

Members Present: Chairman, Thomas Hoopes; Vice-Chairman, Cynthia Balcius; Thomas Varney; Alternate Ex-Officio, Cris Blackstone; and Jeremy Dube. Alternates: Donn Brock and Bonnie Dunbar

Member(s) absent: Ex-Officio, Alan Sherwood; Bruce Holmes and Jeanne Crouse

Others Present: Town Planner, Kathy Menici; Secretary, Stephanie Verdile and others as identified below.

Call to Order: Chairman, T. Hoopes called the meeting to order at 7:02 p.m.

Appointment of Alternates: T. Hoopes appointed D. Brock and B. Dunbar to sit as full members in the absence of regular members B. Holmes and J. Crouse.

Approval of Agenda:

K. Menici explained the changes in the agenda for the following cases to be continued until July 19, 2005: Case#PO5-13, Henderson; Case#PO5-23, Finnegan; and Case#PO5-03, Nextel Communications. K. Menici said the applicants and/or their agents whose cases have asked for a continuance were notified by phone of the change.

Motion made by D. Brock, seconded by J. Dube to continue Case#PO5-13, Case#PO5-23, and Case#PO5-03 until the July 19, 2005 meeting at 7pm motion carried with all in favor.

T. Varney wants to discuss ethics and K. Menici suggested that the Board scheduled a Work Session under Other Business, T. Varney agreed.

Motion made by C. Blackstone, seconded by D. Brock, to approve the agenda as amended, 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 hearing.

Applications for Public Hearing:

case and reminded the Board that the Conceptual applications have a limit of 15 minutes for their presentation.

T. Varney, C. Balcius, and J. Dube recused themselves from Case#PO5-43.

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

Case#PO5-43 Map 34, Lot 37

Richard Saulnier

Conceptual Review

Mount Major Highway

Application submitted by Richard Saulnier for Conceptual Review for design and scoping input for an Amended Site Plan for Hunter Homes. The property is located on Mount Major Highway (Rte 11) and is located in the Residential Commercial Zone, The Town of Alton's Shoreland Protection Overlay District and the NHDES Shoreland Protection Overlay District.

R. Saulnier gave his presentation to the Board and spoke about his plans to do some interior changes to the existing business located in Alton Bay and currently being used as a construction business office. He spoke about the existing conditions and his proposal to change some of the

interior and he would eliminate one office and make it a small store. He spoke about changing the existing porch into retail rental space and he plans on keeping other interior office space as is. He said the proposed uses would not affect the septic system, as it currently serves an existing one-bedroom apartment. He spoke about the outside of the building being maintained and kept in excellent condition and he plans to continue to maintain it in the same manner.

Discussion about other potential uses and the applicant wants to keep the offices as is but take one out for his retail space and convert the porch into retail space and include a smaller conference area. The board spoke about this building being a part of the existing Condominium Complex. K. Menici spoke about the property being non-conforming and that the applicant would have to apply to the ZBA before presenting the application in front of the Planning Board. The Board discussed the time frame the applicant would like to start his business and the applicant wants to renovate the front porch and start that before their jewelry business. K. Menici said they would have to go to ZBA for that part. B. Dunbar spoke about parking requirements. K. Menici spoke about the on site parking and there are 19 parking spaces on the condo property and within the condo boundaries.

B. Dunbar spoke about changing the conference room into retail space and the requirement that the change in use would additional parking to the site.

The Board spoke about the porch area and the location and the layout of the residential unit. The applicants said explained the porch area and said the residential unit takes up space on both floors.

R. Saulnier thanked the Board for their time.

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

Case#PO5-39 Map 49, Lot 29A and Lot 29

Boundary Line Adjustment

Arlington Investments, LLC

Boat Cove Rd

David & Elaine Lampert and Peter Tiews

Application submitted by Harold Johnson, Inc on behalf of the property owners for a Boundary Line Adjustment. Through the Boundary Line Adjustment, the applicant proposes to reconfigure the acreage of the existing Lot 29 and 29A due to an error from a 1972-surveyed plan. After the adjustment Lot 29 will decrease from 23,046SF to 22,091SF and Lot 29A will increase from 17,670SF to 18,265SF The property is located within the Lakeshore Residential Zone, Town of Alton's Shoreland Protection Overlay District and the NHDES Shoreland Protection Overlay District.

K. Menici explained the waivers requested as follows: Section 7.1 – Utilities; 7.2.20 – Details on abutting properties; 7.2.24 – Soils; 7.2.25 – Substandard lot; 7.2.26 – Existing and future improvements; 7.2.27 – Elevations; 7.2.28 – Public use; 7.2.29 – Future development; 7.2.31 – Descriptions; 7.2.32 – Reserved areas; 7.2.33 – Wetlands; 7.3.1 – Describe scale; 7.3.2 – Describe timing; 7.3.3 – Describe significant features. K. Menici explained with the exception of Section 7.2.33, the applicant has identified the above as not applicable to the application. With regard to Section 7.2.33 – Wetlands, the applicant stated that none are observed on the subject parcels.

Motion made by B. Dunbar, seconded by C. Balcius to, grant the waivers as requested, and accept the application as complete, motion carried with all in favor.

Jocelyn Caple, Arlington Investments property owner representing the applicants gave her presentation to the Board. She explained the original survey of the property is incorrect and they are

Regina Nadeau, attorney for the applicant, said J. Sessler said the decision comes from how the road was created. She said J. Sessler's concern was if anyone had deeded the fee simple ownership to the Town of Alton (which is the current practice of the Town of Alton and road creation). She said many other Towns accept easements for roads however, Alton accepts fee simple ownership. She said, J. Sessler said if the road had been created and conveyed by fee simple ownership, then what the applicant is proposing would not be acceptable. She said that in this particular case, Woodlands Road was created under an old form of acceptance and the Town of Alton only holds an easement. Based on that distinction, that the Town of Alton only holds an easement, and the property owner owns the underlying fee, what they are proposing is acceptable.

