

TOWN OF ALTON
ALTON PLANNING BOARD
MEETING MINUTES

Approved 6-17-08
APRIL 15, 2008

Members Present: Thomas Hoopes, Chairman
William Curtin, Alton Selectmen's Representative
Cynthia Balcius
Bruce Holmes
David Hussey
Timothy Roy
Scott Williams

Others Present: Sharon Penney, Town Planner
Stacey Ames, Planning Assistant
Krista Argiropolis, Recorder
Members of the Public

I. CALL TO ORDER

T. Hoopes called the meeting to order at 7:00 PM.

II. APPOINTMENT OF ALTERNATES

There were no alternates to appoint.

III. APPOINTMENT OF OFFICERS

T. Hoopes reported that C. Balcius and B. Holmes had agreed to serve as co-chairman for the Board with S. Williams as Vice-Chair. He reported that he would agree to serve as clerk for the Board.

MOTION:

T. Hoopes motioned to appoint C. Balcius and B. Holmes as the co-chairmen, S. Williams as Vice Chairman, and T. Hoopes as Clerk for the Alton Planning Board and W. Curtin seconded the motion. The motion passed by unanimous vote. (TH, WC, CB, BH, DH, TR, SW)

IV. APPROVAL OF AGENDA

T. Hoopes requested to move the approval of minutes to the end of the meeting and asked to move the election of officers to the beginning of the meeting. There were no other changes to the agenda. The agenda was accepted by consensus.

V. PUBLIC INPUT

There was no public input.

VI. NEW APPLICATIONS

a. CASE # P08-11; MAP 25, LOT 2, SITE PLAN LISA BOUDREAU, 142 SUNCOOK VALLEY ROAD

T. Hoopes confirmed with S. Penney that this site plan had gone through a conceptual review. T. Hoopes explained to the applicant that acceptance of the application was the first step and then they would have discussion.

T. Hoopes asked if there was record of a survey. Mr. Boudreau responded there was no record of a survey being done prior to the town purchasing the property. T. Hoopes felt it was up to the town to have the survey done since this was a lease situation. T. Hoopes spoke about the requirements of the Alton Planning Board to make sure that the plan was appropriate.

Mr. Boudreau stated that their challenge is that they don't plan to build on the site or subdivide the property. He felt it would warrant waiving the engineering studies and surveys because it would be a hardship, as a small business owner, for them to get the studies and surveys.

T. Hoopes spoke about the situation of the Boudreaus renting from the Alton Cemetery Trustees and stated that the Trustees are under the Selectman. He reported that Jim Sessler's name was on the paperwork from the purchase of the property and felt there should be a survey done.

There was discussion about the buildings on the property. C. Balcius stated that if a new building was going to be placed on the property that it would affect her vote. S. Penney read the findings of the building inspector, who stated, "the house and barn are unsafe for any type of use and have severe mold and rot throughout." Mr. Boudreau reported they had been planning to use the barn for a gift shop and not to use the house. He stated that not using any the buildings would not be a problem for their business. B. Holmes spoke about his concerns about possible liabilities in the instances where someone might get in one of the buildings and get hurt. He felt the buildings should be demolished and removed from the property.

Mr. Boudreau reported they had hired a lawyer to draft a lease. He spoke about some of the parts of the lease, such as liabilities, that would be included in the document. He noted there was more information in the packet he had provided to the Board.

T. Hoopes noted there were extensive waivers requested. He spoke about the possible need for topography studies. Mr. Boudreau reported that Ms. Boudreau had provided a layout drawing of the property and they had provided information about the contours of the property.

C. Balcius stated that she was concerned about the site plan and felt that a topography study was needed. She felt she wasn't ready to issue all the waivers that were requested in the site presentation the applicant had given the Board. She spoke about her concerns about the structures on the property.

Mr. Boudreau reported the lease was being reviewed by the town's attorney and the trustees. He felt they were trying to do what they could to protect themselves and the town. T. Hoopes felt they had no idea the status of the land and felt there were many issues with the buildings on the property.

