

**TOWN OF ALTON PLANNING BOARD
MINUTES 2018
JANUARY 16, 2018**

APPROVED

Members Present:

Peter Bolster, Chairman
Roger Sample, Vice-Chairman
Russ Wilder, Clerk
Dave Collier, Member
Virgil MacDonald, Selectmen's Rep.

Others Present:

Nic Strong, Town Planner
Jessica A. Call, Recording Secretary

CALL TO ORDER

Peter Bolster called the meeting to order at 5:58 p.m.

APPROVAL OF AGENDA

Peter Bolster asked if there were any changes to the agenda since it was posted; Nic Strong stated, no.

**Dave Collier moved to accept the January 16, 2018, agenda as presented.
Russ Wilder seconded the motion, and it PASSED unanimously.**

Continued from December 19, 2017

Case # P17-24 Thomas W. Varney, P.E., Agent for Green Oak Realty Development, LLC/Keith Babb	Map 5 Lot 72	Excavation Permit Application Rural (RU) Suncook Valley Road
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The Chairman read the public hearing notice.

Nic Strong stated that this application was continued from last month. She stated that she spoke to Thomas W. Varney, P.E., and he informed her that he was going to amend the plan showing the 60 foot deep pond at the end of the excavation process as described at the December hearing. Nic Strong received a letter dated January 5, 2018, from Thomas W. Varney, P.E., stating that they were going to amend their plan and the AoT permit to be able to excavate to a deeper depth. The letter requested to continue the application to a date uncertain, which would leave the application in limbo. The problem with continuing to a date uncertain was that there could potentially be changes in the Excavation Regulations that they would have to abide by, and once the application was scheduled to be heard, abutter and newspaper notices would have to be sent out again. Nic Strong stated that if the application was continued to a date certain, at that meeting they could announce they were not prepared and they could suggest to continue the application again, they could withdraw their application, or the Board could deny the application. Russ Wilder thought that having a pending application would be best so the business could stay in operation. Nic Strong suggested that since all of the excavation operations in Alton had been running without the proper permits for many many years, and they continued to submit their State Intent to

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Excavate and Notice of Excavated Materials permits, and because Keith Babb had in good faith by submitted his application, and since it was pending, the Board could continue the application to April 17, 2018.

Russ Wilder moved to continue Case #P17-24 to the April 17, 2018, meeting to give the applicant time to submit their amended plan.

Virgil MacDonald seconded the motion, and it PASSED unanimously.

Other Business:

1. Old Business:

- a. Memo from Nic Strong dated January 12, 2018, to the Planning Board re: status update on Excavation Operations.

Russ Wilder mentioned that there was an excavation operation in town that had not submitted their application by the December deadline. Peter Bolster stated that two other pits in Town were no longer in operation. He then noted that the pit that did not submit their application planned on operating and was still in operation, which was owned by Scott and Penny Williams. Therefore, they were operating with no permit, and had been given two opportunities to submit an application.

Virgil MacDonald shared that Mr. & Mrs. Williams were down in the Caribbean Islands taking care of some issues due to the hurricanes that came through back in September of 2017. He thought that this issue should be continued until they came back. Virgil MacDonald thought that they had a current permit because the permit had an expiration date of 50 years. Peter Bolster stated, no, that pit owners should have submitted a new application under the new regulations as of September 18, 2017. Since no one submitted their applications by the deadline, the Board extended the deadline to December 1, 2017. Virgil MacDonald asked why someone would have to re-permit if they already had a permit to operate and thought they were grandfathered. Nic Strong stated that they did not have a permit to begin with, they were just operating.

Dave Collier asked Nic Strong if she sent the Williams' a letter. Nic Strong stated that everybody had received the letters that she sent out informing them of the new regulations and to come in and fill out an application. She had received an email in December of 2017 from Scott Williams stating that he needed assistance with the forms and that he wanted to come in to talk to her. She responded by letting him know she was available any time and to just come into the office, but she had not heard back from him.

Dave Collier asked Nic Strong to send an additional letter to Mr. & Mrs. Williams stating that the Board agreed to discuss their operation at the following meeting and they should submit an application as soon as possible.

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**Dave Collier moved to have Nic Strong send a letter to Mr. & Mrs. Williams informing them to complete an application as soon as possible, and this issue would be continued to the February 20, 2018, meeting.
Virgil MacDonald seconded the motion, and it PASSED unanimously.**

2. **New Business:** None.
3. **Approval of Minutes:** December 19, 2017, Planning Board Meeting

**Dave Collier moved to approve the minutes of December 19, 2017, as presented.
Russ Wilder seconded the motion, and it PASSED with Peter Bolster abstaining.**

4. **Correspondence for the Board's review/discussion/action:**

- a. Email correspondence from Nic Strong dated November 20, 2017, to Paul Monzione, Esq., and a Letter from New State Realty Management, LLC, dated December 29, 2017, to the Planning Board, re: a yoga studio to operate at Richard D'Angelo's building located at 166 Wolfeboro Hgwy. (Route 28)

Present was Richard D'Angelo, Owner of New State Realty Management, LLC.

