

TOWN OF ALTON PLANNING BOARD
PUBLIC HEARING
Approved Minutes
January 19, 2016

Members Present: David Collier, Chairman
Peter Bolster, Member
Scott Williams, Member
Bill Curtin, Member
Roger Sample, Clerk
Virgil Macdonald, Selectmen Representative (arrived at 6:10 p.m.)

Others Present: Ken McWilliams, Planning Consultant
Nic Strong, Town Planner
Randy Sanborn, Secretary

I. CALL TO ORDER

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

K. McWilliams introduced the new Planner, Nic Strong, and the new Planning Secretary, Traci Cameron, to the Board.

II. APPROVAL OF AGENDA

There were no changes to the agenda.

S. Williams motioned to accept the Agenda as presented.

B. Curtin seconded the motion with all in favor.

III. CONTINUATION OF A PUBLIC HEARING

Case #15-28 Dow/Falls Cemetery	Map 21A Lots 45 & 46	Public Hearing Orchard Lane
---	---------------------------------	--

The required program of maintenance of 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 this application. There have been additional items presented to the Planning Department:

- 1) A letter from Bill Voss, Lakeside at Winnepesaukee Association, to Lakeside Neighbors dated December 2, 2015.
- 2) An e-mail from Bonnie Burgess, Alton Cemetery Trustee, to Bill Voss dated December 3, 2015.
- 3) A handout for the Planning Board meeting dated December 7, 2015 from William C. Voss, President of the Board of Directors of the Lakeside at Winnepesaukee Association.

K. McWilliams followed up requests of the last meeting from the Board to meet with Town Counsel, the first was whether or not the Lakeside Winnepesaukee Homeowners Association has the right to use the 10' easement to access the cemetery for maintenance purposes and Town Counsel indicated that they do have that right. The second request was whether the Association was responsible for maintaining the 10' easement to the cemetery as part of their obligation to maintain the cemetery and Town Counsel's response was that the 10' access easement to the cemetery was part of maintaining the cemetery and goes along with that responsibility. The access only has to be as wide as the equipment needed to maintain the cemetery.

B. Voss in his letter asked the Board to continue this application to the next meeting because he was not able to attend this meeting and thought the Board may want to do a site walk.

The Board did not feel they needed to do a site walk.

D. Collier opened it to the Public.

Roger Burgess is a Lakeside resident and asked the Board to clarify what the Board expects the Association to do, such as require them to open the right of way or not.

D. Collier stated that yes the access easement should be opened. This is a situation that has been discussed and sent to Legal Counsel and it was decided that the Association is responsible.

R. Burgess stated that they needed to be notified that they need to do this.

Marty Cornelissen stated that this is a private cemetery and asked if this cemetery was abandoned did the Town take it over. He stated that if this cemetery is private then the Town cannot say to maintain it.

The Board explained that this was part of a condition of the subdivision and the Town has the right to take the approval of the subdivision back if the condition is not met.

Enforcement is not up to the Planning Board. The Board is only responsible for determining what is required by the Association to maintain the cemetery. Conditions set by the Board are the responsibility of the Code Enforcement Officer to enforce.

R. Burgess spoke in concern of what is going to happen. He feels that it is the Board or the Building Inspectors job to see that these things are being done.

D. Collier stated that they will give the Building Inspector some direction.

D. Collier closed the public hearing at this time.

S. Williams motioned to have the Code Enforcement Officer send Lakeside at Winnepesaukee a Letter of Non-compliance to maintain their access to the cemetery and they have 30 days to rectify this problem.

B. Curtin seconded the motion with all in favor.

Case #15-27 Winnepesaukee Pavilion Condominium Assoc	Map 34 Lot 37	Amended Final Major Site Plan Review 18 Mt. Major Highway
---	---------------	--

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 Lakeshore Residential (LR) Zone.

K. McWilliams gave an overview of this application which is continued from the last meeting. The Board requested more background information on previous Notices of Decisions and Minutes. These are in their packets. He indicated the application is complete and recommended the Planning Board accept it as complete.

