

Enfield Planning Board – Meeting Minutes
DEPT OF PUBLIC WORKS/MICROSOFT TEAMS
PLATFORM
July 13, 2022

PLANNING BOARD MEMBERS PRESENT: David Fracht (Chair), Dan Kiley (Vice-Chair), Kate Plumley Stewart (Selectboard Representative), Phil Vermeer (Secretary), Tim Jennings, Kurt Gotthardt (Alternate) Jim Bonner (Alternate and Videographer), Whitney Banker (Alternate)

PLANNING BOARD MEMBERS ABSENT: Linda Jones

STAFF PRESENT: Rob Taylor- Land Use and Community Development Administrator, Whitney Banker-Recording Secretary

GUESTS: Dr. Jerold Theis (Enfield Conservation Commission), Chip Daley (Enfield NH, Eastman), Al Lambert (Grantham NH, Eastman), Craig & Ellen Lewis (174 Enfield Shaker Blvd, Enfield NH), Nick Yager & Marie Limon (33 Route 4, Enfield NH)

I. CALL MEETING TO ORDER:

Chair Fracht called the meeting to order at 7:00 p.m. and took a “roll call” of members present for attendance.

Chair Fracht said that Ms. Jones will be out of town for this and the next meeting. He elevated Mr. Bonner and Mr. Gotthardt to full members for tonight’s meeting.

Chair Fracht reminded guests to please sign in on the clipboard by the door.

Chair Fracht said that there would be several agenda changes. The first is the hearing on the excavation permit for Conkey Enterprises LLC. Will not happen tonight. He said that there is a deficiency in the computer program that generates the abutter list. The property in question abuts and extends into two towns other than Enfield, and those abutters need to be properly notified.

Chair Fracht said this would be tentatively postponed until the first meeting of August, Wednesday, August 10. He said if guests were here for the hearing on the Conkey excavating permit, it will not happen tonight. If materials are not received by next Wednesday, July 20, the hearing would take place at the second meeting in August – the 24.

Mr. Daley said that he had purchased the property over a year ago, but the abutter notice was sent to the former owner. Mr. Taylor took note of his property at 30 Hickory Overlook to check on the contact information.

Chair Fracht said that the other agenda changes would be no conceptals and no update on the Master Planning Task Force.

II. PUBLIC COMMENTS:

Chair Fracht asked for comments on any items, not on the agenda. There were none.

III. SELECTBOARD REPORT: Kate Plumley Stewart

Ms. Stewart said that the July 5 Selectboard meeting had been canceled.

There is an update for tax deeding for mobile home parks pending discussion for the next meeting, July 18.

IV. REVIEW MEETING MINUTES: June 22, 2022

Vice-Chair Kiley MOVED to approve the June 22, 2022, Minutes presented in the July 13, 2022, agenda packet as presented and amended.

Seconded by Mr. Jennings

Amendments:

Line 131 – change “Browns” to “Brownfields”

The date at the top – change to June 22

Roll Call Vote:

David Fracht (Chair), Dan Kiley (Vice-Chair), Kate Plumley Stewart (Selectboard Representative), Tim Jennings **all voting Yea.**

None voted Nay.

Kurt Gotthardt (Alternate), Phil Vermeer (Secretary), Jim Bonner (Alternate and Videographer) **Abstained.**

**** The Vote on the MOTION was approved (4-0-3).***

V. HEARINGS:

A. P22-06-01, Craig and Ellen Lewis have applied for voluntary lot merger approval for their two lots located at 174 Shaker Boulevard. The first lot is 0.244 acres (Map 27, Lot 8 and the second lot is 0.253 acres (Map 27, Lot 8-1).

Chair Fracht explained that a voluntary lot merger is something that is done by right, it will be approved. He explained the process for how the lot merger proceeds from the Planning Board onto the Grafton County Registry of Deeds.

Vice-Chair Kiley MOVED to accept the voluntary lot merger.

84 **Seconded by Mr. Vermeer**

85
86 **Roll Call Vote:**

87 David Fracht (Chair), Dan Kiley (Vice-Chair), Kate Plumley Stewart (Selectboard
88 Representative), Tim Jennings, Kurt Gotthardt (Alternate), Phil Vermeer (Secretary), Jim Bonner
89 (Alternate and Videographer) **all voting Yea.**

90 **None voted Nay.**

91 **None Abstained.**

92
93 *** The Vote on the MOTION was approved (7-0).**

94
95 **~~B. P22-07-01, Conkey Enterprises LLC of Canaan NH has applied for a Gravel Pit Permit~~**
96 **~~to reopen a gravel pit located on Bog Road, formerly operated by Green Links~~**
97 **~~Construction Company of New London, NH. The parcel in question is in the “R5”~~**
98 **~~Residential/ Agricultural Zoning District and is 95 acres (Tax Map1, Lot 10).~~**
99

