

PLANNING BOARD
December 10, 2014

APPROVED as amended & clarified:

1/14/15__jrl_____

AGENDA: PUBLIC HEARING: PROPOSED ZONING ORDINANCE
AMENDMENTS

PUBLIC HEARING: PROPOSED SUBDIVISION/SITE PLAN
CHANGES

SPECIAL USE PERMIT, SUBDIVISION, SITE PLAN: ZAREMBA
PROGRAM DEVELOPMENT LLC/DOLLAR GENERAL),
215 Lake Street, #112-001

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

ABSENT: -----

OTHER: Public, Applicants, Janet Cote and Sandra Heaney (Conservation
Commission), Michael Capone (Town Administrator)

The meeting opened at 7:00 p.m. with a quorum. Ms. DeStefano explained that the Board will hold the public hearings first and then will address the Zaremba hearings. The Board has chosen to begin with the Special Use Permit (the wetlands issue) tonight. As it is not in the best interest of the town and tax payers nor the applicant, the Board will end the meeting at 9:00 or 9:30p.m.

PUBLIC HEARING: PROPOSED ZONING AMENDMENTS:

#1. Article IX, Section 9.8,B:

Ms. DeStefano explained that this is to define development and activity for better understanding. It does not change the Section from its' present meaning. No further comments were made.

D. Paradis made a MOTION, second by S. Favorite, to APPROVE THE CHANGE AND TO TAKE IT TO TOWN MEETING IN MARCH. The motion CARRIED.

#2. Article IV, Section 4.11,O.1:

Ms. DeStefano stated that this has to do with temporary signs and deferred to Mr. Dingman who had worked on this. Mr. Dingman stated that it is for temporary signs meant to advertise for temporary events. When questioned, Mr. Paradis explained that some were abusing this by putting up a different sign every 30 days instead of getting a permanent sign. No comments.

E. Seeler made a MOTION, second by D. Denning, to APPROVE THE CHANGE AND TO TAKE IT TO TOWN MEETING IN MARCH. The motion CARRIED.

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PUBLIC HEARING: PROPOSED SUBDIVISION/SITE PLAN REGULATION
CHANGES:

#1. Section V, 5.10, G.4, 5, and 6:

Ms. DeStefano explained that this came from the Highway Superintendent so as to update to today's standards. Mr. Paradis added that the Subdivision/Site Plan changes are determined by the Planning Board after holding a public meeting. J. P. Morrison asked if this has to do with roads and was told that it does. He then stated that he thought that 3" – 6" is overkill.

E. Seeler made a MOTION, second by C. Dingman, to ADOPT SECTION V, 5.10, g.4, 5, & 6 AS RECOMMENDED BY THE HIGHWAY SUPERINTENDENT. The motion CARRIED.

#2, SECTION III, 3.72a:

Ms. DeStefano explained that the new sentence should have had "and under construction" deleted (a typing error). Mr. Paradis explained that it is a clarification of new construction versus an addition and does not change the basic meaning. No comments were made.

C. Dingman made a MOTION, second by D. Paradis, to ADOPT SECTION III, 3.72a WITH THE DELETION. The motion CARRIED.

#3. SECTION III, 3.17:

It was explained that this is just a title correction from Building Permit to Land Use Permit.

No comments were made.

C. Dingman made a MOTION, second by S. Favorite, to ADOPT SECTION III, 3.17 AS READ, The motion CARRIED.

#4. SECTION VIII, 8.3, A4:

Mr. Paradis explained that the language was confusing as it refers to all construction and enlargement with more than two units. The word "multi-family" has been deleted as they are always two or more units. Mr. Morrison asked if the town votes on this and was told that they do not; that this hearing is all that is needed. Ms. DeStefano stated that it does not change anything but is just for clarification. There were no further comments.

C. Dingman made a MOTION, second by S. Favorite, to ADOPT SECTION VIII, 8.3, A4 AS PRESENTED. The motion CARRIED.

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PUBLIC HEARING: SUBDIVISION/SITE PLAN continued:

#5. SECTION VIII, 8.3, A6:

It was explained that this is also to clean up the wording. The only change is from “structure” to “property” so as to include situations where someone might decide to sell snowmobiles outside but with no change to the structure. No comments were made.

C. Dingman made a MOTION, second by S. Favorite, to ADOPT SECTION VIII, 8.3, A6 AS PRESENTED. The motion CARRIED.

#6. SECTION VIII, 8.3, A8

Mr. Paradis explained that this is a new addition to Site Plan requirements so as to bring in anyone who might want to make a change (such as to their original drainage plan) which might affect their neighbors. They would need to come in for Site Plan. No comments made.