Nic Strong shared that Richard D'Angelo had proposed to put a yoga studio in a unit that was currently approved for retail. There currently was no definition for yoga studio, but there was a proposed ordinance that would cover yoga studios that had been put on the ballot for the March Town vote. If the yoga studio was proposed to operate before the Town vote, then they would need a Special Exception from the ZBA. The change of use from retail to a yoga studio had to do with parking and traffic. The unit was proposed and shown on the plan as having 2.89 parking spaces allocated to a retail use, but according to the letter dated December 29, 2017, from Richard D'Angelo, the yoga class could consist of a maximum of 8 students, most likely arriving in their own separate vehicles. Nic Strong noted that she sent an email on November 20, 2017, to Richard D'Angelo's attorney, Paul Monzione, Esq., asking him to provide an analysis of the parking space numbers, number of spaces provided, number of spaces required by the proposed use, and how the proposal would relate to the "change of use" criteria listed in the Site Plan Regulations. This would allow the Board to determine whether or not an amended Site Plan was required.

Richard D'Angelo came to the table to speak.

Richard D'Angelo stated that he had proposed to change the use for "Unit 1" from retail to a yoga studio. He stated that Anna Kerr, yoga instructor, was asked to write a narrative describing how many people would be attending her classes. Richard D'Angelo stated that once a layout of the studio was completed, it was figured that 8 people would fit comfortably at a time. He stated he redid the parking and there was plenty of space to have additional parking even with the existing parking spaces. Richard D'Angelo thought because the dog

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groomer didn't really need the all of the parking spaces that were allotted throughout the whole time people were dropping off and picking up their dogs, that parking was also available. He stated that he could add an additional 16 spaces on the backside of the lot.

Richard D'Angelo presented a revised plan to the Board showing where he would put those additional parking spaces. Peter Bolster asked why there were 7 spaces allocated to the dog groomer. Richard D'Angelo thought it was because of the s.f. of the unit. The spaces proposed were currently where the snow storage area was designated on the approved plan, but he kept it clear for overflow parking for the Legion. Peter Bolster asked if the boulders were on the property line; Richard D'Angelo's stated they were on his property and not on the property line.

Richard D'Angelo stated that the classes would be about 45 minutes to an hour long, so if the instructor could not fit everybody in at once, she could hold another class later on in the day. Virgil MacDonald wanted to make a motion to approve, but Russ Wilder stated that the issue was, did the change in parking trigger the need for a minor site plan. He stated that there was a list of questions that needed to be addressed like, were there significant changes in traffic flow, traffic generation, parking demand, drainage, water/sewer or other utilities, changes in fuel storage, hazardous materials, changes to the outside layout. Dave Collier talked about not setting a precedent and stated there was a change of use due to a change in parking, and at minimum it would be an amendment to a minor site plan. Virgil MacDonald thought that a minor site plan was not needed. Russ Wilder agreed with Virgil MacDonald. Dave Collier did not want to set a precedent, and pointed out that there were some issues with the Legion in the recent past about parking. He was concerned if this was approved without an amended site plan, that the abutters could have the right to appeal. After listening to Dave Collier speak, Russ Wilder thought it was a good idea to be able to have the opportunity to inform the abutters of his proposal.

Peter Bolster asked Richard D'Angelo if he were to have to come back to the next meeting for a minor site plan, would that hold him back from operating; Richard D'Angelo stated, yes. Virgil MacDonald thought it was unfair for Richard D'Angelo to be subjected to coming back in for a minor site plan when the Legion had done work out back on their property and they did not come in with a minor site plan of their own. Richard D'Angelo stated that the Board had informed the Legion of their actions months ago, but nothing had been resolved as of yet. Nic Strong stated that John Dever, III, Code Official, had written a letter to them informing them to submit a site plan application, but one had not been received yet.

Richard D'Angelo noted that the Board had the authority to approve the additional parking without requiring an amended site plan and he wanted to know what the determining factor was for not approving it tonight. Peter Bolster stated that there were a number of items on the checklist that needed to be shown on the plan, which were, changes in traffic flow, increase in traffic generation, increase in parking demand, changes to drainage, an increase in demand or changes in water/sewer, changes in fuel storage, changes in hazardous waste, and

changes in the outside layout and use. He informed Richard D'Angelo that he needed to submit an amended site plan because the Board did not have a problem conceptually with what he was proposing. Dave Collier stated that based upon the regulations, it required a certain number of parking spaces per s.f. Virgil MacDonald thought that because the dog groomers business now did not include the dog training, that there were extra spaces available for the yoga studio. Roger Sample thought that the spaces currently not being used for the dog training should just stay the way they were because the future was uncertain about when they might start training.

