

TOWN OF ALTON PLANNING BOARD
PUBLIC HEARING
Minutes
June 16, 2015
Approved July 21, 2015

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 6:00 p.m.

II. APPROVAL OF AGENDA

There were no changes to the agenda.

S. Williams motioned to accept the Agenda as presented.

B. Curtin seconded the motion with all in favor.

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

Case #P15-12 J.A.G. Alton Realty, LLC/Alfred Greymont Jr.	Map 15 Lot 59B	Final Minor Site Plan Review 20 Hurd Hill Road
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On behalf of J.A.G. Alton Realty LLC/Alfred Greymont Jr, Thomas W. Varney PE is requesting a Final Minor Site Plan to add a business of outside retail sales of landscape materials, an office inside the building for the business, and a second floor apartment on the property. This would be in addition to use of the building for a building trade or repair shop. This property is located in the Rural (RU) Zone.

K. McWilliams gave an overview of the application. His review indicates that the application is complete and recommends the Planning Board accept the application as complete.

T. Hoopes made a motion to accept the application as complete.

B. Curtin seconded the motion with all in favor.

Tom Varney from Varney Engineering and Alfred Greymont Jr. spoke on behalf of this application. T. Varney gave a brief narrative of the history and the proposal for this property. Hours of operation will be 7:00 a.m. to 5:00 p.m Monday through Saturday and 9:00 a.m. to 4:00 p.m. on Sunday. Two to three employees are required for the operation. The applicant received Zoning Board approval in April for a Special Exception for this use.

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

S. Williams motioned on Case P15-12, Minor Site Plan Review – Mixed Use for J. A. G. Alton Realty LLC/Alfred Greymont Jr. that after due hearing, the Alton Planning Board hereby approves the above cited application for Minor Site Plan Review for mixed use (building trade & repair shop, outside retail of landscaping materials, Interior office for landscaping business and an apartment on the second floor) with the following conditions:

Conditions Precedent: The following conditions precedent shall be met prior to the minor site plan being signed by the Planning Board Chair:

1. The applicant must confirm with NHDES (written response required) that the proposed construction is consistent with the approved site restoration plan included in the 2013 permit approved by NHDES.
2. The following note shall be added to the minor site plan prior to the Planning Board Chair signing the minor site plan: This minor site plan is subject to the Conditions of Approval itemized in the June 16, 2015 Notice of Decision on file at the Town of Alton Planning Department.

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

1. The applicant shall comply with all of the Town of Alton's Site Plan Review 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 site plan which has been filed and 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.
4. The applicant needs to comply with all the mandatory requirements of the Building and Life Safety Codes.
5. All parking needs to be provided on-site and no parking shall be permitted on Hurd Hill Road.
6. Both entrances onto Hurd Hill Road must have paved aprons to protect the Town Road.
7. The applicant shall comply with all the requirements outlined in the Fire Department letter dated March 23, 2015. A copy of that letter is attached. The following summarizes those comments:
 - a. They have no objection to the sale of landscape materials.
 - b. The applicable Fire Safety Codes are based on the building's main floor being used to store equipment for loading and moving landscape material, maintenance of equipment and the construction of an apartment on the second floor. This would classify the building as a change of use with separated occupancies per NFPA 101, 2009 Chapter 6 6.1.14.4.
 - c. The main floor interior walls, ceiling and stairwells would be separated by a fire-resistive assembly of 1 hour fire rating (i.e. 5/8" sheetrock with a 1 hour rating) as per NFPA 101 Chapter 6 6.1.14.4-1. The garage wall attached to the house would also need to be a fire-rated sheetrock and a 1 hour fire rated door to the house would be needed.
 - d. Owners of the structure would be required to install and maintain automatic fire warning devices and carbon monoxide detection devices as required by RSA 153:10 and NFPA 1.
 - e. The letter details the requirements for carbon monoxide alarms.

- f. **Portable fire extinguishers shall be installed and maintained in accordance with NFPA 10 Standard for Portable Fire Extinguishers. The quantity, size, and type shall be determined by the list of hazard contents, i.e. fuels, chemicals, etc.**

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.

B. Curtin seconded the motion with all in favor.

IV. MINOR SUBDIVISION CONCEPTUAL CONSULTATION

Case #P15-13 119 Clay Point Road, LLC	Map 21 Lot 1-2	Minor Subdivision Conceptual Consultation Clay Point Road
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On behalf of 119 Clay Point Road, LLC, Karen Laflamme is requesting a minor two lot subdivision conceptual consultation. The proposal is to subdivide Lot 1-2 consisting of about 12 acres into:

- a. one new residential building lot; and
- b. the second lot would be irrevocably linked to one of the water front lots across Clay Point Road and restricted from being developed for a new residence by a recorded covenant.

