

**TOWN OF ALTON
ALTON PLANNING BOARD
APPROVED
August 18, 2009**

Members Present: William Curtin, Chair
Timothy Roy
Scott Williams
David Hussey
David Collier, Alternate
Thomas Hoopes

Others Present: Sharon Penney, Town Planner
Stacey Ames, Planning Assistant
Members of the Public

I. CALL TO ORDER

William Curtin called the meeting to order at 6:06 p. m.

II. APPOINTMENT OF ALTERNATES

Dave Collier was appointed as an alternate for this meeting on a motion by William Curtin seconded by Thomas Hoopes. Motion passed by unanimous vote.

III. APPROVAL OF AGENDA

Motion by Bill Curtin to move approval of minutes to Other Business, seconded by Scott Williams and passed by unanimous vote.

Motion to accept the agenda as amended by Timothy Roy, seconded by Scott Williams and passed by unanimous vote.

IV. PUBLIC INPUT

None; public input closed.

V. CONCEPTUAL

**Case P09-20
Kimberly Moore**

Map 9 Lot 35-2

**Conceptual
15 Russell Way**

Kim Moore to request a conceptual for a proposed Site Plan on and existing farm to allow the retail sale of home-made items which is an allowable use. This parcel is located in the Rural Residential zone.

Ms. Moore looked to the Board for some guidance in the sale of homemade jams and jellies, soaps and crafts made by town's people as well as Beefalo and Lamb which she supplied copies of her State licenses.

The Board asked question regarding her daycare and the safety of the children in her existing daycare. Ms. Moore stated the children's safety is a top priority. The Board

asked about the change of use, S. Penney stated it was an additional use, S. Ames added it was also an allowable use in the zone.

S. Ames stated that Ms. Moore was there because she had questions regarding the Site Plan requirements and the need to provide a survey and where she is already established she is hoping the Board would be lenient and waive the requirements for a survey because it wouldn't be cost effective where the farm is already there and she is not expanding anything. D. Hussey added he visited the farm today and the parking is well defined. T. Roy voiced his concern with the daycare and shop sharing a parking lot and asked if they could be kept separate. Ms. Moore stated the parents go in and pick up the children, they are not allowed to run out into the parking lot; additionally they are in a separate part of the building and secluded from the shop and the playground is completely fenced in for their safety. T. Hoopes asked what the specific waivers requested were for. S. Ames stated 7.2 Plat was the entire plat requirement. The other requests were unable to be located within the paperwork. S. Penney as well as other Board members felt confident that a full survey could be waived.

IX. PUBLIC HEARING

Case P09-16

Map 2 Lot 5

Subdivision

Robert Levaasseur

Dudley Road, Proctor Road, and Rt. 28

Application submitted by Jack Szemplinski of Benchmark Engineering Inc. on behalf of applicant Robert Levaasseur to propose a 5 lot subdivision with frontage on Dudley Road, Proctor Road and Route 28. This parcel is located in the Rural zone.

S. Penney advised the Board and applicant that The Town's consulting engineer, Peter Julia was in attendance and available if there were technical questions.

S. Williams asked if there are any waivers requested. T. Hoopes stated they were requesting a waiver from the lot ratio which he was not willing to grant at this time.

Motion made by Tom Hoopes to accept the application as complete but not grant the requested waiver. Seconded by S. Williams:

Discussion:

T. Hoopes explained the lot configuration was weird and they don't meet regulations and there are an awful lot of exceptions and he has a lot of questions.

T. Hoopes explained that you can waive ratio changes but you have a reason for it because you're setting precedent. T. Hoopes asked if the request was for the betterment of something because if it improves something than there is a reason to argue for it but he doesn't see it.

Jack Szemplinski of Benchmark Engineering explained the applicant wished to subdivide to give his children each a lot to build a house. The property where the new lots are proposed is wooded but the remainder land is the applicant's hayfield as well as barns, outbuildings and a cottage. Proctor Road is a private road with winter maintenance from the Town only. Mr. Szemplinski added the lots are draw that way because behind the stone wall is hayfield and the owner doesn't want to lose any of the hayfield just develop the wooded part. Other than the 3:1 ration, the lots meet all other requirements as well as

been submitted and approved by NHDES for subdivision and his case for the waiver is to keep the field intact while keeping the wooded area for homes.

Mr. Levaasseur added the lots would not be for sale, they are for his children. T. Hoopes stated that the lots can be sold and lots 5-2 and 5-3 are predominantly wetlands and not overly friendly build-able lots and not useable.

