

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

Member(s) absent:

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.
She explained the amended order of the agenda to add the Election of Officers for 2005.

Election of Officers:

C. Balcius called for nominations for Chairman of the Planning Board for 2005.

A. Sherwood made a motion to nominate T. Hoopes as Chair, seconded by C. Balcius, motion carried with 2 opposed and 5 in favor, passes by a vote of 5-2.

Nominations for Vice-Chair-

A. Sherwood nominated C. Balcius as Vice-Chair, seconded by T. Hoopes motion carried with all in favor.

Nominations for Clerk-

A. Sherwood made a motion to nominate T. Varney as clerk, seconded by T. Hoopes motion carried with all in favor.

Appointment of Alternates: None at this time.

Approval of Agenda: T. Hoopes spoke about the amended order of the agenda.

Case# P05-16 –Sedlari, subdivision first on the agenda

Case#PO5-25- Gray Subdivision application to be heard as a Design Review application

Case# P05-03- Tower Ventures/Nextel Communications have requested to have their case continued until the May meeting.

Case# P04-49 – Wentworth Cove Realty has requested to have their case continued to the May meeting. If the Board agrees to continue the application to the May 2005 meeting, the Board may want to consider requiring the applicant to re-notice abutters.

Motion made by C. Balcius to amend the agenda as presented by T. Hoopes, seconded by A. Sherwood, motion carried with all in favor.

Motion made by A. Sherwood to continue the discussion on acceptance of Case#PO5-03, Nextel Communications until May 17, 2005 and Case#PO4-49, Wentworth Cove Realty Trust until May 17, 2005 at 7pm seconded by C. Balcius

Discussion on motion: T. Varney spoke about Nextel Communications and the fact that the Planning Board has not accepted the application. K. Menici said the Board is continuing the discussion on the acceptance of the plan. T. Varney wants to know why they are doing that. K. Menici said the applicant has already been in front of the Board and they have already been in the process. At the last meeting, the Board decided to continue the discussion on the acceptance of the application the plan primarily because of the demands on the staff to re-notice the abutters if the Planning Board did not accept the application. K. Menici said that the application has regional notification requirements and based on the number of notices it is about 6 hours for staff to prepare and mail notices. If the Board found the plan incomplete or does not accept the plan, then staff has to re-notice all abutters and the Board is trying to prevent that.

T. Varney said they wanted to continue to last month and they did not attend.

K. Menici said they sent a letter requesting the continuance.

T. Varney said when they first came to the Board, the Board allowed for a one-month continuance so the applicant could submit the additional information and that did not happen.

T. Varney said that the plan was so incomplete it shouldn't have been continued at all. He said when the Board does this (continuing applications month after month) they lose notification of the abutters and he is against that.

K. Menici clarified that it is a request to the Board and the Board has to make the decision.

T. Varney said the same thing about the Wentworth Cove application about the continuing month after month and that is unfair to the abutters.

K. Menici spoke about the Nextel application and there has been no abutter interest in the application but for the Wentworth Cove application she said she suggested to the Board that the applicant be required to pay for the re-notice of the abutters since so much time has gone by.

T. Hoopes said that is an excellent idea.

T. Varney said he is against the habit of continuing applications month after month and he will vote against the motion.

Melissa Gulbrandsen, attorney for the Wentworth Cove application, spoke about the applicant is working on significant revisions of the plan based on the Board's concerns and is willing to re-notice the abutters. She spoke about the additional time the applicant is taking in order to present a plan adequate enough for the Board to approve.

A. Sherwood amended his motion to include on Case#PO4-49 the applicant is required to re-notice the abutters for the May 17, 2005 meeting and to continue the discussion on the acceptance of Case#PO5-03, Nextel Communications until May 17, 2005 the amended motion was seconded by C. Balcius, motion carried with all in favor.

Public Input: T. Hoopes opened up the hearing for general Public Input, there being none, he closed that portion of the meeting

New Applications/Public Hearing:

T. Hoopes read into the record the purpose of the next case

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

**3-Lot Subdivision
Alton Mountain Road**

Application submitted by Granite State Engineering on behalf of the property owner Sedlari Construction for a 3-Lot Subdivision. The property is located within the Rural Zone. This application was accepted at the March 15, 2005 meeting and continued.

K. Menici spoke about the purpose of the applicant's request is based on the fact that when the Planning Board did the first site inspection there was snow on the ground and at the end of the inspection the Board decided they wanted to look at the back portion of the site. K. Menici also reminded the Board they wanted to see the proposed locations for the septic areas and wells flagged on the site, the four corners and lot lines for the lots flagged and the wetlands boundaries in relation to the proposed lots. She said so purpose of discussion is for the Board to re-schedule a site walk.

The Planning Board discussed the rescheduling for the site walk for Wednesday April 27 at 5pm, the Board members will meet on site.

Discussion regarding the time period for the application and K. Menici will contact agent for a letter requesting the extension.

Motion made by C. Balcius to continue Case#PO5-16, Sedlari Construction until May 17, 2005 meeting and agree to a request for time extension, seconded by A. Sherwood, motion carried with all in favor.

T. Varney recused himself and T. Hoopes appointed D. Brock to take place of T. Varney

**Case#PO5-24 Map 10, Lot 19
Alton Heights, LLC
Road**

**Condominium Conversion, Conceptual Review
Alton Mountain**

Application submitted by Alton Mountain Heights, LLC for Conceptual Review for design and scoping input for a proposed Condominium Conversion from 1 Multi-Family Dwelling consisting of 4 Units. The property is located on Alton Mountain Rd and within the Rural Zone.

K. Menici spoke about the 4 dwelling unit buildings already being constructed and they want to convert the form of ownership into Condominiums Conversion. She introduced Melissa Gulbrandsen, attorney representing the applicant to the Board. K. Menici referenced the information supplied to the Board in their packets outlining the zoning requirements for a Condominium Conversion.

M. Gulbrandsen explained to the Board her applicant is looking for input from them on how to change the form of ownership into Condominium's. She spoke about the 4 dwelling units and they are multi-family units with one owner and they want to convert them so individual families could purchase them instead of having them as rental units. She said the conversion would be beneficial for the Town by supplying affordable housing to the area for first time homebuyers. She spoke

about the procedure the state requires for creating the condominium and the documentation is already completed. She said the owner has to create the documentation for the condos and that has to get recorded at the Belknap County Registry of Deeds. She spoke about the eventual owners would become part of a homeowner's association so there would be by-laws that would govern how they relate to each other and how they would maintain the jointly owned land. She said Don Voltz, Lindon Design, has done the survey work for the conversion and that survey plan also is recorded at the Belknap County Registry of Deeds. She said he is away and he is looking for what the Board wants on the formal plans for the conversion approval. She explained he has depiction of the location of the units, the common areas and limited common areas outlined.

A. Sherwood asked about the ownership status and he asked what type of ownership would the condominiums have.

M. Guldbrandsen said the residents would own the walls and interiors and that is also known as the common form of ownership.

T. Hoopes asked about the ownership of the parking areas and M. Guldbrandsen explained it would be limited common area. She said the common area is described as all of the land within the parcel. She said the state law allows limited common area and from a tax perspective it is all part of the common area. She said in the declarations, limited common areas are defined as portions of the land that are technically only useable by the particular unit owner. She used examples of parking areas or garden areas in front of the units, decks and patios that are attached to a particular unit.

T. Hoopes spoke about the parking layout and the parking areas are very limited and the space between the road and the building is very close. He said for the plans, he wants to know the allocation of spaces per unit and would there be room for guest parking. He said that would be a serious concern of the Board to see if there was enough parking because space is limited.

