

Members Present: Chairman, Thomas Hoopes; Thomas Varney; Ex-Officio, Alan Sherwood and Jeremy Dube. Alternate Bonnie Dunbar

**Member(s) absent: Vice-Chairman, Cynthia Balcius and Alternate Donn Brock**

Others Present: Town Planner, Kathy Menici; Building Inspector/Code Officer, Brian Boyers; Secretary, Stephanie Verdile and others as identified below.

**Call to Order:** Chairman, T. Hoopes called the meeting to order at 7:00 p.m.

**Appointment of Alternates:** T. Hoopes appointed B. Dunbar to sit as a full member in the absence of regular member C. Balcius.

**Approval of Agenda:**

K. Menici explained the changes in the agenda for the following cases to be continued until the August 16, 2005 Planning Board Meeting: Case#PO5-13, Henderson; Case#PO5-45, Shields Amended Site Plan Review; Case#PO5-49, Carl Norby & David Reynolds. K. Menici also said that Case#PO5-44, Caley, Conceptual Review has withdrawn.

**Motion made by, A. Sherwood seconded by J. Dube to continue; Case#PO5-13, Case#PO5-45, and Case#PO5-49 until the August 16, 2005 meeting at 7pm and to accept the amended agenda 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.

**Applications for Public Hearing:**

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

**Case#PO5-09            Map 32, Lot 13**

**Amended Site Plan Review**

**Ernest Gillan, Gillan Marine**

**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. Discussion on acceptance of the application was continued from June 28, 2005 meeting.

T. Hoopes spoke about the Board's recent compliance inspection site walk regarding the previously approved site plan.

B. Dunbar said she was not on the site walk but she did a drive by of the site. She asked for a summary from the compliance inspection and T. Hoopes explained the Board looked at the gravel areas and where the gravel areas were previously located and the grass areas. He said there were no decisions made or actions taken it was for observation purposes.

K. Menici gave her report to the Board as follows. She said there are no waiver requests and she prior to taking any action on the current application, the Board needs to make a determination if there is non-compliance with the amended site plan as approved by the Board and they have to discuss that before they decide on the acceptance of the application. If the Board determines that by paving the areas depicted as gravel on the site plan, the parcel is not in compliance with the approved site plan, the Board needs to address the non-compliance issues.

T. Hoopes said there are noncompliance issues on site with the previously approved site plan and there has been a change from the previously approved site plan. He said something has been done

to the site that was not approved by the Planning Board.

A. Sherwood said in his opinion, he agrees the paving was not on the original plan and it is there now and the property is located in the Aquifer Protection District. He said to get a waiver one has to prove that there is sufficient work on drainage and recharge to compensate for the excess pavement. He said the application in front of them now is for a proposed a new building and other changes. He said he wants an engineer to review the entire application at once including; the review of the overall drainage plan and review the issues of Aquifer Recharge within the context of the entire plan. He said he would accept the application with the condition on the acceptance that paving issue be done correctly in terms of the design that is being proposed by the applicant and the engineering review.

He said for the acceptance it should be made clear that the acceptance process will include going back and doing the entire site correct from the beginning including the impervious areas.

B. Dunbar said she agrees with A. Sherwood and she spoke about the Aquifer Protection District that was enacted and the applicant is responsible to comply with the zoning regulations. She said she would recommend going forward and accept the application with the condition that drainage, lot coverage and recharge be addressed for the entire site.

T. Varney agrees with B. Dunbar and A. Sherwood and he spoke about the site being a “green engineered” and gave examples of “green engineering”-porous concrete and they should be responsible to address those recharge issues. He said he did not see the need to go over the technicality of the paving issue as long as the applicant is going forward and recommends the applicant seriously consider the green engineering for the Town of Alton and for the environment.

T. Hoopes spoke about the Town of Alton permitting 20% coverage and if the Board will approve up to 60% coverage in the zone.

T. Varney said as long as it is done in an environmentally sensitive and protective way and it can be done. He said they cannot keep paving parking lots in the Bay and it could be corrected and a positive thing for the Lake and the Town of Alton.

A. Sherwood said the applicant has to prove they can meet the intent of the Aquifer Ordinance, including runoff, drainage, recharge and purification and it will be part of the acceptance procedure of the amended site plan. He said he is not saying it is ok for the applicant to have violations he wants the compliance issues addressed through an engineering review of the entire site.

K. Menici also suggested the Board may want to consider an engineering review to determine if the drainage design provides adequate purification and recharge conditions as a means of bringing the paved areas into compliance with the Zoning Ordinance.

**Motion made by A. Sherwood, seconded by B. Dunbar to accept Case#PO5-09 as complete with the condition that as part of the site plan review there be an engineering review to fix any past issues and the applicant meet all the requirements regarding the Wetland Scientist stamps and signatures be completed by the August 16, 2005 meeting, motion carried with all in favor.**

K. Menici added that part of the proposal is to use space currently designated for an off-street un-loading zone they are proposing to use that area as additional parking and the proposal will increase the applicant's on site parking requirements.

Roger Roy, MJS Engineering; Ernest Gillan, property owner and Roger Burlingame, attorney representing the applicant were in attendance to represent the application.

R. Roy said they propose to replace an existing 2000SF building with a two-story 11,600SF

building. They would like to move the boat storage to a new building so there would not be outside storage of boats. He said they understand the Board can approve coverage up to 60% and the site now is approved at 55% coverage.

T. Hoopes said he disagrees and said there was a note on the plan but it was not approved in any minutes or anywhere.

R. Roy said the conditions as they are today are about 55% coverage and there is no increase in the coverage with the proposed site plan because the proposed building would be located within the boundary of the current impervious areas including the existing building and paved areas. He said that are improving the buffer between Curry Realtors and the site. He said there is no increase in impervious surfaces under this proposed plan layout from what exists. He said they have shown the 26 parking spaces and they would like to ask for a waiver to have that reduced.

A. Sherwood said parking is in the zoning and they would have to go to the ZBA for relief.

R. Roy said they received the Wetlands Permit last year and they are trying to improve the treatment qualities of the swale on the west side of the property and that is part of the NHDES permit and they want to revegetate the swale area to improve the treatment quality of the swale. He spoke about the sediment that gathers there from Rand Hill Rd and Route 11. He said they are proposing to alleviate the sedimentation proposing they are proposing a sand trap, which will discharge cleaner water and have a larger area for sediment trapping. He said the system they are proposing would cost about \$12,000 and E. Gillan would install and maintain the system. He said the existing system on the other side is working and they are not proposing any changes to it as it meets all NHDES BMP's. He said he will leave a letter he wrote about the gravel surface versus the paved surface and the current conditions on site as far as increased quantity of runoff and he said the increase would be about 6%. He said the applicant's position is there is an increase in runoff of 6% and they swale provided at the south end of the property is working for groundwater recharge. He said since they are installing a sediment trap to help with the sedimentation from Route 11 they are hoping the Board will accept the drainage plan and he said they think it is more than a fair compromise to provide treatment and allow 6% increase in storm water runoff.

A. Sherwood spoke about the obtaining an engineering review against the proposed design to see if the overall site meets the letter and intent and the spirit of the Aquifer Protection Overlay in the zoning ordinance. He said there would have to be money put into escrow for engineering review of the drainage runoff and recharge and purification plan for the site. He said he has a hard time envisioning the site having enough room for boat storage even with the building and has concerns about the traffic with the loading and unloading on Route 11.

B. Dunbar spoke about the aesthetics of the shrink-wrapped boats and what type of image the Town is trying to accomplish. She spoke about adding more greenspace to Town and she spoke about breaking up the design of the building maybe by adding cupolas or keeping a New England style design.

