

Approved by the Board 10-16-07

Call to Order: 7:13 p.m. by Substitute Chair – Tom Hoopes

Member Present: Jeremy Dube, William Curtin-Selectman Representative, Tom Hoopes-Clerk and Substitute Chair, Scott Williams, Monica Jerkins-Planning Assistant, Carolyn Schaeffner-Recording Secretary.

Alternates Appointed: None to appoint.

Motion by J. Dube to move the approval of minutes to the end of the meeting. Second by B. Curtin. No discussion. Vote unanimous.

Approval of Agenda:

Motion by J. Dube to accept the agenda as amended. Second by B. Curtin. No discussion. Vote unanimous

Public Input

None seen or heard
Public input closed.

Applications for Public Hearing:

Case P07-18

Robert Landry

Request submitted by Peer Kraft-Lund on behalf of Robert Landry for a pre-application discussion with the Board regarding a proposal Excavation Reclamation located on Coffin Brook Road within the Rural Zone.

**Conceptual Consultation
Coffin Brook Road**

Present for this case. Peer Kraft-Lund.

Peer looking for guidance on 155E with regard to reclaiming these due to the fact that these are in Mr. Landry's backyard. Would like to have the applicant abide by the agreement noted on page 2 that was distributed to Board. Would like a consensus from the Board on this decision.

J. Dube expressed concern that the applicant was not present. It appears the town is working for the applicant. Normally this is not how the Board proceeds, without the applicant.

Peer would like to get this done without engineering.

S. Williams questioned if this is going to be done voluntarily.

Discussion on removal of gravel. Under 1000 cubic yards an excavation permit is not necessary. This is the same piece of property that the applicant subdivided. The applicant is doing this to stabilize the property, protect the wetland and keep the berm from eroding.

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J. Dube concerned that the discussion is going beyond conceptual consultation with still no applicant present.

Peer explained he is asking if the Board feels applicant can just work with the Planning Office or does the applicant need to come with a full application.

Motion by J. Dube to discontinue discussion and any further discussion can take place during the "Other Business" portion of the meeting.

T. Hoopes seconded the Motion.

The Board discussed that this is not proper procedure. Discussion on whether this item should be moved to Other Business. Monica noted that Peer was here at the beginning of the meeting and will not be here during Other Business. **Vote 3 affirmative. 1 opposed. Motion passes.**

Case #P07-19

Sally Castleman

Conceptual Consultation

New Durham Road

Request submitted by Peer Kraft-Lund on behalf of Sally Castleman for a pre-application discussion with the Board regarding a proposed subdivision located on New Durham road within the Rural Residential Zone.

Present for this Case: Sally Castleman and Peer Kraft-Lund.

Parcel located part in New Durham and Alton. 20 acres located in Alton. Survey done at the time of purchase. Small piece of 1.5-acre and would like to subdivide and sell of for the building of a house. Current survey is Randy Tetreault. She is looking to only have the 1.5-acre surveyed and the remainder not surveyed of 18.5.

J. Dube noted survey the 1.5 and show just enough of the remainder to show that it is developable on its own.

T. Hoopes make sure all names are on the application with signatures.

Confirmed it will have 150 ft frontage.

Robert Landry arrived.

Motion by S. Williams to take the case back from "Other Business" for discussion. No discussion. Vote: 3 affirmative 1 negative. Motion passes

Present for this case: Peer Kraft-Lund and Robert Landry.

Steep banks need to be cut back, approximately 10,000 yards.

Open for public input.

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R. Saulnier – read a narrative. Change the apartment to a service related business. Signage will remain the same. Tenants are responsible for their own trash. The proposed use is a skin-care type business. Does not feel parking will be a problem as they expect more foot traffic than parking traffic customers. No increase in water or septic. Would like to ask if this is clarified as business, if the current type of business going in changes would they have to come before the Board again for a different business.

Hours of operation are 7 days a week, by appointment only or approximately 10-7 p.m.