A. Sherwood asked if there were any other common amenities proposed.

M. Guldbrandsen said there are no other amenities proposed, just the parking areas.

T. Hoopes asked septic and well and M. Guldbrandsen said the well and septic would be part of the common area.

C. Balcius spoke about the screening requirements that were in place from the first approval. She asked K. Menici if she reviewed the previous plan and approval regarding the landscaping screening and K. Menici said she had not. T. Hoopes remembers discussion about vegetative screening from the previous approval.

M. Guldbrandsen spoke about a letter that Attorney Hoover wrote a letter to the applicant indicating them of the vegetative screening must be shown on front of the property that was from the previous approval.

J. Crouse asked the about the photographs of the site and an area on the plan by a retaining wall and it was discussed the area was the retaining wall for parking. B. Holmes asked if the parking area will be shown on the plan and M. Guldbrandsen said yes and the plan at this point is not to add any additional structures.

K. Menici spoke about the plan already being approved and the change in ownership will not impact the site plan approval. She said what the applicant needs to do now is to submit the required legal documentation to the Town for legal review and they have to submit a subdivision plan identifying the common areas and limited common areas. She explained the application

would be a form of subdivision for the building because there has to be a legal description of the units.

C. Balcius asked if they could do a site inspection to see if the conditions of approval were met and K. Menici said yes after the formal application that can be taken care of.

M. Guldbrandsen said D. Voltz wanted to know about the contour lines for the plan. T. Hoopes said his concern is for the retaining wall and how that would impact the drainage of the site.

M. Guldbrandsen thanked the Board for their time.

T. Hoopes read into the record the purpose of the next case.

**Case#PO5-27 Map 15, Lot 59 Conceptual Review, Amended Site Plan
Thomas & Virginia Stevenson 793 East Side Drive (Route 28A)**

Application submitted by Thomas & Virginia Stevenson for Conceptual Review for design and scoping input for an expansion of the East Alton General Store. The property is located on East Side Drive and in the Rural Zone.

Virginia & Thomas Stevenson, property owners, explained that they want to submit a formal amended site plan application for the May Planning Board meeting. She said the site plan would include expanding the existing island to include the support footings of a canopy to be located within the protective bollards. They already have the approval for the construction of the canopy over the gas pumps but they neglected to include the expansion of the island because the support footings have to be installed. They want to construct an above ground gasoline storage tank and a 3-car garage. V. Stevenson said they plan on doing the project in phases.

A. Sherwood asked if the garage was for business or personal use and T. Stevenson said it was for personal use.

K. Menici explained the photographs of the site in relation to the proposed expansion. She said the second storage tank would be located next to the current tank. She said there would not be a second gas island. The garage would be located in the back of the existing building

J. Crouse asked about the third pump and the applicants said they are not going to build the third island.

J. Crouse clarified that the applicants are proposing to enlarge the existing island in order to add the canopy and the footings and the applicants said yes

C. Balcius asked what type of fuel the storage tank will hold and T. Stevenson said it is for gasoline. C. Balcius asked about the state approval process and containment and T. Stevenson said the EPA and the NH Fire Marshall have been on site for an inspection.

C. Balcius was referring to the NHDES Waste Management Division that deals with above ground storage tanks and if the applicants know about the proper containment procedures. She spoke about the requirements for the pad and it has to be through the NHPDES program. K. Menici said the Fire Marshall is administering the guidelines and she will verify that.

Discussion about the approval having to go through to the NHDES for above ground storage of fuels. The applicants are waiting to hear exactly what will be expected from them on the proposed storage tank before they begin the state permitting process.

The applicants are asking the Board for input about the enlarging of the island and the location of the above ground tank.

K. Menici spoke about the large above ground tank that will be totally encased in concrete. She spoke

about the view of the site. She took pictures from 28 going on to 28A and said the visibility of the large concrete structure next to the existing wooden structure. She asked if the Board was going to require an Appearance Review for the proposed tank.

T. Hoopes spoke about matching the trellis and plantings would be required and K. Menici said that is to let the applicant know what will be expected when they apply formally to the Board.

T. Stevenson said that the new regulations require that the entire tank be in concrete up to the height of the tank.

T. Hoopes clarified that the applicants are only extending the length of the island just to put the footings in to support the canopy and the applicants said yes.

The applicants thanked the board for their time.

T. Hoopes read into the record the purpose of the next case.

**Case#PO5-28 Map 26, Lot 62 Conceptual Review, Amended Site Plan
Ken Hoyt, Wainwright Insurance 150 Main Street**

Application submitted by Ken Hoyt of Wainwright Insurance for Conceptual Review for design and scoping input for an Amended Site Plan for Karen's Kitchen. The property is located on Main Street within the Residential Commercial Zone.

Ken Hoyt, Wainwright Insurance, told the Board they have a purchase and sales agreement to buy Karen's Country Kitchen and he is looking for input and comments from the Board for the change of use. He said there would be no changes to the footprint and all the services from water, septic and parking will be reduced from the current use. He said that they plan on making repairs to the building and the interior space will be changed.

A. Sherwood asked if there was an existing site plan for the current business and K. Menici said that there must be because of when the original plan approved is dated 1999. A. Sherwood asked about the renovations to the interior and the exterior changes. K. Hoyt said yes they will paint and re-side the building and the kitchen will be removed. He said there will be 2 full time employees and one part time employees.

A. Sherwood said the Board would want to see a plan view of the proposed building changes.

C. Balcius said they like the new bank (Profile Bank) architecture as an example.

T. Hoopes spoke about how unclear the parking areas are for that area and the traffic flow is odd. He would like to see the parking spaces defined and wants the applicant to work with the gas station to figure out the parking situation.

K. Hoyt said the use will not generate as much need for parking spaces as the restaurant and T. Hoopes would like to see clarity in the parking area.

C. Balcius asked K. Menici how much parking would be required for the use and she read the requirements from the ordinance and 4 are required and they have 4 spaces, including employee parking.

The Board will require an amended site plan and a architectural profile of what they are going to do to the building.

K. Hoyt asked about what the Board would be looking for on the final plans and K. Menici said a site plan will be required and include a narrative of the project and a profile of the proposed building.

T. Varney reminded the applicant that if the building is torn down, than the applicant would have to

install a new septic system and K. Hoyt said they are not planning on tearing down the building.

Ken Hoyt thanked the Board for their time.

T. Hoopes read into the record the purpose of the next case.

Case#PO5-25 Map 8, Lot 7

3-Lot Subdivision

Dennis Gray

Frank C. Gilman Highway (Route 140)

Application submitted by Dean Clark, DMC Surveyors on behalf of the property owner David Grey. Applicant proposes a 3-Lot Subdivision of Map 8, Lot 7. The property is located on Frank C. Gilman Highway and within the Rural Zone.

K. Menici gave her report to the Board as follows:

They request that the hearing be changed to Design Review for the long term potential for the development on that site.

Susan and Dennis Gray property owners and Dave Merkwan from DMC Surveyors gave an update to the Board based on the Conceptual Review process and she explained the deeded Right-of-Way to the back lot to where they want to build and she wants their goals met. The first goal is to create a 3-Lot subdivision, the second is to have their building lot that is 105 acres with a deeded ROW, and the third goal is to figure out how they can protect themselves from future development. She said they do not want to leave themselves with a 105 building lot that is not properly set up for future development. She said it would be foolish to do the front subdivisions and not protect the ROW and future uses of the back parcel. She said the ROW has to be preserved for the future in case they have to sell.

