

PLANNING BOARD
October 22, 2014

APPROVED as amended & clarified:

11/12/14__jrl_____

AGENDA: PCC: JOE SANVILLE, Lake Street, #112-024
O'NEIL QUESTION BY ATTORNEY RAY, West Shore Rd., #110-009, -010, -
011, and #111-008
WORKSHOP: ZONING AND SITE PLAN/SUBDIVISION PROPOSED
CHANGES

ATTEND: Dan Paradis (Vice Chair), Betsy Schneider (Sel. Rep.), Clay Dingman, Steve
Favorite, Betty Seeler, Debbie Denning (Alternate)

ABSENT: Denice DeStefano (Chairman – away)

OTHER: Michael Capone (Town Administrator), Joe Sanville

The meeting opened at 7:00 p.m. Mr. Paradis was sitting in for Ms. DeStefano as Chairman. A quorum was present.

PCC: JOE SANVILLE

Mr. Paradis reminded the applicant that a PCC (Preliminary Conceptual Consultation) is neither binding on the applicant or the Board but the Board will give their best answers based on what is presented.

Mr. Sanville is interested in the property that previously held Renaissance Florals. He stated that there are two entrances and he might like to lease out one side. He was told that the parking is grandfathered. Mr. Paradis stated that he would need a Site Plan if changing to two businesses. Ms. Seeler added that the Board can waive some things if they meet requirements. Mr. Sanville is planning on putting in a pawn shop. He would buy, sell, and trade. The pawn shop holds items for 30 days and then can sell them. Mr. Sanville has spoken with the State and they have no regulations unless firearms are involved. Mr. Sanville does not want to get into firearms.

Mr. Paradis stated that we do not have a lot of guidance for pawn shops. Ms. Seeler stated that pawn shop owners are regulated, not the shop. Mr. Paradis stated that this is in the Village Commercial district which allows banks and retail sales. Ms. Seeler read the definition of Retail Sales. After much discussion, it was felt that it comes under retail sales and banks.

Mr. Sanville brought up the parking and stated that Mr. Corbeil (abutter) pointed out the boundary pins. Mr. Paradis stated that parking would be grandfathered if the use does not change (retail sales). However, if there is a change of use or he leases half of the building,

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SANVILLE PCC continued:

the grandfathering would go away. Mr. Sanville stated that he did not feel that he would need much parking space for his type of business. He added that the leased space would probably be office space. The Board explained that parking is based on floor space and that they can reduce the amount by 25% if they feel it is warranted. Ms. Seeler suggested that the Board might do a minor site plan for that. It was explained that, other than this, Mr. Sanville would need a Variance. Mr. Paradis, Mr. Dingman, and Ms. Seeler again explained that if he continues to just have his own retail store, he remains grandfathered.

Mr. Sanville asked if it would be okay for him to use the name Bristol Pawn. The Board said that it would be okay as long as he doesn't make it Bristol's Pawn. Ms. Seeler stated that he would need to register the name with the State.

Mr. Sanville stated that his cousin was interested in selling Spandex products. Mr. Paradis stated that they would need Site Plan unless it stays one business and is all under Retail Sales. With no further questions, Mr. Sanville was thanked for coming in.

O'NEIL QUESTION BY ATTORNEY RAY:

The secretary explained that Atty. Ray called and stated that Mrs. O'Neil has died and the children have inherited the lots across the street from the lakeside lot. They wish to be sure that they continue to have rights on the lakeside piece. Atty. Ray wished to be sure that the town had no requirements. The secretary spoke with Assessing and it was felt that the lakeside piece would need to be in all names. The Planning Board felt that it could also be done via an easement on the deed. Other than that, they did not see that anything else would be needed.

MINUTES OF OCTOBER 8, 2014:

On page 2, a correction was made to the last sentence by removing "4" from "over".

C. Dingman made a motion, second by E. Seeler, to approve the minutes as amended. The motion carried with one abstention.

COMMUNICATIONS:

There was a DES Approval for Operation for Jefferson T. Guild, Hemlock Brook Rd., #205-017.3 and a DES Approval for Construction for Phyllis A. Adkins Trust, Hemphill Rd., #214-022.

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WORKSHOP:

Possible Zoning Ordinance changes:

ARTICLE IX. SPECIAL PROVISIONS:

Mr. Paradis explained that an answer has been received from Atty. Waugh but he felt that there was not enough explanation given the attorney for a complete answer. He also stated that it should be Article IX, Section 9.8.B. He then read the definition of "Structure". Mr. Dingman questioned if this would cover docks and decks, which was a concern of the Conservation Commission. It was felt that they would need to go to DES for docks or decks. Mr. Favorite read what is listed on the DES Wetlands Permit. Mr. Paradis pointed out that the rest of "B" needs to be included so that it does not get left off.

C. Dingman made a MOTION, second by E. Seeler, to BRING ARTICLE IX, SECTION 9.8.B TO PUBLIC HEARING ON DECEMBER 10, 2014 AS AMENDED USING ATTORNEY WAUGH'S WORDING AND THE REST OF THE WORDING NOT SUPPLIED HERE TONIGHT. The motion CARRIED.

