

Call to Order: at 7:12 p.m.

Present: Bruce Holmes, Tom Hoopes-Chairman, Cynthia Balcius, Cris Blackstone, Jeremy Dube, Jeanne Crouse, Kathy Menici-Town Planner, and Carolyn Schaeffner-Recording Secretary.

Appointment of Alternates: none to appoint

Approval of Minutes: February 21, 2006, and February 28, 2006

February 21, 2006 proposed changes

Page 6, 3 lines under S.Bell, last sentence should be "did not deem"

Page 22, 3 lines from bottom. Public input none should have included T. Varney's stated.

Page 23, 2nd motion, should be second by J. Crouse and voted unanimous.

Remove C. Blackstone from being present

Motion by J. Dube approved February 21, 2006 minutes as amended. Second by B. Holmes. No discussion. Vote unanimous.

February 28, 2006

Page 1, line under motion, wrong last name. (Jack Szemplinski)

Page 2, 3 lines from the bottom wrong last name

Page 4, under 3rd motion should be March 21.

Motion by J. Dube approve February 28, 2006 minutes as amended. Second by C. Blackstone. No discussion. Vote unanimous.

Approval of Agenda:

Change in the order of the agenda. Cases will be heard in the order as follows:

Case P06-10, Case P06-17, Case P06-19, Case P06-18, Case P06-20, Case P06-16, Case P06-02, and Case P06-08.

Motion by J. Dube to approve the amended agenda. Second by C. Balcius. No discussion. Vote unanimous.

Public Input:

Brad Bissell – owner of Alton Motor Sports

Present due to his case being discussed at the last Board meeting and that it was stated his case had expired. He is present tonight to say he was issued a building permit by the Town of Alton and his construction is 55% complete.

K. Menici stated she had spoken with Brad Jones that this case was not going through. That there has been no preconstruction meeting and construction has been done without this meeting.

B. Bissell stated he has a building permit.

C. Balcius stated that she was the one who brought up the subject of his application.

K. Menici stated that his application was approved before she was employed by this Town. She contacted Mr. Jones regarding the possibility of this application expiring. Mr. Jones stated the applicant was not going forward with the development of the car wash at this time.

T. Hoopes stated that a meeting needs to be set up with the Planning Office and the applicant and listed agent on the application.

T. Hoopes asked for any more input from the public. None seen or heard, public input closed.

Applications for Public Hearing:

Case#P06-10

Map 10, Lot 16

**13-Lot Subdivision
Alton Mountain Road**

Sedlari Construction

This application is continued from the February 21, 2006, meeting.

K. Menici stated there was not a quorum for the site inspection. A new date needs to be set for the site inspection and to approve the engineer.

C. Balcius suggested late afternoon.

General discussion of agreed date. Suggested Wednesday, March 29, at 5:00 p.m.

Discussion of estimate from CMA. Fee needs to be approved.

Motion by B. Holmes for a site walk inspection on Case P06-10, Map 10, Lot 16, Sedlari Construction to be held on March 29, 2006 at 5:00 p.m. Second by C. Balcius. No discussion. Vote unanimous.

Motion by B. Holmes to the estimate from CMA for Case P06-10, Map 10, Lot 16, Sedlari Construction in the amount of \$3,900. Second by C. Balcius. No discussion. Vote unanimous.

Motion by C. Balcius to continue CaseP06-10, Map 10, Lot 16, Sedlari Construction to Planning Board Meeting on April 18, 2006 at 7:00 p.m. Second by B. Holmes. No discussion. Vote unanimous.

Case#P06-17

Map 5, Lot 42

**Design Review
127 Coffin Brook Road**

Robert Landry

Application submitted by Eckman Engineering on behalf of the property owner, Robert Landry, to review a site design for a 4-lot subdivision. The property is located on Coffin Brook Road and is within the Rural Zone.

Present for this case are Paul Zuzgo for Eckman Engineering. Noted his reason for being present is to get definitions on the lot, the remaining land of 27.1 acres, definition for road frontage.

Robert Landry, land owner is present for this case.

T. Hoopes noted the design presented for the road frontage would possibly legally stand up. Noted the 5 ft wide corridor coming out to a triangle is illogical in terms of the shape of a lot.

P. Zuzgo indicated there is over 200 ft of frontage with the three sections.

T. Hoopes noted the configuration of the lot makes no sense. Also noted that DES would not allow access through the wetlands.

