

Members Present: Chairman, Cynthia Balcius; Vice-Chairman, Thomas Hoopes; Thomas Varney; Ex-Officio, Alan Sherwood, Donn Brock and new members; Bruce Holmes, Jeanne Crouse, and Jeremy Dube.

Members absent: Robert Eddy

Others Present: Town Planner, Kathy Menici; Secretary, Stephanie Verdile and others as identified below.

**Call to Order:** Chairman, C. Balcius called the meeting to order at 7:00 p.m.

**Approval of Agenda:** C. Balcius asked if there were any changes to the agenda.

K. Menici announced the following changes to the agenda:

She said Eric Roseen has made a request on behalf of Robert Henderson to have Case #P05-13 moved ahead on the agenda. No revised plans will be presented to the Board at this public hearing. The applicant and his agent will be seeking design input only from the Board based on the Board's site inspection. Given the limited scope of the public hearing, if the Board decides to grant the request, this application could be heard after the Conceptual Consultations to be 5<sup>th</sup> on the agenda at the beginning of the agenda.

**Appointment of Alternates:** None at this time.

**Motion made by T. Hoopes to move Case#PO5-13 up to fifth the agenda, seconded by B. Holmes, motion carried with all in favor.**

**Motion made by T. Hoopes to move the minutes needing approval to the beginning of the meeting and to include LRPC Regional Septic Committee under Other Business, seconded by A. Sherwood, motion carried with all in favor.**

**Motion made by to approve the agenda as amended seconded by A. Sherwood motion carried with all in favor.**

**Public Input:** C. Balcius opened up the hearing for public input on non-case specific items, there beign n one she closed that portion of the hearing.

**Approval of minutes:**

The August 9, 2004, October 11, 2004, November 8, 2004, December 13, 2004 and December 20, 2004, January 18, 2005 meetings.

**Motion made by A. Sherwood, seconded by T. Hoopes, to approve the August 9, 2004 minutes as amended, motion carried with all in favor.**

**Motion made by A. Sherwood, seconded by T. Hoopes, to approve the October 11, 2004 minutes as amended, motion carried with all in favor.**

**Motion made by T. Hoopes, seconded by A. Sherwood, to approve the November 8, 2004 minutes as amended, motion carried with all in favor.**

**Motion made by A. Sherwood, seconded by T. Hoopes, to approve the December 13, 2004 minutes as**

**presented, motion carried with all in favor.**

**Motion made by T. Hoopes, seconded by A. Sherwood, to approve the December 20, 2004 minutes as amended, motion carried with all in favor.**

**Motion made by A. Sherwood, seconded by T. Hoopes, to approve the Workshop minutes of January 18, 2005 as presented, motion carried with all in favor.**

**Motion made by T. Hoopes, seconded by A. Sherwood, to approve the minutes of the January 18, 2005 meeting, motion carried with all in favor.**

**A. Sherwood spoke about moving approval of minutes to the beginning of the meeting.**

**Discussion about the By-Law changes and amend them to move minutes to the beginning.**

C. Balcius stepped down on the first application and T. Hoopes took over as Chair and appointed D. Brock to replace her seat as a member.

**Continuation of Applications/Public Hearing:**

T. Hoopes read the purpose of the next case.

**Case #PO5-12**

**Map 9, Lot 3**

**Conceptual Review**

**Keith Robinson**

**Suncook Valley Road**

Application submitted by Keith Robinson for Conceptual Review for design and scoping input for a proposed residential development of either Condominium Units or Town Homes located on Map 9, Lot 3 off of Suncook Valley Road. The property is located in the Rural Zone.

Keith Robinson, property owner, seeks input from the Board regarding a site to consider Town Homes or detached Condos for this parcel. He said he spoke with K. Menici as to what types of regulations could be created in the future that would allow those types of uses.

As the Board recalls, wetlands and steep slopes significantly impact the site. In the initial design review with the agent for the most recent subdivision application, the Board identified areas of the subject parcel that would be more suitable for development than the areas proposed. The areas identified by the Board would require crossing the wetlands.

The Board wanted to know what zone the property is located and K. Menici said Rural and the zoning requirement is 2 acres per dwelling unit.

T. Hoopes spoke about the Condominium issue and said it is not something they have addressed at this point. He spoke about the current regulations not having a Cluster Development provision. He said he remembers the severe wetlands issues. He said the Cluster Development use may be appropriate for that property and help address the problems with the property the Planning Board has mentioned in the past; including the strip of land along the road and the access to the other property.

A. Sherwood spoke about the previous 4-family that was approved and the most the current zoning will allow now will be a duplex.

K. Robinson said K. Menici said that there may be regulations, under a Special Exception, that will be developed in the future and the zoning may change.

K. Menici said she told K. Robinson it might be to his advantage to wait a year until the Planning Board gets through the zoning re-write because there might be some changes to the ordinance that may permit a creative use of the property.

Discussion about the current Master Plan re-write and how that may allow the use the applicant is looking

for. They said they will talk about the idea of Cluster Development but everything is still up in the air as to what changes to the regulations could be made.

K. Robinson said he understands that the Board cannot promise anything but he is looking for input from them to develop the property. He said he would like to use it as a suitable fashion for protection of the land and the Town.

T. Hoopes spoke about the land having substantial wetlands and it will need some careful useage to even use the land and he said the previous application that was submitted for a 5-lot subdivision, than a 4-Lot Subdivision and the Board reiterated the problems with the wetlands and the access.

K. Robinson wanted the Board to say if it would be feasible in the future.

T. Hoopes said since they no longer allow multiple housing units in the Rural Zone, the idea is to have multiple housing units closer to Town.

K. Robinson said there are wetlands and maybe with some minimal crossings they could get to the upland areas in the back of the property and utilize that [part of the property as well.

T. Varney thought the apartment idea was a good idea but they have been taken out of the rural zone. And he said there isn't much land there now that they could build an apartment building on and they would have to change the zone. He spoke about commercial uses and their limited availability in Town and that may be a good use.

T. Hoopes said Condominium units would make sense.

T. Hoopes invited K. Robinson to attend Master Plan meetings to help in the re-write process.

K. Robinson thanked the Board for their time

C. Balcius returned to the Chair and D. Brock returned to his alternate position.

C. Balcius read into the record the purpose of the next case.

**Case#PO5-17 Map 38, Lot 21-1**

**Conceptual Review Amended Site Plan**

**Stephen Bell**

**317 Mount Major Highway (Route 11)**

Application submitted by Stephen Bell for a Conceptual Review to amend a previously approved Commercial Site Plan for the business known as Precious Gardens. The applicant is requesting to add an addition to an existing commercial building. The property is located in the Rural Zone.

K. Menici gave her report to the Board: She said the Board at its February 1999 meeting accepted the application. She said the application never went through for a full approval but received a building permit and the project was built. She said there were discrepancies in what was submitted in 1999 and the project as it was built. She said as the application goes through the process now, the recommendation of the Town Attorney is, the Planning Board should require a surveyed As-Built plan showing the location of all existing structures, permanent and temporary, and all other existing features of the commercial development (i.e., parking, driveway, well, septic, etc.), as well as the proposed changes.

Steven Bell, business owner, representing the application asked what the deviation is from the Original Site Plan. K. Menici said the building size is different and she advised S. Bell they could talk about the differences in the Site Plan in the office and to not take up the Board's time now.

S. Bell said he is looking to add 14' to the existing build for storage and a work area. He gave the approval letter to the Secretary (S. Verdile) and he said the site was approved.

A. Sherwood said he researched the file and there is not an approval in the file, only a Notice of Decision from the Board saying the Board had accepted the plan and the Building Inspector may have misinterpreted the Notice of Decision as an approval.

Discussion about the difference between “accepted” and “approved”.

A. Sherwood said the Town Attorney is recommending that now the plan should be updated to show what was approved and the Board wants to have that as the baseline for the project and then have the plans include the proposed addition.

