

**TOWN OF ALTON PLANNING BOARD
PUBLIC HEARING
Minutes
July 17, 2012
Approved August 21, 2012**

Members Present: Scott Williams, Chairman
David Collier, Vice Chairman
Roger Sample, Clerk
Tom Hoopes, Member
Bill Curtin, Member

Others Present: Ken McWilliams, Town of Alton Planner
John W. Dever III, Code Official
Randy Sanborn, Secretary, Planning Department
Members of the Public

I. CALL TO ORDER

S. Williams called the meeting to order at 6:00 p.m.

II. APPROVAL OF AGENDA

K. McWilliams stated that there was one request for a continuance. Case P12-14, Richard Lundy, an Amended Major Site Plan, is requesting a continuance to the August 21, 2012 meeting.

T. Hoopes made a motion to amend the agenda to continue Case P12-14 to August 21, 2012.

B. Curtin seconded the motion with a unanimous vote in favor.

III. PUBLIC INPUT

None at this time.

IV. AMEND CONDITION OF APPROVAL

Case P11-09	Map 25 Lot 6 & Map 8, Lot 50-1	Amend Condition of Approval
Robert H. Carleton, Trustee of Robert Carleton Trust		Route 28 South of Traffic Circle

On August 16, 2011 the Planning Board approved Mr. Carleton's site plan review application for a 147 unit RV park. Condition #6 of the Notice of Decision required the wetland buffer boundaries to be flagged approximately every 25' with permanent markers identifying them as the wetland buffer. Mr. Carleton is proposing to use boulders lined along the road adjacent to the wetlands as the method of marking the wetland buffer boundaries.

K. McWilliams gave an overview of the request. He recommended that the Board require a wetland marker every 200 feet so people know what the boulders are marking.

Robert Carleton appeared to represent this Case.

T. Hoopes requested that the markers be every 100 feet so people would definitely see what the boulders are for.

R. Carleton stated that the boulders would be like a wall completely surrounding the wetlands and would be 25 feet or more from the wetlands. He felt the markers could be 200 feet because the park rules will discuss the wetlands.

There was no input from the public.

B. Curtin made a motion to grant the waiver for the wetland buffer markers every 25' and the boundary markers be placed every 200 feet along the wetland buffer as long as the boulders are all contiguous.

R. Sample seconded the motion with all in favor making the vote unanimous.

V. AMEND CONDITION OF APPROVAL AND REDUCE SECURITY:

Case P06-93	Map 15 Lots 56-3, 4, 21 & 23, Lot 57 and Lots 60-5 through 20	Paving Plan - Ridgewood Subdivision Route 28
John Jeddrey, Trustee of the Jeddrey Realty Trust		

John Jeddrey, Trustee of the Jeddrey Realty Trust, is requesting that Condition #3 of the September 20, 2011 Notice of Decision requiring paving of the roads in Phase I, except for the final wear course of asphalt, be extended. He is also requesting his security be reduced by \$169,133.18 for completed work.

K. McWilliams gave an overview of the requests. J. Jeddrey will have left \$158,184.72 for paving and gravel work.

John Jeddrey appeared to represent this Case.

T. Hoopes made a motion to accept the request for \$169,133.18 reduction in the security.

B. Curtin seconded the motion with all in favor making the vote unanimous.

K. McWilliams gave an overview of the paving of the roads in Phase I. On July 6, 2012, J. Jeddrey did pave the 1300 feet of McDuffy Road from Old Wolfboro Road past the new house that has been built in that subdivision. J. Jeddrey is proposing that he would continue with the gravel work on Ridgewood Road this year and then once he has sold a lot he would complete the paving of the roads in phase I, except for the final wear course of asphalt.

T. Hoopes made a motion to approve the alternate proposal for paving in Phase I upon the sale of another lot.

D. Collier seconded the motion with discussion.

T. Hoopes amended his motion to say to pave it after the sale of a lot or according to the weather to have it done before a Certificate of Occupancy is issued for a new residence.

B. Curtin seconded the motion with all in favor making the vote unanimous.

VI. COMPLETENESS REVIEW OF FINAL SITE PLAN REVIEW APPLICATION AND PUBLIC HEARING IF THE APPLICATION IS ACCEPTED AS COMPLETE:

Case P12-15

Map 2 Lot 19

Final Major Site Plan Review

Kathleen & Michael Currier

Prospect Mountain Road

On behalf of Kathleen & Michael Currier, James P. Cowles, Esq. is requesting a Final Major Site Plan Review application for a Commercial Function Facility on their property of 107 acres to have weddings and other social events. This property is located in the Rural Zone.

