

TOWN OF ALTON PLANNING BOARD
PUBLIC HEARING
Minutes
May 19, 2015
Approved 6/16/15

Members Present: Dave Collier, Chairman
Thomas Hoopes, Vice-Chair
Roger Sample, Clerk
Peter Bolster, Member
Bill Curtin, Member
Scott Williams, Member
Virgil MacDonald Selectmen's Representative

Others Present: Ken McWilliams, Town Planner
Randy Sanborn, Secretary
Members of the Public

I. CALL TO ORDER

T. Hoopes called the meeting to order at 6:02 p.m.

II. APPROVAL OF AGENDA

K. McWilliams stated that there was one change to the agenda. Case P15-11, Samuel & Wendy Huggard & Edward Dyer have withdrawn their application.

S. Williams motioned to accept the Agenda as amended.

R. Sample seconded the motion with all in favor.

III. DISCUSSION WITH THE ZONING AMENDMENT COMMITTEE

K. McWilliams explained to the Planning Board about an item that came up in the Zoning Amendment Committee meeting. The item was amending the Earth Excavation Regulations. What is needed is to define the threshold for what constitutes an excavation. There are exemptions from the regulations which are needed to assign quantities to that. Mary Pinkham Langer with the State has provided some model regulations. The present regulations are old and are based solely on what is in the RSA. The Earth Excavation Regulations are regulations that the Planning Board adopts by majority vote after a public hearing. They do not have to go to Town Meeting for ballot vote like Zoning Amendments. Since they are Planning Board regulations the Zoning Amendment Committee felt they should meet with the Board to discuss whether the Board would like Zoning Amendment Committee to work on those to present to the Board to approve before they go to public hearing.

Paul Monzione and Paul LaRochelle spoke on behalf of the Zoning Amendment Committee regarding the Alton Earth Excavation Regulations.

P. Monzione, Chairman of the Zoning Amendment Committee, discussed the procedure and purpose of the Zoning Amendment Committee. He asked the Board if they wished the Zoning Amendment Committee work on the Earth Excavation Regulations or if the Board wanted to work on it themselves.

S. Williams motioned to have the Zoning Amendment Committee work on the Earth Excavation Regulations and present recommended amendments to the Planning Board when they are finished.

V. MacDonald seconded the motion with all in favor.

IV. TIME EXTENSION

Case #P15-03 Alton Bay Campmeeting Association	Map 34 Lot 33	Time Extension on Condition 5 Broadway Blvd.
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Brad Smith is requesting a time extension to move or raze the Maserian cottage by April 20, 2015. This was a condition of approval of the amended final site plan application approved by the Planning Board on January 20, 2015.

K. McWilliams gave an overview of this application. K. McWilliams noted Brad Smith had submitted a time extension request before the expiration on April 20, 2015.

R. Sample recused himself from this application.

Brad Smith spoke on behalf of this application. He explained to the Board the reason for the delay on removing the cottage from the campground. The Alton Bay Campmeeting Association told Mr. Maserian that if his intention is not to move or raze the cottage then he needs to turn the deed over to the Campground.

The Board had a discussion regarding the time line for this extension. They discussed maybe shortening the time line and making it 30 days instead of 90 days.

D. Collier arrived at 6:20 p.m.

T. Hoopes turned the chairing of the meeting over to D. Collier.

S. Williams requested to amend the time line to June 31, 2015.

T. Hoopes stated that he had no problem with extending it to the 90 days if the Campground has trouble solving this problem.

P. Bolster felt that the Conference Center has worked on good faith to resolve this problem and should be able to have the full extension.

D. Collier felt the 90 days is sufficient to solve the problem.

Finally the consensus of the Board was to provide an extension to August 18, 2015 to move or raze the Maserian cottage.

D. Collier opened it to the public. There was none at this time.

V. MacDonald made a motion to hereby approve Case P15-03, Map 34 Lot 33, for Alton Bay Campmeeting Association to move or raze the Maserian cottage by August 18, 2015.

