

FINAL

Bridgewater Planning Board
July 16, 2024 Minutes

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

Public present: Peter Julia (landowner), Matt Barnard (septic designer, B.A. Barnard Ent. Inc.), Rob Brady (owner, CAMP at Newfound Lake)

Patrick called the meeting to order at 7:00 PM and the members of the board introduced themselves. Patrick announced that the purpose of the meeting was to discuss year-round manager residency at CAMP at Newfound Lake and a possible noise ordinance for the town.

Rob distributed plans to the board that were not yet engineered, but a representation of the current layout and what they want to do. He oriented the members of the board to the plans and handed out a letter that read:

“The owners of CAMP at Newfound Lake would like to alter the use of the existing office/apartment building on site from seasonal (6-month usage), to year-round usage to retain and create a year-round position for our on-site manager. The owners want to employ their manager year-round to maintain the park, keep it safe from unforeseen circumstances, and to retain their manager.

To address restrictions to the operational capacity of the existing septic system CAMP will have to modify the park. These modifications include removing two (2) of the existing sites from use (sites 1 and 5) as well as installing a new septic tank in-line with one of the existing tanks at the park.

To understand the New Hampshire state requirements, CAMP has asked for assistance from Matt Barnard (Engineer) to talk to the state and understand what they would need CAMP to do.

Removing two sites allows for the proper septic loading for a year-round 1-bedroom apartment to be added to the existing leach field. Due to the change in use from commercial to residential a 1,250-gallon septic tank will need to be added between the building and the existing septic tank.

CAMP formally requests the town’s consideration in allowing for a 1-bedroom year-round apartment to on-site and would like to show that the current zoning summary for 792 Mayhew Turnpike Bridgewater, NH is Commercial and Rural Residential.”

Discussion was held regarding the contents of the letter. Patrick asked if the existing building would change in size and Rob answered no. Matt added that they are requesting a conditional approval pending all state approvals. Ken stated that this was a preliminary meeting and that no approvals would be given tonight. Steve asked if the water supply is currently year-round and Rob responded that while it can be used year-round, they have not used it year-round in the past. He pointed out the locations of onsite wells, pump houses, and shut offs on the plans. He stated that if the apartment was to have water year-round moving forward, the water would remain off for the bottom 2/3 of the park during the off season.

Patrick read aloud a note on the plans that read, "Developer restricts anyone that rents or occupies the 45 sites from attending public or private schools." Patrick suggested carrying that condition to this proposal if approved in the future. Terry explained that the park's original use of property was to be part time. Lengthy discussion ensued regarding if the use was altered to include a year-round residence of a manager, how restricting future children to inhabit that residence to not attend public or private schools could be enforced without discrimination of tenants. The total 150 square feet of the unit was brought up and the unlikeliness that a family with children would live in such a small space. The concern was that while right now the request is for a manager, it would not be legal to tell someone with a child they could not live there. Terry stated that adding one child to the residence will put more burden on police, fire, EMS, and \$25,000 in school costs. Matt asked if there was a fire on the property during the off season, would the fire department respond to which Terry answered yes. Matt stated there would be no difference there.

Terry went on to say that the Board of Selectmen's question is how adding year-round manager's quarters, ultimately changing the land use, is in the public's interest and not just in the interest of the business. He stated that public interest says leave the land use as is as a part time RV park.

Rob explained that he lives 1.5 hours away while the previous owners, Bob and Anita, lived roughly a mile away and were better able to keep an eye on the property and respond quickly if need be. He stated that having an onsite manager would rectify that problem and that there are marketing and other duties that are year-round on top of the operational and monitoring that add to the need for a year-round residential manager. Ken suggested hiring someone local to be a manager that could live off site but still respond quickly if necessary. Terry suggested keeping sites 1 and 5 that would have been removed for the additional tank and using that revenue toward remote monitoring of the property.

Patrick polled the board. Joe stated that he's inexperienced but sympathetic to Rob. Steve stated that he sees both sides. He cited the note restricting sites 1-45, but that there is no mention that addresses residences or buildings that are not RV sites. He added that children will move to the area regardless and that it is unlikely a large family will move into 150 square feet. Paul asked what the occupancy of the park was currently, in the peak of summer. Rob answered they're full and also usually full on holidays. He added

that during midweek the park is roughly half full. Paul continued that it would be a neater solution house someone offsite. Discussion ensued regarding snow plowing. Steve asked what emergencies or situations they anticipate needing a year-round manager for. Rob answered possible vandalism to arcade games in the lodge, possible electrical fires, and natural hazards/storms. Terry asked if there was a disconnect switch and Rob answered yes but power is kept on. Patrick stated he's hesitant to change the conditions of approval that originally dictated seasonal use only.

