

TOWN OF ALTON PLANNING BOARD
PUBLIC MEETING
Tuesday, January 21, 2025, at 6:00 PM
Alton Town Hall, 1 Monument Square, Alton, NH 03809

MEMBERS PRESENT

Roger Sample, Member
Doug Brown, Member
Tom Diveny, Member
Mark Manning, Member
Nick Buonopane, Board of Selectmen's Representative
Christine O'Brien, Alternate Member

OTHERS PRESENT

Jessie MacArthur, Town Planner
Paul Zuzgo, Prospect Mountain Survey
Barry Gier, Jones and Beach Engineers
Dave Fuller
John Cronin, Esq.
Cindy Theriault, PE
Rick Chellman, PE
Richard Shay
Neal Stanley

CALL TO ORDER

Mr. Sample called the meeting to order at 6:00 PM.

Introductions were made of the Board members. Mr. Sample appointed Ms. O'Brien to sit on the Board in the absence of Mr. Hillsgrove.

AGENDA REVIEW

Ms. MacArthur stated the applicant for Case P24-37 has requested a continuance to the March 18, 2025 meeting; Case P25-03 applicant also requested a continuance to March 18.

Ms. MacArthur requested the Board add review of edits to the August 20, 2024 meeting minutes for potential name changes that need to take place.

Ms. MacArthur added review of an invoice from Tara Bamford.

MOTION: To approve the agenda as amended. Motion by Mr. Buonopane. Second by Mr. Mr. Diveny. Motion passed unanimously.

Continued from November 19, 2024

Case #P24-37 Walter Barowski, Applicant for The Walter Barowski Living Trust	Map 6 Lot 1 30 Eagles Way, Suncook Valley Road	Final Minor Subdivision Rural Zone (RU)
-------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------	----------------------------------------------------------

Proposal: To add additional area to locate a manufactured home and delineate an area to be used for a seasonal-only accessory RV.

CONTINUED TO MARCH 18, 2025

Continued Completeness Review of Application and Public Hearing if Application is Accepted as Complete

Case #P24-48 Prospect Mountain Survey, Paul Zuzgo, Agent for Bruce & Victoria Kennedy, Owners	Map 7 Lot 4 597 Avery Hill Road	Final Minor Subdivision Rural Zone (RU)
------------------------------------------------------------------------------------------------------------------	--------------------------------------------------	----------------------------------------------------------

Proposal: To subdivide lot of 180.65AC into 2 total lots, parent lot of 7.47AC and one lot of 173.19AC (.16 of the AC in Gilmanton).

Mr. Sample read the case into the record. The Board reviewed the application for completeness.

MOTION: To accept the application as complete. Motion by Mr. Manning. Second by Mr. Buonopane. Motion passed unanimously.

Paul Zuzgo, representative for the applicants, stated they want to subdivide a 7 acre lot from a 173 acre lot; there will be a shared driveway, which is existing. He stated a variance was obtained from the Zoning Board of Adjustment for the minimum frontage requirement as much of the frontage is in the Town of Gilmanton while the acreage and driveway are in Alton. Mr. Zuzgo stated waivers were requested for delineating the wetlands as most of the lot is good soil and the nearby wetlands are on an abutting lot. He stated the soil that is poorly drained, he did not count in the upland amount.

The Board reviewed the waiver requests. It was confirmed there are no excessive slopes on the property; the 7 acre lot will have 360 feet of frontage in Alton; the large lot will have 49 feet of frontage in Alton and 152 feet in Gilmanton. It was noted that the ordinance is unclear whether the frontage has to be in Town but they obtained a variance anyways.

MOTION: To approve the waivers as requested under the Subdivision Regulations. Motion by Mr. Manning. Second by Mr. Sample. Motion passed unanimously.

Mr. Sample opened the hearing to input from the public. None was indicated.

MOTION: To approve the application for Case P24-48 for Bruce and Victoria Kennedy for a Final Minor Subdivision for a two lot subdivision for property located at Map 7 Lot 4, 597 Avery Hill Road, including the conditions as laid out in the Planner Review. Motion by Mr. Manning. Second by Mr. Buonopane. Motion passed unanimously.

