TOWN OF ALTON
ALTON PLANNING BOARD WORKSHOP

September 3, 2009

Members Present: William Curtin, Chair
Timothy Roy
David Hussey, Selectmen Representative
David Collier, Alternate

Others Present: Sharon Penney, Town Planner
Stacey Ames, Planning Assistant
Members of the Public

I. CALL TO ORDER

William Curtin called the workshop session to order at 6:10 p. m.

II. APPOINTMENT OF ALTERNATES

Dave Collier was appointed as an alternate for this meeting on a motion by William Curtin seconded by David Hussey. Motion passed with three votes in favor.

III. APPROVAL OF AGENDA

Discussion item #4, New Legislation: ABCCC was moved to the first item and item #1, Site Plan Regulations draft update. Approval of minutes was moved to later.

Motion to accept the agenda as amended by William Curtin, seconded by David Hussey and passed by unanimous vote.

IV. PUBLIC INPUT

Chairman Curtin opened the floor for public input. Hearing none, he closed public input.

V. DISCUSSION

#1 – New Legislation: Alton Bay Christian Conference Center

S. Penney provided background, stating that the gentlemen from ABCCC are here because of the ruling on their request for an extension; since that ruling there has been new legislation passed, Senate Bill 93, which became effective on June 12th, and none of them had been aware. For any site plan approved by a planning board on or after January 1, 2007 and before July 1, 2009, the developer will be allowed 36 months (rather than 12 months) to achieve active and substantial development.

M. Goldbrandson stepped forward with the gentlemen from ABCCC. W. Curtin asked when their plan initially expired. Plan was initially approved November 16, 2007, per M. Goldbrandson. Per S. Ames, the Notice of Decision was dated March 30, 2007. W. Curtin stated that according to

Melissa's plan, it would have expired on November 16, 2008. There was discussion concerning whether the plan approval date or the notice of decision date is the correct one to go by. M. Goldbrandson would not want to concede that point because they couldn't start construction until the plans were recorded.

D. Hussey made a motion to extend the timeframe to March 30, 2010. Motion was seconded by D. Collier and passed by unanimous vote.

S. Penney recommended a clarification for the record; the board had mentioned 3/30/08. W. Curtin stated that was the date it would have expired. S. Penney asked for rephrasing, as the record needs to be clear.

M. Goldbrandson still thinks that it is worth it for them to nail down whether they start from the Notice of Approval or from the signing of the plans. She thinks the Board might want to get input from Town Counsel. She has not researched that specific issue, but she knows there are a lot of other developers who are going to have this question, so it makes sense for them to be consistent. She would argue that the developer can not begin substantial construction until the plans are signed. She has always interpreted that there is a one year period in the subdivision permit to meet those conditions of approval. So that one year period is clearly written out in the subdivision regs. The one year period they are talking about here to show substantial completion comes out of the statute and she didn't see anything in the Town's regulations that specifically address that. She would suggest an amendment to the ordinance, just so it is clear for everyone. She does not want to concede with this applicant, but she also thinks it makes sense to be clear with others. They could live with it either way, but she wants the record to be crystal clear on that.

W. Curtin agreed that they do want consistency. He wondered if, technically, it should be the November date.

M. Goldbrandson spoke about how the state statute talks about the vesting of a subdivision. Basically, once you have your subdivision it vests for a four-year period. But only if you have done substantial construction within the first year, and nobody really defines what substantial construction is. Then it says in their conditions of approval, for any subsequent plan… She thinks the Board should think about that, because they can define for the Town of Alton what substantial construction is. W. Curtin answered that it is on their checklist. She reiterated that they really couldn't start substantial construction until the plan is recorded. Imagine if they had a developer out there putting in a road and the plan was not even approved yet; that would not be okay.

S. Penney stated that the other side of the argument would be that if you have a Notice of Decision on a subdivision, which never happens without conditions to be satisfied, theoretically they could start day two after that, so their clock starts ticking the day after

M. Goldbrandson said that they still have to record their plans.

There was discussion concerning when construction could begin. S. Penney stated that you can not get a stamp until you satisfy your conditions of approval, and in some cases there are extenuating conditions. Her overview of this conundrum is that they are going to have different people doing different things so they are just going to have to be aware of the differences.