ARTICLE IV, SECTION III, 4.12, B1 NON-CONFORMING USES and SECTION 4.12c.1:

Ms. Seeler stated that 4.12, B1 is to cover when a business has moved out and maybe the building has remained empty for 5 years before another like business comes in. Mr. Paradis cited the MillStream which had burned and they were allowed to rebuild within a year but were held up in court. Ms. Seeler felt that there should be no time limit as long as the owner was trying to get the same use. A discussion followed and the Board determined to leave these as they are.

ARTICLE IV, SECTION 4.11 SIGNS.

Mr. Dingman distributed copies of changes for temporary signs. After reading this, Ms. Schneider asked the reason for doing this and Mr. Dingman explained that the Land Use Officer needs more teeth for cases such as one that is using temporary signs, swapping them off every 30 days.

C. Dingman made a MOTION, second by E. Schneider, to BRING ARTICLE IV, SECTION 4.11 TO PUBLIC HEARING ON DEC. 10, 2014. The motion CARRIED.

Possible Site Plan/Subdivision changes:

SECTION V: C AND G.4, 5, & 6:

The Board determined that C. is okay as is currently.

G.4, 5, & 6: As these changes are presented by the Highway Superintendent, the Board was fine with these changes.

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SECTION 8.3, A.1 NEW CONSTRUCTION:

A discussion was held and determined that “new” is a completely new structure. It was felt that we need to change this to “All new free-standing construction”.

E. Seeler made a MOTION, second by D. Denning, to ADD “FREE-STANDING” AND BRING TO PUBLIC HEARING ON DECEMBER 10, 2014. The motion CARRIED.

SECTION 3.17 LAND USE PERMIT:

This is change from Building Permit; a housekeeping change.

E. Seeler made a MOTION, second by D. Denning, to BRING THIS CHANGE TO PUBLIC HEARING DEC. 10, 2014. The motion CARRIED.

SECTION 8.3, A.4:

The Board determined that “multi-family” should be deleted.

E. Seeler made a MOTION, second by D. Paradis, to DELETE “MULTI-FAMILY” AND BRING THIS TO PUBLIC HEARING ON DEC. 10, 2014. The motion CARRIED.

SECTION 8.3, A6:

It was agreed to change the word “structure” to “property”. Ms. Seeler and Mr. Favorite felt that this would be okay. The others agreed.

E. Seeler made a MOTION, second by S. Favorite, to BRING SECTION 8.3, A6 TO PUBLIC HEARING ON DECEMBER 10, 2014. The motion CARRIED.

NEW ADDITION TO SECTION 8:

Mr. Paradis explained that storm water handling provisions are not covered under the other 7 requirements for Site Plan. He suggested: “Any changes to a property which make it inconsistent with the current Site plan.” Mr. Dingman asked what would happen in the case where a Site Plan was never done. Mr. Paradis answered that hopefully the other regulations would cover that.

C. Dingman made a MOTION, second by E. Schneider, to BRING THIS NEW ADDITION TO PUBLIC HEARING ON DECEMBER 10, 2014. The motion CARRIED.

SECTION V: C AND G.4, 5, & 6:

The Board determined that C. is okay as is currently.

G.4, 5, & 6: As these changes are presented by the Highway Superintendent, the Board was fine with these changes.

REPORTS:

Historic District Commission: LRPC finished the draft of the Historic section of the Master Plan and it is to go to NHDHR on Friday.

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REPORTS continued:

Selectmen: Ms. Schneider stated that the traffic study was presented to them and no difference was found. Deliveries is an issue and more speed enforcement is needed during the day. Mr. Capone added that William Rose, from the State, is being asked what options we have for any changes. The Highway Safety committee is to meet and look at the situation. Also, Ms. Schneider reported that the Economic Development committee has been set and Paul Fraser will be the Chairman. They may meet on 10/28 if it works for everyone. Mr. Capone stated that the Old Fire Station roof is now complete and they are finishing the sheet rock and back of the Old Town Hall. There is a bit over \$1,000 left and the Selectmen have chosen to use it for the extension of a free-standing handicap ramp along the side of the building (but away from the drip line).

CIP: Mr. Paradis reported that their business is done for this year and the last meeting was canceled.

NEW BUSINESS:

Mr. Paradis stated that Ms. Denning would like to move up from being a part-time to being a full-time member. He added that Ms. DeStefano has e-mailed in favor of this.

E. Seeler made a MOTION, second by E. Schneider, to RECOMMEND MAKING DEB DENNING A FULL-TIME MEMBER OF THE PLANNING BOARD TO THE SELECTMEN. The motion CARRIED.

NEXT MEETING: The next Planning Board meeting will be held November 12th at 7:00pm. To date, we have a PCC with Eugenio Ianniciello.

With no other business, E. Seeler made a motion, second by E. Schneider, to adjourn at 8:48 pm.

Respectfully submitted,
Jan Laferriere, recording secretary