D. Collier asked if you left the lines the way they are between 1 and 2 and straighten the line between 3 and 2 and likewise along the 50' right-of-way, you could gain what you're looking for and maintain the buildable area in 5-2 and 5-3 you gain more area but use more of the larger parcel, lot 5 but still maintain that ratio. Mr. Szimplinski stated he explained why they requested the waiver and if they could have made the lots smaller they would have. There was discussion about Proctor Road remaining a right-of-way for the existing house and would remain with lot 1. B. Curtin asked if Proctor Road would remain town maintained in the winter. Mr. Levaasseur assumed so. T. Hoopes asked about the gap between lot 5-1 and Mr. Levaasseur's other lot on Map 2 lot 6, the space between them looks like a right-of-way through to the other parcel. Mr. Szemplinski stated it's not a right-of-way rather the owners wanted to keep as much land as possible with the farm. T. Hoopes stated it looks like road potential. Mr. Szemplinski stated that wasn't the intention.

B. Curtin asked if the Town of Barnstead was noticed of the proposal. S. Ames checked the abutters list and stated it had not. Mr. Szimplinski stated he didn't think the Town of Barnstead was an abutter. B. Curtin explained that because it was abutting another town, the town needs to be notified. S. Ames explained that was called Regional notification and she believed anything within 500' of another town requires Regional notification to the abutting town, not just the abutters living in the town. D. Collier asked about the abutter on the southerly tip across from Route 28 and Halfmoon Pond.

Motion made by Tim Roy to continue to September 15th until all the abutters are notified. Seconded by Tom Hoopes.

Discussion:

Mr. Szimplinski asked for some direction as far as the waiver is concerned. B. Curtin stated that the Town of Barnstead is an abutter and must be notified as to what is going on. T. Hoopes offered a few suggestions to reconfigure the lots. Mr. Szimplinski stated the 50' right-of-way offers additional access to the lot if someday...B. Curtin asked about wetlands. Mr. Szimplinski stated they mapped the front 10 or 12 acres, they did not map the remaining parcel and there may be additional wetlands on it. S. Penney stated there was a note on the plat stating they were mapped in the proximity of the subdivided lots. T. Hoopes stated the wetlands will have to be surveyed and shown along with the "No-Cut buffers".

D. Hussey requested a determination if the definition of Site Plan Regulation Section 9.14 Lot Shape ratio is legal.

Motion made by David Hussey to ask Attorney Sessler for guidance regarding the ratio waiver. Seconded by Scott Williams.

Discussion:

T. Hoopes clarified the question to determine if we (the Board) have the right to waive the ratio. S. Penney stated she believes you do, it's been done before. D. Hussey asked for clarification if the Board had a right to deny it because he wasn't sure if they do.

B. Curtin stated they were not going to be granted a waiver for the ratios and now we need to figure out what the Board needs to do. We've given you some suggestions of what we think you could do but from the sounds of it, you're not willing to do that.

Vote: unanimous. Motion passes.

J. Szimplinski asked to clarify that the Board is not in favor of granting a waiver at this time? B. Curtin stated it was. Mr. Szimplinski stated the Board said there was no reason for the waiver but he feels there is a reason and he explained it to them and did that make any difference or do you still feel that is something we're not going to get? S. Williams stated perhaps when he comes back he could provide a detailed letter stating the reasons why and they could revisit it.

S. Ames stated to the Board that because the application wasn't properly noticed, there shouldn't be any discussion.

Vote for continuance: unanimous.

Case P09-17

Map 8 Lot 25

Amended Site Plan

Ryan Heath

Frank C. Gilman Highway

Application submitted by Melissa Guldbrandsen of Alton Law on behalf of applicant Ryan Heath to amend a previously approved Elderly Housing Site Plan to Workforce Housing as allowed by RSA 674:60. This is an allowable use. Parcel located in the Rural Residential zone.

Scott Williams recused himself from this case.

Melissa Guldbrandsen from Alton Law representing Ryan Heath. M. Guldbrandsen handed out copies of the Workforce Housing statute.

M. Guldbrandsen stated they were proposing an amended site plan from a conditionally approved site plan that was originally approved for elderly housing. In July 2009, the State passed a new statute to encourage the development of workforce housing in the state. In conjunction with that new statute, we've fallen upon significant challenging economic times and the concept of converting the elderly housing project to workforce housing seemed like a logical match to carry out that State statute and provide affordable housing in the Town of Alton. M. Guldbrandsen gave the Board some background of the State statute that is the most significant piece of information for the Board to focus on; the statute came out of an old court case from the mid 80's. The Supreme Court in the State of New Hampshire essentially ordered the Town of Chester to permit a multifamily housing development on a 23 acre parcel and the Supreme Court concluded that the Town of Chester's zoning ordinance was invalid because it didn't allow for multiple, multifamily units on a single parcel of land. It allowed duplexes but didn't have any provision for multifamily housing. The Supreme Court held that towns have an obligation to make affordable housing reasonable and realistic. The is really the focus of this new statute RSA 674:59 and basically what that says is that every town has to make workforce housing available in a reasonable way. What is unfortunate in Alton, is that knowing this new legislation was coming into effect on July 1, 2009, the Town zoning ordinance wasn't changed other than adding the definition for 5 units for multifamily but no