D. Hussey made a motion to withdraw his last motion; D. Collier withdrew his second. Motion to withdraw previous motion passed unanimously.

D. Hussey made a motion to extend the application from October 16, 2007 to expire October 16, 2010. (This motion was clarified by M. Goldbrandson as the new statute reads 36 months total, not 36 months on top of the previous one year). Motion was seconded by T. Roy and passed unanimously.

M. Goldbrandson said they would probably be back for conceptuals on their next steps, too.

#2 – Planner Reviews

W. Curtin asked for planner review. S. Penney stated that there are no planner reviews; she thought that might have been a leftover item. In lieu of that item, she would like to give the Board a heads-up on the campground. She met with Mr. Green, the surveyor (he solicited her). He is working in conjunction with those folks from the architectural firm and the builder. He did a preliminary site plan, or a proposed site plan based on his survey. He would like to, with the principals, meet with the board to go over the conceptuals. They do want to phase it; phase one looks like there won't be too many impediments. It is going to be a purchase driven site, because the campground does not have a requirement to build on any particular place; that's their protocol. In order to raise money for infrastructure, which was pretty much destroyed, they're going to be marketing new cottages, so those who get the first few near the lake are going to be the ones who pay the most.

It's coming along; they're doing a very conscientious job and they really want to talk with us (the Board) so they don't come up against any snags. W. Curtin asked about the overall plan and the number of units going in there. S. Penney answered that the first phase estimate is for twenty-one up near Rand Hill Road. She stated that if they proceed carefully and will with this, it could be a model. W. Curtin said they would probably set up a few different work sessions. S. Penney agreed. There was discussion about the size of the units, whether they would be one, two, or three bedrooms. S. Penney stated that they are all going to be standardized, and she believed they would be two-bedroom. There was further discussion concerning a need to see the total plan up front. S. Penney agreed, adding that they really need a true dialogue with these folks. This is unprecedented for the town, the Board, and everybody.

D. Collier stated that whatever does come before them is going to be well put together because Jeff is the actual surveyor. When he was working with the group, and he thinks it might be Chris Bolinas, architect (there was discussion here) or Jeff Taylor… Those were two of the guys who were working on it, and they were tracing. T. Roy said the Board of Selectmen would be watching this too because it comes into the public safety issue. D. Collier said they were working with that, and the guidelines and the 20 foot separations, and he knows they were close as far as units. With Jeff working on it, he's going to do a better job of location.

#3 Workforce Housing 25' no-cut buffer

This item is on the agenda because at a previous meeting it came up as a discussion topic for a workshop. S. Penney recalled that it came up when Mr. Heath's project was elderly housing. After further discussion, S. Ames recalled that it may have come up because when the Heath project came up, it was already leveled. In the future, require a 25' no-cut buffer around the perimeter of the actual site. W. Curtin stated that, in this case, it was cut before they even came in; there is something in the statutes that if you are coming in to do a project, you're not supposed to cut it. There was agreement with this statement. S. Ames stated that there is a loophole where they come in and say that when they cut it, they weren't planning to develop it. S. Penney said that should be added into the site plan regulations; W. Curtin said that if the no-cut buffer is gone

already when they come in, they need to be required to put it back. He said that should be in there so that if someone does it then comes in, it's in black and white.
T. Roy asked about the conditional approval for the project. His point is that if they can't meet the conditions of approval, do they have to start the process over again?

Mr. Sessler has ruled no, but that is his ruling; S. Penney thinks they can override that. There was further discussion concerning the fact that the approval was granted on a set of conditions; now how can they approve it without waiving those conditions. Do they start again?

There is a lot of public opinion on this, and D. Hussey thinks they owe it to the public to start over. There will be density issues; traffic will be greater.