Paul Zuzgo spoke on behalf of this application. He had not seen the documentation of the Notices of Decision and Minutes.

Larry Prelli also spoke on behalf of this application stating that the minutes showed that there was a shift from the new building that the space for the basement units was the size of bowling lanes rather than a closet. They are looking to put this area to reasonable use.

K. McWilliams stated that the applicant has been before the Zoning Board of Adjustments and received conditional approval on July 2, 2015.

B. Curtin asked if the condo docs had been changed.

K. McWilliams stated they have not changed the documents yet but have a draft done up.

P. Zuzgo asked if new plans are needed.

K. McWilliams stated that there is no record of the Planning Board approving a Site Plan with a full basement and a second floor added to the building. There needs to be approval by the Planning Board of the Site Plan that shows what they have built.

D. Collier opened it to the Public.

There was none at this time.

S. Williams motioned on Case P15-27 to:

Let this *Alton Planning Board Notice of Decision* serve as written notification for the above referenced project as follows:

After due hearing, the Alton Planning Board hereby approves the above cited application for the Winnepesauke Pavilion Condominium Association for an amended site plan review application with the following conditions:

CONDITIONS PRECEDENT:

Conditions Precedent: The following conditions must be satisfied prior to the Planning Board Chair signing of plans:

- 1. Revised condominium documents shall be submitted for review and approval by Town Counsel.**
- 2. Building plans and elevations shall be provided.**

SUBSEQUENT CONDITIONS: The following conditions subsequent shall be met during construction and on an on-going basis:

- 1. There shall be no subletting of different levels of the individual units.**
- 2. There shall be no domestic water or sanitary drains installed in the basements (sinks, toilets, etc.).**
- 3. There shall be no use of the basement as bedrooms.**

4. **All Fire Department items listed in the Department Head Review dated June 24, 2015 shall be complied with.**
5. **The Code Official has indicated that permits would be needed for finishing the basement areas.**
6. **The applicant shall comply with all of the Town of Alton's Site Plan Regulations.**
7. **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.**
8. **A site plan 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.**

V. Macdonald seconded the motion with all in favor.

IV. COMPLETENESS REVIEW OF APPLICATION AND PUBLIC HEARING IF THE APPLICATION IS ACCEPTED AS COMPLETE.

Case #P16-05 Malcolm F. & Frieda Simonds	Map 36 Lot 2	Final Major Site Plan Review 58 Suncook Valley Road
---	---------------------	--

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 this application. This is a Final Major Site Plan Review after a Design Review had been done. At the November 17, 2015 meeting the Planning Board approved waivers to wetlands mapping and the signature and seal of a wetland scientist on the plans. He feels the application is complete and recommends the Planning accept the application as complete.

B. Curtin made a motion for Case P16-05 to accept the application as complete.

P. Bolster seconded the motion with all in favor.

Austin Turner with Bohler Engineering and Andrew Comello with Lisciotti Development Corp. spoke on behalf of this application. They have presented to the Board the plans reflective of the Board's feedback.

K. McWilliams stated that Mike Vignale with KV Partners decided that the drainage review was acceptable except the infiltration testing must be completed in both stormwater basins during construction to verify the infiltration rate assumptions and the testing must be completed by a qualified professional and submitted to the Town for review and approval during the construction, and the area to be disturbed is over an acre and a SWPPP plan is required prior to construction. The signs now conform to the Town regulations.

D. Collier opened it to the Public.

There was none at this time.

**P. Bolster motioned to approve Case P16-05,
Let this *Alton Planning Board Notice of Decision* serve as written notification for the above referenced project as follows:**

After due hearing, the Alton Planning Board hereby approves the above cited application for Malcolm F. & Frieda Simonds for a Final Major Site Plan Review for a Dollar General Store with the following conditions:

CONDITIONS PRECEDENT

Conditions Precedent: The following conditions must be satisfied prior to the Planning Board Chair signing of plans.