81

82 **Design Review (Continued from December 17, 2024)**

Case #P24-49 Jones & Beach Engineers, Brad Jones, Agent for Overlook Properties, LLC	Map 9 Lot 6-1 Rte 28/436 Suncook Valley Road	Design Review Rural Zone (RU)
------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------	------------------------------------------------

83 Proposal: To construct a Self-Storage Facility consisting of seven (7) self-storage buildings,
84 forty-four (44) 20'x48' units with onsite well and septic.

85

86 Barry Gier, PE, Jones and Beach Engineers, representative for the applicant, stated they are
87 proposing a luxury storage facility. He stated the property is 5.5 acres in the rural zone; it is
88 undeveloped with frontage on Suncook Valley Road. There would be 44 storage units with 7
89 buildings and a lounge area; the construction will be done in three phases. Each unit will include
90 a bathroom with toilet and sink; there will be a storm water management system with catch and
91 filtration basins. There will be a community water and septic system located in the center of the
92 site. Mr. Gier stated the buildings are designed to have a New England design, having a
93 maximum height of 28 feet high. He stated they calculate there will be less than one trip AM and
94 PM, with the peak traffic being similar to a single family home. He clarified there will be no
95 employees on site and each unit will be sold to individual owners as condos.

96

97 The Board reviewed comments from the Town Engineer. It was noted there are concerns about
98 two driveways. Mr. Gier stated there are two on the lot currently but they will have a single
99 driveway for the storage units; he confirmed the driveway plans have been discussed with NH
100 DOT. Mr. Buonopane asked if there would be a kitchen in the common area. Mr. Gier stated it
101 would be up to the property owners how they want to use the space; it will function as a
102 condominium with a home owners association.

103

104 Mr. Diveny asked if the septic design has been designed and where snow will be stored. Mr. Gier
105 stated the septic system will be small but hasn't been designed yet; they will ensure snow storage
106 doesn't interfere with the septic.

107

108 Mr. Buonopane asked how far the closest unit would be from the Eagles Rest park. Mr. Gier
109 stated it would be about 150 yards. It was confirmed the cupolas are included within the total
110 building heights. Mr. Gier stated the parking spaces are not delineated on the paving area but
111 there is plenty of space for the owners to park and access their units. He stated the construction
112 materials for the buildings have not been determined but will have metal roofs; no floor plans
113 were submitted. Mr. Gier distributed plans for review by the Board. He stated there are no plans
114 for sprinklers in the units but he will look into that further.

115

116 Mr. Buonopane asked if there will be any use restrictions for the units. Mr. Gier stated the HOA
117 agreement hasn't been developed but the intention is that the units will be used for storage; there
118 is no intention to rent the meeting/common area. Mr. Diveny asked if outside storage will be
119 allowed. Mr. Gier stated there won't be any outside storage. There will be a key card access only.

120

121 Mr. Sample opened the discussion to input from the public. None was indicated.

122

• **Completeness Review of Application and Public Hearing if Application is Accepted as Complete**

Case #P25-01 Wilcox & Barton, Samyn- D'Elia Architects & Cronin, Bisson & Zalinsky, P.C., Agents for The Lakes Hospitality Group, Jeremy Martin, Signatory	Map 16 Lots 18 & 20 00 Cherry Valley Road	Final Major Subdivision Rural Zone (RU)
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------	----------------------------------------------------

Proposal: To consolidate the two (2) parcels and then subdivide the parent lot into nineteen (19) residential lots.

Mr. Sample read the case into the record. The Board reviewed the application for completeness as well as the waivers requested. Mr. Sample stated the Town Planner recommends that prior to review and acceptance by the Board, they move to require the Town Engineer to perform a detailed analysis on the potential zoning issues that have been raised regarding the percentage of continuous buildable areas, steep slopes, lot sizes and other issues the Board believes is pertinent.