M. Jerkins noted the question on clarification if they need to come in each time they change a tenant even if it is an allowable use.

Yes, for a change of use. With this building it is a mixed-use building. As long as the service remains the same type of service business with the same type of septic loading. Monica noted that care should be taken with mixed-use buildings. J. Dube noted that if it is a change of use it must come before the board. Only if the business is the same type of retail business you will not need to come before the board.

Stacy Hubbard – owns Walk-in Wellness 200 feet from proposed property. Service unit implementing hands on with customer. Retail involves product.

M. Jerkins noted lengthy agenda and suggest the terms of retail and service be discussed with clarification at a Worksession.

T. Hoopes noted they can grant the change of use but tonight they cannot grant the definition and approval of granting a blanket.

Open to public input.

Stacy Hubbard – Not to argue the fact for a change of use. This will harm her business and put a detriment on her business as well. Water issue- proper state law, goes through a lot of water per state mandate. Legalities from health board. Ask board to check into this application. Certain stipulations that needed to be put in place for her business and ask that the same be requested of this applicant.

T. Hoopes noted Health requirement are not this boards requirements.

S. Williams noted this is for a change of use and the tenant will have to go for proper licensing approval. The tenant is not up for approval just the change of use.

J. Dube noted the septic would be a state requirement. Noted esthetician is not listed in zoning requirements. Also noted for future use, it is up to the building inspector whether he sees this as a different change of use and should go before the Planning or Zoning Board.

No further public input.

Public input closed.

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1. A copy of all necessary state, local and federal permits approval must be received by the Planning Department and the permit numbers added in a note on the plat prior to plan signing.
2. All "to be set" (TBS) notes must be removed and all monumentation must be set prior to plan signing.

J. Dube seconded the Motion. No discussion. Vote unanimous.

Case #P07-12

Map 9, Lot 3

Site Plan Review

Keith and Stephanie Robinson

Suncook Valley Road (NH Route 28)

New Hampshire Electric Coop

Application submitted by Ames MSC on behalf of New Hampshire Electric Coop and the property owners Keith and Stephanie Robinson for a site plan review of a proposed Electric Coop facility off of Suncook Valley Road. The property is located within the Rural Zone. This is continued from the April 24, 2007 hearing.

Present for this case: Sam Horton, Andrew Nowacki

A. Nowacki - Went through the list

Staff review

7.2.15 – locust – added to the plan m/l added

coordinates listed in locust

existing easements – clarification needed on right of way access. Added a note to the plan.

T. Hoopes noted the right of way was undefined and this was needed to be clarified on the plat with measurements.

A. Nowacki - Standard conditions of approval – best management practice – note added to the plat

Note added to the plat stating that all erosion control - added to the plat

Trees along the boundary with the 25ft wetlands buffer – will be completed prior to the plan signing

Subdivision plan subject to conditions of approval added to the plat

Condition subsequent – all notes have been incorporated on the plan including wetland stamp.

J. Dube asked for DOT approval for the driveway permit.

B. Holmes joined the meeting at 8:45 p.m.

This has not been approved yet.

T. Hoopes encouraged getting clarification on the right-of-way.

S. Williams - This is the only access to this property. But ask Attorney Sessler.

T. Hoopes says they need to have their own lawyer check into right of way.

Open to public

None seen or heard

Public input closed.

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Conservation Commission lot will be open to the general public.

S. Williams how can they assure that the Conservation Commission lot will not be sold.

Solution – make a restriction in the deed that the interest in the lot cannot be sold without selling the house lot.

Open to the public

T. Hoopes – spoke on behalf of the PB to the Zoning Board. Referred to the conditions by the ZBA

Recording secretary read

J. Gengras - would like to add this land is conservation in perpetuity.

Public input closed.