S. Bell asked if the Board wants another set of engineered plans.

A. Sherwood told S. Bell the plan that the applicant has, needs to be certified to show what you have, if it isn't it needs to be adjusted to match what he does have on site and then the proposed addition has to be included on the same new certified plan.

S. Bell asked the Board if they wanted him to do a complete Site Plan Review.

A. Sherwood and C. Balcius said it would be treated as an Amended Site Plan.

A. Sherwood and C. Balcius spoke about the applicant submitting an As-Built Site Plan and the As-Built Site Plan will be considered an Amended Site Plan.

C. Balcius said the Board wants a Surveyed As-Built Plan that should include the locations of the existing buildings and what was approved before. She said the As-Built plans should include the proposed expansion and submit it in the time frame for the next meeting. She said K. Menici will help the applicant prepare the plan.

C. Balcius read into the record the purpose of the next case.

**Case#PO5-18 Map 8, Lot 7  
Dennis Grey**

**Conceptual Review 3-Lot Subdivision  
Frank C. Gilman Highway (Route 140)**

Application submitted by Dean Clark, DMC Surveyors on behalf of the property owner David Grey for design and scoping input for a proposed 3-Lot subdivision. The property is located within the Rural Zone.

K. Menici said on Conceptual Reviews there is not a whole lot she can say except the applicant has a single parcel they want to subdivide into 3-Lots. She said the zoning regulations require that each lot has its own access off of a Class 5 Town road and because this is located on Route 140 the NHDOT is issuing only 2 driveway permits for this parcel and the applicant is looking for some shared access.

Dean Clark, President of DMC Surveying, representing the applicant, showed the Board the approved access points from the NHDOT on a plan. He said the NHDOT wants the applicants to move the existing driveway. He showed the Board on the plan the other existing access point. He spoke about the wetland that is located in the area of one of the access points. He said they could have a shared driveway access point on the lot line but it will require a wetlands crossing and impacts to the wetlands. He showed the Board the access point the NHDOT recommends. He said there are two other parcels of land that have common access across the subject lot and they are trying to identify and define that common access that continues to the larger back parcel. He said currently the lots in the back access their lots through the common access point. He spoke about an existing house that would be removed and showed the Board where another house could go and have a 3 acre lot using that access(proposed shared) and have 2 acres lot with the frontage along Route 140 and a 6 acre lot on the back parcel which would be accessed through the 3 acre lot to the back lot.

C. Balcius asked about access the back lot through the existing Right-of Way (ROW).

D. Clark said they could but there would be 4 access points through the property.

T. Hoopes asked if there were any structures in the back currently.

D. Clark said not now.

Discussion about the size of the lots and they are all accessed from the subject access point.

T. Hoopes asked about the ROW and the dimensions and D. Clark said there are no specified dimensions and they are going to define the ROW as access to the back and give it dimension and a meets and bounds description of the parcel. He said it would be 50' and include the dimensions that the NHDOT want.

A. Sherwood spoke about the current zoning that requires that each lot have frontage on a Class V Road or one that is built to those standards but also the beneficial access be through that frontage. He said that is what zoning requires and that is the Code Enforcement Officer's interpretation. He said the proposal does not comply with current zoning and that Lot 3 would not have access through its own frontage.

D. Clark asked about a variance.

A. Sherwood said they have to exhaust every other option of the design to be in compliance before they can apply for a variance. He said if the proposed Lot 2 were not as wide but deeper there is a possibility of a common entrance driveway. He spoke about the common access driveways the Board has approved where the NHDOT says they can only have one driveway cut for 2 lots but; the cut is 40' wide and there is 20' on each side of the lot line; so in essence each lot does have their own driveway access. He said that is the only way the Board has approved common accesses. He said the only other way is to go to the ZBA and convince them that there is no other way. He said from what was presented it is not clear to him that there isn't another way to achieve access as an example making Lot 2 a little narrower and deeper.

C. Balcius asked about the frontage for the proposed Lot 2 and D. Clark said to 500'-600'.

D. Clark showed the Board the areas on the plan for the most suitable building sites. He indicated the proposal by A. Sherwood, to reconfigure the proposed Lot 2, may affect the aesthetic look of the property and D. Clark said it would cause them to have a large wetland crossing and they are trying to avoid that.

C. Balcius said it does look like it would be a substantial crossing to access the lot and it could be counterproductive.

A. Sherwood said according to the zoning they would have to reconfigure the lots or shorten the amount of lots.

T. Varney asked if the property owners were planning on doing anything with the back lot.

D. Clark said they are not planning on doing anything with the back lots, other than building on it.

T. Varney and D. Clark discussed dealing with ROW that is there.

T. Hoopes said they could build an access road to Town standards to access the Lot 3 and the back lots as an alternative.

Susan Grey, property owner, spoke about the safety factor and it is a large lot with 3-lots. She said there is only one lot proposed that is 2 acres the other 2 are more than 2 acres. She said the total road frontage is 1033 feet. She said that they thought that it would be a good use of the land and not abuse the land. She said the NHDOT recommends the shared driveway without overburdening the amount of driveways for safety reasons and not overburdening the ROW. She cannot understand why the Board would not go by what the NHDOT recommends on a state highway.

A. Sherwood said because the Alton zoning requirements call for each lot to have its own driveway access on its own frontage.

S. Grey asked about obtaining a variance because there is enough land to meet the frontage requirements.

A. Sherwood said the driveway access has to be through its own frontage not through the neighbor's lots frontage.

D. Clark said they would have to reconfigure a lot line in order to meet zoning and then the access could be spilt.

A. Sherwood said on a long-term basis; a driveway access, on a ROW, over someone else's land, does not make for the best neighbor's. He said the Planning Board has no authority to create a lot that does not conform to the Zoning requirements.

S. Grey asked about seeking a Variance and she said that they would try to reconfigure the lot to have shared access as the Board suggested and if it is not doable, would the next step be a Variance.

T. Hoopes spoke about the other alternative and the NHDES. He said they do not deny people from crossing a wetland to access their lot, as long as it is the least impacting method and in this case there are other options.

Discussion about the property owners not wanting to have to cross the wetlands because of the large impact and the NHDES will not approve a crossing if there is a another alternative to access the property including reconfiguring the design of the lots.

He spoke about the difference between having common access that the Board has approved; having the access shared only with the driveways located on their own property. He said this plan does not show that, he said they are proposing to have a driveway cross over someone else's lot (Lot2). He said if the property boundary was where the driveway was going, then the driveways would be on their own property with only the access shared. He said that would make Lot 3 more frontage, Lot 2 less and Lot would have to be made deeper.

S. Grey asked the Board if they reconfigure the Lots to conform to the zoning and the lots end up being oddly shaped; would that be acceptable to the Board or should they seek a Variance. She added the NHDOT picked the driveway access points due to safety issues on Route 140 because of sight distance.

D. Clark clarified the question by saying, they could end up with an odd shaped lot with dual access and then an easement across the property as an after the fact that would meet the regulations.

T. Hoopes said that is not meeting the intent of what A. Sherwood said and that is that the driveway has to be on its own property.

A. Sherwood said again that each lot has to have its own frontage and own driveway access and does depend on a neighboring lot for anything.

T. Varney does not care for approving lots without their own driveway he said there is no reason for the Planning Board to approve a lot without its own driveway. He said it is not good for the property owners of the lot. He said it looks like the applicants are massaging the zoning rules to get around the requirements and he would not be in favor of the application as presented if they came back to the Board with the same design.

D. Clark said the NHDOT would not issue more than 2 access points because of sight distance issues.

C. Balcius spoke about the options the Board gave them and spoke about meeting with K. Menici.

D. Clark thanked them for their time.

C. Balcius read into the record the purpose of the next case

**Case#PO5-19 Map 1, Lot 19**

**Nicole & Russell McKenzie**

Application submitted by the property owners Nicole & Russell McKenzie for design and scoping input for

**Conceptual Review 2-Lot Subdivision**

**146 Muchado Hill Rd**

a proposed 2-Lot subdivision. The property is located within the Rural Zone.