T. Hoopes asked about the 105-acre lot being Map 8 5a & 3a.

S. Gray said that Map 8, Lot 5a is a 30 acres parcel and right behind that is the 75 acres piece and they own both lots the second lot is 3a on the tax map.

A. Sherwood spoke about the back lot not having frontage and S. Gray said it is an existing lot of record. He said that the applicants want to build on the back lot but that lot does not have frontage on a street.

S. Gray said it is an existing lot of record with a deeded ROW.

A. Sherwood said it still does not have frontage on a street and he is not sure of the legal answer for how to get a building permit for that lot.

S. Gray spoke about the zoning under non-conforming lots it says that they have the right to build as long as it is registered in the BCRD and it was created prior to zoning.

A. Sherwood also spoke about the subdivision of the back land and setting up provisions for the future potential for that lot to be subdivided than they have to be made to say that the potential road would have to be brought up to Town Road standards of a Class V or better. He said that is a 50' ROW. He said the proposed lot 1 is shown as 200' of frontage if they take 50' away from that they are not going to have the required amount of road frontage.

S. Gray said that would need to be adjusted and they realize that requirement to adjust the lot width.

A. Sherwood spoke about the back lot not having road frontage and if they wanted to add 50' ROW-strip of land, without proposing to build a road right now he does not know if they can legally do that and suggested getting advice from Town Counsel because it would be creating a non-conforming lot

with only 50' of frontage.

S. Gray referred to the Subdivision Regulations in Section 3.24, ROW-definition- "means any area of land used for or intended to be used for a street, road or public use, the usage of the term ROW for land platting purposes in these regulations shall mean that every ROW here after established and shown on a recorded plat, is to be separate and distinct from the lots and parcels adjoining such ROW and not to be included within the dimensions or areas of such other lots or parcels." She said when they first started the subdivision it was for 3-lots and a separate and distinct 50" ROW. She said that they received feedback indicating that would not be feasible. She has a hard time understanding why they can't do what they are proposing. She is asking the Board if they think it is allowable to have a separate and distinct ROW and she said it is a ROW that exists.

T. Hoopes asked if they had one lot instead of three lots and they proposed a road to go in for a subdivision they would be creating the lot frontage off of the proposed road. As opposed to a creating a ROW that will later lead, possibly, to a subdivision.

S. Gray said they are not creating the ROW it already exists.

T. Hoopes said that the type of ROW is critical and how they are defined.

S. Gray said they would be defining the ROW in the subdivision as separate and distinct on a recorded plat. She said now there is a lot that can be built on that has no road frontage.

A. Sherwood spoke about the need to obtain legal counsel for this issue. He said that if they allow the ROW he is not sure that in the future they will still be able to build a Class V road on the ROW. He said the only way they could do that is if they owned the land. The Board may not be able to advise the applicants tonight.

A. Sherwood spoke about reconfiguring the lots so they can have a 50' ROW connected to the back lot and becomes part of the back lot and the other lots still have 200' of frontage and they would have ownership of the 50" ROW and in the long term basis for future access, that may be the best solution if they can legally do it. S. Gray agrees.

K. Menici spoke about a similar approach to create an access easement and it would require a BLA and include the land in the subdivision.

Discussion about the ownership of the other case and they did not own the back land as the Gray's do. They spoke about the lot not having frontage now and if they could do a BLA and attach to a cul-de-sac and have frontage that way.

S. Gray said she does not see how the ROW could be considered a separate lot and read from the regulations again and asked how can existing ROW's ever become a conforming lot and how can a ROW be required to have 200' of frontage. She said they are not the only property owners that have the right to use it because there are other owners that have the right to use it for access.

A. Sherwood said they would have to seek advice from the Town Counsel.

C. Balcius asked how this would be different from a "paper road" that is included in a subdivision for future planning and there is an area reserved for a future road.

Discussion about leaving access for future use and they cannot leave lots landlocked and it would be defined in the subdivision regulations and the way the Town of Alton's regulations are written; this proposal to attach a 50' strip to the back lot would most likely be creating a non-conforming lot.

Discussion about an abutting lot appearing to have the same situation of a 50' ROW for access

purposes. The applicants said that is what happened.

S. Gray talked about the right to build on a non-conforming lot per the regulations.

T. Hoopes said when they create the new subdivision then every lot they create has to be conforming and what they are proposing would be more non-conforming.

S. Gray said that they would be reducing the non-conformity because they would now have 50' of road frontage instead of none like there is now. She said there is another back lot that also uses the same ROW for access.

K. Menici spoke about the lot being a pre existing non-conforming lot and they could get a building permit because they have deeded access. She said the issue of the taking the 50' strip of land and attaching it to the back lot, the non-conforming back lot is now considered a new lot of record that has to conform to current zoning regulations.

S. Grey said the regulations say when that is not possible, it should be closer to compliance to the dimensional requirements and she believes the proposal is closer to dimensional requirements.

The Board will ask the Town Attorney for advice and have an answer for the applicant for the next meeting. They asked for clarification on where the woods road is located and S. Gray said it is within the ROW and that is why they want to keep it intact.

S. Gray wants to specifically know if a ROW is considered a lot.

T. Hoopes called for a 10-minute break at 8:15 pm

T. Hoopes called the meeting back to order at 8:25 and announced C. Balcius left the meeting and appointed D. Brock to take her place.

K. Menici read into the record the purpose of the next case

Case#PO5-20 Map 19, Lot 38

2-Lot Subdivision

Joseph Whitehouse

Drew Hill Road

Application submitted by Bryan Bailey, Turning Point Land Surveyors, on behalf of the property owner Joseph Whitehouse. Applicant proposes a 2-lot Subdivision of Map 19, Lot 38. The property is located on Drew Hill Road within the Rural Zone.

K. Menici gave her report to the Board and spoke about the waivers requested as follows:

Section 7.2.25, Sub Standard lot size; Section 7.2.29-Future Development and Section 7.2.33 – Wetlands. The agent requested three waivers, two of which were from sections not applicable to this application. Bryan Bailey, a surveyor, delineated the wetlands and a New Hampshire certified Septic System Designer, not a New Hampshire certified Wetlands Scientist.

T. Hoopes asked about the substandard lot and K. Menici said it requires the applicant to disclose during the process of the subdivision they are creating a lot that does not comply with the town's zoning regulations but it is not applicable and a waiver is not required.

T. Hoopes said he is not willing to accept the waiver request for the wetland delineation and he does not want to approve something that was not delineated by a Wetland Scientist.

Brian Bailey, Turning Point Surveyors, said all the hydric soils are on the back part of the property and he said he is approved by the NHDES to delineate hydric soils and he is said the proposal is not near the wetlands and the hydric soils have been delineated and they are in full compliance with the regulations and there is no impact to the wetlands. He said there are no wetlands being impacted.

A. Sherwood agrees with T. Hoopes and he does not remember any request granted for a wetland waiver request and he spoke about the lot ratio being 3:1 not 4:1 as B. Bailey is saying that the proposed lot meets the ratio. He said he does not have a problem generally with the subdivision but he would not grant the waiver request for the wetland delineation.

B. Bailey said they asked for the waiver request because of the cost factor to the applicant.

Motion made by A. Sherwood to continue the discussion on acceptance on Case# PO5-20 until May 17, 2005 in order to get the wetlands delineated by a NH Certified Wetlands Scientist, seconded by D. Brock, motion carried with all in favor.