T. Hoopes clarified that the applicant owns the land underneath Woodlands Road and R. Nadeau confirmed what T. Hoopes said and verified for new subdivisions, the roads are created with the Town of Alton owning the underlying fee; that is why the decision is based on a case-by case basis.

T. Hoopes spoke about the wetlands issues and the work that needs to be done to restore the wetlands and the Road Agent's ROW issue.

R. Nadeau spoke about the wetlands issues and she said at the last meeting she was uncertain about what the Conservation Commission was alleging as far as violations on the property. She said that when she asked what they needed to do before this meeting, she was told to be in compliance or submit evidence to the Board that the applicant has submitted an application to the NHDES Wetlands Bureau. She said since that meeting she has met with K. Menici on site, the applicant's wetlands consultant completed another site inspection and met with the Alton Conservation Commission and a NHDES Wetlands Inspector formally, and they submitted the application last week to the NHDES. She said that is what she thought was required seeing as how the Town of Alton does not have a wetlands ordinance. She spoke about areas that were difficult to determine after the fact if they were wetlands originally and she spoke about C. Balcius digging test pits in the area to try to determine the wetlands location. Due to the level of disturbance that occurred, the wetland areas could not be determined. She said the applicants have acted on good faith effort to comply with the Board's requests. She also said any approval that the Board decides upon, for the proposed subdivision would create lots that would be larger than what currently exists.

Discussion about whether or not the Conservation Commission submitted formal comments to the Planning Board since the applicants had met with them and since the application has submitted to NHDES and that their comments, by law, are to be directed to the NHDES not to the Planning Board. R. Nadeau said the applicant has addressed other issues of concern raised by the Commission to the Planning Board. She said now the NHDES has jurisdiction over approvals or remediation and since the Planning Board is lacking a wetlands ordinance, she is asking that the application not be continued until the NHDES were to act upon the application.

Discussion about the application being submitted to the NHDES and the Planning Board not having the opportunity to review the Conservation Commissions comments if they approve the application at this meeting.

C. Balcius said R. Nadeau is saying regardless of the wetland, that should not affect the subdivision plans in front of the Board now and the Board has to decide whether or not to approve the application with an active violation and look at the subdivision separately. She said R. Nadeau is saying it is not the Planning Board's jurisdiction now and it is the NHDES' and that the Board and the impacts/violations will not affect the subdivision and R. Nadeau is saying that the subdivision will create larger lots than what exists.

Discussion about State Subdivision approval and R. Nadeau said they are not required to have it.

D. Clark said they are not creating any new lots as far as the number of lots so they do not need state subdivision approval.

Discussion about the applicant offering a wetlands buffer when there are not regulations requiring that and the Board should take that into consideration when deciding on the application.

C. Balcius spoke about the situation that if the NHDES makes them pull out the fill or not it should not affect the subdivision approval, R. Nadeau said yes because the proposed lots are being made bigger and there are no reported violations on the remaining land. She said she is contractually obligated to bring the application to a vote tonight.

K. Menici asked if the wetland violations would both be located on the same lot of record after the subdivision.

R. Nadeau said yes the wetland violations are located on the same lot of record but on both sides of the street. K. Menici asked if that is one of the two lots that the owner plans on selling.

R. Nadeau said no, her clients are willing to accept a condition of approval stating that neither lots can be conveyed until the matter is resolved to the satisfaction to the NHDES.

K. Menici said the Board is talking about the merits of the case and it has yet to be accepted.

T. Hoopes called for a motion to accept Case#PO5-33, Boundary Line Adjustment #1.

Motion made by C. Balcius, seconded by D. Brock, to accept Case#PO5-33, motion carried with all in favor.

R. Nadeau reminded the Board as a point of order, all the applications are contingent upon each other. T. Hoopes said the Board is aware of that.

T. Varney asked the purpose of the BLA#1 and D. Clark wants to make a bigger lot and he wants to sell the other lot and he wants the extra shore frontage.

T. Hoopes opened up the hearing for public input on the application, being none; he closed that portion of the meeting and called for a motion.

Motion made by C. Balcius, seconded by J. Dube, to approve Case#PO5-33, motion carried with all in favor.

T. Hoopes called for a motion to accept Case#PO5-34, Boundary Line Adjustment #2.

Motion made by D. Brock, seconded by C. Balcius to accept Case#PO5-34, motion carried with all in favor.

T. Hoopes opened up the hearing for public input on the application, being none; he closed that portion of the meeting and called for a motion.

Motion made by C. Balcius, seconded by D. Brock to approve Case#PO5-34, motion carried with all in favor.

T. Hoopes read into the record the purpose of the Voluntary Lot Merger for Map 56, Lots 38 & 39.

T. Varney spoke about fact that he was not aware of any meeting that was held with the Town Attorney about Woodlands Rd and he spoke about the cost of the repairs to Woodlands Rd that the Town of Alton spent and he asked if the Town Attorney knew about those repairs about 8-10 years ago. T. Hoopes said no. T. Varney said he has concerns about absorbing a road into a

subdivision and how the Board can justify the decision without a written legal opinion. He asked if there were any written comments from the Town Attorney and K. Menici said no. He also has concerns about setting a precedent with this type of approval and if it is it legal to have the road disappear in order to create a lot.

