

PLANNING BOARD MINUTES
July 13, 2016

APPROVED:

AGENDA: 16SUB02, SUBDIVISION: MICHAEL F. SHARP REVOCABLE TRUST/BRANDY V. GUYOTTE & MICHAEL F. SHARP, 160 Jenness Hill Rd., #209-013, -014, & -015

COMPLIANCE HEARING: NEW ENGLAND FAMILY HOUSING, 409 Lake St., #112-037 & 224-001

PCC: ROBERT PRENDERGRAFT, 185 W. Shore Rd., #108-041 & -099

ATTENDING: Denice DeStefano (Chairman), Clay Dingman (Vice Chairman), Paul Manganiello (Selectmen's Rep.), Bob Curtis, Steve Favorite, Dan Paradis, Elizabeth Seeler

ABSENT: -----

OTHER: Scott Lacroix (Land Use Officer), Sandra Heaney (Conservation Commission), public

The meeting opened at 7:00 p.m. with a quorum.

16SUB02 SUBDIVISION: MICHAEL F. SHARP REVOCABLE TRUST/BRANDY V. GUYOTTE & MICHAEL F. SHARP, COLIN BROWN (SURVEYOR)

The secretary read the application, list of abutters notified, and where the hearing was notified. There were no phone calls, written responses, or department head comments.

Ms. DeStefano explained the procedure for a subdivision hearing and then directed the Board to the checklist.

C. Dingman made a MOTION, second by E. Seeler to approve waivers for #14 topography to 5 ft. intervals, #16 conditions on adjacent tracts, #18 id on each lot, #23 road construction, #24 drainage plan, #26 site inspection, and #27 review by engineer or other and consider the application as complete. The motion CARRIED.

Colin Brown, surveyor of the property, stated that this is to be a subdivision to make a 3rd lot from 2 existing lots (lot line adjustment). The new lot will consist of an acre which will make lot #14 from 2.33 acres to 1.37 acres and lot #15 from 3.04 acres to 2.04 acres. They are asking the State for approval of the 3 lots and a new culvert. Mark Bucklin, Highway Supervisor has given them the driveway permit.

SHARP REV. TRUST SUBDIVISION continued:

Ms. DeStefano asked for Board questions and there were none at this time. She then opened it up to the public. Abutters Richard and Elaine Willette asked to come up and see the plan and were given permission along with anyone else who wished to see it.

Mr. Willette stated that there is a water detainment area that has spilled onto his property in the past and he has had to replace his lawn at his expense. There is a natural drain area and Mr. Willette is concerned with run-off affecting his property again. Mr. Brown stated that there is to be no change in the land right now and that would be addressed with the building permit. Mr. Willette said that he has no problem with the lot itself but just with the drainage.

With no other comments, Ms. DeStefano closed the public portion and asked for any Board comments. Mr. Favorite would like time to look at the drainage situation and Mr. Brown felt it would be fine to continue the hearing for this as he will need time to do the final plan.

S. Favorite made a MOTION, second of C. Dingman, to CONTINUE THE MICHAEL F. SHARP REV. TRUST SUBDIVISION HEARING TO AUGUST 10, 2016 AT 7:00P.M. The motion CARRIED.

PCC: ROBERT PRENDERGRAFT

Ms. DeStefano explained that a PCC is not binding on either the Board or the applicant but the Board will give their best answers based on what is presented. No funds should be spent based on this, however.

Mr. Prendergraft stated that he has 3 cottages and a house on the property on W. Shore Rd. The middle cottage has foundation failure and he plans to remove it. He would like to build a garage by the house and add an apartment on its' 2nd floor to replace the cottage. At a later date, he is thinking about subdividing the property (cottages from house).

Ms. DeStefano questioned whether there was enough land to subdivide and Mr. Prendergraft answered that there is not. Mr. Dingman calculated that there is 81,000 sq. ft. and Mr. Prendergraft verified that it will be a free-standing garage. There is town water but private septic. The Board explained that, in changing the buildings on the lot, he will lose his grandfathered status. Mr. Dingman further explained that this is already a non-conforming lot to today's standards and this would make it more non-conforming, which is not allowed. If Mr. Prendergraft were to demolish the middle cottage and replace it on the same footprint, this would be allowed and he would not lose being grandfathered. Mr. Paradis added that you are allowed only one residence to a lot now; he would need 30,000 sq. ft. for the first building and 30,000 sq. ft. for each additional but it cannot be done due to the one residence rule. Any change to what is there now causes loss of grandfather status and will need a Variance.

