

**TOWN OF ALTON PLANNING BOARD
PUBLIC HEARING
Public Hearing Minutes
June 21, 2011**

Approved 7/19/11

Members Present: Tim Roy, Chair
Scott Williams, Vice Chair
Bill Curtin, Member
Tom Hoopes, Member
David Collier, Member
Dave Hussey, Selectmen Representative

Others Present: Ken McWilliams, Town of Alton Planner
Randy Sanborn, Secretary, Planning Department
Members of the Public

I. CALL TO ORDER

T. Roy, Chair, called the Public Hearing to order at 6:05 p.m.

II. APPOINTMENT OF ALTERNATES

There are no Planning Board Alternates to appoint.

III. APPROVAL OF AGENDA

K. McWilliams stated there were no changes to the agenda.

S. Williams made a motion to approve the agenda. T. Hoopes seconded the motion which passed with all in favor.

IV. PUBLIC INPUT

There was no public input at this time.

V. COMPLETENESS REVIEW OF NEW FINAL APPLICATIONS AND PUBLIC HEARINGS ON NEW APPLICATIONS (If applications are accepted as complete):

Case #P11-14 Elizabeth King	Map 15 Lot 23	Two Lot Subdivision Chestnut Cove Road
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Jeffery L. Green LLS, Land Surveying Services, on behalf of Elizabeth King, is submitting a proposal to subdivide a 2.3 acre lot for a single family residence from the existing 47.1 acre lot on Chestnut Cove Road in the Rural Zone.

K. McWilliams explained that it is a straight forward minor subdivision. The proposed 2.3 acre lot has 266 ft of road frontage. Both the lot size and the minimum road frontage conform to the rural zone requirements. They are requesting a waiver from Section 8.1.2.4 from identifying and showing all bounds around the 47 acre parcel. Mr. Green has submitted a copy of the previous survey showing the bounds set for the 47 acre parcel. First order of business would be to consider the waiver and he recommends the approval of that waiver and he also recommends they find the application as complete.

B. Curtin stated that they are looking for two other waivers. One being 7.2.27 which is elevations and the other is 7.2.33 which is the wetlands.

T. Hoopes had a question about the waiver 7.2.33 for wetlands. The reason they ask for wetland mapping is so they can prove that there is dry access to the other property. In granting that he would like to include one other requirement which would be any future crossing to the back lands not go through wetlands.

K. McWilliams stated that they have an existing home and driveway on the larger parcel, on the southern end of it.

B. Curtin made a motion to grant the waivers 8.1.2.4 showing the bounds and 7.2.27 which is the elevations and 7.2.33 which would be the wetlands. D. Hussey seconded the motion which passed with all in favor.

S. Williams moved on Case P11-14 map 15 lot 23, 2 lot subdivision on Elizabeth King on Chestnut Cove Road to accept the application as complete. D. Hussey seconded the motion which passed with all in favor.

Jeff Green representing Ms King spoke about the 1-lot subdivision. They are looking at subdividing off a 2.3 acre lot on a wood section. He has DES subdivision approval, driveway approval from the Alton Highway Department, test pits are done, and septic system is already in the works of being completed. The wetlands were mapped for the new proposed lot and it shows wetlands right behind the lot so he will mark the rear line that matches the twenty-five foot wetland buffer line. That way they have the twenty-five foot buffer and the twenty foot setback line from the wetlands. The pins have been set.

T. Roy asked if they need the wetlands flagged.

J. Green stated that his intention was to flag the 25' wetland buffer along the rear line of the 2.3 acre lot.

T. Roy asked to add it to the conditions. He opened it to the public. Seeing none he closed the public.

T. Hoopes motion to approve Case P11-14 with the conditions precedent of:

- 1. A copy of any necessary Federal, State, and/or local permits shall be received by the Planning Department and the permit numbers shall be added in a note on the plat prior to plan signing. The Approval for Subdivision number from NHDES for the proposed 2.3 acre lot shall be added to the subdivision plat.**
- 2. Adding the approval date by the Alton Highway Department for the existing driveway location to serve the new 2.3 acre lot to the plat.**
- 3. A note shall be added to the plat stating that Best Management Practices shall be utilized during any timber cutting on site.**

4. The following note shall be added to the plat: This subdivision plan is subject to the Conditions of Approval itemized in the June 21, 2011 Notice of Decision on file at the Town of Alton Planning Department.