Rob asked if there was a way to word the conditions of approval to compromise to which Terry responded they cannot discriminate against a family moving into the year-round residence and that their concerns for the property during the off season can be mitigated differently. He went on to say that adding more people to the town equals more taxes, and that the master plan is to control the growth of the town. He stated that getting the original 45 sites approved was a struggle.

Rob stated the current zoning is in Commercial Residential and allows for single family residences. Rob explained that he invested a lot of money to draw people in who will spend money in the town. Patrick shared his concern that if they grant the change and there is a new owner in the future, they may want to turn that office building plus studio apartment into a single-family home. Terry stated that this does not create a hardship, it opens a can of worms. Steve added it would be setting a precedence; if they approve a studio/one bedroom, then there's an opening for argument for 2, 3, 4 bedrooms in the future. Ken recapped that this was a preliminary meeting that was set up to get a sense of the board and that Rob and Matt now have that. He advised them to update their plans, advertise properly for a public meeting, and come back to the Planning Board to see how they rule officially. The next option after that would be to present to the zoning board, followed by superior court if they so choose. Patrick asked if there were any additional comments or questions from the board and there were none. Rob and Matt left the meeting at 7:40pm.

Patrick moved on to the next item on the agenda- a possible town noise ordinance. He stated multiple neighbors have come to him with noise complaints and that the police department cannot do anything about it currently other than give warnings. Terry stated it may not be a bad idea, but it is difficult to enforce and measure decibels. He suggested finding other towns that have them to use as guides. Patrick added that Plymouth and Belmont have them. Steve stated limits cannot be subjective- must be measurable. Discussion was held regarding sound limits and problems. Terry stated there are other ordinances that should be reviewed as well- Air BnBs, VRBO, renting RVs, RVs not defined as structures in zoning laws, garages and non-habitable use (changed but not found until assessments), commercial fireworks, etc.

Patrick opened the floor to the public. Peter introduced himself as a licensed engineer and member of the Plymouth Zoning and Planning Boards, and stated he was there to request a scheduled informal hearing regarding a residential subdivision of a legacy piece of property from the 1970s. He presented and oriented the board to a plan of the other side of town about 2.5 miles off River Road, Dick Brown Road, and Hunt Road with between

805'-825' of road frontage with the total parcel between 23-25 acres that is currently being surveyed. He added it is a flag lot where the geometry is more narrow than wide. Terry asked how flat it is, and Peter answered not at all and that he had walked it and there are steep slopes and two springs. Terry mentioned the possible need for steep slope ordinances and wetlands. Terry asked how many lots would be made from the acreage and Peter answered mathematically- maybe 3 but would like 4. Steve asked about the road frontage requirement to which Terry answered 300'. Ken asked who was doing the surveying and Peter stated Kevin French. Discussion was held regarding possible options for lots while considering road frontage, shared driveways, twisty/steep road regulation variations, land locked lots and hardships. Peter stated he has read all regulations and is licensed in 22 states. He said he wanted to gage the appetite of the board to see if they would be sympathetic to creating more lots and that his feeling is that they are not. Peter left at 8:30pm.

Ken updated that the Hands have been working on their driveway and have added crushed stone. Steve added that drainage soil was put in where the cottage was.

Pat directed the board to review the minutes from August 15, 2023. He made a motion to accept as written, Steve seconded, and all remaining were in favor. The minutes were accepted.

Ken made a motion to adjourn, and the meeting was adjourned at 8:50pm.

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.

FINAL

Bridgewater Planning Board
September 17, 2024 Minutes

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

Public present: James Gickas (building inspector), Steven Woods (abutter), Cynthia Crane Fisher (abutter), William Fisher (abutter), Kevin French (surveyor, French Land Services), Don Latulippe (owner, West St. Development), Holly K. Hall (owner, Newfound Grocery/FLP), Craig A. Hall (owner, Newfound Grocery/FLP), Alan Barnard (Barnard Survey Associates Inc)

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 a continuation of West Street Development, LLC's proposed subdivision of a 14.6 acre lot map/parcel 0208-0006 from the August meeting due to party disagreements involving the right of way.

Kevin, on behalf of West St. Development and its owner Don Latulippe, distributed plans amongst the board. He explained the original proposal was to go around the utility pole, but during a site visit in partnership with Steven (the property owner of the right of way), it was mutually decided to put the driveway before the utility pole and cut the bank down to make the side slope better and improve visibility on Lyons Road. He stated that extra material will be left on site and the proposed driveway will have 11% slope. He stated that a note was added to the plans that states Lyons Road/Lane will remain gravel at the discretion of owner of that lot.

