

**TOWN OF ALTON PLANNING BOARD
PUBLIC HEARING
Public Hearing Minutes
August 16, 2011**

Approved as Amended 9/20/11

Members Present: Scott Williams, Vice Chair
David Collier, Clerk
Tom Hoopes, Member
Bill Curtin, Member
Dave Hussey, Selectmen Representative

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

I. CALL TO ORDER

S. Williams, Vice Chair, called the Public Hearing to order at 6:00 p.m.

II. APPOINTMENT OF ALTERNATES

There were no Planning Board Alternates to appoint.

III. APPROVAL OF AGENDA

K. McWilliams stated there were two changes to the agenda. The first is a continuation of the Carleton, Lot Line Adjustment application. They are requesting to continue it to the September 20th meeting. Also the continuation of the West Alton Marina amended final site plan. They have also requested a continuation to the September 20th meeting.

T. Hoopes made a motion to continue case P11-09 for Robert Carleton to September 20th at 6:00 p.m. Also case P11-20 for the West Alton Marina will be continued to September 20th at 6:00 p.m.

D. Hussey seconded the motion with a unanimous vote in favor.

IV. PUBLIC INPUT

There was no public input at this time.

V. REVIEW OF CONCEPTUAL APPLICATION

Case #P11-23 Joe Spain for the Alton Bay Campmeeting Association	Map 9 Lot 53 & 53-2 through 20	Conceptual Consultation Discuss amending Conditions of Approval New Durham Road
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Joe Spain stated that he was here to request that two of the conditions that were approved back in 2007 were required prior to the start of road construction. One condition required wetland buffers to be flagged and the second one required an escrow fund be established for road and cistern construction inspections. He was requesting that escrow account be established once the road has started construction. The road may not be done until the market gets stronger. He is also requesting that the approval for the subdivision be extended. It was first approved in March 20, 2007 and an extension was granted through November 16, 2010. He would like to extend the approval out for another two years.

S. Williams asked about the status of the wetlands permit. Are there any wetland permits that are about to expire?

J. Spain stated that their intent is to get all the permits extended.

K. McWilliams stated that when this subdivision was originally approved and it was recorded that it was done without any security provided for the subdivision improvements. One of the things J. Spain has provided for recording is a Covenant Restricting Lot Sales that would prevent selling lots or building on the lots until they come back and provide security for those roads and subdivision improvements or go out and build those roads and do the improvements and get them accepted by the Town. There would have to be a document recorded to vacate that covenant. That would protect the Town.

T. Hoopes asked about item #3 Covenant Restricting Lot Sales. Lot 53 now merged with the former lot 53-1, he can see that the mother lot is 53 but he doesn't know what lot 53-1 is.

J. Spain explained that the Tax Assessors has detailed and separated each one of the lots so there are 20 tax bills that are issued on an annual basis so now 53 is the Farmhouse and 53-1 is that one lot behind it and that property has been merged together now. Only Lot 53 now shows on the tax maps. All of the lots have been taxed separately and no current use fee has been collected on anyone of them but they are recorded.

S. Williams opened Public Input. There was none.

T. Hoopes made a motion that they approve the extension of one year to case P11-23 with the following conditions:

- 1. To accept a recorded Covenant Restricting Lot Sales excluding Lot 53, subject to Town Counsel review and approval, to replace the need to provide security for the subdivision improvements;**
- 2. To provide an additional extension of 365 days to August 16, 2012 before all conditions precedent are satisfied and construction must commence;**
- 3. To change the requirement to flag wetland buffers to a condition subsequent that would be done prior to commencing construction.**
- 4. To provide that the requirement to sign an agreement for construction observation services and to establish an escrow account for those services to be a condition subsequent that can be done prior to commencing construction.**

All other conditions of approval of March 20, 2007 Notice of Decision remain in effect.

D. Hussey seconded the motion. All were favor and the motion passes unanimously.

VI. COMPLETENESS REVIEW OF NEW FINAL APPLICATOINS AND PUBLIC HEARINGS ON NEW APPLICATIONS (If applications are accepted as complete)

Case #P11-18 A. Morrill & Metrab Properties LLC	Map 24 Lot 14 & 15-3	Lot Line Adjustment Lamper Road
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K. McWilliams stated that the basic proposal is to reconfigure two lots for a Lot Line Adjustment. Tax map 24 lot 14 would increase in size from 3.15 acres to 4.33 acres. Tax map 24, Lot 15-3 would decrease from 6.64 acres to 5.46 acres. Both lots have considerable amount of frontage that more than meets the minimum frontage requirement and that would remain unchanged. In terms of completeness the applicant has requested one waiver from doing the topography on map 24 lot 15-3 and he recommends approval of that waiver and recommends the Board accept the application as complete.

T. Hoopes made a motion to accept Case P11-18 as complete and approve the waiver for elevations on lot 15-3.

D. Hussey seconded with all in favor. Motion passes unanimously.

Paul Zuzgo spoke representing Alan Morrill and Metrab. A. Morrill owns lot 14 independently and he is part owner with Metrab on lot 15-3. They want to change the old lot line and increase lot 14 so he can subdivide it later. A. Morrill will sell his half interest in 15-3 to Metrab so they will be the sole owner of that lot.