T. Varney stepped down because he is an abutter. There were only 6 members sitting on the Board
T. Hoopes read into the record the purpose of the next case

**Case#PO5-22 Map 15, Lot 56
C&D Interests**

**3-Lot Subdivision
Old Wolfeboro Road**

Application submitted by Kerry Fox, Fox Survey Company, on behalf of the property owner C&D Interests. Applicant proposes a 3-Lot Subdivision of Map 15, Lot 56. The property is located on Old Wolfeboro Rd in the Rural Zone.

K. Menici gave her report to the Board and spoke about the waivers requested as follows:
Section 7.2.29 – Future Development as the future development plans for the remainder of the parcel are not known at this time.

T. Hoopes spoke a bout the size of Lot 56 on the subdivision sketch is very small and on the tax map it is much larger.

Kerry Fox, Fox Survey and Dave Reynolds, one of the property owners, were representing the application.

K. Fox said by deed Lot 56 is described as 2 separate tracts but the tax maps show it as one lot. He said the proposed plan shows the match line between the 2 tracts. K. Fox said he sees the property as 2 separate parcels but the town has it as one.

T. Hoopes spoke about the future development of the property and by not showing the entire lot it makes it difficult for the Board because it would impact severely how they look at the beginning of the development.

K. Fox spoke about lot#3 which is the remainder parcel of tract#2 and that abuts tract 15-56 which is 35 acres. In this case it would be left with 200' of frontage on Old Wolfeboro Rd.

A. Sherwood spoke about how can the Town of Alton treat 2 separate parcels that have 1 deed and are shown as one parcel on the tax map. He said it depends on unique circumstance of each case. He said he agrees with the issue that T. Hoopes brought up, he looks at the plan as wondering where the future road would go. He said the Board needs the context of the entire plan before they make a decision on the application in front of them now.

K. Fox spoke about the NHDOT driveway permit application that was submitted and it included a copy of the current plan. He said preliminarily, the NHDOT would have no objection to the driveway location on lot#3. He said no doubt there would probably be something done to the property in the future.

A. Sherwood spoke about not only the NHDOT but also the Town of Alton Highway Department that would have input into the application. He said that T. Hoopes' comment is that in order to have the proper input from the Town of Alton Highway Department and other departments the Board has to have some sense of what the future development will be of the property. He said it looks like they are planning some type of road in the future. He said he is agreement with T. Hoopes and is not agreeable to grant the waiver request for the future development because it is important to the Board.

T. Hoopes spoke about the larger parcel and the backland and how it is important to the Board to know what it is like. He said there is a lot of runoff from Hurd Brook and Cotton Brook area where they meet. He said what happens there will affect the flow into Lake Winnepesaukee. He said that is one concern the applicant has and it is not just the amount of traffic that will be generated. He said he spoke to K. Roberts, Alton Highway Agent and said his plans include the upgrade of the road from Route 28 to the top of Miramichie Hill Rd and his comment was that he wants the applicant to work in conjunction with the Town in whatever work is being done. K. Fox said they are doing that presently.

T. Hoopes said it has to be part of the decision so as the project is in progress, K. Roberts knows what is going on with the subdivision while he is working on the road. T. Hoopes said as he looks at the plan he sees a much larger parcel that will be difficult to develop because the potential impacts to the wetlands is great.

A. Sherwood said if you look at lot#3 and to miss the wetlands that are there they would have to come out farther down on the lot by the intersection. He said he is not ready to grant the waiver for future development because of the wetlands and he wants to see the whole context of the plan and the future development.

T. Hoopes spoke about a barrier from the wetlands location into tract #1. He said that would be a substantial wetland crossing.

K. Fox spoke about tract #2 (15 acres) he said a wetlands scientist delineated the wetlands for that lot and for tract #1 they were delineated in their entirety which is a 35 acre land locked parcel. That lot abuts to 15-56 and the majority of the land abuts a large wetland off of Route 28. He said 15-60 is landlocked and they have looked at both parcels in their entirety for mapping wetlands and the property has been flown and they generated the topography for the entire land area. He said with this application he did not want to confuse the Board with additional information because they are not sure what they will as far as future development.

T. Hoopes wants to see two scenarios; one would be a concept of a build out and one with moderate large lots in the huge wetlands area. So they board can get an idea of what the traffic flow will be and where the septic systems will be. He spoke about other applications coming in with 3-lot subdivisions that are showing the future development plans including the current lots proposed and their location to the future development.

A. Sherwood spoke about not needing a formal plan but a plan that can be sketched out to show the potential number of houses, the traffic flow and impact on the future intersection and the location of the intersection off of Old Wolfeboro Rd.

T. Hoopes spoke about where the wetland impacts are proposed and what will those impacts be and how can they avoid the wetlands.

K. Fox said they know what types of impacts they will have on the 15- acre parcel but asked about the future development.

T. Hoopes said the Board is looking for general ideas of what they are planning and how many lots.

K. Menici said that she would share with K. Fox and show him a similar conceptual plan that the Board has seen from another application.

Motion made by A. Sherwood to continue the discussion on the acceptance of Case#PO5-22 until May 17, 2005, seconded by J. Dube, motion carried with all in favor.

T. Hoopes read into the record the purpose of the next case.

Case#PO5-23 Map 6, Lot 36 & 37

3-Lot Subdivision

Benjamin Finnegan

Stockbridge Corner Rd.

Application submitted by Don Voltz, Lindon Design Associates on behalf of Benjamin Finnegan for a 3-lot subdivision. The proposed subdivision is located on Stockbridge Corner Rd and in the Rural Zone.

K. Menici gave her report to the Board and spoke about the waiver request as follows:

Section 7.2.6 Plan Scale (Sheet 1 only) Because of the large size of the parcel, in order to show the parcel in its entirety on one sheet, a scale of 1"=120' was necessary. The scale of all other sheets complies with the Subdivision Regulations. The applicant proposes a 3-lot subdivision – 2 building lots and a remainder lots. The building lots are approximately 3 acres each; the remainder lot is 80 ac. +/- . This subdivision application includes plans for a 10,000-gallon cistern.

The lot identified on the plan as Lot 6-37-1 has significant wetlands on the parcel. The agent has identified three upland areas on this parcel: area #1 is 26,265 sq. ft. of upland, area #2 is 25,773 sq. ft. and area # 3 is 14,648 sq. ft. Total estimated upland on this parcel is 66,686 sq. ft. where 65,340 sq. ft. is required. An inspection of the site in its entirety should be scheduled to assist the Board in its decision on the application.

Motion made by A. Sherwood, seconded by D. Brock, to grant the waiver request for sheet 1 only and accept the application as complete.

Discussion on the motion: T. Varney asked about the IGMO in relation to this subdivision application. K. Menici said they received subdivision approval on this parcel on December 13, 2004 and the IGMO was posted on December 20, 2004.

The motion carried with all in favor.

Arthur Hoover, representing the applicant said that Don Voltz, Lindon Design prepared the plan and he is on vacation. A. Hoover said he understands that The Board would want to do another site walk and he is not against the Board accepting the application and scheduling the site walk.

A. Sherwood spoke about wanting to do another site walk and he spoke about the proposed lot 6-37-1 (in the northwestern corner) and the applicant hiring a Wetland Scientist to review application within the entire context of the subdivision and the entire site on behalf of the Town.

T. Hoopes, agrees and he has deep concerns about approving the subdivision as is and the impact to the wetlands and the major impact on the drainage system. He has major concerns over the proposed lot 37-1 and its drainage capacity. He said to create a viable building lot there including the septic and well would create problems and he does not think it is realistic to propose a house site on one piece of land and pump sewage to another lot especially with the type of flows that will go through the lot. He said the stream is year round that flows through the lot.