100 Chair Fracht said this hearing will not happen tonight as previously explained.

101
102 **C. P22-07-02, Mickeys 603, LLC (dba- Mickey’s Roadside Café) has applied for minor site**
103 **plan review approval to relocate and expand an outdoor dining patio area. The business is**
104 **within the Community Business (CB) Zoning District and the lot is 0.58 acres in size. The**
105 **business and parcel are owned by Mickeys 603, LLC (Nicholas Yager and Maria Limon,**
106 **proprietors).**
107

108 Chair Fracht read the case and opened the public hearing. He explained the process for the public
109 hearing, as well as the board’s debate once the public hearing closes. He asked board members,
110 according to Enfield subdivision regulations he believes this should be a major site plan review
111 rather than a minor because it is an expansion of existing use (dining) of more than 500 square
112 feet. He asked for the board’s thoughts and said that they could waive some requirements of the
113 major site plan review. Mr. Jennings said that he wonders if the regulation is referring to inside a
114 building. Mr. Gotthardt read the regulation for minor site plan review which states “expansion of
115 non-residential floor space by 500 square feet or less for residential use”. Ms. Stewart said she
116 would like to support the judgment that Mr. Taylor made in a case like this that could go one
117 way or the other. Mr. Jennings said that if there is a question about a case where Mr. Taylor has
118 decided, should this be discussed before the meeting (hearing)? Mr. Jennings suggested
119 potentially a conversation between Mr. Taylor and the Chair. Chair Fracht said that he and Mr.
120 Taylor do this, however in this case they had “agreed to disagree” that each felt it was the other
121 type of site plan review.
122

123 **Vice-Chair Kiley MOVED to waive the need for a major site plan review and that it be**
124 **considered a minor site plan review.**

125 **Seconded by Ms. Stewart**

126
127
128 **(Vote continued next page)**

Roll Call Vote:

David Fracht (Chair), Dan Kiley (Vice-Chair), Kate Plumley Stewart (Selectboard Representative), Tim Jennings, Kurt Gotthardt (Alternate), Phil Vermeer (Secretary), Jim Bonner (Alternate and Videographer) **all voting Yea.**

None voted Nay.

None Abstained.

** The Vote on the MOTION was approved (7-0).*

Chair Fracht said that this hearing will continue as a minor site plan review. Mr. Yager said they purchased Mickey's from Mr. Dowd last fall and set up Mickey's 603 LLC. Mr. Yager and Ms. Limon own and operate Gusanoz in Lebanon. They also helped one of their children open and do administrative work for another restaurant in Lebanon. Mr. Yager said that they hope to elevate the experience of Mickey's without gentrifying it. They are working to elevate the menu and combine the tavern and the restaurant more. They are working to source local ingredients as well. He said that part of the redevelopment in upscaling the dining options and restaurant is to make the patio a more comfortable place to sit. There is a lot of noise from the Route 4 traffic with the current patio location. There is a lower area that had patios located here at various points in the past. He said that they hope to capitalize on the space in the lower part of the lot. The proposed location will be quieter, and safer. Mr. Yager said that at this point they don't anticipate building a deck or other permanent surface at this time, for now, they wish to maintain the current surface of crushed gravel. He said that they may consider another permanent surface in the future, which they would work with Mr. Taylor to ensure are allowed when that time comes. Mr. Yager said that for the proposed patio they also hope to put in a planter wall, such as those being used in Lebanon, for protection from vehicular traffic and to delineate where the patio begins.

Mr. Taylor projected the Google Earth map of the lot and building to show the proposed patio location. Mr. Yager said that there is direct access from the building, and they will have even more visibility than currently for service. Mr. Yager said that they make take some time to get furniture in the area, but that the planter wall would go in sooner. He said that for year-round use, they have seen igloos for outdoor use in the wintertime in some local New England areas. They are interested in putting in four of these in the winter months to help make Mickey's more of a destination in the wintertime. The patio will shift between those two outdoor seating types for use throughout the year.

Chair Fracht said that for site plan review there are criteria that the board traditionally looks at. He said they will go through them and ask Mr. Yager and Ms. Limon how they will comply.