5. The surveyor shall submit a letter certifying that wetland markers are to be posted around the required 25 foot no cut buffer on all wetlands over 10,000 square feet in the vicinity of the 2.3 acre lot prior to signing the subdivision plat.

The conditions subsequent

1. The applicant shall comply with all of the Town of Alton’s Subdivision Regulations.

2. The approval is based upon the plans, specifications and testimony submitted to the Planning Board. Any alterations, additions or changes to the plans are not authorized and require additional Planning Board approval.

3. A subdivision plat, which has been filed and approved, conditionally or otherwise, may be revoked, in whole or in part, by the Planning Board when an applicant or successor in interest to the applicant has performed work, erected a structure or structures, or established a use of land, which fails to conform to the statements, plans, or specifications upon which the approval was based, or has materially violated any requirements or conditions of such approval.

4. Future crossings to the back land on the large lot should be limited to dry land with no wetland crossings.

Provided all listed conditions precedent are satisfied, this approval will remain valid for implementation 365 days from date of original approval, unless extended by the authority of the Planning Board after petition by the applicant.

S. William seconded the motion. All were in favor.

Case #P11-15 Joseph Byrne	Map 15 Lot 17, 17-4 & 17-5	Amended Final Subdivision Route 28A (East Side Drive)
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Bradford Jones, Jones & Beach Engineers, Inc., on behalf of Byrne Development, LLC, is proposing to replace a detention pond with two bioretention ponds. This is located in the Residential Rural Zone.

K. McWilliams explained that Mr. Byrne was here for a number of things. First is the change in the drainage plans. The approved plans show a detention pond on Lot 1 and they are proposing to change that to construct bioretention ponds on lots 2 and 3 instead of the detention pond on lot 1. They are requesting a nine month extension to complete the subdivision improvements starting from tonight’s meeting. Second they are asking that all the monumentation be done after the road has been completed. This is before the plat signed and recorded. The third thing is that Condition 12 of the September 21, 2010 Notice of Decision indicated that they needed to provide full security for the road improvements. Mr. Byrne wants to do a build first option. They are suggesting that that condition be reworded. They have provided Pete Julia with a reclamation/restoration plan to review and costs estimates for that work. Pete has reviewed those plans but is not satisfied with the plans and cost estimates yet. He is also not satisfied with the drainage plan.

S. William moved on Case P11-15, map 15, lots 17, 17-4 & 17-5 amended final site plan for Joe Byrne Route 28A East Side Drive the application as complete for the amended major subdivision.

D. Hussey seconded the motion. All were in favor.

T. Roy asked the applicant if they had received the report from Farmhouse and had a chance to review it.

Brad Jones with Jones & Beach Engineers, Joe Byrne developer and Steven Nix, Attorney for the applicant were present.

Brad Jones stated that they have seen his first review and they have yet to send plans back along with a drainage report which should happen tomorrow and also go off to the State DES with their Alteration of Terrain (AOT) application.

B. Jones stated that they are proposing a change with the drainage. The detention pond was on lot 1 and was to take care of two homes for the additional drainage to go into the detention pond and then eventually go through a drainage structure, level spreader and treatment swale. J. Byrne did not want to cut near the abutting property so they went back to the State and the State says that it was reasonable to have two individual bioretention ponds. They are proposed to be owned by the land owners and in the deeds it would state that they need to maintain it. It will sit at the low side of the lot and all the drainage from the road and the home will flow into each pond. Each pond is to be constructed with peat, stone and crushed stone and about 2 ½ feet of mulched sand. The water goes in and gets treated, gets absorbed into the ground, and if there is extra water it will spill out over the pond.

T. Hoopes asked if there were specific plants that go in there or if it is a wetlands style drainage system.

B. Jones stated that there are plants that are not like the wetland plants that stay in the water all the time but there is a list of the plantings. They will be owned by each home owner.

D. Hussey asked how much landscape would be involved.

B. Jones stated that basically it is like a landscape island. The consistency in the bottom of the pond is like mulch and sand and it needs to be raked out and the outlet needs to be cleaned. If it filled with sediment they would have to dig out that sediment.

T. Roy asked if there were going to be any maintenance easements.

S. Williams stated that it would be the responsibility of the homeowner but felt there should be some language in the Declaration of the Homeowners Association that is approved by Attorney Sessler on how these are going to be maintained.

D. Hussey asked how they were going to enforce that.

S. Nix stated that there is a declaration that creates certain cross easements that will go on record. Attorney Sessler is reviewing that right now. In that declaration they have all the drainage issues for the road and there is a section in there that speaks of these particular lots.