K. Menici gave her report to the Board. She said this is the third subdivision from the parent parcel and there have been 2 lots created from the previous subdivision and this is to create another lot from the same parent. She said the parent parcel has frontage on Muchado Road (Class V) and Africa Rd (Class VI). She said the zoning requires that access be off of a Class V Road. She said there have been two options for the proposed subdivision submitted. In Option A, the proposed lot 1/19-3 has frontage on a Class VI road, which would be in violation of the Town's Zoning Ordinance. Option B allows for a larger Proposed Lot 1/19-3 with frontage on Muchado Road, a Class V road. It appears that this lot configuration allows for more than the 200' required frontage on a Class V road.

Bill Carpenter agent for the applicant and the property owners were in attendance. B. Carpenter said they prefer Option A.

B. Carpenter said in 2000, the family bought a large parcel of land with frontage on Africa Rd and Muchado Rd. He said the applicants would like to subdivide and have access off of Africa Rd. He said the definition of frontage has changed and he is looking for input from the Board for the subdivision.

He said there is plenty of frontage and land on the site to meet zoning requirements and the best building site is off of Africa Rd. He said they have spoken to the Road Agent about the condition of the road and there are 4-5 homes now using the road and he believes it will not be long before the residents petition the Town of Alton to take over the road. He said Option A is most preferred by the property owners but they have presented Option B that is in compliance with the zoning ordinance.

A. Sherwood spoke about the creation of 19-1 on Africa Rd (Class VI) and the approval then was that any further subdivisions would require Africa Rd to be brought up to Town of Alton Road Standards and he said that would be the best for the people on Africa Rd for them to use Option A. He said the original approval would not be allowed today because of the current zoning.

The applicants said that Option A is not doable because of the financial issues with bringing the Road to town standards.

N. McKenzie asked about the variance process that Africa Rd is in good condition for verification from the Road Agent and A. Sherwood said the current zoning has to prevail and they can either bring the road up to standards or use Option B with frontage and driveway access off of Muchado Hill Rd.

The Board discusses that the access has to be from the Class V or better because of the current zoning regulations and they would deny any plan that was submitted and did not have the proper access.

T. Hoopes asked about the other houses/lots that were created on Africa Rd and did the Selectman require waivers.

A. Sherwood said lot 19-1 had all the standard waivers and standard deed restrictions you would have if you wanted to get a building permit for a Class VI Rd.

B. Carpenter discussed that the applicants have submitted all the information of alleviating the Town of Alton of any liability when the Town of Alton allowed additional houses to be built on a Class VI road. The Board discussed that the Town of Alton is not relieved of any liability if a visitor goes off of the road and that is the reason for the regulations.

B. Carpenter discussed a petition from the residents to upgrade the road and the process will the Highway Agent will not accept any plans unless they are stamped and designed by an engineer. The request would

have to go in front of the Board of Selectman and the Planning Board.

B. Carpenter said so the access would have to be off of Muchado Hill Rd and than go across the lot to the higher ground on the building site toward Africa Rd. A. Sherwood said that is one option suggested the road be brought up to town road standards, speak to the other residents and the Road Agent.

The Applicants discussed how they cannot afford to upgrade the road

Discussion about the upgrade of the road and how would that would work. A. Sherwood said if it had 200' frontage than the driveway would have to be off of the upgraded road.

Discussion about the Road Agent also needing room to turn around if the road was brought up to Town standards and that would have to be included in the road design standards.

The applicants asked about Option B and the Board said that meets the legal requirements.

They thanked the Board for their time.

C. Balcius read into the record the purpose of the next case

**Case #PO5-13**

**Map 10, Lot 27**

**3-Lot Subdivision**

**Robert Henderson**

**Alton Mountain Rd.**

Application submitted by Roseen Survey PLLC on behalf of the owner, Robert Henderson for a 3-Lot Subdivision. The application was accepted at the February 15, 2005 meeting and continued.

K. Menici told the Board that the applicants are looking for input from the Board after the Site Walk as to what information would be added to the plan.

E. Roseen, agent for the applicant, and R. Henderson, property owner represented the application.

C. Balcius spoke about concern of a former Board member (M. Perry who was on the site walk) regarding the boundaries of 27-1 and move it to the left & 27-2 raise that boundary a little more north because of the wetlands on the front of the lot with frontage on Alton Mountain Rd and putting the driveway on the back of 27-2.

Discussion from the Site Walk about the cistern location to be on the Lot 27-1 and the upgrades on Alton Mountain Rd and the shoulders be widened (2') and some tree cutting for site distances.

A. Sherwood spoke about including the Road Agent's comments about adding 2' in width to Alton Mountain Rd, with most of the work to be done on the east side of the road.

R. Henderson said they had their contractor look at it and provide a cost to the owner.

T. Varney spoke about the regulations saying "shall be brought up to standards" and that it has to be done and the section of Alton Mountain Rd is really a Class VI road.

R. Henderson said they could widen the road to 20'.

T. Varney said the road should be brought up to Town Standards so there will not be any liability issues.

C. Balcius spoke about the Fire Chief, who also walked the road on the site walk, and the Highway Agent agreeing on the improvements and width to the road. She said it does have the appearance of a country road, which is what the Board has been hearing from the public through the Public Planning Forums as being desirable.

A. Sherwood spoke about agreeing with the highway agent's recommendations. He said it is an existing Class V road. He said if a subdivision is created on that road and it is not up to standards, the Town cannot put the whole burden on someone who subdivides on one side of it; they can ask for a portion of the improvements. He thinks the Highway Agent's requests are reasonable and agrees with the country look of maintaining the rural atmosphere.

T. Varney said he would not approve the application, as an engineer, without the road meeting the regulations as spelled out in the subdivision regulations; he cited section 9.12 of the regulations.

C. Balcius said it looks like at this time that the applicant is proposing a 3-Lot subdivision with Lot 27-3 being the lot with frontage on the unimproved section of Alton Mountain Rd and the other 2 lots having frontage on the improved section of Alton Mountain Rd. She would not like to see the rural area impacted by a 50' wide road for one lot at this time in that section of the Town. She said they could deal with the road condition at a later time for a future subdivision. Also, she would like to wait and hear from the public and what their input would be in the regulations during the re-write. She said the Board has heard the public keep "narrow country roads" as long as they are safe and constructed properly

A. Sherwood agreed with Cindy Balcius.

R. Henderson spoke about the Road Agent' requests were to clear the tree line, add ditches line on the right hand side and some water control designs. He said the Road Agent would prefer that he do the construction work. He asked C. Balcius about moving the lot lines from the discussion on the site walk. She showed him on the plan what they had talked about.

E. Roseen spoke about it not being feasible to put in a septic system in location to the wetlands if they change the lot lines.

C. Balcius said they talked about that at the site walk and if the lot line was moved north a little they could probably get the septic system in. She said she does not feel that 27-1 meets the lot ratio requirements and by moving the lot lines would help them meet the ratio.

E. Roseen said they have a version displaying that concept but he has concerns about accessing Lot 2 from the backside of it.

R. Henderson spoke about realigning the lot lines and design the lots with the wetlands in mind, which makes the last lot a 5 acres lot. He said the current proposed lots' building sites are away from the wetlands and have minimal impact to them. He said they did take the Board's suggestions and turn the lot lines between 27-2 and 27-1 and made it so 27-2 has more upland area to move it away from the wetlands. He said if he did that to 27-1 they would lose another lot and they would have to squeeze four more lots into the site and he thinks aesthetically and environmentally it would work that way.

E. Roseen asked about the 25' wetland buffer and C. Balcius said yes it would be put on the plan.

T. Hoopes spoke about the remainder lot and the wetland issues that face the subdivision and is the applicant is looking to get 4 lots total.