T. Hoopes asked if Lamper Road is a private road.

P. Zuzgo stated that it was subdivided and does not believe it is class VI because there are no signs that say subject to gates and bars. He stated that it was subdivided in 1991 and has a 50' wide right of way.

S. Williams open the meeting to the public. There was none.

K. McWilliams researched the road status.

K. McWilliams stated that the road book identifies Lamper Road as a class V private road, not a class VI road.

T. Hoopes made a motion to approve the Lot Line Adjustment for Alan Morrill for Case P11-18 with the conditions precedent of:

- 1. A copy of any necessary Federal, State, and/or local permits shall be received by the Planning Department and the permit numbers shall be added in a note on the plat prior to plan signing.**
- 2. A note shall be added to the plat prior to plan signing stating that Best Management practices shall be utilized during any timber cutting on site.**
- 3. All "To Be Set" (TBS) notes shall be removed and all monumentation shall be set prior to plan signing and recording.**
- 4. A note shall be added to the plat prior to plan signing stating the total acreage of each Current Use Category for each lot where applicable.**
- 5. The following note shall be added to the plat prior to plan signing and recording: This subdivision plan is subject to the Conditions of Approval itemized in the August 16, 2011 Notice of Decision on file at the Town of Alton Planning Department.**

6. Trees along the boundary of the 25' of wetland buffer of all wetlands greater than 10,000 square feet in size in the area within 200' of proposed development that will disturb the soil or involve removal of trees are to be flagged on the plat and accurately in the field on trees approximately every 25' with permanent markers identifying them as the wetland buffer. The types of all proposed signage are to be reviewed and approved by the Planning Board. Where trees have been previously removed or do not exist, the wetland buffer shall be flagged with metal fence posts displaying the markers, which should be affixed to the posts with bolts. This is to be completed prior to plan signing and certified as complete by the surveyor who stamps the plan.

7. Signed deeds to the two parcels to be transferred as a result of the Lot Line Adjustment shall be submitted for recording with the Lot Line Adjustment plat.

Conditions Subsequent:

1. The applicant shall comply with all of the Town of Alton's Subdivision 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 subdivision plat, site plan or other approval which has been filed and approved, conditionally or otherwise, may be revoked, in whole or in part, by the Planning Board when an applicant or successor in interest to the applicant has performed work, erected a structure or structures, or established a use of land, which fails to conform to the statements, plans, or specifications upon which the approval was based or has materially violated any requirements or conditions of such approval.

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. Hussey seconded the motion. All were in favor passing the motion unanimously.

Case #P11-19 A. Morrill	Map 24 Lot 14	Subdivision – Two Lots Lamper Road
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P. Zuzgo on behalf of A. Morrill is requesting a subdivision so A. Morrill would have only one lot for retirement. His existing house is on the first lot with an approved septic system and well. The steep slopes that are mapped are from the old gravel pit where it was cut. There are some stock piles that will be removed. There are contours that are close together but those are the stock piles of materials that will be removed.

D. Hussey made a motion to accept P11-19 as an application complete.

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

S. Williams opened it for public input. There was none.

T. Hoopes made a motion to approve Case P11-19 subdivision plan and topography for Alan Morrill according to the conditions precedent:

1. A copy of any necessary Federal, State, and/or local permits shall be received by the Planning Department and the permit numbers shall be added in a note on the plat prior to plan signing. The Approval for Subdivision number from NHDES for the proposed lots shall be added to the subdivision plat.

2. A note shall be added to the plat stating that Best Management Practices shall be utilized during any timber cutting on site.
3. The following note shall be added to the plat: This subdivision plan is subject to the Conditions of Approval itemized in the August 16, 2011 Notice of Decision on file at the Town of Alton Planning Department.
4. Trees along the boundary of the 25' of wetland buffer of all wetlands greater than 10,000 square feet in size in the area within 200' of proposed development that will disturb the soil or involve removal of trees are to be flagged on the plat and accurately in the field on trees approximately every 25' with permanent markers identifying them as the wetland buffer. The types of all proposed signage are to be reviewed and approved by the Planning board. Where trees have been previously removed or do not exist, the wetland buffer shall be flagged with metal fence posts displaying the markers, which should be affixed to the posts with bolts. This is to be completed prior to plan signing and certified as complete by the surveyor who stamps the plan.

Conditions Subsequent:

1. The applicant shall comply with all of the Town of Alton's Subdivision 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 subdivision plat, which has been filed and approved, conditionally or otherwise, may be revoked, in whole or in part, by the Planning Board when an applicant or successor in interest to the applicant has performed work, erected a structure or structures, or established a use of land, which fails to conform to the statements, plans, or specifications upon which the approval was based, or has materially violated any requirements or conditions of such approval.
 Provided all listed conditions precedent are satisfied, this approval will remain valid for implementation 365 days from date of original approval, unless extended by the authority of the Planning Board after petition by the applicant.

D. Hussey seconded the motion. All were in favor making the motion unanimously.

S. Williams turned the meeting over to Dave Collier, of the Planning Board, since S. Williams is a principal in the next application.

D. Hussey disclosed at this time that he does know about this project. He was involved in bringing Fiddleheads into Town. He does not gain financially either way.

