

TOWN OF ALTON PLANNING BOARD
PUBLIC HEARING
Minutes
July 15, 2014
Approved 8/19/14

Members Present: Dave Collier, Chairman
Tom Hoopes, Vice Chair
Roger Sample, Clerk
Ray Howard, Member
Bill Curtin, Member

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

I. CALL TO ORDER

D. Collier called the meeting to order at 6:00 p.m.

II. APPROVAL OF AGENDA

There were no changes to the Agenda.

B. Curtin motioned to accept the Agenda as presented.

R. Howard seconded the motion with all in favor.

III. COMPLETENESS REVIEW OF APPLICATIONS AND PUBLIC HEARING IF THE APPLICATIONS ARE ACCEPTED AS COMPLETE:

Case P14-12 Outside In Construction Inc.	Map 6 Lot 18-2	Final Site Plan Review Suncook Valley Hwy (NH Rte 28)
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On behalf of the applicants, Outside In Construction Inc., on land owned by the 2010 Trust By the Bay, Jeffrey L. Green is requesting a Final Site Plan Review on property located on Suncook Valley Road. They are proposing to develop the property for a Building trade or Repair Shop and Contractor Equipment Storage. They are proposing to construct a main building to house their office in the front of the property and a larger barn on the rear of the property for storage of building supplies and other related items. The property is located in the rural (RU) Zone.

K. McWilliams gave an overview of the application. The Planning Board conducted a Site Walk on June 3rd. The Planning Board approved a waiver of scale requirements at the May 20th meeting. He recommends the Planning Board accept the application as complete.

T. Hoopes motioned to accept the application as complete.

B. Curtin seconded the motion with all in favor.

Jeff Green, land surveyor, spoke on behalf of the application.

J. Green gave the Board an overview of the proposal.

D. Collier opened public input.

Amy Stanley, abutter, spoke against the application. She was concerned about security and asked if they could put up a privacy fence. The Board did not feel that it would be beneficial.

D. Collier closed the public hearing.

T. Hoopes motioned to approve Case #P14-12, for Outside In Construction, LLC for a Final Major Site plan Review for a building Trade or Repair Shop and Contractor Equipment Storage with the following conditions:

Conditions precedent: The following conditions must be satisfied prior to the Planning Board chair signing of plans.

- 1. A copy of any necessary Federal, State, and /or local permits shall be received by the Planning Department and the permit numbers shall be added in a note on the plat prior to plan signing. This includes the Wetlands Permit approval by the NH Department of Environmental Services.**
- 2. A note shall be added to the plat prior to plan signing stating that Best Management Practices shall be utilized during any timber cutting on site.**
- 3. Monuments shall be set on all lot corners prior to plan signing by the Planning Board Chair. This is to be certified as complete by the surveyor who stamps the plan.**
- 4. The following note shall be added to the plat prior to plan signing: This site plan contains a total of nine (9) sheets, which in its entirety constitutes the site plan as approved by the Town of Alton Planning Board. All sheets are on file at the town of Alton Planning Department.**
- 5. The following note shall be added the plan prior to plan signing: this site plan is subject to the Conditions of Approval itemized in the July 15, 2014 Notice of Decision on file at the Town of Alton Planning Department.**
- 6. Trees along the boundary of the 25' of wetland buffer setback for all wetlands greater than 10,000 square feet in size in the area within 200' of proposed development that will disturb the soil or involve removal of trees are to be flagged on the plan and accurately in the filed on trees approximately every 25' with permanent markers identifying them as the wetland buffer. The wetland buffer disks are available for purchase from the Alton Planning Department. Where trees have been previously removed or do not exist, the wetland 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 plan.**
- 7. The applicant's engineer shall provide all of the items requested by Mike Vignale, KV Partners, regarding the drainage review as noted in his review letter dated July 8, 2014. The applicant's engineer shall satisfy Mike Vignale that the final drainage report and plans are acceptable before the site plan is signed by the Planning Board Chair.**
- 8. The applicant shall number the sheets on the plan set.**

Subsequent conditions: 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 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 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. Prior to construction the applicant will obtain the necessary NH Department of Environmental Services septic and water supply approvals.
5. A minimum of a thirty-five (35) foot tree and vegetative buffer shall be maintained from the rear property line to provide screening.
6. The proposed storage building (Contractor Equipment Storage) will not have water supply or drains, and will not be heated.
7. There will be no continuous running/idling of heavy equipment, post construction.
8. There will be no construction work for off site projects performed on the premises and no storage of toxic materials.
9. The applicant must comply with the following requirements of the NFPA Life Safety Codes as noted by the Fire Department in their letter dated May 13, 2014:
 - a. Chapter 38 NFPA 101 2009 for new business;
 - b. Chapter 42 NFPA 101 2009 for the storage facility; and
 - c. NFPA 101 2009 38.3.3 for fire Extinguishers.
 The Fire Department reserves the right to review final building plans including specifications for exits and egress.

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.