Paul asked about the issue of improvement of the right of way. Kevin answered the gravel, and a note that had not yet been added to the plans but will be, that will include that once the driveway is constructed, the owners of lot 1 will be responsible for 33% of the plowing, repairs, cost, and maintenance of the road in addition to the Youngs and the Woods.

Jeff asked if there was any question of emergency vehicle access after the driveway to lot 1 was constructed, to which Kevin answered no, the radius met requirements. Ken asked who the owner of lot 1 was and Kevin answered that currently it is West St. Development as part of the subdivision, but the future owner is yet to be determined. Paul asked if the owner of lot 1 would be permitted to pave. Kevin responded no, not without the agreement of the Woods (or future owner of that lot owning the right of way).

Kevin oriented the board to the new proposed plans. He proceeded to thank Mr. Woods for working with them. Ken asked if there would be a recorded agreement regarding the owners of lot 1 being responsible for 33% of the plowing, repairs, cost, and maintenance

of the road. Kevin stated that it would be annotated on the deed of the purchaser and that he would also be making a note of that on the plans. Patrick asked if there was a concern with the runoff. Kevin stated there would be a ditch created. Paul asked about a culvert and Kevin stated there is not one existing, but they will work with the state for one if need be. Patrick asked the board for questions and there were none. Patrick asked the public if there were any questions and Shawn stated he was happy with all that was discussed. Cynthia stated that River Road's traffic would not increase much for the addition of two lots. Paul asked how a seeking owner would access the property to view it. Kevin responded that there is currently room to park but that Don plans on constructing the driveway.

Patrick made a motion to accept the revised application, Jeff seconded, and all board members voted in favor. The modification was approved. Kevin stated he will bring mylars to sign with the updated note for lot 1 being responsible for 33% of the plowing, repairs, cost, and maintenance of the road along with the Youngs and Woods (or future owners).

Kevin and Don left the meeting at 7:13 PM.

Patrick moved to the second item on the agenda which was Steven D. Baker Rev. Trust's proposed two lot subdivision on River Rd., tax map 204, lot 11. Alan apologized on behalf of Steven Baker who was unable to attend the meeting. He gave the application to Patrick who proceeded to verify all abutter notifications with Ken and distributed site plans to the board. Patrick asked if the check had been received and Alan answered that it had not, but he had it with him and would pay tonight. Ken made a motion to accept the application as complete, Paul seconded, and all board members were in favor.

Alan distributed topography plans that included frontage, setbacks, and explained that there are 2.04 acres from the road to the top of the steep bank. He stated that the flood plain lines had been added to the plans at the request of Terry. He directed the board to look at note #7 that allows the snowmobile club NH corridor 24 to maintain the trail even if the property is sold, preserving trail set all middle measurements, perimeter was there. Discussion was held regarding disapproval of ATV riders on the snowmobile trail. He explained that a 75 foot well radius can fit on the lot and that it is not required to have one now, but can if necessary, in the future. He shared the results of the test pits with the result of coarse sand.

Terry asked if they were aware that disturbing that area could cause serious erosion due to the steepness. Alan responded that the 250 feet of shoreline is at the bottom of the bank if anything migrated, it would go there. Patrick added if the wooded area there is not clear cut, the woods and ground seem stable. Terry inquired what might happen if the trees and woods were cut down in the future to improve the view. Cynthia stated that loggers don't want to go anywhere near it due to the proximity to the water.

Patrick asked why the lot is drawn in a sharp angle from road. Alan answered those are the original lot lines from New Chester before Bridgewater was the town in 1788. He went on to say they were creating lots near the river that were 650 feet wide and consisted of fertile lots for farming started with one baring parallel to the river, but further up the river the angle happens. Ken asked if all the lots on River Road are like this and Alan stated yes, the original lot lines are. Alan stated that when a house is put there, the lot will look like the existing houses in the area. Alan summarized the references on the map and added that Steve Baker already has driveway permits with good visibility of over 400 feet in each direction. Discussion was held regarding and reminiscing about passing lanes in rural areas.

Patrick asked the board if there were any questions and there were none. Patrick opened the meeting to the public for questions. Cynthia stated that after reviewing the plans, she did not. Steve introduced himself as the new trail master of the snowmobile club and stated that the club is happy with it.

Paul made a motion to approve the application, Jeff seconded, and all board members were in favor. The motion passed and the members signed the mylar in blue ink. Ken looked up the fee due, and Alan gave a check for \$80 to the Town of Bridgewater along with three paper copies of the plans.