B. Curtin disclosed that he works with Penny Williams who is also a principal in this application and he has no financial gain in this project.

No one objected to them remaining seated during this application.

Case #P11-21 W & W Inglewood Trust	Map 27 Lot 19	Design Review – Site Plan Review School Street
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On behalf of W & W Inglewood Trust LLC, Scott & Penny Williams are submitting a proposal to build a 4,500 square foot building for Speedy Wash N Go, LLC and to provide three additional 1,000 square foot retail spaces for local businesses to lease. They are also proposing a 2,400 sq. ft. addition to the Post Office. This is located in the Residential Commercial Zone.

S. Williams showed and explained his plan on the drawings. This is a family owned property and will remain that way. They propose to add a 4,500 square foot building and 1500 square feet will house a Laundromat and the additional 3000 square feet of retail type space. They have provided ample parking. There will be a dumpster located between the two buildings. They are also proposing to connect with the water main in School Street and go down the side of the property and into the Fiddlehead property. They also propose to put a hydrant in that area. The traffic pattern into the post office will remain the same. The exit only access will be reopened as in and out traffic. They will be installing a non potable well which will supply the washers only. They are working with an attorney for an agreement between Fiddleheads and themselves to allow cross-circulation between the two sites. They are proposing 82% lot coverage. Being an in-town lot the Board may have to provide some relief from the requirement to provide a minimum of 25% of the site as landscaped open space. They are planning on putting 1,000 square feet of solar panels on the southern plane. They will be installing a fence between the neighbor to the west and the new buildings. There will be plenty of room for tractor trailer trucks to unload at Fiddleheads and still be able to maneuver around the parked tractor trailer truck.

K. McWilliams stated that this is at the Design Review phase. When that is done there will be another notice for the Final Site Plan Review application.

S. Williams explained that they will have fifteen (15) washers and eighteen (18) dryers with Wi Fi ability and credit card service and constant user wash card system.

K. McWilliams asked the Board if they felt the need to have Farmhouse review the drainage report that comes in with the final site plan.

Following discussion the Board concluded it did not feel the need to have Farmhouse review the report.

S. Williams is planning operating hours from 6:00 am. to 10:00 p.m. There will be a buried LP gas tank that is 1,000 gallon tank and it will be located over ten (10) feet to building.

Tom Varney spoke from the Public. He feels that this project is in the Aquifer Zone and if so they need to comply with the zoning requirements for the aquifer zone. That would limit them to 60% lot coverage and if they go beyond those limits they need to go to the Zoning Board. K. McWilliams will check into it.

D. Collier turned the meeting over to S. Williams.

Case #P06-93 Land X	Map 15 Lot 56-3, 4, 21 & 23 & Lot 57 and Lots 60-5 through 20	Phasing Plan – Ridgewood Subdivision Route 28
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K. McWilliams stated that this was a quick overview. Back in January 16, 2007 the Planning Board conditionally approved this 21-lot subdivision, located off Route 28 and Old Wolfeboro Road known as Ridgewood Subdivision. The subdivision plat was recorded in July 20, 2007 with security provided for the subdivision improvements. At this point they are proposing to do a phasing of the road and subdivision improvements. Phase I will include 11 lots and the construction of two temporary turn arounds on Macduffy Road and Ridgewood Road. Temporary easements have been submitted for these two turnarounds. Phase II is proposed to include 10 lots and the remainder of the road construction. Phase I is proposed by the applicant to be completed by December 1 of 2012 and Phase II is proposed to be completed by December 1 of 2013. Security will be provided for the subdivision improvements provided in Phase I and a Covenant Restricting Lot Sales will be executed and recorded for Phase II. A letter has been received

from Terry Fox the Surveyor for the developer. He has indicated that he has set all the perimeter lot bounds except for those running along the road until the road construction is completed. Mr. McDuffie has sent an e-mail stating that the bounds have been set. When the subdivision was approved in 2007 a fire cistern was proposed to be part of Phase II improvements. At this point they are proposing to design and construct a dry hydrant system using a brook as it passes underneath Old NH Route 28 off Hidden Springs Road. A pump drawdown test was conducted on July 28th of this year with members of the Alton Fire Department present. It appears that the site is acceptable for the installation of a dry hydrant system. Dredging may be needed to make the pool larger and permitting from N.H. DES Wetlands Dredge and Fill Permit will be needed for that work. Additionally the Fire Department has raised the issue of who will be responsible for the maintenance of the access to the dry hydrant. Money for the construction of the dry hydrant system is included in the security to be provided for Phase I. He recommends approval of the Phasing plan with conditions: 1) the design of the dry hydrant system be approved by the Alton Fire Department. All permits required for the construction of the dry hydrant system including NHDES Wetlands Dredge and Fill Permit will be obtained prior to construction. 1) The issue of who will maintain the access of the dry hydrant must be resolved prior to construction. The dry hydrant system shall be installed and operational prior to the issuance of any Certificate of Occupancy to any residence in Phase I. 2) The Covenant of Restricting Lot Sales shall be signed and recorded. 3) The two temporary easements for the turnarounds shall be signed and submitted for recording. 4) The roads in Phase I must be complete except for the final wear coat of paving before a Certificate of Occupancy can be issued for any residence constructed in Phase I and then all other conditions of the January 16, 2007 original Notice of Decision would remain in effect.