T. Roy asked what if the home owner can't maintain the bioretention ponds.

D. Hussey asked who is going to inspect and enforce these.

S. Nix stated that he is going to work with the State and see what they are proposing. He believes because there is a Homeowners Association if one of them failed they could go in and maintain the property. He stated that he would get the language in the documents and have it go to Attorney Sessler for his review.

J. Byrne stated that in the future all subdivisions will need these ponds on the lots and that these will be shown on the septic designs.

T. Roy stated he doesn't have any problem with the changes but everyone wants to have the maintenance language in the Association docs.

T. Roy opened it up to the public.

Darlene LaCroix lives at 662 Eastside Dr. and is an abutter to the property. Her concerns are how many trees they are going to clear, how much water each bioretention pond is going to hold and how quick does it absorb. She feels the culvert should be taken into account and there should be a second plan to this case. She does think it is a good idea and that it will look nice.

B. Jones stated that this would have less impact on her lot because it is going to be moved up a whole lot from her. Fewer trees will be taken down.

D. LaCroix asked if there have been any studies done on the runoff.

B. Jones stated that they have calculated that amount of water.

B. Curtin asked how many gallons of water that will hold before it overflows.

B. Jones explained how it is made and what it is made of.

T. Hoopes stated that when this project started they met there with the Highway Department and the State.

S. Williams stated that he calculated it would roughly hold about 10,000 gallons.

Betty Sackos lives at 643 Eastside Dr. and she is the abutter south of this development. She did the site review with the Board last year. The brook traversing the Byrne property runs through her property. She stated that it sounds like a better idea than a big pond. She would like some kind of guarantee that this is going to be maintained.

T. Roy closed public input.

B. Curtin feels there is a lot to do yet and would be comfortable giving them an extension.

T. Roy asked if they can make it so the Association can be made responsible instead of a single land owner.

J. Byrne stated that that would be in the language. He feels the issue now is the construction estimate costs and feels that the drainage situation will work properly if maintained by the Association. The longer they wait to get any progress done it will be another winter and he doesn't feel he can get a lot done in the next couple of months.

T. Roy asked what if they made it conditional provided the Association will maintain it.

J. Byrne stated that they will provide the language and get it to the Town Attorney.

K. McWilliams asked the Board if they would be satisfied if the language in the documentation came in and was approved by Town Counsel would they need to review again. They all agreed no.

T. Hoopes made a motion to amend the major subdivision plan of Case P11-15 with conditions precedent.

1. The applicant shall satisfy the engineering comments received from Farmhouse Land Development in a letter dated June 10, 2011 regarding the proposed reclamation/restoration plan, the proposed cost estimates for completing the implementation of this reclamation/restoration plan, and the revised drainage report and plan to replace the approved detention pond on Lot #1 with bioretention ponds on Lots #2 and #3 prior to construction being allowed to commence again. Additionally the requirement for the maintenance of the bioretention ponds on Lots #2 and #3 shall be designed to be accomplished through the Homeowners Association for the subdivision and shall be approved by Town Counsel.

2. Condition Precedent #12 of the September 21, 2010 Notice of Decision is amended to read: "Following approval by Farmhouse Land Development of the proposed reclamation/restoration plan, the proposed cost estimates for completing the implementation of this reclamation/restoration plan, and the revised drainage report and plan to replace the approved detention pond on Lot #1 with bioretention ponds on Lots #2 and #3, the applicant shall provide the security for the reclamation/restoration plan in the amount approved by Farmhouse Land Development."

3. Condition precedent #4 of the September 21, 2010 Notice of Decision is deleted.

4. The applicant shall submit an amended Alteration of Terrain (AOT) Permit from NH Department of Environmental Services prior to construction being allowed to commence again.

5. The applicant shall submit an amended SWPPP that includes the change from the detention pond on Lot #1 to bioretention ponds on Lots #2 and 3 prior to construction being allowed to commence again.

6. The applicant needs to amend the homeowner's association documents to reflect the proposed changes in the drainage system consisting of deleting the detention pond on Lot #1 and adding bioretention ponds on Lots #2 and 3 and their maintenance.

Conditions Subsequent:

1. The applicant shall be provided an additional extension of 9 months to complete construction of the subdivision improvements starting from the June 21, 2011 meeting.

2. Condition Subsequent #2 of the September 21, 2010 Notice of Decision is amended to read: "As-built plans for roads and final engineering inspections must be completed prior to the plat being signed and recorded. All "to be set" (TBS) notes must be removed and all monumentation for the lots and along the road must be set prior to the plat being signed and recorded."