1. A note shall be added to the plan prior to plan signing by the Planning Board Chair stating that Best Management Practices shall be utilized during any timber cutting on site.
2. The following note shall be added to the site plan prior to plan signing by the Planning Board Chair: This site plan contains a total of nine (9) sheets. The Maximum Queue Plan dated 10-24-14 includes three (3) sheets. The Floor Plan & Alternate End Elevation, Exterior Elevations, and Power & Lighting Plan all dated 9-26-14 include three (3) sheets. In combination these plans constitute in its entirety the site plan as approved by the Town of Alton Planning Board. All sheets are on file at the Town of Alton Planning Department.
3. The following note shall be added to the site plan prior to plan signing by the Planning Board Chair : This site plan is subject to the Conditions of Approval itemized in the January 19, 2016 Notice of Decision on file at the Town of Alton Planning Department.
4. A SWPPP is required prior to construction.
5. The applicant must obtain approval of a driveway permit application from the New Hampshire Department of Transportation for access onto Route 28 prior to the site plan being signed by the Planning Board Chair.
6. A Shoreland Permit from the NH Department of Environmental Services is needed prior to the site plan being signed by the Planning Board Chair.
7. All "To Be Set" (TBS) notes shall be removed and all monumentation shall be set prior to plan signing by the Planning Board Chair. This is to be certified as complete by the surveyor who stamps the plan.

SUBSEQUENT CONDITIONS: The following conditions subsequent shall be met during construction and on an on-going basis:

1. The proposed on-site wastewater system must be approved by the NH Department of Environmental Services prior to a building permit being issued.
2. The Code Official has noted that demolition permits are required to remove the existing structures on the site including the one story wood frame building and the two story wood frame building. An asbestos assessment needs to be done on each structure prior to demolition.
3. Smoke and CO detectors must be installed as required by the Fire Department throughout the building as well as the HVAC system ducts. Exit signs shall be illuminated when occupied.
4. A Knox Box for the building shall be provided as required by the Fire Department.

5. **The applicant shall comply with all of the Town of Alton’s Site Plan Review Regulations.**
6. **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.**
7. **A site plan which has been 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.**
8. **Infiltration testing must be completed in both stormwater basins during construction to verify infiltration rate assumptions. Testing must be completed by a qualified professional and submitted to the Town for review and approval during construction.**

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.

B. Curtin seconded the motion with all in favor.

Case #P16-04 W&W Inglewood Trust, LLC	Map 27 Lot 17	Design Review Major Site Plan 77 Main Street
--	---------------	---

On behalf of the applicants, Farmhouse Land Development PLLC is proposing a mixed used commercial site re-development project to provide a new retail service and restaurant space on an existing commercial lot. This property is located in the Residential Commercial (RC) Zone.

S. Williams recused himself from the Board for this application.

K. McWilliams gave an overview of the application. He recommends the Planning Board accept the application as complete.

B. Curtin made a motion for Case P16-04 to accept the application as complete.

V. Macdonald seconded the motion with all in favor.

Peter Julia, with Farmhouse Land Development, and Scott Williams spoke on behalf of this application. They are looking to expand the site by adding buildings and parking and increase the mixed use lease space by approximately 24,000 sq ft. The project will be done in two phases. A Trip Generation Report prepared by Stephen Pernaw is in the Board’s package. Site soils have been tested. There are no wetlands within the subject property. The site has municipal water and has two septic systems. The stormwater design does meet AOT requirement.

S. Williams showed the Board a drawing plan of the site and new buildings.

D. Collier asked to have the Phase lines added to the plans.

P. Julia stated that the applicant would be providing a gated gravel access way for emergency purposes to the school. That is where the water main extension is going to go by and there will be a brand new gate so that should the water or school need to expand they will have a connection there.