B. Holmes asked about the 26 parking spaces and the why the increase. R. Roy said because they are increasing the size of the building and that number is what the zoning ordinance requires they have 6 existing now.

A. Sherwood spoke about the parking requirements being a part of the zoning ordinance and the Planning Board cannot grant a waiver, the applicant would have to apply for a variance to the ZBA.

T. Varney has concerns about the quality of the runoff. He wants BMP's to be instituted and add more vegetative plantings with roots and remove the leaves and he suggested talking to UNH about drainage runoff alternative solutions.

R. Roy spoke about the entire watershed that contributes to the entire closed drainage system and

about 30% of the overall runoff from the watershed crosses the applicant's property and he said they are offering to install a sediment trap to improve the quality of water from the site.

T. Varney offered assistance to try to help with the off-site improvements and help with the neighbors.

T. Hoopes spoke about the amount of runoff that can occur and he has concerns of the site being overloaded with snow and flash rain events and he wants that to be reviewed by the Town's engineer.

K. Menici reminded T. Hoopes that the site location is on a state road not a town road.

T. Hoopes has concerns over the size (140' long) and the height (40') of the building and the zone being Residential/Commercial and the building taking over the visual aspects of the Bay. He spoke about the suggestion of adding cupolas and said would increase the height even further.

R. Roy said the primary use will be sales and there will be a service element as an accessory use of the sales of the boats.

R. Burlingame said there will be some servicing/preparation of a boat for sales but there will not be servicing for offsite boats or customers, it will be strictly servicing boats in connection of the sale.

B. Dunbar spoke about the previous conditions and what was included and make sure those are incorporated into this application and included in the original approval was the preparation of boats for the purpose of sales, including checking oil and gas levels.

K. Menici asked about service included in the sale of a new boat that includes warranty repair issues, where would the boat be serviced.

E. Gillian said they will do warranty service and service of the boats that were sold from them is included in their business.

R. Burlingame said that has been consistent with the previous approvals and that has been included in the court records throughout the previous appeals.

T. Hoopes spoke about the petroleum issues and the Board has to be cautious of that issue because of the sites location to the river. He spoke about an oil/gas separator trap being utilized because of the zones the site is located within.

E. Gillan said the boats are not gassed on site they are gassed in town for the customers. He said they do not gas boats at the marina.

R. Burlingame said he appreciates the willingness on the Board to cooperate and the input and the concerns they have discussed. He said with respect to the previous approvals in 1996, he said it is the applicant's position that the previous approvals included impervious lot coverage up to about 50% or more.

T. Hoopes said that does not appear in any of the minutes and if the Board was to allow that much of an increase in coverage a vote would have had been taken by the Board and documented in the minutes.

R. Burlingame said he wants the Board to know that the applicant maintains that position and hopes the Board can work around that issue.

A. Sherwood repeated his position again as to what he wants from the applicant and that is the engineering design that meets the letter and the spirit and intent and ordinance requirements for the Aquifer Protection District and if it is not up the zoning then it needs to be brought up to compliance.

R. Burlingame said that an engineering review for the drainage study was done as part of the 1996 approval and he said the applicant provided that.

The Board wants the following issues and concerns addressed:

- 1) Engineering review to review the overall drainage design including the adequate

recharge and purification conditions to meet the aquifer protection zoning requirements.

2) Engineering review for on site parking, traffic and vehicle movement on and off site

3) The overall architectural renderings of the building and how it will look

4) Explanation of how to handle all the boat storage, parking and outside display boats for sale.

5) Location of outside storage of the boats in the winter

A. Sherwood said there are more boats on display then what the proposed building will hold and he wants an explanation of how the applicant will handle the boat storage.

B. Boyers said the height of a building is defined as the-mean grade level. He explained that is based on the high point and the low point of the building the height and balance it out to the peak.

B. Boyers said if there is a walkout basement and the back is grade level and there is a difference of 6"-8' between then you use the average difference. He said that is how it is written in the zoning ordinance.

The Board discussed the visual impact of the building would look like and they suggested a rendering of the side that has the most exposure and B. Dunbar suggested the west side elevation be used for the rendering. The Board is concerned about the view form the Dockside restaurant toward Curry Realtor.

J. Crouse asked what the building would be made of and E. Gillan said it would be mostly concrete block and on the north said it will be covered with vinyl shingle and looking to do that on the south side.

The Board discussed the building fitting in with the architectural design, exterior style and existing themes in the Bay.

B. Dunbar asked the applicant to use creative exterior styles to help soften the look of the building that can be used for eaves, molding etc. and E. Gillan said they would be willing to do that.

T. Hoopes opened up the hearing for public input to discuss the application.

Melissa Guldbrandsen, attorney, representing an abutter the Parker's doing business as Parker Marine. She spoke about her clients having several issues of concern about the proposal and the compliance issues, but would like to limit the concerns at this hearing to the compliance issues. She asked if the Board would address compliance issues first and then get to the merits of the application. She said the Parker's do have concerns about the proposal as far as the size of the building and the parking situation. She said she understood the acceptance of the application was based upon the paving and compliance issues be addressed. She spoke about a previous, separate Compliance Hearing held in January 2004 on this case and nothing was resolved because it was continued it was never adjourned. She would like the Board to consider the compliance issues being resolved first. She spoke about the paving issue, she said the fact the applicant is still disputing the previous approval and asserting that approval included 60% lot coverage is significant. She said she does not want to see this issue get worse and have it be a grandfathered situation if the coverage issue is not solved. She spoke about the fact that the abutters would welcome the chance to have the entire area cleaner with state of the art drainage and runoff systems and how it would be beneficial for everyone involved.

She urged the Board, under its authority, to question the percentage of lot coverage and define how the lot is covered and if that means tearing up pavement and replacing it with alternate surface/system would seem logical. She spoke about argument about the size of the proposed building not expanding the permitted lot coverage and needs to be addressed. She said it is expanding the coverage if the Board says it did not approve the coverage the applicant says they

did. She spoke about the parking issues and she said the parking calculations are based on the building being a warehouse and the prior approval was for a site with commercial and retail uses previous and the parking numbers will vary based on the different uses.

She said the previous approval spoke about servicing for the boats and there is a difference between servicing boats for a new sale versus a warranty on an older boat. She said the previous approval was for sales only. She said there are dramatic differences in level of maintenance issues that need to be addressed. She said increasing the amount of servicing options would have an impact on the site and the environment.

She said boat storage is another issue of concern and the number of boats being stored should not change from summer to winter. She said this site does not have approval to store boats for sale in the water therefore the number of boats stored should not change and she said that relates to the parking issue. She spoke about the swale on the site is full of sand and the Board should address that issue when discussing the drainage for the site.

She spoke about the site also being in the Town of Alton's Shoreland Protection District and the NHDES Shoreland Protection and that should be taken into consideration when discussing the drainage and runoff. She spoke about previous discussions in front of the ZBA, the applicant did say that the site would be used for sales and service and that that issue needs to be clarified as part of the conditional approval. She also wanted to speak about the site not having any rental type services including winter storage or summer boat rentals. She said that those are the compliance issues her clients have concerns about and she urged the Board to address the compliance issues before moving on the merits of the application.

Dave Parker, abutter, spoke about the size of the building being too large and the sections of the building being divided up into sales on one floor and storage on the other. He said parking has always been an issue there and the site has had to park on the highway. He has concerns about the environment and is glad to see the Board addressing the environment and drainage issues.

He spoke about the size of the building being too much for the site and he has serious concerns about the parking issues. He said the plan works when it is compliance and the problems occur when it is not in compliance and he wants the Board to be aware of that. He does not agree with the full boat warranty service. He said he understands boat service is required with the sales of the boats but he said the increase in the boat traffic from more service provided causes more environmental and traffic problems. He said he has no problems with a one-story building but what is proposed is too high and too much for the area.

