

PLANNING BOARD

April 13, 2016

APPROVED as amended & clarified:

5/11/16__jrl_____

AGENDA: PUBLIC HEARING: SUBDIVISION/SITE PLAN REGULATIONS,
PARKING
15SPR02 SITE PLAN REVIEW, NEW ENGLAND FAMILY HOUSING,
409 Lake Street, #112-037 & 224-001

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

ABSENT: Dan Paradis (illness)

OTHER: Sandra Heaney (resident, Conservation Commission), Shaun Lagueux (resident,
Selectman), Barbara Greenwood, Fred Schneider, Margaret Hoyle, Tom Caldwell, Paul
Migliori, Mr. & Mrs. Nashawaty, Joe Santamaria, Doug Williams, Jeff Shackett, Kevin Lacasse
(applicant), Kevin French (surveyor), Rob Miller (attorney), Mike Capsalis, Ray Courchaine
(filming), Nik Coates (Town Admin.).

The meeting opened at 7:00 p.m. with a quorum. As all had come for the Site Plan, the public hearing on parking was moved to later in the evening.

15SPR02, CONTINUED SITE PLAN: NEW ENGLAND FAMILY HOUSING

Kevin Lacasse, Kevin French, Attorney Rob Miller

Ms. DeStefano stated that Town Counsel and Attorney Miller have spoken. Yesterday evening, she received a 15 page document from Atty. Miller and this was sent out to the Planning Board members. The Board needs more time to digest it. Mr. Dingman added that there is a lot of complex information in it. Attorney Miller asked to spend 10-15 minutes to walk the Board through it. Mr. Dingman and Ms. DeStefano felt that he could as long as he understood that the Board would not make any comment until they have met with Attorney Waugh (the Town Attorney). Attorney Miller said that he would like questions from the Board, however. Copies of his document were distributed among all attendees.

Attorney Miller stated that this addresses the two issues that have been discussed: the frontage and the access. He addresses frontage first. The property consists of two lots. Lot #112-037 is grandfathered as it is to be merged with lot #224-001, which is a grandfathered lot as it was not subject to Planning Board jurisdiction in 1970.

Estoppel by Acquiescence: Lot #112-037 lost frontage when it was removed by a boundary line adjustment in 2005. Access to the lot is not in question and had not been in 2005. The access, per RSA674.41e, is an existing street, approved by the Planning Board, with one or more buildings on the street. RSA674.41d addresses private roads. The Fire Chief and the Police

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NEW ENGLAND FAMILY HOUSING continued:

Chief have approved, the State DOT approved it and widened the entrance. The Planning Board can now offer thoughts to the Select Board, through their representative, Such thoughts as: there are no health, safety, or welfare concerns.

Attorney Miller has abstracted relevant maps. Page 1 deals with the non-conforming issue. Page 2 shows the two parcels. Exhibit F shows Lot 224-001 as not being under the jurisdiction of the Planning Board so both lots will be grandfathered when merged. Page 3 includes the statement of purpose in the 2nd paragraph. He pointed out that the project sits back from the road and is an 80 year old access. Pages 3 & 4 brings Estoppel. The Board recognized not needing another access when there was one already.

Page 5 deals with the access as an existing street that predates the Planning Board. The Dodge Davis plan shows it in March 1987. Exhibit D shows it on a plan from May 13, 1988, Exhibit C is a signed plan from Dec. 28, 1988 which also shows it. Exhibit D, the Greenwood Boundary Line Adjustment of 2005 appears to have felt that a 2nd access was not needed. N.H. widened the entrance, and DOT has given authority. RSA 674.41d explains the process. A liability waiver would be done by Attorney Miller and Attorney Waugh if requested by the Select Board. It protects the town. A number of other properties have been done this way. A copy of the Fire Chief's and the Police Chief's letters were given to the applicant.

Mr. French distributed a photo of the Dodge Davis complex and pointed out the access road. Ms. DeStefano would like to hear from Atty. Waugh on this. Mr. Manganiello would like to hear from town counsel about the Selectmen's part. Mr. Dingman asked if the applicant would be willing to help subsidize the cost of Attorney Waugh. Attorney Miller felt that there might be some impropriety there. Sometimes a third party review is done but the attorney would be a conflict of interest.

Ms. DeStefano asked that, as we all know we are beyond the 65 day clock, what the applicant feels he would like to do. Attorney Miller would like to hear from the Board what other concerns they might have (besides frontage and access). Ms. DeStefano stated that the Board has not heard from the Conservation Commission as yet. Sandra Heaney (Cons. Comm.) stated that it has been sent out via e-mail. There were no issues other than maintenance of the drainage and sediment control and run-off during construction. Mr. Lacasse said that they are aware of these due to the Shoreland Protection application. He asked if the frontage and access get approved, can we then approve the project. Ms. DeStefano felt that we may if we have no other issues. Attorney Waugh will be meeting with the board and he is not available for our workshop meeting. Mr. Dingman asked if the clock is still suspended. Attorney Miller would like the 65-day clock to be restarted tonight. If the Board finds that Attorney Waugh is okay with everything, he would like a resolution.