Mr. Sample stated he believes that if the Zoning Ordinance has specific requirements, those need to be met; the Town Engineer could be required to review the plans but if the plan is accepted, the applicants will be able to dispute any differences. Mr. Manning agreed that the documents were submitted as required and believes they should accept the submission and then discuss whether a review by the Town Engineer is needed.

Ms. MacArthur stated if the application is accepted as complete, they are accepting it as proper, but there are some potential issue with zoning; she explained one of the issues is that buildable area is being claimed, which is within setbacks but a variance would be needed for that. Mr. Sample stated they should review the plans to determine if variances are needed.

John Cronin, Esq., representative for the applicants, stated he recognizes there are unusual issues with this case but would like the Board to follow the procedure and accept the application.

Mr. Sample stated he is in favor of hearing the case. Mr. Manning stated the applicants have been diligent getting this through the system and while there may be legal issues that need to be resolved, he believes they can move forward. Mr. Buonopane questioned if the case needs to go before the Zoning Board of Adjustment first. Mr. Sample stated the Planning Board would not be bound to anything by accepting the application.

Ms. MacArthur stated the only information that has been received from the Town Engineer, Tighe and Bond, has been regarding the storm water management and drainage issues, nothing related to the lots.

MOTION: To accept the application as complete. Motion by Mr. Sample. Second by Mr. Manning. Motion passed, 5-1-0. Mr. Buonopane opposed.

162 Mr. Sample opened the public hearing.

163

164 Ms. MacArthur called for a point of order, noting the Board needs to review the waiver requests
165 before proceeding.

166

167 The Board reviewed the waiver requests.

168

169 **MOTION: To accept the waiver request for Section VII.C.10, a and b. Motion by Mr.**

170 **Manning. Second by Mr. Diveny. Discussion:** Ms. MacArthur stated this waiver will allow an
171 electronic set for Plan Set 2, which is 64 pages long; she stated the Town doesn't have a protocol
172 for electronic documents. Agent for the applicant offered to submit one set of the plans as well as
173 a thumb drive for an electronic copy. Ms. MacArthur agreed that would be acceptable.

174

175 **Mr. Manning withdrew his motion.**

176

177 **MOTION: To accept the waiver request for Section VII.C.10, a and b with the requirement**
178 **that the new plans submitted include one copy at the different scale than submitted. Motion**
179 **by Mr. Manning. Second by Mr. Diveny. Motion passed unanimously.**

180

181 Mr. Cronin stated this project was started over a year ago; the lot has elevation with views of the
182 Lake and slopes down to Cherry Valley Road. He stated the plans by the owner were originally
183 to have an event venue with some lodging; they went before the Zoning Board of Adjustment
184 and through that process, there was some objection from residents to the proposal. The ZBA
185 suggested at that time they come back with new plans. Mr. Cronin stated the owner has decided
186 to take a different path and to build a residential subdivision. He stated a site walk was done over
187 the summer with Town Manager and various department heads; he stated there were concerns by
188 the Department of Public Works regarding the covered bridge. Mr. Cronin stated the applicant
189 moved forward with designing a 19 lot subdivision; at a previous hearing, it was determined
190 there is no regional impact although an abutter, Mr. Casale, raised an issue with the buildable
191 area calculations. Mr. Cronin stated the subdivision plans have been revised and the lots were
192 reduced. He argued that the setbacks are not included in the buildable area within the ordinance;
193 he stated there is no language that clearly states that the frontage distances must be maintained to
194 the back of the lot. He stated there will be a lot with amenities including a pool and pickle ball
195 courts but they are willing to remove those if there are concerns. It was confirmed a traffic study
196 was done; an Alteration of Terrain permit and Wetlands Permit have been submitted but they are
197 awaiting comments on those.

198

199 Mr. Sample stated he thinks the recreation areas are a good idea and should be kept in the plans.
200 He stated in regard to the frontage, he isn't aware of there being requirements of the width of a
201 lot except for the road frontage; he also doesn't agree with the buildable area having to be within
202 the setbacks.