C. Balcius agrees with T. Varney that there was no written comments supplied to the Board from the Town Attorney and she would like to see written comments from the Town Attorney included as a written condition of approval.

Motion made by D. Brock, seconded by C. Balcius to accept Case# PO5-32, motion carried with all in favor

R. Nadeau spoke about the maintenance issue of the road and she said once the Town of Alton accepted the road they accept the maintenance responsibilities. She said the easement also defines the owner's rights and restrictions related to the road. She agreed with receiving a written opinion from J. Sessler as part of the conditions of approval.

T. Hoopes opened the application up for public input, there being none he closed the hearings and called for a motion.

Motion made by B. Dunbar, seconded by C. Blackstone to approve Case#PO5-32, Voluntary Lot Merger.

Discussion: D. Brock asked if they should include the written legal opinion from the Town Attorney as part of the approval. C. Balcius said they could attach that to the subdivision approval and D. Brock agreed.

T. Hoopes called for a vote, the motion carried with all in favor.

T. Hoopes called for a motion to accept Case#PO5-35, Subdivision

Motion made by C. Balcius, seconded by D. Brock to accept Case# PO5-35, motion carried with all in favor.

The Board discussed the overlapping well radii and J. Sessler thought it was better to separate the protective well radii and not have them overlap on the new Lot 38 and the property line has been adjusted to accommodate the boathouse.

D. Clark said there is another well radius overlap but they will correct that on the final plans.

K. Menici said she spoke to J. Sessler and he recommended that the applicants separate the well radii so they do not overlap. She said he said it could cross the boundary line but the protective radii cannot overlap.

R. Nadeau spoke about the purpose of the clarification for the intent of the subdivision and that the newly created lower lot is not limited in its ability to have a dwelling unit. Also, depending on the fact that the building codes and setbacks are met, the new lot should be allowed to have a dwelling constructed, not just a lot with the boathouse and a well.

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

T. Varney asked about the restoration plan and R. Nadeau said the plan has been sent to the NHDES and the Alton Conservation Commission. She said any restoration plans are related to the other 2 parcels the Board acted upon, not related to the subdivision.

The board discussed the 10' protective setback from the wetlands the applicant is offering, meaning no encroachment and no impacts to the area. R. Nadeau agreed to not fill the wetlands

nor have future requests to fill the wetlands.

T. Varney asked about the deeds for the parcels. R. Nadeau said it would be perimeter survey description and include the existence of the status of the road. She said the perimeter description deed would assist the Planning Board and the Assessing Dept.

The board discussed that the deed descriptions can explain the approval of the subdivision and explain the parcels are to be considered as one lot and that it be added as a note on the plan.

T. Varney wants restoration of the wetlands to be part of the condition of approval.

R. Nadeau said she would do that for the lots that are part of the violation that was involved in the BLA #1 & #2, however, the subdivision application is not part of the wetlands violations.

D. Clark confirmed that the wetlands violations were a part of the Boundary Line Adjustments not the subdivision lots.

R. Nadeau said she would not object to the Board re-opening the previous BLA's to add a condition about the wetland restoration.

T. Hoopes said the Alton Conservation Commission and the NHDES Wetlands Bureau would follow up the violations.

T. Hoopes called for a motion.

Motion made by C. Balcius, seconded by D. Brock to approve Case#PO5-35, with conditions as follows:

Discussion on the motion: K. Menici reminded the Board of the Planner's recommended Condition of Approval to be added in the motion.

C. Balcius amended her motion to include the following conditions:

- 1) The Alton Town Attorney provides a written legal opinion of the status of Woodlands Rd in relation to the subdivision.**
- 2) All monumentation to be set on the plat.**
- 3) All "to be set notes" to be removed from plat.**
- 4) A note on the plat stating the total acreage of each current use category for each lot number.**
- 5) The following conditions to be noted on the plat:**
- 6) Wetlands buffers to be delineated on the plat and in the field as no-cut buffers.**
- 7) Trees along the boundary of the wetlands buffer are flagged on the plat and in the field on trees approximately every 25 feet with permanent markers identifying them as the wetlands buffer. All proposed signage to be reviewed and approved by the Planning Board.**
- 8) All necessary state, local and federal permits be obtained prior to the transfer of the lot and prior to the beginning of excavation or timber cutting; copies to be provided to the Planning Department.**
- 9) A note to be added to the plat stating erosion control will be in place prior to excavation or timber cutting.**
- 10) The deed description shall include parcel A 56-38 & parcel 56-40 as one building lot.**
- 11) The following notes are added to the mylar and final plat sheets for recording:**

"This subdivision plan contains a total of one sheet, which in its entirety constitute the

subdivision plan as approved by the Town of Alton Planning Board. Sheet Number 1 is recorded at the Belknap County Registry of Deeds.”

“This subdivision plan is subject to the Conditions of Approval itemized in the Notice of Decision dated June 21, 2005, on file at the Town of Alton Planning Dept.”

R. Nadeau asked about the “No Cut” buffer condition and she thought it should be “No Fill”.

T. Hoopes said they couldn’t fill the wetlands anyway.

C. Balcius spoke about maintaining the buffer in order to maintain the integrity of the wetlands and not have another violation situation that happened on the other lots.

Discussion about the cost associated with the wetlands delineation in the field to the applicant and who would be qualified to delineate in the field. The Board agreed to have the plan serve as a guide for the wetlands delineation.

B. Dunbar wanted another added condition to be as follows:

“The deed description shall include parcel A 56-38 & parcel 56-40 as one building lot.”

The Board agreed to the added condition.