A. Hoover clarified that the Board will require a wetlands scientist to review the plan and they want to do a site walk.

T. Hoopes said yes. He spoke about the section 1.6 of the regulations. He said there should be larger lot sizes for this site. A. Hoover asked that the Board not prejudice the site. T. Hoopes said he is not prejudging the application because the Board examined the lot before under the previous subdivision application and he said the lot was withdrawn therefore; they are not prejudging it because the Board was told that it would not come back as a subdivision lot and now it back as a proposed lot.

K. Menici asked for clarification on whether the Board wants the applicant to provide a wetland review on behalf of the Town of Alton or the applicant.

A. Sherwood and T. Hoopes both said the applicant has to put money into escrow for the wetland review to be done on behalf of the Town of Alton.

T. Varney said the property should be reviewed in its entirety because of the wetlands issues and he is concerned about the "piecemeal" aspect of the subdivision and how it relates to the IGMO. He said the purpose of the IGMO is to allow the Board the time they need to re-write the regulations. He wants to know what will happen if they pass a wetland overlay district in the zoning and how will it affect this subdivision. He said the spirit of the IGMO is broken and he agrees to the full wetland review for the entire context of the subdivision.

The Board discussed the site walk scheduled to take place on Tuesday May 3, 2005 at 5pm to meet on site Valley Road and Stockbridge Corner Rd.

A. Hoover will submit a letter for an extension for the time period the Board has to review the application.

The Board discussed the selection of a Wetland Scientist and T. Varney suggested Irene Garvey and T. Hoopes agreed.

Motion made by A. Sherwood, seconded by T. Varney for a wetlands and environmental review to be done on the entire subdivision and it will be based on 19 lots they are proposing as the future development.

Discussion: A. Hoover asked for clarification on the environmental review and what it would entail. A. Sherwood said it would be for the entire context of the subdivision including the whole parcel. T. Hoopes said the review would be looking at the land as a whole and including the parcels the Board is going to review at this stage. A. Hoover spoke about the cost for the entire review. T. Hoopes said if the Board asked for this review it would not have to be done again, so that the proposal in the sketch for the

approval had expired when in fact it did not expire until February 17, 2005. He said on February 17, 2005 M. Sievert filed an extension in a timely manner based on the information they had. He said there was no notice on her approval that informed her that it would expire. He said Ms. Scribner does bear responsibility in the approval lapsing. He said she has already paid a lot of money for engineering and it would be a hardship on Ms. Scribner to not be allowed to continue with her subdivision plan because of the IGMO that is in place. He wants an extension for 45 days to obtain the bonding funds and let her continue with her subdivision.

K. Menici said not all of the conditions of approval were satisfied and they vary in the level of significance. She said that the conditions of approval that were not met could be easily met after discussions with M. Sievert.

M. Sievert said he believes all the conditions have been met and asked why they were not contacted when the final plans were submitted if the plans were not complete or things were missing.

J. Bianco said that goes along with his point, that there was some miscommunication between the Town of Alton and the applicant and he is looking to have everything corrected and allow the project to move forward.

T. Hoopes said the applicant has the responsibility to understand what is required and that due to Ms. Scribner's profession in dealing with applications of the NHDES Wetlands she should be aware of the processes and approvals. He does not have a problem with the concept of an extension if there is no substantial work done does the permit expire. He said they are not out to penalize applicants but they are dealing with state law and they have a duty to uphold the regulations.

J. Bianco referred to section 5.63 of the regulations for cases like this when the Board can decide whether a request is for one in good faith or not.

M. Sievert spoke about submitting and filing the bond and having a preconstruction meeting and setting erosion control in place on site. He spoke about the professional stamps missing and he will take care of them immediately and note 14 that needs to be on the plan.

K. Menici spoke about things that the Board needs to know in the consideration of the extension. She said that state regulations allow the posting of the bond to qualify as substantial investment towards completion of the plan. She said the cost estimate for the road construction was submitted in 2003 and she recommended the cost estimates for the roads be reviewed by the Town Engineer for validity for current costs.

A. Sherwood spoke about the Conditions of Approval and said there was never money put in escrow for inspections and that has to be taken care of. He said the form of security should be in a letter of credit with a self-calling feature and he spoke about the homeowner's association for responsibility of the maintenance of the road until the time when the Town may take it over. He said it would have to be submitted to the Town Attorney for review and approval. He said he is favor of approving the request but he wants to make sure the applicant is aware of standard conditions of approval that need to be addressed that were not at the first approval.

M. Sievert said Ms. Scribner would take care of that since it is for a family subdivision. He spoke about the extension being 45 days and that will help him and he said all the permits are in place but one has expired and that can be reinstated with a letter.

T. Varney said the extension time should be shortened because they have missed deadlines before and the applicant should show their intention of starting the project. He does not want to see them request

another extension for the project.

M. Sievert said he was going to request 45 days but if the Board wants more information from them they would want more time.

K. Menici said if the Board grants the extension the only thing the applicant has to do is post the security and that is considered to be substantial investment to start the project.

She said that the 45 days for an extension is adequate.

T. Varney asked K. Menici if the posting of the bond put the approval back in effect. K. Menici said that is correct.

K. Menici also spoke about the requirement that applicants have to submit copies of all approved permits to the Planning Department and that would be needed from this applicant.

The Board discussed they have until June 7, 2005 (45 days) to post the security.

Motion made by A. Sherwood, seconded by B. Holmes to grant the extension as outlined by A. Sherwood and by K. Menici with the following conditions:

- 1. Revised Cost estimate for the road construction in the amount that is to be determined by an updated review of the roads by an engineer representing the Town of Alton at the applicant's expense.**
- 2. Security in the form of either cash or a Letter of Credit with self-calling features, to be placed in escrow for the cost of the road.**
- 3. Sufficient funds are to be placed in an escrow account to cover the costs of engineering site inspections as required in the original Notice of Decision.**
- 4. Applicant provide a homeowner's association agreement to verify that the maintenance of the road infrastructure shall be the responsibility of the association until such time as the Town of Alton may take over the road. This agreement must be satisfactory for approval be the Town of Alton's Attorney.**
- 5. Copies of all state, local and federal permits are to be submitted to the Planning Department.**
- 6. An extension will be granted until June 7, 2005 in order to post the security funds as required by the Planning Board.**

Motion carried with all in favor.

Continued Applications for Public Hearing:

T. Hoopes 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 said any waiver requests had been addressed by the Board at previous meeting.

A. Sherwood spoke about the site walk and the comments generated from the site walk. He said one observation from the site walk was the land had been clear-cut down to the wetland boundary. He

said the area along the road frontage was the only area that had not been cut. He said they talked on site about the need to reclaim the area that had been disturbed and that it not be stumped.

J. Crouse spoke about the snow storage issue was addressed properly.

K. Menici said that the Board was satisfied with the proposed snow storage location. She said the Board was concerned about the cutting and the extent of the cutting that has taken place on the property. She said that Board discussed whether or not to have an environmental review done by a Wetlands Scientist in order to determine what types of plantings were going to be installed for restoration purposes. She said the Board spoke about the stumping and the Board did not want any of the stumps from the trees that were clear-cut to be removed from the site. She said another issue of concern raised by the Board was that this project never had an overall drainage study done and the need for a review engineer to look at the that drainage for the entire site including the proposed improvements are going to affect the drainage.

A. Sherwood said they also spoke about a drainage study at the last meeting.

T. Varney spoke about the wetland boundary was easy to find and it was mapped correctly. He said he wanted to see the ditch along the ROW line and he said there isn't much runoff going in that direction. He observed the brook and said it was substantial brook and it is seasonal. He saw the culvert that was what not on the plans but is on site. He asked about the drainage study.