The first thing is setbacks – in the CB district, the setbacks are 30' from the front and 20' from the sides and rear, and 50' from water, streams, brooks, and wetlands. The sketches provided in the application don't give these dimensions. Chair Fracht asked if they know where they fall for

174 the setbacks. Mr. Yager said that there is a small brook that runs behind Mickey's, and they are
175 within 50' of the patio location. Mr. Taylor said that the setbacks are for structure, and he felt a
176 patio was not a structure. Mr. Yager and Ms. Limon plan to apply for a variance if one is needed
177 for the igloo structures. Board members agreed that the igloos and a potential summer tent are
178 both temporary structures that are meant to be moved. Chair Fracht asked if the board would be
179 amenable to approving the igloos and the tent contingent on getting a variance from the ZBA.
180 Ms. Stewart said that she did not think that they needed one. She provided the example of having
181 land in "current use" – a tent can be set up all summer and it won't change the current use. Mr.
182 Gotthardt and Chair Fracht said that the difference would be residential versus commercial. Mr.
183 Gotthardt said that it would not matter what the sides are made of, he felt it would not be
184 different from a wooden shed on wheels – it is still a structure. The purpose of the setback and
185 structures is to prevent impervious services within the setback areas. Mr. Taylor said that he has
186 had cases with neighbors who have had issues with temporary carports where they are infringing
187 on the setbacks, and they have been asked to take them down. Mr. Taylor said that he had spoken
188 with Mr. Yager and Ms. Limon about the potential need for requesting a variance for zoning, and
189 Mr. Yager is on board with contacting the ZBA. Mr. Taylor said his recommendation for the
190 Planning Board would be conditional approval pending the ZBA approving a variance. Mr.
191 Yager said they are happy to take the steps to do it the right way.

192
193 Chair Fracht said that the next thing they look at is parking. The regulations say 1 parking space
194 for every 500 square feet of gross leasable area is required. Looking at the property tax card, they
195 are required to have 8 spaces. They currently exceed this so there is not an issue.

196
197 Chair Fracht said that the next thing is traffic-flow safety and pedestrian safety on site. He said
198 that this is a concern to him, as all patrons must drive around back and park either where the
199 patio will be and come around to the side or the front. He said that while they are not losing a
200 significant number of parking spaces, the amount of traffic passing through the main walkway to
201 the patio is a concern. Mr. Yager said they have speed bumps that have not been mounted yet.
202 Chair Fracht said he thought this was a good plan. He asked if there is any way they could
203 reorient the parking in the front once the current patio is removed so that patrons could drive in
204 and park along the side? Mr. Jennings said he felt this was a very creative use of space for a tight
205 area. He said that he thinks the current layout is based on years of experience trying different
206 things and is likely the best layout for the property's traffic flow. Mr. Yager explained based on
207 the Google Earth map where the speed bump would go for the summer months. He said they also
208 have signage and would be ok with adding a speed bump down near the walkway as well. Ms.
209 Stewart said that visually narrowing a space will slow down traffic more than signage or a speed
210 bump, if the spaces near the building will remain this will help to visually narrow the driveway.
211 Mr. Yager said they don't plan to eliminate any of those spaces. Chair Fracht said he wonders if
212 Mickey's staff could park next to the block planter, to help keep it visually narrow at regular
213 times.

214
215 Mr. Kiley said a safety issue he sees would be putting something in front of the gas tank down in
216 this area. Mr. Yager said he thought they had one in place, but there was a tank removed at one
217 point that may have made it look like there was not a barrier.

218
219 Mr. Jennings asked if they would remove the existing patio. Mr. Yager said they plan to remove

220 it. Mr. Jennings asked what the net increase in tables/seats would be. Mr. Yager said it is a net
221 increase of 9 tables potentially. He said they hope to elevate the experience without making it
222 financially unattainable. He said they have started requiring anyone looking to have more than
223 three drinks to order food or they cannot continue to be served. They are hoping to shift the
224 restaurant to a focus on the food versus the drinks.

225
226 Mr. Gotthardt said that with the planter blocks, and the parking space on either side of the drive-
227 through lane, what will be the width? A one-lane drive-through must be 12' according to the
228 regulation.

229
230 Chair Fracht said the next thing on the list is ADA compliance. Mr. Yager had previously
231 pointed out the ADA parking spaces at the corner of the building. He asked what is the access to
232 the tavern? Mr. Yager said it is currently accessible for wheelchair use, but he does not know
233 whether it does or does not meet current ADA requirements. They do not plan to change
234 anything. Mr. Yager said that Mr. Ehrenzweig (Inspection Services & Facilities Planning
235 Administrator) had looked at it when he did the fire inspection and had said there were no
236 required changes but provided recommendations if they wished to upgrade in the future.

237
238 Chair Fracht said that the next thing on the list is lighting, and Mr. Yager had mentioned string
239 LED lights for ambiance. Mr. Yager said there is also lighting on each end of the space, and
240 along the rock perimeter there is power with sufficient circuits. The only other thing they would
241 change is ensuring the lights on each end are sufficient brightness, without being bothersome for
242 neighboring homes. Chair Fracht said that his lighting concern ties back to the crossing area and
243 makes sure that there is sufficient lighting so that someone crossing and wearing all black in the
244 middle of winter can be seen. Mr. Yager said they would plan to update any yellowing lenses, if
245 there are any, for best visibility. Mr. Gotthardt asked if the string lights would be turned off after
246 closing and Mr. Yager said they would be. Mr. Gotthardt asked if the after-hours security lights
247 are "full cutoff". Mr. Yager was not sure. Chair Fracht asked that they check that and provide the
248 make and model to the board.