T. Hoopes also spoke about clarification for the “No Cut Buffer” and that trees can be cut for maintenance and health reasons.

T. Hoopes called for a vote, the motion carried with all in favor.

R. Nadeau wanted to verify for the record that the newly created shorefront lot is buildable on either parcel. The Board confirmed her request.

Case#PO5-23, Finnegan application, formal request to be continued

K. Menici spoke about Melissa Guldbrandsen, attorney for the applicant, waives deadlines and requests a continuance because the wetlands report was not completed in time due to conflict of interest issues.

K. Menici said there is a preliminary report from Ray Lobdell on the wetlands/environmental review and K. Menici wants to know if the Board wants a formal presentation from Ray Lobdell and she wants the Board to let her know if that would happen at the July 19, 2005 meeting.

T. Hoopes called for a 5-minute break at 8:25.

T. Hoopes called the meeting back to order at 8:40 pm

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

Case#PO5-41 Map 8, Lot 7

3-Lot Subdivision

Dennis and Susan Gray

Frank C. Gilman Highway (Route 140)

Application submitted by Dean Clark, DMC Surveyors on behalf of the property owner Dennis Gray. 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 said there were no waiver requests presented for this application.

T. Hoopes spoke about the previous applications presented to the Board for the proposed subdivision and discussions the applicant has had with the Board. T. Hoopes said they have requested a legal opinion from J. Sessler regarding this case. T. Hoopes said J. Sessler said there was no way to protect the development rights in the back without a deeded ROW that served as

subdivision road. That an existing ROW across existing land will not serve for developmental purposes in the future. He said currently there is ROW on an existing lot not a separate piece of land. J. Sessler has said that a separate piece of land has to be provided in order for it to become a future road in order to protect the subdivision rights on the back. T. Hoopes said J. Sessler is insisting that a separate deeded ROW access that could be transferable to the Town of Alton and the deeded ROW cannot be part in parcel to anyone of the lots, meaning a separate lot that has to be dedicated to the deeded ROW in order to protect the future subdivision potential for the land. S. Gray said she understands that is the opinion of the Town Attorney. S. Gray continued with her presentation before the acceptance of the application.

C. Balcius wants the applicant to understand that in order to keep the back open for potential subdivision, there needs to be a separate deeded ROW and so as presented, this application shows that D. & S. Gray are giving up those rights. S. Gray said she understands that.

B. Dunbar said that if the 50' ROW were reserved it could be used later as a road and the lot could have frontage on that road.

K. Menici explained that after the subdivision is approved and the lots are sold; the Gray's loose control of the land and if at any point in the future if the Gray's or any future owner, want to subdivide the back land there will be no access available because the easement is only for access for one home (Gray's home). K. Menici said the Town of Alton only accepts roads in a fee simple form of ownership not easements for roads. And what the Gray's are proposing is to set aside an easement as opposed to creating a strip and reserving it for future road development. The Gray's agreed and said that is what they were proposing.

T. Hoopes said a future applicant would need to own lot 1 in order to gain access to Rte. 140.

K. Menici said yes and lot 1 would have to conform to zoning when they subdivide off the strip for the road.

The Board discussed that if the proposed 3 lots are accepted and approved if they would still have the right to use the existing ROW for access. K. Menici said yes for access to the future house for access for one house.

K. Menici reminded the Board that they are discussing the merits of the case before accepting the application.

The Board explained to Dennis and Susan Gray that if they proceed with this application as presented, they would loose the ROW for future development. D. & S. Gray said they understand that.

Motion made by T. Varney, seconded by D. Brock to accept Case#PO5-41 as complete, motion carried with all in favor.

Dean Clark of DMC Surveyors, agent for the application and Susan Gray, property owner were in attendance to represent the application.

C. Balcius asked about the septic area next to the perennial brook and D. Clark said the 4k area can be moved if it is too close and they will move that on the final plan to comply with setback requirements.

T. Varney asked about the ROW.

D. Clark explained that the applicants are proposing to define it and will be a generic ROW with

no metes and bounds.

The Board discussed that the existing ROW can be used to access the rear lot for one house development and the ROW has to be deeded and would have to be upgraded to Fire Lane Standards. K. Menici told the applicant that the driveway the Gray's want to use to access their house has to be upgraded to

T. Varney said that if the applicant were to remove 50' ROW of frontage than lot 1 would not have required 200' frontage because they would only have 150' on Rte 140. He told the applicants again that they will not be able to use the ROW Easement as an access road for future subdivision development it will only be used for access to one single family dwelling unit if they approve the plan as presented.

The Board discussed the jog in the lot line and the applicant was trying to include that in the proposed lot in order to have 200' of frontage. They discussed driveway locations and the jog in the proposed plan.

S. Gray said that she believes the Rural zone only requires 200' of frontage on one road. They applicant will not have 200' of frontage if they remove that jog. K. Menici said they will not.

T. Varney spoke about the proposed driveway location and said it was extremely dangerous area. K. Menici said that she went out on a site inspection with R. Talon from NHDOT on Friday June 17, 2005 and said they were trying to see if there was any way to get more frontage for lot 1 and they have 400' of sight distance for both views in that location.

S. Gray said any change in location would cause a dangerous site and they are in total agreement with the NHDOT's determine driveway location.

J. Dube again asked S. Gray if they would be happy with no future development in the back.

S. Gray said they would be satisfied with no guarantee from the Board.

J. Dube asked if they considered going with 2 lots and the applicant said they cannot afford to.

K. Menici asked if the Board will do a site walk.

C. Balcius told the applicants they do not normally approve a subdivision without doing a site inspection and that is part of the process. She told S. Gray that they cannot do the site inspection without accepting the application first. Now that the application has been accepted they can schedule a site walk.