P. Bolster seconded the motion with all in favor.

Case #P10-20 Bahre Alton Properties, LLC	Map 26 Lot 10-1	Time Extension NH Route 28 & Homestead Place
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On behalf of Bahre Alton properties, Mark C. Sargent with Richard D. Bartlett & Associates LLC is requesting a time extension of one year until March 15, 2016 before construction must commence.

K. McWilliams gave an overview of this application. He is recommending an extension until October 1st when two of the state permits will expire.

Mark C. Sargent spoke on behalf of this application. He stated that there were some permits that will be expiring in October and November. He asked if they could have the extension until the end of November.

D. Collier recused himself from this application.

T. Hoopes took over the role of Chair.

T. Hoopes opened it up to the public. There was none at this time.

B. Curtin made a motion to hereby approve an additional time extension until March 15, 2016 before construction must commence.

All other conditions of approval of the September 7, 2010 and March 15, 2011 Notices of Decision shall remain in effect.

S. Williams seconded the motion with all in favor.

D. Collier returned to the role of Chair.

V. COMPLETENESS REVIEW OF APPLICATION AND PUBLIC HEARING IF THE APPLICATION IS ACCEPTED AS COMPLETE

Case #P15-08 George Michael Lee et al & Cafua Realty Trust LXXXVIII, LLC 50% & 24 Main St. Alton LLC 50%	Map 27 Lots 54 & 55	Final Major Site Plan Review 24 & 30 Main Street
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On behalf of George Michael Lee et al & Cafua Realty Trust LXXXVIII, LLC & 24 Main St. Alton LLC, Cafua Management Company LLC is requesting a Final Major Site Plan Review for the addition of land adjacent to the current Dunkin Donuts site for expansion of the drive thru and parking for the current store. This property is located in the Residential Commercial (RC) Zone.

K. McWilliams gave an overview of the application. The applicant has requested two waivers from Section 4.02 (F) 11 Elevations and Section 4.01 (F) 12 Floor Plan Layout. Since there are no changes proposed to the existing building, he recommends the Planning Board approve the waivers. If the waivers are approved, he recommends the Planning Board accept the application as complete.

B. Curtin made a motion for Case P15-08 to approve the waivers 4.01 (F) 11 Elevations and 4.01 (F) 12 Floor Plan Layout.

S. Williams seconded the motion with all in favor.

B. Curtin made a motion for Case P15-08 to accept the application as complete.

S. Williams seconded the motion with all in favor.

Mark Gross with MHF Design Consultants spoke on behalf of this application. The applicant was waiting for their driveway permit which was submitted to the Planning Department in March. He gave the Board an overview of the project. They reconfigured the handicap parking spaces and put a patio outside the door. The major change to the property is the addition of the abutting lot and the extension of the drive thru from 5 or 6 stacking spaces to 22 stacking spaces. The menu board will be repositioned and the existing entrance/exit driveway will become an entrance only and there will be an exit only driveway from the new lot. This was approved by DOT. They also added more parking spaces. They also discussed the drainage and the landscaping plans. The State told the applicant that they would not do a left turn lane into the site off Main Street.

K. McWilliams mentioned to the Board that the typical pavement section shows 8" of sub-base gravel and the Town standards is 18" minimum of gravel. The Stormwater Drainage Report has been sent to Pete Julia and the Board has a copy of his initial review letter. The applicant has responded so confirmation if needed from P. Julia that he is satisfied that all his comments have been addressed. Also during one of the July Design Review meeting Eric Cooper and Brenda Fontaine, the next door abutter to Dunkin Donuts, had requested a 6' privacy fence along their property.

M. Gross asked about the fence. They do not want to take down trees. They have no problem with the stockade fence. It would be on the property line between the stone wall and the lighting fixtures. The applicant would like for it to be a vinyl fence instead of a wood fence to require less maintenance.