C. Dingman made a MOTION, second by D. Denning, to Adopt SECTION VIII, 8.3, A8. The motion CARRIED.

SPECIAL USE PERMIT: ZAREMBA PROGRAM DEVELOPMENT LLC, SCOTT HOLMAN, REPRESENTATIVE

At this point, Ms. Schneider stepped down due to conflict of interest. The secretary then read the application, the list of abutters notified, and where the application was advertised. She stated that there were no phone calls or written statements from the public but we had received 2 from the Conservation Commission. These were given to the Chairman.

Mr. Holman stated that he has been hired to represent Dollar General. They wish to build a 9100 sq. ft. building on a lot subdivided from the present Fred’s Auto lot. They have obtained two variances for a decrease of parking for both establishments. They have received lots of comments pertaining to the architecture, which will be presented with the Site Plan. Dollar General is a general merchandizer which was established in 1939. It is not a dollar store.

At this time, Mr. Holman deferred to Erin Lambert, Engineer from Nobis Engineer, who has worked on this case.

Ms. DeStefano asked what brought them to apply for a Special Use Permit and Ms. Lambert referred to disturbance of the wetlands buffer. They will be realigning the present culvert and portions of the building will be in the buffer.

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ZAREMBA/DOLLAR GENERAL continued:

Ms. Lambert displayed a new plan and stated that there is 4 acres presently and they wish to subdivide off a 1.4 acre lot from this. She went on to say that they have received a variance to decrease the parking spaces to 34. She pointed out the loading dock and enclosed dumpster and where the propane tanks will be buried. There is to be a pylon sign out front. Ms. Lambert then pointed out the wetlands and the shoreland boundaries. She stated that they have been granted a Shoreland permit. They will realign the culvert to run along the edge of the side boundary. The new plan will reduce the impervious percentage. They will collect all water into an infiltration gallery underground. Run-off will be reduced 75%.

Ms. Lambert continued by saying that they attended a Conservation Commission meeting in November and, based on things discussed there, they have a new plan. The new plan cuts the sidewalk from 9' to 5' in front of the building so that they could move the building forward. This allows for 320 sq. ft. of the building to be out of the wetlands buffer. There will be 20 sq. ft. of concrete left in the buffer for a total of 734 sq. ft. in all.

At this point, Ms. DeStefano stated that the Conservation Commission asked for an extension to Feb. 15th for their decision to DES. She also read the e-mail from the Conservation Commission in which they recommend we vote to deny. Ms. DeStefano then read 9.6, 3 and 9.2 that pertains to the reason stated for this application.

Ms. DeStefano asked for the Board's questions and/or concerns. Mr. Dingman asked if this is a new plan from the one that we have been looking at and was told that it is. Ms. Denning asked if anyone has physically looked at the property in question. Ms. DeStefano asked the Chairman of the Conservation Commission, Ms. Cote, if the Commission based this opinion on the new or the old plans. Ms. Cote stated that they had only seen the old and they strongly believe this area needs protection. They have concerns of flooding and maintenance.

Ms. Denning asked how they determine a storm plan such as on a 10-year storm. Ms. Lambert answered that they do a model that includes impervious and pervious

percentages and the size of storms (2 year, 10 year, and 15 year). Mr. Dingman asked the frequency of a 50 year storm and its likelihood. Ms. Lambert mentioned the Mother's Day storm which was a 25 year storm. Mr. Dingman explained that this means that the storms are not necessarily gaged by the actual amount of years. Ms. Lambert stated that, in the 50-year estimate, 25% would go to the river with 75% held back. Mr. Dingman felt that everything should remain on the site. Mr. Paradis said that run-off from the roof may be clean but that from the drive may contain oil. Ms. Lambert answered that the pre-treatment system would isolate sand and then treats what remains. There is 3' of soil to infiltrate. Mr. Paradis asked about maintenance. Ms. Lambert said that the isolator would need cleaning. Mr. Holman added that they will submit a report that this be done yearly. The Board can make this a requirement. The Board questioned how this might be enforced.