General discussion of lot layout.

K. Menici noted the issue before the Board

C. Balcius noted that this could be reconfigured to make conforming lots.

T. Hoopes referred to the wetlands in Remainder Lot. No indication how far the wetlands go.

J. Dube does not feel this lot configuration comes even close to the Zoning and should not waste the Board's time on this.

K. Menici stated the way the Lot 1 is configured you cannot gain access to the Remainder Lot for a potential 8-lot subdivision.

C. Balcius again stated there are several options to make these lot conforming and suggested they look at that.

T. Hoopes need to see what the extent of the wetlands are and report from DES regarding the former use of the land as landfill and the possibility of soil contamination.

J. Crouse suggested the applicant refer to what the Department heads have recommended.

Case#P06-19

Map 2, Lot 20

Design Review

RACO Development Co.

Prospect Mountain Road

Application submitted by Vernon Dingman, on behalf of the property owner, RACO Development Co. to review a site design for a 4-lot subdivision. The property is located on Prospect Mountain Road and is within the Rural Zone.

Present for this case is Vernon Dingman.

K. Menici noted that letters have been received from abutters and the Board is reading these.

T. Hoopes stated concern regarding the letters from the abutters.

K. Menici suggested the abutters file a complaint form for issues regarding activities on a site. These are out of the purview of the Board but in the jurisdiction of the Code Officer and the Board of Selectmen.

C. Blackstone added, regarding the abutter concerns, that there will be research done by the Town Administration regarding a noise ordinance. There will be at least one possibly two public hearings on these noise ordinance issues.

K. Menici noted Mr. Dingman met with her regarding Parcel A in which they were originally proposing a boundary line adjustment on Map 2, Lot 20-1. As she reviewed this with Zoning changes this left only 150 ft of frontage on Lot 20. It was suggested rather than deed that 50 ft strip of land to the existing lot instead an easement that would be granted to Map 2, Lot 20-1. The existing owner of that parcel was concerned with privacy and want that additional buffer between his lot and the proposed lot that is designated as Map 2-20. Because of frontage issues she suggested a no cut buffer easement granted to that property owner rather than trying to deed the land over that way the minimum required frontage for the proposed lot is maintained. Apparently the property owner and his agent have had discussion with the abutting property owner and that person is in agreement and there are new plans here tonight that reflect that change. Distributed revised plans.

V. Dingman added that there are still negotiations pending between the parties regarding the easement.

T. Hoopes asked about Lot 20-2 currently a structure that has been started and that is the waiver that is in question.

K. Menici noted the Board cannot take any formal action because there is construction on that lot.

T. Hoopes asked how the original road is laid out.

K. Menici noted that the road does not exist and will submit this with the application once the house on 20-2 is complete.

T. Hoopes does not see a problem for the applicant to submit an application.

K. Menici stated her review shows it complies assuming they can reach an agreement with the abutter on the 50 foot easement.

T. Hoopes asked if 20-5 has the required amount of frontage and noted it is on a curve.

C. Balcius noted that when Lot 20-2 is complete needs to be noted with setbacks.

V. Dingman confirmed the plans will show this.

C. Balcius would like erosion control submitted with the application more than what is supplied in the cad.

T. Hoopes asked for other questions from the Board. None heard.

**Case#P06-18
C&D Interests**

Map 15, Lot 56

**Design Review
Old Wolfeboro Road**

Application submitted by Kerry M. Fox, Fox Survey Co., on behalf of the property owner, C&D Interests, to review a site design for a 7-lot subdivision. The property is located on Old Wolfeboro Road and is within the Rural Zone.

C. Balcius is recusing herself from this case.

K. Menici informed this was first noticed originally as a 7-lot subdivision. The Wetlands Bureau wanted to see the subdivision in its entirety. New plans showing full 19-lot subdivision. The abutter list does not change. Attorney Sessler has permitted them to distribute the full plans showing the 19 lots.

Present for this case are Randy Walker, with Walker and Varney in Wolfeboro. Kerry M. Fox from Fox Survey and Cynthia Balcius.