D. Collier opened it to the public.

Brenda Fontaine spoke regarding the fence. They do not care what the fence is made of. She mentioned that the berm could be removed if the applicant wanted it to. M. Gross noted that if the 6' fence is located on top of the 3 foot high berm, then there would be a combined 9' in height. The Board agreed that the fence could go on top of the berm.

Rueben Wentworth spoke regarding the location of the exit driveway. He would like it on record that he is against the location of the exit.

D. Collier closed the public input.

D. Collier asked to make a condition that no trucks are allowed to back into the property.

M. Gross asked about one of the conditions regarding that if traffic backs up on the Main Street 6 or more times in a 30 day period they would need to make application for a compliance hearing. The applicant was fine with that condition and M. Gross stated that if it happens once then they need to talk to the manager.

T. Hoopes made a motion to hereby approve Case P15-08, Map 27 Lots 54 & 55 for Cafua Management Company, LLC for a Final Major Site Plan Review for Dunkin Donuts with the following conditions:

CONDITIONS PRECEDENT

Conditions Precedent: The following conditions must be satisfied prior to the Planning Board Chair signing the plans.

1. **A note shall be added to the plan prior to plan signing by the Planning Board Chair stating that Best Management Practices shall be utilized during any timber cutting on site.**
2. **The following note shall be added to the site plan prior to plan signing by the Planning Board Chair: This site plan contains a total of 13 sheets. The Site Development Plans (Set of 13 Drawings) for Map 27 Lots 54 & 55 24-30 Main Street prepared for Cafua Management Company, LLC dated April 17, 2015 and last revised on April 30, 2015. All sheets are on file at the Town of Alton Planning Department.**
3. **The following note shall be added to the site plan prior to plan signing by the Planning Board Chair : This site plan is subject to the Conditions of Approval itemized in the May 19, 2015 Notice of Decision on file at the Town of Alton Planning Department.**
4. **An application for a voluntary lot merger needs to be submitted for Planning Board approval following conditional approval of the final site plan review application. The two properties are currently under different ownership and cannot be merged until they are both under the same ownership. The voluntary lot merger needs to be approved by the Planning Board before the Planning Board Chair signs the final site plan.**
5. **A “No Left Turn” sign needs to be placed at the end of the drive thru lane and added to the plans. A painted line angled towards the exit shall be provided at the exit from the drive thru lane.**
6. **The typical pavement section detail shown on Sheet 7 shows a sub-base of 8” of gravel. This does not comply with the 18” minimum sub-base gravel thickness required in the standard referenced in Section 5.05 of the Site Plan Review Regulations and Section 7 Driveways of the Alton**

Highway Policies and Regulations. The typical pavement section detail shown on Sheet 7 needs to be revised to comply with the standard.

- 7. Peter Julia, Farmhouse Land Development, has reviewed the drainage report and drainage plans submitted with the final site plan review application. Six comments on the drainage review are found on page 3 of his initial Drainage Review dated May 11, 2015. These points need to be addressed by the applicant and submitted to Peter Julia. Confirmation needs to be received from Peter Julia that all six of these items have been addressed to his satisfaction before the site plan is finalized and signed by the Planning Board Chair.**
- 8. A 6' high vinyl privacy fence needs to be added to the site plan and constructed along the southeastern property line as separation and buffer from the noise and headlights from the residence immediately across that property line.**
- 9. The Fire Department has indicated that the proposed fire hydrant on the Dunkin Donuts site is not needed and can be removed from the plans.**
- 10. The signature approval block for the Planning Board Chair needs to be added to each sheet of the plan set for the final site plan.**

SUBSEQUENT CONDITIONS: The following conditions subsequent shall be met during construction and on an on-going basis:

