

PLANNING BOARD
May 13, 2015

APPROVED as amended & clarified:

5/27/15__jrl_____

AGENDA: PUBLIC HEARING: MASTER PLAN VISION, SITE PLAN/SUBDIVISION
HOUSEKEEPING ITEMS
PCC: MIKE CAPSALIS
RSA 79-E DISCUSSION
VARIOUS LAND USE QUESTIONS

ATTEND: Denice DeStefano (Chairman), Dan Paradis (Vice Chair), Paul Manganiello
(Sel. Rep.), Clay Dingman, Steve Favorite, Betty Seeler

ABSENT: Debbie Denning (conflict)

OTHER: Michael Capone (Town Administrator), Mike Capsalis, John Bianchi,
Tony & Joan Roy

The meeting opened at 7:00 p.m. with a quorum. As folks attending were not here for the Public Hearing, Ms. DeStefano put that off until later in the evening.

PCC: MIKE CAPSALIS

Mr. Capsalis stated that he hired a Lighting Engineer for his Realty sign on Lake St. as he has had complaints about the light he now has. The engineer mentioned to him that 2 ground-mounted 22 watt LED lights that are fashioned to only light the sign itself is the new solution for this. It would replace the present 400 watt Sodium Vapor light that he now has in place. Mr. Capsalis came to the Board to ask if he might change to this new type of lighting. He proposes to use the lighting for 6 months as a test. He would otherwise need to go to Zoning or wait until the Planning Board brought the new lighting to March Town meeting to be voted on.

Ms. DeStefano asked if this sign would be lit internally and Mr. Capsalis answered that it would not, it would be ground mounted. Mr. Paradis explained that, as ground-mounted is not allowed per the Zoning Ordinance, the Planning Board cannot over-rule it. It would require a Variance. Ms. DeStefano stated that when there is something new out there, the Board likes to know about it so that we can amend the Ordinance accordingly. However, she is afraid that if Mr. Capsalis were to do a Variance, he would have a hard time to prove the hardship criteria.

Mr. Capsalis asked about the Land Use enforcement and presented a couple of photos of other businesses with side-lit lighting. He questioned how these got approved. As the Planning Board is not the enforcement body, Ms. DeStefano stated that she would e-mail Mr. Defeo (Land Use Officer) to ask about these. Mr. Capone stated that he will speak with Mr. Defeo about his reasoning.

-2-
Planning Board Minutes
5/13/15

CAPSALIS PCC continued:

Mr. Capsalis stated that he does not want side lighting as he feels that snow and rain would be a problem. Mr. Dingman asked if the Planning Board could get the information that Mr. Capsalis has in regard to this new lighting. Mr. Capsalis will send it to the secretary.

Mr. Manganiello mentioned temporary lighting (page 33 of the Zoning Ordinance, Article IV, Section 4.20 B.5) in which temporary lighting might be used. A discussion followed. Mr. Capsalis stated that his choices are to add another 400 watt light to the south facing area of his sign or to do the new type in Nov. for 30 days as a temporary. He felt that he would not need Lighting during the summer months as it is still light when he is open.

Ms. DeStefano asked about maintenance of the new lighting, questioning the possibility that it would move when snow was being removed or grass cut. Mr. Capsalis stated that there is maintenance needed. The Board will discuss the new lighting and determine amending the Ordinance and then bring it to a vote in March when Mr. Capsalis would then be covered. Mr. Capsalis was thanked for coming in.

LAND USE QUESTIONS:

RETAINING WALL/STEEP SLOPES

The public attending regarding this issue: John Bianchi, 88 Green St. and Tony and Joan Roy, 411 N. Main Street.

Mr. Bianchi stated that Ken Braley, contractor for a property abutting Mr. Bianchi and the Roys, thanked Mr. Bianchi for mowing his client's property. Mr. Bianchi has 10 markers and assured him that he was mowing only his own property. Mr. Braley approached him again about a month ago to explain that they may be building a 19' retaining wall parallel to N. Main St. so that the owner can have a home built. Mr. Bianchi felt that this would land-lock the lower section of her property. Mr. Braley mentioned that they might get a right-of-way over the sewer line and put in a pond in that section. Mr. Bianchi asked about allowing a retaining wall of that height being built along the property lines. Mrs. Roy added that they spoke with Mr. Defeo who did not make a decision on this but would defer it to the Planning Board. Mr. Roy stated that they have now been told that it will be a 9' retaining wall along the property lines. They are asking if this is a structure and needs to comply with setbacks.