Motion by J. Dube to approve case P06-70

1. A copy of any necessary federal, state and/or local permits must be received by the planning department and the permit numbers must be added in a note on the plat prior to plan signing.
2. A note must be added to the plat prior to plan signing stating that Best Management Practices must be utilized during any timber cutting on site.
3. A note must be added to the plat prior to plan signing stating that all erosion control measures must be in place prior to any soil disturbance including stump removal.
4. Trees along the boundary of the 25-foot of wetlands buffer in any area within 200 feet of proposed development that will disturb the soil or involve the removal of trees are to be flagged on the plat and accurately in the field on trees approximately every 25 feet with permanent markers identifying them as the wetlands buffer. The types of all proposed signage to be reviewed and approved by the Planning board. Where trees have been previously removed or do not exist, the wetlands buffer shall be flagged with metal fence posts displaying the markers, which should be affixed to the posts with bolts. This is to be completed prior to plan signing and certified as complete by the surveyor who stamps the plat.
5. The following note must be added to the plat prior to plan signing: This subdivision plan contains a total of 17 sheets, which in its entirety constitutes the subdivision plan as approved by the Town of Alton Planning board. Sheets numbered S2 and S4 are recorded at the Belknap County Registry of Deeds; the remaining sheets are on file at the Town of Alton Planning Department.
6. The following note must be added to the plat prior to plan signing: This subdivision plan is subject to the Conditions of Approval itemized in the _____, Notice of Decision on file at the Town of Alton Planning Department.
7. Any and all Declaration of Covenants and Easements language (of any kind) must be approved by Town Counsel.
8. The Homeowner's Association Agreement must provide for maintenance of road drainage structures until such a time as the town is petitioned to take possession. Language to be reviewed and approved by Town Counsel prior to plan signing.

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9. A letter must be received by the Planning Department stating that the Board of Selectmen accept the language and conditions of the proposed easement deed for the cistern(s) and/or detention pond(s) based upon recommendation of Town Counsel. If the Selectmen do not accept the language and conditions of the proposed easement deed, and Administrative Review will be required.
10. A Certificate of Organization for the homeowner’s association to be filed with the New Hampshire Secretary of State’s office. A copy of certificate and proof of filing to be provided to the Planning Department prior to plan signing.
11. Security in the form of cash or a letter of credit with self-calling features (language to be approved by Town Counsel) must be submitted to the Planning Department for the installation and maintenance of the cistern(s) and/or detention pond(s) and associated drainage prior to plan signing, with the amount to be determined by the town’s review engineer.
12. Security in the form of cash or a letter of credit with self-calling features (language to be approved by Town Counsel) must be submitted to the Planning Department for the construction of the roads prior to plan signing, with the amount to be determined by the town’s review engineer.
13. An amount necessary for road construction, cistern construction or other necessary construction inspections must be placed in an escrow account prior to plan signing, amount to be determined by the town’s review engineer.
14. A pre-construction meeting shall be arranged between the Town Engineer, the applicant and his/her developer, the Planning Department and others the Board may deem necessary prior to excavation or timber cutting, during which time the applicant and his agent(s) together with the Town Engineer shall determine a construction/inspection schedule.
15. As-built plans for road and final engineering inspections must be completed and all boundary points to be set prior to the release of the security for the roads and associated drainage system.
16. Deed restrictions regarding the conservation lot to be approved by Town Attorney before final plat signing.
17. Note to be added conservation lot is subject to the conditions approved by the Town of Alton ZBA May 2007.
18. Note to be added in reference of the deed restrictions of the conservation law.

Second by S. Williams
Vote unanimous.

Tom Hoopes resumed his seat with the Board.
Bruce Holmes excused himself from the meeting.

Case #P07-06	Map 9, Lot 3	Site Plan Review
Benjamin Finnegan		Valley Road
Continued from the April 24, 2007 hearing.		

Present for this case: Arthur Hoover, Andrew Nowacki,

Case #P07-07	Map 6, Lots 36, 37	15-Lot Subdivision
Benjamin Finnegan		Valley Road
Continued from the April 24, 2007 hearing.		

