

Approved as Amended 5/7/09

Call to Order: by Bruce Holmes at 7:08 p.m.

Members Present: Chairman, Bruce Holmes, Tim Roy, David Hussey-Selectman Representative, Tom Hoopes, Scott Williams, Town Planner-Sharon Penney, Planning Secretary-Randy Sanborn.

Appointment of Alternates: None to appoint.

Approval of Agenda: Case No P09-12, Map 26, Lot 4, Conceptual for Brad Bissell, 46 Suncook Valley Road. Conceptual requested by Brad Bissell to discuss what is the best location for project out of the two selected properties and what is need to open a Laundry at the preferred property. **Continued to no specific date or time.**

Motion by T. Roy to approve to agenda as amended. Second by D. Hussey. No discussion. Vote unanimous.

Public Input: None seen or heard. Public Input closed.

Continued Case:

Case #P08-32	Map 32, Lot 3 & 5-2	Lot Line Adjustment
Joseph Byrne		Riverlake West Street

Application submitted by Attorney Stephen Nix on behalf of Joseph Byrne for a Lot Line Adjustment to allow an increase of size to lot 32/5-1 from lot 3 and give it access to Riverlake West Street. These parcels are located in the Residential Commercial Zone and Residential Zone respectively.

S. Penney stated the history of this application. This application has been before the ZBA and received an area variance approval.

Present for this case: Stephen Nix.

~~S. Nix~~ - Nix -Property is located Riverlake West Street. This plan reflects a is a settlement of ~~litigation~~ previous litigation and agreement is for Brynes to convey to Giles land highlighted in yellow on plans. Giles lot will become is bigger and more conforming. Area Variance approved by ZBA as requested by Planning Board.

T. Hoopes added dealing with two zoning designations on the lots, commercial/residential. Also noted that both lots are non-conforming. (Lot 5-1 is actually conforming before LLA) Noted ZBA stated no additional construction on lots without going before the ZBA.

S. Penney - Waivers need to be discussed. There were requests for waivers for 7.2.14, 7.2.27, 7.2.33 (rear set-backs, elevations and wetlands respectively,) Set-backs are on the plat. Waivers were accepted with the application in November, 2008 meeting.

DRAFT minutes until approved

S. Nix noted the waivers will not add any information.

T. Hoopes referred to condition 4 from ZBA. The ZBA requested that recording of the LLA, land conveyance and subsequent merger be simultaneously recorded ~~Recording of Notice of Decision and deed recorded at the~~ Belknap County Registry.

Motion by T. Hoopes to approve Case P08-32, Joseph Byrne for a Lot Line Adjustment for Map 32, Lot 3 & 5-2 with waivers. Second by D. Hussey. No discussion. Vote unanimous.

Public Hearing:

Sharon recused herself from this case due to any perceived conflicts of interest. ~~illness (coughs Cindy Balcius is a member of the Planning Boarding.)~~

Case #P09-07

Map 3, Lot 4

Site Plan

Cynthia M. Balcius & Jill A. Royer

Prospect Mountain Road

Application submitted by Cynthia M. Balcius on behalf of applicant Cynthia M. Balcius and Jill A. Royer for a Site Plan of an existing barn converted to a consulting business. This parcel is located in the Rural Zone.

Present for this case; Cynthia Balcius and Attorney Brandon Giuda.

B. Giuda. Would like to address waivers prior to accepting the plan. Began business, 2005 approval for barn and tack room. Went full time with business-business which outgrew house and subsequently moved business into the tack room. Going over 500 sq. ft. perimeter allowed for home business. Need to now go into full site review. Building is in place, six parking spots, no construction being done, office is there, low intensity commercial use in this location. Business is primarily off-site work. Primarily meet with clients off-site. Has approximately one client per month that would come to office. Has compost toilet set-up.

Motion by T. Hoopes to accept the application for Case P09-07, Map 3, Lot 4 and grant the waivers 7.2.21, 7.2.27, 7.2.33, 7.4.4.5, 7.4.5.1, 7.4.5.2, 7.5, Second by D. Hussey. No discussion. Vote unanimous.

T. Roy asked about electrical that was in place and inspected.

B. Giuda Seeking approval and permits, has been inspected by a Master Electrician and State of NH. Permits are in process.

S. Williams - asked if composting toilets are allowed.

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C. Balcius noted their use is encouraged, Green plan. New ~~s~~ rules encouraged use of new technologies. New Subdivision rules encouraging technology. SPNHF uses composting toilets in their new building in Concord and the concept works well.

B. Holmes - asked about application review by ZBA

C. Balcius - Was there in Feb and received a Special Exception.

T. Hoopes noted no traffic impact on road.

B. Giuda noted this board will be approving the use.

T. Roy asked about water.

C. Balcius noted use of bottled water for business, hydrant for horses.

Brandon distributed a letter from the ZBA.