Keith Chamberlain, property owner and applicant, said that the drainage study was submitted and it was done for the complete build out when he was first approved. He wants to correct the Town Planner. He said the 1999 drainage study was done for a complete build out done including what he is proposing to build now. He said that study included the culvert sizing under Calef Rd and the culvert sizing under his driveway. K. Menici said there was no drainage study in the file and asked if he could provide a copy. K. Chamberlain asked why the files in Town Hall keep disappearing. He said he has followed all the regulations from the beginning and he does not want to pay for the same study over and over.

A. Sherwood asked if the previous build out included this proposed expansion. K. Chamberlain said no but another drainage study has been done for this build out.

A. Sherwood continued by saying at the last meeting the Board asked for an engineered review of the drainage study for the proposed expansion. He said the Board should make provisions at this meeting to address that issue.

K. Chamberlain said before the Board makes a motion he wants to address the Board.

A. Sherwood repeated his statement about the Board establishing the need for an engineering review. He said he was personally disappointed to see everything cut down to the wetland. He does not know if any more disturbance has been done since then.

K. Menici said there has been additional site work done since the Board did the site walk. She said it appears more trees have been cut in preparation for an approval.

K. Chamberlain said that is not true and the only trees that were cut, were the original trees and they were cut up further for removal from the site and nothing else was cut. A. Sherwood asked if there was any stumping completed on site.

K. Chamberlain said he had an excavator on site on April 14 and stumped and grubbed the entire site and buried the stumps.

A. Sherwood clarified that K. Chamberlain did stumping on site and K. Chamberlain said yes the majority of it other than what C. Balcius identified at the site walk. He said the trimmed stumps to get

them lower to the ground.

A. Sherwood said there was discussion about leaving the stumps in along the entire wetlands boundary. K. Chamberlain said he does not recall that discussion except what C. Balcius said.

J. Dube said that C. Balcius represented to K. Chamberlain what the entire Board had spoken about and how important it was to the Board to leave the stumps and not cut or disturb any more on site.

K. Chamberlain said did not hear that and he never received any discussion from the entire Board only what C. Balcius had told him. He said he left about 13 stumps and the trees cut were not in the wetlands and the boundary is in place. He accused the Board of being biased against him and for putting him on the defensive ever since he started the project and he resents it. He wants his input to be included at the hearing.

T. Hoopes said the applicant is always part of the process. He said the Board has a responsibility to review the applications as they come before them and it is not to be taken personally.

K. Chamberlain said the previous discussion about a wetlands pipe/culvert 650' from his property and he thought it was a totally unreasonable discussion to have. He said to have this Board tell him if the fire department can get to one building. K. Chamberlain told the Board it is obvious that if the fire truck can get pass the first buildings it can get pass the proposed. He said he believes he has been given smoke screens and he does not like it and it feels it is personal.

A. Sherwood said from the last meeting K. Chamberlain was supposed to meet with the Fire Chief.

K. Chamberlain said he did not know that and he never received written notification from the Board that it was his responsibility to meet with him.

A. Sherwood said that is the way the review process is completed for all applicants. He said that it is the applicant's responsibility to meet with the Fire Chief and he has made the request for K. Chamberlain to meet with the Fire Chief about access to the buildings.

Discussion about the Department Heads receiving the project review forms and once a Department Head has identified an issue of concern than the Board requests the applicant to meet with that Department Head to address the concern.

T. Hoopes said the Board is not done with their discussion but he allowed K. Chamberlain to read the letter into the record.

K. Chamberlain read into the record a letter from True Engineering that is part of the file and said it will be cc'd to the Board of Selectman and the Land Use Department.

K. Chamberlain referred to the plan and questioned the need for the drainage study and he thinks it is ridiculous to install catch basins and he said it is so ridiculous to install scrubbers and it will be difficult to channel the flow to the catch basins and he told the Board he will not pay for the pavement to be disturbed in order to do try that. He said the design on site is so water will flow to a grassed area and has been previously approved by the Board. He thinks the need for the drainage study is redundant because he had to do previous studies in 1999, 2001 and 2003 and again in 2005. He spoke about the previous planner who reviewed the most recent expansion in 2002. He said he has not imposed on wetlands or needed a wetlands permit previously. He said the previous planner went to the site and did not bring up any stumping issues and K. Chamberlain said he did the same thing back then for clearing and stumping as he did now and no one told him then her was wrong. K. Chamberlain said he will challenge the Board to find in the zoning regulations or any Town

regulations where it says that he does not have the right to clear his land of trees and bury the stumps. He said he was handed documents from the Town Planner that did not relate to his project and he is embarrassed about the Town Planner that she cannot interpret the regulations.

J. Dube asked K. Menici if she researched the issue of once the application is accepted. She said that there are state regulations that pertain to new development and the types of activities that can take place on site in the anticipation of approval. She quoted RSA 227J, II-regarding timber harvesting and permits for timber harvesting are not required if the timber harvests provided the property owner has all permits required to carry out development proposal. She spoke about excavation RSA 155 E-2 A and said it wouldn't apply to this application because no material was removed from the site.

A. Sherwood said the Subdivision Regulations specifically prohibit any site work once an application has been submitted but the Site Plan Regulations is lacking that provision.

K. Menici said the state regulation remains in affect.

A. Sherwood said it is very inappropriate for applicants or any one to make personal attacks on others in the process of these proceedings.

K. Chamberlain wants the record to be cleared that he is well within his rights to do what he has done on site. T. Hoopes said K. Chamberlain did make a derogatory remark about the Town Planner.

K. Chamberlain said he'll tell the Board why he made the comment and that the Town Planner should know better and spoke about the regulations K. Menici gave him. He said she misinterprets regulations and takes things out of context and highlights only what she wants to. He said he cleared trees because the trees were threats to his buildings and referred to the regulations. He quoted regulations from Timber Harvesting and 227J and then he quoted 483B Shoreland Protection Overlay District. He spoke about the Code Enforcement Officer being told by someone in the Land Use Department to go to the site and issue a Cease& Desist Order because he is digging and stumping in the wetlands when he was burying stumps and cleaning out brush and he said it is a lie and he questioned what is going on in the Land Use Department. He said the Code Officer took pictures of the site and the wetlands boundary and silt fencing.

T. Hoopes said he was excavating next to the wetlands and K. Chamberlain said that is his right as a property owner. T. Hoopes discussed the stumping having an effect on the whole wetland area and the disturbance of the soil effects the drainage.

T. Hoopes discussed having concerns about the wetland before the Board accepted the application. K. Chamberlain said that is unreasonable because that wetland is 650' away. T. Hoopes said it is the same wetland and if it is concern to the Board than it is a reasonable concern to be addressed.

Discussion about the wetlands delineation in relation to how they were mapped and their relation to the project.

A. Sherwood spoke about the 2 issues that remain with the project since the first meeting and from the site review. The first being the engineering review of the applicant's drainage plan and secondly, having professional advice for a re-planting plan for the disturbed area that bordered the wetlands for the reclamation and restoration of the site.

K. Chamberlain wants to know why the Board feels it is necessary for him to reclaim something that wasn't wetland and that he has the right as a property owner to cut in.

A. Sherwood continued with his statement and said again that these issues came up from the first time the Board saw the plan and the site walk created the issue of restoration and replanting and he wants to know if the Board will act upon those issues.