203

204 Mr. Manning clarified that the ZBA did not express any opinion on the case; the concerns were
205 that the application and full components were not submitted on time. He stated there was
206 question by the ZBA about a road that had been cut through; the applicant and representatives

207 indicated they did not know about the road but the builder eventually clarified he had done it
208 with a permit for logging purposes.

209

210 Cindy Theriault, PE, explained the calculations for the contiguous area include the areas within
211 the setbacks for the wetlands and lot lines; the steep slopes were excluded from the calculations.
212 She stated Mr. Chellman, an engineer for an abutter disagrees. Ms. Theriault stated there is 200
213 feet of frontage on every lot; the road will be 2500 feet long so that allows for 18 lots; the plans
214 meet the current requirements in the zoning ordinance. Mr. Manning asked for the specific
215 calculations for the lots. Ms. Theriault stated they use a computer system for the calculations,
216 Autocad. She stated she doesn't disagree with Mr. Chellman's concerns on some of the lots if
217 the setbacks weren't already taken out, but they did take those out already. Mr. Manning stated
218 its the counter position that some of the lots are disqualified because of setbacks, and others were
219 disqualified because of frontage. Mr. Cronin stated they can provide a printout of all the CAD
220 sheets for each of the lots; he stated ultimately it will be a decision by Town Counsel as there are
221 two opposing positions. He stated there is flexibility to redesign the lots of need be, based on
222 recommendations by Town Counsel.

223

224 Mr. Diveny asked Ms. MacArthur if Tighe and Bond would give an opinion on compliance. Ms.
225 MacArthur stated Tighe and Bond has already given an opinion; she stated it was previously
226 agreed to discuss the compliance with Town Counsel.

227

228 Mr. Manning suggested Ms. Theriault come back to the Board to address the nine lots that are
229 claimed by Mr. Chellman to be disqualified. Ms. Theriault stated she can provide a graphic for
230 each lot to show the area outside the setback, the area inside the setback and the area used for
231 calculating the contiguous area. Mr. Manning stated the data will be helpful to review. Ms.
232 Theriault stated they need to know how to comply with the ordinances so they can move
233 forward. Mr. Manning stated he understands 200 feet to be the frontage regardless whether its a
234 straight line; he stated 75% of the lot has to be buildable. Ms. MacArthur noted that 75% is of
235 the minimum lot size, which in this zone, is 2 acres. Ms. Theriault agreed to bring more detailed
236 plans.

237

238 Mr. Diveny suggested they still have Tighe and Bond review the plans to look for compliance
239 issues. Mr. Sample stated he doesn't agree; he stated they are being presented facts and they need
240 to consider those. Mr. Buonopane stated it doesn't make sense to him to include a buildable area,
241 in a setback, that you can't build in, without a variance. Mr. Sample stated setbacks are always
242 included in the total buildable area and those have never not been included. Mr. Manning stated
243 they don't have the data to know how much buildable area is in each lot. Ms. Theriault stated the
244 contiguous area building plan indicates the areas and calculations used for each of the lots but it
245 doesn't show the area within the setbacks as a separate item. Mr. Diveny stated they also need to
246 consider precedent with the application of the ordinances. Mr. Sample agreed it would be helpful
247 to have Tighe and Bond render a decision on the compliance issues as discussed, including the
248 frontage, the buildable area and setbacks. Ms. Theriault stated she discussed the case with Dennis
249 Moran, of Tighe and Bond; they reviewed the engineering pieces, however, the zoning issues,
250 they decided to recommend to the Planning Board that Town Counsel should be the one to
251 review the compliance issues as its not an engineering issue. The issues arise from a different
252 interpretation of the ordinances by different engineers.

253

254 Mr. Buonopane noted a letter from Attorney Miller for the abutters, dated January 15, 2025,
255 suggests that 11 lots are disqualified. Mr. Sample stated the way the calculations were done by
256 Mr. Chellman aren't consistent with how the Town has done it for years but it can be up to Town
257 Counsel to make that determination; he stated Ms. Theriault has shown how she determined if
258 the lots are qualified.