Present for this case: Arthur Hoover, Andrew Nowacki, David Fuller, and Greg Vashon

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Distributed an updated CMA Review with comments from Peer Kraft-Lund.

Note from Peer – concerns addressed, concern remains from con com. Hear applicant and Conservation Commission and post pone.

Arthur Hoover – noted

A. Nowacki – CMA review April 6, 2007. addressed each comment, revised all plans and made a personal visit to CMA to clarify comments. Reviewed new letter at 4:00 p.m. 11 out of 12 comments have been or can be addressed. They are still wanting to clarify drainage analysis. This project is located in a large watershed. CMAs comments find it hard to delineate the watershed. Plan shows overall drainage areas. The sheer size of the water sheds with the existing gravel road and a couple of house lots going in have no effect on the water flow of the large watersheds. Feels CMAs comment is very general. He has gone over the watershed areas very comprehensively

T. Hoopes concern brought up on walk of property is the need for a source of detention or retention for flash water when ground is frozen. Noted in the last 2 years we have had substantial rain events.

A. Hoover noted this is a not a cheap undertaking. Feels CMA has not properly informed the applicant. This information was not presented at noon today.

J. Dube agrees with Mr. Hoover and this needs to be addressed. Things need to be straightened out with CMA and there is a new change of hands and the communication with CMA has not been good and the PB is waiting on a meeting to get this corrected.

T. Hoopes – we started dealing with CMA to speed up the process, but this is not happening. We have scheduled a meeting.

J. Dube – not aware that there is a second review and we don't have it. Thought we were just dealing with first review.

S. Williams – thinks we should get as much done tonight so they can come back and deal with maybe one or two things.

J. Dube – concerns for this plan will be fulfilled when engineering review has been satisfied. Has no other outstanding issues.

Open to public input.

J. Gengras, Con Com – met with wetland scientists last week and application sent to the state. Viewed the property from the road right after the April 17th storm and two perennial streams that exit the property. Water tore out sections of town road, the brook near the New Durham line tore out exactly the same section that it did for the mother's day storm last year. The larger stream right at the beginning of Valley Road last year jumped the brook, this year tore out a large section along the road. Concern with this parcel is when Prospect Mountain shed there is an incredible volume. Concern with culvert sizes and

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with the mess where the driveway crosses that's not associated with the access road. Driveways are not well marked on the property. Will be submitting formal comments to the State Wetlands Bureau and copies to the Planning Board.

A. butter – Julie Councilman, easement made to meet town road requirements to possibly in the future subdivide.

T. Hoopes noted this has to be settled with the applicants and this is not something that the Planning Board can deal with as a third party.

A. Hoover does not know they are in the business of providing class 5 roads for abutting property owners.

T. Hoopes suggest the applicant and the abutter need to discuss this matter.

None further seen or heard.
Closed public input

T. Hoopes does not see a way to resolve the time of year that run-off comes. There may be a need for larger culverts or retention or detention ponds.

J. Dube noted this is why we have review engineers. Does not feel qualified to review this without the complete report and feels they need this for further discussion.

Reopened to the public

J. Gengras asked if the review engineer physically came out to review the site. The town planner informed her that a review engineer has not personally reviewed the site due to the difficult circumstances of this site.

A. Nowacki – culverts does not feel this is fair for the applicant to have to bear the burden if the culverts are undersized. They are not increasing the peak flow leaving the property.

T. Hoopes noted that 15 lots, 15 houses, 15 driveways are impervious.

A. Nowacki - the lots are located at the bottom of the parcel. Noted there are two different watersheds and the main flow is from a shed thousands of feet away. First he heard of detention on the site tonight. Does not feel this is the responsibility of the applicant to fix this problem.