T. Varney spoke about the limits of the site are being pushed to the edge. He said if K. Chamberlain cut down all the trees and had brush in the wetland he would have been cited for a wetland violation and would have been subject to state restoration and the project would have been on hold for 6 months and he said K. Chamberlain is lucky that did not happen.

K. Chamberlain said a few years ago the wetland was logged a mess was made at that time.

T. Varney said the Board was out there 2 weeks ago and that is the difference. He said the drainage study is weak for the project and when he stood on site and looked at the pavement and the runoff and he wondered why there is no retention pond/area before the culvert; that is the reason for the engineering review and once the Board has that they can move forward. He said K. Chamberlain is digging a hole for himself by arguing.

K. Chamberlain said he is arguing because he feels he does not need it and his engineer did the square footage and the amount he is proposing does not warrant a drainage study because it is under 20,000SF.

A. Sherwood said he does not have a problem with the proposed plan either he wants to proceed in the same normal manner as they do with all other applicants.

Motion made by A. Sherwood that there is a requirement for an engineering review of the applicants overall drainage plan, seconded by T. Varney.

Discussion on the motion: The Board discussed the type of engineering review and A. Sherwood said the engineering review of the existing plan should include the proposed expansion.

The motion carried with 5 in favor with 2 abstentions from D. Brock and J. Crouse.

The Board discussed about the need for reclamation of the site immediately adjacent to the wetlands. K. Chamberlain spoke about the impact to the wetlands to put a road in and there is no reclamation needed and why should he have to reclaim wetlands when he has not impacted them at all and he thinks it is unreasonable.

The Board discussed the runoff from the roof of proposed building 2 will go.

K. Chamberlain said there is swale line along the plantings and the front side of the roof will go onto the swale and the backside of the roof will go into the wetlands through sheet flow action through the grass. He said that is the same with building number 1 where half the runoff will go to the asphalt and half into the wetland and with building number 3.

T. Hoopes asked what impact that will have to the wetland after he has stumped there and there is no grass to handle the runoff. K. Chamberlain said that is the whole purpose of the drainage plan he proposed.

The Board spoke about the screening requirements for the front of the site.

K. Chamberlain said he has fulfilled all the previous landscaping requirements and does not see the need for more. He said the salt from Rte 28 hinders the growth of the arborvitae and if the

Board tells him to remove them and plant something else he'll have the same problem. He wants the Board to leave them alone and they will eventually grow.

The Board discussed screening from the road and that hardwood trees are not proper screening.

K. Chamberlain said he has already received approvals from the Planning Board allowing him to use arborvitae every 15' and it was approved over and over again.

J. Crouse spoke about the site being grandfathered and what was planted there before counts as screening for the entire site.

J. Dube asked for clarity on what the Board is requesting from the applicant.

T. Hoopes said the screening is for the new buildings that are closer to the highway and the visibility of the building is increased the closer you are to the highway.

K. Chamberlain said he will plant more arborvitae.

J. Crouse also spoke about the need for screening and the fact that the site is lower than the highway and anything that is put there will not be tall enough to screen properly.

J. Dube said there are plenty of trees available to fulfill the new screening requirements. J. Dube said this Board is not compromising any previous approval because they are requesting additional screening for the new buildings.

B. Holmes spoke about white pine being cut out of there and that white pine would grow well and it is natural screening to the areas and they will grow a lot faster than arborvitae will.

K. Chamberlain said that he previous research and that arborvitae will do better than white pine or hemlock in that location. B. Holmes said that white pine could be planted within the arborvitae and the natural progression of the pine would take over.

K. Chamberlain said he bought an expensive piece of property for the main purpose of exposure and he said it has been only recently that people are hyper about having a "scenic highway" and that you can't show your business. He wants his business exposed and he has verbal permission from the previous Planning Board to trim the arborvitae when they grow to 8 feet tall and keep them at that height. He wants his business exposed so people can see it because it pays his bills.

T. Hoopes opened up the hearing for public input on this application, there being none, he closed that portion of the hearing.

The Board discussed it being time in the meeting to make a motion to continue the case and let the engineering review of the drainage plan take place, and for the applicant to think about landscaping alternatives for screening.

Motion made by T. Varney,

K. Chamberlain stopped the motion to talk about fuels leaking into the wetlands and K. Chamberlain spoke about Rte 28 runoff containing fuels and he has an insurance binder to cover him for pollution clean up and removal and it is something that no other business has that protect the wetlands.

T. Hoopes called for a motion.

Motion made by T. Varney to continue Case#PO5-11 until the May 17, 2005 meeting. K. Chamberlain spoke and asked about the choice of review engineers. T. Varney said the

Board chooses them and K. Chamberlain can review who they choose and make changes if needed. Motion seconded by A. Sherwood, motion carried with all in favor.

T. Hoopes read into the record the purpose of the 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 proposed subdivision will result in Map 10, Lot 27-1 consisting of 2.23 acres, Map 10, Lot 27-2 consisting of 2.37 acres, Map 10, Lot 27-3 consisting of 10.93 acres. The property is located on Alton Mountain Road and is in the Rural Zone. The application was accepted at the February 15, 2005 meeting and continued.

K. Menici spoke about the road standards that were not satisfactory to the Road Agent and asked the Board if construction details were warranted for the road. She said that is the remaining issue for this subdivision and that is the road and the Board needs to determine if a conditional approval is warranted or if the Board needs additional information

Eric Roseen, agent for the applicant, and Robert Henderson, property owner were in attendance. E. Roseen said he updated the plans and they have contacted an engineering firm for the road details and they are in the process of completing the Boards requests. He also spoke about the designated hatched area in proposed lot one for future cistern location and he added a 25' wetlands buffer and additional information on the power line. He said they have contracted an engineering firm to help with the road design and they are waiting for the weather to clear to do additional inspections for the road drawings.

T. Hoopes asked about the future subdivision plans of having 3 lots out of the existing lot 3. E. Roseen said yes. T. Hoopes spoke about the location of the cemetery and he recommends that the agent take the 15' easement out. E. Roseen said that it is a proposed boundary line. T. Hoopes spoke about the proposed lot 1 now meeting the length to width ratio and the future cistern location.

T. Varney said the Road Agent is not an engineer and he should not be doing be an engineering review on the plans and it is not right for him to review the road plans and the road has to be approved by an engineer.

T. Hoopes said it is part of the Road Agent's job to review the applications because it is a town road. A. Sherwood spoke about the upgrading of the Class V Rd and the Road Agent can make decisions on town roads. A. Sherwood spoke about the future requirements that the applicant still has to meet as far as the road and that the Board had received comments from the Road Agent about making some small improvements with minor widening and ditch work for the maintenance of the country lane look for the road. He said the Board agreed previously agreed to those recommendations.

T. Varney said he asked the Town Attorney to look at this and he has not received an answer. K. Menici said she has not gotten a response back from him.

T. Varney discussed the application as being a new development and the Board cannot base the approval on recommendations from the Road Agent because he is not an engineer and there are public safety issues to address and an engineer should address them.

A. Sherwood said that first the road plans have to be completed before it can be bonded and the applicant has said that they are not at the final stages yet to prepare those drawings and the applicant has acknowledged that they have to create an engineered plan and then it has to be reviewed in order

to determine the bonding amount

R. Henderson spoke to the Board and said they have worked with all the town personnel that the Board has asked including the Road Agent and at that time no one asked for engineered plans. He also went and got cost estimates based on the Road Agent's advice.

A. Sherwood said the upgrade are put of the conditional approval and either do it ahead of time or secure it and to secure it has be designed properly and if road agent wanted the changes made and the applicant needs to do it.