Patrick moved the board to the next order of business, which was an informational session with Holly and Craig Hall, the owners of the Newfound Country Store. Alan distributed the plans from last year instead of updated ones as this was just an informational session; there may be some grading updates. He stated there are 57 parking spaces on the plan and that it had been over a year since the Hall's last meeting with the planning board. He stated that they have since added signs, curb stops, flow of traffic improvements, and added parking to the plans. He stated that the lot line adjustment had been eliminated and the property is back to 2 lots as it was and everything that the board had requested be added, had been added.

Paul asked if there was a deeded right of way. Alan answered yes that it is mentioned and referred to in note #3 that addresses the right of way for ingress, egress. Jeff, new to the board, asked for a summary of what the site plan was for. Alan stated that the site plan is up in the air, but they have all the required permits to run as is. He went on to say that the town requested additional things be added to the plan. He stated that he wanted to discuss any issues that have not been addressed now so that they can be prepared for the actual meeting next month.

Terry asked about the trailer with the shed on it and Craig told him he can move it, and it is going. Holly stated that all the heavy equipment had been moved off site. Terry asked about the screening plant for loam. Craig stated it will be graded off.

Ken mentioned that they were supposed to come some time ago but did not follow up presumably due to Kevin Leonard's letter. Holly explained that the reason for the withdrawal from the last application was that they felt very bullied and threatened from

certain individuals not presently in the room. She stated that she believes everything is now resolved, requirements have been met, and that she did not receive or review any letters from Kevin Leonard, the town engineer. Alan added that they have since gotten a liquor license, the first building permit, the second building permit, and were at the point where they felt they had met the requirements for operational approvals. Alan stated that the selectmen had mentioned paving, but they don't want to do that because big trucks, fuel tanks, and school busses would rip it up and they would have increased impervious area. Alan confirmed with Terry that the selectmen wanted to see the plans with the information that both parties had agreed to. Terry agreed and referred to minor requests like signage for the truck entrance and which side to enter with bigger signs. Holly replied that they had professional signs made and she asked various truckers for their opinions. Most of them said they do their best to stay safe when entering and exiting depending on who is in the way (boats, trailers, etc.), and then take the path of least resistance. Terry clarified he meant a larger sign to direct more trucks to go around the building instead of doing 180 degree turns in the front of the building. Jeff added that if you force the trucks to go in one direction then you are creating mayhem because the other vehicles will not be doing the same. Holly responded that there was concern about the back half not being accessible during construction, but that they had shut it down for safety reasons. She went on to say that 80% of the traffic flows in the correct direction. She stated that she has fought with customers and lost business by enforcing the traffic to go the correct direction. Patrick asked what the preferred direction of traffic was. Holly explained to come in, go around the back, and to the fuel pump. She shared that she was a school bus driver for 12 years and drivers are taught to never put the bus in reverse, and therefore she enforces them to go around the building the proper way.

Terry stated that the biggest impact for the site plan is that their heavy equipment was moved to a new site in New Hampton and without that equipment, there's a lot more open area associated with the country store and not mixing heavy equipment into the traffic; more accessibility and wiggle room was created. Holly showed the members of the board access roads on the site plan that were also added for larger vehicles that could not make the corner, Dick Hallberg being one of them. Reminiscing commenced about Dick Hallberg. Alan asked Jim if he saw any issues and he answered no.

Steve asked what the hashed rectangle on the plans represented. Holly answered it was a no parking striped zone.

Terry stated that cars with trailers can now park along the tree line with plenty of room and that there is less traffic without the construction equipment. He added that he would prefer larger signage unless the board is okay with it as it is, but overall, it is a much-improved situation. He continued that there are now only minor issues outback with the screening plant and the animal removal. Holly stated that she does not want the animals to be contingent on the approval, and that they added the swale for runoff. Craig stated he added stone as well and that the animal waste will not make it to the lake. Steve asked if the question was moving the animals or removing the animals entirely. Holly answered it was initially requested by the select board and that's where the bullying and threatening happened. Terry stated that the only concern with the animals is runoff, and Alan added

that the straw bedding will also absorb a portion of the waste. Jeff asked where he was going to bring his Christmas tree after the holiday if the animals were removed. Holly answered that her animals keep a lot of discarded trees and pumpkins out of the transfer station by eating them.