R. Walker proposing 19 lots, 3 issues they would like to get input from the Board on. First, the entrance road, because of Amendment 10 passing, lots 3 and 8 on either side of the entrance road, do not meet the requirement for providing 200 feet. They proposing two solutions. One to bell the road entrance out and completely cut off the front that both lots have on Old Wolfeboro Road so no lots will have frontage on Old Wolfeboro Road. That would cause them to not go into any wetlands. The proposed bell areas would have a no cut zone and the road would be built exactly as it is shown on the plans.

K. Menici showed the Board what Mr. Walker was referring to.

R. Walker presented the second solution. Take the entrance road and move it westerly up against the abutting lot and cut off frontage to lot 3 and then would have enough for the remaining lot. The problem with that

solution is greater wetland impact. He asked for input from the Board as to these two solutions and their preference.

T. Hoopes suggested the suggested first option would be the best with regard to impacts.

R. Walker presented the second issue. 36 acres in northeast corner that are proposed to have a conservation easement. They have three suggestion solutions. 1. Deed the acres to conservation commission if they were so inclined, but there was concern the lot had no road frontage so it was joined with Lot 6 and still have a conservation easement on it. If it is not deeded to the conservation commission they will list this with covenants and restrictions.

K. Menici noted from Town Counsel conversations, if this gets deeded to the conservation commission must be subject for them to have access to the lot.

C. Balcius met with the Conservation Commission and they would like more information on the functions and values of the wetlands system and the adjacent upland areas.

R. Walker presented the third issue. Road is 3200 feet long. Originally as a 30 lot subdivision and designed for minimal impact on wetlands. Looking for a waiver on the length of the road. A loop would impact the wetlands.

J. Dube asked where the loop would exit.

R. Walker noted the road exits on to itself. Roughly by 5 and 21.

C. Balcius noted from the study of these wetlands a loop road would double impact the wetlands.

T. Hoopes noted Fire Chief comments and he does not mention anything other than all driveways shall be constructed to allow for access of emergency vehicles. He does not talk about length.

R. Walker discussed with Fire Chief and approached this issue and he had asked them to put a 10,000 lot cistern on lot 4. From that cistern to the end of the road was less than 2500 ft. From a safety perspective he was okay with that. They are waiting on a letter from him indicating his decision on this.

C. Blackstone noted there will need to be a stop sign and speed limit sign as indicated from Chief of Police.

J. Dube asked the Planner about the 2500 ft for subdivision road is that in Zoning?

K. Menici informed it was in subdivision regulations. So the Board can waive that requirement.

T. Hoopes noted boundary line between lot 12 and 13 put a paper road in?

K. Menici noted a good suggestion. Create a 50 ft wide right of way.

General discussion on a paper road.

T. Hoopes noted a turn out should be added along the road.

R. Walker noted easily can be done.

Discussion of back parcel.

Take a 5 minute break at 9:03 p.m.
Reconvened at 9:14 p.m.

Case#P06-20

Map 9, Lot 53

Design Review

Prospect Mountain Builders

New Durham Road

Application submitted by Jonathan S. Ring, PE, of Jones & Beach Engineers, Inc., on behalf of Prospect Mountain Builders, to review a site design for a 66 unit detached condominium concept. The property is located on New Durham Road and is within the Residential Rural Zone.

Bruce Holmes and Cynthia Balcius are recusing themselves for this case.

Present for this case Don Jutin, Jeff Caley, and Blake Culimore.

K. Menici noted the applicants presented another supplement to their design review application and confirmed the Chairman noted this is too detailed to accept for a public meeting.

T. Hoopes notes there is no classification for cluster in the subdivision regulations.

D. Jutin present on behalf of Jonathan Caley with Jonathan Ring. Informed the packet they provided give information from Town Ordinances that they belief allows this plan to be submitted. Felt they have gone through in detail the references.

K. Menici noted there are submission deadlines that the Board needs to be reviewed.

T. Hoopes worked on conservation subdivision proposal and are not satisfied. Noted the Zoning makes reference to possibility to cluster. Office of Energy and Planning are talking about this. Big difference between conservation and cluster subdivision.

D. Jutin suggested they can change the title but believes this is in the Ordinance and have referred to it is applicable.

Jonathan Ring informed they are proposing a multi family development of condominium units which happen to be detached. Noted this is not a conservation subdivision. Feels it is a condominium project in accordance with the multi-family ordinance in this particular zone.

