



Planning Board Meeting Minutes Thursday, July 18th, 2019 at 7:00 p.m.

Committee Members present: Andrea Cox, Benjamin Pendleton, Pat Jennings, and Andrew Poland

Absent: Jeff Eilenberg, Jason Lord (Alternate) and Joseph Yost (Alternate)

Also present: Jessica Westhaver, Joseph Rose, Sandra Lane, Clyde Pendleton, Lara Sargent, Rob Davidson, Terry Lowd, Don Means, Will Gartley, Carol Gartley, Evan Houk (LCN)

The meeting was called to order at 7:00 p.m. by Andrea Cox.

New Business –

- **Pemaquid Beach Pavilion (Town of Bristol) 27 Pemaquid Beach Park (Map 027 Lot 012-A):**
 - Cox stated that this is the first-time review on behalf of the Planning Board.
 - Joseph Rose, Code Enforcement Officer, presented to the Board the following:
 - Design Plans
 - Topography and Site Plans
 - DEP Application (these are pending as DEP reviews Natural Resource Protection and Dunes Impact. DEP also waiting for the Geologist signature of approval due to the unique area and type of application).
 - Flood Hazard Development Application
 - Army Core of Engineers needs to approve wetlands application.
 - Will Gartley of Gartley & Dorskey, who are the engineers of the project, was present to answer questions.
 - Rose stated the DEP application shows the answers to all Shoreland Zoning questions which show compliance to the ordinance. The plans presented displayed the current position and layout of the existing building in comparison to where the new building will be placed.
 - The new building will be placed almost entirely outside of the 150 foot setback required of the DEP. This is because of the dune structure requiring the relocation out of the “rear dune” location. There are 2 dune classifications, “front dune” and rear dune”. The current structure is inside the “rear dune” setback. Gartley stated this will cause the parking lot to lose about 12 spaces due to reconfiguration right at the beach entrance, however, it will provide more handicap accessible parking closer to the beach. The field will be available for overflow parking if required. It was also discussed that there could be clearing of trees to the west of the parking lot in the future if needed. No drainage or other work will currently be conducted in the parking lot.

- The grade of the new building will be moving up three (3) feet. The current building is at an elevation of 11 feet, and the new building will be at 14 feet above highwater. Under the current walkway there is a drainage pipe that is 15" that drains a wetland area to the east of the building. A new drainage pipe that will remain 15" in diameter and substantially longer, will be installed under the new buildings to continue this drainage. This pipe is in place only when the wetland area holds enough water to run off, directing it through this pipe.
 - The new accessway to the beach will be across a wooden boardwalk. This boardwalk will be elevated to allow for the growth of indigenous vegetation to the beach and dunes under the boardwalk. This will allow for the strongest erosion control between the water and the new buildings. Because of this, the boardwalk will have a straight path out to the beach. DEP requires the shortest distance traveled to the beach in order to maintain as much natural vegetation as possible as well as the least amount of distress to the surrounding areas. The boardwalk will only be six (6) feet wide with a railing keeping people on the path and out of the dunes. It will end at the end of the vegetation at the beach. There is also discussion of solar lights being placed under the boardwalk for nighttime visibility.
 - The ground where the current building is will be re-vegetated.
 - The currently elevated viewing area will be removed.
 - There is a proposed new access path to the west of the parking lot that will be used for maintenance only. This will be a natural path that will be gated on both sides. It would be used for exit from the beach for emergency purposes or large crowds exiting for major events only.
 - The current plan is to start the project at the close of the beach season (sometime in late September 2019) and hopefully conclude by April 15th, 2020.
 - **VOTE:** There is no vote at this time as this was a preliminary review of the submitted permits and plans to DEP. There is currently no ETA on the final approval from DEP.
- **Land Use Ordinance Review and Amendments – Requested by the Selectboard:**
 - The Select Board tasked the Planning Board to review and suggest amendments to the Land Use Ordinance. Recently, three members of the Appeals Board attended a Selectboard meeting in regard to the current wording in the LUO. Currently, the LUO has no setback variance. There is no leeway in the instance of a disaster to a home that would allow the owner to replace in the same footprint if the structure did not meet the current setback of 50 feet from a road. Rose shared with the board that the LUO has setbacks as a way to bring all properties into compliance. Waiving the setback when a structure could relocate to come into compliance when it is being rebuilt was the purpose of the ordinance.
 - The board discussed the recent matter of map 004-134 (Lagasse) who was denied by the Appeals Board because he did not pass the Hardship test. Under the rule and the LUO, it was not impossible for him to move a replacement trailer back to the 50 foot setback to bring the structure into compliance. Don Means, Rob Davidson and Terry Lowd, members of the Appeals Board, spoke from the floor with concerns as it seemed any current structure that did not meet this setback would be required to comply if there was a disaster such as a house fire, natural disaster, etc.
 - The board discussed this and also discussed the Shoreland Zoning Ordinance, which currently has verbiage in instances where a structure was previously non-conforming to the road setback requirement. It was noted that this verbiage in the SZO was due to the fact that many shoreland properties are extremely small and would encroach on property line setbacks if the road front setback were required, therefore making the structure non-conforming in a different way.

- The board agreed that there should be verbiage change within the LUO to add something to the effect of “as much as practicable” or “is it practical”. Rose and Westhaver will work on red-line versions of the LUO for suggested updates and present to the board at the next scheduled meeting. They will also review for definitions that would need to be added.
- Discussion was tabled for the next meeting.

House Keeping –

- Jennings nominated Andrea Cox for Chair of the Planning Board. Ben made a motion, Pat seconded; all in favor for Andrea Cox as Chair of the Planning Board.
- Cox nominated Benjamin Pendleton for Vice Chair of the Planning Board. Andrew made a motion, Cox seconded; all in favor for Benjamin Pendleton as Vice Chair of the Planning Board.

Meeting adjourned at 8:10 PM. The next meeting is tentatively scheduled for Thursday, August 15th, 2019.

Respectfully submitted,
Jessica Westhaver
Staff Liaison

PLANNING BOARD APPROVED: _____