Case P14-11 Michael Lee George et al & Cafua Realty Trust LXXXVIII	Map 27 Lots 54 & 551	Design Review Site Plan 24-30 Main Street
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On behalf of the property owners (Michael L. George et al – Lot 54 and Cafua Realty trust LXXXVIII, LLC 7 24 Main street Alton, LLC – Lot 55), Cafua Management Company, LLC is requesting a Design Review for a Site Plan located on 24-30 Main Street. They are proposing to add the land (Lot 54) adjacent to the current site (Lot 55) for expansion of the drive thru and parking for the current Dunkin Donuts store. The additional land will allow the construction of a longer drive thru lane which will increase the queue length of the drive thru for up to 22 vehicles and the expansion of parking for a total parking of 31 spaces. The existing Dunkin Donuts store will remain. The property is located in the Residential Commercial (RC) Zone.

K. McWilliams gave an overview of the proposed project on this application. The applicant has requested one waiver from Section 4.01 (F) 12 Floor Plan Layout because there are no changes proposed to the existing Dunkin Donuts store. The Town Planner has no objection to this waiver. He feels the application is complete and recommends to the Board that they accept the application as complete.

T. Hoopes motion to accept the request for the waiver of Section 4.01 (F) 12 Floor Plan Layout.

R. Howard seconded the motion with all in favor.

T. Hoopes motion to accept the application as complete.

B. Curtin seconded the motion with all in favor.

Huseyin Sevincgel of MHF Design Consultants, Inc. spoke on behalf of the owners of Dunkin Donuts. He showed on the plans the proposal to improve the drive-thru lane. He responded to the list of comments on the Planner's Review and noted they would address those concerns.

B. Curtin noted a concern of the Water Department. He doesn't know what type of line goes to the Lee property, whether it is a galvanized line or not but if it is a galvanized line they will have to go all the way back to the main on the other side of the street underneath the sidewalk to shut the corporation off.

H. Sevincgel made note of this issue.

The Board members gave several suggestions on how to improve access to the drive-thru including the thought of changing the traffic flow.

D. Collier opened it up to the public.

Reuben Wentworth, representing Jesus Valley Realty which is an abutter spoke regarding the second exit because his apartment building driveway is located right beside it and he is concerned about difficulty of the traffic coming out of that exit. His other concern was the Stormwater Management area. There were no details on this area. He also was concerned about the bordering vegetation on the west side of the property of whether it would be staying or not. If the vegetation is going he would like a fence and the lights blocked from the tenants area.

The Board members were also concerned about the tractor trailer backing into the entrance and how it blocks traffic.

Eric Cooper and Brenda Fontaine abutters on the easterly side spoke in regards to vehicles backed up in front of his driveway and not being able to move. People also walk across their lawn to access Dunkin Donuts from the Circle Store. They are requesting a fence and made a proposal to remove a berm of soil to enlarge the Dunkin Donuts space and E. Cooper requested to be able to use the area for his parking. He also suggested that Dunkin Donuts buys his property.

The Board stated that this is not part of the Planning Boards function but they felt this is something the abutter should pursue with the owners.

H. Sevincgel stated that they would give a detail on how the tractor trailer will be pulling into the loading area and maneuvering through the site.

R. Wentworth spoke again asking if the existing dumpster is staying where it is. He felt it was going to make it more difficult for the tractor trailer to pull in.

D. Collier closed the public hearing.

K. McWilliams asked the Board if they wanted to do a site walk and if they want the Town's consulting engineers to review the drainage report when it comes in.

The Board concurred that the final drainage report and plans need to be reviewed by one of the Town's consulting engineers.

B. Curtin made a motion to do a site walk.

T. Hoopes seconded the motion.

There was a discussion about the time of the site walk.

B. Curtin amended his motion to do the Site Walk on Monday, July 28th at 6:00 p.m. with public invited and also Case P14-11 be continued until the August 19th meeting.

T. Hoopes stated his second stood with all in favor.

Case P14-09 Peter R. & Elizabeth G. Varney	Map 29 Lots 14 & 14-1	Minor Site Plan 10 Frank C. Gilman Highway
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Peter R. & Elizabeth G. Varney are requesting a Minor Site Plan to allow additional commercial uses. Commercial uses proposed include the following list of Retail Businesses and Services from the table of uses in the 2014 Zoning Ordinance: 9, 13, 17, 20, 21, 29, 36, 41, 42 and 47. The property is located in the Residential Commercial (RC) Zone.

K. McWilliams stated that the applicant is requesting one waiver from the application submittal requirements, Section 3.01 (F) 20: General topography of the site at 20' contours from USGS Maps – The applicant has indicated the topography of the site is within 3' of USGS 99'. He does not see an issue with that. If the waiver is approved his review indicates the application is now complete and recommends the Planning Board accept the application as complete.

R. Sample questioned that it look like there were two waiver requests.

K. McWilliams stated that the second waiver is actually a waiver request of one of the standards in the subdivision regulations, not one of the application submitted requirements.