259

260 Mr. Sample opened the hearing to input from the public.

261

262 Richard Shay, resident, suggested the regulations need to be amended to make it clear if setbacks
263 are buildable area; he asked if each structure that also has to have a well and septic, also has the
264 buildable area reduced by those.

265

266 Rick Chellman stated he is an engineer as well as a licensed land surveyor; he stated he agrees
267 with having Town Counsel reviewing the plans to make a determination on the areas used for the
268 calculations. He stated the ordinance is clear that the buildable area has to be contiguous and
269 doesn't believe that the setbacks are part of that area. He noted that per the rules of procedure,
270 the Board is obligated to deny an application if its deficient and not in compliance with zoning.
271 Mr. Chellman stated he believes there are deficiencies with both the plans as well as how its been
272 presented; he stated width of frontage is not the same as width of lot as referenced in his and Mr.
273 Miller's letter. He stated per the NH Supreme Court, wetlands and setbacks can't be counted for
274 buildable area; this applies to all towns in the State. He stated there is also an issue with the
275 length and width of some of the lots, which should be addressed with a waive request but the
276 zoning issues are significant. Mr. Chellman stated his client was interested in purchasing the
277 property at one time but not currently; he was tasked with checking to see if the plans are in
278 conformance with the zoning ordinances.

279

280 Mr. Sample asked if the information presented by Mr. Chellman regarding the use of setbacks,
281 would change their position. It does not.

282

283 Mr. Manning asked how Mr. Chellman is calculating the frontages and lot lines. Mr. Chellman
284 stated the ordinance has three different frontage requirements for street frontage but this zone
285 adds a requirement for contiguous buildable land in addition to the 2 acres and 200 feet of width
286 of frontage at the street. He stated if lot lines are angled at the street, the width of frontage isn't
287 there. Mr. Sample stated the distance between point A to point B is going to be the same whether
288 the lines are angled. Mr. Chellman argued that you can't have width without the straight lines
289 and it the width of frontage is different than the width of the lot.

290

291 Mr. Sample closed the hearing to input from the public.

292

293 The Board agreed to continue the case to the next meeting, February 18, 2025.

294

Case #P25-02 Prospect Mountain Survey, Paul Zuzgo, Agent for Bethal Builders, Owner	Map 5 Lot 3-2 Stockbridge Corner Road	Final Minor Subdivision Rural Zone (RU)
-----------------------------------------------------------------------------------------------------	--------------------------------------------------------	----------------------------------------------------------

--	--	--

295 *Proposal: To subdivide an 8.25AC lot into 2 total lots, parent lot of 5.55AC and one lot of*
296 *2.71AC.*

297

298 Mr. Sample read the case into the record. The Board reviewed the application for completeness.

299

300 **MOTION: To accept the application as complete. Motion by Mr. Manning. Second by Mr.**
301 **Buonopane. Motion passed unanimously.**

302

303 Paul Zuzgo, representative for the applicant, stated it is a 8.25 acre lot to be divided in to two
304 lots. He stated there are a lot of wetlands on the lot but both lots will have the required minimum
305 of contiguous upland, per the ordinance; this excludes the wetlands and 25% slopes. He noted
306 the State requires 25,000 square feet of soil for a septic system.

307

308 Mr. Sample opened the hearing to input from the public.

309

310 Neal Stanley, abutter, stated he is concerned about damage to his property if houses are built on
311 these lots. He stated it is very wet on the lot and it would flow down toward his property; he
312 stated there is not adequate drainage at the road due to ledge. The existing driveway is mud and
313 poor drainage. Mr. Stanley stated the swamp flows over the property and could end up in his
314 yard; he stated there is no where for the water that is on the property now, to go if they start
315 building a house. He stated there are problems with beavers in the swamp and the overflow
316 affects this lot and his lot. Mr. Sample stated in the past Mr. Stanley has dealt with the issue in
317 the past and that wouldn't change. Mr. Stanley argued that of a house is built and the new owner
318 won't let them deal with the beavers, there could be more problems. He has knocked down the
319 beaver dam a couple times; he questions where the water on the lot is going to be diverted. He
320 stated there are problems with drainage on the road as well.