R. Henderson said they are looking to get 5 lots after total build out.

T. Hoopes said for 27-2 to be entered from the back could make that lot extremely attractive because they are not entering from the roadside.

R. Henderson spoke about the wetlands and the limitations they have with the lot design.

C. Balcius opened up the hearing for public input.

Chuck Westen, abutter on Alton Mountain Rd, is concerned about the road and would like the road to maintain its rural character and keep the stonewalls on both sides intact. He is concerned with the number of driveways and he is concerned with the wetlands and the runoff to Hills Pond and the drainage system is designed.

T. Hoopes clarified that C. Westen would not like to see the road widened too much and that was verified.

E. Roseen and R. Henderson thanked the Board for their time

C. Balcius closed the public hearing and called for a 5-minute break at 8:25pm  
C. Balcius called the meeting back to order at 8:28pm.

C. Balcius read into the record the purpose of the next case.

**Case# PO5-15            Map 10, Lot 16 & 16-2  
Sedlari Construction**

**Boundary Line Adjustment  
Alton Mountain Road**

Application submitted by Granite State Engineering on behalf of the property owner Sedlari Construction for a Boundary Line Adjustment. Through the Boundary Line Adjustment, the applicant proposes to reconfigure the acreage of the existing Lot 16-2 from 5.060 acres to 2.002 acres with the remaining Lot 16 having an increase in acreage from 44.717 acres to 47.776 acres. The property is located within the Rural Zone.

K. Menici gave her report to the Board as Follows: the applicant proposes to transfer 3.0 acres +/- from M/L 10/16-2 to M/L 10-16 in anticipation of subdividing M/L 10-16 to create up to 15 lots from M/L 10/16 upon expiration of the IGMO.

**Motion made by A. Sherwood to accept Case# PO5-15 seconded by T. Hoopes.**

**Discussion on the motion- C. Balcius asked about the slopes and wetlands and if they meet the zoning. It was discussed that the plan shows the zoning regulations, motion carried with all in favor.**

Jim Bolduc, agent for the applicant, gave history on the application and they came in for a Conceptual Hearing and they have had all of the wetlands flagged and used the current zoning requirements to prepare the Boundary Line Adjustment. He explained that this BLA now will fit in with the entire subdivision plan and there is an application in for a 3-Lot subdivision on the same property to be heard next.

T. Hoopes asked about the access that exists and V. Sedlar said it was an old logging road.

J. Bolduc said they spoke about the access with the Road Agent for advice on the entrances and the access existing will not be used for the subdivision.

C. Balcius opened it up for public input and there being none, she closed that portion of the hearing.

C. Westen had comments after the Public Input portion had been closed.

The Board did not mind that the public input be re-opened.

C. Balcius had to re-open the public input because C. Westen had a question.

C. Westen, lives on Alton Mountain Rd and has concerns about the 2- acre lot size and if would they be certified by a surveyor and he has concerns about the amount of traffic that will be traveling on Alton Mountain Rd. He asked about impact fees being applied.

C. Balcius said that this is a Boundary Line Adjustment at this time and she thanked C. Westen for the good questions he was asking.

C. Balcius closed the Public hearing again.

**Motion made by A. Sherwood to approve Case# PO5-15, seconded by T. Hoopes, motion carried with**

**all in favor.**

C. Balcius read into the record the purpose of the case.

**Case#PO5-16 Map 10, Lot 16, 16-3, & 16-4**

**3-Lot Subdivision**

**Sedlari Construction**

**Alton Mountain Road**

Application submitted by Granite State Engineering on behalf of the property owner Sedlari Construction for a 3-Lot Subdivision. The proposed subdivision will result in Map 10 Lot 16-3 consisting of 2.007 acres, Map 10, Lot 16-4 consisting of 2.208 acres and Map 10 Lot 16 consisting of 43.561 acres. The property is located within the Rural Zone.

K. Menici said that there are no waivers being requested and the application is complete.

Discussion about the soil survey standards and the standards being used are the latest from the Belknap County Conservation District. The Board discussed the soil information as being very general and that a site walk is warranted. The Board has concerns about the soil types indicated on the plan and them not being identified with the up to date BCCD soil classifications.

The Board discussed whether or not they have enough information to accept the application. They discussed if the soil information was adequate and C. Balcius said the soil information is very general and they can discuss the soils on the site walk.

**Motion made by A. Sherwood to accept Case# PO5-16 as a complete application seconded by T. Hoopes, motion carried with all in favor.**

Jim Bolduc, representing the applicant, Vance Sedlar, owner, presented the case as being the beginning of the 15-Lot Conceptual Plan that they had presented to the Board. He said they used the information from the topo maps and wetlands to determine the 25% criteria on all 15 lots so they were not creating restrictions on future lots. He said they have chosen lots that require no subdivision infrastructure and in between lots 16-3 & 16-4 they have left a 50' right of way for future road access to the future subdivision.

J. Bolduc said the remainder lot 16 is conforming lot and they have dug test pits for the 3-Lot subdivision application and it has been sent tot the State for approval said the application has been submitted to the State for approval and the septic designs are in the process of being complete. They have meet with the Road Agent on site for the driveway locations for the current lots being proposed and he is approved their location.

T. Hoopes spoke about the IGMO and wants the applicant to be aware of the possibility of changes to the zoning ordinance and other town regulations that could affect the rest of the build out of the proposed future subdivision.

J. Bolduc said the applicant is aware of the situation and has spoken to the Planning Department about the implications about what will happen after December 31, 2005 (when the IGMO expires). They are aware that the ordinance/regulations in place now could be the same and what they have come up with conceptually they can still come in with a similar plan for another 3-Lot subdivision in the future and if the ordinances/regulations change than they will deal with the new regulations. He spoke about the sheet numbers and how they were labeled and the process of the final plans and what plans will be recorded.

K. Menici spoke about the reasoning for the sheet numbers and she explained the statement that will go on the final plan and that is why the sheets have to be labeled different

T. Varney wants the driveway locations shown on the plan to be approved not just on the build out plan, the Board agreed and C. Balcius told him it was a good point to make.

A. Sherwood asked about wetlands and if there are any on site for these two lots.

J. Bolduc said 16-4 has a small amount of wetlands on the lower right hand corner of the lot and it was discussed in the wetlands report submitted with the application as a man made depression holding water.

T. Varney asked if there was an old cellar hole in that area and the agent said no.

The Board asked if the wetlands are flagged, lot corners located and the driveways and the test pits numbered and marked. The applicant said yes they are all complete.

C. Balcius clarified that the agent has the: lot corners flagged, driveway locations marked, and test pits marked an numbered.

Discussion about looking at Lots 16-3 and 16-4 and an overall idea of how they fit into the parent lot, Lot 16. C. Balcius asked if they had completed test pits on the parent parcel and V. Sedlar said yes they did one pit and it is numbered as #2 on the plan but no other test pits for the parent lot.

Discussion about a weekend site visit

K. Menici said she is not available on weekends.

C. Balcius scheduled a site walk for Friday March 25<sup>th</sup> at 4:30pm she asked K. Menici if she could make that day and time and K. Menici said yes. The members and agents will meet on site.

C. Balcius opened public hearing for anyone to speak about the application.

Melborne Lawrence, abutter, has concerns about how far the subdivision will be from his property boundary line because he has concerns about wildlife that use his property. He has water issues and drainage issues with his driveway. He said he is going to put a culvert in his driveway because he has drainage issues and he is going to run it down to drain into one of the properties. He had his driveway washed out last year and wants to put in a culvert to prevent it from washing out again. C. Balcius invited him on the site walk on the 25<sup>th</sup> so they could look at the site. C. Balcius said the setback is 20' from the property line and they would go on site to look at tree cover for screening purposes for him.

