

TOWN OF ALTON PLANNING BOARD  
 PUBLIC HEARING  
 Minutes  
 December 15, 2015  
 Approved January 19, 2016 as presented

Members Present: David Collier, Chairman  
 Tom Hoopes, Vice Chair  
 Peter Bolster, Member  
 Scott Williams, Member  
 Roger Sample, Clerk

Others Present: Ken McWilliams, Town Planner  
 Randy Sanborn, Secretary

**I. CALL TO ORDER**

D. Collier called the meeting to order at 6:00 p.m.

**II. APPROVAL OF AGENDA**

There were no changes to the agenda.

**S. Williams motioned to accept the Agenda as presented.**

**P. Bolster seconded the motion with all in favor.**

**III. CONTINUATION OF A PUBLIC HEARING**

<b>Case #15-24 Malcolm F. &amp; Frieda Simonds</b>	<b>Map 26 Lot 2</b>	<b>Design Review Major Site Plan 58 Suncook Valley Road</b>
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On behalf of the applicants, Alton DG, LLC is proposing to build a Dollar General retail store on a 1.86 acre site that currently contains a dwelling, garage and also serves as a used car sales lot (Lake Regions Auto Source). This property is located in the Residential Commercial (RC) Zone.

K. McWilliams gave an overview of the application. The applicant has submitted revised building elevations. They have added one dormer on each side of the center dormer entrance. He recommended to the Board that two additional dormers on each side of the center dormer entrance be added. The signs at the last meeting did not conform to the zoning ordinance standard. They have revised those so that they do now conform to the Town's sign code.

Austin Turner from Bohler Engineering spoke on behalf of this application.

The Board requested that the applicant change the two side dormers to be as high as the center dormer. The Board also stated that loading maneuvers must be done on site with no trucks backing out onto Rte 28.

D. Collier opened it to the public.

There was none at this time.

**IV. PUBLIC HEARING**

<b>Case #P15-28 Dow/Falls Cemetery</b>	<b>Dow/Falls Cemetery on Map 21A between Lots 45 &amp; 46</b>	<b>Public Hearing Orchard Lane</b>
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The required program of maintenance for this cemetery is not clear. Therefore as the Board approving this subdivision and establishing the conditions of approval, the Planning Board will conduct a public hearing to gather public input and determine a required maintenance program for the Dow/Falls cemetery.

K. McWilliams gave an overview of the application. The subdivision Conditions of Approval in 1986 required the Lakeside At Winnepesaukee Homeowners Association to maintain this cemetery. There is question whether the referenced cemetery is being maintained in compliance with the subdivision Conditions of Approval. The required program for the maintenance of this cemetery is not clear, therefore, as the Board approving this subdivision and establishing the Conditions of Approval the Planning Board is conducting this Public Hearing to gather public input to determine a required maintenance program for the Dow/Falls cemetery. It is clear that the Lakeside At Winnepesaukee Homeowners Association is responsible for the maintenance of this cemetery. Mr. Voss stated that the maintenance work at the Dow/Falls cemetery is being performed by an abutter of the cemetery under the Board oversight rather than being performed directly by the Association. As noted by J. Dever in his letter dated August 10, 2015, should the Board wish to abdicate their responsibility, or pass it on to others, such an action would require an application to the Planning Board to amend the original conditions of approval. That application would have to be heard by the Planning Board in a public hearing with notice to abutters and the general public. Proof would need to be provided to the Planning Board that there is another entity that can and will assume the responsibility for maintenance of the cemetery and has the financial resources to do so.

T. Hoopes gave background to the subdivision and conditions of approval for this cemetery. He stated that you cannot exclude someone from a cemetery. Someone can deny them access at that time but the person can go to the Selectmen and get approval for passage to the cemetery and the Selectmen will set the time they can access the cemetery. The RSA's state that if someone wants to do maintenance on a graveyard and they are working with others they are required to put a notice in the paper 30 days in advance advising that they are going to do maintenance on that cemetery. If a graveyard has been abandoned for 20 years then the Town can take it over or other people and the family starts to lose rights. The Town is required only to do nine (9) cemeteries.

The Board wants to see the Conditions showing the Planning Board required Lakeside at Winnepesaukee to maintain the cemetery.

D. Collier opened it to the public.

William Voss spoke representing the Homeowners Association for Lakeside At Winnepesaukee. It is in the Covenants that the Association is responsible for maintaining the burial ground. He read into the record part of his document to the Planning Board.

“Approximately three times per year clean-up and maintenance tasks will be performed as follows:...at the Dow/Falls cemetery removal of tree limbs or other debris, resetting recently disturbed rocks on the existing cemetery rock wall and trimming of weeds, if needed.

If they prefer, the work will be performed by abutting landowners or their contractors. If not performed by the landowners, the work will be performed by employees of a contractor retained by the Association.”

He stated that that is what they are doing. He handed pictures of the cemetery after they cleaned it up on November 3<sup>rd</sup>.