T. Hoopes stated in Rural Residential the only thing that is available is a 1 acre lot minimum.

D. Jutin feels the Ordinance that multi family is allowed in Rural Residential.

K. Menici stated they are not proposing multi family – proposing single family detached.

T. Hoopes notes that under permitted use there are no clusters listed.

C. Blackstone states you can't just change the name.

K. Menici referred to Page 9 of Zoning Ordinance, Section 229, Condominiums under B. New Construction for Condominium Conveyance. In all zones where multi family dwellings are permitted uses, the construction of

new multi family dwellings to be conveyed as condominium shall require Planning Board approval. Construction shall not exceed 4 units per building for all multi family structures built after 2004. The Planner suggested they leave the materials for the Board to review as well as staff.

J. Crouse asked if each one is a single family dwelling.

D. Jutin. confirmed yes.

J. Ring noted their cover letter on their application stated condominium conceptual, a detached condominium project as permitted by the Ordinance in this Zone.

K. Menici asked about 67 acres. How many are wetlands?

D. Jutin answered approximately 21 acres.

K. Menici stated no more than 25 % of minimum lot area can be steep slopes or wetlands.

J. Ring agreed they were looking at that conflict.

T. Hoopes under multi family use regulations does not see how you can get more than 35 unit from the land and feels from viewing the plans they are cramming a lot of things in a very small space.

General discussion of what the Zoning Ordinance allows.

D. Jutin believes that the plan is allowed in relying on Zoning Ordinance definition.

K. Menici noted she did look at this and basing project around one definition and not zoning ordinance.

J. Dube feels this is not allowed as he understands it.

General discussion the Zoning Ordinance and its definitions.

T. Hoopes feels they have discussed this as much they can and time has run out for the Conceptual Design presentation.

Case#P06-16

Map 8, Lot 5 and 7-1

Boundary Line Adjustment

Carol L. and Glen Niewola and Dennis R. Gray

302 Frank C. Gilman Hwy (NH Rte. 140)

Application submitted by Peter N. Julia, PE, of Brown Engineering on behalf of the property owners, Carol L. and Glen Niewola and Dennis R. Gray for a Boundary Line Adjustment. The property is located on Frank C. Gilman Highway (NH Rte. 140) and is within the Rural Zone.

Bruce Holmes resumed his chair on the Board.

K. Menici noted that last fall the Board approved a 3 lot subdivision to Dennis and Susan Gray that fronted on Route 140. The Gray's own 2 back lots directly behind the lot of the parcel that was the subject of the previous application and in this application are coming to do a boundary line adjustment with an abutter so they have adequate frontage on one of the front lots to meet the Town Zoning requirements.

Motion by J. Dube to accept the application for Case P06-16, Map 8, Lot 5 and 7-01, Boundary Line Adjustment, Niewola and Gray as complete. Second by J. Crouse. No discussion. Vote unanimous.

K. Menici noted an existing lot (8-7-1), and as a stand alone lot there is an existing gravel driveway which is proposed to be a road for future development of the rear parcels. Noted once you remove that portion of the lot from the requirements you then do not have 200 feet of frontage on Route 140 as required. They are proposing to add 122 feet of frontage through the transfer of parcel A from lot 8-5 to 8-7-1 thereby creating a little over 275 feet of frontage for 8-7-1. Boundary line adjustment is to accommodate the future development of the back lot.

J. Crouse referred to back in the fall regarding a discussion and future development. Stated the Board had major concerns with future development. Noted the applicants stated this was profusely stated that this would be their home, that they had no desire to ever develop this.

Susan Gray stated she did not want to be misrepresented from past minutes and they did not state as J. Crouse remembered.

J. Dube stated he does not have a problem with this.

B. Holmes noted the 8-7-1 lot plus Parcel A brings that lot up to just over 5 acres including the right-of-way.

T. Hoopes noted 25 ft buffer on wetlands.

Motion by J. Dube to approve Case P06-16, Map 8, Lot 5 and 7-01, Boundary Line Adjustment, Niewola and Gray, Second by C. Blackstone. No Discussion. Vote unanimous

Case#P06-02

Map 14, Lot 5-2

**3-Lot Subdivision
Jesus Valley Road**

Ronald J. O'Brien Jr.

This application is continued from the February 21, 2006, meeting.

Cynthia Balcius resumed her place on the Board

Present for this case is Bryan Bailey and Craig Bailey.

