

FINAL

Bridgewater Planning Board
October 15, 2024 Minutes

Board members present: Chair- Patrick Roach, Ken Weidman, Steve Hering, Joe Wilkas, Jeff Bird, Ex-officio- Terry Murphy

Public present: James Gickas (building inspector), Holly K. Hall (owner, Newfound Grocery/FLP), Craig A. Hall (owner, Newfound Grocery/FLP), P. Wesley Morrill Jr. (abutter), Alan Barnard (Barnard Survey Associates Inc), Judy Faran (Pemigewasset River Local Advisory Committee (PRLAC))

Patrick called the meeting to order at 7:00 PM and the members of the board introduced themselves. Patrick announced that the first order of business on the agenda was Freeland Properties- Newfound Country Store for a site plan review of the store located at 408 Mayhew Turnpike map/lot 0108-0002-0000. Patrick and Ken verified receipt of all abutter notifications and confirmed the completion of the application. Ken made a motion to accept the application as complete, Jeff seconded, and all members voted in favor of accepting the application.

Alan distributed updated plans and site photos due to a year passing since the board reviewed them. The plans used in September 2024's informational session with the planning board had not been updated yet. Alan explained some of the updated notes on the plan with corresponding photos that included traffic flow, signage, the animal pen with straw bed and wood berm, new paving shown to the north end of the parking area for deliveries (that does not go all the way around the back of the building), curb stops, 57 labeled parking spaces, 1 handicap parking space in the front of the store, gravel area in the back of building (that they prefer to keep that way as it was approved previously and is well maintained), a door, and lights. Other notes state that the boundary line adjustment that was done previously has been withdrawn and the addition of a liquor license. Alan stated that two building permits were included with the plans- one for the addition and an amended one, as well as the mixed land use for Halls Excavation has ceased, and the site has been changed to single use. Alan stated all additions were made to ensure conforming to all items discussed in September.

Jeff asked if all current parking spaces were reserved for retail use only or if they were in any way tied to the construction business, and Holly answered they were for the store only. Holly added there is additional parking at the top left in the gravel area for overflow that could hold 20 cars if necessary.

Patrick asked the board if there were any questions. Ken answered that they were not in compliance with three items- the first being a requirement of the September 2016 site plan review that all parking spaces be paved and that a waiver had not been requested. Holly asked why this issue was not addressed at subsequent meetings or last month, and

Ken replied that the board was unaware they were attending September's meeting beforehand, and in turn did not have the opportunity to review their records ahead of time. Terry and Holly disagreed about whether this had been verbally brought up previously. Holly stated that they cannot afford to pave all parking areas, and Alan added that all major operations of the store out front are paved, as well as the recent additional paving of the delivery areas at the back of the building. He stated that two prior site plans have been approved with the gravel area as it is since 2016, but that they will request a waiver to meet that requirement if necessary.

Ken stated that the other two issues of noncompliance are regarding ADA parking, and Alan responded that there is one space in front of the store. Steve stated that the existing space is not van accessible due to the canopy tent that covers merchandise being in the extension. Holly responded that the canopy can be moved as early as tomorrow, and Alan added that it is waivable and had been in the past. Ken continued that the other ADA issue is the number of ADA spaces in relation to the total spaces. Holly inquired if the town requirements are different from the state, and Patrick answered yes. Steve added that the town matches ADA.gov, 3 ADA spaces per 51-75 total spaces, and will require proper signage. He explained the requirement is 1 van accessible space, as well as one for every 25 regular spaces with matches table 2 on the regulations for a total of three in this situation.

Ken referenced the September meeting, the board's request for one directional traffic around the building, and that the site plan still shows two directional traffic. Terry expressed safety concerns for children in the driveway near the animals with two directional traffic. Alan asked what direction would be preferred by the town, and Terry answered that traffic should enter from the north side of the property, go around the back of the building, and out to the pumps in a clockwise direction. Holly also referenced the September meeting and asked for clarification where Jeff agreed that because the fuel tanks were on both sides of some school buses and trucks, it would be safer for everyone to not have to go clockwise around the building because that would then require buses and other large vehicles to be backing up and turning completely around in the main parking lot, increasing the risk for incidents where there previously had not been any. She added that the left side, back side, and three quarters of the right side of the road around the building are two full lanes wide; it only narrows by the buildings because of the setbacks they were asked to comply with from the neighbors years ago on the right side. Patrick asked how wide the narrow section is, and Alan used a scale to measure 12 feet. Steve explained that if two vehicles meet head on in that area, one will have to back up. Alan stated that the discussion from the Halls had always been two-way traffic, and Steve disagreed that the discussion from the town had been changing it to one way traffic around the building. Patrick asked the board for their thoughts. Jeff shared he has been around the building dozens of times and never had an issue but understands the concerns on the southern side of the store with the kids and animals, and the possibility of two vehicles meeting head on in the narrow section. He asked if there were any historic records where an ambulance or police had to respond to an issue there, and Craig answered no, other than incidents of inebriated drivers that were unrelated to the layout of the property.

