

FINAL

Bridgewater Planning Board
August 20, 2024 Minutes

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

Public present: Mark French, Holly French, Don Latulippe, Kevin French (French Land Services), Maurice Guyotte, James Gickas (building inspector), Skip Jenness, Myrna Jenness, Alan Barnard (Barnard Survey), Steven Woods, Robin Woods

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 to discuss West Street Development, LLC's proposed subdivision of a 14.6 acre lot map/parcel 0208-0006. Ken and Patrick reviewed the application and abutter notices. Initially the abutter notice for Conky was not found but was later confirmed with the receipt of notification sent. Jeff questioned if the Jenness Family Trust is Skip Jenness's property to which Skip answered yes. Kevin stated there were 19 abutters. Patrick stated he did not see the check for the application fee and Kevin answered it would be paid tonight. Ken made a motion to accept the application as complete, Joe seconded, and all board members voted in favor. The motion passed.

Kevin passed out plans and oriented the board to the property. He explained that there was originally a 20-foot right of way to access the parcel, but with the adjustment the easement would be dissolved. He went on to say the parcel has a 50-foot right of way over Lyons Lane used to access lot 1. Ken observed the steepness of the lots and Terry questioned the steepness regarding steep grade ordinance for each lot. Terry asked how the word "possible" could be used on the plans and Kevin stated he would change the word to "proposed." Ken asked if the state had approved the driveways to which Kevin stated yes and that he has the state's septic approvals for lots 1 and 2 as well. Terry stated that the driveway grade could not be over 12% or 15% before a permit would be required. Patrick asked if there was a proposed building on the other lot and Kevin said not at this time. Ken asked what the minimum zoning was, and Terry replied 2 acres, 500 feet back from the road becomes 5 acres. Terry asked about the contention for the right of way from Lyons Lane. Kevin stated that it was deeded on the subdivision in the 1980s. Patrick asked who owns Lyons Lane and Kevin stated the Woods. Patrick asked if the board had any more questions, and they did not.

Patrick opened the discussion to the public. Robin Woods explained that they do not want their driveway changed in any way. Steve Woods added that they own Lyons Lane and are aware of the deeded right of way to Mark French. He stated he didn't know what the plans were or how easy the access would be due to the steep terrain and dog leg turn. Kevin explained that the right of way is just beyond the utility pole to the right. Robin asked if it would in any way change their driveway and Kevin responded no, but there

would probably be gravel added. Robin reiterated that she did not want any changes to the terrain or use of their driveway. Kevin stated that they have a right to construct a driveway. Terry explained that the town has inherited issues about driveways in the past that become too steep for emergency vehicles to access coming from deeded roads. He went on to say that it must meet grading requirements, and that the town normally has nothing to say about private roads, but that the grading requirements must be met.

Ken summarized that there seems to be an issue between the landowner and the right of way; the Woods will let them use the right of way but do not want any changes to their property. He continued that the Board's responsibility is for denial or approval, but the issue at hand is between the two parties. Robin stated that this is the first time they have heard of the proposal/plans being considered for approval.

Skip added that the end isn't steep; the issue is the dog leg turn and that a firetruck would not be able to maneuver the turn. Patrick asked if there was a road there currently and Steven answered no, not even a class VI- just a path. Robin requested to approach the table to review the plans. Kevin oriented her, Mark French, Holly French, and Steven Woods to the plans.

Ken asked if there was any time urgency on this, and Robin responded that if her property is in no way excavated or changed, they were okay with it. Patrick suggested that Steven and Robin work it out with those applying and bring it back to the board when they are on the same page. Robin stated she wants to be a good neighbor but wants to understand what is being proposed to happen to her property. Ken made a motion to continue the application at the September meeting, Joe seconded, all were in favor. Patrick repeated that the application itself was accepted. Joe stated that the Rights referred to in the right of way, need to be defined. All the public left the meeting at 7:50 pm except James Gickas and Steven Woods.

Patrick moved to the next order of business on the agenda which was Alan Barnard's informational session to discuss a possible subdivision of 2 lots for Steve Baker on River Road, tax map 204 lot 11. Alan shared that the lots were on River Road across from Don LeClair's. He stated that the property would be divided into 2 lots of about 5 acres each with driveway permits. Ken asked what the frontage was, and Alan answered there was plenty; about 260 feet each with 2 acres to a steep bank that is buildable land. Terry asked where the floodplain line was on the plans and Alan stated he would add them to the plan, but there is 70 feet of elevation drop and no need for concern about water. Patrick asked if they were putting in a formal subdivision and Alan stated yes that he wanted a nonbinding session first so that it was not the Board's first time seeing the proposal in September. Patrick asked the Board if they had any questions or issues and there were none. Alan left one plan for the town file and left at 7:55 pm with James Gickas and Steven Woods.

Patrick directed the board to review the minutes from July 16, 2024. Ken made a motion to accept as written, Patrick seconded, and all remaining were in favor except for Jeff who abstained. The minutes were accepted.

Terry summarized the preliminary meeting with CAMP at Newfound Lake addressed at the July meeting to Jeff. In conclusion at that meeting, Rob was informed that he should update the plans, bring them to the Board officially for a public meeting to see how the Board rules, and if he is unsatisfied at that time to bring the issue to the Zoning Board of Adjustment followed by the Superior Court if they so choose. Terry updated that guidance to state that the request ends with the Planning Board if it is not passed. If the Board says no to changing the conditions, then it stops there. Per Laura Spector-Morgan, the condition that the RV units be seasonal is a condition of the site plan approval, not a requirement of the zoning ordinance, therefore there is no reason to go to the Zoning Board of Adjustment.

The Board went on to review existing noise ordinances from the towns of Northfield, Alton, and Barrington. Terry explained that the purpose of reviewing these towns' noise ordinances is to educate the Board and encourage them to take bits and pieces of each and piece them together to make one appropriate for the Town of Bridgewater. Terry suggested that the Board not jump into that issue tonight. Paul added that these towns' are all subjective but that he has reviewed some across the country that have specific decibel limitations. Discussion was held regarding whether there should be noise ordinances specific to each zoning area. Patrick back briefed Jeff to where the noise ordinance discussion started. Patrick directed the Board to keep thinking about it.

Terry referred to the issue of RVs and stated that one way to regulate them is to call them short term rentals- not defined as a structure (not attached to the ground, on wheels) and that you can't evict someone if there is no lease. He stated that courts are reluctant to get involved. Short term rental ordinances and applications from the towns of Ossipee and Alton were distributed to the Board along with short term rental regulations for the Town of Sunapee for review. Patrick noticed that Sunapee and Ossipee's short term rentals require a meals and rooms tax. Terry brought up the possible issues of zoning ordinances and business license requirements.

Discussion was held regarding Squam Lakes Plumbing and Heating and the history of the Hiltz case with the town to familiarize Jeff.

Jeff made a motion to adjourn, Joe seconded, and the meeting was adjourned at 8:25 pm.