Tom Selling with T.R. Selling Engineer spoke regarding the numbers of how they would like to break up the bond based on the road construction. They would like to break up Phase I for roughly \$300,000 with approximately \$380,000 set aside for Phase II. There is also a 10% contingency of roughly \$80,000 that the bank already holds. They are looking to reduce the bond roughly \$380,000 to free up the money so his clients have the capital to work with to complete Phase I. The second point regarding the dry hydrant is that he understands it is his clients intend to install the dry hydrant with the intent that the Town would take over its long term maintenance. He has made a submittal to DES requesting an opinion as to the likelihood of the probability of getting a dry hydrant there. As of yet he has not heard back from them.

S. Williams stated that the Fire Department would be willing to submit a letter of need that could go with an application to DES.

S. Williams opened it to the Public.

Richard Macduff is an abutter and a lot owner and asked about the cul-de-sac that they are putting in on Macduffy Road. He is curious as to when that cul-de-sac will disappear and that road will continue out to Route 28 and what part of the phasing that would be. Also he asked when they construct the temporary cul-de-sac are they going to landscape it with loam and seeding or is it going to be left rough around the edge of the road.

T. Selling stated that the continuation of the cul-de-sac to Route 28 would be done in Phase II. The cul-de-sac temporary turnaround would be graveled. It would continue to Route 28 sometime between December of 2012 and December of 2013. R. Macduff will take the long way around for the next year plus and if Phase II doesn't happen he will continue to take the long way around. On the temporary cul-de-sac they would accept the condition that the disturbed ground would be restored with top soil and seed.

Sandy Hammon is an abutter of lots 3 through 8. She asked about setting bounds on her side.

T. Selling stated that he understands all the property pins have been set except those on the road front. There was a letter from the surveyor that he had set those pins.

Tom Varney is an abutter to this project. He stated that when this was approved by the Planning Board there was a lot of work done to limit the road to 2500 feet to meet the rules. The road was extended out to his property which he feels destroys a lot of wildlife habitat. He stated that a subdivision is supposed to be done in a year and this one has taken four years. He stated that if they don't get on top of this they are irritating the abutters. He stated that the Old Wolfeboro Road entrance was dangerous and the Planning Department should have had them complete the loop. He asked about the drainage because there was nothing on the plans about it. The plans show no cross sections or elevations for the temporary turn-arounds. The furthest one is on top of a wetland. The one nearest 28 is in the buffer zone which is a zoning violation so it needs to go to the Zoning Board of Adjustment. He stated that they needed a new Alteration of Terrain Permit.

S. Williams closed public input.

T. Selling stated that the cul-de-sacs being discussed are temporary, will not be impervious and will be graveled. He understands that the AOT rules do not require a permit amendment. The second cul-de-sac is not in wetlands.

D. Collier asked because they are coming in from the Wolfeboro Road is it really needed for access. It is just a temporary turnaround. If they were coming in off of Old Wolfeboro Road it would be a different story.

S. Williams stated that it was meant to provide a measuring point for the twenty-five hundred (2500) feet of road.

D. Collier asked about reaching the buffer with the cul-de-sac.

K. McWilliams read "a twenty-five foot natural vegetative buffer shall be maintained from all wetlands greater than 10,000 square feet in size. Relief from the twenty-five foot natural vegetative buffer may be granted by the Planning Board when the following circumstances exist." So he felt it was the Planning Board's authority to grant a waiver from that.

D. Collier stated that one of the issues, is that loop road should connect to Route 28 before Ridgewood Road is extended in the second phase.

T. Hoopes made a motion to accept the proposal of the applicant on Case P06-93 for the fire hydrant and two phases of the subdivision according to the following conditions.

1. The proposed dry hydrant system in Phase I is acceptable to replace the cistern approved with the subdivision on January 16, 2007. The design of the dry hydrant system shall be approved by the Alton Fire Department. All permits required for the construction of the dry hydrant system including the NH DES Wetlands Dredge & Fill Permit shall be obtained prior to construction. The issue of who will maintain the access to the dry hydrant must be resolved prior to the issuance of any Certificate of Occupancy for any residence in Phase I.

2. Accepted a Covenant Restricting Lot Sales, subject to Town Counsel review and approval, for phase II in lieu of providing security for the subdivision improvements in Phase II.

3. Approved the two temporary easements for turn-arounds to be signed and submitted for recording.

4. **The roads in Phase I must be complete, except for the final wear coat of paving, before a Certificate of Occupancy will be issued for any residence constructed in Phase I.**
 5. **To provide an additional time extension to complete the improvements in Phase I and II until January 16, 2013. As noted in #1 and #5 above, Phase I improvements need to be completed prior to a Certificate of Occupancy being issued for any residence being constructed in Phase I.**
 6. **Phase II construction shall start with connecting Macduffy Road from the end of the temporary turn-around provided in Phase I to Route 28. After the connection is completed, then the Ridgewood Road may begin to be extended starting at Station 30 which is the end of the temporary turn-around on Ridgewood Road at the end of Phase I.**
- All other conditions of approval of the January 16, 2007 Notice of Decision remain in effect.**

B. Curtin seconded the motion. All were in favor of the extensions passing the motion unanimously.

K. McWilliams mentioned that George Ferdette from SFC Engineering is working with Tom going through the spread sheets he has provided an opinion of costs estimates for Phase I & II. George has not arrived at a final figure to recommend to us. He thinks they agree that the total amount is probably about right but he needs to verify the accuracy of the costs per each item within that spread sheet, so rather than identifying a certain figure now he encourages the Board to reduce it according to the final review by SFC Engineering.