T. Hoopes thinks that 15 house sites and 15 driveways will create more run off than we have now.

A. Hoover isn't that why we have engineer review it and there is already an existing problem without 15 lots and houses and has nothing to do with our development.

J. Dube thinks should wait for engineering review report.

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Motion by J. Dube to continue case P07-06 to June 19 meeting. Second by W. Curtin. Discussion – W. Curtin ask CMA why this is taking so long. J. Dube noted when he was chair he specifically asked CMA to go to a site needs to be up to the boards discretion. Concerns conditions of 11th hour and not fair for the applicant. Amendment – continue and to have CMA go out and review property.

Withdraw motion and second

W. Curtin continue to June 19 and to have CMA go out and complete review property. Second T. Hoopes. Discussion.

J. Dube this should have been cleared up by CMA Board admits it is the Board's fault this is not been cleared by CMA. Boards fault that CMA has not gone out on site.

S. Williams thinks that when we send out a request to CMA we give them a return date.

W. Curtin – letter from Don Voltz in response to CMA's report that things have been cleared up.

A. Hoover suggests that make motion to continue case to June meeting and direct staff to contact CMA and ask them to go on site.

Withdrawn motion, second

J. Dube

Continue case to June 19 meeting.,

Second by W. Curtin.

No discussion

Vote unanimous.

T. Hoopes Motion to continue beyond 10 p.m. B. Curtin seconded the Motion. No discussion. Vote unanimous.

Case #P06-88

Map 10, Lot 26

10-Lot Subdivision

Estate of Winona Houle

Alton Mountain Road, Alton Shores Road & Frohock Brook Road

Continued from the April 24, 2007 hearing.

Present for this case: Melissa Guldbransen, Andrew Nowacki, and Greg Vashon.

M. Guldbransen - Case pending since last October. Property is subject to the jurisdiction of the BC Probate court because it is in an estate. Judge has approved the sale but is conditioned upon subdivision approval. All issues addressed. State approvals received. Jumping through Hoopes from CMA vague, not telling applicant what they are thinking of. Septic plans shown are identical plans going to the state. Comment dated from CMA today approximately 2 p.m. Comments with specificity of conditions of approval. Willing to provide as-built plans. Drainage issues will probably be the most significant tonight. Area where there are steep slopes. Existing conditions are existing and they cannot be changed as they are. Noted easement to get to drainage area, lots 6 a 7.

A. Nowacki - location of detention swales – nothing in that has changed. Meeting with CMA and Peer where they described they were concerned about the location of the septic and leech fields. I submitted a grading plan for two houses and driveways, did not show on this plan any septic or leech field location.

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CMA requested they show a detailed design of the leech fields. Lyndon design has done septic design. They need to be design to alter the water shed. Enviro-septic systems and does not alter the drainage flow to the detention swales.

Greg Vashon – described the Enviro-septic system. Most compact and clean way to dispose of septic service.

Discussion of septic systems and how it affects the detention swales.

B. Bollinger – take up less space not less expensive.

T. Hoopes concern from 6-house site not going to increase flow on to Laroux property.

Discussion of CMA timing on this application.

Discussion on problems with engineering companies.

J. Dube concerned with all the information received from Peer today is not acceptable and not able to properly review to be fair to the applicants.

S. Williams noted procedurally the PB is a mess and it needs to be fixed.

Open to public input.

Chuck Weston – does not feel the time frame has been fair to the applicant. Does not agree with the engineer that the impact will not affect the current flow. Showed pictures from high water storm run-off. Note that Alton Shores Road is impacted without houses being there. Would like to see deed restriction for certain house size, tree cutting, etc. based on assumptions.

S. Williams noted the town does not rebuild roads to the same criteria that builders do construct.

J. Dube noted town engineer's road by eye.

S. Williams noted that most subdivision roads are built more securely than the town built roads.

Sandy Weston this is rural zone and people can put small businesses on their property and this should be a consideration.

Glen Laroux the runoff from Frohock brook road does affect own property and who will be responsible for the damage to his property.

