

DRAFT Minutes until approved

Call to Order: by Chairman, Tom Hoopes at 7:00 p.m.

Present: Tom Hoopes-Chairman, Bill Curtin-Selectmen Representative, Scott Williams, Bonnie Dunbar, Cynthia Balcius, Robert Bystrack-Alternate, Timothy Roy-Alternate, David Hussey-Alternate, Sharon Penney-Town Planner, Stacey Ames-Planning Assistant, Carolyn Schaeffner-Recording Secretary

Appointment of Alternates: Robert Bystrack and Timothy Roy.

Approval of Minutes:

Motion by B. Curtin to accept the minutes of December 4, 2007 as presented. Second by S. Williams. No discussion. Vote unanimous.

Approval of Agenda:

Case #P07-52

Map 15, Lot 301

Subdivision

John Dejager

Old Wolfboro Road

Application submitted by Kerry Fox Survey Co. on behalf of applicant John Dejager for a Subdivision Application for 4 lots located on Old Wolfboro Road. This parcel is located in the Rural Residential Zone.

This case has been continued, at the request of the applicant, to the next regular meeting.

Motion by C. Balcius to accept the agenda as amended. Second by B. Curtin. No discussion. Vote unanimous.

Public Input: None seen or heard. Public input closed.

Conceptual Applications:

Case:#P07-51

Map 51, Lot 25

Conceptual Consultation

Garry Robertson

Route 11-D

Request submitted by Garry Robertson for conceptual discussion on intended plans for a Boundary Line/Subdivision. The property is located within the Lakeshore Residential Zone.

Present for this case: Garry Robertson.

G. Robertson - Owns lot 25 presently (tax map). Lot 28 is Bayside Inn and McComb is Lot 23. Has the opportunity to purchase lot 27. Wants to make sure this is a doable project. Structure on Lot 25. Currently a structure on Lot 27 and eventually plan to have access on 11-D.

T. Roy asked about Lot 24 and how it is accessed.

G. Robertson – noted through the right-of-way that exists. Saley Way is the right-of-way.

S. Williams asked about Saley Way right of way. Lot 24, 25, 27 share an entrance.

DRAFT Minutes until approved

G. Robertson - Lot 24 has no frontage on a town road not does Lot 25. It is Saley Way. Lot 26 was absorbed into Lot 25 and then joined both buildings together (they were only 17ft from each other).

S. Williams - Just a concern to keep the easement to Lot 24 is continued.

General Discussion as to whether this is creating a new lot or re-defining a new lot. Just make sure that setback are conforming to Lot 24. Applicant is not definite as to what he would put on the additional area from joining the lots; maybe a garage. Making these non-conforming lots less non-conforming.

Suggested they need a survey to show wetlands and proposed driveways, change of acreage sizes.

R. Bystrack asked Applicant if this Lot 27 is sold and building torn down and rebuild,

G. Robertson would like to build a garage.

C. Balcius stated with regard to Lot 27 and the new rules coming out April, 2008 and feels this will greatly hinder what they can do.

T. Hoopes noted he will have to get State permits as well.

G. Robertson asked, with the new laws, is there a provision there for a non-conforming lot that has an existing septic that failed to redo it?

C. Balcius – yes there are some provisions but there are also more limitations on re-builds. If you can make it more conforming on a rebuild, I think they are going to expect that. Really, what you are looking at is this whole thing is 136 feet long, 150 feet in the woodland buffer, you are going to be relegated to the size structure you have based on permeability and impermeable surfaces. So no you have to start, if you want to go over a certain percent, you have to start with having storm water plans and you need some place to put them or start using something like permeable paving, something like that. It's a little bit extravagant but it's better to double-check that before anybody makes that move.

T. Hoopes included that there are people at the State to check these out.

T. Roy asked about location of well.

G. Robertson noted an old well on 27 and believes they are now taking from the lake. Suggested looking into leaving – looking at a 65 ft setback on the sides. This is new.

S. Williams noted it is 100 ft for the well radius for Town regulations. You can apply for a waiver.

Discussion on what is on the lot currently.

T. Hoopes asked about the culvert under the road. Asked where it goes.

G. Robertson noted the culvert is underground through 27 to the lake. (red clay)

DRAFT Minutes until approved

T. Hoopes encouraged applicant to discuss further with Code Officer and Planning Office for completing the application.

Case #P07-53

Map 8, Lot 25

Conceptual Consultation

Ryan Heath

128 Frank C. Gilman Highway

Request submitted by Melissa Guldbrandsen on behalf of the applicant Ryan Heath for a conceptual discussion on intended plans for subdivision and retirement community. The property is located in the Residential Rural Zone.

S. Williams – noted that he has done some work for Mr. Heath but in no relation to this case.

Present for this case: Melissa Guldbrandsen and Ryan Heath.