3. Add a Condition Subsequent to the September 21, 2010 Notice of Decision to read: "All subdivision improvements shall be completed and inspected, or security provided for any remaining improvements prior to the plat being signed and recorded."

4. Add a Condition Subsequent to the September 21, 2010 Notice of Decision to read: "Following completion of all subdivision improvements, warranty security in the amount of 10% of the total cost of construction shall be provided for a period of 18months as provided in Section 9.3 of the Subdivision Regulations."

All other conditions of approval of the September 21, 2011 Notice of Decision remain in effect.

S. Williams seconded the motion with all in favor.

B. Jones asked if the 9 months is possible to have it start on the date that Farmhouse approves the cost estimate. Because there is going to be some time loss going back and forth with the engineers.

T. Hoopes stated that 9 months is going to put us into January, February, March. He also stated that they are not going to hold them up on an extension.

B. Jones stated that he could not start anything until Farmhouse approved these figures. It could be two or three weeks, he wasn't sure.

T. Hoopes stated that if they are working on anything they were not going to hold them up.

B. Jones stated that he can't work on anything right now.

S. Williams stated that if they are in process and they need more time he doesn't see a problem.

T. Hoopes stated that Attorney Sessler recommends only 6 months at a time so 9 is pretty good. They accepted.

VI. CONTINUED PUBLIC HEARINGS

Case #P11-10 Case #P11-09 Robert H. Carleton	Map 8 Lot 49 Map 25 Lot 6 & Map 8 Lot 50-1	Preliminary Major Site Plan Lot Line Adjustment Route 28 West of Traffic Circle
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This is a continuation of last months meeting and the site walk.

T. Hoopes stated that he had two previous relationships with Mr. Carleton over a long period of time on this property. First as a Cemetery Trustee. The Cemetery Commission was trying to acquire some property to enlarge the new Riverside Cemetery and also as a Conservation Commissioner years ago when they were proposing the gravel pit. He does not have a problem with the application, he just needed to state in the past there were some interactions.

T. Roy said he had stated that last time and no one had a problem with it but asked if anyone has a problem with it.

S. Williams asked T. Hoopes if he felt he prejudged the application and T. Hoopes said no.

No one had a problem with it.

K. McWilliams stated that they had a site walk on June 13th which was attended by 20 people, a couple of Planning Board members, five Zoning Board members and two Conservation Commission members and several people from the public. Mr. Carleton gave them a tour of the property showing them road layouts, where the restroom bathhouse facilities were. He showed them in particular where the waterline crossing was proposed over Pine Street. He showed where the common area was located. He generally gave them a tour through the property to give them an idea of where things were laid out on the ground so they could kind of visualize where the plans were on the ground. He felt it was a good tour.

T. Roy added about the site walk that when it was said the water was coming from Pine Street to the Carleton property, he had in his mind that the drilling was going to be from Pine Street to the Carleton property. It was made very clear that the drilling was happening from the Carleton property to Pine Street.

S. Williams clarified that he thinks that they meant that the source of the water was coming from Pine Street.

T. Roy stated that the way it was stated he had it in his mind that the drilling operation was going to be from the Pine Street side since it would be drilled from the Carleton side it made him feel a lot more at ease.

K. McWilliams stated that another thing that was relevant to that was that he was not talking about digging a path down to the edge of the water; he was going to start boring that hole back beyond where the existing tree line was.

T. Roy stated that it was probably 100 feet from where the bore actually starts was probably 100 feet from the river.

S. Williams stated that R. Carleton stated that the total bore would be in the area of 700 feet.

Tyler Phillips with Horizons Engineering is representing Robert Carleton's application. He was not able to make the rain date for the site walk. K. McWilliams asked him to address the fact that there was a plan sheet distributed at that site walk which the Town distributed which was a plan set from the Zoning Board application and it varied slightly from what they presented to the Planning Board at a prior meeting. The items that varied were really just changes that the Board had asked for such as the water line going underneath the neighbors property on Pine Street. The other item was that they remove some wooden boat racks that they had proposed. They had taken those off the plans in response to comments and they are still coordinating with New Hampshire Fish and Game. Although NH Fish & Game didn't have problems with the boat racks' being there they determined that it was probably better to remove them. Those were the two changes on the plans that people saw out on the site walk.