321

322 Mr. Zuzgo explained they can't let any more water off the lot than already exists; he stated they
323 will have to redirect all the impervious runoff. Mr. Stanley stated the lot is lower than the swamp.
324 Mr. Zuzgo stated the water on the lot will have to be addressed for the building permit as well as
325 with the permit for the septic system with NH DES; an Alteration of Terrain permit will also be
326 required. Mr. Sample stated the builder is only responsible for problems he creates; a drainage
327 plan will be required for the water on the lot. Mr. Stanley stated he wants assurance that the
328 water won't be diverted to his property; he stated nothing will improve unless something is done
329 about the swamp on the property. Mr. Sample reiterated drainage reports will be needed with the
330 building permit process. Mr. Stanley stated he wants to be kept informed through the building
331 permit process. Mr. Brown suggested they include conditions with the approval to ensure a
332 drainage study and plan are done.

333

334 **MOTION: To approve Case 25-02, Map 5, Lot 3-2, for a Final Minor Subdivision, with the**
335 **condition that before a building permit is issued, a drainage study and plan be completed,**
336 **with conditions precedent. Motion by Mr. Brown. Second by Mr. Diveny. Motion passed**
337 **unanimously.**

338

339 **Design Review**

Case #P25-03 Changing Seasons Engineering, Stephanie Richard, Agent for Richard Lundy, Owner	Map 15 Lot 9-3-1 Miramichie Hill Road	Major Site Plan/Design Review Residential Rural Zone (RR)
-----------------------------------------------------------------------------------------------------------------	--------------------------------------------------------	------------------------------------------------------------------------------

Proposal: To construct a contractor yard including garage, parking/storage areas and associated utilities.

CONTINUED UNTIL MARCH 18, 2025, PER APPLICANT

Other Business

OLD BUSINESS:

NEW BUSINESS:

Case #P24-50: *Building Permit Permission Request/BP for Island Property, Lloyd Brown, Map 78 Lot 21, 442 Rattlesnake Island, Lakeshore Residential Zone (LR)*

The Board reviewed the permit application.

MOTION: To pas Case 24-50 to the Board of Selectmen. Motion by Mr. Sample. Second by Mr. Buonopane. Motion passed unanimously.

Approval of Minutes:

Meeting of December 17, 2024: Edits were made. **MOTION: To approve the minutes as amended. Motion by Mr. Sample. Second by Mr. Brown. Motion passed unanimously.**

Meeting of August 20, 2024: Ms. MacArthur stated on pages 9 and 10, Mr. Cronin was referred to as “Mr. Blanc” and a member of the public has requested the Board consider amending the minutes to properly reflect who speaking was at the meeting. **MOTION: To rescind the prior approval to make edits. Motion by Mr. Manning. Second by Mr. Brown. Motion passed unanimously.**

Edits were made.

MOTION: To approve the minutes as amended. Motion by Mr. Manning. Second by Mr. Brown. Motion passed unanimously.

Correspondence for the Board's review/discussion/action:

Board to discuss releasing the performance security for the Jillian Byrne Subdivision.

Ms. MacArthur explained the Town Engineer prepared an updated bond for the new owners; the Board reviewed the information presented.

379 **MOTION: To approve the monies owned, \$26,260.77, plus interest, to the Jillian Byrne**
380 **Subdivision, subject to the new owner securing a bond to cover future liability. Motion by**
381 **Mr. Manning. Second by Mr. Buonopane. Motion passed unanimously.**

382

383 **Correspondence for the Board's information:**

384 Breakdown of invoices for the Planning & Zoning Assistant, Tara Bamford

385

386 The Board reviewed the invoices as presented.

387

388 **Correspondence for the Board's information on State Permit Applications: None.**

389

390 **ADJOURN**

391

392 **MOTION: To adjourn the meeting. Motion by Mr. Buonopane. Second by Mr. Diveny.**
393 **Motion passed unanimously.**

394

395 The meeting was adjourned at 9:37 PM.

396

397 Respectfully Submitted,

398

399 Jennifer Riel, Recording Secretary