The Board decided to hold a site walk on Tuesday June 28, 2005 at 5:30pm

Motion made by C. Blackstone, seconded by C. Balcius to continue Case#PO5-41, until the July 19, 2005 meeting at 7pm motion carried with all in favor.

T. Varney and J. Dube recused themselves from Case#PO4-49.

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

**Case #P04-49 Map 12, Lot 02
Wentworth Cove Realty LLC**

**19-Lot Subdivision
Pearson Road & NH 28**

Application submitted by Randy Orvis, Orvis & Drew, LLC on behalf of Wentworth Cove Realty, LLC for a nineteen-lot subdivision. The proposed subdivision will result in the creation of an extension of Pearson Road and 19 new lots. The property is located on NH 28 and Pearson Road in the Residential Rural Zone. The application was accepted at the November 8, 2004 meeting and has since been continued.

K. Menici spoke about waiver request for title block and street names.

Randy Orvis, agent for the applicant, Melissa Guldbrandsen, attorney for the applicant, Brad Hunter, property owner, were in attendance to represent the application.

R. Orvis updated the Board on the application since the site walk done in November 2004. He said discussion with the abutter to try to change the location of her driveway on her property for the subdivision access road were not successful and they have changed the location of the road and lessened some wetland impacts.

M. Guldbrandsen said they have met with NHDES and took their recommendations on the new location of the road.

The Board asked about the revised traffic study the applicant will provide an updated copy to the Planning Department.

The Board discussed the wetlands Study and C. Balcius wants Ray Lobdell to make a presentation and K. Menici will ask the R. Lobdell to discuss the plans with R. Orvis based on the permission of the Board. K. Menici will arrange for R. Lobdell to make the presentation to the Board on this application and the Finnegan application. R. Orvis said the NHDES has not seen the revised plan with the road change. K. Menici will talk to the NHDES to facilitate the meeting.

R. Orvis spoke about the waiver granted by the BOS for the road standards and they have to be able to handle the Wolfeboro Fire Truck.

Discussion about the building location for the future lots, R. Orvis will add house locations to the plans

T. Hoopes opened up the hearing for public input.

Abutter- James Bureau-Pearson Rd resident- Told the Board he has a looped driveway that connects to the existing cul-de-sac and if the cul-de-sac is straightened out for the subdivision what would happen to his location of the driveway and who would be responsible for the land after the road goes in. He said that it looks like there would be a proposed driveway intersecting his. He is requesting that the Board keep the cul-de-sac for safety reasons for the children in the neighborhood and not sacrifice the safety of the neighborhood for the sake of plowing.

Abutter- Gene Rogers asked if the construction vehicles could access the site from Route 28.

B. Hunter- said he would agree to that.

The Board told the applicant that they would have to ask the BOS and the Road Agent for their opinion on the driveway locations and the safety. They also suggested additional signage in the neighborhood to slow people down and talk to the BOD and the Police Department. They also recommended that the entire neighborhood provide input.

B. Dunbar wants to make the cul-de-sac into an oval and maintain the driveways and maintain the

green area in the middle and they will slow down the speeders.
Discussion about a conceptual view on Lot 18 to show house location.

T. Hoopes closed the public input for Case# PO4-49 and called for a motion.

Motion made by C. Balcius, seconded by C. Blackstone to continue Case#PO4-49, until the July 19, 2005 meeting at 7pm, motion carried with all in favor.

K. Menici reminded the Board that they have to vote on whether to continue the meeting, to hear any new business after 10PM according to the By-Laws.

Motion made by D. Brock, seconded by C. Balcius to accept and act upon Case# PO5-40 and to continue Case#PO5-36 and Case#PO5-09 until June 28, 2005 at 7pm, motion carried with all in favor.

T. Varney recused himself from Case#PO5-40.

K. Menici read the next case into the record as follows: There was no review report based on the fact that the Town Attorney completed the review on June 21, 2005. His comments were that the proposal does not present any issues of concern.

**Case#PO5-40 Map 10, Lot 19
Alton Heights, LLC**

**Condominium Conversion/Subdivision
Alton Mountain Road**

Application submitted by Don Voltz of Lindon Design and Associates on behalf of the property owner Alton Mountain Heights, LLC. Applicant proposes a Condominium Conversion/Subdivision from 1 Multi-Family Dwelling consisting of 4 Units under one ownership, to 4 individual units under Condominium ownership. The property is located on Alton Mountain Rd and within the Rural Zone.

K. Menici spoke about the waiver requests as follows: Section 7.2.24- Soils; Section 7.2.27- Elevations; and Section 7.2.33- Wetlands.

M. Guldbrandsen explained to the Board her applicant is looking 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 that D. Voltz has updated the plan to include previous conditions as far as landscaping requirements and also lighting and culvert issues that were completed by the applicant.

Board discussion about the form of ownership for the condominiums and how the units are the ones being divided not the land.

Motion made by C. Blackstone, seconded by C. Balcius to grant the waiver requests as presented: Section 7.2.24- Soils; Section 7.2.27- Elevations; and Section 7.2.33- Wetlands, and accept Case#PO5-40, motion carried with all in favor.

T. Hoopes opened the hearing up for public input on the application, being none; he closed that portion of the hearing and called for a motion.

Motion made by C. Blackstone, seconded by J. Dube to approve Case #PO5-40 as presented, motion carried with all in favor.