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NEW ENGLAND FAMILY HOUSING continued:

Mr. Dingman mentioned the quality of the condition of the access. If it is not found to be grandfathered, the regulation is for a 50' wide access or will you need a waiver for that? Mr. French felt that they would need to get a waiver if the design criteria cannot be met. Mr. Dingman then asked if they could have an additional 20' and sidewalk/drainage? Can they get the access expanded? Mr. French did not know. Mr. Dingman stated that, in order to meet everything, they would need to follow the standards. Attorney Miller stated that it would require a lot of process and that is not practical. There are no life safety or health issues, DOT is the body that tells this. Mr. Dingman asked if the DOT based their decision on maps or did visit the site? Mr. French stated that the state requires sight of 400' each way and 3' off each side. DOT built the entry of 100' to their standards. Attorney Miller felt that DOT would not have issued the permit if their standards were not met.

Mr. Dingman asked what happens if someone is walking and Mr. French answered that once you go beyond the state right-of-way, they do not handle anymore. Mr. Dingman does not feel the visibility is enough especially with the guardrail blocking some of it. Attorney Miller stated that the state says that it is safe. You would have to have a good reason to change this. The access has been there for 80 years. Mr. Dingman suggested that they look at the Subdivision/Site Plan reasons.

Mr. Manganiello asked about the request by the applicant to the Selectmen. Attorney Miller said that, if the Board meets with Attorney Waugh before our workshop, it would be useful to know by then what is decided. The hope is that we find the property grandfathered and the frontage is resolved. As to Mr. Manganiello's question, the Board gives advisory to Mr. Manganiello and he takes it to the Selectmen, they vote and then it comes back to the Planning Board. Mr. Lacasse explained that this would be for the waiver. The right-of-way is only 20' – 30' at the crossing.

Mr. Favorite stated that he asked about widening the access earlier. He questioned the need of a sidewalk for kids going to school. Mr. French stated that a lot of roads in Bristol are only paved 16' – 20'. Mr. Favorite continued by saying that children cannot cross Lake Street safely to get to the sidewalk. He added that 20' wide gets narrow when there is snow. Mr. Dingman mentioned that Bristol has been promoting Safe Routes to School and have been updating their existing sidewalks. Mr. Favorite mentioned the amount of water abutting the property (the river). Attorney Miller stated that this is beyond the purview of the Planning Board.

Mr. Favorite stated that a fire truck can get down through the access but he questions the residents being able to get out at the same time. Previously, the applicants stated that being narrower, the access would promote folks to go slower; he questioned having a 24' access with speed bumps.

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NEW ENGLAND FAMILY HOUSING continued:

Attorney Miller requested that we now restart the 65-day clock. Ms. DeStefano asked if there were any public comments. Donna Nashawaty, resident, stated that she appreciated the work being done on this case. She would like the Board to speak with DOT as the engineering safety is up to the Planning Board. She also questioned if there is a right-of-way easement for water and sewer. Mr. Lagueux questioned the statement on page 7 of Atty. Miller's document that states Fire and Police approval. He was told that the Fire Chief was only asked if he could get a firetruck down the access, no approval was given. Ms. DeStefano stated that the Fire Chief and the Police Chief letters regarding this were received and copies are now with the applicant. The Board received these March 13th.

With no other issues at this time, C. Dingman made a MOTION, second by P. Manganiello, to CONTINUED THE SITE PLAN FOR NEW ENGLAND FAMILY HOUSING TO MAY 11, 2016. The motion CARRIED.

Atty. Miller asked if they will have met with Atty. Waugh by our workshop meeting. Ms. DeStefano did not know as Atty. Waugh is quite busy and she is not sure of the availability of the Board members. She assured him that we shall do it as quickly as possible.

PUBLIC HEARING ON PARKING FOR SITE PLAN/SUBDIVISION REGULATIONS.

Only Ms. Hoyle and Mr. Lagueux remained for this. Ms. DeStefano explained that the voters approved this move from the Zoning Ordinance to Subdivision/Site Plan Regulations. We have since realized that this would not include single residences and suggest to the Land Use office that parking regulations for these be a part of the land use permits. Mr. Dingman explained that, previously the Planning Board could relieve the Ordinance requirement by 25% but oftentimes found that this was not good for applicants and it allowed for too much asphalt.

Ms. DeStefano asked about a case where a developer of a condo complex would fit as these could be single buildings. The secretary answered that all condos come under subdivision.