D. Collier opened it to the Public.

Danielle Durkee is an abutter at 26 Barnes Ave. Where the land gets unlevel it goes down to her backyard. She would like to see a privacy fence because the land has been cleared she can see the roof of the Laundromat and is concerned about seeing more.

S. Williams stated that the buildings there will be acting as a privacy fence.

D. Collier asked if any vegetation is proposed in that area. He felt that might be a good idea to add some trees in that area.

S. Williams agreed to plant some trees in that area.

D. Durkee was happy with that proposal.

D. Collier closed the public hearing.

S. Williams stated that they would be putting knock boxes on all the buildings.

D. Collier asked the Board if they wanted to do a site walk.

The Board unanimously agreed that a site walk is not needed.

P. Julia noted that when they make the final application they would be asking for two waivers clerical in nature. They are 4.02 (F) 23 and (F) 24 which relate to showing existing site features within 200' of the boundary. They are showing 100' everywhere so he felt he should write those waivers up and wanted to know how the Board felt about the 100' instead of the 200'.

The Board was agreeable to that.

Case #P16-01 Christine L. Williams & Barry J. Williams Revocable Trust	Map 58 Lots 5-18 & 7	Lot Line Adjustment
---	---------------------------------	----------------------------

On behalf of the applicants, Bryan L. Bailey Associates, Inc. is proposing a Lot Line Adjustment between their two (2) separate parcels of land. Lot 5-18, 56 Timber Ridge Road, is 122,830 sq. ft or 2.82 acres in size. Lot 7, 54 Timber Ridge Road is 23,091 sq. ft. or 0.53 acres in size. The proposal includes the annexation of 26,604 sq. ft. or 0.61 acres from Lot 5-18 to Lot 7. This property is located in the Lakeshore Residential (LR) Zone.

K. McWilliams gave an overview of this application. His review of the application shows that it is not complete. They have requested a waiver from steep slopes. That information is needed to determine compliance with the contiguous upland area requirement that is in the Zoning Ordinance. They have also requested a waiver from providing the upland area calculations and again that is a requirement of the Zoning Ordinance. He recommends to the Planning Board that they do not accept the application as complete.

S. Williams asked what is missing.

K. McWilliams stated that the application is missing steep slopes information to be able to use to document and provide the calculations on the upland area.

Bryan Bailey spoke on behalf of this application. He stated that is the subject of the request for waiver and he has provided all the information and/or requested a waiver from that which is missing which completes his application so that they can discuss it so the Board has to move on the request for waivers.

D. Collier stated that if the applicant shows the minimum required area contiguous for at least the lots to show that they meet the contiguous area.

B. Bailey stated that he can easily do that because Lot 5-18 is part of very large subdivision, Timber Ridge. Lot 7 was never part of that subdivision. It is an existing lot of record of a half acre lot. His annexing any land to Lot 7 needs not comply with the minimum lot size standard that is in place per the Zoning Ordinance for the Town today. He can add 5 sq ft to the non-conforming lot of record thereby making it better but not compliant. So as it pertains to Lot 7 he believes he does not have to do

the topography on it. It boils down to is the remainder of lot 5-18 still compliant with the requirement and he would agree with the Board and that topography is a matter of record that is on file with the Town which was the source and the reason for their request for variance is that it is already there and all the wetlands are shown on these properties and the contiguous upland land mass from the edge of the water to the edge of the street is on the plans. They have that. There is no break for reasons of wetlands. Steep slopes he cannot say the same because that is a steep area. That topography is already in the building and been evaluated. He did not feel it was going to be a big item that would be more confusing.

D. Collier stated that as long as he shows the contiguous buildable area on the lot he is taking away from, the Board should be fine.

B. Bailey stated he could and would do that.

S. Williams motioned to continue Case P16-01 to the February 16, 2016 meeting.

B. Curtin seconded the motion with all in favor.

Case #P16-02	Map 26 Lot 11	Design Review Minor Site Plan
Golden Arch Limited Partnership		15 Homestead Place

On behalf of the applicants, John Kucich of Bohler Engineering is proposing to remodel and expand the existing McDonald's building with drive-through. Minor changes will be made to the drive aisles and parking to accommodate the building expansion. The existing utility connections are to remain and be reused. This property is located in the Residential Commercial (RC) Zone.