T. Roy asked if those will be the plans that they will be looking at in the near future.

T. Phillips would have liked to progress with showing them the plans with those two updates but because they didn't submit that information in time they are forced to review the plans that the Board has in front of them. They are the exact same plans he submitted before and he will use the same plan. In essence they are continuing the meeting with no change in plans. He would like to go through and discuss the changes they would like to make and address the comments they had before and to get their thoughts on what they saw during the site walk. He would like to discuss some items that they are seeking guidance on in terms of whether or not they require waivers or certain things that are conditions subsequent or precedent. He had been to a couple of Zoning meetings for Special Exceptions with one approved and one continued. They had met with the Selectmen to discuss issues related to access road. Their current intention is they will supply access via a road that meets Town standards from Route 28 through an existing right-of-way that exists south of the Water Industries lot Map 25, Lot 6 to the bend in the roadway. From that bend on they will build the road to the standards in Section 355 Recreation camping parks and will not be paving. Everything will be up to Town standards to that point. They are going to try and provide the frontage for the lot by proposing to build the road to meet Town standards well beyond the 200 feet but they are going to carry it to the corner. They have received a waiver from the Selectmen to superelevate the road slightly to keep the water inside the property and not impact the wetlands along side the road. They asked for a waiver to not pave the road but they were denied that waiver. They will be removing the racks from the

peninsula and from this point R. Carleton does not have a proposal to put storage racks out there but if in the future he wishes to do that it would require a site plan amendment.

S. Williams asked if the racks were on the plans that they have. Yes they were.

T. Phillips stated the racks and the sign would be removed. The other request before was that they have outlined the limits of the campground. They will be removing the sign for boating, swimming and fishing on the small pond that is not in the limits of the campground. Another item that was discussed at the site walk was that the easement would be shown to the abutting parcel that comes off of this road that will be constructed to Town standards. In the deed there is a right-of-way for an abutter and they will show that on the plan. A number of years ago, Mr. Carleton constructed an entrance off of his existing road there so that easement would be in a defined location.

T. Roy asked if the easement was described in the deed or was it just an easement to get there.

T. Phillips stated that it was an easement to get there.

T. Roy asked if they were going to reword the deed to be specific.

T. Phillips stated that Mr. Carleton could move that road way and the access point. It is written into the deed that he could move it wherever he would like. His obligation is to make sure the abutter can get access to his property.

D. Hussey asked for a clarification on the road of whether T. Phillips stated that they were going to pave 200 feet of the road for their road frontage only.

T. Phillips stated that they were going to pave approximately 1,000 feet. The sole purpose of paving this road is to provide frontage because it is not required to pave a road for a campground.

S. Williams stated that this was technically a Town road so there should be a cul-de-sac at the end of it or some kind of turn around area to turn around large equipment.

T. Phillips stated that they could put a hammerhead in there but questioned if they need to because they weren't going to plow it in the winter time.

T. Hoopes stated that the Town will not accept the road if there is not a turn around.

T. Roy asked if in the maintenance agreement if that road would be plowed all winter. Mr. Phillips indicated it will not be a Town accepted road but is just being built to Town standards.

T. Phillips clarified that the standard they are trying to meet is a road that is acceptable to the Town Planning Board which is built to the Town road standards.

D. Hussey asked if that would have to become a Town road if they are going to use it for frontage.

T. Hoopes stated that it can still be a private road to Town specifications.

D. Hussey asked if that allowed them to have frontage on a private road.

S. Williams stated that it was done at another subdivision if the Association did not want to approach the Town to take the road.

T. Roy asked if that section of road is going to have to be maintained if it is seasonal. The answer was no.

T. Phillips continued regarding the other items mentioned at the previous meeting. They will provide a secondary access road or using the existing gravel road as a secondary emergency access road and they will note that on the plans.

K. McWilliams asked if it would be a gated emergency vehicle access or complete secondary access.

T. Phillips stated that it would not be complete but gated with a Knox box. The road is currently used for gravel trucks but they will keep the road passable but will not be widening it.

T. Roy suggested something in the maintenance agreement to keep that road passable.

D. Hussey made a suggestion to make a path along Route 28 to connect with the new sidewalks at the traffic circle so people in the RV park can access the rest of the Town.

T. Hoopes questioned their progress working with Shore land Protection agency of the State. He looked at the calculations and there is a considerable amount of gravel and gravel is considered impervious. What can they tell people about the requirements in that 250 feet?