R. Henderson said yes and they want the engineer to do the study and they are not going to work on the road until after the IGMO. He spoke about the possibility of including the driveways now and improve the road to the driveway, depending on the cost

Discussion about the road about an 18' graveled way with 2' shoulders recommendations that they got from the Road Agent and E. Roseen said it is safe and reasonable for the amount of traffic that is proposed.

T. Varney spoke about the safety issues that could occur if the minimum road standards that the proposed do not meet and he does not like the idea of the Town Road Agent doing engineering review and he does not like the idea of approving something that is not safe. He asked if there will be a drainage study done and if the Road Agent will be reviewing it and E. Roseen said yes and T. Varney said that he is not qualified to do that.

E. Roseen asked about the time factor for the application and K. Menici said yes they have to request the extension in writing.

A. Sherwood said they cannot conditionally approve the road because there is no cost amount given for escrow purposes.

Motion made by T. Varney to hire an engineer to act on behalf of the Town of Alton, at the applicant's expense, to review road designs presented by the applicant's engineer and report back to the Planning Board. The review should include the drainage information and the amount necessary to place in escrow to secure road construction.

R. Henderson asked if they have not changed the drainage if they are still responsible for the culvert under the road. Discussion about the size of culvert in place and its effect on the drainage plan.

Motion was never seconded and T. Hoopes opened up the hearing for public input instead.

Abutter- Charles Westen, Alton Mountain Rd- spoke about the culvert and he spoke about covenants to be included in an homeowner's association. He would not like to see the 22' wide road.

A. Sherwood spoke about the covenants being a private manner that the Board would not address.

C. Westen said that some things can be added for buffers, additional setbacks for houses and structures and screening and he spoke about it being part of the spirit of the Master Plan and as part of the approval process.

Motion made by T. Varney, seconded by J. Dube to hire an engineer to act on behalf of the Town of Alton, at the applicant's expense, to review road designs presented by the applicant's

engineer and report back to the Planning Board. The review should include the drainage information and the amount necessary to place in escrow to secure road construction.

Discussion: A. Sherwood said the applicant was given guidance when they first came in and now they are changing the rules at the end and he said it should be done at the beginning not at the end. T. Varney said he thinks the Board is setting a dangerous precedent if they allow this. A. Sherwood said the majority of the Board agreed with the Road Agent's comments and they should maintain that opinion and he is against the motion. T. Hoopes asked for clarification on the motion. T. Varney said his motion is for an engineering review to be done in order to get a response and comments back from someone who is representing the Town of Alton and report to the Board.

T. Hoopes called for the vote with: 5 in favor, 1 opposed and 1 abstention, motion carried.

A. Sherwood said the Board should be careful with how they decide rules of procedure and should do it at the beginning and not at the end. J. Crouse said she agrees but for the fact that 3 members of the Board were not on the Board when it was submitted and she apologized to the applicants. J. Dube said T. Varney has been saying the same thing from the beginning of the process for the applicant and he agrees with T. Varney and his concern is for safety issues.

R. Henderson said that they have done everything the Board has asked them to do and that T. Varney had spoken about the issue at the beginning and the Board felt at that time it wasn't necessary and now he will spend more money in an engineering review. He said it should be part of the procedures from the beginning and they have done everything less the Board has asked and now it seems like they are starting over, but they will do it.

T. Hoopes called for a motion to extend the time period and to continue the case.

Motion made by B. Holmes, seconded by J.Crouse to extend the time period for when the Planning Board has to approve an application, motion carried with all in favor.

Motion made by B. Holmes, seconded by J. Crouse to continue the application until May 17, 2005 at 7pm, motion carried with all in favor.

Other Business

1. Approval of minutes:

Motion made by T. Hoopes, seconded by A. Sherwood, to continue the approval of the minutes from the March 15, 2005, March 23, 2005 and March 29, 2005 Planning Board meetings until May 17, 2005, motion carried with all in favor.

2. Old Business

3. New Business

1)Case#PO5-21, Paolucci Realty Trust, Voluntary Lot Merger of Map 65, Lot 65 & 87

T. Varney recused himself from voting on the VLM.

A. Sherwood asked if there were only one structure between the two lots and K. Menici said yes.

T. Hoopes said he believes the merger is to locate the septic system.

Motion made by J. Crouse to accept and approve Case#PO5-21. Paolucci Voluntary Lot Merger, seconded by D. Brock, motion carried with all in favor.

2) Request for Clarification of Approval for Case#PO5-02, Boelzner Subdivision

Discussion:

Mrs. Bolezner spoke about the clarification needed for the driveway for Lot 3 and the 15' buffer and they got estimates for the cost of marking the trees. Mrs. Bolezner said she could not afford to pay the money to have to the buffer area marked. K. Menici said that the property owners could mark the trees and follow the buffer area boundary that was previously laid out.

They then spoke about the driveway and the 15' setback and the idea was to not have the 15' setback from that wetland on the driveway for lot 3.

K. Menici reminded the applicant that as part of their approval, they have to have the trees marked prior to the mylar being signed and recorded and someone from the Town of Alton would come out to check for compliance with the markers being in place and they should notify the Town of Alton.

4. Correspondence

1) NH DES Wetlands Bureau Letter of Deficiency for St. Katherine Drexel Parish,
Hidden Spring Road, Map 15, Lot 49-1

K. Menici updated the Board on the issue and the applicant has hired Burd Engineering to help them come into compliance with the NHDES Wetlands Bureau letter.

2) The Board has to authorize payment to LRPC for the Master Plan Contract

Motion made by D. Brock, seconded by J. Crouse to authorize payment to LRPC, motion carried with all in favor.

3) Dufresne-Henry Engineering Review: the Board has to make a motion to verify that DH Engineering is adequate for the engineering review for the Town of Alton as in the process described in the letter from Dufresne-Henry dated in October 2004.

Discussion about Rene LaBranche integrating engineering reports from Dufresne-Henry and passing the recommendations along to the Town of Alton in one report. He also is available for site inspections on behalf of the Town of Alton. He also attends meetings to explain applications to the Board.

T. Varney spoke about the engineers attending the meetings to answer questions the Board may have.

K. Menici said R. LaBranche has a degree in engineering.

The Board discussed if the process has worked in the past. K. Menici said that the Town has also requested an outline of fees to be presented to the Town of Alton for their reviews.

Motion made by to accept the process as outlined in the Dufresne-Henry Letter dated 2004, that licensed Professional Engineers are reviewing applications is adequate for the engineering review process for the Town of Alton.

Motion never called. K. Menici said the Board can take it up at another time.

She spoke about applications requesting Compliance Hearings and she spoke about the Guttermenson approval and the access issue to the approved lot. The Guttermenson wants to use the road to access Lot 2 during construction phase and they would like to continue to use the road while the construct the driveway from Old Wolfeboro to the new house so they are asking the Board for modifications in the approval.

Due to the time of night, K. Menici said they can discuss it at another time.

K. Menici spoke about another Compliance Hearing request from Attorney Melissa Guldbrandsen on behalf of Parker Marine against Ernest Gillan. K. Menici informed the Board that Gillan has an application in to expand however, they are not in compliance with their previously approved site plan. K. Menici told the Board the Code Officer notified Mr. Gillan that they are in violation of their site plan.

Due to the time of night, K. Menici said they can discuss it at another time.

Adjournment

Motion made by J. Crouse, seconded by A. Sherwood to adjourn at 11:40pm, motion carried with all in favor.

Respectfully submitted by,

Stephanie N. Verdile
Planning Board Secretary.