Overview – idea for elderly housing. Noted this is in Zoning Ordinance. Required open space is 30% of the lot. This is not a sub-division. They are here for a site review analysis. 14.5 acres. 160 feet of frontage not possible for a sub-division. Ordinance requires 50 ft of frontage. House on lot would remain and become part of the development. Units are subject to the Fair Housing Act. Community can and will provide a community center that all the residence can go to for functions, recreation and meals.

T. Hoopes asked he thought the Zoning Ordinance required continuing care for Elderly housing.

M. Guldbrandsen noted this is most likely going to be for 50.

R. Heath – noted Section 30:5. Zoning allows for 4 dwelling units per acre.

M. Guldbrandsen – average size is 850 sq. ft with basement.

C. Balcius asked about the water.

M. Guldbrandsen noted the water is contaminate and being treated by DES. Developer is paying for municipal water to come up the hill and looking at community septic.

C. Balcius make sure you allow for an alternate leech field in case the original fails.

B. Dunbar noted type of soils and wetlands

C. Balcius noted lots of permeable surface and looking at storm water treatment.

R. Heath noted that only propane is going out of Irving.

R. Bystrack asked about maintenance building.

R. Heath road will be community maintained. He will provide maintenance, snow removal. Water and septic as maintenance building.

DRAFT Minutes until approved

M. Guldbrandsen – indication in the deed restrictions, subject to the Fair Housing Act. One person has to be the age of 62 per unit.

B. Dunbar suggest to make sure roads are planned for elderly for seasonal access.

C. Balcius noted to talk with Fire Chief since there is only one access.

R. Heath noted proposed for one-way traffic for easier access and exit.

T. Roy asked about side walks and getting to postal station boxes.

R. Heath referred to walking paths to keep rural setting.

T. Hoopes asked if this is commercial rentals.

R. Heath noted yes, rental units.

M. Guldbrandsen noted all units and buildings and walkways will be handicapped accessible.

T. Hoopes suggested not to use HUD standards since a stretcher will not fit in HUD standards.

T. Hoopes asked about parking and storage.

R. Heath each unit will have a full basement.

T. Hoopes asked about parking covering.

S. Penney noted this poses opportunity for public transportation.

B. Curtin suggest to speak with the person who took over the senior center.

R. Heath – pavers and patio out rear doors of units.

R. Bystrack concern that the maintenance garage will turn into a heavy equipment garage once this is complete.

D. Hussey asked about refuse disposal.

M. Guldbrandsen – noted this will be dealt with once plans are presented.

C. Balcius noted traffic may be an issue with number of units.

M. Guldbrandsen – noted they have an application in for a driveway permit.

T. Roy asked

DRAFT Minutes until approved

Motion S. Williams to adjourn conceptual application portion of the meeting. Second by C. Balcius. No discussion. Vote unanimous.

Public Hearing – Proposed Zoning Amendments

Called meeting to order at 8:10

Appointment of Alternates: David Hussey

Point of to adjourn last meeting.

No changes in the agenda.

Motion by B. Curtin to accept the agenda as presented. Second by S. Williams. No discussion. Vote unanimous.

Public input – Bob Longabaugh – presented petition for all committees to be televised.
Closed public input.

Amendment #1. The Planning Board proposes to amend Definition: **“Pharmacy: A retail store which devotes at least 65% of useable retail space to the sale of medicines, medical supplies, and personal care products. The intent being to restrict this use to the traditional pharmacy.”**

Amendment to read: **“Pharmacy: See Retail Store.”**

Discussion – C. Balcius concern that this opens up to a pharmacy in the rural zone. (i.e. 14,000 Walgreens, etc.). This opens this up by Special Exception. C. Balcius noted maybe retail store needs better definition. Need to zone more in Residential/Commercial Zone. S. Williams noted town needs to zone proactively.

Open to public discussion. None seen or heard. Public discussion closed.

Motion by B. Curtin to withdraw Amendment #1, Pharmacy: See Retail Store, until further research has been determined. Second by C. Balcius. Discussion: S. Penney noted that if you are amending a regulation . . . granted by an Ordinance, the Planning Board may adopt or not following a public hearing. No further discussion. Vote unanimous.

Amendment #2: The Planning Board proposed to amend Definition:
“Frontage Street: The distance along the front lot line or right-of-way line of a class V Highway or better (To include: lawfully existing in the Town of Alton, or as approved by the Planning Board)” measured in feet. The minimum frontage shall be contiguous. Each lot shall meet frontage requirements on the street through which beneficial access is achieved.

(To Exclude: ~~For lots located on a cul-de-sac or hammerhead turn around frontage shall be the average of the distances, measured in feet, along the cul-de-sac or hammerhead and along a straight line drawn between the boundary points at the side lines of the lot.”~~)

DRAFT Minutes until approved

General Discussion: on private roads.

