

PLANNING BOARD  
January 27, 2016

**APPROVED as amended & clarified:**

2/10/16\_\_jrl\_\_\_\_\_

AGENDA: PCC: BRUCE KIRKPATRIC, Brown's Beach Rd., #104-163  
16SUB01 SUBDIVISION: ERIC S. & CAROLYN A. WORTHEN and  
GREGORY G. & LAURALEE H. WORTHEN, Peaked Hill Rd.,  
#219-037 & -038 – sign plans  
PCC: GEORGE CHASE, 16 Central St., #114-122  
PCC: RICK HAMMAR. 90 Lake St., #113-041  
WORKSHOP – LAND USE CHAPTER, MASTER PLAN

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

ABSENT: -----

OTHER: Bruce Kirkpatric, Colin Brown, George Chase, Rick Hammar & Fran Parkhurst

The meeting opened at 7:00 p.m. with a quorum. Ms. DeStefano explained the procedure for PCC's.

**PCC: BRUCE KIRKPATRIC**

Mr. Kirkpatric explained that they have 2 cottages, 2 owners, and separate utilities on one lot. They would like to change them to condominiums so that either owner could sell without the other, if they should choose. They have owned the property for 35 years.

Mr. Paradis explained that the State law for condo conversion is a subdivision. He referred to page 29, Section 4.12D and the Board read this. Size is the issue in this case. Mr. Dingman mentioned that they did a conversion for Shackett in 2005. Ms. Seeler stated that the issue is the small lot. They need a common area. Mr. Kirkpatric mentioned that they own 1/7<sup>th</sup> of the Beach area. Ms. DeStefano asked if the applicant has seen a land use lawyer about the State law on this. Ms. Seeler added that he will need a lawyer to do the condo agreements also. Ms. DeStefano felt it was complicated by the fact that it is part of a group already. Mr. Kirkpatric stated that he has researched that already.

Ms. DeStefano stated that he should see a Land Use lawyer first. He can go for a Variance. Mr. Dingman stated that, even if the lawyer says that it can be done, he will need a Variance for the lot size.

Planning Board Minutes

1/27/16

PCC: GEORGE CHASE

Mr. Chase stated that he has a Purchase & Sale agreement on the old pulp mill on Central St. The Real Estate agent told him that he is allowed light manufacturing by Special Exception. The Board explained that the building is in the Downtown Commercial district which does not allow light manufacturing; he will need a Variance. Mr. Chase asked if the height would be grandfathered as he had intended on adding 2 floors. Ms. DeStefano explained that it is only grandfathered back to the last use (apartments).

SIGNING OF WORTHEN SUBDIVISION PLANS: COLIN BROWN

Mr. Brown presented the new plans and mylar, showing that he has added the waivers, as requested. The Board signed the plans.

PCC: RICK HAMMAR

As Mr. Hammar had just arrived, Ms. DeStefano again explained the procedure for PCC's.

Mr. Hammar stated that he has a sign business. He has retired from full-time and now does the sales and is the design artist. The business is based in Pelham. Mr. Hammar lives in Rumney and is a cousin to Fran Parkhurst. He originally did her sign and would now like to upgrade it to an electronic and energy-efficient sign. He has done the NH Liquor Store sign in LED lighting. There is a 70% savings in energy with these signs.

Mr. Hammar continued to say that he met with Christina (Assessing) and Chris (Land Use Officer) about Bristol codes which do not want signs to move or blink. The message center is operated by computer. Most signs here are done manually. A lot of towns have enhanced their signs with landscaping but that makes manual changing difficult. These new signs are safer and easier to change. He is hoping to have the Board look at this issue as these signs can be used without the scrolling and blinking. The light can also be toned down. If it is not wanted, they can be made to not strobe, flash, or scroll. They are called Electronic Message Centers. Mr. Hammar stated that an important part of a business is advertising.

Ms. DeStefano stated that the Board cannot make any changes to the Ordinance until next year when it would go to the voters at March town election and asked if the sign meets code now. Mr. Hammar stated that they just want a changeable copy sign. He is not thinking of changing the code. LED's are in most signs now. Mr. Paradis explained that internally lit LED and neon are allowed. Mr. Hammar asked what "changing periodically" means (as stated in the code and not allowed). Mr. Dingman answered that it would be any change and Mr. Hammar felt that this would include changing by hand, in that case. He asked if they did not allow it to move, could they change it to being computer changed. He added that some sort of Conditional Use permit could be written, such as, no brighter than 75 lumens, no 150 LED. He would put in 3 LEDs. It could state that the sign was not to blink or scroll. If the Board found something was not being followed, they could see Fran or MaryAnn who would be more than willing to work with them.

-3-  
Planning Board Minutes  
1/27/16

HAMMAR PCC continued:

Ms. DeStefano explained that local surveys show that the Bristol folks are pretty adamant about keeping a small town look. She added that we have no Conditional Use permits for situations like this.

Ms. Parkhurst explained that it takes her an hour to change the sign and she often gets requests to welcome back service men, new babies, town events, etc. She does not want anything flashing but would like an easier way to put up messages.