D. Hussey made a motion to continue setting the bond amount until next month's meeting.

D. Collier seconded the motion. All were in favor making the motion unanimous.

S. Williams called a five minute recess. Meeting was called back to order at 8:22 p.m.

Case #11-22 Robert H. Carleton	Map 8 Lot 49 & 50-1	Final Site Plan Review Route 28 South of Traffic Circle
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K. McWilliams explained the case went through a Design Review Process and now Mr. Carleton is back for a Final Site Plan Review for a 147 unit recreational vehicle park located in the Rural Zone. It will be served by an access off Route 28 and a secondary emergency vehicle access of Route 28 as well. Proposed utilities include on-site waste water disposal and the extension of Town water by boring under the river from the site to Pine Street. The park is proposed on about 53.2 acres out of a total new parcel size following the lot merger of 185 leaving about 132 acres that can be put to other uses permitted in the Rural Zone at some point in the future. A road designed and built to Town standards (except super elevated cross-section) will provide frontage and access for this land locked parcel after Map 8 Lot 49 is merged with Map 8 Lot 50-1. Travel trailer parks, campgrounds, recreation camping parks are allowed by Special Exception in the Rural Zone. The Zoning Board of Adjustments has approved a Special Exception for this use and they have approved a Special Exception for development of a use other than a single-family residence on a non-conforming lot. They are requesting four waivers. They were all discussed during the design review process and are in the Planner's Review Report. In terms of completeness of the application, if the Board finds they are still amenable to those waiver requests they discussed during the design review stage then the application is complete and he recommends they accept the application as complete.

T. Hoopes asked if they are doing the Lot Line and the Site Plan as separate items or together.

K. McWilliams stated that this is just pertaining to the Site Plan. They have already continued the Lot Line Adjustment to next month.

T. Hoopes asked for a review of the four waivers.

S. Williams read them as:

- 1) 3.01(A) 3: Plan scale requirement of 1"=100'. The cover sheet needs a scale of 1"=2,000' and sheet 10 needs a scale of 1"=200' to show surrounding lands and abutting parcels respectively.
- 2) 3.02(A) 5: Need for mapping wetlands on entire parcel. Wetlands have been delineated and are shown on the plan sheets near where work will occur in the Park including adjacent down slope areas.
- 3) 7.55.1.3: Traffic Study. The owner is working with engineer and NHDOT to address traffic concerns.
- 4) 3.04, 4.12(D) 3 & 4.12(F): Stormwater Drainage and erosion and sediment Control Plan and associated soils and BMP submittals. A US EPA National Pollution Discharge Elimination System Construction General Permit (CGP) Stormwater Pollution Prevention Plan (SWPPP) will be prepared, and authorization for CGP coverage obtained in advance of Park Construction.

T. Hoopes asked about #4 since that was not a standard request.

S. Williams stated that they need the SWPPP anyway.

T. Hoopes made a motion to accept Case P11-22 Map 8 Lot 49 and 50-1 Robert H. Carleton for a Final Site Plan Review with granting the four waivers requested.

D. Hussey seconded the motion. All were in favor making the motion unanimous.

K. McWilliams asked for clarification if that was deeming the application complete.

T. Hoopes stated yes that's correct.

Tyler Phillips spoke on behalf of the case. He stated that they have taken some of the abutters concerns into consideration and have eliminated a portion of the park that was on the peninsula that was going to be used as common land and have actually replaced it with more common land that is further back from the water. Due to a change in interpretation by the Town's regarding the wetland set back resulted in them having to move some features further back out of the wetland set back. There are a couple of small areas where there is grading in that wetland's set back and they have proposed to restore that area and to replant it. Lastly, they are increasing the culvert size for the wetland crossing. It is substantial. It is not to accommodate drainage but to make it a little more wildlife friendly. Before they had proposed two side by side culverts, this is one large culvert. In doing that it did increase the square footage slightly for the wetland impact from approximately 4800 to 5500 square feet.

D. Hussey asked the Chair to read the letter from the abutter.

S. Williams asked if the applicant have received a copy of the letter.

T. Phillips stated he has.

S. Williams read the letter addressed to Tim Roy, Chairman:

Mr. Chairman,

I want to thank you for the time and consideration that all members of the Planning board give to each of us citizens.

I write concerning the proposal by Robert H. Carleton for an R.V. Campground. I believe that much preparation has gone into this project and that overall it may be an asset to the town of Alton.

I am requesting that it would be required of the developer to erect a privacy fence along the abutting properties of the proposed access road. Given the nature of the proposed development which in all likelihood will bring in a fair amount of children, and children will explore the area. A privacy fence would give a measure of protection from these explorers. A privacy fence would also seem to be the only reasonable way to insure that the abutters can continue the use of their property without unwanted intrusion by others, while also providing them with a measure of safety and security.