- 1. A demolition permit is needed from the Building Department to demolish the existing house on Lot 54. An asbestos inspection is required to be done and submitted to the building department. Asbestos remediation will be required, if needed, before the existing residence can be demolished.**
- 2. The applicant shall comply with all of the Town of Alton's Site Plan Review Regulations.**
- 3. The approval is based upon the plans, specifications and testimony submitted to the Planning Board. Any alterations, additions or changes to the plans are not authorized and require additional Planning Board approval.**
- 4. A site plan which has been approved, conditionally or otherwise, may be revoked, in whole or in part, by the Planning Board when an applicant or successor in interest to the applicant has performed work, erected a structure or structures, or established a use of land, which fails to conform to the statements, plans, or specifications upon which the approval was based, or has materially violated any requirements or conditions of such approval.**
- 5. A new site plan review is required if Dunkin Donuts changes to a competing coffee shop with a different business model to review the adequacy of the queue length and on-site parking.**
- 6. A new site plan review is required if the use changes to another use.**
- 7. In the event that the on-site stacking of vehicles proves to be inadequate and vehicles trying to enter the Dunkin Donuts site back-up onto Main Street six (6) or more times in any 30 day period, then the owner of the Dunkin Donuts site agrees to apply to the Planning Board for a compliance hearing to address options to remedy the situation within thirty (30) days after receiving notice from the Town a compliance hearing is required. Evidence of vehicles backing-up onto Main Street shall be as recorded by the Police Department. The compliance hearing**

would be a public hearing before the Planning Board with ten 10 “clear days” of notice. Notice to abutters would be provided by certified mail. Notice to the general public would be provided by a public notice published in a newspaper of general circulation and by posting a public notice in two (2) public places. The cost of all notices shall be paid by the applicant. The compliance hearing would be only to address the issue of the inadequate on-site stacking of vehicles resulting in an unsafe condition of vehicles backing up onto Main Street. The purpose of the compliance hearing would be to discuss options available and to reach agreement with the Planning Board on a plan of action to reduce or eliminate the issue of vehicles backing up onto Main Street.

8. No backing into the site off Main St.

Provided all listed conditions precedent are satisfied, this approval will remain valid for implementation 365 days from date of original approval, unless extended by the authority of the Planning Board after petition by the applicant.

S. Williams seconded the motion with all in favor.

S. Williams stated that #7 condition should say that the applicant will pay the certified mailings to notify the public.

S. Williams seconded the amended motion with all in favor.

<p>Case #P15-10 Marc P. & Mary L. Tetreau & George A. & Susan E. Major</p>	<p>Map 37 Lots 66 & 67</p>	<p>Lot Line Adjustment Sanctuary Lane</p>
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On behalf of Marc P. & Mary L. Tetreau and George A. & Susan E. Major, Paul F. Zuzgo LLS is requesting a Lot Line Adjustment. The proposal is to swap an equal land area between the two lots. These properties are located in the Lakeshore Residential (LR) Zone.

S. Williams stated that Mr. Zuzgo is a friend of his and asked the Board if they minded if he remain seated on the Board during this application. None of the Board members had any objection.

K. McWilliams gave an overview of the application. He recommended the Board accept the application as complete.

B. Curtin motioned to accept the application Case P15-10 as complete.

S. Williams seconded the motion with all in favor.

K. McWilliams stated that clarifying information is needed in the notes and on the plat where Parcels A & B are going. The second comment was about demonstrating compliance with the contiguous upland area. P. Zuzgo has done that. The last one is signed deeds are needed within 60 days of the approval.

Paul F. Zuzgo spoke on behalf of this application. He explained the need for the Lot Line Adjustment. The owners of Lot 66 (Tetreaus) thought the property line was the stone wall and have built two accessory structures in Parcel A. Parcel B will go to lot 67 and Parcel A will go to lot 66.

S. Williams stated that well radius easement will need to be signed and recorded, will need to be submitted because the well protective radius’ overlaps the Tetreau property following the lot line adjustment.