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ZAREMBA/DOLLAR GENERAL continued:

Mr. Favorite asked if test pits had been done. Ms. Lambert pointed out 2 locations. Mr. Favorite asked if any had been done on the lower said and was told that they had not. Mr. Dingman asked how they determine the footage of the wetlands and was told by a wetlands scientist. He then asked if they might move the building even further forward to get it out of the wetlands buffer. Ms. Lambert explained that the turn for the delivery trucks are to be all on site and makes this impossible. They intend to put in natural grass to the lower area, she added.

Ms. Denning asked why they can't make the building smaller. Mr. Holman stated that to make it operate well, they need this size. He added that they have allowed for one large truck to deliver one day a week for 2 hours. If they used smaller trucks, they would need 3 deliveries a week. Mr. Dingman brought up that, in other areas, Dollar General has built smaller buildings. Mr. Holman stated that leased buildings may be slightly different. Mr. Dingman cited 6,000 to 7,000 sq. ft. built in California and Buffalo. Mr. Holman stated that he cannot speak to those. Dollar General has said that to do this store in this location they need this size. Some may not have been developed by Dollar General, he added.

Mr. Dingman stated that we get the consensus that a lot of our town folk may not like this site. Mr. Holman stated that he was told that they could not change the site. Mr. Dingman asked if they already own this site and was told that they do not; that it is a self-imposed hardship.

Mr. Favorite asked if they consulted the new November 18 updated flood maps. Ms. Lambert had not and will look into them. She added that the bank rise is 8' to 10'. Mr. Dingman asked if the only orientation cannot have parking in the rear of the building. Ms. Lambert showed the problem of delivery with that scenario on 4 different sketches. Mr. Holman pointed out that this would require filling in wetlands in order for the truck to turn. Again, s. Denning questioned the size of the building and Mr. Holman stated that financially it would not work.

Ms. DeStefano then took public comments.

Leslie Paplaskas, Bristol, questioned who would be responsible for maintaining the drainage system if Dollar General left. Mr. Holman stated that the Board could require responsibility to go along with the property. It is an improvement from what is there now. Ms. Heaney (Conservation Commission) stated that the wetlands ordinance was not in place when this lot was developed originally. Peter Paplaskas, Bristol, asked why they are so adamant to locate only in this place. Mr. Holman answered that a market study was done.

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ZAREMBA/DOLLAR GENERAL continued:

Ms. Cote asked what the ramifications would be if the system is not maintained. Ms. Lambert stated that it would be blocked and would flood the property. Mr. Clay had read up on this and stated that, after 2 years, it would stop and the water would by-pass the system. Mr. Paradis asked why they aren't considering impervious asphalt. Ms. Lambert stated that it is a maintenance and plowing issue. Mr. Holman stated that it would require more maintenance. Mr. Dingman cited the University of NH Stormwater report in which they say that maintenance is less of an issue now. Ms. Lambert acknowledged that it has been improved but doesn't hold up as well for high turnover of vehicles. It needs vacuuming. Mr. Holman felt that maintenance is probably the same.

Robin Fitzgerald, Bristol, asked how big the new one on 130 Main Street in Ashland is. Mr. Holman stated that he was involved with that one and it is 9100 sq. ft. though the architecture is different than what they will be proposing for Bristol. Mr. Favorite asked where the snow will go. Mr. Holman pointed out that it will be plowed to each side boundary line and will have to be trucked off. Fred Schneider stated that Bristol has no other infiltration system here yet and this is a big improvement to the lot.

Andy O'Hara asked when the aerial photo, that they have now displayed, was taken. Mr. Holman said that it is from Google and probably 2012 – 2013. Mr. O'Hara pointed out that the trailer shown on his lot across the street has been gone at least 5 years. He feels that the Board really needs to look behind to the lower part of the lot as he feels that the river is closer than what is shown. Mr. Holman stated that they will be re-vegetating everything. Ms. Denning said that they are still in the wetlands buffer and Mr. Schneider said that it would be much better than now. Mr. O'Hara feels that they are taking one conforming lot and turning it into two non-conforming lots.

Mr. Dingman stated that the Board needs copies of the new plan and the updated stormwater management plan. Mr. Holman stated that they will do a box link.

Ms. DeStefano stated that she is not an expert in the Stormwater Management Plan and asked how the Board feels about this. They answered that they need someone to interpret for them.

Ms. DeStefano then said that we need to find someone for this and also hold an on-site public meeting. Ms. Seeler added that we need input on the mechanism to put in place for maintenance of the system. Mr. Holman asked if the intent is to use someone to interpret the revised drainage plan and Stormwater Maintenance Plan and to visit the site. Ms. DeStefano said that it is and any professionals hired are to be paid by the applicant. Ms. Heaney suggested an independent wetlands scientist, as well, to be sure the wetland area is correct. She also mentioned that the Conservation Commission has asked for calculations for a 100-year storm.