To not erect this fence would add a burden and perhaps a hardship on the lifestyle that the abutters to this property have enjoyed.

Thank you for your consideration in this matter.

Sincerely,

David L. Howe

T. Phillips stated that they have seen the letter. People may have noticed during the site walk that Mr. Carleton had planted a number of pine trees as a buffer years ago. It is his understanding from those discussions Mr. Carleton had with the abutter that he had no objection if the abutter wants to place a fence or something in addition to that near the property line. He believes that the premise is that there might be children at play from the campground when they are talking thousands of feet from the campground. Mr. Carleton is okay with the abutter providing a fence along that property line but he doesn't feel that that is an appropriate thing for him to be required to do.

T. Hoopes asked if they had any concept at this point if they are going to have people coming in for a month at a time or predominately people who are in for the season or short turnarounds. He asked what they were thinking about with the flow of traffic. If there is a substantial flow of traffic he feels there is a reasonableness to the request that a fence combined with tree buffers gives you some sound protection. It is not an outlandish request. The abutter has lived there and now there is something new coming in, he would say the fence would be Mr. Carleton's responsibility because he is impacting these people by the development of his site plan.

T. Phillips stated that he spoke with the abutter's son. He asked if it was a traffic issue and he stated that the abutter said that he had no concerns with the traffic that it was the kids coming on the property. He believes Mr. Carleton would love being able to have long term rentals. Given that, he doesn't feel a fence would help their concerns.

T. Hoopes asked if these would be people predominately towing a vehicle with their vehicle.

D. Hussey asked where the abutter is requesting the fence.

T. Phillips showed the location on the map.

Mr. Carleton explained there is one brown house on Route 28 that has no problem. There is large bank of gravel behind the brown house and then there is another house behind that off Route 28. He cannot see the road at all. His plot flows out and cuts back in to the road about 80 feet and then there is just a field out there. Mr. Carleton planted pine trees along side the road 20 years ago. The problem is that he planted them on the lot line so if you built a fence it would have to go on his property back beyond where the trees are going to go and you wouldn't see the fence because the pine trees are really thick right there. He stated that the kids could come out anywhere. The fence would have to be built at least 15 feet on the abutter's property.

T. Hoopes asked if up to the hammerhead would be the Town road.

T. Phillips stated that up to the hammerhead would be the road built to Town Standards with the waiver they received.

S. Williams asked if this would be a gated style community with a card check-in system at the gate house. They stated yes and then he asked if they would provide the Fire Department with the access cards. He also asked if the emergency access will have a gate with a Knox Box. They stated yes to both questions.

S. Williams opened it to the public.

Jed Callen is an attorney with Baldwin and Callen who represents Sandra Esposito. In terms of providing his comments to the applicant, he actually tried to arrange an agreement with the applicant that he would send his comments as soon as he had them if they would send their application to him as soon as they prepared it. The applicant was not agreeable so he is presenting his comments in writing and orally at this public hearing.

S. Williams stated that he had an obligation to provide it to the Board.

J. Callen stated that he just did. He stated that that was the purpose of public hearings for them to hear his comments. He stated he had no obligation to provide it prior to tonight because tonight is the deadline for providing comments.

S. Williams stated that his verbal testimony will be just fine.

J. Callen he insisted on providing written comment too because he wanted to be accurate. He distributed copies of a letter dated ____ that outlines his comments. He has two primary objections to the site plan proposed. The first one is that it lacks legal frontage. He knows there is a lot line adjustment application continued to next meeting. The site on which this site is proposed is map 8 lot 49 which is undeniably in the RU Zone. The Zoning Ordinance, Section 452B says that the frontage requirement for lots in that zone is 200 feet of frontage. Frontage is defined in Article 200 Definitions as the distance along the lot line or right-of-way line of a class V or better. And it says that it has to be continuous. This lot doesn't have that frontage even after the proposed Lot Line Adjustment.

S. Williams asked him to show on the map where they do not have their frontage.

J. Callen showed where the frontage existing was and where there is no frontage. The Lot Line Adjustment Plan will create more frontage in the middle lot. Then they intend to merge the RV Park lot with the middle lot and that will become one lot with 158+ feet of frontage not 200. He explained why it needs 200 feet of frontage. The area added to Map 8, Lot 50-1 includes 158.39 feet of frontage on Route 28. So that is the

proposal. You can't tack 158.39 feet and the 33 feet together and still get the 200 feet. The definition requires that the frontage be contiguous. The proposed use is in the RU Zone and the front lot which the frontage will be acquired is in the RC Zone and the RC Zone requires on 75 feet of frontage but that 75 foot of frontage in the RC Zone is not relevant to a use in the RU Zone. This is not a residential or commercial use that is being proposed. It is not even a use that is permitted in that district. You could not put this use in the RC district even by Special Exception.

S. Williams asked if he was aware that they are building a class V road which will create the frontage that they need.

J. Callen understands they are trying to build a road that meets class V standards but that is not a class V road. For a road to become a public road a class V road it needs to be voted by the Town to be accepted as a road, but they are not proposing that.

S. Williams stated that they can build a road to class V standards, to meet the road frontage requirement, like in a subdivision proposal.