K. McWilliams gave an overview of this application. He recommends the Planning Board accept the application as complete.

S. Williams motioned to accept Case P16-02 application as complete.

B. Curtin seconded the motion with all in favor.

John Kucich with Bohler Engineering and Tom Duff spoke on behalf of this application. They feel their 20 year old building needs to be made more efficient. They are asking the Board their ideas on the elevation of the building. They want to make it look like a peaked roof but are unable to because of all the compressors and all the equipment on the roof keeps them from making a full peaked roof so they want to try to make it look like a peaked roof. They are not increasing seating. They are not adding more parking. They want to enlarge the dining area to spread the tables out. The restrooms don't comply with ADA regulations. They are enlarging the storage area. They will be moving the drive-thru windows. They will be adding 600 sq ft to the building. They showed on a board the existing conditions and where they would be changing the building and drive-thru.

The Board gave the applicant several ideas on what the Board wants for a roof design.

K. McWilliams explained the regulations for a Residential Commercial Zone require that when increasing the size of the building which the parking is based on, that zone and only in that zone it requires them to provide for the increase in parking demand over what they had there before. He suggests that the applicants do a parking analysis on other sites. He told the Board that the applicant was due to go to the Zoning Board but there was not a quorum so the meeting was postponed until February 4th. This was regarding a Variance on the signs.

D. Collier opened it to the public.

There was none at this time.

Tom Duff asked if the clapboard finish and shingled roof and cultured stone is acceptable to the Board.

The Board was agreeable to those designs.

The Board decided to do a site walk on Tuesday, January 26, 2016 at 4:30 p.m.

B. Curtin motioned to continue Case P16-02 to the February 16, 2016 meeting.

V. Macdonald seconded the motion with all in favor.

V. VOLUNTARY LOT MERGER

Case #P16-03 Charles & Michelle Deschenes	Map 71 Lots 119 & 120	Voluntary Lot Merger 70 Larry Drive
--	----------------------------------	--

Charles & Michelle Deschenes are requesting to merge Map 71 Lot 119 (0.28 ac.) with Map 71 Lot 120 (0.30 ac.). The property is located in the Rural (RU) Zone.

K. McWilliams gave an overview of this application. He recommended the Planning Board accept the application as complete and approve the Lot Merger.

B. Curtin motioned to accept Case P16-03 as complete.

V. Macdonald seconded the motion with all in favor.

B. Curtin motioned to approve the Lot Merger for Case P16-03, Map 71, Lots 119 & 120 and have the Planning Board Chair sign the document.

P. Bolster seconded the motion with all in favor.

VI. OTHER BUSINESS

1. Old Business – None
2. New Business – This is Randy’s and Ken’s last meeting.
3. Approval of Minutes:
 - a. Minutes of the December 15, 2015 regular Planning Board Meeting.

B. Curtin motioned to approve these minutes as presented.

V. Macdonald seconded the motion with all in favor.

- b. Minutes of December 16, 2015 Public Hearing

B. Curtin motion to approve these minutes as presented.

S. Williams second the motion with all in favor.

- c. Minutes of December 23, 2015 joint Planning Board and Zoning Amendment Committee meeting

B. Curtin motion to approve these minutes as presented.

P. Bolster seconded the motion with all in favor.

4. Correspondence – None
5. Any Other Business that may come before the Board. – None

VII. PUBLIC INPUT ON NON-CASE SPECIFIC LOCAL PLANNING ISSUES:

None at this time.

VIII. Adjournment

S. Williams made a motion to adjourn. The motion was seconded by V. Macdonald and passed without opposition.

The Public Hearing adjourned at 9:00 p.m.

Respectfully submitted,
Randy Sanborn, Recorder, Public Minutes-