Ms. DeStefano had received an e-mail from the Land Use Office asking various questions that might clear this up and she had the Board address them at this time.

1. Clarification if a concrete retaining wall is a structure: Mr. Dingman read the definition of a structure and the Board felt that a retaining wall, for the purpose of building a home, would not meet "a minor installation" and therefore would be considered a structure.

-3-
Planning Board Minutes
5/13/15

RETAINING WALL/STEEP SLOPES continued:

2. If a structure, where does the Planning Board recommend the height be measured from (street level, slope level, the top of the fill area)? It was determined that the height of the building is to be from the average grade of the lot as it currently exists.

3. Are there any restrictions or rules in the Ordinance that apply to concrete retaining walls? There are none specifically addressing retaining walls.

4. What are the steps for steep slope concerns? Mr. Paradis read page 32, Article IV, Section 4.17 E.6 that states “No structure shall be built on an extremely steep slope (greater than 25% prior to site disturbance).” Mr. Bianchi stated that the side towards the river will be way high. Mr. Paradis read 4.17, E4 where grading cut and fill was not to exceed a 2:1 ration. Mrs. Roy questioned that, if there is to be a 15’ setback on each side, how a 60’ home could fit the small frontage. Mr. Bianchi questioned allowing a property to be land-locked. It was generally felt that the owner would create the land-locked situation. Mr. Paradis reminded all that the Board is to look at these questions only in a generic way and not specifically to this situation. Ms. DeStefano suggested that the Land Use Office read the Section of the Ordinance pertaining to Steep Slopes. To veer from this, an applicant would need a Conditional Use Permit from the Planning Board.

5. Who makes the decision to send an applicant to the Planning Board, Land Use Office or at a PCC? It can be either. The concerned abutters of the N. Main St. issue asked how they would be allowed to weigh in. It was explained that a building permit would be applied for and if anything was not according to what is allowed in the Zoning Ordinance, a Variance would be needed. A Variance would require notification of all abutters.

Mr. Dingman commended Christina Goodwin, Land Use Office, for sending the Board her questions and the Board agreed with this.

PUBLIC HEARING:

Ms. DeStefano read all of the housekeeping changes for the Site Plan/Subdivision Regulations. With no public comment, C. Dingman made a MOTION, second by S. Favorite, to APPROVE PROPOSAL #1 THROUGH #7 AS WRITTEN. The motion CARRIED.

Ms. DeStefano than alluded to the Vision Section of the Master Plan in which modes of action are removed to the individual sections where they are to be applied. With no public comment, E. Seeler made a MOTION, second by S. Favorite, to ADOPT THE CHAPTER I VISION SECTION OF THE MASTER PLAN AS REVISED. The motion CARRIED.

Mr. Dingman thanked the secretary and Ms. Goodwin for presenting the various housekeeping needs.

Planning Board Minutes
5/13/15

MINUTES OF APRIL 22, 2015: The following amendments were made:

Page 1, 2nd paragraph 4th line, insert “will” following “possibly”. 3rd paragraph, 5th line, delete “we need” and 7th line, replace “seating” with “seats”. Page 2, 1st paragraph, 2nd line, replace “at present” with “on the current plan”.

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

CONTINUED LAND USE QUESTIONS:

TWO SIGNS: Ms. DeStefano addressed the Blazing Graphics sign. This has been a grandfathered sign which has now changed lettering 3 times but is still a home business for a family in Alexandria. Mr. Paradis said that, in the interest of fairness, he felt that we should not bother the family. Mr. Dingman said that we need to keep in mind consistency. Mr. Capone stated that the Land Use Office is asking so as to be fair and consistent. Ms. Seeler stated that the sign itself is grandfathered and only the words of the sign have changed. Mr. Paradis mentioned that there appears to have been an agreement with the Water Department years ago as to locating it on Town property. He feels that it is grandfathered. Mr. Dingman stated that location does not come under Planning Board jurisdiction. Ms. Seeler added that, when a business is sold, the sign goes along as part of the sale. The Board felt that this sign is still grandfathered but if a sign is moved, it would need a new permit and would no longer be grandfathered.