C. Balcius closed the public hearing

**Motion made by T. Hoopes to continue Case# PO5-16 until April 19, 2005 at 7pm seconded by T. Varney, motion carried with all in favor.**

K. Menici will be the contact in case the weather is not good for the site walk.

C. Balcius read into the record the purpose of the case.

**Case#PO5-11            Map 15, Lot 1**

**Keith Chamberlain**

**Amended Site Plan Review**

**NH Rte 28 & Calef Dr**

Application submitted by Douglas V, Brodeur of True Engineering Inc, on behalf of the property owner Keith Chamberlain. The applicant proposes to expand an existing self-storage facility. Currently the site has five (5) buildings with 95 units, the applicant is requesting to add three (3) more buildings with 38 more units. The property is located in the Rural Residential Zone.

K. Menici gave her report to the Board as follows: The acceptance of this application was continued from

the February 2005 meeting. Since that meeting, the applicant has made revisions to the site plan as follows. They reduced the size of the proposed Building 3 and the stream channel has been delineated from the toe of the bank and a 50' buffer has been added to the plan. K. Menici said they will be adding a note to the plan for the Surveyor accuracy meets the Town's requirements.

C. Balcius explained to D. Brodeur, that the Board has to decide on whether there is enough information to accept the application then he can present his case to the Board.

The Board noted there are no waivers to approve.

**Motion made by A. Sherwood to accept Case#PO5-11 as complete application seconded by J. Dube, motion carried with all in favor.**

Doug Brodeur, representing the owner Keith Chamberlain, also in attendance, addressed the Board and they have certified the stream delineation by a wetlands scientist and they have added a wet land line and showing the edge of stream and added a note EOW meaning "Edge of Wet". K. Chamberlain said due to the setback regulations from the Boundary Line Adjustment, when they created the new lot, they now have a 50' setback. They have also reduced the size of building #3 to comply with the 50' wetlands setback. D. Broeder also pointed out the survey accuracy that has been added to the plan and that it does meet the Town requirements.

C. Balcius asked if you could drive around the entire Building #1.

D. Broeder said no and you cannot walk around it. He said there is a 5' platform at a 4:1 slope She asked about the silt fencing being at the end of the grade area and D. Broeder said yes but it would be inside that.

A. Sherwood asked about adding to an existing building on the site.

K. Chamberlain said it is not feasible because you would have to tear the building down and customers do not like a storage unit that is deeper than 30'. He said an expansion would make the building too wide and the original building only has an entrance on one side. He said he will not tear the building down because it cost \$40,000 to build. He sees the expansion as plausible. He spoke about the previous expansions and the work he has done on the property and how he has maintained a 25' drive through the site for access and he has made changes to the site to comply with current zoning. He gave a history of the property and it is the fourth expansion of the property.

He said the width of the buildings determine the size of the units that are viable to rent. He said building #1 will be accessed on one side only and that is where the new proposed pavement is and the backside closest to the wetlands and have sheet flow action and seeded and graded and it will be consistently done the way he has done it before through three expansions. He said the same will be done on building #2 with access only on the Route 28 side with the same amount of driveway in front of as the existing building closest to Route 28. He said building #3 will have a 25' drive and the 50' setback from the stream and he has cut 10' off of the building for a better turning radius and for security reasons he wanted a shorter building. He explained to the Board that in the storage business there is a need for a mix of sizes and a 30' wide building is not popular size to rent storage units.

A. Sherwood spoke about the drainage plan being reviewed by an engineer and the requirement for the 25-year flood event the post-rate of runoff cannot be higher than the pre-rate of runoff. He said it looks like there is no room for a retention pond on site.

K. Chamberlain said there was never any need for a detention pond since day 1 because of the sheet flow action from the original plan and he had a drainage analysis done for all 5 buildings and the total build out for impervious surfaces to the lot size. He said the study showed around all the building with the grass around the buildings would slow down the water because it spread out around the site.

A. Sherwood said there is not much grass left on site.

C. Balcius spoke about the need for a site walk to look at that issue as well as the need for snow storage and the tight fit on the site and she said when you are talking about sheet flow there should be vegetated treatment swales included and she wants to see the drainage study and it doesn't fall under Site specific criteria because of the size.

D. Brodeur spoke about the NHDES Site Specific criteria and with the sheet flow action they recommend grass.

C. Balcius spoke about the recommended buffers for grass and she has BMP information to help the agent. She spoke about another type of application that the Board approved and the issue of flow came up on that application and she could see the same concerns here being brought up; as well as the use of salt and sand on this site.

D. Broeder spoke about from a 25-year storm event the site will have a 4.0% increase of sheet flow run off from basic drainage calculations. He spoke about pre-development prior to the subdivision and the 36" size culvert installation of Calef Rd will help with the drainage issues. He said he looked up the approximate watershed for the site and he said 40-50 acres and when there is that much flow from the north that a ponding effect will happen anyway.

K. Chamberlain said that engineers can run numbers and he owns and runs the business and he has been there for 5 years and the site is successful and he does not have erosion problems or runoff problems and all he is doing is adding 3 more buildings in the same way as the others.

C. Balcius spoke about that is why they are going to do the site walk.

T. Hoopes referred to the Conservation Commission's comments on the application, on file with the application. He has concerns about the elevations of the wetlands on the adjoining property. He read into the record the Conservation Commission's comments on the proposal. He spoke about the wetland was on several different levels of elevation and at 996' & 997' there were substantial wetlands and 994' seems to be the boundary line that is shown on the map/plan.

D. Broeder spoke about the fact that they did not do the topography on Mr. Chamberlain's property until after the BLA and there may be variations on that other side of the property but that side is not part of Mr. Chamberlain's property, only partially after the BLA.

T. Hoopes spoke about the wetland ranging from 996' & 997' and the fact that the elevation change is not normal in the type of soil on site.

D. Brodeur did receive the letter from the Conservation Commission about the driveway permit for the other lot, he did discuss it with the Wetland Scientist, Bruce Gilday, is confident that his delineation meets all requirements.

T. Hoopes' concerns is the wetlands mapping that was done on the adjoining piece of property, that include the wetlands for the application He said the exact wetland and he wants to see the way in which the wet areas are at 997' and he said they are dealing with areas that are above that. He said 996' & 995' is right along the boundary line of the wetlands in which the buildings are going to go at. So then the question is where will the wetlands be.

D. Brodeur said when the Board does the site inspection they will see where the wetland flags are hung with

red ribbon. They are also numbered on the plan

K. Chamberlain said the wetlands scientist not only mapped the entire parent parcel that he purchased his piece from, he did it in its entirety. He said that the wetland scientist certified the wetlands along the stream and K. Chamberlain paid for the remapping of the wetlands along the northern boundary between the existing buildings and the parcel he purchased and the wetlands and the entire delineation is on the new parcel. He said all the wetland locations were flagged each time with different ribbons and they were picked up by True Engineering in the survey plan and are shown on the site plan.

D. Brodeur said that the wetland ribbons were re-done in red in order to comply with the Town of Alton's regulations.

K. Chamberlain spoke about the concern of elevations because when the wetland scientist goes out to delineate the wetlands he is mapping wetland plants and poorly drained soils. K. Chamberlain said the Board spoke about the concerns they had about the area 600' north of his newly created boundary line. He said he explained to the Board even though that was at 1006' elevation and he is at a level of 994' at his end there is a culvert under the road and the culvert loads at an elevation higher of the northern boundary line. He said the culvert runs enough to create wetland plants in his opinion he said the culvert creates wetland plants and it is far enough away from the property it should not be an issue for his property.

T. Varney spoke about the leaking of fuels on the site and he has concerns not just about runoff of water but also runoff of pollutants from the pavement. He said if he has had an increase of after development flow and that if there were grass swales installed it would be a better practice than allowing it to run into the culvert. He said if there is an increase in post development flow they could show they have a controlled retention area even though it is small. He said that would protect the neighbors downstream and he added they do not even show the existing culvert under the road. He said if they improve the drainage study to include the detention pond it would be beneficial.

D. Broeder spoke about research he has done at UNH parking lot study and the vehicle waste on the site and he spoke about grass lined treatment swales do not efficiently trap and remove fuels and hydrocarbons.