T. Phillips stated that they have applied for the Shore Land Permit from NH DES. Their calculations are not quite straight forward as the property has been used for removal of the gravel in the past so the gravel roads are considered impervious but the gravel in the pit is not. It does make the calculations a little bit contorted but as far as the area of the impervious surface they will meet the standard for DES. The application does ask for a waiver of the total area of disturbance allowed within the first 150 feet back from the high water line along the river. They need to come up with a better reason for justifying the reason for disturbing more area. He feels that they can make a strong argument that this project does not affect water quality of the Merrymeeting River.

T. Hoopes asked about the dimensions of the berm being constructed.

T. Phillips stated this used to be an old finger of material that has basically had the finger lowered leaving this berm just inside the treeline along the river.

S. Williams asked what the finish is going to be on the common land.

T. Phillips stated that the common area would be loam and seed. Each site would have a bioretention area which will be landscaped, a gravel pad for a picnic table as well as their gravel drive to park their RV. All other areas are intended to be vegetated with loam and seed.

T. Hoopes asked T. Phillips if he would define his idea of an RV.

T. Phillips stated that he could but wanted to be careful to do that. He has done that when asked for a Special Exception that was granted. They defined what an RV is and generally referred to the State Statute in the Flood Plain Regulation.

S. Williams mentioned that a park model usually comes with an asphalt roof.

T. Phillips stated that a park model is included. They will be seasonal but whether they are to be removed is in question but the use of the campground would be seasonal and not be used more than 180 days in any calendar year.

T. Roy stated that maybe there should be a definition on the plans. T. Phillips indicated he would provide a definition for RV with the final application.

T. Phillips indicated the water line will be directionally drilled under the river starting inside the tree line on Mr. Carleton's property and come up under the Pine Street right-of-way. This water line will connect with the existing water line in the Pine Street right-of-way.

D. Hussey asked how deep it would be.

T. Phillips stated that typically it would be six feet. It will be constructed to Water Department standards.

B. Curtin explained how the process is accomplished.

T. Phillips clarified that the drilling will start on Mr. Carleton's property and they will not be going on any abutter's property on Pine Street. They will stay within the Town's right-of-way.

As far as the campground rules Mr. Carleton would be happy to use the regulations that have been approved by the Planning Board for the Robert's Cove Campground.

They are working with DOT on the entrance access.

T. Roy asked about the six foot path to the water's edge and stated that it should be shown on the plan or he will not be able to build a six foot path. Mr. Carleton is allowed one path of six feet to the water which is part of the State's Comprehensive Shoreland Protection Act.

S. Williams asked if they could identify the elevation of the 100 year flood. T. Phillips noted he would check into this.

T. Phillips asked about the copies for applications of State permits. Would they like copies of the applications?

T. Roy stated that they can make those conditional. They want copies of the state permit approvals, but not the applications.

T. Phillips stated that they will probably request a waiver for the scale on one of the sheets in order to show the whole parcel and they require they can't meet the 100x100 scale. T. Phillips inquired about locations of existing proposed easements and alleys. Are there certain easements that the Town needs to see.

T. Roy stated that the access road to the adjacent property.

B. Curtin stated that the Water Department will need an easement for the waterline but that will be under the utilities easement.

T. Phillips asked about locations of water courses, flood plains and all the natural features. The parcel is 169 acres and they have not mapped all the wetlands of the property but have marked the wetlands where the work is going to be on or near the RV park.

T. Roy stated that they should make sure there can be access to the land behind the campground without crossing wetlands.

D. Collier stated that in this case it is not a subdivision so he has access like he normally had. It is a lot merger in the front but in the remainder of the park it is not a subdivision. It is a site plan so he still has access no matter how you look at it.

T. Hoopes stated that according to Jim Sessler a Site Plan is a Subdivision. Everyone disagreed.

S. Williams asked them to show the entire Carleton lot with the plan for the RV park over it.

T. Phillips wants them to be aware that this lot was created prior to the adoption of the wetland setback standards so they don't have to meet the 25 foot setback.

T. Hoopes disagreed because they are making a change to the lot by merging it with another lot which creates a new site and that would be required.

T. Phillips stated that they would not be doing the lot line adjustment. They are continuing it at this point but they are looking at ways of not doing it. They have met that wetland setback standard in most cases but nothing they are doing there creates a new lot of record.

K. McWilliams stated that the conclusion of the discussion between John Dever, himself and Jim Sessler was that this was not a new lot and it was not applicable.