T. Hoopes closed the public input portion of the hearing.

T. Hoopes wants an on-site mock up for the proposed height of the building.

A. Sherwood wants the corners of the building marked and a traffic pattern laid out and how the island will be displayed and on how the traffic will move on site.

B. Dunbar wants to do a site walk.

R. Roy asked about the mock up of the building and said he can do a rendering from a drawing but for something to be able to stand 40' high would be of significant size to create and have stand there.

The Board wants more than a rendering on paper and they want something to show the visual impact and has concerns about how the building will look because of the height of the building will have. The Board discussed the visual impact from the east and repeated their concerns of the

visual impact.

B. Boyers suggested and balloon test and the Board thought the weather conditions might not work.

**Motion made by A. Sherwood, seconded by B. Dunbar to hold a site inspection for Case#PO5-09, motion failed with 4 opposing the motion and 3 in favor.**

B. Dunbar spoke about including a landscape planting plan, including the east elevation and have the applicant submit that to the Board. R. Roy said they have submitted one.

**Motion made by A. Sherwood, seconded by J. Dube to require an engineering review of the entire drainage design and the features that are meant to comply with the Aquifer Protection Zone requirements for recharge and purification and on site traffic flow.**

**Amended motion: A. Sherwood amended the motion and J. Dube seconded the amended motion, to include the Board choose an engineer and have the applicant put funds in escrow to cover the engineering costs, motion carried with all in favor.**

K. Menici suggested that instead of holding a second meeting to choose an engineer the Board choose CMA Engineers do the review. T. Hoopes and T. Varney agreed on CMA and K. Menici will arrange to have CMA Engineers meet with the Board prior to beginning the review.

B. Dunbar asked about the Compliance Hearing point of order and is the Board postponing that issue. T. Hoopes said the Compliance Hearing was continued/tabled because the Town Attorney said the Board could not hear the application because of pending court issues. T. Hoopes clarified that when the application first came to the Board in January 2005 they could not hear it because of the ongoing legal issues.

K. Menici spoke about the Town Attorney's advice to the Board to not act upon the application because of the court case and until the court case was resolved the application has not been addressed and now that the court case has ended the application can be addressed by the Board.

B. Dunbar asked if this hearing was scheduled as a Compliance Hearing and K. Menici said no. K. Menici said that the Town Attorney recommend to the Board that they do a compliance inspection before accepting the application and after the Board completed the compliance inspection then the Board can decide to accept the application and address the compliance issues as the project goes forward.

B. Dunbar wanted to make sure nothing is outstanding and the motion was clear

**Motion made by J. Dube seconded by A. Sherwood to continue Case# PO5-09 until August 16, 2005 at 7pm, motion carried with all in favor.**

K. Menici reminded the Board that the Conceptual applications have a limit of 15 minutes for their presentation and read into the record the purpose of the next case.

**Case#PO5-50 Map 36, Lot 28  
Henry & Jacqueline Brandt**

**Conceptual Review Condominium Conversion  
Mount Major Highway**

Application submitted by Attorney, Arthur Hoover on behalf of the property owners Henry &

Jacqueline Brandt for design and scoping input for Condominium Conversion. The property is located on Mount Major Highway and within the Residential Commercial Zone.

Attorney Melissa Guldbrandsen, representing the applicant and Henry Brandt, property owner were in attendance to represent the application.

M. Guldbrandsen said there are buildings in place to be converted. She said they will be asking for waivers from the subdivision requirements that they do not feel would apply like wetlands issues and soils.

A. Sherwood would like to know the location of the State NHDOT ROW and it would require a survey plan. He would also like to see more information about parking and vehicle access and he has concerns on whether it complies with zoning.

T. Hoopes wants to know if the cottages that there were there before were seasonal and what the status of them were. He said changing the use of the cottage from seasonal to year round be a change of use.

The Board discussed the residential status of the buildings and determined there are currently 3 separate, single-family homes on one lot. The Board questioned how that is compliant with the zoning ordinance and how they were legally given a building permit to have four structures on the lot and how were they defined as to what type of structure could be there.

K. Menici said the applicant received a Special Exception from the ZBA to allow the reconstruction on non-conforming structures. She said previously they were a cabin colony with 4 separate structures on the lot at the time and the ZBA approval allowed him to build the structures that exist. So the previous use was weekly type rentals and the use that is being proposed is a change of use because of the condominiums being sold off individually.

B. Dunbar said that would be a change of use and the zone currently allows 2 for every 30,000SF asked how the Board can approve 4 units per 30,000SF and how can the Planning Board issue ownership for 4 different people when the zoning does not allow it.

K. Menici also said the change of use would probably require some kind of site plan review or variance.

T. Hoopes said that since it was going from seasonal use in a non-conforming use in Lakeshore Residential zone so if it going to year round use the impact is greater therefore it is a change of use.

H. Brandt said there is an approved septic system that handles all four dwelling units.

T. Hoopes wants to know if there is water frontage or does NHDOT own it.

H. Brandt said yes the frontage along the water is across the street and lies within the NHDOT ROW he said docks are allowed by the NHDES and the NHDOT and he will have a letter from them stating that.

M. Guldbrandsen asked if the applicant would have to include all requirements like soils, wetlands etc. and K. Menici said because of the change in use the applicant will need to apply for a full site plan.

M. Guldbrandsen asked if the seasonal nature of the units is what causes the change in use.

K. Menici said what creates the change in use is, it was originally a cabin colony under a single ownership and the cottages were rented by vacationers and only on a seasonal basis. She said now they are proposing it convert them into 4 individually owned dwelling units and for all year residency. She said the motel use would be changed to residential.

B. Dunbar said the zone is Residential Commercial.

A. Sherwood would like the to know the legal status and the train of events that got them to the current situation and what happened from the ZBA along the way and what the status is now of the structures. He said seasonal cabins are a residential use in the Table of Permitted Uses and that is a different use for what is being proposed.

The applicants thanked the Board for their time.

T. Hoopes called for a 10-minute break at 8:50

T. Hoopes called the meeting back to order at 8:57

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

**Case#PO5-23                      Map 6, Lot 36 & 37**

**3-Lot Subdivision**

**Benjamin Finnegan**

**Stockbridge Corner Rd.**

Application submitted by Don Voltz, Lindon Design Associates on behalf of Benjamin Finnegan for a 3-lot subdivision. The proposed subdivision is located on Stockbridge Corner Rd and in the Rural Zone. The application was accepted at the April 19, 2005 meeting and continued from the May 17, 2005 and June 21, 2005 meetings.

Melissa Guldbrandsen, Don Voltz, and Adam Dorion were in attendance to represent the application.

K. Menici gave an update to the Board and explained that the Ray Lobdell from Belknap County Conservation District will give his report to the Board about the environmental/wetland Site inspection he completed on behalf of the Town of Alton. She said the real purpose of the hearing tonight is to have R. Lobdell explain his inspection on June 15, 2005.