C. Balcius said in that case you would like to see scrubbers in the catch basins to catch gas and oil.

D. Brodeur said those are high maintenance but they only work to a fair extent and this is not the kind of site where we are seeing closed drainage systems. He said it is unnecessary to install them with culverts.

C. Balcius wants to pick a date for the site walk and analyze the site.

A. Sherwood asked if there is any thing other than drainage that the engineers should review.

K. Chamberlain said this property fronts on NH Route 28 and there are 11,000 cars a day that travel it and he said when it rains the flow goes into a culvert on one side and flows the parcel that is to the north of him. He said that is far more worse that could happen to the wetland to the north of him than anything that could happen on his piece. He spoke about the use of salt on the road.

C. Balcius interrupted him and said she knows where he is going and the discussion can be continued until the site walk. She asked about the additional items A. Sherwood wants to include in the engineering review other than the drainage. A. Sherwood spoke about the Fire Chief getting equipment in. C. Balcius asked about traffic and K. Chamberlain said NHDOT issued a new approved permit.

A. Sherwood asked about a landscaping buffer and C. Balcius said they can look at that at the site walk. Discussion about who would do the engineering review and the Board said there is a committee that

decides that.

D. Brodeur asked if the Board wants another drainage review to be submitted and they said yes and wait until the Board selects a review engineer.

K. Chamberlain demanded that the Board visit the plan in front of them and discuss it instead of using the site walk to tell him what else to put on the plan. He wants to know before he leaves the meeting, if there are any other issues that the Planning Board would consider things he needs to address.

C. Balcius said the Board has given him issues that will have to be addressed like: drainage, wetlands, snow storage area.

K. Chamberlain interrupted and said he wants to address the Fire Chief's comments on building #2 right now and tonight before he leaves the meeting. He said that is an issue that does not need to wait until the site walk. He wants to visit that issue so his engineer knows what this Board is thinking before they leave. He continued by saying the there is 25' setback line that the building is well outside of that.

He said he downsized the asphalt from 20' to 12' and he does not know what the Fire Chief's concern is as far as getting fire equipment to the building he said it won't be any different from getting it past the other building from Calef Dr. He said when he puts in his pavement he uses 12" base gravel and then 6" of crushed gravel, which is the Town standards for building roads. Then he puts in a 2" binder course of asphalt and he takes the gravel to within 5' of the property line and Route 28. He said in the first 5' from the boundary line, which you can't build in anyway, he has created a drainage swale that feeds to the culvert next to building #3.

C. Balcius reminded K. Chamberlain that he can discuss those issues with the Fire Chief during the site walk and the Chief can explain his comments.

Discussion about site walk on Friday April 1, 2005 K. Menici asked if it could be done earlier in the week instead of a Friday. C. Balcius said she can't, but offered Thursday March 31, 2005  
The Board decided to do March 31, 2005 at 4:30pm to meet on site for the site walk.

C. Balcius tried to open up the hearing for public input but K. Chamberlain interrupted her.

K. Chamberlain spoke about knowing the Town of Alton's Zoning Regulations quite well because he is the Vice-Chairman of the ZBA and it his position to interpret the zoning regulations. He said before starting this project he asked the Land Use Department and he has been to Law Lecture Series and he is not aware of any setback to the wetlands.

C. Balcius said that under the zoning regulations and site plan/subdivision rules the Planning Board has the power, if they have concerns on certain issues, to work with the applicant to come up with an appropriate setback. She said the Board has tried to be consistent and she said she knows that K. Chamberlain has been to the meetings and she said that he is well aware of the efforts of Planning Board has been doing as the Vice-Chair of the ZBA. She hopes that K. Chamberlain will work with the Board on issues of concern.

K. Chamberlain said before C. Balcius drops this issue, he has asked the Land Use Department if there is any setback from the wetlands prior to drawing the plans and his engineer has used the subdivision and site plan regulations also to draw the plans. He said the plans were not drawn with the Planning Board has asked in the past because the Planning Board has vacillated from nothing, to 25', to 75' being asked from some members. He said he rails at the thought that it is not in the zoning regulations and they are going to ask for something that isn't in the zoning. He said the lawyers at the Law Lecture Series say the Board cannot enforce it and you can't make an applicant do it.

C. Balcius reminded K. Chamberlain that they have been working with the applicants and the Board hopes to work with him also. K. Menici never said that there would be no wetlands buffer and C. Balcius said she knows that. C. Balcius said the site walk will help determine the issues of concern.

T. Varney said there is no setback from the wetlands.

C. Balcius said that is true and there is nothing in the regulations currently, but the Board has been working with the applicants and out of the goodness of the applicant's hearts and because of the care of the environment and to the Town of Alton.

K. Chamberlain said that is nice, but there is a precedence on this property and that is that there are certain portions of asphalt or buildings currently that are 12' away from the wetlands and he doesn't want to be held and have his hands tied or confined to fact that the Board wants something more than what has already been set as a precedence by this Board in the past.

C. Balcius said that two wrongs do not make a right and the Board will look at everything on the site

K. Chamberlain wants to reiterate that the building mix he has chosen is appropriate for his property.

C. Balcius said the Board has to make a decision on what is appropriate for the Town of Alton and the environment and the Board will work with him as an applicant.

T. Hoopes said this is not the same Board as in the past.

K. Chamberlain has said the regulations have not changed and there never was a setback from the wetlands, so he said the Board has already set a precedent for this property.

T. Hoopes said this Board has not set a precedent, the previous Board has made a set ruling.

D. Brodeur asked about the regulation that C. Balcius mentioned. She said there is a lot more the Board can ask for like a full blown traffic study, an EIA but they are not and she wants to wait to see what will happen at the site walk and work with the applicant.

K. Chamberlain said he doesn't mind doing it correctly but he doesn't expect this Board to ask for unreasonable things from him.

C. Balcius again said she is hoping to work with the applicant.

C. Balcius opened up the hearing for public input, there being none she closed that portion of the hearing. She said the site walk is set.

K. Chamberlain and D. Brodeur thanked the Board for their time.

C. Balcius read into the record the purpose of the case.

**Case#PO5-02**

**Map 2, Lot 28**

**4-Lot Subdivision**

**Fred & Virginia Boelzner**

**167 Prospect Mountain Rd & Hamwoods Rd**

Application submitted by Bryan Berlind of Land Tech Surveying on behalf of the property owners Fred & Virginia Boelzner. The application was continued from the January 18, 2005 and February 15, 2005, meetings.

K. Menici the agent has submitted a revised site plan for a 4-lot subdivision that combines proposed lots 28 and 28-6 into one lot due to the site inspection held by the Planning Board and the wetlands and steep slopes. The Board recommended to the applicant that the subdivision be reduced to a 4-Lot from a 5-Lot and the applicants have made that change. She said the only thing outstanding is the wetlands issue and the portion involved in the subdivision is a large part of the immediate areas watershed. She recommended the Planning Board consider a buffer for the wetlands.

A. Sherwood asked about the lot that was eliminated and if the remaining lot lines the same now.

Regina Nadeau, attorney representing the applicant, said Lot 5 was decreased a little. A. Sherwood

asked if the other lots were the same size and the answer was they are.

A. Sherwood asked about the driveway to Lot 3 being very close to the wetland.

C. Balcius spoke about having a condition of approval to include marking the boundary of the wetland for protection. She asked the applicant if they would be willing to have a 25' "No Cut Buffer" for the wetlands over an acre in size.