Ken addressed Alan's mention of previous plans being reviewed without the requirement of one-way traffic. He stated that subsequently to that, the animals and building addition were nonexistent. Holly explained to the board that whether the animal paddock was there or not, the driveway could not be expanded in that area due to the location of utility poles with transformers, setback requirements of the board, avoidance of wetlands, and the underground swale and culvert. Holly added that it took almost 10 years and a state representative to get the existing utility pole replaced due to it leaning, and that moving it entirely would not be a quick process. Alan stated that the narrowness slows people down and that they typically drive faster in the wider parts of the driveway.

Ken brought up the issue of customers not having a walkway if they park out back to get in the front door. Holly responded that the parking out back he is referring to is employee parking, but that there is a 60' porch with concrete walkway and the patio seating area. Steve asked if it is labeled employee only, and Holly answered no, but customers don't usually want to walk that far if they don't have to. That issue was clarified and resolved.

A lengthy discussion was held regarding traffic flow, fuel tank locations on different types of vehicles, and alternative fuel hose length options. Scenarios of stop signs, no trucks or trailers signs, wrong way signs, children crossing signs, painted arrows, and do not enter signs were considered. Terry added if 90% of traffic is going in the correct direction, then the risk is reduced by 90%. Holly agreed and stated that she thinks most people drive the correct direction now, adding that she has gone out and corrected drivers for going the wrong way around the building and has lost business over it. Patrick made a motion for the traffic to be clockwise around the building, one way through the narrow section between the building and animal paddock only, and to add state regulation traffic sized, and bigger than the existing, "do not enter" sign on the south side of the building on the driveway side of the utility pole, Jeff seconded, and all board members voted in favor. The motion passes.

Ken stated that the next issue is that the building addition was built out of compliance with what the planning board approved. Alan rebutted that his interpretation is that the selectmen decided that the site plan was sufficient enough to issue two building permits, and because they are the enforcers that interpreted and allowed the plan, they in turn overruled the planning board. Patrick asked if this could be handled with a waiver, and Alan answered it could be handled as an "as built." Alan cited an example with the Newfound Lake Inn who previously put an addition on the barn and the selectmen decided that it wasn't a site plan review, so the board agreed then that the selectmen do have say. Ken asked if the original request to the planning board mirrored what was built, would that comply with all regulations for setbacks, etc.? Alan answered that it did conform to all regulations and setbacks, it was allowed by the town, and it exists. Patrick asked if the second permit allows the size it is currently, Alan answered yes, and Patrick agreed it had been permitted then. Ken stated he wanted to get the record straight that it was not done as the planning board approved it. Alan went on to say it is there and exists, the selectmen gave the building permit, and they're there to comply with what was given to them from the town so now it will be a matter of record because it is on the site plan.

Terry requested to add to the conditions on the plan that this site has been converted into a single use property instead of a mixed use.

Ken directed the discussion to the next question of whether the original septic (flow of 1,429 gpd) is still adequate with the addition on the building. Alan answered that the septic tanks had been relocated but were mistakenly done without a permit from DES. The permit is being requested now, and due to the rule that the selectmen must approve things that go to DES, they will have the chance to approve or deny the septic specifics. Alan explained how the gallons per day can be manipulated for different functions. Jeff asked if there was a porter potty on site and if it is year-round, and Holly answered there is one for seven months of the year primarily in the summer. Terry asked where the septic tanks were moved and Alan showed him two covers on the plans, mentioning they are H-20 tanks that are allowed to be driven over.

Ken asked if the water supply is still adequate (originally served 75, but the occupancy is 95 with the addition, plus the house). Alan stated it is based on use but that the numbers are different for each function (restaurant, etc.). Terry mentioned that between the well and the storage tanks, adequacy will be achievable. Patrick asked if the new addition has sprinklers, and Holly answered that the NH fire marshal said it is not required, and that he overrules any town requirements.