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COMPLIANCE HEARING: NEW ENGLAN FAMILY HOUSING, KEVIN LACASSE (APPLICANT), KEVIN FRENCH (SURVEYOR), KENT BROWN (ENGINEER, STEPHAN G. PERNAUW (PE)

Ms. DeStefano explained that the Board has been notified that this can no longer be a compliance hearing as the plan has changed from 2 lots involved to 3 lots and must be treated as a new application. The Board will need to go over the checklist again and when found complete, the 65 day clock begins again. The Board will be able to use whatever materials have been supplied previously that has not changed.

The Board addressed the old checklist and made notes to any changes. For #49, the Board asked if there were any drainage changes and Mr4. Brown answered that there is a minor impervious area that will not affect the drainage.

Mr. Dingman asked if the road is the same width or has any changes. This will be addressed a bit later. Ms. Seeler stated that there is a tax map # that needs to be changed. Mr. French presented a new boundary line map and Mr. Dingman thought that the Conservation Commission might also need to look at this and Ms. Heaney came up for a closer look. She was Satisfied and would like a copy of the new map (a copy was later left for the Commission at the office). The Board was okay with the new map, as well.

Mr. Brown stated that there is no change for DES, Dept. of Historical is okay with, and no impacts to the schools or town were already addressed.

Ms. DeStefano asked the Board if they feel that anything up to this time will need re-doing and the Board answered in the negative.

Mr. Brown then explained that they are to add a new lot so as to meet the frontage requirement, which was pointed out on the map. He added details on the new plan. On sheet 1 he fixed the drill hole, added the new lot, details for this and the revision date. Sheet 2 he changed the boundary, revision date, and necessary notes. Sheet 3 he has listed the other owner of the property that the applicant is to purchase, added the sidewalk (which is ADA compliant), and the necessary notes (#4 & #5), changes to the traffic (striping), and the revision date. There were no changes to sheets 4, 5, 6, 7, or 8. Sheet 9 has the drainage plan (taken from sheet #12) and the revised sheet layout. No changes to sheet #10. Sheet #11 shows sidewalk details and #12 the stop sign as well as more on the sidewalk. Sheet #13 has no changes and sheet #14 has been added to show the new changes.

Ms. DeStefano asked about the boundaries and Mr. French pointed these out on the new map along with the frontage on Rte. 3A and also along the DOT right-of-way (which they consider a road). Mr. Dingman asked if DOT is okay with the new plan and was assured that they are. Ms. DeStefano asked for a copy of the boundary map for our records and one for the Conservation

NEW ENGLAND FAMILY HOUSING continued:

Commission as well as to send her an electronic copy so she could send it on to the Board members.

Mr. Lacasse asked for conditional approval based on meeting the frontage, width of the road, and Mr. Pernaau's visibility study. Ms. DeStefano read the conditions and explained why this has to be treated as a new plan: Condition #1 = the plan is changed, #2 is Brown Engineering LLC, #3 = the changed drive needs to meet town standards, sidewalk (Mr. Lacasse said it is to be 4' wide and paved and right-of-way is a driveway now). As to the snow plowing, this is also just a driveway now.

As to visibility, Mr. Pernaau was introduced. He stated that he is a licensed engineer #5234 and PTOE #397 and consults for the public and municipalities. He presented DOT photos and stated that if you set back 10' in the right-of-way, you can see 400' (the State requirement) in both directions. If you stay back 13', the fence is cleared. He has recommended the stop line to be moved forward, a new stop sign, a yellow center line for 50' and the white line on 3A done.

Mr. Favorite asked what we do with the children walking from the complex. Mr. Pernaau stated that they will go across to the sidewalk across the way. Mr. Favorite expressed that this means they cross Rte. 3A. Mr. Pernaau explained that it seems to be safer not to have a crosswalk as without one, folks are more cautious and when there is a crosswalk, they seem to just step out without looking. This is a DOT issue. Ms. DeStefano thanked him for his in-put.

Ms. DeStefano questioned the frontage, Lake Street or the right-of-way? Mr. French answered that both are the frontage but the Lake St. portion covers it anyway. Ms. DeStefano referred to the second sentence in #3 condition and Mr. Brown answered that they felt it was better to purchase the new lot than to bring the right-of-way up to town standards. It is now a driveway which meets 5.10. Mr. Dingman stated that it should be a note on the plan. One of the Board members asked if the right-of-way is public or private and was told to ask DOT. Mr. Lacasse stated that the frontage is on Lake St. and Mr. Brown felt the right-of-way is public and he will note it on the plan.

A discussion was held on approval tonight or continuing to the August meeting. Mr. Lacasse stated that he has been coming in since Feb. and feels that they have answered everything. Ms. DeStefano stated that the Board would have liked to finish tonight as well but she feels that we cannot base on the town attorney's recommendation. Atty. Waugh was on vacation so we only got his input yesterday and Ms. DeStefano had e-mailed the applicant as soon as she got it. He has instructed the Board to treat this as a new application not a compliance hearing and to take time so as to be certain everything is complete. It is this Board's obligation to the town.