J. Callen stated he disagrees with that.

S. Williams stated that point taken.

J. Callen stated that one of the reasons that the frontage requirement applicable to the RU Zone applies and not the RC Zone is that the Zoning Ordinance says that if there is a disagreement between standards the more restrictive standard applies. He noted that the front lot has sufficient frontage to have 200 feet of frontage for the back lots if all the mergers were done but it cannot be merged with the back lots because it already has an existing use on it, the Water Industries use. His position is that it would be illegal for this board to approve this plan even with an approval of the Lot Line Adjustment because doing so would violate the Zoning Ordinance and they are not allowed to do that.

The second objection is that this proposal lacks a Special Exception that it needs. The applicant has achieved two Special Exceptions; however, they have not acquired a Special exception under Article 320Ac which requires a Special Exception for changing from one nonconforming use to another nonconforming use. It states under non-conforming uses structures and lots and this is a non-conforming use and a non-conforming lot, an owner of a legally existing non-conforming use which is a gravel pit now may not change the use to another non-conforming use without first obtaining a Special Exception from the ZBA. The ZBA shall not grant such a Special Exception unless the non-conforming use is substantially less offensive to the neighborhood than the existing non-conforming use. He wants to make it clear that this is a proposal to change non-conforming uses. He stated the both the gravel pit and the RV park are non-conforming uses in the RU Zone. They are both permitted only by Special Exception. He stated that if they come back with that request they will oppose it and the basis for that opposition will be pretty straight forward. The current use of that site is a very small scale gravel pit. The question that the ZBA will have to consider is whether that a 147 unit RV Park is or is not substantially less offensive to the neighbor than the existing non-conforming use.

T. Hoopes asked how they would measure offensiveness.

J. Callen stated that he didn't have to, the Zoning Board did.

B. Curtin asked how many years he looked back and if he went back more than three years.

J. Callen stated that he only has records for three years.

K. McWilliams stated that he doesn't believe the existing use neither the gravel pit nor the RV park are non-conforming uses. Both of them are listed in the Ordinance in the RU district as permitted by Special Exception. By definition they are not non-conforming uses. He doesn't think they need a Special Exception and will confer with the Town Attorney about it.

J. Callen stated that they didn't ask for Public comment nor are you obligated to on the granting of waivers. He would like the record to reflect the fact the Ordinance has standards for granting of waivers. This Board did not refer to its Ordinances or to its criteria or vote on any of them. They object to the granting of the waivers especially the Stormwater Erosion and Sediment Control waiver because this is a very intensive use very near the Merrymeeting River where issues of Stormwater, erosion and sediment control are critical. The Site Plan Regs include the requirement to consider issues of Stormwater handling and erosion in several separate sections, 3.04, 4.12D, 3 & F, 4.01, FLNR, 3.02E and 3.04. They cannot delegate requirements to other permits. They do object to this Board preemptory ignoring those several requirements of the regulations.

T. Phillips stated that the Lot Line Adjustment is being continued but they are providing an alternate avenue to acquire the frontage. The road will be built and then there will be frontage. The frontage was defined to a road built that meets Town road standards. In terms of the waivers he thinks as far as the Erosion Control it is covered by two permits. There is a berm all along the water.

T. Hoopes stated that their engineer will be conducting inspections on the road built to Town standards.

S. Williams believes that the impact will be a lot less than a gravel pit.

D. Hussey stated that a gravel pit needs to be completely reclaimed and this is a way of reclaiming it.

T. Phillips felt that the waivers were entirely justified.

John Moore spoke as a friend of Sandy Esposito. She invited him on the site walk. He has a concern that he saw during the site walk. He pointed out on the map the location of her house. As they were going around the far loop road he could see her house through the trees. He feels she is going to see their lights and that is a concern. He suggested that if this passes there be a bigger buffer.

T. Phillips stated that they are proposing to plant more trees in that area. He showed on the map the area where the trees will be planted.

Mr. Carleton explained where the RV's are going to be located and oriented and how they will be blocking the lights.

J. Moore asked with a project this big why none of the neighboring towns were notified.

S. Williams stated that they didn't need to be because they were not an abutter.

S. Williams closed Public Input.

T. Phillips spoke regarding some of the draft conditions in the Notice of Decision. He asked about the Conditions Precedent regarding Farmhouse Land Development.

K. McWilliams stated that it was for two things. The first is to review the design of the road to be built to Town standards and once the design is approved to set up an account for construction observation services for only the section of the road to be built to Town standards.

T. Phillips asked what the concerns would be with the roadway design that could be picked up by another PE given that it is a straight, flat section of road.

The Board explained what the engineer would be looking for.

S. Williams stated that it is their policy and the Planning Board needs to be consistent.

T. Phillips stated that the next item is that the applicant shall develop a reclamation restoration plan for that section of the road. When one is converting raw land over to a road and they rough it in, they often see this condition that the Town is held harmless in case the developer walks. In their case the road is already there and stable so the only thing they are doing is only constructing the road.

S. Williams explained that nothing can happen until that road is ready.

K. McWilliams asked the Board if they wanted him to talk to Town Counsel about the issues that J. Cullen raised. The Board did not feel it was necessary.

S. Williams asked if they planned on doing any phasing.

T. Phillips said not formally. As far as meeting the one-year standard they are proposing for active and substantial development is achieved by building the road, installing the culvert and rough grading the site.