Steve requested the gallons per minute storage capacity. Alan clarified that the question is to make sure the water supply is adequate for the septic design, not that the water supply is adequate for the building. He went on to say that because there is no plumbing in the addition, and the use did not change, the water and septic capacities will still be adequate as they are now. Steve followed up by asking if there was a change of use for the building or site in the future, would the planning board require those numbers then, and Alan answered yes.

Ken asked, if the gravel/hard pack is allowed to remain versus paving behind the building, does that change the ratio on the impervious land. Alan responded that storm runoff on gravel will not be the same velocity of runoff that you would see on pavement, the high traffic areas are paved and adequate, there has not been any ponding on the gravel, and that it is well graded. Holly added they added a lot of gravel and drainage in the back. Ken asked if they could calculate the amount of impervious surface and put on plan, and Wesley added that lot coverage is usually on the plan.

Steve asked if Alan could add water and sewage lines to the plan, and Alan said no, he doesn't show anything underground and that he doesn't know where underground utilities are. Steve asked if we normally require contours and elevations on site plans and Terry said not on this because the property is not steep enough and steep slope does not need to be calculated; its flat.

Steve inquired about the lighting in the parking area and if all of them should be added to the site plan. Holly described the lighting as 6 LED in the canopy that are on 24/7, LED lights across the front of the building, two Eversource lights- one on the pole by the

paddock and one on the back pole by the dumpster, back of the lot behind the paddock, one on the street facing in, and spotlights on the corners of the buildings.

Patrick opened the discussion to the public. Wesley mentioned that most of the questions asked are on the checklist. He asked how many square feet the total building is to include the addition and Holly answered 10,520 square feet. Wesley cited page 9 number 14 that states 1 space per 200 feet of sales floor plus 1 space for 600 feet of storage is required. Alan added that the 57 existing spaces are more than what is required. Wesley continued that if they go by footage requirements only, there would be room to add an additional ADA parking space that wouldn't be a big cost by taking three existing regular spaces and adding striping in the middle one, leaving the space on each side as a designated ADA parking (within the size regulations of the ADA). A third space would not be required if they removed the seven employee parking spaces out back (bringing the total to 50 spaces) because one ADA space is required for every 25 regular parking spaces. Wesley explained how that would prevent the town from having to re-address parking if there is a change of use in the future because it will be based on square footage. Wesley cited page 11 3C that allows shared striping. Steve asked where the 57 spaces came from and Alan stated the board previously wanted as many as possible.

Ken redirected the conversation to paving. Alan stated that they'd like to request a waiver for no additional paving. He referenced Newfound Inn's sloped parking lot that the planning board did not ask for a waiver for. Craig stated that the unpaved area is hardpacked. Patrick asked the board how they felt about waiving the paving requirement, and Jeff explained that there needs to be a level of reasonableness when considering existing property before rules and regulations change versus a new property. Patrick agreed it can create a hardship to force paving. Ken stated that he thinks the new area to the north should be paved, and the south section between the end of the building and the animals should be paved as well, all the way to the end of the addition. Holly stated they cannot afford it.

Because the board was mixed, a motion was made. Ken made a motion to completely enforce all regulations as is (entire area paved), Jeff seconded, and Steve was the only member that voted in favor. That motion failed. Jeff made another motion to pave the northern 13 overflow parking spots. Steve, Ken, and Terry voted yay. Patrick, Joe, and Jeff voted nay. The tied vote caused the motion to fail. Alan mentioned the option for a conditional approval vote tonight. Ken asked if this was time sensitive for the applicant, and Holly answered yes, it is costing her thousands to hire Alan to remake plans and attend meetings. Steve added that he would vote against it because there is too long of a list; he'd rather see a clean vote.

Patrick made a motion for a conditional approval to include no additional paving, 2 ADA parking spaces, a clockwise direction of traffic around the building to include a large "do not enter" sign near the utility pole, the site being converted to single use, and to annotate where the swale is behind the animal viewing plan addition on the site plan. Jeff seconded the motion, all members voted yay except Steve, and the motion passed.

Alan, Craig, Holly, and Wesley left at 9:08 pm.

Judy introduced herself and explained what the Pemigewasset River Local Advisory Committee (PRLAC) is and does. The key takeaway from her presentation was steep slope- problems, erosion, ordinances, setbacks, and resolutions.

Patrick tabled old business and minutes approval until the next meeting. Members of the board signed the site plans and mylar for West Street Development. Patrick made a motion to adjourn, Jeff seconded, and the meeting was adjourned at 9:48 pm.