R. Lobdell spoke about the soil survey the applicant used are out of date and the plan should be updated to the new soil standards. He said there were no problems with the wetland delineation but he would like to see the classifications on the wetlands to know what kind they are and the designation of the poorly and very poorly drained soils because that would be applicable for the location and setbacks to the septic systems. He said the plans need to be stamped by a wetlands scientist. He said for the 2 lots that are being developed it appeared that there would not be NHDES permits required for driveway locations assuming they are located in a reasonable location. He said there are a lot of wetlands on the property and there is additional land that could be subdivided and without knowing what the intent is with the rest of the property; he wants the Board to understand that they should know future building options are and if there are any future roads planned and all the wetland impacts can be picked up at the same time. He said generally once a NHDES Wetland permit is submitted they will only grant that one permit for the entire project including roads, driveways, etc. He said there was no erosion and sediment plan for him to review and notes on the plan indicated there would be BMP's & erosion and sediment controls in place and he did not see any on the plan it should be noted as to what types of BMP's and where they will be located on the plan. He said they should also be done according to the Stormwater Management and Erosion and Sediment Control Handbook. He said the overall impact for a 2 lot subdivision on 86 acres would be that great and there were no other issues as far as floodplain, aquifers, endangered species, etc. He said the soils mapping needs to be updated.

T. Hoopes spoke about the site and the NHDES wetlands policy in its relation to the IGMO where they cannot apply for more than 3 lots at a time.

R. Lobdell said they are not applying for any NHDES wetland permits at this time.

K. Menici spoke about the Board's concerns about proposed Lot 37-1 receiving all of the runoff and what would the impacts be to that back lot and R. Lobdell said as long as the back lot is developed according to the standards applied for soils and lot size required there should not be a problem.

A. Sherwood thanked R. Lobdell for the well-written report.

T. Varney asked about the environmental sensitivity of the parcel for development.

R. Lobdell said it is not unusually sensitive it is just how it will be developed and how much for the site. He said if there would be a road there would be bigger issues but for single-family residences there is not that large an impact if the development is done properly. He did look at the cistern location and saw now problems as long as the BMP's are followed.

A. Dorion, NH Soils Consultants, representing the applicant said the 1968 soils map is the standard to use at this time.

K. Menici said that Jan Hooper, Director of the Belknap County Conservation District, faxed her a letter about A. Dorion stating the standards for NRCS 1968 and J. Hooper said the 1968 soil survey are obsolete.

D. Voltz said the NHDES approved the subdivision with the 1968 standards and they are still legally correct but are draft maps and are subject to change.

R. Lobdell clarified the BCCD will not use the 1968 version of soil type and they are no longer in service. A. Sherwood asked if the 1968 soils would impact the approval of the subdivision or the wetland delineation. R. Lobdell said no but it is part of the requirements and it should be on the plan and corrected.

D. Voltz said that the NHDES requires 50' setback from poorly drained and 75' from very poorly drained soils and they did not indicate them on the plan because the 4k areas and the septic systems are located far enough away according to the state setback requirements.

K. Menici spoke about item #4 on R. Lobdell's report that there is not any SWPPP that is included and the ordinance requires it to be submitted asked what would the Board like to do.

D. Voltz said the notes were used from the previous subdivision about BMP's prior to construction of the homes. He would add noted to address the issue.

T. Hoopes spoke about Lot 1, Lot 5 and the mother lot as this subdivision. He asked about the driveway for Lot 5 and D. Voltz said it will come from Valley road and if the zoning changes or there is a road the driveway will come from the internal road.

T. Varney has concerns about the protection of the brook and the area is sensitive and he has concerns about the runoff. He thinks legally they have to use the updated soils and the plan should be done to a high level and correcting the NHEDS State subdivision approval if necessary and mapping the poorly drained soils.

D. Voltz said the applicant is proposing a 25' no cut buffer as a restrictive deed covenant to the edge of the stream and the wetlands.

R. Lobdell said that the poorly and very poorly drained are within the wetland boundaries that were delineated.

D. Voltz said for Lot 1 proposed driveway is within 25' of the wetlands so they would like to change the buffer location or have wording included to allow it and the area is very small. He said

on the plan now, the driveway is located in the buffer.

T. Hoopes opened and closed the public hearing with no public input.

A. Sherwood wants the final plans to include the updated soils information and would be willing to have that as a condition of approval.

T. Varney would not approve the application with incorrect soils information.

The Board discussed the soils and the correction needed to the soils.

K. Menici asked about the soils and whether a lot can support a septic system.

R. Lobdell explained that the Alton regulations and the zoning ordinance do not require soil types for lot sizing and all the areas proposed for development are in the upland areas that will support the development.

T. Varney is still against a conditional approval and wants to wait until the plans are corrected.

J. Dube asked about the well being located in the streambed and within the no cut buffer and the equipment will be in the wetlands.

D. Voltz said they will relocate the well location outside of the buffer. He said they can move the well location to have consistency with the subdivision (Lot 1).

T. Varney said the plan is based on false information and should be revoked by the Planning Board and he spoke about abutter issues that could arise.

**Motion made by A. Sherwood, seconded by J. Dube, approve Case#PO5-23, with the following conditions**

- 1. All federal, local state permits be obtained with copies submitted to the Planning Department.**
- 2. A 25' "no-cut buffer" be maintained to the wetlands and streams in all cases except for driveway location on Lot 1.**
- 3. Well location on Lot#1 be relocated on the plan and in the field outside of the wetland no cut buffer.**
- 4. Soil Information on the plan to be updated to the most current BCCD soil information.**
- 5. The 25' "no-cut buffer" for the stream and wetland buffer be flagged in the field with permanent markers every 25'.**

**Discussion on the motion: About the 1968 soils still being used and NHDES still accepts them but the BCCD does not use them. T. Hoopes said he would not sign the plans if the correct soil information is not added to the final plan. T. Varney said that something is wrong it should be corrected on the plan. He spoke about it not being necessary to accommodate applicants that do not have correct plans and he doesn't believe people would get angry about being told to correct plans. T. Hoopes said the Board will now know about the correct soil information for any future plans that come before them. T. Hoopes called for the vote, 5 in favor and T. Varney and J. Crouse voting against the motion, the motion carried.**

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.

M. Guldbrandsen, attorney, representing Wentworth Cove Realty Trust was in attendance to represent the application.

K. Menici said that the Ray Lobdell would present his findings to the Board. He said he did his inspection in January 2005 and there was no NHDES Wetland permit issued for him to review. He said an EPA Phase 2 permit is required for the site.

He said he reviewed the delineation and it looked like it was flagged and delineated more than once. He said the wetland classes should be noted on the plan. He said there is a mitigation requirement for what they are impacting and what ever option they choose because they have over 10,000SF of impact and they have 38,000 SF of impact proposed.

K. Menici said the applicant has applied for a NHDES permit and the applicant has moved the road and R. Lobdell has no seen the revised plans and she wants to know if the Board is satisfied with the January review. She wants to know if the Board wants another environmental review.

M. Guldbrandsen offered a reduction in the fee for another review.

R. Lobdell said he would not have to do another site visit so the cost would be reduced.

A. Sherwood spoke about having the other review by R. Lobdell not done until the plan is a lot more complete.

A. Sherwood spoke about the road off of Route 28 and locating it further down by Bay Hill Rd.

K. Menici explained that the road location could not be changed unless the Town of Alton made the application for the road.

The Board discussed the relocation of the road and how it would lessen the impacts to the wetland.

A. Sherwood spoke about the Fire and Police Chiefs not having as good access with the proposed access road versus the road located further down in the subdivision. He wants K. Menici to talk to the Police and Fire Chiefs.

T. Hoopes opened up the hearing for public input.

James Bureau, abutter. He spoke about the road suggestion from A. Sherwood and that is how a lot of the abutters feel the road should be located with another Cul-de-Sac. He commented on a sidewalk being installed along one side of the road that would allow people to walk to downtown. He spoke about the location of his driveway and at the time it was installed Pearson Rd was a private road before the town took over.

He asked about sheet 7 and the 4k area location on lot# because the septic system is close to his lot.