The Board reviewed the list of requested waivers and noted the waivers they might consider approving:

- Environmental Impact Study
- Storm Water Management
- Drainage Plan
- Traffic Study (but trip generation should be looked at and possible traffic issues with the thrift store, across the street)
- Subdivision Purpose
- Fiscal Impact Study

There was discussion about the driveway. Mr. Boudreau reported they were considering using gravel. There was discussion about the septic and Mr. Boudreau reported that port-a-potties would be used. C. Balcius asked if there were any standards for port-a-potties and S. Penney responded that they would check with Brian boyers about it.

Mr. Boudreau asked what would be needed for the traffic study. C. Balcius spoke about the information that might be in a report that would be generated. T. Hoopes spoke about traffic counts that had been done by the DOT. Mr. Boudreau reported he had some information about the traffic in the area and T. Hoopes felt they needed someone to help them interpret the data.

There was discussion about the need for a survey. T. Hoopes noted that since the line from the cemetery had been surveyed that it was one line they didn't have to worry about. S. Williams asked if the Town Clerk had copies of the survey in her office and Lisa Waterman responded that she did not.

Mr. Boudreau stated that the condemning of the buildings was an issue for them. He asked if there was a time limit for them to take action of the site plan once it was approved. T. Hoopes responded that if the application was approved with conditions that they would have a certain time limit. He stated there could be extensions granted. Mr. Boudreau spoke about what was needed for approval of the site plan and felt the process would go quicker when they returned with more information and some of the studies and surveys that would be needed. Mr. Boudreau noted that they had paid application fees and abutter fees and asked if they would have to pay abutter fees if they had to come back before the Board. T. Hoopes explained that abutter fees would need to be paid because the site plan hadn't been approved.

Ms. Boudreau noted that they might be looking at other properties and asked about possibly leasing commercial property. There was discussion about change of use that would possibly be needed.

There was no further discussion.

VII. CONTINUANCE

a. CASE # P08-08; MAP 8, LOT 25, SITE PLAN RYAN HEATH, 182 FRANK C. GILMAN HWY

Melissa Guildbrandsen, Attorney, Tom Varney, and Ryan Heath presented their continuance. S. Williams rescued himself from the case. T. Roy and T. Hoopes noted that they had a client/attorney relationship.

M. Guildbrandsen requested that C. Balcius should step down from the case. She noted that they felt this was necessary because there was a lack of impartiality. C. Balcius felt there were no direct unprofessional acts done here and reasoned that her questioning this applicant and site plan in the manner she had done at the previous meeting was due to her understanding of the RSA about licensed land surveys. She spoke about the recommendations of attorneys and felt that there was nothing unprofessional about her questions because the attorneys that the Board had spoken with confirmed her interpretation of the RSA. C. Balcius felt they should speak with Jim Sessler before she rescued herself from the case. B. Holmes stated he was at the meeting and didn't feel there was anything unprofessional about the discussion.

M. Guildbrandsen felt there was "a feeling of impartiality" and felt that Tom Varney's business was competition for C. Balcius' business. C. Balcius stated that she had sat on many cases that T. Varney had presented and that he was not competition for her business. M. Guildbrandsen reported they had hired a land surveyor in good faith.

R. Heath spoke about what he felt were personal digs that happened in the conversation. There was discussion about previous meeting and the conduct of the Board and applicant. T. Hoopes felt that the concerns that C. Balcius had brought forth would save R. Heath time and money. He felt that C. Balcius was an asset to the Board and her input was valuable.

M. Guildbrandsen spoke about a document she had developed to report the age of occupants. C. Balcius asked if S. Penney had checked about the elderly housing in the area. S. Penney reported she had heard back from one place in Rochester and the place had HUD involved.

C. Balcius asked if the engineer had received the plans. S. Penney reported he had but that he was out of town at this time.

There was discussion about the number of occupants who would reside in a unit. M. Guildbrandsen reported they could write some clause in the lease where only three residents would be allowed in a unit. T. Hoopes spoke about the reason of the town's zoning criteria for 62 years old being the defining age for elderly housing. He stated they had picked that age because of possible medical-type or skilled nursing care facilities. He stated they had not anticipated anything on this scale when that criteria was set.