Open to public input – None seen or heard. Public input closed.

Motion by C. Balcius put forward Amendment #2 as written and a recommended by the Planning Board. Second by S. Williams. No discussion. Vote unanimous.

Amendment #3: Amending the Town’s Conflict of Interest Ordinance adopted by the Annual Town Meeting in 1998 and amended at the Annual Town Meeting in 2007, by striking out the provisions of Article XII and in its place adding the following new language.

Any person who is elected or appointed to a Town Board as a regular or alternate member who owns or is employed by a business that represents clients before the same Town Board may continue to hold his or her position on the Board and from time to time represent his or her clients before the Board provided the following conditions are met:

- a. **A written public disclosure of the members ownership and or employment with an explanation of the possible representation is provided to the Board and to the Board of Selectman, which disclosure is to be made part of the public record, and;**
- b. **The member when actually representing a client before the Board shall step down from the board after first publicly declaring the reason for his or her stepping down, and;**
- c. **The member shall at all times adhere to all other provisions of this ordinance and the RSA 673:13, and;**
- d. **The member when he or she knows or should know that he or she is or will be representing a client before the Board shall not have any meetings or discussions with the Board’s staff or other Town employees about the clients business without first disclosing to the staff member or employee in writing his or her representation of that client and the member during any meeting or discussion that does take place under this subsection shall not discuss any other board business with the staff or employees. All meetings and discussions that take place under this subsection shall be attended by at least two Town employees. Official notes of the meetings shall at all times be kept by a staff member or Town employee in attendance and made part of the official record of the Board.”**

Discussion: Covers all town of Alton committees, elected or appointed. Question by C. Balcius when disclosure should be made. T. Hoopes and B. Dunbar suggested when the application is submitted as a agent. Suggested to also ask Attorney Sessler. Discussion in general on code of conduct for Board members. Typo in D – “with out” should be one word “without”.

Open to the public for input:

Bob Longabaugh – commend the Board should they advance this amendment.

David Bickford – Selectman from New Durham. Going through this process currently. Encourage this amendment. Suggested for #c suggest that :13 should be changed to :14. Suggest that c should not be included in amendment.

DRAFT Minutes until approved

Motion by B. Curtin to recommend this be forwarded to the Selectmen, after clarification of RSA673: 13 or 14, and that this be forwarded once corrected. Second by S. Williams. No discussion. Vote unanimous.

Amendment #4. As petitioned by a citizen's group, the Planning Board will hear public testimony regarding a proposal to amend Article 300; Section 340, Sign Regulations to see if the Town will vote to amend and clarify Section 340 of Alton's Zoning Ordinance to delete the present Paragraph "C" and substitute the following wording which would apply to all signs in town:

"Signs which are animated, flashing, or with scrolling intermittent illumination are expressly prohibited. Included are technological signs that give the impression of flashing, or contain traveling lights, display video images like TV or plasma screens, digital flat screens, LED screens, holograph and liquid display signs or fiber optic signs. This includes prohibition on neon tubes or neon like illumination. Illuminated signs shall be shielded so as to produce no glare, undue distraction, confusion or hazard to pedestrian or vehicular traffic or the surrounding area. Time and temperature signs should abide by the above rules, and have letters and numbers in only one color with lighting within the sign shielded. The size of the overall sign size, and the numbers should remain static until responding to a change in the time or temperature at a regular and relevant interval. Temporary signs used for the express purpose of public safety and or traffic control are exempted."

Open to public input:

Sheila Rapalje appreciate clarifications for rulings and felt this ruling was very vague. Traditionally feels the town has been very conservative in terms of size and lighting. Feels specific wording is necessary for Section 340 C. Would like to ask businesses of current sign to step down to conforming. Went to Wolfeboro, Meredith, and read about Concord. Feels this is a driving hazard. Does not want Alton to become like a strip place with all different neon signs flashing. Feels this is a recognized problem in many of the lakeside towns.

B. Curtin asked if Ms. Rapalge has ever driven down Main Street at night and not seen a television from the inside of a house?

S. Rapalje replied this does not apply to peoples home, only signs that are out by the street.

T. Roy asked about her list of types of illumination.

S. Rapalje stated it was all those listed in the petition. Feels this Section needs to be more specific.

C. Balcius asked what she means about shielded.

S. Rapalge – back lighting and light behind the sign.

B. Curtin – asked about flags that state "open". Wind would make the flag animated.

DRAFT Minutes until approved

S. Rapalje – stated that is moot and this is only electronic signage and signage only separate from the building.

S. Williams referred to another business that has a TV in the window advertising. Would that be included?

S. Rapalje stated no, this is for outside signs.

T. Roy stated this is kind of subjective.

T. Hoopes stated he thinks is just coming from aesthetic appearance as you driving through

C. Balcius added that when you drive through the town you want a rural appearance. She agrees, you don't want to see a flashing sign with an advertisement.