D. Collier opened it up to the public. There was none at this time.

S. Williams made a motion to hereby approve Case P15-10, Map 37 Lots 66 & 67 for a Lot Line Adjustment with the following conditions:

CONDITIONS PRECEDENT

Conditions Precedent: The following conditions must be satisfied prior to the Planning Board Chair signing the plans.

1. The following note shall be added to the plat prior to plan signing: **This Boundary Line Adjustment Plan is subject to the Conditions of Approval itemized in the May 19, 2015 Notice of Decision recorded in the Belknap County Registry of Deeds and on file at the Town of Alton Planning Department.**
2. The plat and notes need to clarify where Parcels A and B go.
3. The applicants need to submit signed deeds to record with the Lot Line Adjustment Plan and Notice of Decision within 60 days of conditional approval of the lot line adjustment by the Planning Board. The following deeds are required:
 - a. a deed transferring Parcel A containing 5,440 square feet from Map 37 Lot 67 owned by George & Susan Major to Map 37 Lot 66 owned by Marc & Mary Tetreau ; and
 - b. a deed transferring Parcel B containing 5,440 square feet from Map 37 Lot 66 owned by Marc & Mary Tetreau to Map 37 Lot 67 owned by George & Susan Major.
4. A well radius easement that is signed and recorded needs to be submitted for Lot 67.

SUBSEQUENT CONDITIONS

1. The applicants shall comply with all of the Town of Alton’s Subdivision Regulations.
2. The approval is based upon the plans, specifications and testimony submitted to the Planning Board. Any alterations, additions, or changes to the plans are not authorized and require additional Planning Board approval.
3. A lot line adjustment which has been approved, conditionally or otherwise, may be revoked, in whole or in part, by the Planning Board when an applicant or successor in interest to the applicant has performed work, erected a structure or structures, or established a use of land, which fails to conform to the statements, plans, or specifications upon which the approval was based, or has materially violated any requirements or conditions of such approval.

Provided all listed precedent conditions are satisfied, this approval will remain valid for implementation 365 days from date of original approval, unless extended by the authority of the Planning Board after petition by the applicant.

B. Curtin seconded the motion with all in favor.

VI. VOLUNTARY LOT MERGER

Case #P15-09 John Ardizzoni	Map 65 Lots 41 & 68	Voluntary Lot Merger Railroad Avenue
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John Ardizzoni is requesting a voluntary lot merger to combine the two lots noted above consisting of 0.56 acres and 0.10 acres respectively.

K. McWilliams gave an overview of the application. K. McWilliams noted the lot merger is needed because Mr. Ardizzoni built a garage straddling the property line between these two lots.

B. Curtin made a motion to accept the application as complete.

S. Williams seconded the motion with all in favor.

D. Collier opened it to the public. There was none at this time.

B. Curtin made a motion to hereby approve Case P15-09, Map 65 Lots 41 & 68 for a Voluntary Lot Merger application for John V. Ardizzoni.

P. Bolster seconded the motion with all in favor.

VII. OTHER BUSINESS

1. Old Business – None
2. New Business –
 - a. K. McWilliams reminded the Zoning Amendment Committee members of the meeting on June 2, 2015 at 6:00 p.m.
3. Approval of Minutes:
 - a. Minutes of the April 21, 2015 Planning Board Meeting.
**B. Curtin motioned to approved these minutes as presented,
T. Hoopes seconded the motion with six (6) approve and one (1) abstained (BC)**
4. Correspondence – None
5. Any Other Business that may come before the Board. – none

VIII. PUBLIC INPUT ON NON-CASE SPECIFIC LOCAL PLANNING ISSUES:

There was none at this time.

IX. Adjournment

B. Curtin made a motion to adjourn. The motion was seconded by S. Williams and passed without opposition.

The Public Hearing adjourned at 8:00 p.m.

Respectfully submitted,
Randy Sanborn, Recorder, Public Minutes-