The Board reviewed the documents presented by the applicant. T. Hoopes confirmed that the plan was accepted. M. Guildbrandsen reported that one building had been removed from the plans, so there would now be forty units. T. Varney reported that unit eight had been removed. M. Guildbrandsen reported there would be vegetative screens added to the design, between the units and Route 140. She spoke about revisions made to the septic.

C. Balcius asked T. Varney if the wetlands would be accurately surveyed and flagged and noted that it was on the checklist. She noted that it was a state requirement for them to be located by a licensed land surveyor. She asked about the clear cutting and noted that it was done in December. She felt that some kind of landscaping plan should be completed. R. Heath stated they did not clear cut the land and there was no lumber harvested by them but that the lot was very thin when he purchased it and anything that was of any value was already removed. C. Balcius stated that R. Heath had stated they had cut in December when he was asked about it.

C. Balcius asked when the applicant would file for an Alternations of Terrain Permit. M. Guildbrandsen responded they would do that when they heard back from the engineer. C. Balcius advised that the applicant should file with the state so that they (the Board) could be working along with the state on this case. There was discussion about the survey and the alteration of terrains. T. Varney spoke about the timing of the alteration of terrain permit and possible changes that could come up. He noted they would need to re-submit the alternation of terrain permit and that would be costly. He spoke about the plans that Hannaford had submitted when they had applied for alterations of terrains. C. Balcius spoke about the wetlands rules and some of the small impacts, such as a driveway crossing wetlands, not having a large impact on the area but that it was a requirement for larger projects, such as a subdivision.

R. Heath reported he decided to do the survey because of the concerns of the abutters. He felt they should not have to do it but that he did it to show they were willing to do a good faith compromise. M. Guildbrandsen quoted RSA 310 – A:2, IV: *"Engineering surveys" means any surveying activities required to support the sound conception, planning, design, construction, maintenance, and operation of engineering projects by persons licensed under this subdivision, but shall exclude the surveying of real property for the establishment or reestablishment of land boundaries, rights-of-way, easements, and the dependent or independent surveys or resurveys of the public land survey system.* She stated it was permissible for Tom to present planning surveys for the Board's review. C. Balcius quoted both the LLC law and the PE Law and stated that Tom was not allowed to present land survey. She invited M. Guildbrandsen to call the Joint Board of Licensed Surveyors and the NH Association of Land Surveyors to speak with them about the laws. There was discussion about the plans and the stamping of the plans. T. Varney felt that C. Balcius was accusing him of something he wasn't doing. T. Hoopes stated that they were asking for something that was on their checklist and felt he wasn't comfortable approving the plan without a survey. C. Balcius spoke about the marking of the wetlands and stated she had trouble locating where they were at according to the map. T. Hoopes felt it was important to have the wetlands specifically defined.

T. Varney asked T. Hoopes if he felt the plans weren't accurate. T. Hoopes stated he had no idea if the plans were accurate but that one of the requirements they had was that the wetlands were delineated and designated so they could see where they were at. He spoke about some issues with other sites where they later found they had access to the property by wetlands and no dry land access. C. Balcius stated this was something that was on their checklist and that it had been there for years. She stated it was not something she was willing to waive. She stated she would like the wetlands reviewed by another wetlands scientist or to have the surveyor pick up the flags when the property was surveyed.

T. Hoopes asked if there were concerns about traffic on Route 140. C. Balcius stated they had a full agenda and felt they couldn't go any further at this point without a survey.

T. Hoopes opened the floor to public comment.

Ruth Messier, Alton resident and abutter to the site. She stated she found the plans disturbing. She spoke about her concerns about some of the remarks that Mr. Varney had made at the last meeting and felt they were more disturbing than some of the remarks made by C. Balcius. She asked if the propane tanks were shown on the site plans. She stated she was glad that they had removed one of the units. She spoke about the clear cutting and felt there was a lot of it that was being done at that property. She felt landscaping should be done. She reported that when her father-in-law had sold the property that there were eleven acres, not fourteen acres. She spoke about the age 62 being the age defined by the town as being the age for retirement. She asked why this wasn't being seen as a just a housing development and noted that it would be a voucher system and HUD. R. Heath responded that he was not applying for HUD at this time but that the units would be built to HUD standards. He reported the units would handicap accessible. R. Messier asked who would monitor the ages of the leasers. R. Heath stated it would be the Code Enforcement. R. Messier stated she hoped there would be something written in to what would specifically be done. She spoke about the possible impacts this could have on the town's core services, such as police, fire, and welfare.