D. Hussey made a motion to approve the Case P11-22 application for the Final Site Plan Review, Robert Carleton Alton Campground with the following conditions:

1. A copy of any necessary Federal, State, and/or local permits shall be received by the Planning Department and the permit numbers shall be added in a note on the site plan prior to plan signing.

Required permits include, but are not limited to:

- a. **NH DES Shoreland;**
- b. **NH DES Wetlands Bureau Dredge & Fill;**
- c. **NH DES Alteration of Terrain (AOT);**
- d. **NH DES State Subdivision;**
- e. **NH DES Individual Septic Disposal System;**
- f. **NH DES Potable Water Supply;**
- g. **NH Dot Access Permit; and**
- h. **US EPA NPDES Construction General Permit.**

2. A note shall be added to the site plan prior to plan signing stating that Best Management practices shall be utilized during any timber cutting on site.

3. The following note shall be added to the site plan prior to plan signing: This site plan contains a total of 11 sheets, which in its entirety constitutes the site plan as approved by the Town of Alton Planning Board. Sheets numbered 10 and 11 are recorded at the Belknap County Registry of Deeds; the remaining sheets are on file at the Town of Alton Planning Department.

4. The following note shall be added to the site plan prior to plan signing: this site plan is subject to the Conditions of Approval itemized in the August 16, 2011, Notice of Decision on file at the town of Alton Planning Department.
5. All roadway names shall be approved by the 911 committee and roadway name approvals shall be provided to the Planning Department and shown on the site plan before signing.
6. Trees along the boundary of the 25' of wetland buffer of all wetlands greater than 10,000 square feet in size in the area within 200' of proposed development that will disturb the soil or involve removal of trees are to be flagged accurately in the field on trees approximately every 25' with permanent markers identifying them as the wetland buffer. The types of all proposed signage are to be reviewed and approved by the Planning Department. Where trees have been previously removed or do not exist, the wetland buffer shall be flagged with metal fence posts displaying the markers, which should be affixed to the posts with bolts. This is to be completed prior to plan signing and certified as complete by the surveyor who stamps the plan.
7. Map 8 Lot 49 needs to be merged with Map 8 Lot 50-1.
8. The applicant shall enter into an agreement with Farmhouse Land Development for design review of the section of road to be built to Town standards and fund an escrow account for those design review services.
9. The applicant shall make any necessary revisions in the design of the section of road to be built to Town standards based on the review by Farmhouse Land Development.
10. The applicant shall sign an agreement and establish an escrow account for Farmhouse Land Development to carry out construction observation services for the construction of the section of the entrance road to be built to Town standards.
11. The applicant shall develop a reclamation/restoration plan for the section of the entrance road to be built to Town standards and provide an opinion of construction cost estimates for implementing the plan. This plan and cost estimate needs to be reviewed and approved by Farmhouse Land Development.
12. Make any revisions in the Campground Rules deemed necessary by Town Counsel's review.
13. The owner shall construct all common infrastructure (water sewer, electrical, bathhouse, and check-in station) including the roadway and RV sites from Route 28 to, and including the portion of roadway adjacent and west of the bathhouse, before the site plan is signed by the Planning Board Chair and before opening the facility to guests.
14. The applicant shall provide the Alton Fire and Police Departments with cards to access the main gate at the RV Park entrance check-in station prior to opening the RV Park to guests.
15. The applicant shall provide a Knox Box on the gate controlling the emergency vehicle access into the site and provide the Alton fire and Police Departments with keys to the Knox box.

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 filed and approved, conditionally or otherwise, may be revoked, in whole or in part, by the Planning board when an applicant or successor in interest to the applicant has performed work, erected a structure or structures, or established a use of land, which fails to conform to the statements, plans, or specifications upon which the approval was based, or has materially violated any requirements or conditions of such approval.
- Active and substantial development or building shall begin with 12 months of the date of approval. Active and substantial development or building shall be considered achieved when construction of the section of the entrance road to Town standards (excluding paving), installation of the culvert at the wetland crossing, and rough grading the site are completed.

Substantial completion of the improvements shown on the site plan shall be met when the owner has constructed all common infrastructures (water sewer, electrical, bathhouse, check-in station) including the roadway and RV sites from Route 28 to, and including the portion of roadway adjacent and west of the bathhouse, before opening the facility to guest.

Per RSA 674:39 Section IV; Four 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.

B. Curtin seconded the motion. All were in favor passing the motion unanimously.

S. William opened to the Public.

Roger Sample spoke requesting to be considered as an alternate for the Planning Board.

VII. Old Business:

None

VIII. New Business:

1. Distribution of draft Site Plan Review Regulations dated August 16, 2011 for review.

K. McWilliams suggested a date of August 30th for the first meeting to review the draft regulations.

A meeting for the Zoning Amendment Committee has been scheduled on Wednesday the 24th at 6:00 p.m. Both are public meetings.

IX. Approval of Minutes

B. Curtin motion to approve the minutes of July 19, 2011 as presented.

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

X. Correspondence.

None

XI. Adjournment

D. Hussey made a motion to adjourn.

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

The public hearing adjourned at 9:52 p.m.

Respectfully submitted,

Randy Sanborn
Recorder