The second sign, Shackett’s Super Market, was addressed. Ms. DeStefano stated that the issue is that it is an off-premise sign. It would be okay if the real estate was conducting business there. This one need a Special Exception.

FORMER FISH HATCHERY: This e-mail from the Land Use Office was to notify the Board of what has been going on with this property. Some “corrections” have been made to resolve prior damage created when the dam was removed. The Conservation Commission has also reported that tanks have been filled in with sand and other areas have been excavated and sand added, trees removed and a stone wall installed. DES has also been notified. The Planning Board, based on this information, felt that there may be a wetlands issue (within 50’ of a wetland) and will need a Special Use permit.

DISCUSSION OF RSA 79-E:

Mr. Capone stated that the Select Board has been working on implementing this and have suggested that we use the Downtown Commercial district for this. The Select Board is looking for comments from the Historic District Commission and the Planning Board. Mr. Capone presented this to HDC last night and Mr. Dingman stated that they are supportive of what is proposed and, moving forward, to include other properties. Mr. Capone stated that they also thought that the Village Commercial district might possibly be included but the problem may be

-5-
Planning Board Minutes
5/13/15

RSA 79-E continued:

that some would be non-inclusive. Ms. DeStefano thought that it looks good as the Select Board expanded it. The Board looked at the proposed area and agreed. Mr. Capone added that Mr. Dingman felt that the wording included historic structures in other areas and the Board agreed with that.

COMMUNICATIONS: There was a DES Approval of Operation/Sewage disposal for Joe Santamaria on N. Main St. Also DES Notice of Permit Applications for Red Fox Rd. #106-062, 20 Gareth Lane #104-061, 944 W. Shore Rd. #101-013, and 150 Shore Drive #111-055. A survey for Tricia Poole, Central St. #114-110 was also received. It will be turned over to Ms. Goodwin for the Personal File. A seminar on Eminent Domain was looked at but too expensive for our budget.

REPORTS:

HDC: Met last night and discussed the Old Town Hall meeting for May 30th with a noontime tour followed at 1:00 for a discussion on future use of the building. Proposed banner designs for the Square light poles were looked at. There are 18 of them and Mr. Dingman hopes to have them up for Memorial Day. They plan on continuing the revision of the Master Plan Historic Resources section.

SELECTMEN: Met last week for a workshop in which they discussed RSA 79-E and also the Rail Trail. Mr. Capone thanked the Board for reviewing the Land Use questions and Ms. DeStefano asked if they can get feedback on the sign lighting situation from Mr. Defeo. Mr. Capone will see to this and added that he may have Mr. Defeo attend Planning Board meetings periodically.

CIP: Meet next week.

NEW BUSINESS:

Mr. Favorite attended the OEP Conference and heard that NH housing is down, student population is down and land building is off. It was felt that there is a lack of communication between Planning Boards and the State. They are also looking into what depicts a family now. He distributed copies of the definition from Gilford and a draft of the LRPC Municipal Appropriations for 2016-2017. Bristol's will remain the same. Mr. Favorite went on to say that there was a lot of talk about historic recognition. Orford is using historic barns to bring attention to this. Planning Boards are having problems with getting volunteers so they are questioning whether these should be elected or appointed. Another suggestion is to look to high school community volunteering.

NEXT MEETING: Our next meeting will be held May 27, 2015 at 7:00 pm and is a workshop. We also have a PCC for Fred Eichmann/Meissner family about a 55+ complex on Wulamet Rd.

-6-
Planning Board Minutes
5/13/15

With no other business to come before the Board, C. Dingman made a motion to adjourn at 8:50 pm.

Respectfully submitted,
Jan Laferriere, recording secretary