



Planning Board Meeting Minutes Thursday, October 3rd, 2019 at 7:00 p.m.

Committee Members present: Andrea Perley, Benjamin Pendleton, Jeff Eilenberg and Pat Jennings (arriving late)

Absent: Andrew Poland, Jason Lord (Alternate) and Joseph Yost (Alternate)

Also present: Jessica Westhaver, Joseph Rose, Will Gartley (Gartley & Dorsky), Candy Congdon (LCN), Lara Sargent (Parks Director), Laurie Mahan (Parks Commissioner), Robin Mahan, and Paul Leeman (Ledgewalker Builders)

The meeting was called to order at 7:03 p.m. by Andrea Perley.

New Business –

- **Pemaquid Beach Pavilion (Town of Bristol) 27 Pemaquid Beach Park (Map 027 Lot 012-A):**
 - Will Gartley of Gartley & Dorsky Engineering was invited to the table. Updated plans were presented to the board. The biggest changes from the previous presentation were:
 - Moving the building used for the Nature Center & Community Room closer towards the parking lot. This is allowing for a larger area for tables.
 - The area for tables was originally planned to have concrete pavers, however, the plan was updated with the increase in area and to have a concrete slab. It was changed as there was concern that pavers would not be strong enough if anything ever needed to drive on the area. Drainage will run under the slab as well as numerous drainage vents throughout the slab, as the area will be very flat.
 - A gravel path was added before the start of the boardwalk which would allow handicap access to the grassy area. The grassy area will also have access to get down to the beach through the maintenance path, though it will not be encouraged. The maintenance path will be gated at the entrance by the parking lot.
 - The boardwalk was slightly raised to have a continuous decline down to the beach area. This will also allow for the buildup of indigenous plants and dune grass to grow under the boardwalk. Prior to this change, there was a slight dip in the boardwalk at the beginning.
 - The viewing platform that overlooked the beach has been removed by the Parks maintenance team. A viewing area was added and enlarged alongside of the boardwalk.
 - Rose inquired on the height of the building after the fill. Gartley was able to confirm the actual height of the structure according to plans was 14'6". This would be well under the maximum height allowed of 35' under the Land Use and Shoreland Zoning Ordinances.

- Gartley also confirmed that the new pavilion will be raised high enough that it will be above the flood zone.
 - Approved permits were presented to the board from DEP, Army Corps of Engineers and the State's Fire Marshall's Office.
 - The existing Beach Pavilion is scheduled to be demolished through a controlled training burn by the Bristol Fire and Rescue Department, which has gone through the full approval process, on October 20th, 2019.
 - **VOTE:** Eilenberg made a motion to approve the Pemaquid Beach Pavilion Shoreland Zoning Applications as presented; Perley seconded. Approved 3-0 (Jennings was not present at this time).
- **Land Use Ordinance Review and Amendments – Requested by the Selectboard:**
 - The Planning Board resumed review of the LUO for amendments. Rose and Westhaver presented a red line version of the current ordinance.
 - Sections that were added or amended in the ordinance were:
 - Section 12: Definitions:
 - (1) Using the definition for “Residential Dwelling Unit” and removing “Dwelling Unit” definition.
 - (2) Updating the definition of “Lot Area” to read: *the area of land enclosed within the boundary lines of a lot.*
 - (3) Adding the “Road” definition back in.
 - (4) “Increase of nonconformity of a structure”. Discussion was had to remove any reference of examples within the definition. This made understanding the definition confusing. Additional conversation was held on what nonconforming means (see below)
 - Section F, Setbacks & Section G. Non-Conforming Structures:
 - Discussion was held on what people thought is “non-conforming”. The question was raised on when a structure is pre-existing and is less than the required 50-foot setback to a road (example 35 feet), is an addition that expands laterally but not closer than what is already existing increasing a nonconformity. Under the Shoreland Zoning Ordinance, a lateral expansion is allowed, however, it has a 30% increase maximum. This would limit how much a lateral expansion could be completed. However, within the LUO, there is no maximum for expansions. The concern is a structure could expand laterally as much as the owner would like as long as it maintains the boundary line setbacks. Under Section F. (1) it states specifically:
No structure or manufactured housing erected prior to March 3, 1979 which is less than the required setback from the edge of the traveled way of any public or private road or any boundary shall be expanded toward that traveled way or boundary.
 The board decided to leave the wording as is. They agreed placing a maximum expansion limit would not be what the Town was trying to accomplish.
 - The board decided that with the discussed amendments they were ready for the LUO to be presented to the Selectboard. The next steps would be to hold a public hearing prior to the March 2020 Town Meeting.
- **Addressing Ordinance and Amendments – Requested by the Town Administrator:**
 - Westhaver and Rose noticed a discrepancy between the LUO, SZO and Subdivision Ordinance in the number of dwellings on a driveway before it is required to be a named

road. Westhaver and Rose discussed with the board if they would suggest amending the Addressing Ordinance under Section 4. Naming System, to update it to state all roads that *serve three or more addresses*. The board agreed with the suggestion. The next steps would be to present the amendments to the Selectboard and to hold a public hearing prior to the March 2020 Town Meeting.

House Keeping –

- Minutes from the July 18th, 2019 meeting were approved. A motion was made by Eilenberg to approve the minutes, Perley Seconded; all in favor.
- Minutes from the September 19th, 2019 meeting were approved. A motion was made by Pendleton to approve the minutes, Perley Seconded; all in favor.

Meeting adjourned at 8:30 PM. No meeting is currently schedule. One will be scheduled when pending applications or questions are presented to the Code Enforcement Officer.

Respectfully submitted,
Jessica Westhaver
Staff Liaison

PLANNING BOARD APPROVED: _____