Peter Bolster told Richard D'Angelo that a sketch done like the one he showed the Board would suffice instead of going back to his engineer. Russ Wilder thought because there were previous parking issues with the Legion, it was safer to have Richard D'Angelo submit an amended minor site plan and to notify abutters. Richard D'Angelo asked if the Board had the authority to approve his proposal without a minor site plan application; Peter Bolster stated they could not because of all the items listed in the regulations. Dave Collier explained that the parking was what kicked in the process of the Board having to require an amended minor site plan application.

Richard D'Angelo asked what the deadline was to submit his application; Nic Strong stated it was 21 days prior to the February 20, 2018, meeting, which would be January 30, 2018.

Russ Wilder wanted to know when people parked out back, could they only enter from the front of the building, because in order to get to the front of the building, they would have to walk around the building and onto the sidewalk to get to the front door. Richard D'Angelo stated that they could use the back door.

5. Correspondence for the Board's information:

6. Any Other Business that may come before the Board:

- a. Nic Strong stated that if any of the Board members were interested, the contracts for the Town Engineers were being discussed at the Board of Selectmen's meeting on January 22, 2018. She noted that she would be in attendance.
- b. Peter Bolster informed the Board that the petitioned warrant article asking the Board of Selectmen to pay the dues for the Lakes Region Planning Commission was submitted on time and the 29 signatures had been approved.

Roger Sample shared with the Board that while he was in attendance at the Budget Committee meeting last week, they brought up the warrant article and they voted on it. He wanted to speak for the warrant article, but the Budget Committee had voted against it before they opened the issue up to the public, and one of the Budget Committee members ended up abstaining because he did not have enough information; the other three voted it down. After the warrant article was voted down, Roger Sample had his opportunity to speak about LRPC offering up an opportunity

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for towns to buy into an electric co-op. After speaking, one of the Budget Committee members wanted to change his vote because he wanted more information. The Chairman decided to re-vote and since the Budget Committee member that had voted to abstain could not vote again, the vote carried the same as the first time they voted. Roger Sample stated that he did have a conversation with the Chairman and the Chairman stated that at the deliberative session, the Budget Committee would be allowed to vote again.

Peter Bolster stated that he obtained the electrical usage from the school, the town, and high school, none of which could join in with the electric buying co-op that the surrounding 30 towns could buy into because they were not members of the LRPC. The kWh's amounted to 1.6 million between the school, the town, and the high school. The Town would save about 1.5 cents per kWh, which amounted to \$22,000, but only if the Town was a member of the planning commission. Alton would not benefit from the entire \$22,000, because Barnstead also used the high school, so the savings would be more towards \$15,000.

Peter Bolster stated that LRPC was also talking about an oil buying co-op in the same fashion as the electric buying co-op. He noted that the oil co-op he was referring to was better than others because there were potentially 30 municipalities using oil.

Peter Bolster thought that Alton today was an important, well-organized, well-run town as far as planning went, and it had been possible to expand business-wise in the downtown area in a very careful way, and Alton had a lot to offer the surrounding towns. He thought that since the Town was not a member of the LRPC, Alton was holding back its expertise and experience from other towns. He pointed out that Nic Strong would not get any help on any projects from LRPC because there were no funds in the Planning budget to pay for them.

Roger Sample referred to LRPC as salad bar, which meant that the Town could pick and choose what LRPC had to offer, but there were some people in Town that thought that just because the Town was a member that LRPC ruled what the Town could or could not do.

Russ Wilder asked if Peter Bolster was going to speak at the deliberative session; he stated yes, but would like another member of the Board to speak as well. Russ Wilder asked if Peter Bolster was going to be talking about the electric/oil savings co-op; he stated, yes. Peter Bolster stated that Jeff Hayes wanted to sit with Reuben Wentworth, Selectmen, to have an informal discussion about all of the issues.

Nic Strong explained that LRPC was run by the Commissioners and they were representatives of the communities that were part of the Commission. The Commissioners go to the Commission and say this was what they wanted the work product to be, we don't like this, do this, the staff would say they had a suggestion and the Commissioners discussed it, but the ideas that came from the Commission were from the Commissioners, and if Alton was not a part of that, then what the Commission worked on, Alton had no say in.

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Roger Sample brought up the comment Loring Carr made at the Budget Committee meeting that he had attended, which had to do with the fact that the townspeople had previously voted on being included with LRPC, and thought that the Board of Selectmen could not withdraw without a town vote.

Public Input on Non-Case Specific Local Planning Issues

None.

ADJOURNMENT

**At 7:00 p.m., Dave Collier moved to adjourn.
Russ Wilder seconded the motion, and it PASSED unanimously.**

The meeting adjourned at 7:00 p.m.

Respectfully submitted,

Jessica A. Call
Recording Secretary

Minutes approved as presented: February 20, 2018