

PLANNING BOARD MINUTES

June 25, 2014

**APPROVED as amended & clarified:**

**7/9/14\_jrl\_\_\_\_\_**

AGENDA: CONTINUED: 13MSPR01, COMPLIANCE: ANSON SMITH, 16 Central St.  
#114-122

PCC: MICHAEL CAPSALIS, 802 Lake St., #216-100  
WORKSHOP - MASTER PLAN

ATTEND: Denice DeStefano (Chairman), Dan Paradis (Vice Chair), Betsy Schneider,  
(Sel. Rep.), Clay Dingman, Steve Favorite, Elizabeth Seeler

ABSENT: ----- (still short one member)

OTHER: Michael Capone (Town Administrator), State Representative Skip Reilly,  
public

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

**PCC: MICHAEL CAPSALIS/ALAN BARNARD:**

Ms. DeStefano explained that we have asked Mr. Capsalis to come in as it was brought to the attention of the Board that Mr. Capsalis now has a full time business instead of the seasonal business that was approved. Also, Mr. Capsalis was to come back to the Board about his sign.

Mr. Barnard, representing Mr. Capsalis, presented the Board with new Site Plan copies which show the location of the sign as well as the original signed copies. He also submitted a photo of the sign, which Mr. Capsalis got an approved permit for, and a letter that Mr. Barnard sent to Mr. Capsalis, dated May 12, 2014, in which Mr. Barnard states his reasons as to why Mr. Capsalis does not need to come back in to the Planning Board for a Site Plan Review in his opinion.

Mr. Barnard then pointed out that, in the Site Plan Regulations, page 34, Article VIII, B Minor Site Plan Review, 4<sup>th</sup> line down, it should read "Site Plan Review" not "Minor Site Plan Review". Later in the meeting, Mr. Paradis pointed out that the wording here is correct as printed.

Ms. DeStefano stated that the Board has not asked Mr. Capsalis back for a Site Plan Review but for a PCC (Preliminary Conceptual Consultation). The Board has no argument about the new business as it is allowed in that District. He has been asked back about the type and place for the sign, as was agreed to at his Site Plan, and to be certain that changes from a seasonal to a full-time business still meets the criteria required.

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**CAPSALIS PCC continued:**

Mr. Capsalis explained that the seasonal Antique business fell through on April 28, 2014 as the lessee did not want to pay a year-around rental fee. The Board looked at the requirements and felt that a full-time business would meet all requirements. They were okay with the sign and its placement, as well.

Ms. DeStefano then stated that there is a question about a second business there (as noted in Mr. Barnard's letter and which is advertised). Mr. Barnard stated that the parking exceeds the requirement. Mr. Favorite reminded him that the Board was under the assumption that this was to be a seasonal Antique business and now there is a question of a second business. Mr. Capsalis stated that the area is only 480 sq. ft. and is in the barn. Ms. Seeler mentioned that he is approved for one business. If he gets a second business, he must come back in. Mr. Capsalis stated that the barn is only storage right now. Ms. DeStefano pointed out that there is an MLS listing that she saw last night.

Ms. Seeler pointed out page 34, Section 8.3,A.6 of the Site Plan Regulations which states that Site Plan is required for "Any increase in the number of non-residential allowed uses within an existing non-residential structure." Mr. Barnard emphasized that it says within the structure and there are two structures. He pointed out page 30 of the Zoning Ordinance, 4.14 Multiple Uses on a Lot, in which it excludes lots devoted entirely to non-residential use from needing subdivision for more than one primary use on the lot.

The Planning Board members directed Mr. Barnard and Mr. Capsalis to what triggers a Site Plan for a second business (Site Plan Regulations, page 34, Section 8.3, A.6) as was cited previously. Mr. Dingman also stated that Mr. Capsalis was to come back in to review the sign, as is stated in the minutes. This implied a follow-up meeting. The Board has to be consistent for all property owners. Ms. Schneider asked how this was missed when the sign permit was applied for and if there is a better way to communicate this to the sign permit person. She felt that if our person could miss it, so could Mr. Capsalis. Ms. DeStefano explained that this is why the Board asked Mr. Capsalis to come in. People were questioning and the Board needed an update so as to answer correctly. Mr. Barnard suggested that these things be stated on the Notice of Decision. A discussion followed.