D. Hussey feels there needs to be a happy medium.

T. Hoopes feels you need to choose to have or not to have.

D. Hussey does not agree. Neon and digital are two different types. Noted times and technology is changing.

T. Roy stated that stated simple neon signs or LED signs that are all over the place, they are not offensive.

S. Rapalje stated her personal opinion towards Mr. William's sign and suggested that he should set a good example.

Discussion on whether this is for signs in windows, inside the building and you do not need a permit for this type of sign. Also that 24 sq ft is the maximum size sign you are allowed to have.

S. Penney Section 340 – shall apply to all districts unless the requirements of a district are specifically stated, so that gives you a little Leigh-way for a more commercial district.

Bob Longabaugh suggested to include the wording “for outside signs that are animated” and that may help clarify any questions.

B. Dunbar feels this is all related to outside signs.

Discussion on whether flashing or animated. Scott noted his sign scrolls and does not flash. Noted this petition does not state inside or outside. Discussion on the fact that the Planning Board either recommends or does not recommend. It still goes before the voters. Discussion on when this goes into effect. This does not apply to pre-existing signs. This is only for new sign applications.

B. Longabaugh asked if at deliberative session, any member of the Board, or even the Petitioner could amend this.

DRAFT Minutes until approved

B. Curtin stated you cannot change the principle but you can amend it.

B. Longabaugh stated he thinks it can be “fine tuned” at deliberative session.

T. Hoopes stated that would have to be discussed with town counsel. Also feels this comes down to a commercial point of view as opposed to a residential point of view.

Karen Stacy – Alton Mountain Road. Agrees with the petition. Question on whether Mr. William’s should recuse himself from a vote. Also gave her negative personal opinion on Mr. William’s sign.

Discussion on whether Scott should step down for the vote. C. Balcius noted just the appearance of sake of it. S. Williams noted he does not have anything to gain from the vote.

Jean Irvine – new resident to Alton. Agrees with petition. Does not want Alton to become like Route 1 in Saugus, MA.

S. Williams – explained his personal sign and having that type of sign was his desire to help promote different events that he is involved in and also the town. Scott stated he will not vote.

T. Roy – appointed for S. Williams.

D. Hussey feels it is too restrictive as it reads now.

T. Roy feels this petition is just to broad and needs more fine-tuning.

Motion by C. Balcius to recommend Amendment 4 as presented. Second by B. Dunbar. Discussion – cannot change any writing – accept as it is. It goes to Town Meeting. S. Penney checking to see if this can be amended on the floor, the recommendation of the Planning Board does carry some weight. No further discussion. In favor – four, Against – three. Motion passes.

Closed public hearing and go on to other business

S. Williams resumed his seat on the Board.

S. Penney presented 2 housekeeping items – Mr. Boudreau, Chestnut Cove asked for another interest check on engineering fees. Approximately \$750 is available.

Motion by B. Curtin that any interest due to Mr. Boudreau be passed on to him. Second by S. Williams. Discussion: S. Williams noted that any interest generate on something like this, when the person goes to do it, it’s their interest on their money. T. Hoopes noted that when this happens there are requests that go beyond the simple release of an interest. S. Williams stated he was referring to interest only (monthly or quarterly). Feels this could be a rule for interest only. No further discussion. Vote unanimous.

Mr. Bill Nutter contracting on Chestnut Cove has requested to substitute a letter of credit for his amount of retainage in the amount of \$78,000. Concern that Alton is becoming a banker and this kind of

DRAFT Minutes until approved

financial procedure with several parties under one, etc. this is not recommended. This was a precedent that had been set before Sharon worked here. Recommend policy for the planning office. Mr. Nutter will need to re-do his letter of credit.

Motion by C. Balcius to approve in advance, what Jim Sessler says about the bond for Nutter. Second by S. Williams. No discussion. Vote unanimous.

S. Ames presented a situation about Mr. DeFilipo and his signed plan was not ever recorded. This is a previous Planning dept error. Planning department did not record the plans. (condo conversion). He has not begun work and this ran out in July.

Motion by C. Balcius to allow for a 6-month extension. Second by D. Hussey. Discussion: if this expired in July you need to give him a longer extension. Amended to a year from the date of expiration. Second D. Hussey. No further discussion. Vote unanimous.

S. Penney noted a questions. She would like the Board's authority to rollover the \$3500 impact fee into the master plan budget. T. Hoopes stated yes.

Motion by C. Balcius to give S. Penney authority to rollover the \$3500 impact fee into the master plan budget. Second by D. Hussey, No discussion. Vote unanimous.

Motion by D. Hussey to adjourn. Second by S. Williams. No discussion. Vote unanimous.

Respectfully submitted,
Carolyn B. Schaeffner
Recording Secretary