NEW ENGLAND FAMILY HOUSING continued:

Ms. DeStefano asked for any other public input. Donna Nashawaty, Bristol resident – Pleasant St., asked the Board to look at the deed language on the new lot. She also suggested that they extend the sidewalk to a safer area for crossing or else install a flashing light to alert motorists. Ms. Seeler stated that the bike path has a crosswalk. Ms. DeStefano stated that this is up to DOT. Mr. Manganiello liked the idea of the flashing light.

Ricardo Rivera, Bristol resident – North Main St., asked about impacts to the town and what type of apartments these are to be. Mr. Lacasse stated that a portion of the apartments must be low and moderate income. Mr. Manganiello had a copy of those figures that had been given to the Select Board and Mr. Lacasse read them.

Ms. Heaney asked about a maintenance plan. The Board has a copy and Mr. Dingman said that he will get her a copy. Ms. DeStefano asked if there was anything else that the Board could think of that they might need. Hearing none, she listed needs as: copy of the boundary map (digital), PDF of the deed, corrections on the plan as stated this evening, merger of the lots, and final approval.

Mr. Manganiello stated that he can understand why they recommend no crosswalk after hearing from Mr. Pernaauw. Ms. DeStefano agreed and added that maybe a crosswalk or signage need addressing with DOT. Mr. Dingman felt that the approval should not be held up while waiting for a DOT answer. Mr. Pernaauw felt that a letter from the town would have more authority than from the applicant. Mr. Lacasse added that he is willing to pay the cost if the town can get the DOT approval. Ms. Nashawaty said that sidewalks are up to DOT there, as well.

E. Seeler made a MOTION, second by C. Dingman, to CONTINUE THE SITE PLAN HEARING FOR NEW ENGLAND FAMILY HOUSING TO AUGUST 10, 2016 AT 7:00P.M. The motion CARRIED.

Mr. Lacasse asked that any further requests be made to him as soon as possible. Mr. Brown said that he will add the 125' setback note and Mr. French added that the Comprehensive Shoreland Protection Act is for 150'. A PDF of the deed of the new lot, PDF of the boundaries map, new application and letter of authority from Freudenberg and the change added, PDF of all plans, and the lot merger form are needed. Mr. French stated that the merger cannot be done until Mr. Lacasse has actually purchased the new lot.

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WETLAND PERMITS:

Ms. Heaney stated that there appears to be a problem with procedure for wetland permits as the Planning Board does not always get them or is notified that applicants are not notified of the need of a special use permit. Ms. DeStefano looked at the one we received tonight and said that it is late and she, for one, is too tired to think about this tonight. She felt that we should meet about this later, perhaps at our workshop meeting on July 27th.

REPORT:

LAND USE – Because of the late hour, Ms. DeStefano allowed Mr. Lacroix to report at this time. He stated that every Tuesday and Friday he visits Dollar General to confirm progress to the Site plan. They have silk screen up, drainage and a new culvert, as well as 2 rows of torpedoes. The State has not been up to check conformance to their requests. As to the storm drain, they misinterpreted the plan and have made it larger: 93' x 20' instead of 33'. Mr. Lacroix has asked if it will have any more impact and they did not believe that it would. The rough plumbing is in and has been tested. One footing hit bad soil and the soil has been replaced.

MINUTES OF 6/22/16:

The following amendments and clarifications were made: page 2, 1st paragraph, 4th line, insert “about” before “5 years ago”. 3rd paragraph, 2nd line, following “\$150.00, insert “for the on-line portion of the survey.” 5th line, 2nd line, delete “Engineering and Lawyer fees” and replace with “legal fees for Site Plan Review“. Page 3, under Selectmen, 5th line, replace “held” with “withheld”.

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

OTHER REPORTS:

HDC – The Commission met yesterday and determined a couple of edits for the Historic Resources Chapter for the Master Plan. He will make these and bring it to the Planning Board. Town Admin. Nik Coates, suggested that the Economic Development committee be on board.

SELECTMEN – The Selectmen approved the CDBG grant for Mr. Lacasse. They are looking at updating needs for cell tower, etc. Ms. DeStefano stated that Mr. Coates intends on coming to our workshop and the Economic Development minutes were sent to her.

CIP – They will begin meeting in August.

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NEXT MEETING: Our next meeting is scheduled for July 17, 2016 at 7:00p.m. at the meeting room in the town office building. It is a workshop meeting where we shall have Kellie Walsh, OEP, present information on the National Flood Insurance. We shall probably be able to finalize both the Land Use and Historic Resource chapters of the Master Plan for a public hearing and discuss the Wetlands Permit issue.

With no other business before the Board, C. Dingman made a motion to adjourn at 9:45p.m.

Respectfully submitted,
Jan Laferriere, recording secretary