The net result would be no increase in residential building lots. The property is located in the Lakeshore Residential (LR) Zone.

The restrictive covenant to be recorded would include the following restrictions:

- 1. no further subdivision of the restricted lot;
- 2. the restricted lot would always be appurtenant to and conveyed together with either Lot 1 or Lot 2 (one of the waterfront lots) and shall never be conveyed separately;
- 3. No residential structures shall be constructed on this lot. They are proposing to allow accessory uses or structures such as a well, septic system, barn, garage, tool shed, or recreational uses such as a tennis court to be constructed on the restricted lot to benefit Lot 1 or Lot 2 (one of the waterfront lots). The restrictive covenant shall be permanent and irrevocable.
- 4. The restrictive covenant shall be recorded at the Belknap County registry of deeds.

K. McWilliams gave an overview of the application.

Karen Laflamme spoke on behalf of this application. They want to create a total of three buildable lots counting the two lots across the street on the waterfront that were approved on September 16, 2015 and one of the new back lots would have a covenant restricting it from being built on and attached to one of the front lots. This would only create three buildable lots total so the road would not have to be upgraded. The back lot could be used for septic use because of the difficulty putting in the septic on the waterfront lot. Other accessory structures could be built on the restricted back lots.

V. ADMINISTRATIVE DECISIONS

Case #P11-15 Joseph Byrne – Jilyan Byrne Estates Subdivision	Map 15 Lots 17, 17-4 & 17-5	Administrative Decision Route 28A
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On behalf of Joseph Byrne (Jilyan Byrne estates Subdivision), Bradford a. Jones, Jones & Beach Engineers, Inc., is requesting:

- a. A decision by the Planning Board whether or not the Jilyan Byrne Estates Subdivision is “substantially complete”; and
- b. A time extension to march 16, 2016 to complete construction.

The property is located in the Residential Rural (RR) Zone.

D. Collier recused himself from this application.

T. Hoopes chaired this application.

K. McWilliams gave an overview of this application. The applicant is here because the NH State Department of Environmental Services will not renew his Alteration of Terrain permit unless the Planning Board gives the determination that his project is substantially complete. The AOT Permit is due to expire June 20, 2015. If the Board does not make the determination that the subdivision is substantially complete then DES will not renew the AOT permit and the applicant will have to start over and meet the new DES rules. That would mean redesigning the subdivision and starting the local subdivision process over. If the Board does grant them the decision that they are substantially complete, then the second request of the time extension is not needed since they would become vested under RSA 674:39, II. K. McWilliams stated that considering the money (\$225,393) and work that has been done they are substantially complete. Town Counsel concurs.

Bradford A. Jones of Jones & Beach Engineering, Attorney Stephen Nix and Joseph Byrne were available for questions on behalf of this application.

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

S. Williams motioned on Case P11-15, Map 15 Lots 17, 17-4 and 17-5, Administrative Decision for Joseph Byrne – Jilyan Byrne Estates Subdivision is vested as substantially complete.

V. MacDonald seconded the motion with all in favor.

The Board authorized Tom Hoopes to sign the letter to NHDES informing them of the Board's interpretation that the Jilyan Byrne Subdivision was substantially complete under RSA 674:39, II.
D. Collier returned to Chair the Board.

VI. OTHER BUSINESS

1. Old Business – None
2. New Business –
 - a. K. McWilliams reminded the Zoning Amendment Committee members of the meeting on June 17, 2015 at 6:00 p.m.
3. Approval of Minutes:
 - a. Minutes of the March 3rd Construction Observation Manual Worksession and May 5th, 2015 Planning Board Meeting.

B. Curtin motioned to approve these minutes as presented.

T. Hoopes seconded the motion with six (3) approve and four (4) abstaining from the March 3rd (TH) (BC) (SW) (VM) and four (4) approve and (3) abstaining from May 5th (DC) (BC) (SW).

- b. Minutes of the May 19th 2015 Planning Board Meeting

B. Curtin motioned to approve these minutes as presented.

T. Hoopes seconded the motion with all in favor.

4. Correspondence – None
5. Any Other Business that may come before the Board. – S. Williams will be absent at the July 21st meeting.

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

There was none at this time.

VIII. Adjournment

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

The Public Hearing adjourned at 6:55 p.m.

Respectfully submitted,
Randy Sanborn, Recorder, Public Minutes-