Other Business:

1. Approval of Minutes from the April 13, 2005 Public Planning Forum, April 25, 2005 LRPC Meeting, May 17, Planning Board Meeting and June 1, 2005 Workshop Meeting.

K. Menici spoke about the need for a Workshop to discuss: Gravel Pit Requirements, Ethics, Planning Board Submission Fees and have a Workshop June 28, 2005 after the balance of the meeting from the June 21, 2005 Planning Board.

T. Hoopes spoke about the annual LRPC dinner and Randel Ardent will be the speaker. There is only money available for the Board members to go not all volunteers.

Motion made by D. Brock, seconded by C. Balcius to continue the approval of the advertised minutes until June 28, 2005 Continued Regular Planning Board meeting and Workshop, motion carried with all in favor.

Motion made by T. Hoopes, seconded by D. Brock to adjourn at 10:25, motion carried with all in favor.

Respectfully submitted by,

Stephanie N. Verdile
Alton Planning Department Secretary

THE FOLLOWING IS A CONTINUATION OF THE JUNE 21, 2005 ALTON PLANNING BOARD MEETING HELD ON JUNE 28, 2005 AT 7PM.

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

Alternates: Donn Brock and Bonnie Dunbar

Member(s) absent: Ex-Officio, Alan Sherwood

Others Present: Town Planner, Kathy Menici; Secretary, Stephanie Verdile and others as identified below.

Call to Order: Chairman, T. Hoopes called the meeting to order at 7:02 p.m.

Appointment of Alternates: None at this time

K. Menici announced that the meeting is a continuation from the June 21, 2005 meeting and the Cases heard tonight were continued from that meeting.

Approval of Agenda:

Motion made by J. Crouse, seconded by C. Blackstone to approve the agenda as presented, motion carried with all in favor.

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

K. Menici read the next case into the record as follows:

Case#PO5-36 Map 3, Lot 18
Midwest Towers LLC

Site Plan Review
549 Prospect Mountain Rd

Application submitted by Site Acquisitions Inc in conjunction with the property owner Midwest Towers, LLC to propose additional antennas and associated equipment and an expansion to the existing buildings on site. The property is located in the Rural Zone and within the Wireless Telecommunication Overlay District. The application has not been accepted by the Planning Board, the discussion on whether to accept the application was continued from the May 17, 2005 meeting.

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

Section 7.2.11 – Certification; Section 7.2.14 – Building Lines; Section 7.2.21 – Metes and Bounds; Section 7.4.5.1 – Drainage Plan Study (notes on plat only); Section 7.4.5.2 – Storm Water Management and Erosion Control. She also said the applicant proposes to add an unspecified number of antennae to an existing telecommunications tower. During a phone conversation with the agent, the agent specified 6 antennae, but there is no statement to that effect in the narrative or elsewhere in the application. The applicant submitted site plans stamped by a surveyor at the meeting.

Discussion about an expansion of the equipment compound being different from the original application and the Board wanted to know if changes to the compound would affect the drainage of the site. K. Menici said she did a site inspection and does not feel it will be an issue.

She said even though the applicant did submit surveyed plans, she would rather the Board work off of the plans that she used to prepare her report.

T. Varney asked if they are in violation because US Cellular added another antennae to the tower.

K. Menici explained that Midwest Tower has instructed US Cellular to apply for Site Plan Review. She said US Cellular should be coming in for Site Plan Review and they installed additional antennas without the tower owner's knowledge. She said US Cellular was originally approved by the Planning Board to have 2 antennas on the tower and in 2003 they received a building permit to replace those 2 and to add 2 more. She said the Building Inspector issued a permit without advising them that they had to come in for Site Plan review. She said a representative for the owner of the tower met with her 2 weeks ago and assured her that they will work with the Town of Alton and have US Cellular come in for Site Plan Review. She said the recent structural engineering review completed for the Verizon and by the current applicant include the 4 US Cellular antennas.

The Board discussed the violation on site and whether or not to accept the application.

J. Crouse asked how many antennas were originally approved and K. Menici said the original approval was based on the height of the tower not on the number of antennas. She said the height restriction of the tower limits the number of antennas allowed. She said when an individual carrier comes in for Site Plan approval they are approved for a specific number of antennas.

J. Crouse since the original approval was based on height dictated how many antennas there could be so how many antennas can there be based on the approved height.

K. Menici said she does not have an answer because of the technical aspects of the different types of antennas.

Chad Blackistone, representing Site Acquisitions, LLC offered to explain the different types of antennas and said it is hard to determine how many are allowed because of different types of antennae (dish towers/ whip towers/panel antennas, etc) are installed. He said based on the type, size, weight, distance between antennas and the kind of the different antennas affect what the tower could accommodate. He said the tower is getting near capacity and that K. Menici said it was her understanding that there was no space available. He said for their application they are taking 2 existing whips and mounting them to their platform.

Discussion about Conservation Commissions comments about the number of antennas for the Nextel application being limited to a specific number of antennas. K. Menici clarified when the tower was approved there were no specific number of antennas.

J. Crouse asked about the Fire Dept and T. Hoopes spoke about Highway and Police having access. K. Menici said yes they have an antenna. J. Crouse said the Fire Chiefs comments said he was to have access to the tower for emergency radio use and it is unclear whether he has it.

K. Menici said the Fire Dept has to take advantage of the original approval because it was in the original site plan approval.

The Board discussed the applicant is not the owner of the tower there are leasing space on the tower.

T. Hoopes asked about informing the applicant that they can accept the application but will not approve the application until US Cellular applies for a site plan application and also submit for a structural engineering review.

Discussion about the owner of the tower being the responsible party to ensure compliance.