T. Hoopes noted notes in area of good condition of buildings.

Motion by T. Hoopes to approve case P#09-07 Cynthia Balcius and Jill A. Royer, Map 3, Lot 4, for a Site plan with waivers. Second by D. Hussey. Discussion. S. Williams, suggested town should be reimbursed for legal fees. B. Holmes asked if this comes up through the Planning Board. T. Hoopes believes this is not the purview of the Planning Board. No further discussion. Vote unanimous.

S. Penney resumed her seat on the Board.

Case #09-09

Map 8, Lot 55

Site Plan

D & J Allen Enterprises, LLC

232 Suncook Valley Road

Application submitted by D & J Allen Enterprises LLC for a proposed Site Plan for the removal of an existing house addition, creation of a expanding parking area and adding a porch to the existing building which will then become a gift shop with the retail area located inside the house. This parcel is located in the Rural Zone.

Present for this case: David Allen, Janet Allen

Motion by T. Hoopes to accept the application. Case P09-09 for Site Plan, as complete with waivers 7.2.2, 7.2.6, 7.2.9, 7.2.15, 7.2.16, 7.2.17. Second by S. Williams. No discussion. Vote unanimous.

D. Allen. Changing the use of property from house to small business adding parking and taking down a porch and adding 6x12 entry way. Home decor gift shop; to add to the community.

B. Holmes - hours of operation?

J. Allen ~~-added~~ 9:30 to 5:30 but may be adjusted.

T. Roy asked about barn use.

D. Allen stated he would like to avoid barn; it needs work and not included in current plans.

B. Holmes asked how many parking spaced required.

S. Williams informed the Board of 300 sq. ft per floor area.

D. Allen planning on 10 spaces.

S. Penney asked where the parking would be.

D. Allen noted between old section going to be demolished over to within 5-10 feet of the line of pine trees to the stone wall and back to the house.

S. Penney asked about the stone wall.

D. Allen stated the ~~-~~stone wall by school is property boundary. Not encroaching on stone wall. Parking will not require taking the trees down but the shrubs will be taken down.

D. Hussey asked about the two existing driveway entrances.

D. Allen there are two driveways, received new NHDOT permit ~~te~~for driveways - one goes behind barn.

D. Hussey asked how far from parking lot to property line.

D. Allen stated 25 ft.

T. Hoopes asked about the wells.

D. Allen - wells are 75 ft within each other. Plans being done by Varney to put in new septic. Noted corrected well location 12 ft from North side of the house and septic with located within 75 ft further to the back of the lot. Planning to possibly block off driveway to the barn.

T. Hoopes asked about working septic.

D. Allen working septic but getting a new septic design. Addressed in the future. Use of bathroom for employees only.

T. Roy asked about any construction done to the house.

D. ~~Allen-Allen- The entryway the addition. entry way.~~

J. Allen added putting in wood floor, paint, and install counter.

T. Roy asked about Fire review.

S. Williams noted that Brian Boyers will handle all associated permits and code requirements through the Building Department.~~that.~~

Motion by S. Williams to approve case P09-09, D & J Allen Enterprises, LLC, Map 8, Lot 55 for a site plan the with the waivers. Second by D. Hussey. No discussion. Vote unanimous.

Case P09-10

Map 66, Lot 12

Condo Conversion

Stephen T. And Maureen D. Nix/Elaine Barrett, Trustee

1796 Mt. Major Highway

Application submitted by Stephen T. Nix, Esq. On behalf of Stephen T. And Maureen D. Nix and Elaine Barrett, Trustee for a Condominium Conversion to allow for two (2) boat slips. This parcel is located in the Lakeshore Residential Zone.

Present for this case: Stephen T. And Maureen D. Nix

Motion by T. Hoopes to accept application as complete for Case #P09-10, Steve and Maureen Nix, Map 66, Lot 12, Condo Conversion with waiver requests 7.2.24, 7.2.27, 7.2.33. Second by D. Hussey. No discussion. Vote unanimous.

S. Nix two families owned boat house - tenants in common since 1990s. Agreement to use half and half. Want to condominiumize the boat slips to assign boat slips. Each owner will be assigned~~Assign~~ a parking area which serves as the "condo unit" and comes with an assigned boat slip.

T. Hoopes asked to add a clause that boat house to be used for boat ~~shelter by boating use~~ only for as a protection for future use against gradual residence creation or prohibited uses.

M. Nix informed that the condo the declaration will states the boathouse in use only for ~~it should be used~~the general ~~for~~ storage of boats.

T. Hoopes asked if that clause ~~#~~ can be added to declaration or deed.

S Nix and M. Nix in agreement with this addition.