provision was made in our Town's ordinance to address or accommodate workforce housing in particular. Therefore, it is our perspective that the elderly housing section should be adopted as a reasonable standard; again the measuring stick for the analysis is reasonableness. The workforce housing opportunities have to be reasonable and the elderly housing, which we already have in this approved plan, provides a reasonable guidepost for the Board to use in approving a workforce housing development. M. Gulbrandsen also wanted to emphasize, is that none of the structural components of this plan are changing. The road is the same, the footprint is the same, although we've gone to two story units to put 5 units per structure but the footprint is the same, the infrastructure is the same, we've recalculated the septic in the revised plans that were presented to you. M. Gulbrandsen added she was surprised to get an extremely comprehensive Planner's Report today and wanted to point out this application had been in since July 7th, so it was shocking to have the number of questions in the Planner's report.

Motion made by Tom Hoopes to accept the application. Seconded by Dave Hussey; vote: unanimous.

S. Penney stated she had some suggestion that perhaps because we have such a huge agenda, this planner's report is public record, but we don't have any time frames we have to follow other than what the Board would like in terms of distribution, but thought it would facilitate the discussion to give Melissa a copy of this. It is a little lengthy but what I did was to reiterate some of the particulars that were carried over from the elderly housing project because that was a conditional approval with lengthy conditions. This isn't necessarily punitive but as I said, there is some of the same approvals that will probably come to bear and I didn't want us to be here till midnight. B. Curtin asked if Peter Julia, the Town's engineer, was familiar with workforce housing. S. Penney stated she believed he is and he was here because he had done the engineering oversight on the previous iteration of this project and thought it was a cautionary thing to have him attend tonight's meeting. He is here and he is available.

D. Hussey asked if everyone had seen the Planner's Review and agreed with M. Gulbrandsen that it was extensive and asked if the applicant was ready to answer the questions. M. Gulbrandsen stated that some of the issues were ministerial and didn't read it as punitive, just overwhelming and it's the type of thing, in the spirit of cooperation, could be addressed in an administrative meeting. I don't think that much of the things in the Planner's Report couldn't be done in a separate meeting because it administrative. We have all our State permits in hand and it is my understanding that when the State grants a permit a copy goes to the Town. A lot of the issues on here, like asking for the survey plan, which was recorded a long time ago. S. Penney stated we need a copy of that; we looked for it but couldn't seem to locate it. Some of these are administrative but since it's been more than a year, we might just check off some of these things. M. Gulbrandsen stated she has the original Notice of Decision from July 29, 2009 and would be happy to go through it with you, in my opinion we've met the conditions. D. Hussey asked M. Gulbrandsen if she was comfortable with this after receiving it in such short notice. M. Gulbrandsen stated she is because they've been on tonight's agenda and scheduled a family vacation around the meeting so she is going to go for it. M. Gulbrandsen added what is frustrating is, had I know that these kinds of

questions were out there, we could have set a meeting and addressed a lot of it before wasting time and just going back to the concept of workforce housing, there is an appeal process in the new statute that talks about the fact that the town has a burden to not delay because every little delay costs the developer and translates into more expensive housing. M. Guldbrandsen added she was not trying to push it through she just wants to be up front that the concept of the statute is to provide for expedited review and the process is supposed to be streamlined, it provides for an immediate appeal to the Supreme Court as opposed to the standard appeal process as with most planning Board decisions and with the notion of avoiding any delay. We can address any questions in the planner's report quickly and I would think to the Board's satisfaction. What we're hoping for is that those little lingering issues can be identified as conditions. We've got permits in hand from the State but for an elderly housing project but we're not going to go and start building until we've gone back to the State and said it's turning into workforce housing and in our opinion, that doesn't change those permits because we're still digging up the same amount of land, we're still crossing the same amount of wetland, it doesn't change but of course we need to notify those entities that it's a change of use and make sure they're comfortable with that. To me that would be a condition you would impose on us that we impose on ourselves anyway. T. Hoopes stated there would be some functional changes in something like that, septic, traffic. T. Roy asked Peter Julia if there was a difference in elderly housing as opposed to workforce housing as far as traffic goes. P. Julia shook his head in agreement. T. Hoopes commented that workforce housing is not poor housing, its working people and its something that is very desirable for a community and it's a regional judgment so each town in itself doesn't have to prove that it has the total capacity. I think this is something that is desirable for the community and desperately needed. I think the media income for Belknap County is \$67,000.00 and you have to have 2/3 of that which is not poverty level at all; it's not undesirable people you don't want to have in your community. B. Curtin added he was amazed at what the median income was. Ryan Heath added what they consider affordable rent is \$906.00 per month. T. Hoopes added he would love to see the Alteration of Terrain permit. S. Penney asked if the State permits in hand reflected the elderly housing. M. Guldbrandsen stated they did and handed Stacey an extra copy of the wetlands permit.