T. Hoopes closed the public hearing.

**Motion made by A. Sherwood, seconded by B. Dunbar, to continue Case #PO5-49 until the August 16, 2005 meeting at 7pm, motion carried with all in favor.**

**Motion made by A. Sherwood, seconded by J. Dube to continue with the meeting after 10:00pm with the time being 10:15pm, motion carried with a vote of 5-1, T. Varney was absent for the vote and J. Crouse voted against the motion.**

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

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. Discussion on acceptance of the application was continued from June 28, 2005 meeting.

K. Menici explained the waivers requested as follows; Section 7.2.14 – Building Lines; Section 7.2.21 – Metes and Bounds; Section 7.4.5.1 – Drainage Plan (notes on plat only); Section 7.4.5.2 – Stormwater Management and Erosion Control Plan (notes on plat only).

Robert Ivnaoff, Midwest Towers, representing the property owner and Chad Blackstone, Site Acquisitions representing the applicant were in attendance for the application. R. Ivanoff explained that US Cellular knows that they have to wait until Midwest Towers completes the structural information to include with their application. He said the tower mapping is done and the tenants information they provided is accurate

J. Crouse spoke about the US Cellular situation and it should be resolved before they continue with the current application.

K. Menici spoke about T. Varney's request to have a representative from Midwest Towers come to the next meeting to represent the owner and discuss their progress in getting the tower into compliance and having a complete structural analysis completed including all proposed antennas from Verizon and Site Acquisitions. The R. Ivan off is in front of the Board for that purpose.

The Board discussed about how would Midwest Tower enforce US Cellular to come into site plan review. R. Ivanoff said he has financial and commercial influence to have US Cellular apply for Site Plan review.

**Motion made by A. Sherwood, seconded by B. Holmes to grant the waiver requests and accept Case#PO5-36 contingent upon the requirement that US Cellular has to go through the Site plan Review process before there is any final approval of Case#PO5-36, motion carried with 5 in favor and J. Crouse voting in the negative**

The Board discussed the need for an engineering review for the structural design and to review the proposed expansion to the site for any other safety issue that may arise. A. Sherwood also spoke about the engineering firm will present an estimate for the cost of the review and the applicant has to put money into escrow before any engineering review would begin.

**Motion made by A. Sherwood seconded by B. Holmes, to require an engineering review of the tower structural analysis and the proposed additions to the ground site for safety reasons, motion carried with all in favor.**

K. Menici suggested to the Board that D-H complete the engineering review and the Board agreed.

**Motion made by J. Dube seconded by B. Holmes to continue Case#PO5-36 to August 16, 2005, motion carried with all in favor.**

**Motion made by J. Dube, seconded by B. Holmes to adjourn at 10:40pm, motion carried with all in favor.**

Respectfully submitted by,

Stephanie N. Verdile  
Alton Planning Department Secretary

**THE FOLLOWING IS A CONTINUATION OF THE JULY 19, 2005 ALTON PLANNING BOARD MEETING HELD ON JULY 21, 2005 AT 7PM.**

Members Present: Chairman, Thomas Hoopes; Thomas Varney; Alternate Ex-Officio, Cris Blackstone; Bruce Holmes; Jeanne Crouse and Jeremy Dube and Alternate Bonnie Dunbar

Member(s) absent: Ex-Officio, Alan Sherwood Vice Chair-Cynthia Balcius and Alternate: Donn Brock

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 B. Dunbar to replace Vice- Chairman C. Balcius. Alternate Ex-Officio Cris Blackstone sat on the Board for Ex-Officio, A. Sherwood.

K. Menici announced that the meeting is a continuation from the July 19, 2005 meeting and the Cases heard tonight were continued from that meeting.

**Approval of Agenda:**

**Motion made by J. Crouse, seconded by B. Dunbar 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 first case into the record.

**Case#PO5-03            Map12, Lot 43  
William McQuade/ Nextel Communications**

**Site Plan Review  
Old Wolfeboro Rd.**

Application submitted by William McQuade on behalf of the property owner Michael Letourneau, Nextel Communications and Tower Venture for Site Plan Review to construct a new 120' monopole telecommunication tower. The property is located on Old Wolfeboro Rd in the Rural Zone. The application has not been accepted by the Board and has been continued since the January 18, 2005 meeting. The application was accepted and continued at the May 17, 2005 meeting.

K. Menici gave her report to the Board as follows. She said the application was accepted at the May 2005 meeting with the conditions that the northern boundary line along the stonewall, the area for the road, and a complete wetland delineation to be submitted on a revised plan. The plan has been revised as required. The revised plan set has been forwarded to CMA Engineers for their review to provide a cost estimate for the engineering review. She reminded the Board of the site

inspection on June 15<sup>th</sup>, 2005 and the revised engineering cost estimate was received from CMA Engineers and the Board has to approve the cost estimate of \$2,900.00. She read the proposed scope of work from CMA into the record detailing the services CMA would provide throughout the review of the application. She said it does require a vote from the Board or the subcommittee level and the Board should vote because the subcommittee will not convene in enough time.

**Motion made by J. Dube, seconded by B. Holmes to accept the proposed contract from CMA for the engineering fee review estimate, motion carried with all in favor.**

W. McQuade, representing the Nextel Communications, Jonathan Springer, attorney and Engineer, Eon Kernan, representing Nextel was in attendance for the application gave their presentation to the Board.

W. McQuade said the status of the road was solved by discovering that the Latourneau's owned the section of road the Board was concerned about.

The Board discussed the lighting of the tower and there will be a strobe light and the light will turn red and there will be 3 red lights every 75' feet in a triangle formation. W. McQuade said a shield is not option at this time and the lights are based on a light sensor switch fro when they will turn on. W. McQuade said the fence will be about 6' high around the complex and that the site will be checked by employees about once a month.

All other issues the Board wanted clarification on were: soils and wetlands and the status of the road. W. McQuade said those were taken care of and he said they surveyed the northern boundary line as the Board requested and the wetlands location has been determine and the boundary is approximately the stone wall. The only wetland impact would be the culvert installation. W. McQuade said the discontinued section of Old Wolfeboro Rd went into private ownership and that Mr. Letourneau gained ownership of the road.

Discussion about drainage and there is an existing ditch that runs along the north side of the road and the road is perpendicular to the contours and it will be crowned and be directed into the ditch.

K. Menici said the Board may continue until the August 16, 2005 meeting and the applicant needs to write a letter waiving the 65-day time requirement for a decision. Applicant agreed.

**Motion made by J. Crouse seconded by B. Holmes, to continue Case#PO5-03 until August 16, 2005 motion carried with all in favor.**

W. McQuade asked if the August 16, 2005 meeting is split to be put on the second night.

K. Menici explained that normally the VLM is taken up under Other Business but this is related to the subdivision application for the same owner and she read the case number into the record.

**Case#PO5-46- Paige Map 9, Lot 59-3 & Lot 59**

**Voluntary Lot Merger**

**Motion made by J. Dube, seconded by J. Crouse to approve Case#PO5-46, Paige Voluntary Lot Merger for Map 9, Lot 59-3 and Lot 59, motion carried with all in favor.**

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

**Case#PO5-47 Map 9, Lot 59-3**

**2-Lot Subdivision**

**Robert Paige**

**Range Rd & New Durham Rd.**

Application submitted by Dean Clark, DMC Surveyors on behalf of the property owner Robert Paige for a 2-lot subdivision. The proposed subdivision is located on Range Rd and New Durham Rd and is located within the Rural Residential Zone.

K. Menici gave her report as follows and said a 4-lot subdivision was approved by the Planning Board in 1996 with 3 building lots and a remainder lot, the remainder lot being the subject of this application. A wetlands permit was issued on 2/20/04 to allow a wetlands crossing to create a driveway to the rear of the parcel. She said there are no waiver requests with this application and the applicant proposes a 2-lot subdivision to create a 1.37-acre building lot.