Mr. Paradis stated that, when writing up this ordinance, he was thinking no changes more than once an hour. Ms. DeStefano stated that the only way to proceed at this time would be to go for a Variance. Mr. Paradis added that the Board can discuss the issue and see if we can amend it for better clarification.

Mr. Dingman stated that the options are to go for a Variance or wait until next year. Mr. Hammar did not feel that it should go to a Variance. He then cited a 2005 Salem court case that determined that they had to allow these signs if they allowed time and temperature changing signs. It is Freedom of Speech, he added. Mr. Dingman challenged that it is not under Freedom of Speech, which he has researched.

Mr. Hammar felt that it is hard to wait a year and Ms. DeStefano said that this is why we have Variances. Mr. Dingman stated that the town has entrusted the Ordinance to have a reason why a Variance should be allowed. Mr. Hammar said that he was not sure that it would meet the criteria for a Variance. He feels that the sign meets the code if they will just pull a permit. They could say that the sign could not be changed but once a day. Ms. DeStefano explained that this type of sign is still prohibited and the Board must follow that. Mr. Hammar stated that there are some signs in town that have changeable copy and Ms. DeStefano stated that the law was changed in 2009 and those may be grandfathered. He can report them to the town office and they can be checked out.

The Board explained that the present sign at the Plaza is grandfathered but any change must stay in compliance with the ordinance in place now. Mr. Dingman added that the Board will be happy to revisit the ordinance and the other Board members agreed. Ms. DeStefano again stated that the Board must work with the Zoning Ordinance as it is now. Mr. Paradis said that periodically could be less than an hour; we have to go by what is there now and we are willing to look at this in the fall when we go over possible changes. Our hands are tied at this point. Ms. DeStefano added that, for now, he would have to look into doing a Variance. Mr. Hammar stated that he would be willing to help the Board when they look at this. The Board thanked him for coming in.

-4-  
Planning Board Minutes  
1/27/16

**WORKSHOP: LAND USE CHAPTER, MASTER PLAN**

Mr. Dingman felt that overall the draft copy is a good piece. He does have a couple of places that he feels need to be clarified. Mr. Manganiello asked if it was usual to include the recommendations and was told that it is.

Mr. Dingman pointed out that he would like to see more maps, such as separating out unconstrained from constrained, so as to be able to read them better. On page 3, table 1, he wondered if there was more recent information that data of 2003. On page 1, next to last paragraph, last sentence, he would like a map of the current land use mentioned. Maybe done by Vector. Mr. Dingman said that he will e-mail his suggestions to Ms. DeStefano.

Mr. Manganiello mentioned page 12, the river front and lake path connection and thought it might be linked to page 1. Also, page 3, the GIS stuff. Mr. Dingman said that he has these covered. Mr. Paradis added Page 3, the understated part and page 12, the enhanced streetscape. He did not understand what Mike Izard, LRPC was trying to say. Once Ms. DeStefano has received the e-mail from Mr. Dingman, she will send it on to Mr. Izard.

**MINUTES OF 1/13/16:**

The following amendments were made: Page 2, 7<sup>th</sup> paragraph, 2<sup>nd</sup> line, replace “ide4a” with “idea. Page 3, 5<sup>th</sup> paragraph, last line, replace “and” with “an”. Page 4, 3<sup>rd</sup> paragraph, next to last line, replace “Timberlane” with “Timber Lane”. Delete all of the 6<sup>th</sup> paragraph, beginning with “Mr. Mangienello”. Page 7, under Other, 2<sup>nd</sup> line, replace “LRPC” with “Regional Planning Commission”.

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

**COMMUNICATIONS:**

There was one copy of the DES letter to New England Family Housing for more information for their Alteration of Terrain application. This will be placed in the applicants’ folder.

**REPORTS:**

HDC: Mr. Dingman is to work with Mr. Izard on the Historic Resources Chapter of the Master Plan.

SELECTMEN: Mr. Manganiello reported that they have been working on the warrant articles and have signed the letter with the other towns.

CIP: Don’t meet again until after town meeting.

Planning Board Minutes

1/27/16

NEW BUSINESS:

Mr. Dingman asked what the Board knows about impact studies. Page 21, 5.5 and page 45 in the Site Plan/Subdivision Regulations and page 72 of the Zoning Ordinance deal with this. The Board looked at these. Ms. DeStefano stated that she plans on speaking with the Town Administrator about contacting the Town Attorney about this and Workforce Housing to be sure we cover everything. A discussion followed on workforce housing (RSA674-61 and 61, especially). Mr. Favorite noted that Mike Izard is helpful with this, also.

NEXT MEETING: The next Planning Board meeting, Feb. 10<sup>th</sup>, will be held at the Old Town Hall, 7:00pm. On the agenda is the Site Plan continuation for New England Family Housing.

With no other business before the Board, C. Dingman made a motion, second by E. Seeler, to adjourn at 9:00pm.

Respectfully submitted,  
Jan Laferriere, recording secretary