Site inspection was cancelled due to lack of quorum. Discussion of site walk planning.

Suggestion for March 29 at 4:15 p.m.

Motion by J. Crouse to continue conducting the meeting past 10:00 p.m. Second by C. Balcius. No discussion. Vote unanimous.

Motion by B. Holmes to reschedule the site walk for Case P06-02, Map 14, Lot 5-2, 3 Lot Subdivision, O'Brien for Wednesday, March 29, 2006 at 4:15 p.m. Second by C. Balcius. No discussion. Vote unanimous.

K. Menici distributed documents from DES on 5-2.1. Noted need a letter on 65 day requirement.

T. Hoopes asked the Board for questions.

B. Bailey stated these documents are in response to the last meeting when plans were accepted. Stated he prepared a plan for Jocelyn Daigler at DES for her review whether this would require a dredge and fill permit.

Noted the plans show a 30ft bridge and the bridge abutments would have been outside of the wetland delineation so that no disturbance in the wetland was required. He also asked the Board to waive 65 day requirement and notes he feels there is plenty of time.

K. Menici noted it is getting too close.

B. Bailey requested this be in writing for him.

K. Menici stated this sets precedent the Planning Department does not want to set and noted this is part of the minutes.

B. Bailey will inform his client of the decision.

J. Dube asked if the remainder lot meets the ratio.

B. Bailey stated it meets the spirit and intent of the ordinance.

J. Dube referred to the middle lot and noted two 4-K areas.

B. Bailey noted 2 septic areas. 4-K area on the back side of the brook. Front portion of the lot is adequate for home, well, setback, septic.

T. Hoopes approved method of crossing a brook, under or over.

General discussion of the brook crossing.

T Hoopes open to public – none seen or heard. Public input closed.

Motion by C. Balcius to continue Case P06-02, Map 14, Lot 5-2, 3-Lot Subdivision, O'Brien to the next Planning Board meeting scheduled on April 18, 2006. Second C. Blackstone. No discussion. Vote unanimous.

Case#P06-08
Paul Beckett

Map 12, Lot 17

9-Lot Subdivision
Wolfeboro Highway (NH Rte. 28)

The discussion of acceptance is continued from the February 21, 2006, meeting.

K. Menici noted on whether this can be accepted by the Board. Owner suggested converting to a 2 family dwelling. She met with Town Counsel and said this would be acceptable.

J. Crouse asked and noted does it make it approved since the counsel has approved his. Does not see good faith on the part of the owner because a For Rent sign is up doesn't feel he is making efforts to correct the usage of the property.

B. Bailey unaware of number of tenants in the building. Knows only the landowner is fully aware of what is legally allowed on the lot.

K. Menici clarified that Mylars will not be recorded until conversion is complete. Nothing can be done until the conversion is complete.

B. Bailey will relay instruction to Mr. Beckett.

J. Crouse suggests to the Board since it is an issue that is not resolved to deny the application.

C. Bailey there are no zoning violations against Mr. Beckett. It was a four unit when he purchased the property.

J. Dube noted this property is approved for single family not State septic approval and feels a cease and desist should be issued.

B. Bailey has septic approval and will provide for the next meeting.

T. Hoopes feels there needs to be compliance before conversion.

K. Menici expressed the Board should be concerned.

T. Hoopes suggest to withdraw the application and not charge the fees until the Planner confirms septic, etc. and bring back an application they can accept. (Fees waived for application only)

B. Bailey officially withdraws the application and stated he will do so the following day of this meeting.

Other Business:

1. Old Business: Continued discussions re: interest payment to St. Katharine's Church; Discussion of dates for conceptual discussion with Historical Society. **No action taken.**
2. New Business: **No action taken.**
3. Correspondence: Letter from Lakes Region Planning Commission re: Town's contract with LRPC for Master Plan technical assistance. **No action taken.**
4. Any other business that may come before the Board. **No action taken.**

Motion by C. Balcius to schedule a work session following the Sedlari site walk for one hour on March 29, 2006. Second by B. Holmes. No discussion. Vote unanimous.

Motion by B. Holmes to adjourn. Second by C. Balcius. No Discussion. Vote Unanimous.

Adjournment

Thomas C. Hoopes, Chairman

Respectfully submitted,
Carolyn B. Schaeffner
Recording Secretary