R. Messier stated that it was the expectations of many of the people she had spoken with that the Planning Board would approve this. T. Hoopes spoke about the due diligence that the Planning Board was trying to do. R. Messier asked why the abutters were able to come to the meetings if their concerns were not heard. T. Hoopes stated that abutters were allowed to speak their concerns and ask questions. T. Hoopes stated that as long as the applicants met the requirements that they had the right to apply for the site.

R. Messier spoke about her concerns with water contamination because of the Irving Oil property abutting the applicant's property. M. Guildbrandsen stated that they would be using town water. She spoke about results of water testing that had been done. The town has been absolved of any issues from the Irving Oil property.

R. Messier asked how the development would benefit the town. R. Heath stated that a lot of people in the town were now in a situation where they couldn't afford the home they had inherited on the lake or with a view, because of the taxes on the property, and they now needed somewhere to go. He stated he felt this provided a useful and good service for the town. He stated he preferred to call it a "retirement community".

R. Heath presented an aerial photograph taken in 2002 to show that he had not clear cut the property. He stated that the previous owners of the property had taken a lot of the trees already.

Randy Glines, 134 Frank C. Gilman Highway, stated that the property was cut before R. Heath had cut it but that a lot of the property had been cut recently. He spoke about four issues that the Planning Board has to consider when granting elderly housing. The first concern that R. Glines brought forth from the Alton zoning ordinances, General Health & Welfare, and stated that if any of the liquid propane tanks exploded that they would level the development. He spoke about his findings on the internet with the storage of liquid propane. He stated that the Deputy Fire Marshall couldn't believe that someone was willing to build developments that close the storage tanks. He felt the second criteria for exceptions really didn't apply to this but that the third exception, "Character of Existing Neighborhoods" did apply. He noted that everyone he had spoke to was not "on Ryan's team". He felt that everyone was adamantly opposed to the development. He asked the Board to not approve the plan and asked if they did that something was built to deflect an explosion. R. Heath felt this was not a concern and that Irving had to comply with state and Federal laws. C. Balcius asked how this could be more appropriate for the neighborhood. R. Glines felt that fewer units on the property would make it more appropriate. He

spoke about noise issues that might come up because of the ATV and snowmobile trails that were in the area. There was discussion about the use of the trails.

Ray Carbone, Laconia Daily Sun, asked if the Board was going to take any action about the request for C. Balcius to remove herself from the case. T. Hoopes responded that they would be consulting with the attorney about the request.

MOTION:

C. Balcius motioned to continue Case # P08-08; Map 8, Lot 25, Site Plan Ryan Heath, 182 Frank C. Gilman Hwy and T. Roy seconded the motion. There will be no further notice to the abutters. This will be continued at the May 20, 2008 meeting the continued application deadline is May 2, 2008. The motion passed by a vote of six, with one rescued. (TH, WC, CB, BH, DH, TR / abstained - SW)

There was a brief break 9:05 – 9:25 PM.

**b. CASE # P08-07; MAP 15, LOT 17, SUBDIVISION
BYRNE DEVELOPMENT CO., ROUTE 28A**

S. Penney presented a report to the Board that had just been received due to special circumstances. There was brief discussion about the deadlines for submission of documents and reports.

The applicant was represented by Jones & Beach Engineers, Inc., who requested for the scheduling of the site walk. It was decided that the site walk would April 28, 2008 at 5:00 PM.

MOTION:

C. Balcius motioned to have the site walk for Case # P08-09, Byrne Development Co. on April 28, 2008 at 5:00 PM and S. Williams seconded the motion. The motion passed by unanimous vote. (TH, WC, CB, BH, DH, TR, SW)

T. Hoopes opened the floor to public comment.

Betty Sackos, an abutter, stated she had taken some photos of the brook that ran through her property. She spoke about her concerns about the drainage and the redirecting of the water that ran through her property. T. Hoopes spoke about issues with another site that has made them pay more attention to the drainage. There was discussion about the water flow and the effect that other developments have had on the stream running through B. Sackos property. T. Hoopes stated that they would be reviewing the application with emphasis on B. Sackos concerns and asked if would allow the Board to walk on her property to look at the brook.