**Motion made by J. Dube, seconded by C. Blackstone to accept Case#PO5-47 as complete, motion carried with all in favor.**

Dean Clark, DMC Surveyors, representing the applicant, gave his presentation to the Board.

D. Clark explained that there are no future plans for the remaining section of the property at this time and the owner is interested in building one house on the newly created lot (lot 1) with frontage on Range Rd. He said the septic design has been approved by the NHDES and they are in the process of getting state subdivision approval. He said the combined area for steep slopes and wetlands is 21.88% of the total lot. He said the house site will be in the front of the lot. He said that the back property is not in Current Use but the front is. He said they have the area shown on the plan for the Current Use Status. He said the septic system has been approved by the Town of Alton

T. Hoopes spoke about the proposed 4k area located in the setback. He said the area is very wet and D. Clark said in the back there is a very large wetland and he is not sure if it connects to the front wet areas. He said T. Varney did the wetland delineation and prepared the application for the wetland crossing because they were originally going to build out back and decided not to, the wetlands permit was received under the previous owner for that. D. Clark said the wetland crossing is not for a house.

They discussed the 4k area being located inside the setback, it would be encroaching upon the well. They discussed that they cannot build within 10' of a lot line to install a septic system and a well radii is supposed to be located completely with a lot and not cross onto an abutter's. The 4k area is not near the lot line but if the well is located next to the property line, the owners will have to get a well release for themselves because of the NHDES and a well cannot encroach on an abutter's property. The Board discussed the procedure of showing abutting wells and septic locations on the plans.

J. Dube spoke about for pre-1989 subdivisions and how you could locate the well and septic locations anywhere as long as the setbacks were met. He said if it was created in 1993 and the well radius encroaches on another the lot, the owners would have to sign a release automatically releasing the protective radius area and it has to be recorded at the BCRD.

D. Clark said unless there is a specific easement right any septic system can be located within a well radius. He said that now they make sure that the well radius is protected and it has to be completely on the lot.

T. Hoopes opened up the hearing for public input.

Meredith Rushlow-72 Range Rd, abutter. She spoke about the septic system for 66 Range Rd, when it was built within the year, and put the septic system sits right on the her lot line and is not sure there it is 10' away. She spoke about the proposed system for Paige does not sit 10' from the property line and she noted that her system is located in the middle of her lot where it belongs.

D. Clark explained the septic system 4K area is not the septic system itself, it is an area that can show the NHDES that the area can support the septic system not necessarily located in that area. The proposed system will be about 30' from the property line and the approved septic plan shows the location more accurately. They discussed her well location in relation to the proposed septic system and D. Clark said if her well is located in the middle of the back of her property, then it is totally within her property because the subdivision was approved in 1996 and those were the requirements. She did not want another septic system located so close to her property.

J. Dube spoke about the fact that the previous owner could have signed a release about the location of the well and it would have carried with the land forever. He said at one time the land was owned by one person and when they would apply for the septic permits they would record a well release which means even if the well radii overlap to the septic system the septic system can be located in that area and it is recorded at the BCRD and has to be disclosed by realtors/owners. J. Dube said that even the toe of slope part of the septic field should not encroach on the property line so that would put the field farther then 10' if it is an area that has a high water table.

M. Rushlow is concerned because the septic system and field is located close to her property on the other side of her and she does not want to see that happen again.

T. Hoopes clarified by asking as long as the system that has the pipes in it is not within the setback the location is ok. He said the slope can enter but the system cannot. D. Clark said yes that is correct and usually they do not like to locate the toe of the slope up to the property line because then they would have to be on an abutter's property to build or repair the system.

With no other public input, T. Hoopes closed that portion of the hearing.

The Board discussed the application further. They discussed that any changes to the wetlands permit for the crossing would have to go back to the NHDES. They spoke about the large wetland that is located in the back of the property that is probably connected to the wet areas in the proposed lot 1 and it would impact the proposed lot 1 and any future development of the back land. D. Clark said there is probably 30 acres in the back property.

J. Dube asked about a protective wetland buffer and D. Clark said the owner would be ok with a 10' buffer because the lot is so small and it is split.

K. Menici said the well would be located within the proposed 10' no cut buffer and she said if the Board wanted it as part of the Conditional Approval it would have to be worded in a way to all them to cut and area to install a well.

D. Clark said the wetland marking every 25' is very close together and suggested a larger distance.

T. Hoopes and J. Dube talked about a 10' buffer in the front on both sides and the abutting wetland on the back wetlands have a 10' no cut buffer.

The Board discusses the distance for the markers for the "no-cut buffer" wetland markers. B. Holmes spoke about the size of the lot is only 200' feet wide and the wetlands is smaller and if it

was the back lot it would be different. The wetlands area that connects to the back wetlands has to be marked.

**Motion made by J. Dube, seconded by C. Blackstone, to approve Case#PO5-47 with the following conditions**

- 1) **Trees along the boundary of the 10' wetlands "no-cut buffer" be 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.**
- 2) **A note to be added to the plat stating that erosion control will be in place prior to excavation or timber cutting.**
- 3) **A note in the plat stating the total acreage of each Current Use category for each new lot number.**
- 4) **All necessary state, local and federal permits be obtained prior to the beginning of excavation or timber cutting and copies to be provided to the Planning Department.**
- 5) **The following notes added to the mylar and final plat sheets for recording.**

*"This subdivision plan contains a total of 1 sheet which in its entirety constitute the subdivision plan as approved by the 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 July 21, 2005 on file at the Alton Planning Department."*

- 6) **To allow the applicant to encroach upon the 10' wetland "no-cut buffer" for placement of the well only.**

**T. Hoopes called for the vote and the motion carried with all in favor.**

K. Menici read the next case into the record.

**Case#PO5-48 Map 58, Lot 5  
NSTS Development**

**3-Lot Subdivision  
Timber Ridge Rd**

Application submitted by Benchmark Engineering on behalf of the property owner NSTS Development. The proposed subdivision is located on Timber Ridge Rd and is located in the Lakeshore Residential Zone, The Town of Alton Shoreland Protection Overlay District and the NHDES Shoreland Protection District.

K. Menici gave her report to the Board as follows. She said there were no waiver requests and the wetlands scientist has stamped and signed the plans. The original Timbers subdivision was approved by the Board in 2000 and a boundary line adjustment was approved by the Board at its February 2005 meeting that added additional shoreline to the subject parcel. The applicants propose a shared driveway for M/L 58/5-26 and 58/5-25. The shared driveway sits on top of a portion of the proposed 4K area for M/L 58/5-25.

**Motion made by J. Dube, seconded by J. Crouse to accept Case#PO5-48, motion carried with all in favor.**

Jack. Szemplinski, Benchmark Engineering was in attendance to represent the applicant, NSTS

Development and gave his presentation to the Board as follows. He said the property is at the end of Timber Ridge Rd and the road is mostly complete. He said the land is very steep at the end of the cul-de-sac toward the Lake and they want to subdivide into 3-lots. He said the lots have about 200' of lake frontage and more than 30' of road frontage. He spoke about the driveways and said instead of using separate driveways for lots 25 & 26; they want to have the driveway start on the common property line and follow the topography to go next to the lake.

T. Hoopes spoke about the shared driveways from the original subdivision versus what is being proposed now and what is being proposed now is substantially different than before. He said the first part of the subdivision approval had the driveways on the boundary lines and then they split off. He said this goes all the way through the property then across another and enters the original lot.

J. Szemplinski said they are trying to minimize the amount of impact and follow the natural topography of the land. Her referred to sheet 4 of the plan set.