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ZAREMBA/DOLLAR GENERAL continued:

C. Dingman made a MOTION, second by D. Denning, to CONTINUE THE ZAREMBA SPECIAL USE PERMIT APPLICATION TO JANUARY 14, 2015 AND TO HIRE AN INDEPENDENT HYDRAULOGIST TO INTERPRET THE NEW STORMWATER MANAGEMENT PLAN AND DRAINAGE PLAN AS WELL AS A WETLANDS SCIENTIST TO VERIFY THE WETLANDS BOUNDARY. The motion CARRIED with one recusal.

Mr. Dingman mentioned Mr. Ballestero for the hydrologist and he shall contact him. Mr. Capone has a wetlands scientist in mind and will ask for him. The Board will set a time to do a site visit. Mr. Schneider asked it to be a Monday or Tuesday as he would like to attend. Ms. DeStefano then thanked everyone for coming in.

Mr. Capone mentioned that a site visit of the Board must be advertised as a meeting. Ms. Seeler thought that each could just go and take a peek. Mr. Dingman would prefer a full meeting so that everyone could speak (if a couple of folks went at the same time, they would not be allowed to confer.).

Ms. DeStefano reminded the Board that Mr. Schneider wished to be present.

MINUTES OF NOVEMBER 12, 2014: The following amendments and clarifications were made:

Page 3, under PCC: Ron Vary, 5th line, insert “to review a topo map” and delete “a topo Map”. 6th line, following “enough” insert “buildable”. 7th line, delete “go to” and insert “consult”. Page 4, under Other, 1st line, before “Architectural” insert “recently adopted” and replace “(HDC) with “for Site Plan”.

C. Dingman made a motion, second by S. Favorite to approve the minutes as amended. The motion carried with 1 abstention.

COMMUNICATIONS: The Board had received the LRPC Annual Report which will be held in the office for anyone to look at. Also a DES copy of a Freudenberg-NOK Annual Summary

Report and an Approval for construction of an independent sewer system for Theodore Rivest Jr., River Road.

UNFINISHED BUSINESS:

HDC – No hearings

SELECTMEN – The LCHIP grant for \$30,000.00 has been approved for the Old Town Hall.

The town meeting approval of funds was the matching portion. Prices are being asked for so as to paint the building. Sandra Heaney volunteered to reglaze the windows and we shall pay for the materials. We also need to put in a railing so no-one will fall off where the old ramp was. A new handicap ramp will be built. The Select board has also offered to help the committee to put in an ice rink.

CIP – Complete unless the Budget Committee asked them to come to them again. Mr. Capone will check their schedule.

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NEW BUSINESS:

SITE VISIT – The Board discussed this and determined that it should be a full meeting. They chose December 30, 2014 at 3:00pm and the secretary will get the advertising done. Mr. Paradis will need to Chair as Ms. DeStefano will be away. Mr. Dingman will contact Mr. Ballesteros and Mr. Capone will see to the Wetlands Scientist.

RFP FOR LAND USE – LRPC is the only one to answer and we need to encumber the necessary funds.

C. Dingman made a motion, second by S. Favorite, to allow Ms. DeStefano to see to this. The motion carried.

OTHER:

Mr. Favorite thanked Mr. Dingman for his research on the sizes of Dollar General stores. He added that he has stopped in to the parking lots of other Dollar General stores and they are not producing sales; may be up to 3 vehicles came while he sat there.

Ms. Schneider stated that she was shocked when she read the History of Dollar General here in Bristol. It says that Attorney Shokul told the ZBA that there are only 5 employees. She said that there are 3 businesses there with 11 employees and asked if anything should be done about that. The secretary stated that the appeal time limit has passed already. The Board wants to be mindful of this in the future.

Mr. Capone said that there is \$5,000.00 available and Ms. DeStefano explained that this is for two chapters to be updated in the Master Plan.

NEXT MEETING: The Board will meet for the site visit on December 30th at 3:00pm and the next regular meeting will be January 14, 2015 at 7:00pm. We have the continuation for Zaremba and applicants have until noon on December 19, 2014 to apply.

Mr. Dingman moved to adjourn at 9:35pm.

Respectfully submitted,
Jan Laferriere, recording secretary