Darlene LaCross, an abutter, Map 15; Lot 19; stated that she was still concerned about same things she was previously concerned about. W. Curtin asked if she would also allow the Board to walk on her property when they did the site walk and she responded that she would. She reported she had declined having her property lines readjusted and wanted no part of the development.

Meredith Knight, an abutter, spoke about her concerns with water drainage on her property. T. Hoopes asked if she would allow the Board to walk on her property.

There were no other comments from the public.

MOTION:

C. Balcius motioned to continue Case #P08-07, Map 8, Lot 17, Byrne Development Co., and S. Williams seconded the motion. This will be continued at the May 20, 2008 meeting, with a deadline of May 2, 2008. The motion passed by unanimous vote. (TH, WC, CB, BH, DH, TR, SW)

**c. CASE # P08-14; MAP 38, LOT 22, SITE PLAN
ANDREW KIERSTEAD, 319 MOUNT MAJOR HIGHWAY**

S. Penney spoke about this case and the findings and discussion from the previous meeting. T. Hoopes confirmed the perimeters of the survey.

T. Varney spoke about the methods of surveying the land and noted some of the slight variances, which were only within a few inches difference. He felt the building will fit within ten feet of the property lines.

The Board reviewed the application. T. Hoopes confirmed they had certification. He noted that no other waivers were being requested. C. Balcius noted that certification was no longer being requested as a waiver.

MOTION:

T. Roy motioned to accept the application of Case # P08-14, Map 38, Lot 22 and D. Hussey seconded the motion. The motion passed by unanimous vote. (TH, WC, CB, BH, DH, TR, SW)

Sharon Kierstead presented information about Andrew's Marine and the history of the business. She spoke about the use of the boat storage building they will be building once the appropriate approvals are in place. The building will be 102 x 110 feet, four levels, and will be able to store about 100 boats. She spoke about the design of the building and how it will be utilized. There will be no septic, no store front, and no customer traffic.

There was discussion about the plans and an "As Built", which should be submitted after the project is completed to prove that it was built as it was approved by the Board to be built. The Board discussed drainage, the two cuts allowed by the DOT. T. Hoopes noted that he would want a clause in the approval that no "for sale" items would be allowed. There was discussion about requirements for parking.

A. Kierstead spoke about the landscaping and noted that they would be compliant with the plan they had submitted because they wanted the building to be inconspicuous.

Beverly Develdler, Alton resident, spoke for the Kiersteads and the approval of the plans.

There were no other public comments.

MOTION:

C. Balcius motioned to approve the site plan for Case # P08-14, Map 38, Lot 22, Andrew Kierstead, 319 Mount Major Highway, with the following conditions:

1. The applicant shall comply with all of the Town of Alton's Subdivision and Site Plan Regulations.
2. A copy of any necessary Federal, State, and/or local permits shall be received by the Planning Department and the permit numbers shall be added in a note on the plan prior to plan signing.
3. A note shall be added to the plan prior to the plan signing stating that Best Management Practices shall be utilized during any timber cutting on the site.
4. The following note shall be added to the plan prior to plan signing: "This site plan is subject to the Conditions of Approval itemized in the May 15, 2008, Notice of Decision on file at the Town of Alton Planning Department.
5. The approval is based upon the plans, specification and testimony submitted to the Planning Board. Any alterations, additions or changes to the plans are not authorized and require additional Planning Board approval.
6. There will be no fuel storage or servicing of boats on site
7. "As-Builts" shall be provided to the Planning Department upon completion of construction
8. No sale items shall be placed on the site
9. The landscaping plan will be installed according to plan and maintained
10. Final confirmation and affirmation by the town engineer for drainage calculations.

