Paradis, to BRING AMENDMENT #3 TO PUBLIC HEARING ON DEC. 12<sup>TH</sup>. The motion CARRIED.

- #4. To remove "Signs" from the definition of structures.

E. Seeler made a MOTION, second by M. Campbell, to BRING AMENDMENT #4 TO PUBLIC HEARING ON DEC. 12<sup>TH</sup>. The motion CARRIED.

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PROPOSED AMENDMENTS continued:

#5. To allow restaurants in the Rural District.

The definitions of restaurants, page 50 of the Ordinance, were looked at. Mr. Milbrand commented that he thought that this was done well. Mr. Paradis questioned about restaurants like Frosty's (take-out) and it was felt that they are grandfathered.

E. Seeler made a MOTION, second by M. Campbell, to BRING AMENDMENT #5. TO PUBLIC HEARING ON DEC. 12<sup>TH</sup>. The motion CARRIED.

#6. FIRE SAFETY REQUIREMENTS.

The numbering will be changed to 4.21 from 4.10. The word "new" is to be placed before "structure" in the first line of "C". and in the 2<sup>nd</sup> line, the words "must be" is to be replaced with "is". Under D., 1<sup>st</sup> line, the same is to be applied.

Mr. Campbell asked why we don't just go with the State codes. Ms. DeStefano answered that the Fire Chief has asked that this be placed in our Ordinance. Ms. DellaCroce asked about changes of use being included and Ms. DellaCroce stated that the Fire Chief already handles changes of use downtown per the State code. Mr. Campbell asked about the Hebert case in which he wanted 4 apartments. Ms. DeStefano stated that even 3 or more dwelling units require sprinklers. Mr. Milbrand added that a place of assembly having 50 or more needs sprinkler systems also.

M. Campbell made a MOTION, second by D. Paradis, to BRING AMENDMENT #6 TO PUBLIC HEARING ON DEC. 12<sup>TH</sup>. The motion CARRIED.

Mr. Milbrand asked about placing Retail Sales in the Lake District under Special Exception. Mr. Paradis explained that a Special Exception only imposes conditions but would not bar retail sales. The Board would prefer this stay under a full Variance. Mr. Milbrand withdrew his suggestion.

COMMUNICATIONS:

Mr. Campbell took the information for the LRPC Meeting for Nov. 19<sup>th</sup>. Looked at were DES Approvals for Operation for Michael Sharp, NH Housing Finance Authority (Habitat - 2), and Paul and Tami Zareas; DES Approval for Construction for Matt Hughes; and DES Approvals for Subdivision for Normand Hebert and the L T Keegan Family 2011 Trust.

REPORTS:

HDC: In Mr. Dingman's absence, Ms. DeStefano read his e-mail which explained that all additional paperwork for the CLG grant has been submitted and received in good order by NHDHR who have now submitted it to the State's Attorney General, the Governor, and the Executive Council for final approval.

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REPORTS continued:

SELECTMEN: Mr. Dion was not in attendance. Ms. DellaCroce asked about a follow-up on non-compliant folks. Mr. Capone stated that Ms. Gilman, Mr. Defeo, and Ms. Lacasse are working on these. Ms. DeStefano explained that we are looking for an answer on fines for folks who have done things without the proper permits. Mr. Capone will look into this. It was then mentioned that the Board has not met Mr. Defeo, the Land Use Officer, and would like to have him come to one of our meetings.

Mr. Capone stated that the work Downtown will continue until the ground freezes too much. They are doing the drainage and some water and sewer lines along Central and Spring Streets. Next week, they expect to work in the area where the monuments were and a bit across 3A to Pleasant St. The library is on schedule. They are putting in the furnace and they hope to be complete by the end of February. They can lay brick when it is 40 degrees and above. The electric, flooring, and lighting, etc. for the old section will be done after the move into the new section.

CIP: Nothing to report.

OTHER: Mr. Capone asked if the Board would mind if he looked into the possibility of getting the secretary a new computer this year if he can find the funds. The Planning & Zoning Boards have it in their 2013 budgets and he would like to do it sooner, if possible. The Board is fine with that.

Mr. Milbrand mentioned that Bristol Shores would like to change their closing times to read the week and day (such as the 3<sup>rd</sup> Friday of April). The Board explained that they would need an amendment with the Planning Board and referred to 8E of the Site Plan Regulations.

NEXT MEETING: The next Planning Board meeting will be held Wednesday, Nov. 28, 2012 at 7:00 p.m. On the agenda is Steve Whitman, of NLRA, who will speak on the Watershed Master Plan. This is a workshop meeting.

With no other business, E. Seeler made a motion to adjourn at 9:23 p.m.

Respectfully submitted,  
Jan Laferriere, recording secretary