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S. Penney - Planner review —clerical error on recommendation # 4. Should have stated that there should be no misconstruing of this to allowing residential use of the structure.

M. Nix stated condo declaration will add intended clause for non-residential use.

Open to the public - None seen or heard.
Closed public input.

Motion by T. Hoopes to approve case P09-10, Stephen and Maureen Nix/Elaine Barrett, Trustee, Map 66, Lot 12 with requested waivers and the following recommendations:

1. All local, State and Federal applicable permits be obtained.
2. Delineate parking and make sure all setbacks are observed.
3. No additional structures to be constructed on the lot.
4. No portion of the structure shall be converted to residential use.
5. All required legal condominium instruments such as declarations, bylaws, associations etc shall be reviewed by Town Counsel and these and site and floor plans recorded at Registry.
6. A copy of new deed shall be given to the Alton Planning Department for consideration of the Alton Assessor

Second by S.Williams. No discussion. Vote unanimous.

Case P09-11	Map 9, Lot 33-2 and 33	Lot Line Adjustment
James Cruz/Paul M. Monzione	39 Henry Wilson Highway & 230 New Durham Road	

Application submitted by Stephen T. Nix, Esq. On behalf of James Cruz and Paul M. Monzione for a Lot Line Adjustment to transfer 2.42 acres of land from Tax Lot 9-33-2 (James Cruz) to Tax Lot 9-33 (Paul Monzione. These parcels are located in the Residential Rural Zone.

Present for this case: Paul Monzione, James Cruz and Stephen Nix

Bruce asked if he should step down due to his business dealings with Mr. Monzione.

Board agreed that he could remain seated~~sit~~ on the board but not vote.

Noted informal conceptual discussion was held on this issue at last month's meeting.

Motion by T. Hoopes to accept the application for Case #P09-11, Map 9, Lot 33-2 and 33 with the following waivers 7.2.24, 7.2.27, 7.2.33. Second by S. Williams. No discussion. Vote unanimous.

S. Penney noted that this is technically is a minor subdivision, not a Lot Line Adjustment as erroneously listed on the agenda.

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Tom asked about cemetery which is a perpetual care cemetery.

S Nix - deed shows public access to the cemetery.

J. Cruz stated it is listed in the deed.

Sharon noted that by this subdivision and subsequent merger, Paul Monziona recovering property which was originally withpart of the farm

Open to the public.

None seen or heard.

Closed public input.

Motion by S. Williams to approve Case #P09-11, Map 9, Lot 33-2 and 33 for a Lot Line Adjustment with waivers. Second by Hussey. No discussion. Vote unanimous.

Amended - recommendation from planner for suggested conditions.

1. All applicable local, state, and federal permits to be obtained.
2. Parcel A given a deeded right-of to driveway of Lot 32-2 which accesses NH Route 11.
3. A copy of subsequent deed for the parcel A subdivision be forwarded to the Alton Planning Department.

Second Amended motion by D. Hussey. No further discussion. Vote unanimous.

Other Business

No minutes to approve.

Old business - Tim Roy will be the chair Wind Energy committee, replacing Dave Hussey.

OEP Spring Land Use Manager workshop - see Sharon if you want to go by tomorrow 4/22. Conference is Saturday, May 2.

Passed around NHDES letter regarding the Stone Meadow/ - Ryan Heath project forget alteration of terrain permit.

T. Hoopes - LRPC Annual Mmeeting on May11. Has also asked Tim Morgan to attend. Tom feels this is an important meeting.

Sharon noted new (2009) Land Use Statute books distributed.

Scott Williams - discussion on ABCCC compound in light of recent devastating fire. ~~map~~. Noted that the Executive Director Richard Smith has been informed no building permits be issued. No building permits on the entirewhole property. T. Roy Asked about remodeling porches. Nothing will happen stated D. Hussey. D. Hussey also noted ABCCC is-still in violation for mitigation issues surrounding the 2003 fire

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rebuilding. Attorney Sessler has informed the town that the property owner has to come forward for any building permits not the cottage owners. It is a Ceatch 22 in terms of the outstanding violation from fire of 2003. S. Penney noted new Exec. Dir.-coming up with the new site plan. Attorney Sessler says currently no building anywhere on property. DES will allow no building within 250 feet of shoreland. Kudos to S. Williams and Fire Department on their work done. S. Williams noted 57 towns responded to the fire through the NH Mutual Aid system. Largest fire ever dispatched by mutual aid system.~~fire association.~~

Motion by T. Hoopes to nominate Bill Curtin as Chairman, Tim Roy as Vice Chairman, and Scott Williams as Clerk. Second by B. Holmes. No discussion. Vote unanimous

Motion by D. Hussey to adjourn. Second by T. Roy motion to adjourn. No discussion. Vote unanimous.

Respectfully submitted,
Carolyn Schaeffner