The motion was seconded by S. Williams. The motion passed by unanimous vote. (TH, WC, CB, BH, DH, TR, SW)

VIII. PUBLIC HEARING

**a. CASE # P08-16; MAP 9, LOT 3, SITE PLAN REVISION
NH ELECTRIC CO-OP – SUNCOOK VALLEY ROAD**

Peter Fipps, NH Electric Co-Op, spoke about the site plan. He spoke about the changes proposed: Some of the changes include; changes to the building orientation, which has been rotated 180°; the concrete sidewalk curb has been removed from the plan due to safety and maintenance issues; an emergency generator has been suggested for when there are power outages, and an air compressor in the building for the servicing of the air breaks in the trucks. He noted there would be a trench drain in the building and a holding tank outside the building to catch snow/salt and spills, so that the liquid could be pumped out and disposed of. He spoke about some of the "green" actions that the Co-Op is taking for the environment.

T. Hoopes opened the floor for public input.

Gerald Hyslop spoke about his concerns about the project. He stated he had a fifty foot right of way through the property. He reported that all the wetlands were filled and a lot of gravel was hauled in. He stated his property was useless now and all the water was draining into his property.

He stated it was such a wide-open and flat property now that there was no where for the water to go. He spoke about where on his property that the water is coming in. He reported that this was the first meeting he had received a notice for.

There was discussion about when G. Hyslop had purchased his property and the wetness of his lands. The former owner of the property is Ronald Martin. G. Hyslop reported the former owner was present at the meeting and could tell the Board the same thing he was telling them. He stated he would let the Board walk the property and would write them a letter. He spoke about the flow of the water off the land and contamination coming from Green's Auto.

S. Penney presented the list of abutter's addresses. G. Hyslop noted that was not his or R. Martin's address on the list.

The Board discussed the history of the site plan and the revisions. G. Hyslop stated that this was the first time he was able to speak about the plans because he had just received notice. He felt there was something funny going on. The Board discussed possibly getting DES involved.

T. Hoopes advised G. Hyslop to contact the DES about his concerns and to copy the Town of Alton Conservation Committee. He stated that action would be taken on the complaint. S. Penney stated that the proposal by NH Electric Co-Op was about minor changes but the approval had already been given. She stated that G. Hyslop's concerns would be addressed in a separate way but that this was the process and the way the process worked.

Ron Martin reported that he received nothing about this project in the six years that he had the property. He stated he received his tax bills every six months but never notice of the project. He reported that the wetlands flags had been moved around and should be looked at with a map of the wetlands. There was discussion about the lack of notice and R. Martin felt that the lack of notice wasn't an issue and the Planning Department had done a good job. He stated that there were a lot of changes to the property and felt the Board should be aware of it.

MOTION:

T. Roy motioned to approve Case # P08-07, as presented with amendments and S. Williams seconded the motion. The motion passed by a vote of six. (TH, WC, BH, DH, TR, SW / abstain - CB)

IX. OTHER BUSINESS

T. Hoopes reported that Laurie Boyce had given him information about HB 416 and he spoke about some points of the bills.

T. Hoopes spoke about small weekly meetings. He requested the Board meet on Monday, April 28, 2008, after the site walk.

S. Ames reported that Sedlari Construction had requested to complete a project without a fire cistern and to complete a road in three stages. There was discussion about the reasons for the request, such as economic constraints.

S. Ames reported she had received a letter from W.W. Ralph to change engineers.

MOTION:

T. Hoopes motioned to approve W. W. Ralph to change engineers and T. Roy seconded the motion. S. Ames reported she had received a request to change a cistern and C. Balcius felt the cistern was a condition of the motion approving the plan. The motion passed by unanimous vote. (TR, WC, CB, BH, DH, TR, SW) S. Williams stepped down.

There was discussion about whether legal council would review the request. C. Balcius spoke about her concerns with the Board setting precedence by approving revisions to plans that had been approved with conditions.

S. Ames handed out a draft of the new checklist to the Board for their review. It will be reviewed at the next workshop on 04/28/08

X. ADJOURNMENT

MOTION:

C. Balcius motioned to adjourn and D. Hussey seconded the motion. The motion passed by unanimous vote. (TH, WC, CB, BH, DH, TR, SW)

The meeting adjourned at 11:25PM.

Respectfully Submitted,

Krista Argiropolis
Recorder, Public Sessions