Roger Burgess lives in Lakeside. He spoke indicating that the cemetery hasn't been maintained and requested the Board to maintain the cemetery. He handed out pictures taken the day before Memorial Day showing much debris. The right of way is not clear and is impassable.

Mr. Voss would not commit to maintaining the 10' easement providing access to the cemetery without speaking to the Association.

Lucinda and David Lee spoke as abutters to the cemetery. They own two lots that abut the cemetery. Lucinda gave a history of the burial ground. There are no names or proper grave stones, they are just boulders. They were told when they purchased the lots abutting the cemetery that it was to be maintained as a cemetery. She questioned the definition of maintained.

D. Collier asked K. McWilliams to research the easement documents and to discuss with Town Counsel whether the Homeowners Association has the legal right to maintain the 10' wide easement providing access to the cemetery.

Marty Cornelissen with Historical Society gave the Board a Guide Book from the NH Old Graveyard Association. It has legal issues and definitions regarding graveyards.

Bonnie Burgess is a Lakeside Member. He noted that the Association is allowing an abutter to maintain the cemetery and they are not doing the work.

D. Collier closed the public hearing.

**S. Williams motion to continue this public hearing to the January 19, 2015 meeting of the Planning Board.**

**P. Bolster seconded the motion with all in favor.**

<b>Case #P15-27 Winnepesaukee Pavilion Condominium Association</b>	<b>Map 34 Lot 37</b>	<b>Amended Final Major Site Plan Review Application 18 Mt. Major Highway</b>
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On behalf of the applicants, Paul Zuzgo is proposing an after-the-fact site plan for reconstruction of the Winnepesaukee Pavilion Condominiums following the fire years ago. This site plan includes the second floors and full finished basements added to the condominium units following the fire, but which never had Planning Board site plan approval. The property is located in the Residential Commercial (RC) Zone.

K. McWilliams gave an overview of the application. The amended site plan would allow the basement area of each dwelling unit which was previously limited as storage space to be used as living space. His review indicates that the application is complete and recommends the Board accept the application as complete.

**S. Williams motioned Case P15-27 Amended Final Major Site Plan Review Application of the Winnepesaukee Pavilion Condominium Association be accepted as complete.**

**R. Sample seconded the motion with all in favor.**

Larry Prelli represents the Winnepesaukee Condominium Association Board being assisted by Paul Zuzgo spoke on behalf of this application. Before the fire, the building was a one-story building with limited basement areas and after the fire the replacement building had full basements and a second floor was added. The Association has been trying to update all the documents with the Town. The current members of the Association were not present during the issues with the original contractor.

P. Bolster asked for clarification on what the Association consisted of. There are two Associations. The other two buildings are not part of the Pavilion Condominium Association. There will be no impact to the other buildings regarding the amendment.

Paul Zuzgo has the building plans that show both floors approved by the Planning Board.

K. McWilliams noted they could not find any site plan application, approved by the Planning Board, any notice of decision or any Planning Board minutes for those plans.

The Board would like to see what was approved by the Planning Board such as minutes and Notice of Decision stating decisions of the Board at that time.

**S. Williams motion to continue Case P15-27 to the January 19, 2015 meeting.**

**T. Hoopes seconded the motion with all in favor.**

## **V. OTHER BUSINESS**

1. Old Business –

- a. K. McWilliams reminded the Board of the December 16, 2015 meeting regarding discussion of the draft Zoning Amendments.
- b. P. Bolster asked the status of the Meserian cottage.  
K. McWilliams stated that he was told by Brad Smith Maserian has backed out of the agreement to turn over the cottage to the ABCCC. Town Counsel is meeting with staff to discuss the situation. An update will be provided at the January meeting.

2. New Business – None

3. Approval of Minutes:

- a. Minutes of the November 17, 2015 regular Planning Board Meeting.

**T. Hoopes motioned to approve these minutes as presented.**

**P. Bolster seconded the motion with four (4) in favor and one (1) abstained (DC).**

- b. Minutes of November 23, 2015 Joint Meeting between Planning Board and the Zoning Amendment Committee

**T. Hoopes motion to approve these minutes as presented.**

**S. Williams second the motion with all in favor.**

- c. Minutes of November 23, 2015 Site Walk Minutes for the Dollar General Store

**T. Hoopes motion to approve these minutes as presented.**

**P. Bolster seconded the motion with three (3) in favor and two (2) abstained (SW & RS)**

4. Correspondence – Discussion regarding a letter from Representative Carolyn Matthews on the latest version of SB 146. The Board felt the language was the same and requested that K. McWilliams send another letter out reiterating the Board's concern with the Bill.
5. Any Other Business that may come before the Board. – None

#### **VI. PUBLIC INPUT ON NON-CASE SPECIFIC LOCAL PLANNING ISSUES:**

Ray Howard spoke in regards to the SB 146. He encourages communities to speak out against this Bill.

#### **VII. Adjournment**

**S. Williams made a motion to adjourn. The motion was seconded by R. Sample and passed without opposition.**

The Public Hearing adjourned at 8:15 p.m.

Respectfully submitted,  
Randy Sanborn, Recorder, Public Minutes-