S. Williams if the water does not change it is not the responsibility of the applicant. The applicant is not allowed to have any more discharge on to the property.

G. Laroux are the gallons coming out of that property right now rated for a certain gallons per minute?

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S. Williams sure the drainage engineer did his calculations.

J. Dube if there is more water flow then the engineer is responsible.

W. Curtin noted there has always been a water problem on Frohock.

T. Hoopes a permit can be gotten from the state to redirect the stream.

J. Dube noted this board does not have jurisdiction over the culvert on Laroux property. Suggest going to the Selectmen or Road agent on this culvert.

B. Bollinger stated he went to Ken Roberts and that this water is being somewhat diverted in a swale. Does not think Ken replaced culvert.

Melissa noted the engineer has not stated that what they have presented is inadequate.

Glen Laroux also noted they get run-off from Alton Mountain Road as well.

T. Hoopes does not see this can be fixed.

Andrews stated that CMA does not have problems with the issues of drainage and what the engineer has presented. Noted there are three ponds going on this lot. This is a big difference.

Chuck Weston commented on CMA report there is no flexibility on septic system and detention ponds. Peer also asked in recommendation the same point.

M. Guldbranson stated they did not have both of Peers comments.

B. Bollinger noted regarding the comment about the location of the septic. They were asked to show where they are going to locate the septic and this is where they located it. They could have put it anywhere else. The CMA statement is not true where they stated no flexibility. If you change location you have to go back to the state.....

Discussion about location of house and septic locations.

Sandy Weston asked who would be responsible for the maintenance on the detention ponds. Melissa noted town will have right to cross for maintenance repair and will be deeded as an easement. Also noted number 2 on condition of approval to have the engineer sign for liability for future runoff damage.

Glen Laroux – would like the names of engineers and how they figure flow.

J. Dube noted if this is approved and he would like to appeal he could do this through the ZBA

S. Williams noted it is public record and he can get this from the planning office.

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Close public input

Discussion of conditions

Motion by S. Williams to approve case P06-88 with the following conditions:

- 1, 2, 3, 4, 5, 6-lot 10, 10, 12, 14, 16-take out road construction, 19. Special conditions
 - 1, 2-before any construction of additional improvements (beyond a single family home), 3, 4, 7
- B. Curtin seconded the Motion. No discussion. Vote unanimous.

Case #P07-04

Map 11, Lots 13, 14, 13A

**17-Lot Subdivision
Alton Mountain Road**

Bradford Jones

Continued from the April 24, 2007 hearing.

Present for this case: Arthur Hoover, Jonathan Ring and Brad Jones.

17-lot subdivision off Alton Mountain Road. Continued from the 17th of April. Receive two letters of review from CMA and responded to all the engineering issues. Needing final letter from CMA

B. Jones met with Conservation Commission with three small wetland impacts. Has been sent to DES.

J. Ring waiting for site-specific permit and subdivision permit.

J. Dube asked if item 1 has been addressed on the May 10 letter with respect to grades appearing excessive.

J. Ring – yes they have been addressed. And graded driveways down 10% on lots 11 and 12.

J. Dube asked about minimum road standard.

Public input:

Mary Longabaugh – water run-off concern. Concern for diverted stream once all pavement and houses and tree cutting done. Will the leech fields contaminate the water supply?

J. Ring noted there is a detention pond on lot 10 with intent to hold storm water from up slope from storms with slow release. No increase on the peak rate with that brook. Leech fields will be approved and state regulations followed to not contaminate.

Robert Wood – abutter. Glad to see the land developed. Share the same stream and concern for run-off. Question on recreational access.

J. Ring – Has CMA been to the site?

J. Dube stated unless they were asked the answer is probably no.

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Closed public input.

Final questions.

Motion to continue to June 19th and be the first application
B. Curtin seconded the Motion. Motion passed with all in favor.

Motion to adjourn.