R. Howard made a motion to grant the waiver on the topography.

R. Sample seconded the motion with all in favor.

R. Howard made a motion to accept the application as complete.

R. Sample seconded the motion with all in favor.

K. McWilliams mentioned that at the last meeting the Board asked him to contact Town Counsel regarding the question of cross-easements or lot merging. He did that and Town Counselor's comment was to stay away from the cross-easements for parking and access. Town Counsel's indication was that would create problems for future property owners and the Town and should avoid that at all costs. Town Counsel's statement to K. McWilliams regarding the lot merging was that if the applicant wants to propose a site plan with parking and access straddling the property lines then he is effectively merging those lots through how he is proposing to use and develop the lots and if that is the way he wants to proceed then the lots should be merged. If he doesn't want to merge the lots and wants to continue to propose that the parking and access straddle the line, then the Planning Board should deny the site plan.

The second issue is that the parking both in terms of number of spaces and the layout do not meet the standards in the Site Plan Review Regulations. He has detailed that in the Planners Review.

The final major issue is that this is located in the Aquifer Protection Overlay District and with proposing additional commercial loading on the septic system the Aquifer District requires a special exception be approved by the Zoning Board of Adjustment. If the Board were to approve the site plan, getting that special exception approved from the Zoning Board of Adjustments should be a condition of approval.

His recommendations to the Board is that they deny this site plan on the basis of the applicant wanting to proceed without merging the two lots and still proposing the development as if they were one lot and secondly based on the arrangement of the parking doesn't meet the numbers required or the parking dimension layout as specified in the Site Plan Regs.

D. Collier asked K. McWilliams to elaborate on the parking issues that he had mentioned.

K. McWilliams explained that it was detailed in item #3 on his Planner Review.

The Board discussed with K. McWilliams the parking spaces and the requirements in the Site Plan Regs.

B. Curtin asked the applicant if they could get a driveway permit off of Route 11 (Main Street).

The applicants stated that they said they could if they closed the one off of 140 which is the one closest to the intersection they would give him one.

E. Varney stated that there was originally one on Main Street that went with the lot that is on record from 1950.

B. Curtin stated that they needed to merge the lots. K. McWilliams stated that only if the Planning Board requires it.

P. Varney stated that he talked to his attorney who recommended he does not merge them. P. Varney stated that the ordinance says if he makes an agreement with the abutter for off site parking whether it is a lease, an easement or a verbal agreement that is all the requirement in the building regulations require.

K. McWilliams stated that there is an opportunity under Site Plan Regs to lease parking on another lot within 500 feet but they need to produce a lease.

R. Howard asked if they would consider dropping the restaurant as part of their request. They said they would not. Their request is based on the cost of their building's upkeep.

D. Collier asked if the Lot Merger could be a part of this application.

K. McWilliams stated that the applicant would have to submit a Lot Merger application that would be a separate application that could be processed concurrently with this application.

The Board and applicant discussed several options to where the entrance should be.

B. Curtin made a motion to do a Site Walk on Case P14-09 for Monday, July 28th at 5:30 p.m. and to continue Case P14-09 until the August 19, 2014 meeting at 6:00 and the public is welcome to go on the Site Walk.

R. Howard seconded the motion with all in favor.

IV. OTHER BUSINESS

1. Old Business –
 - a) Planning Board Work Session August 5th at 6:00 p.m. to continue working on the Subdivision Regulations.
 - b) Reminder of the Zoning Amendment Committee joint meeting with the Planning Board tomorrow at 5:45p.m. to go over amendments to the Flood Plain Regulations and the draft Stormwater Management ordinance.

2. New Business –
 - a) In January there was a Lot Line Adjustment between the Doughty's and the Slattery's off of Alton Mountain Road. They came in and asked for a time extension to produce the deeds and now they are back asking for a couple of more months until September. They are working on their wetlands permit for the new driveway location. They want to get that permit before the do the deed exchanges.

B. Curtin made a motion for Case P14-01 that they get a time extension until September 16, 2014 to provide signed deeds.

T. Hoopes seconded the motion with all in favor.

 - b) R. Howard wanted to know the statutory authority for the Alton Planning Board to collect fees from applicants for review services such as engineering reviews. K. McWilliams will look up the statute and distribute that to Board members.
 - c) R. Howard asked why the Board hasn't participated in the discussion of the sewer system coming from Wolfeboro through Alton. It is just in the discussion stage with the Board of Selectmen and the Planning Board is not involved yet.

3. Approval of Minutes:
 - a) Draft minutes June 17, 2014:

B. Curtin motioned to approve the Minutes of June 17, 2014 as presented.

T. Hooopes seconded the motion with all in favor.

4. Correspondence – None

5. Any other Business that may come before the Board – None

V. PUBLIC INPUT ON NON-CASE SPECIFIC LOCAL PLANNING ISSUES

None at this time.

VI. Adjournment

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

The Public Hearing adjourned at 8:08 p.m.

Respectfully submitted,

Randy Sanborn, Recorder, Public Minutes