R. Nadeau, spoke about imposing wetlands buffer when there is no definition of what a wetlands buffer is, what people can and cannot do in a wetlands buffer, what the width of a wetlands buffer is. She knows the Planning Board has the vested authority to place reasonable conditions on applications that have particular concerns but when they are systematically asking for buffers on wetlands which are not unique in this area and which are being asked in almost every application than its becoming a defacto overlay district. She said what it is becoming is something that is supposed to approved by the Town of Alton. She understands as an example for drainage issues of asking for the buffer, but if the Board is assuming a pattern from asking, suggesting, or imposing but they are doing it on every property that has a wetland that is not unique. That is becoming an ordinance that has to be passed by the Town of Alton and from the prospective of due process where the buffer sizes are different and some people can cut in the buffer and some can't; She said something that ambiguous is a violation of due process. She said they are agreeable to a wetlands buffer and the applicant would like to see a 15' buffer or they will contest the Planning Board actions and get a legal opinion and she does not believe the Planning Board has the legal authority to require a 25' setback.

T. Hoopes spoke about the reasoning behind the Planning Board's actions with the wetland buffers and that the 50' setback they have asked for is a regulation and he said they would have regulations on the books next year.

R. Nadeau said she understands that there is not a lot of land left that doesn't have an impact to wetlands and she understands the values of functions of wetlands and she was not speaking against having a wetland buffer; she was saying she does not agree that the Planning Board has the legal authority to be imposing the buffer under the set of rules they have.

T. Hoopes said the Board has never imposed them and C. Balcius spoke about they are in the process of having regulations and the Board is concerned with the larger wetland on site and R. Nadeau agreed.

The Board discussed the 15' buffer and the Board's intention of having them to prevent residential lawns being cut to low and fertilizers etc from entering the wetlands because than there would be no way to have any filtration/protection of the wetland. R. Nadeau agreed, but said that is the danger of what they were talking about before with no definitions, i.e. what does "No Cut Mean". The Board discussed the "No Cut Buffer" and if the owner can be allowed to remove dead trees etc.

C. Balcius said they have been calling it a "no cut buffer" in order to leave a forested, vegetated buffer to the wetland. R. Nadeau wants it called a "wooded buffer" so that dead/diseased trees can be cut.

T. Hoopes said that type of wording has been placed on recorded plans and he is speaking of the vegetation as being important and the diseased trees are important in wetlands for animal habitat. R. Nadeau said she would like her client and her client's successors to know that if the area is called a "no mow zone with a tree buffer" than they will know they can take out rotten trees if necessary but it is not mowing out the underbrush.

A. Sherwood spoke about the Planning Board's ability to impose the 25' setback and he acknowledged the "defacto ordinance issue". He wanted to make it clear that even though they do not have the regulations for buffers, the Board has the power and discretion in certain situations to impose a buffer. He has no issue in using the 15' buffer.

R. Nadeau spoke about the notes and asked about the Current Use status of the property and the applicants said property is not in Current Use.

The Board discussed the cistern for future subdivision and the water requirements for that site.

A. Sherwood said the requirement is there be on site water protection.

C. Balcius opened up the hearing for public input, there being none she closed that portion and called for a motion.

**Motion made by A. Sherwood, seconded by T. Hoopes to approve Case# PO5-02 with the following conditions:**

- 1. Trees along the boundary of the 15-foot wetlands buffer be flagged on the plat and in the field on trees approximately every 25 feet with permanent markers identifying them as the wetlands buffer. All proposed signage to be reviewed and approved by the Planning Board.**
- 2. A note to be added to the plat stating erosion control will be in place prior to excavation or timber cutting.**
- 3. A note on the plat and in the deed for Lot 28 that states “*No further subdivision of this parcel shall be permitted without the installation of a cistern that meets the requirements of the Town of Alton Fire Chief, unless another acceptable water source is available.*”**
- 4. All necessary state, local and federal permits be obtained prior to the beginning of excavation or timber cutting; copies to be provided to the Planning Department.**
- 5. The sheet numbering is changed to read Sheet 1 of 2 and Sheet 2 of 2 with Sheet 1 being the recording plan and Sheet 2 being the Topographic and Soils Support Plan.**
- 6. The following notes are added to the mylar and final plat sheets for recording:**
  - This subdivision plan contains a total of two sheets, which in its entirety constitute the subdivision plan as approved by the Town of Alton Planning Board. Sheet 1 is recorded at the Belknap County Registry of Deeds; Sheet 2 is on file at the Town of Alton Planning Dept.*
  - This subdivision plan is subject to the Conditions of Approval itemized in the Notice of Decision, Planning Board Meeting, March 15, 2005, on file at the Town of Alton Planning Dept.*

**C. Balcius called for the vote, motion carried with all in favor.**

The applicants thanked the Board for their time.

### **Other Business**

K. Menici also requested the following items be added under “Other Business”:

C. Balcius recused herself from discussion on the first item.

K. Menici explained the first item-1) Katherine Jenks, M/L 27/59, obtained Site Plan approval from the Board at its April 1999 meeting. As part of the approval, the applicant was instructed to provide 2 mylars and 4 dark line copies of the final plat. This was never done, therefore; the site plan was not recorded at the Belknap County Registry of Deeds. The surveyor who prepared the plat is now deceased and the property owner has retained another surveyor to verify the site plan. The surveyor will have to wait a little for the weather to clear to verify the boundaries. With the Board’s approval, the surveyor will prepare the required mylars and dark lines to be signed by the Planning Board. The owner will then record one of the mylars.

K. Menici has to ask J. Sessler for the correct language to be placed on the plan for final approval. She said it would just require a signature and not a full application in front of the Board.

A. Sherwood said anything that is signed would be based on the previous approval and there will be a certification statement on the recorded plat will be the same as the site plan but with up to date language explaining the circumstance.

**Action-**The Board agreed to the proposal to bring the plan up to date as recommended.

C. Balcius returned to the Board as Chair.

K. Menici spoke about the next item- 2) Patricia Scribner, M/L 16/19-A, obtained approval for a 5-lot subdivision with an internal road from the Board at its September 8, 2003, meeting. This approval was subject to 13 conditions. The applicant then came back before the Board at its February 17, 2004, meeting for a compliance review. At that time, the applicant had received notification from NH-DES Wetlands regarding her wetlands permit and the conditions of the wetlands permit required revisions to the subdivision plan. The Board approved the proposed revisions to the subdivision plan at this meeting subject to conditions. To date no work has been started on the subdivision.

Section 5.6.3 of the town's Subdivision Regulations requires that a property owner satisfy all conditions of the approval within 365 days from the date the conditional approval was granted or the approval will expire.

This section of the Subdivision Regulations allows the Board to grant a reasonable extension of the approval if the applicant can show cause. RSA 674:39 I.(a) requires that active and substantial development or building, or posting of a bond for the construction of roads, must be begin within 12 months of the date of approval or the approval lapses and the property is subject to any changes in zoning, subdivision or site plan review regulations that have been adopted since the approval date (i.e., the IGMO or the cistern requirement). RSA 674:39 IV. allows the Planning Board to extend the 12-month period for good cause. With regard to Section 5.6.3 of the town's Subdivision Regulations, eight of the original 15 conditions have not been satisfied. Of the two conditions associated with the approval of the revised plan, neither has been satisfied. With regard to RSA 674:39(a), the property owner has neither posted the bond nor begun any construction. A final plan set was not submitted to the town for the final engineering review, mylars were not submitted for recording, nor was the security posted. The owner states that she was unaware that the subdivision approval was subject to expiration and is seeking an extension of the approval.

K. Menici said that she spoke to the property owner on February 15, 2005 and told her that her approval was going to expire because she had not satisfied all the conditions of approval and also because had not made any active or substantial development of the property. She said state law permits the Planning Board to extend the approval period for "good cause" and with a "reasonable extension" but the does not define "reasonable". She said the applicant is looking to begin with the subdivision and the state law says they are subject to any changes in zoning and in subdivision requirements. She said the IGMO has been adopted since this application was originally approved and the IGMO calls for no internal roads and the cistern requirement has been in place for 5-Lot subdivision or more. She asked the Board for advice on how to handle the situation

The Board talked about the extension of the approval than the applicant would have to satisfy the original conditions and K. Menici said the new regulations have to be taken into account on whether or not to apply them, especially the cistern requirement. A. Sherwood asked if the Board has the option to extend the approval with all the original rules and conditions of approval. K. Menici said yes however; that option exists provided the applicant could show good cause for not having started within the 12-month period. The Board discussed the application having to come in for a compliance hearing to explain the their case for "good cause". A. Sherwood said there has to be a compliance hearing even if the Board does the minimum

and extend the approval. K. Menici said if the Board wants to consider extending the approval then a compliance hearing would be necessary and if the Board does not grant a continuance then the application would be denied and the applicant would have to resubmit.