Mr. Barnard again stated that the two businesses would only be in the one structure and Mr. Capsalis meets all the criteria in A.1, 2, and 3 and does not need Site Plan for a second business. Ms. DeStefano asked if Mr. Capsalis is definite about a second business. Mr. Capsalis answered that, at some point, he wants to rent the 480 sq. ft. in the barn. The garage will remain as storage. As the barn is connected to the main house (one structure), Ms. DeStefano again read what triggers a Site Plan (8.3 of the Site Plan Regulations). Mr. Paradis added that the Planning Board can designate this as a Minor Site Plan when asked or if they feel it would not

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**CAPSALIS PCC:**

be a significant change. As to the wording pointed out previously, the difference is in “shall” or “may”. Mr. Barnard felt that Mr. Capsalis would not need Site Plan as he meets A.1, 2, & 3. Ms. DeStefano answered that, as Mr. Capsalis is the Chairman of the Planning Board in a neighboring town, she was certain that he would know that he would need to look at 4, 5, 6 & 7, as well.

Mr. Capsalis stated that he wants the Board to know that when he had the driveway paved, he also had the front walkway done. He feels that some of the driveway was narrowed from what was there originally so he probably is within the 1000 sq. ft. originally mentioned but, to be sure, he would estimate an additional 127 sq. ft. so that the Board is aware. Ms. DeStefano read Section E. of the Site Plan Regulations, page 35, in which doing this is covered.

C. Dingman made a MOTION, second by E. Seeler, to ACCEPT THE ADDITIONAL 127 SQ. FT. OF PAVING FOR THE WALKWAY AND FOR THE SIGN AND IT’S LOCATION AS NEITHER WOULD HAVE BEEN A PROBLEM FOR THE ORIGINAL SITE PLAN. Ms. DeStefano asked the abutters present if anyone had a problem with this and all are in favor. The motion then CARRIED.

As to the 2<sup>nd</sup> business, Ms. DeStefano asked for a motion. C. Dingman made a MOTION, second by E. Seeler, to APPROVE ALLOWING A MINOR SITE PLAN IF A SECOND BUSINESS, OF AN ALLOWED USE IN THE DISTRICT, WAS ASKED FOR BY MR. CAPSALIS FOR THE PROPERTY AT MAP AND LOT #216-100. The motion CARRIED.

**COMPLIANCE: ANSON & GENEVIEVE SMITH**

A copy of the lease with the Selectmen for 5 parking spaces was acknowledged. It was mentioned that this, by State Law, is only good for one year and then it can be brought to town meeting for a vote. If accepted there, it is good for 10 years. When asked, Ms. Schneider and Mr. Capone stated that Mr. Smith is well aware of this. The Notice of Decision was then approved and signed.

**MINUTES OF JUNE 11, 2014:** The following amendments and clarifications were made: Page 2, 2<sup>nd</sup> paragraph, 1<sup>st</sup> line, following “#2” insert “the signs will be set to dim appropriately at night”. 5<sup>th</sup> line, delete “in exchange”. 6<sup>th</sup> line, following “dimmed” insert “main”. 3<sup>rd</sup> paragraph, 4<sup>th</sup> line, before “sign” insert “intermittent lighting of the”. 5<sup>th</sup> line, replace “with the” with “with LED”. 7<sup>th</sup> line, delete “she would comply but added that”. Under Workshop, next to last paragraph, 3<sup>rd</sup> line, following “Resources” insert “section re-write”. Page 4, 1<sup>st</sup> paragraph, 4<sup>th</sup> line, following “vehicles” insert “in the Central Square” and following “used” insert “there”. 3<sup>rd</sup> paragraph, 2<sup>nd</sup> line, following “5” replace “issues” with “requested” and before “sign” insert “5<sup>th</sup> one for a “. 3<sup>rd</sup> line, delete “portion”. Page 4, under Other, 1<sup>st</sup> line, replace “MDTE” with “MBTE remediation”.