T. Hoopes asked about lot 5B and the existing paved driveway that extends into lot 5-26 and there is a building that straddles the boundary line. J. Szemplinski said there is an existing cottage that will be taken down as part of the development.

The Board discussed the driveway for lot 5-25 and crossing the boundary line and crossing over another person's lot and septic field. They discussed how the driveway crosses the property 2 times.

J. Szemplinski said that the ordinance requires access to the property must be through its own frontage and for lot 26 the driveway is not on its own frontage. He said the driveway was originally designed to be on the lot line and because of the large boulders they couldn't access the property. He said they had to get a variance to build it away from the property line because the driveway will serve 1 existing driveways and 2 new ones.

J. Crouse suggested going to the site.

J. Dube spoke about the septic system being located under a shared driveway and has concerns about the location and the length of the shared driveways to the septic system. He also has concerns about septic system problems with the system located under the driveway. He said other driveways are not designed that way and he does not support that type of design and feels it is a bad precedent to set. He mentioned that other driveways do not snake through another lot like what is being proposed.

The board discussed the drainage of the site and other options for the driveways.

J. Szemplinski spoke about drainage issues and said a treatment swale would be too unsightly and may cause more problems than good.

C. Blackstone is concerned with the grades for safety vehicle access and wants to do a site walk.

J. Szemplinski said they would offer the homes to be self sprinkled as they had done in other houses. He said the driveways are approximately 630' for one and the one on lot 5 is 700'. J. Szemplinski said that there is an existing wood trail where the first driveway is to be located.

J. Dube said he will like to do a site walk but would not support this application with the driveways designed the way they are and thinks the board is going in the wrong direction with this proposal.

K. Menici suggested that the driveways be marked for the Board to see the entire width of the driveways.

The Board discussed the length of the driveways and in several locations have the width marked. They also spoke about the new standards that the Department Heads are proposing as Town driveway standards.

K. Menici suggested the Fire chief go to the site walk with Planning Board.

**The Board will hold a site walk on Thursday July 28, 2005 at 5pm.**

J. Dube asked about Lot #5 and the terrain and asked about the house being located by the 4k area and J. Szemplinski said the second house can go at the end of the driveway and the first would go where the 4k areas is. J. Szemplinski said that they do have plans to continue with the subdivision after the IGMO.

The Board discussed that they need to see the future development would be and they want to see those plans. J. Szemplinski will submit the proposed build out.

K. Menici said if there are future subdivision plans for the property those have to be submitted as part of the application and that is a requirement of the subdivision regulations and there should be another sheet in the plan set showing future subdivision proposals.

T. Hoopes said that the Board has concerns about the proposed design of the driveways. He asked if the Conservation Easement could be extended and J. Szemplinski said that would not be a problem.

**Motion made by J. Crouse, seconded by C. Blackstone to continue Case#PO5-48 until August 16, 2005 at 7pm, motion carried with all in favor.**

K. Menici read the next case into the record.

**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. The application was accepted at the June 21, 2005 meeting and continued.

K. Menici gave her report to the Board as follows. She said the agent submitted a revised site plan. The revised site plan does not have the wetland scientist's stamp and signature. This can be addressed as a condition of approval.

D. Clark, DMC Surveyors, representing Dennis and Susan Gray the property owners, were in attendance for the application.

D. Clark said that the revisions were to straighten out lot 2 and squared off the lot. He said the driveway for lot 3 will run parallel with the slope and it will not be steep and is less than 10% grade. He said he moved the 4k area and it 107 feet away from the brook based on C. Balcus' comment.

T. Hoopes spoke about the proposed common access and the driveways split. He also asked about the ROW being in a non-specific location.

D. Clark said the ROW/logging road will be entirely on Lot 1 that driveway would be developed at a later date if they decide to build out back and there are no plans for a subdivision out back at this time. T. Hoopes asked if anyone else in the back area have the right to use the ROW.

S. Gray said both of their lots are in the back. She spoke about the previous meeting's discussion about "giving away their development rights" and they are receiving conflicting legal opinions and they will probably hang on to lot 1 until that is resolved. She said Roger Babeau, abutter and Robert Bergeron also have rights for access to the ROW but R. Bergeron's lot has frontage on another section of road.

T. Hoopes said so the ROW serves 3 separate parcels.

S. Gray said the woods road is the ROW and it is in the deeds of the 3 parcels and it is defined as the woods road.

D. Clark said they are defining the woods road and there is a section that splits and they want to continue a section within the 50' ROW.

K. Menici said the Town does not accept roads by easement and only allows the roads to be deeded and this plan does not meet this requirement.

T. Hoopes spoke about the question J. Sessler had to answer for the Board about the ROW that is someone wanted to do something in the back land for a subdivision whether there would be a deeded 50' ROW to the Town of Alton and if so, would lot 1 still have enough frontage to be able to stand on its own.

K. Menici explained that the Town of Alton does not accept roads by easement, only accepts roads in fee simple and in order to create a subdivision you have to have a Class V Road and in order to have a Class V road it has to be deeded to the Town of Alton and this scenario does not allow that.

S. Gray said they are not subdividing the back lot.

K. Menici said the Planning Board has a responsibility to not look at the present they have to look long range and that is why the Town Attorney is giving them the advice because what is proposed and not designating an area for the future development of a road, they will not be able to subdivide the back land.

S. Gray said they have received legal advice that the lot does meet the requirement if it was pulled out for future development and it can be transferred to the Town of Alton through fee simple subdivision and they could meet all the zoning requirements. She they can figure out what they want to do later and they feel they have that right.

T. Hoopes wants the Gray's to be aware of the advice from the Town Attorney.

The Gray's said they want to build on the lot further back and maintain lot 1 and they do not know what to do with lot 1 and they will not build on it until they decide what to do with it. They said that they feel the lot 1 does meet the zoning requirements for frontage even if it was pulled out for a subdivision.

K. Menici explained J. Sessler's legal opinion by saying he suggested that in the front create 2 lots now for sale (lots 2 & 3) and until they know what to do with lot 1 attach it to the lot they want to build on. That would give them the frontage they need to build out back so they would not have to go to the ZBA.

S. Gray said she doesn't mind going to the ZBA because it is an pre-existing lot of record. She said they are building on one lot and the other lot they own, which is also a pre-existing lot of record, they are holding on to it and they don't see the need to attach the front land when it is a pre-existing lot of record. She said why would they give away a lot that they rightfully own and have.

B. Holmes said because they could get the lot back and if they attach lot 1 to the back lot they are all asset to build on the back lot.

S. Gray said they are building on the lot further back and it wouldn't combine the lots.

S. Gray said that Dennis Gray is the sole owner of the land in the front. She wants to retain the rights to their land and she made reference to the minutes from the last meeting and there was a reference to them as "giving up their rights" and she said they never said that they would give up their rights she said she understood from the Town Attorney that they would be losing their ability to develop. She said they cannot subdivide the back but they can build on the back lot with an Administrative Appeal to the ZBA.

The Board discussed their opinion on not being allowed to develop the back lot in the future and that is what they have to be aware of what a future owner may want or what the Gray's may want.

C. Blackstone said that the Board cannot take into consideration their future plans and it cannot play a role in the Board's decision.

S. Gray said they are not subdividing the back and C. Blackstone said the Board cannot negate the possibility in the future and S. Gray said it should be their right to decide not the Board's.

Discussion about the status of lot 1 and the future development of the back lot. The Gray's do not want anything to hold them up further; they want to subdivide 2 lots now and build on the lot in the back and if they have to hang on to lot 1 then they will. They said the Board has opened up their eyes to the implications of their previous plans and that is why they are hanging on to lot 1.