249
250 Chair Fracht said the next thing was landscaping which had been addressed.

251
252 Chair Fracht said that the next thing was visual screening, most of which had also been
253 addressed. He asked if the dumpsters were screened or would be. Mr. Yager confirmed they
254 were.

255
256 Chair Fracht said the next thing is emergency access. He said he did not see any issues there. Mr.
257 Yager said that Mr. Ehrenzweig had pointed out some potential upgrades for the future.

258
259 Chair Fracht said that the next thing was snow storage. Mr. Jennings said it had been done for 17
260 years so he assumes no change. Mr. Yager said there would not be any change to the current
261 plowing situation.

262
263 Chair Fracht said solid waste and recycling are the last things on his list. Mr. Yager said they
264 have both a zero-sort and a dumpster.

265

Mr. Gotthardt said if they have the potential for outdoor music, he assumes the music would stop when they close. Mr. Yager said they would not leave piped-in music on overnight and would have it co-located at a reasonable volume if introduced.

Chair Fracht asked for other concerns from board members. Ms. Stewart said that if they find they don't have adequate power, advancements in small solar panels for LEDs have come very far and she felt they would find these to be very successful for the LED lighting instead of having to dig up the parking lot.

Mr. Jennings said procedurally, he wondered how the conversation of the hearing gets reduced to a list of things the applicant must do. Chair Fracht said that when the decision is written, the conditions are included and before final approval is given the conditions must be satisfied. He said, for instance, he believes the board is going to allow them to put up igloos and tents over the patio area with the condition that they get a variance from the ZBA for the setback. Mr. Jennings asked what the timing is for what needed to happen next? When does everything get finalized? Chair Fracht said tonight it will be finalized conceptually. After they close the public hearing, the board will debate among themselves what they like about the proposal, what they will not allow (if any), and things that need to be changed (if any), and they conceptually identify the conditions that need to be attached to the final decision, then vote on it. Once the board votes, and once the applicants understand what the conditions are, they can move forward with the change as they can. Chair Fracht said that generally he writes the decisions within a week or two and signs them, and then the decision document is mailed out.

Chair Fracht closed the public hearing.

Chair Fracht started the board discussion. Mr. Gotthardt said to follow Mr. Jennings's question, can we start with the list of conditions for approval that Mickey's 603 LLC must meet. Chair Fracht and the board determined the following conditions:

The applicant obtains a setback variance for any structures within the patio area.

Mr. Gotthardt said that considering future structures, they may wish to include any other structures (such as a deck) in the ZBA application. Mr. Taylor agreed.

Motion – Vermeer – we approve the site plan as presented with the condition that a setback variance must be obtained from the ZBA before placing any structures within the patio area.

Second -Kiley

Unanimous

VI. CONCEPTUALS:

~~A. Brenda Ash, Minor Subdivision– 552 Lockhaven Road~~

~~B. Steve Kovacs, Major Subdivision– 429 Lockhaven Road~~

~~VII. UPDATE ON MASTER PLANNING TASK FORCE WORK: David Fracht~~

VIII. OLD BUSINESS:

None.

IX. NEW BUSINESS:

Speakerphones

Mr. Gotthardt said that the quality of the audio on the town YouTube videos is not always the greatest. He had spoken to Mr. Taylor previously about getting some supplemental microphones for the owl. Ms. Stewart asked Mr. Gotthardt to write an email to Mr. Taylor and Town Manager Morris and to copy her as a reminder. She said that she believes this is a Selectboard issue. Mr. Taylor said he thought not having to wear masks may also help. Mr. Taylor said he had researched an audio system that integrates with his camera.

X. NEXT MEETING: July 27, 2022

Chair Fracht asked Mr. Taylor what would be coming up for the July 27 meeting. Mr. Taylor said Mr. Kelleher with the Main Street apartment and Mr. Doyle with the development on Baltic Street.

XI. ADJOURNMENT:

A MOTION was made by Ms. Stewart to adjourn the meeting at 8:31 p.m.

The MOTION was seconded by Mr. Vermeer

Roll Call Vote:

David Fracht (Chair), Dan Kiley (Vice-Chair), Kate Plumley Stewart (Selectboard Representative), Phil Vermeer (Secretary), Tim Jennings, Kurt Gotthardt (Alternate) Jim Bonner (Alternate and Videographer) **all voting Yea.**

None voted Nay.

None Abstained.

** The Vote on the MOTION was approved (7-0).*

Respectfully submitted,

Whitney Banker

Recording Secretary