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**MINUTES continued:**

C. Dingman made a motion, second by S. Favorite, to amend the minutes as stated. The motion carried.

**MASTER PLAN:**

**Vision:** Mr. Dingman had sent out copies of the RSA required inclusions, the vision statement from our present Master Plan, and a draft of his proposed measurable goals. He then went over the bullet points of his proposal. He felt that the 3<sup>rd</sup> bullet (Build to create enduring value and beauty) may need wording. Mr. Paradis suggested possibly ethics and added that the Master Plan is for guiding the growth of the town. Mr. Paradis also felt that we need to look at the 4<sup>th</sup> bullet ( Enhance Bristol's economic vitality through ongoing reinvestment in the downtown core) closely. The 5<sup>th</sup> bullet ( Anticipate and address the housing needs of all community residents) should include workforce housing. Mr. Dingman thought that bullet #8 (Maintain the health of the natural systems that support life in Bristol) may need to be combined with another. He felt that this draft covers the things that people would like according to the last two surveys. He asked if the Board had anything else that they feel should be added. Mr. Paradis mentioned that there is nothing on town facilities. Ms. DeStefano felt that this is covered under bullet #9 (Maintain and improve community assets supporting public safety, recreation, transportation and the general welfare).

Mr. Dingman pointed out that the State recommends including regional concerns. He feels that ours would probably be more local including the Lake. Ms. DeStefano thought that Mr. Dingman had covered everything. Mr. Paradis asked about implementation and Ms. DeStefano reminded him that we talked of doing this at the end of each chapter. We are to track what has been done and then add the goals to be done. Mr. Paradis stated that the Vision section is broad and then detail goes into the Chapters. Regional concerns are new since we did our last Master Plan update so we do need to add it in.

Mr. Dingman will make up another draft of the technical aspects and have it for our July 9<sup>th</sup> meeting. Ms. DeStefano suggested he do the italicized part and then add the Regional and State aspects.

**Land Use:** Mr. Dingman and Mr. Capone are working on these. We may have a bit more money for this than we thought. Ms. DeStefano reminded them that we need a signed contract by year end. Mr. Capone stated that we only need to get 3 quotes without the formal RFP as the cost is lower than what an RFP requires. Mr. Dingman will write up a list like that we received from LRPC. Mr. Capone said that we need to ask for the 3 quotes and have a time frame for an answer.

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**REPORTS:**

**HDC:** Mr. Dingman stated that we have received a \$4060.00 grant from NHRDC so as to hire an architectural historian to evaluate the Old Town Hall and get it on to the National Register.

**SELECTMEN:** Have not met yet.

**CIP:** Mr. Paradis stated that they met but there is not much to report as yet.

**OTHER:**

**LRPC Kim Ayers Award:** Ms. DeStefano congratulated Dan Paradis on receiving the LRPC Kim Ayers Award for long term contribution to the area environment and local community services. Mr. Favorite stated that Max Stamp instigated the nomination and the Keynote Speaker, Jeffrey J. Rose, Commissioner of the Dept. of Resources and Economic Development complimented Mr. Paradis for all he has done. Mr. Paradis said that he feels that Max Stamp deserves the award more. The town has received the plaque with the names of all recipients of this award to hang in our town office for the next year. This will be done as soon as we have the necessary items to hang it as it is very heavy.

**The Boat Shop:** Mr. Dingman questioned all of the boats that can be seen from the road. Ms. DeStefano stated that four were to be allowed for display. Mr. Capone stated that Mr. Hughes has been told that he can have 4 boats by the road with the prices on them. He has had other boats on the slab where the 2<sup>nd</sup> building is to go but is waiting for the State Fire Marshall before he can complete it. Chief Yannuzzi is to check with the Fire Marshall on this progress.

**Construction behind the hairdresser on Lake St.:** Mr. Dingman asked what is happening there and has been told that they have cut down some trees so as to build a garage. It has been noted since that there is another lot between this property and the river.

**Signs:** Mr. Dingman questioned which rules prevail in the case of temporary signs in the Zoning Ordinance and interim signs in the HDC guidelines. He had noticed that the Zoning Ordinance does not allow neon signs where the HDC had no problem with them. The Board felt that the Zoning Ordinance would have jurisdiction in this case. A discussion was held concerning the temporary vinyl banners in the Historic District. Mr. Dingman was told that the owner rotates the banners so that he is covered by the 30 day time requirement. Mr. Paradis mentioned that the Purple Pit has a neon sign on their coffee shop. It was felt that they should come in for a PCC with the Board. A conditional Use permit might be the way to go.

**NEXT MEETING:** Our next meeting will be held July 9th at 7:00 p.m. We are to continue the Conditional Use Permit for Carolyn Parker/Cumberland Farms to August 13<sup>th</sup>. With no other hearings, we shall continue working on the Master Plan.

Respectfully submitted, Jan Laferriere, recording secretary