Patrick asked the board if there were any questions. Ken cited Kevin Leonard's letter from last year regarding handicap parking. Holly responded that there is a total of 1.5 and that the state requires one. She added that two other parking spaces can be used for handicapped parking as well, but they aren't designated. Alan stated they will update the site plan to include handicapped parking before the public hearing next month. Holly stated she would take care of the notices, and Alan confirmed with Patrick that they would need to complete a new application. Patrick asked the board if there were any more questions and there were none. Holly thanked the board and the public left at 8 pm.

Patrick directed discussion to the next item on the agenda- old business. Ken brought up Kevin Leonard's letter with Terry stated that Newfound Country Store had a lot going on a year ago when working with the board to include mixed land use on one lot property with commercial equipment, land boundary adjustments, etc. Ken referenced Kevin Leonard's letter for 1 ADA space with designated loading area, citing specific distance requirements. Patrick stated the parking space was in the new plans, and Jeff added it was just paint; it didn't have the footage. Patrick concluded they will discuss that at the next meeting with their application.

Discussion moved to RV usage. Terry stated that storage or occasional use of RVs is okay, but if it is being used as an Airbnb that's different. He asked how it would impact the town and answered that it's up to the board. Patrick added a safety aspect as a town and the possibility that the fire department wouldn't know if an RV was occupied. Terry asked if RVs used for that purpose should require additional residence business licensing- how and what if can't move them? He stated there are nettlesome issues. Patrick shared an idea of possibly requiring the registration of RVs to bring in some revenue. Terry responded that they are also starting to see garages turn into additional dwellings. He stated that over the last four or five years, new garages are being stamped not inhabitable and now there is a lot more interest in rental properties. Patrick inquired if additional dwelling units were not allowed on River Road. Terry answered no and Steve stated the Lake District does- duplexes are allowed but separate dwelling units are not allowed. Terry agreed and added it was based on structures, but it is not well defined. Ken asked if the state passed additional dwelling laws. Terry answered they would have to be connected and septic system upgrades, etc. would need to occur; you can't just build another dwelling on the same lot. Patrick stated that the board needs to work on the zoning for it, and Terry stated that people figured out how to skirt the rules, and lawyers interpret things differently. He suggested maybe putting a lien on the properties who are not compliant, but some people don't care. He continues that a daily fine is another option to persuade people. He stated that he will talk to the lawyer before the October meeting. Patrick asked the time frame for when this needs to be addressed and Terry answered as soon as possible, over the winter.

Jeff asked if the road agent oversees issuing driveways on non-state roads. Terry answered yes and that if there is a private bridge or a driveway that would be dangerous to emergency vehicles due to steepness or otherwise, Lakes Region Mutual Fire Aid will warn responding units. Patrick noted the zoning ordinance as RVs or garages needs to be addressed at the October meeting.

Patrick directed the board to review the minutes from August 20, 2024. Patrick made a motion to accept as written, Jeff seconded, Steve abstained, and all remaining were in favor. The minutes were accepted as written.

Ken brought up the Northwood engineering report for Newfound Country Store. Steve stated that there are a few items that need to be addressed. Ken stated they are not compliant inside of the building on the second floor of the addition. Terry cited #11 and #12 that need to be addressed and mentioned the porter potty outside. Ken added that there is no water in the addition; there is only 1 bathroom inside the alley between the old and new buildings. Terry stated that if there is no water in the addition, then it is probably compliant. Jeff confirmed with Terry that it's a good number for septic and water. Terry agreed and recognized they had done a lot to improve what they originally had. He suggested that a single purpose/single use note should be added to the plan. Steve asked if it needed to be paved. Terry answered if it was a new building, yes, but it can be waived. He stated that it doesn't get muddy and can be used year-round. Steve shared that he didn't think the direction signs were noticeable enough and the other members of the board agreed. Jeff stated that he sees both sides and assessing the traffic situation before deciding which direction to pull in the driveway is understandable. Patrick stated that the board will make recommendations for bigger signs at the October meeting.

Ken stated that his biggest concern is the ADA parking spaces. He cited that Alan and Holly report 1 space is required from the state, but Kevin Leonard says 3 is "our recommendation."

Terry brought up a conjecture regarding the snowmobile shop that Dave Dyer owns and possibly wants to tear down to build a new showroom. The board speculated on the aesthetics and ramifications that could create regarding fire safety in storage buildings that house gasoline and fiberglass.

Steve inquired about creating/updating the noise ordinance. Patrick stated he liked the Town of Barrington's and Paul stated he liked the Town of Alton's. Steve followed up by asking if they were too subjective and Patrick answered it would give the police something to respond to. Jeff suggested tabling that for the October meeting. Paul made a motion to adjourn, Steve seconded, and the meeting was adjourned at 8:40 PM.

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.