C. Balcius joined the meeting as a regular member at 6:35 p.m.

Discussion continued. S. Penney said she knows there were changes to the application which were presented to the Planner as "oh, it's fine; we don't really need to; here's some changes on it". At the very least they need to do an amended site plan; if it is their feeling that there should be more, that is their prerogative. Again the comment was made that if they can't meet the conditions of approval in the conditional approval for the elderly housing, you have them start from Day 1. At that point, this is a whole new project. C. Balcius stated that this is similar with their state permits; it is even up in the air whether that was permitted site specifically and would need to be brand new as well. There was further discussion surrounding what had been told to the Board originally; this was going to be elderly housing, and the Board guaranteed the people it was not going to do this, and now all of a sudden, it is going to do this. Discussion continued concerning impact studies that had been done; traffic issues were also discussed. There will be greater impact; traffic impact; school impact. Other concerns were mentioned including sidewalks, septic issues, and water supply. S. Penney said that if this project is to fly on its own merits, it should be able to stand up to the scrutiny. They owe it to the community to do it that way. The abutters are concerned that it is "rubber stamped". A question was asked if there is a difference in septic loading between elderly and workforce housing; yes there is. Similar question was asked concerning the water supply.

S. Penney stated that at the next regular meeting, she hopes the Board will give some direction on how to proceed with this.

The discussion returned to the subject of the 25 foot buffer, with W. Curtin stating he thinks it should be 35 feet for anything greater than two lots. Point was again made that if they are going to clear cut and then come in with a plan, you are going to be required to maintain that 25 foot buffer, period. S. Ames and W. Curtin discussed the 35 foot buffer idea; she asked for clarification as to whether this is buffer and wetlands. There was further discussion of having more around the outside of a project to provide screening. Definitely for something with 50 houses, so you don't have to see it in your neighborhood.

#4 – Site Plan Regulations Draft Update

S. Ames asked who had read the site plan regulations update. It was decided that there will be a workshop for that purpose only. Before that meeting, each member will read and give changes to the Planning Office.

Send it out to the attorneys who are actually working on the cell tower; they might want to tweak it a little.

VI. OTHER BUSINESS

W. Curtin made a motion to extend Mr. Khoury's (Case #P09-06) expiration date for 36 months. T. Roy seconded the motion, which passed with four votes in favor, C. Balcius abstaining.

Planner reviews were discussed; one week to two weeks is needed to get to Planning Board. Applicant needs to get materials to the planning department; reviews are prepared for the Board but if the applicant wants a copy, it is their responsibility to come to the planning office; they will be given a copy. Tell the applicant this in the site plan regulations; then it is on their plate. If they answer all those questions, it saves the Board a lot of time.

Lot Ratio – it is totally within the Board's purview to make that decision; that's why it's a regulation. Based on the Master Plan and everything else, they have the prerogative, as they see fit, to not have premature and unruly development.

S. Penney handed out materials and briefly mentioned the Annual Planning Conference and the Law Lecture Series; they need to start making reservations for this.

SFC Engineering is requesting a drawdown for Lundy (S. Ames has an explanation of what work he provided; road completion work). He is requesting $32,373, leaving a remaining bond of $758,000 and change.

W. Curtin made a motion to grant the drawdown request for $32,373; D. Hussey seconded the motion, which passed with four votes in favor, C. Balcius abstaining.

Minutes of the July 21, 2009 meeting were discussed. W. Curtin commented for the record that comments appearing on page 11 of 22; he does not feel that the Board should be referring to the public as "idiots" or "stupidity." The town's people, the applicants, and anyone else watching is owed an apology.

Corrections to the July 21, 2009 meeting: page 2 should read Stoneyridge Environmental. On Page 9, paragraph 2, should be Provision A in the second line, and in the 5th line, "that" is repeated and should only appear once. On Page 10, paragraph 3, 6th line, should be He. On Page 12, paragraph 1, end of 5th line up should read for the, not fort he. On Page 19, should be S. Collier, not D. Collier. On Page 13, first line should be "that he" not "that de." In the second paragraph, should be W. Curtin, not S. Curtin. Page 12, 3rd paragraph should be radii not "radiuses". Page 16 paragraph 2, fourth line down should be "Peter's comments", not "Pet's comments." In the first paragraph, "M. Goldy" should be "T. Goldy," and throughout "Goldy" should be "Golde."

W. Curtin made a motion to accept the minutes of July 21, 2009 as amended; seconded by D. Collier and passed unanimously.

D. Hussey made a motion to adjourn; seconded by C. Balcius and passed unanimously.

Meeting adjourned at 6:58 p.m.

Respectfully submitted,

Mary Tetreau

Recorder, Workshop Session