J. Dube asked about the applicant proposing a wetlands buffer and the applicant's would be agreeable to that. S. Gray said the driveway 2 would have a 30' area away from the wetlands and it would not affect the driveway and they would carry that buffer all the way through to the back land. The Board has concerns about the driveway construction for Lot 3 along the steep slope in asking for the wetlands buffer to be maintained and since they are building along the hill the Board is concerned about the runoff.

T. Hoopes said that the applicants know what they are getting into if the Board approves the application.

C. Blackstone said she has to adhere to the Town Attorney's advice and cannot support the proposed subdivision as it is presented. She said since there has not been any legal advice from the applicant's attorney to compare to the Town's Attorney she cannot support the application. She said she cannot vote for something that will effect the Town of Alton and this will affect the lots, future revenue etc. The Gray's said the other lots already have road access.

**Motion made by J. Dube seconded by B. Holmes to Approve Case#PO5-41, with the following conditions:**

1. Trees along the boundary of the 10' foot wetlands buffer be 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.
2. A note to be added to the plat stating erosion control will be in place prior to excavation or timber cutting.

3. All necessary state, local and federal permits be obtained prior to the beginning of excavation or timber cutting; copies to be provided to the Planning Department.
4. Wetlands scientist stamp and signature to be added to the final plat.
5. The following notes are added to the mylar and final plat sheets for recording:

*This subdivision (or site) plan contains a total of xx sheets, which in its entirety constitute the subdivision (or site) plan as approved by the Town of Alton Planning Board. Sheets Number xx through xx are recorded at the Belknap County Registry of Deeds; the remaining sheets are on file at the Town of Alton Planning Dept.*

*This subdivision (or site) plan is subject to the Conditions of Approval itemized in the Notice of Decision dated month date, year, on file at the Town of Alton Planning Dept.*

**The motion was amended to remove the Current Use condition. The motion carried with 5 in favor with C. Blackstone voting against the motion.**

**Other Business:**

1. Approval of Minutes from the June 21, 2005 Planning Board meeting; June 23, Public Planning Forum, the June 28, 2005 Planning Board meeting and June 28, 2005 Workshop.  
**Motion made by, seconded by to approve minutes from, June 21, 2005 Planning Board meeting; June 23, Public Planning Forum, the June 28, 2005 Planning Board meeting and June 28, 2005 Workshop, motion carried with vote 8-1-one abstention.**

2. Old Business-

1. St. Katherine's Landscaping- B. Holmes said they are concerned about the landscaping along the wall and he suggested planted with sugar maples along the wall and they would like to see 3-3 ½ to 4 caliper and they are proposing 2- 2/12, 3 caliper trees. B. Holmes also spoke about the landscaping in the front by the septic field and suggested they not plant the evergreen trees in front. The Board would like to put sugar maples and wildflowers in the front between Route 28 and the stonewall and the rest of the parking lot and the site the plantings are adequate. B. Holmes said the maples will not provide screening for a while but it will be better than unnatural mulch and plants

**Motion made by T. Hoopes to follow the sugar maple replanting to an appropriate distance and allow the field to be grown as wildflowers and grass rather than additional artificial landscaping.**

**Discussion on the motion: J. Dube asked if the applicant was satisfied and B. Holmes said yes they liked the sugar maples idea.**

**T. Hoopes called for the vote and the motion carried with all in favor.**

3. New Business-

1. Correspondence from Richard Lane- Moved to the first item  
K. Menici explained that Mr. Lane purchased a lot on Suncook Valley Road (NH 28 South). At the time the lot was created through subdivision, NH DOT issued a permit for a shared driveway access for the lot the Mr. Lane purchased, M/L 6/16-2, and M/L 6/16-1. Apparently, the driveway for M/L 6/16-1 was constructed in such away that it cannot be used to access M/L 6/16-2. The

permit was initially issued to Locke Development. The permit number is 011-151 and is dated 2/28/75. NH DOT is reviewing the situation at this time. It may be necessary for the Board to assist in enforcement of this driveway permit. Additional information from NH DOT will be provided to the Board as it becomes available to the Planning Department.

R. Lake explained that the previous owner of the abutter lot built the driveway in the wrong place and he was informed by the NHDOT that it is now non-conforming because the driveway is located in the wrong place. He wants to be able to build a driveway and he cannot because of this issue.

K. Menici said this is for informational item and will not take any action and the NHDOT has a process that they will complete

2. Livingston Subdivision Condition of Approval-

K. Menici spoke about the Board having to release the legal opinion from Sessler about the status of the road in the Livingston subdivision.

**Motion made by B. Holmes seconded by J. Dune to release the Town Attorney's legal opinion to the applicant's attorney R. Nadeau, on the Livingston subdivision motion carried with all in favor.**

K. Menici explained that Attorney R. Nadeau requested clarification on the Condition of Approval. She said after reviewing the minutes and the subdivision plan, it appears that Condition #10 should have read: "The deed descriptions shall include M/L 56-38 Parcels A and B as one building lot, and M/L 56-39 parcels A and B as one building lot."

**Motion made by B. Dunbar, seconded by C. Blackstone to change the wording in Condition #10 to read "The deed descriptions shall include M/L 56-38 Parcels A and B as one building lot, and M/L 56-39 parcels A and B as one building lot." Motion carried with all in favor.**

3) Robert's Knoll Campground Condition of Approval-

K. Menici explained that Sylvia Leggett, owner of Roberts Knoll Campground, has submitted a request for modification of the conditions of approval. In June 2004, the Planning Board granted conditional approval for an amended site plan review for the expansion of an existing business. Ms. Leggett is requesting the Board relieve her of the requirements of submitting an as built plan and escrowing funds for an inspection of the site prior to the issuance of a Certificate of Occupancy. If the Board wants to review Ms. Leggett's request, the Board will need to schedule a compliance hearing. Abutter notification and newspaper notification of the compliance hearing will be required at the property owner's expense.

**K. Menici will inform the applicant that there will be compliance hearing for them to present their case at the August 16, 2005 meeting.**

4) Irving survey plan presented to the Board. K. Menici explained it is required per the RSA's. No action needed.

5) Attorney Sessler's annual Conflict of Interest Meeting to be held with all the Boards and they need dates after August 9<sup>th</sup>.

**The Board has decided that the August 18<sup>th</sup> would be the meeting at 5:30pm**

6) Chestnut Cove Wetland Buffer marker proposed for Chestnut Cove submitted by D. Weldon.

**Motion made by C. Blackstone seconded by B. Dunbar to not approve the material and that the design should be on an aluminum disk, marker and approve the design. The Board would like to research the longevity of the plastic marker.**

T. Hoopes spoke about the need for the Road agent, BOS, Department Heads, Master Plan Committees and the Planning Board should meet and discuss the driveway standards and how they affect the re-write of the Master Plan. They discussed the determination as to who should have jurisdiction and that the Board should attend the public hearing for the BOS.

T. Hoopes spoke about if some of these standards passed, it will negatively impact the Master Plan ideas of conservation subdivision road standards and smart road standards.

B. Dunbar said the Board should present ideas to the BOS as to what they are proposing within the Master Plan and regulation re-write and who should have the jurisdiction or have the standards.

An Email will be sent to suggest a workshop to talk about roads.

S/P rewrite committee- Bruce Kathy and Carl Norby

Zoning Re-write- Bonnie chair looking for loopholes and weaknesses

### **Adjournment**

**Motion made by B. Holmes, seconded by C. Blackstone, to adjourn at 10:30pm motion carried with all in favor.**

Respectfully submitted by,

Stephanie N. Verdile  
Alton Planning Department Secretary