The Board does not want to get into the habit of accepting an application with a violation noted.

Discussion about US Cellular being noncompliant and they are in violation of their lease agreement.

Discussion about time restraints on the application once the Board accepts the application and how to have US Cellular come into compliance in a reasonable time.

D. Brock spoke about the owner being the responsible one to make the applications and why isn't the owner making the applications on behalf of the tenant.

K. Menici said these types of commercial lease and commercial applications are typically done through the lessee.

B. Dunbar said the company that needs to come into compliance needs to have an engineering review in order to know whether the extra antenna are supported and the applicant has already completed that she sees a duplication of efforts. She said the Board should make sure the tower is safe to support what is existing and proposed. The applicant should be told that there would be no approval of a final plan until the other application is filed and comes into compliance.

C. Blackistone said US Cellular's 4 antenna are included in the applicant's current structural

engineering review study submitted.

The Board discussed approving the current application and wants the Code Officer to send a letter noting US Cellular's violation and they could still accept the application as long as the applicant knows they will not receive an approval until US Cellular comes into compliance.

K. Menici said enough time has gone by to let the owner of the tower be responsible to have US Cellular come in to compliance and there has been no response. She said it is time for the Code Enforcement Officer to be involved.

Discussion about the owner being the responsible party to ensure compliance for the tower and the difficulty the Board is faced with not accepting an application that is not in compliance and since the tower is out of compliance they shouldn't accept the application. The Board wants to be fair to the current applicant and not penalize them because they are not in violation. They told C. Blackistone that for his application he may not receive approval until September or October depending on when US Cellular applies to the Planning Board.

K. Menici does not recommend sharing of application information and applicants should submit their own engineering and application information. She said there may be an advantage in having Dufresne-Henry review US Cellular's structural engineering review since they did Verizon's review and the same company prepared Verizon's structural review prepared this applicants study.

K. Menici suggested that the Board continue the discussion on the acceptance of the application until the July 19, 2005 meeting. That would give her time to get something in writing from the owners of the tower to inform the Board how the compliance issue with US Cellular is going to be resolved and within what time frame. She said maybe that will put pressure on the owner of the tower to get a response from US Cellular as to when they will submit an application. She said that the owner would be informed that the Planning Board will not accept any other applications until this issue is resolved.

She told the Board that US Cellular has not been cooperative with the owners. She said the owners informed the Town of Alton about the violation.

Motion made by J. Crouse, seconded by to continue the discussion on the acceptance of the Case#PO5-36 until July 19, 2005. That K. Menici is to contact the tower owner requesting in writing they will inform US Cellular the need to file a Site Plan application and K. Menici contacts the Code Enforcement Officer to inform US Cellular in writing they are in violation and they must file a Site Plan application, motion carried with all in favor.

K. Menici read the next case into the record as follows:

**Case#PO5-09 Map 32, Lot 13
Ernest Gillan, Gillan Marine**

**Amended Site Plan Review
Route 11**

Application submitted by MJS Engineering on behalf of the property owner Ernest Gillan for Site Plan Review. The applicant proposes an expansion to an existing boat sales facility and remove an existing two story, 2000 SF building and replace it with a two story, 11,600 SF building. The property is in the Residential Commercial Zone and within the Town of Alton's Aquifer Protection Zone, The Town of Alton's Shoreland Protection Overlay District and the NHDES Shoreland Protection Overlay District.

K. Menici suggested to the Board that a site inspection be held because of compliance issues with the existing business.

The board discussed that they cannot accept the application because of compliance issues.

T. Hoopes said the y cannot accept the application if there is a question about compliance issues

on site and the only way they can go on site is if they are conducting a compliance inspection. K. Menici said the Board can continue the discussion on the acceptance of the application until the July meeting in order to hold a site inspection between now and the July 19, 2005 meeting.

Roger Roy, MJS Engineering and Roger Burlingame, attorney representing the applicant offered to show pictures to the Board. He said they feel they can handle the compliance issues at this meeting and have the application accepted.

T. Hoopes said they cannot discuss the merits of the case until they accept the application and they do not want to accept the application because of site violations.

R. Burlingame spoke about the issues that he met with K. Menici about in May to talk about the noncompliance issues. Prior to the meeting they were informed about the question of the boat storage on the property, not having enough room to back a truck in and offload boats on the property and paved over an area that was supposed to be grassed and paving a gravel parking area. He said they understood that the only issue remaining at that time was the paving issue. He said the Code Enforcement Officer had been on site to witness the offloading of boats and pulling into the site and the space that was supposed to be grass was intact and he was satisfied with the operation. He said the one issue that remained was the paving of the gravel parking area. He said that K. Menici wanted that issue to be referred to the Town Attorney. He said K. Menici is again raising the issue of the improper storage of boats and the paving over a grassed area and the pavement. He does not feel it is necessary for the Board to have a site inspection because they have plans and pictures of where the grass area should be. He said for the storage of the boats it is inventory it is permitted and it is a boat sales operation and there are no boats that are there that are not for sale and there have not been. He said that will not be resolved by doing a site inspection, some boats have sale signs on them some don't. He said the paving is there and he does not feel that requires a site inspection. He said none of those issues can be resolved by an inspection before they can be discussed and resolved.

T. Hoopes said the Town Attorney informed the Board that they could not consider the application because it was under appeal.

R. Burlingame disagrees with Town Attorney J. Sessler's opinion and said the appeals have been withdrawn.

C. Balcius suggested a site inspection would help move the application along in the process.

K. Menici explained that the site inspections would serve different purposes, one being a compliance issue with no public input from the owner or the agent or participation and the other is to have a public meeting and have input from abutters and the owners/agents as part of the approval process.