B. Curtin stated that he felt if they are going to merge the two lots they are creating a new lot.

K. McWilliams asked what the purpose of the merger was if they are creating a road to Town standards for frontage.

T. Phillips stated that the road is being built to Town standards to provide 200 feet frontage for the RV park property. If they don't do the merger the frontage is only on the 10 acre lot to be merged with the RV park lot.

B. Curtin suggested they do an easement from the 10 acre lot to the RV park lot.

T. Phillips understands that the lot now does not have any frontage. That is the reason for building the road to Town standards and merging the lots.

T. Roy suggested that this issue get resolved with Town Counsel and have him send them a written opinion.

T. Phillips stated that the underground utilities would be shown at the very end unless they want it early. Do they want to see that on the plans before approval by the Planning Board? The Board said yes by a note only. Do they need to provide road names? Do they need to see road profiles?

S. Williams stated that they need to name the interior roads.

T. Roy stated that he needed to do just the town portion as far as grades and profiles. He poled everyone and everyone agreed.

T. Phillips asked about the location of the access. He understands that the access location and design are to be determined by NH DOT.

S. Williams stated that that would be a condition.

K. McWilliams asked the Board if they need accell/decell lanes don't they want that shown as part of the design. The Board said yes.

T. Phillips stated that they have been coordinating with Fish and Game on providing a generous width to a culvert to the one wetland crossing they have on the site. In order to minimize impacts to wetlands for this culvert they are proposing two feet of cover and not the three feet of cover that the Town road standards typically require. This is an arched metal pipe.

T. Roy stated this culvert is on the private road on their property and not on the Town road. They do not need a waiver.

T. Phillips stated they will provide a water easement for the Water Department. As far as topography they are providing two foot contours for everything within the park that they are asking for site plan approval but they have not provided two foot contours for the entire parcel.

T. Roy stated that just within the park limit is fine.

T. Phillips asked about traffic study. That will be up to NH DOT. Then they get into the sediment erosion control and they often prepare EPA Storm Water Pollution Prevention Plans and asked if that was satisfactory. The Board said yes.

S. Williams stated they wanted to see it prior to plan signing.

T. Phillips asked about the agreement to convey that the Town land to be used for street or public purpose transfer of title. He does not feel that is applicable unless they petition to turn the road over to the Town.

T. Roy opened it to the public.

Jed Callen, Attorney at Baldwin & Callen in Concord said he represents Sandra Esposito who is an abutter. He questioned whether this is as a preliminary major site plan that is covered by Section 2.02 of the Site Plan Regulations or Design Review Phase which is 2.03 of the regulations.

T. Roy stated that his understanding is that it is a Preliminary Review.

J. Callen stated that is what he understood it to be because that is what the public notice states it is. The problem he has is that it sounds like a Design Review process and he pointed out the regulations 2.02 Preliminary Conceptual Consultation is extremely specific and read it. His point is that there is a fine balance set by the State Statutes that tries to balance the obligation that the Board has to the public such that they are fully informed of proposals put before the Board and have a chance for public input. That is why they require a full complete set of plans to be submitted at least 21 days before the hearing on which you

vote to accept them so an abutter or a neighbor comes to a meeting and can have their engineer or attorney review them. There is a lot of protection given to the public in having full access to all the information and a chance to review and intelligently comment. The countervailing factor is you don't want the applicant to be hamstrung and unable to make some changes. His point is that the Board does not have jurisdiction to this application yet until they have the vote that it is complete and meets everything on the checklist and their regs are explicit about it. That vote gives them jurisdiction and that is when the Board can start to deliberate and make determinations. At this point they are only allowed to give conceptual non-binding advice.

T. Roy stated that that is what he believes they did.

J. Callen stated that they accepted along ago specific plans.

T. Roy believe that would be preliminary and all they did was to give the applicant direction.

J. Callen stated that his client has a right to have a full set of everything and an opportunity to comment on it at a point where they have jurisdiction and they have a seat at the table. He does not want a process that is disadvantageous to the applicant or to his client.

D. Hussey stated that this was an information gathering preliminary. When they go to the final meeting they are welcome to have all the plans.

J. Callen is not disturbed that they wanted to give him guidance and allow the public to hear it and benefit from it and have input. There is a slight problem because they can go on month after month in which they are allowed him to have this input. If this was done the way the State law says they do all their work after the conceptual discussion. Once the Planning Board accepts a final application there is a 65 day clock. They will have a full set of plans to look at and they can take it to their traffic engineer for review. If the Board varies from their own regulations and get into this much information in a conceptual consultation where is the protection for his client and the applicant? If they go directly to the final phase they won't get new separate notice.