K. McWilliams gave an overview of the request. He did research on the noise issue and supplied the Board with his results. He recommended that the Board accept the application as complete.

B. Curtin made a motion to accept the application Case P12-15 as complete.

D. Collier seconded the motion with all in favor making the vote unanimous.

Kathleen and Michael Currier and James P. Cowles, Esq. appeared to represent this Case.

K. McWilliams explained how the noise levels are measured.

B. Curtin asked if the stockade fence would help with noise level.

K. McWilliams stated that it would some but not very much. His research on other towns and cities show that most of them establish a 65 decibels noise level from 7 a.m. to 10 p.m. and dropping it to 55 decibels from 10 p.m. to 7 a.m. He recommends that the Board establish these levels at the property line.

S. Williams asked what the hours were in the current ordinance.

K. McWilliams stated that in the Zoning Ordinance for Commercial Function Facility Review one of the criteria is establishment and enforcement of quiet hours. The hours are 10 p.m. to 10 a.m. which there is to be no music. The Town's Noise Ordinance has times for various types of activities which are not specific to a dance band. Under the category of radios and phonographs it states that the operation of such devises between the hours of 11 p.m. to 7 a.m. if audible within 50 feet of the home is a violation.

R. Sample asked what the time span on a usual event was.

K. Currier stated that most events start around 1 p.m. and go until 10 or 11 p.m. She stated that she would abide by whatever the decision is.

R. Sample asked if 10 p.m. would be adequate.

K. Currier said yes.

J. Cowles mentioned that the Curriers had a DJ stop by and run decibel levels as he was playing at 90 dba's at the sound source and where the sound fence was put in place it was already at 65 dba's.

S. Williams open discussion up to the public.

Carole Locke spoke regarding the noise. She asked the Board to consider the 10 p.m. to 10 a.m. and put more buffers in.

Bill Mannin spoke in favor of the facility and feels the noise issues should be addressed later after the functions have happened.

Carole Locke asked if there was a report written by the DJ on his finding.

J. Cowles stated that there was no report.

S. Williams closed public input.

J. Cowles stated that the Curriers have received a Certificate of Completion for a Crowd Manager Workshop. Ed Constantino of the Fire Department mentioned as complying with NFPA they may not need inspection for all events as some are so small. They need to give the Department 48 hours notice.

T. Hoopes made a motion to approve Case P12-15 for Kathleen and Michael Currier Site Plan approval for the Commercial Function Facility with the following conditions.

Conditions Precedent:

- 1. 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.**
- 2. The following note shall be added to the site plan prior to plan signing: This site plan contains a total of three (3) sheets, which in its entirety constitutes the site plan as approved by the Town of Alton Planning Board.**
- 3. The following note shall be added to the site plan prior to plan signing: This site plan is subject to the Condition of Approval itemized in the July 17, 2012 Notice of Decision on file at the Town of Alton Planning Department.**
- 4. The sound fence and the note for the sound fence on Sheet 3 shall be clarified to indicate it is an eight (8) foot high wood stockade fence. The sound fence shall be extended around the end and run parallel to the existing retaining wall in a northwesterly direction to the end of the retaining wall.**
- 5. A note shall be added to Sheet 3 prior to signing the plan that indicates quiet hours will prohibit the band or disc jockey (DJ) playing of music between the hours of 10:00 p.m. and 6:00 a.m.**
- 6. The note on Sheet 3 that indicates the music is to be played in the designated area and be limited to 90 decibel average shall be changed prior to plan signing to read: The music shall be played in the designated area and be limited to a maximum of 65 decibels at the property line from 7:00 a.m. to 10:00 p.m. and 55 decibels from 10:00 p.m. to 7:00 a.m.**

Subsequent Conditions

- 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 has performed work, erected a structure or structures, or established a use of land, which fails to conform to the statement, plans, or specifications upon which the approval was based, or has materially violated any requirements or conditions of such approval.
4. There will be no parking on the shoulders or travel way of the town right-of-way on Prospect Mountain Road.
5. The commercial function facility shall comply with local noise regulations.
6. The Police and Fire Departments will be notified 48 hours in advance of any events of 50 people or more.
7. Tents will comply with NFPA 101 Chapter 11 Safety Requirements as specified by the Fire Department.
8. Crowd managers will be provided for any events of 50 people or more.
9. Any events of 50 people or more under the tent require a fire inspection prior to the function events taking place.
10. Unblocked access for Fire and EMS emergency response access must be maintained at all times.