Mr. Dingman proposed the following:

1. Remove from the old zoning parking requirements Section B1a – “Single Family: Two (2) spaces for each dwelling unit” from “Parking and Off Street Loading”.
2. Move the remained of this section into site plan to become the new Section 8.5E, renamed to “Parking, Off-Street Loading, and Pedestrian Safety”.
3. Re-number/label accordingly.
4. Take the three points of the current Section 8.5E of site plan, move them to the bottom of the new section and re-label to become 8.5E, numbers 10-12.

The Board was okay with the changes and Ms. Hoyle and Mr. Lagueux felt that it is a step in the right direction. Ms. DeStefano closed the public portion of the hearing.

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PUBLIC HEARING – PARKING continued:

C. Dingman made a MOTION, second by P. Manganiello, to MOVE THE PARKING FROM THE ZONING ORDINANCE TO THE SUBDIVISION/SITE PLAN REGULATIONS ALONG WITH THE ABOVE MENTIONED 4 ITEMS. The motion CARRIED.

MINUTES OF MARCH 23, 2016: The following amendments and clarifications were made: Page 1, paragraph beginning with “E-mails”, 3rd line, following “available” add “for relief from frontage”. “1.”, delete “or an Exception with the Zoning Board”. “2” before “A Variance” insert “Get” and following “requirement” insert “and an exception from ZBA for the state frontage requirement.” Page 2, MINUTES OF MARCH 9, 2016, 2nd line, delete “Scenic Roads, 2nd line, delete “all 4” and replace with “on 3”. 4th line, replace “only” with “not”. It was found that the original wording was correct.

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

COMMUNICATIONS: Mr. Dingman took the DES Source bulletin and Ms. DeStefano signed the updated copy of the Zoning Ordinance for the County Registry.

REPORTS:

HDC: Mr. Dingman stated that Mr. Manganiello is now the Select Board Representative for HDC and that we have a new member, Richard LaFlamme. He went over the HDC functions for the new folks benefit. Changes and edits are being made to the draft copy of the Historic Resources chapter of the Master Plan, will be sent back to Mike Izard (LRPC) to present to the Planning Board.

SELECTMEN: Mr. Manganiello stated that they have negotiated the Fireworks, painting of the Old Fire Station, the fence proposal, pushed back the town clock for now, and are to have a goal setting meeting on April 21st for about 3 hours before their regular meeting.

CIP: To meet next week.

OTHER: Mr. Favorite stated that Dan Paradis will learn tomorrow what his medical issues will be. It is possible that he may have to step down. Mr. Favorite added that maybe he could be an alternate and Ms. DeStefano added that we hate to lose him as he is a big asset to the Board.

The OEP Conference is to be held June 4th at the Grappone Center. There is some money in the budget for this. You shall need to let the secretary know if you wish to attend. Ms. DeStefano is possibly going this time. The newer members may want to attend the sections on rolls of the Planning Board. Registrations must be in by May 27th.

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OTHER continued:

Mr. Coates stated that he is planning a Budget Committee “101” with the Selectmen and may do one for the Planning Board with Attorney Waugh.

Ms. DeStefano would like the Board to take a hard look at the sign ordinance. She would then like to invite the Business owners to come in to a workshop to talk about it; get their input. Perhaps for our May workshop unless that is too soon. Mr. Manganiello mentioned all the temporary signs that were by the light this weekend. Mr. Dingman thought that May might be too soon. Mr. Favorite mentioned that we need to address franchise signs. Bristol appears calm until you get to the Cumberland sign. Ms. DeStefano mentioned the downtown sign that Don Milbrand had been working on and also that, in talking with the secretary and Christina Goodwin, Assessing/Land Use Office, about 4 town line signs. Mr. Dingman felt that the board should meet first to talk about what we have first. Mr. Coates mentioned that he spoke with Robin Leblanc and the Economic Development and how to make funds available.

There is the NLRC conference and talk of form-based codes (from zone based to functionality). Mr. Coates hopes to hire a Planner soon. Ms. DeStefano and Mr. Dingman feel that to be a good idea.

Ms. DeStefano also mentioned a Citizen Planning Training to be held May 5th in Bridgewater, June 2 in Bristol, and Sept. 1 in Bridgewater. She will forward the information to the Board.

Mr. Manganiello stated that he has heard many rumors about a McDonald’s coming in. The Board explained that these rumors crop up every now and again. Mr. Dingman added that the Planning Board has architectural standards which allows some restriction.

After checking with members, Ms. DeStefano will set an April 25th meeting with the Planning Board for 6:00 or 7:00pm (whichever is best for Atty. Waugh). The secretary will set up with the room.

NEXT MEETING: The next meeting will be held April 27 at 7:00pm and is a workshop meeting.

With no other business, C. Dingman made a motion, second by P. Manganiello, to adjourn at 9:00pm

Respectfully submitted,
Jan Laferriere, recording secretary