K. McWilliams stated that they will be noticed again.

J. Callen stated that there was enough discussion that speaks of things being on the final plan. With all this discussion is not beneficial to the abutters.

T. Roy disagreed.

D. Collier stated that the Board has given the applicant enough information to come back with a complete application.

T. Phillips asked that he was under the impression that this was a Design Review because he paid a full application fee and submitted plans.

T. Roy stated that this is a continuation from a Preliminary hearing.

T. Phillips stated that yes for a Design Review and they notified abutters and they paid almost \$3,000.

K. McWilliams stated that there may be confusion in terms which is his fault. This is intended to be a Design Review. This is a phase where the abutters are notified where the applicant can bring out more detailed plans than in a conceptual consultation and get feedback on those plans so he has an opportunity to know what to bring in on the final plans. The problem is using the word Preliminary instead of Design Review. K. McWilliams admitted using the incorrect term.

David Howe from Hudson, New Hampshire noted his father-in-law and mother-in-law are abutters to this property. They are quite concerned about the line of sight for the access point. He suggested that there be some fencing along the right-of-way coming into the park to protect the abutters from kids, etc. wondering onto other properties. Just something that says people do not belong beyond this point.

Sylvia Leggett, the owner of Roberts Knoll Campground on Route 28, noted they went through this process about 11 years ago. Her campground is a little bit different concept than what is being proposed by Mr. Carleton. Robert's Knoll is a seasonal only campground. They do have people there that come every year that stay from open to close. Their rules and regulations are slanted toward the people who are there all the time. She gave K. McWilliams rules from several different campgrounds that may be more appropriate because this campground will start out as a more transient campground. She discussed the definition of an RV and should follow Section 216 of the State Regulations. She does not know of an RV that has an asphalt roof that would fit the definition of an RV. Peaked roofs or asphalt roofs are in a separate section.

T. Roy asked about the RV's with slide outs if they are added on.

S. Leggett stated they were added on later.

T. Roy closed public input. There was someone so he reopened public input again.

Mary White spoke regarding the state of the River and what is going to happen to it and how it is going to be affected. She was wondering why they couldn't regulate a rule that says people cannot swim.

T. Roy stated that they cannot regulate who goes into public waters everybody owns it. The State regulates it.

M. White asked how they would monitor people bringing in milfoil.

T. Hoopes stated that they don't have the jurisdiction to prevent it because it is State waters. The Town has a special milfoil subcommittee that does the work on milfoil and its elimination.

T. Roy closed public input again.

T. Phillips clarified that the note they are taking off regarding boating, fishing and swimming is on Mr. Carleton's pond. There was no intention of preventing anyone from using the River. They agreed to include information in the rules and regulations to inform them of the milfoil issue.

T. Roy stated that he felt a sign regarding motor limits on the river.

T. Phillips asked if there was a limit on continuation.

T. Hoopes stated that continuations are allowed if necessary and are not to be taken advantage of.

T. Phillips stated that he was finished with the Preliminary and Site Plan Review and would like to move on to the final and wants to continue the lot line adjustment because they are still in the Zoning phase.

S. Williams moved on Case P11-09, Map 25, Lot 6, Map 8, Lot 50-1 Lot Line Adjustment of Robert H. Carleton of Route 28 West of Traffic Circle to be continued to the July 19, 2011.

D. Hussey seconded the motion with all in favor.

VII. OLD BUSINESS:

There was none.

VIII. NEW BUSINESS:

D. Hussey spoke regarding a new committee to be started to work on dated laws and zoning laws. He wants two selectmen, two planning board and two zoning board members.

T. Roy volunteered to be on the committee as long as it doesn't interfere with softball.

T. Hoopes offered to supply sources and lists.

IX. APPROVAL OF MINUTES:

May 17, 2011:

Need to change the date to May 17.

1st page, last paragraph, 2nd sentence should say "property from him for the Cemetery Trustees and served on the Conservation Commission..."

S. Williams moved to accept the minutes of May 17th as amended. B. Curtin seconded the motion with all in favor.

June 13, 2011:

B. Curtin make a motion to accept the Site Walk minutes of the Robert Carleton RV park Map 8, Lot 49 on June 13, 2011 as presented. D. Hussey seconded the motion all were in favor.

IX. ADJOURNMENT

D. Hussey made a motion to adjourn. B. Curtin seconded the motion which passed with all in favor.

The public hearing adjourned at 8:55 p.m.

Respectfully submitted,

Recorder