Provided all listed conditions and subsequent 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 making the vote unanimous.

Case P12-16 Jobean LLC, Dean Puzzo	Map 26 Lot 10	Amended Major Site Plan Homestead Place
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Dean Puzzo of Jobean LLC is requesting an Amended Major Site Plan on property located on Homestead Place to have a more effective/improved parking, traffic-flow, and building layout/orientation by re-positioning the remaining 4,100 sf. of approved retail/office space to the rear (northeast corner) of the completed expanded parking area. This property is in the Residential Commercial (RC) Zone.

K. McWilliams gave an overview of the amended proposed site. He recommends the Board accept the application as complete.

D. Puzzo appeared to represent this application.

B. Curtin made a motion to accept Case P12-16 as complete.

D. Collier seconded the motion with all in favor making the vote unanimous.

The Department Head Report from Code Enforcement, John Dever, stated his concern as the new building will need to conform to the requirements of the International Building Code for Commercial Development and not the International Residential Code.

K. McWilliams recommends to the Board to approve the amended site plan that has been presented.

There was no public input.

B. Curtin made a motion for Case P12-16 to be approved for an Amended Final Major Site Plan for Jobean LLC with the following conditions.

Conditions Precedent:

- 1. The following note shall be added to the site plan prior to plan signing: This amended site plan is subject to the Conditions of Approval itemized in the July 17, 2012 Notice of Decision on file at the Town of Alton Planning Department.**

Subsequent Conditions:

- 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 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 new building will have to conform to the requirements of the International Building Code (Commercial) and not the International Residential Code.**

Active and substantial development or building shall begin within 12 months of the date of approval. Active and substantial development or building shall be considered achieved when a building permit has been issued for the new buildings.

Substantial completion of the improvements shown on the amended sit plan shall be met when the construction of the buildings is complete and a certificate of occupancy has been issued.

Per RSA 674:39 Section IV; Five Year Exemption

Provided all listed conditions and subsequent 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.

D. Collier seconded the motion with all in favor making the vote unanimous.

VII. CONTINUED COMPLETENESS REVIEW OF DESIGN REVIEW APPLICATION AND PUBLIC HEARING IF THE APPLICATION IS ACCEPTED AS COMPLETE.

Case P12-11 Spring Haven Campground LLC	Map 65 Lot 17	Design Review – Site Plan Review 1702 Mt. Major Highway
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A site plan for the Spring Haven Campground was approved by the Planning Board on January 16, 2007. The owners of the campground did not build the campground according to the approved site plan. After removing the units not approved in the campground and moving some other units to comply with setbacks, the Spring Haven Campground LLC is returning to the Planning Board to propose an alternative site plan for the campground. Spring Haven LLC has been issued a cease and desist order since they have continued to

relocate units and build porches and decks without the proper permits after submitting the site plan application.

K. McWilliams gave an overview of the Case. He stated that on the advice of Town Counsel the staff recommends the Planning Board reject the Design Review Site Plan application until the cease and desist order is resolved in court and further recommends that the Planning Board require that the applicant reapply for the Design Review Site Plan application after the cease and desist order is resolved in court.

Bernie Lynch and Simon C. Leeming Attorney at Law appeared to represent this application.

S. Williams polled the Board.

B. Curtin agreed to follow the advice of the Town Counsel.

D. Collier agreed.

R. Sample agreed.

T. Hoopes agreed.

S. Williams stated that there would be no further discussion on this application.

VIII. OTHER BUSINESS

1. **Old Business:** None

2. **New Business:** None

3. **Approval of Minutes:**

B. Curtin made a motion to approve the minutes of June 19, 2012 as presented.

T. Hoopes seconded the motion with all in favor making the motion unanimous.

4. **Correspondence:**

K. McWilliams reported that the Community Planning Grant application was not approved. They can apply again for next year but it will only be a one year grant.

The School District is putting together a community survey about the improvements to the Central School. There is a meeting Thursday at 6:00 p.m. at the Alton Central School Library. K. McWilliams was contacted by Jeff St Cyr and asked Ken to extend an invitation to the Planning Board.

5. **Any Other Business that may come before the Board:** None

IX. PUBLIC INPUT:

There was no public input at this time.

X. ADJOURNMENT

T. Hoopes made a motion to adjourn.

B. Curtin seconded the motion. All were in favor making the motion unanimous.

The public hearing adjourned at 7:35 p.m.

Respectfully submitted,

Randy Sanborn
Recorder