C. Balcius said at the minimum there should be a compliance hearing for the applicant to explain himself or herself. B. Holmes asked if financial reasons are adequate and the Board decided that that was not a reason to grant a continuance. K. Menici would talk to J. Sessler to find out examples for "good cause".

A. Sherwood wants the applicant to be able to come in and talk to the Planning Board.

T. Hoopes has concerns about getting a cistern on site because of the conditions and the Board wants to hear from the applicant as to why the delay. He informed the Board that the applicant is very familiar with the NHDES wetland application permitting process and how things work.

**Action-**C. Balcius asked K. Menici to set up a compliance hearing and K. Menici said she would.

K. Menici spoke about the next item-McGuirk Self Storage Site Plan Approval

3) The Board granted conditional approval for the McGuirk Self-Storage facility on Route 11 at its February 2005 meeting; a condition that should have been included and was overlooked. As a condition of approval, the owner should have been required to escrow funds for the construction and final inspection of the drainage system. The Conservation Commission, at its March 10, 2005, meeting, voted to appeal the approval in order to have this condition included. At this time the owner has already put money into escrow and agreed to the condition.

Attached is a letter from Don Voltz regarding the tree markers for the wetlands buffer for the Perreault and W. & W. Ralph subdivisions. Mr. Voltz submitted a sample marker with the letter; his proposed wording is "Wetland Buffer no Cutting". K. Menici suggested that the Town of Alton be added to the markers.

**Action-** The Board wants the "Town of Alton" along the top of the marker

K. Menici spoke about the next item

4) About a letter from the Code Officer to Gillan Marine regarding their non-compliance with an approved site plan.

**Action-**Discussion about the Gillan application was ceased due to the current legal situation and A. Sherwood wants K. Menici to have J. Sessler to advise the Planning Board on their next step.

K. Menici spoke about the LRPC Master Plan work and the office received a DRAFT copy of the Scope of Services was handed out to the Board. A. Sherwood informed the Board of the \$30,000.00 that was approved at Town Meeting and he recommends that \$15,000.00 go to LRPC and \$5,000.00 to the Impact Fee Analysis. Discussion about the amount needed for the LRPC contract. C. Balcius noted that the contract comes up a little over \$15,000. The Scope of Services is adequate for what the Board discussed as wanting from LRPC.

Discussion about Phase 1 of the contract and the sections of the Master Plan that are required one is Land Use Section and the other is the Vision Statement and then there are the option sections. K. Menici explained that Board has met and they have discussed what option sections of the Master Plan they want to do now and that is the Phase 1 and Phase 2 would be the optional sections of the Master Plan that are not being re-written now.

Discussion about Vision, Land Use and Transportation and it was discussed that Transportation falls under Land Use but they can treat it as a separate section but initially it will be discussed under Land Use section.

A. Sherwood spoke about Phase 2, if the Board is going to have anything by the end of the year that deals with zoning then what they do with the Master Plan will have to be limited to the proposed sections and then he spoke about how to reorganize the zoning. And that Phase 2 could include assistance to that as well. C. Balcius agreed and also spoke about Phase 2 being implementation and the Board agreed.

J. Crouse asked about dispersing the Community Survey in Main Street and the LRPC contract says now it is being mailed. T. Hoopes said it was LRPC's proposal.

The Board discussed the survey design and LRPC has already revised it once. J. Crouse spoke about the pre-test situation and K. Menici said the time has run out for the pre-test and if it is removed it would be an insignificant cost. J. Crouse said they are billing things according to the contract and items do not match and she is looking for clarification on what LRPC is billing for. C. Balcius said the survey meeting was last month and the cost wasn't generated prior to LRPC deciding they weren't going to do it. K. Menici said LRPC may not realize that the Board does not have the time to do the pre-testing and they kept the cost in the contract. K. Menici said it could be asked to be taken out and she said it could be a very small part of the entire cost and revise the estimate.

Discussion about the survey process and the mailings and the details will be ironed out with LRPC and K. Menici.

A. Sherwood said ultimately it is the responsibility of the Board to work on the required sections of the Master Plan not LRPC. He said the Town Administrator will have to review the contract and the contract is based on time and materials. He said since Alton is a member town it will be at a member rate.

C. Balcius said Phase 1 will cost a little over \$15,000.00 and Phase 2 being done next year with money held in reserve. C. Balcius asked about item #7 payment and completion and they talk about payment after completion of certain thing and she wants that ironed out. K. Menici agreed to that.

**Motion made by C. Balcius, seconded by A. Sherwood to give K. Menici the authority to make changes with LRPC as discussed and forward to the Town Administrator for review and sign, motion carried with all in favor.**

K. Menici handed out the draft community survey and asked the Board to review the survey.

Sherwood asked about the Main Street edition and the next available issue that the survey would be in.

J. Crouse spoke about the survey discussing property owners and residents and that Main Street does not go to all property owners. Discussion about who should get the survey and possibly to put the survey on the web site. J. Crouse so half the people who own property in Alton do not get to vote in the survey. C. Balcius said the Board decided to put the survey in Main Street but she did not know that if you do not live in Alton; you do not get Main Street. K. Menici said there is no budget for mailing.

A. Sherwood said the agreed months ago to put it in Main Street and they need to continue with that.

Discussion about putting the survey on the web site and have the Board of Selectman help in getting the news about the survey.

**Action-**C. Balcius wants the Board members to review survey and get them to K. Menici on March 16, 2005. K. Menici said she will be away and will not be back until Monday March 21, 2005 and she will get the survey to Main Street on Saturday March 19, 2005.

K. Menici said to get comments to Stephanie by the end of the day tomorrow by email and then she'll send

one email out to everyone and K. Menici with all comments in them, K. Menici is writing a Main Street article from home and she can work on the survey also.

Discussion about the workshop schedule:

March 23- Getting Master Plan Committee Chair with the first date for their first meeting and getting the Committees started-6pm

March 29-Roads- NHDOT & Highway road discussion and limited access- 6pm

April 13-Planning Forum- 7pm –Community Center

April 19- Regular Planning Board meeting

April 26- Committees will have met once and started and agenda and outline and check on LRPC progress. Committee Chairs will report to the Board.

C. Balcius spoke about the OEP Spring Planning Conference and encouraged all members to go.

T. Hoopes spoke about LRPC beginning a work group about Regional Septage issues. He said the Planning Board needs to delegate a representative. A. Sherwood said LRPC contacted the BOS and asked R. Bailey to represent the Town of Alton. Discussion as to whom will represent the Town of Alton.

K. Menici spoke about St. Katherine's compliance issues and that she and C. Balcius went to the site and spoke to a representative from contractor and told them to fix things and they haven't been done. C. Balcius spoke about the violations having to do with lack of compliance for Federal permits and recommends a meeting as soon as possible rather than a compliance hearing in front of the Board.

The Board members agreed that C. Balcius and T. Varney will attend the meeting and K. Menici will email R. LaBranche at Dufresne-Henry to attend.

T. Varney would like the Town Attorney to talk to them about legal issues are on unimproved roads K. Menici will set it up.

**2. Old Business**

**3. New Business**

**4. Correspondence**

**Adjournment**

**Motion made by T. Hoopes, seconded by A. Sherwood to adjourn at 11:35pm, motion carried with all in favor.**

Respectfully submitted by,

Stephanie N. Verdile  
Planning Board Secretary.