Discussion about the acceptance of the application has to be done at a public meeting before they can do a site inspection to review the application and they can do a compliance inspection without accepting the application.

T. Hoopes said that it is the opinion of the Town Attorney that the Board shall not enter a site to do a site visit before they accept the application.

C. Balcius asked if they do a compliance inspection can they decide to not do a site inspection once the application is accepted.

K. Menici said yes.

T. Varney questioning the reason for not accepting the application because of site violations and he asked about the other violations on site and if the Building Inspector has sent a letter notifying the applicant of the site violations.

K. Menici said the pavement is an issue and the boat storage/display is an issue. She said when

she was doing an inspection on June 17, 2004 the areas that are supposed to be used for parking are being used for boat display and areas that are supposed to be grass have been paved and all of the gravel areas that have been paved.

Discussion about a letter from the Code Enforcement Officer to Mr. Gillan.

K. Menici said B. Boyers and the Town Attorney did an inspection in April there is a letter dated in April from the Code Enforcement Officer about compliance issues and some of those were resolved however, when she did an inspection on June 17, 2005 there were other site violations discovered, that is why the Board should not accept the application.

Discussion about the purpose of the zoning ordinance and how it relates to site plan compliance issues and the importance of compliance for site plan applications and approved site plans.

R. Burlingame said the real issue is whether or not they are in violation because in 2000 or 2001 the designated gravel area was paved. He said it goes back to the original approval in 1996 with 18 conditions and showed gravel area on the property. He said on that plan there were lot coverage calculations for impervious and pervious surfaces for the 60% coverage requirement. He said the real question is whether or not the Board in the 1996 approval, approved the up to 60% lot coverage. He said that is the only issue that remains and they are prepared to deal with it. He said how they park the boats, display them and move them around, as long as they do not do it in the street or impact the street, shouldn't be a problem as long as they stay off of the septic system and out of the water reclamation area. He said they have met and complied with the conditions of approval. He said the proposed building is not an expansion of the business, it is an expansion of the structure and the business has always been boat sales and that is a conforming use, the only nonconforming issue is lot coverage in excess of 20%.

R. Roy said they have maintained the same coverage calculations as the original approval.

R. Burlingame said the new plan would include additional water run off treatment systems.

T. Hoopes said the question is can the Board accept an application with existing violations, are there existing violations and how does the Board know there are existing violations or not. He said they could not accept the previous application because there were violations on the site. He said the Board wants to go on site to see if there are violations to the existing site plan. He said the Board is trying to be consistent with the regulations and the advice of the Town Attorney.

Mr. Gillan said before he paved the parking lot he was told to speak to the Code Enforcement Officer was the person to speak to about the swales and treatment and he said he asked the Code Officer what he needed to do before he paved. He said the Code Officer told him to go ahead you do not need a permit. He said the Planning Board told him to speak with the Code Officer because he was the one who enforces the property.

K. Menici said the Code Enforcement Officer does not agree with the statements made by Mr. Gillan and she said the Board should either request from the Code Officer a written response to respond or request that the Code Officer attend the July 19, 2005 Planning Board meeting.

Mr. Gillan requested that the Town Attorney be at the July 19, 2005 Planning Board meeting.

C. Blackstone said she does not want to see the site be micromanaged and as a Selectman's Rep she said the Board of Selectman of not been interested in micromanaging.

Discussion about taking the approved site plan to the inspection and minutes and K. Menici said she has prepared a file but does not have 11x17 copies C. Balcius said she could copy the site

plans.

C. Balcius spoke about the site plan approval process and zoning parking requirements for approved plans. She said those requirements are for certain reasons like safety issues being number one. She said the Board does have a responsibility to ensure compliance with site plan approvals. She used the example of the hardware store using parking spots for outside display as another reason why the Board has to be concerned with site plan enforcement, it is not for micromanaging but for safety and compliance reasons.

K. Menici reminded the Board that on her site inspection she took pictures of all of the designated parking spaces being used for boat storage.

R. Burlingame submitted information about the entire history of the site and K. Menici received them on behalf of the Board.

Motion made by C. Balcius, seconded by J. Dube to continue the discussion on the acceptance of Case#PO5-09 until July 19, 2005 at 7pm, motion carried with all in favor.

Motion made by, seconded by C. Balcius decided to conduct a compliance inspection on Thursday July 7, 2005 at 5pm and to meet on site, motion carried with all in favor.

Other Business:

1. Approval of Minutes from the April 13, 2005 Public Planning Forum, April 25, 2005 LRPC Meeting, May 17, 2005 Planning Board and June 1, 2005 Workshop Meeting.

Motion made by B. Holmes, seconded by J. Dube to approve minutes from April 13, 2005 Public Planning Forum April 25, 2005 LRPC Meeting; May 17, Planning Board Meeting as corrected; June 1, 2005 Workshop Meeting, motion carried with vote 8-1-one abstention.

2. Review of St. Katherine's Landscape Plan- K. Menici will relay information to J. Dube about the meeting held Tuesday July 5, 2005 at 4 pm.
3. New Business- T. Hoopes wants to make a motion K. Menici to petition the Town Administrator to request a purchase air conditioner from the Clough Fund for the meetings. C. Blackstone will speak to the Town Administrator about air conditioner for the Heidke Room and the main meeting room.

Adjournment

Motion made by C. Balcius, seconded by, J. Dube to adjourn at 8:50 pm motion carried with all in favor.

Respectfully submitted by,

Stephanie N. Verdile
Alton Planning Department Secretary