S. Penney stated the reason the planner's report was so comprehensive was to try to tick off a bunch of this stuff tonight so these folks, if it were the decision of the Board to give a conditional approval, to not belabor this which is why I dredged all of this up so we could get up to date answers a year or however many months later, 14 months later on this, its not to bring things up that weren't addressed before, but there were a couple of items.

R. Heath asked to clarify a couple of things regarding density. When he originally brought the plan to the Board the original plan had 57 units, which worked fine. The 4 unit that was removed was for aesthetic reasons plus it was really close to a right-of-way that Irving had. When the plan was finally approved, it was for 53 units. The elderly housing is approved for 45 because when we went for the Alteration of Terrain permit they wanted more treatment swales put in so we complied and removed 2 buildings, a total of 8 units which brought it down to 45. The good part about this (workforce housing) is it decreased the impervious service and the density and increased the open space but with the ability of 5 units per building what we've done is shrunk down the square footage of

each unit and made it 2 story which makes it more economical to build, more affordable to live in and we've addressed half the issues that we spent a year going back and forth on with the elderly housing as far as the density, the amount of open space and impervious surface. Now with the 5 units per building, it would be 55 new units with the existing house being the 56th. We're still under the original 57 that was brought before the Board and the reason I mention that is because those septic loadings were already calculated and put together originally when we presented it so that's the back and for the we've been through the past year and that's where we're at right now. T. Hoopes asked if by building the second story, you were able to bring the number of units back up? So the permit didn't say you had to cut back the number of structures, they needed the physical space for the swales? R. Heath stated yes, there was no reduction of units because of the permitting process it was because of drainage. R. Heath added he's had conversations with DES already both wetlands bureau and Alteration of Terrain, they knew his intention before this legislation came to life but there was a waiting period before it became effective to determine how towns were going to react and to give them time to react and address these issues. I had talk with them about it and their statements were, if you're not changing anything, the footprints the same, the roads are the same, the drainage is the same. T. Hoopes added that we didn't have much time to change our zoning other than to be participatory.

M. Guldbrandsen stated she was more than willing to go through the items listed on the planner's report and tick things off.

1. What is the square footage of each unit now that the plan includes two stories?

M. Guldbrandsen stated it was 1,344, 24X28 2 bedroom.

PERMITS/CERTIFICATION:

2. Can you provide an (LLS) signed copy of the boundary survey done prior to approval of the elderly housing application?

Boundary survey is recorded and can certainly supply a copy.

3. Site plan requires the stamp and signature of a Licensed Land Surveyor on the plan (SP checklist item # 7.2.11)

He will certify the site plan, that's not a problem.

4. The application does not reference phasing of the plan. The site plan plat does. Will this project be phased?

Realistically the ideal scenario would be to build the whole thing out, realistically in terms of financing and actual construction there will be a phasing but we don't have it presented to the Board as a formal phasing process. R. Heath added what's happening and where he is at; the funding is up for what they call a phase one. Phase 1 consists of the entire infrastructure, water, sewer and everything else and 2 buildings for a total of 10 units of workforce housing. Second phase being that the entire infrastructure is in, the big money with the road and utilities then I can put in the rest of the units afterwards. They are trying to raise the funds right now to do the first phase project. B. Curtin asked if they still had a long way to go with the State. R. Heath stated no, he was done with the State.

5. Are all required state, federal and local permits acquired? DO THESE PERMITS REFLECT the change in density, unit configuration and septic changes?

I think we've addressed number 5, the permits are going to have to be amended to it clear it is workforce and we will be sure to make sure it is clear to everyone what the plan set is. In other words the Alteration of Terrain change with the reduction of units has been in front of the wetlands bureau when we got our non site specific permit. R. Heath added they held the wetlands permit until Alteration of terrain was final and they issued them all within a day of each other.

6. What is the status of the septic permit?

The septic permit is not in hand. R. Heath added they need to have this settled before they submit an actual septic plan. Perk testing, the parameters set for the fields, just the actual plans themselves.

7. The NHDOT driveway permit applies to dwelling 50 units as granted. Will 55 dwelling units nullify the permit? PLEASE ASCERTAIN THIS WITH NHDOT.

NHDOT I will follow up with them. What we have in terms of that permit it just says "Proposed multiunit residential community" and in parenthesis (approximately 50 senior housing units). At the time we applied to the DOT we haven't even gone through this entire process. I will nail that down with DOT and make sure that kosher.

INFRASTRUCTURE:

8. We will require copies of ALL PERMITS for the town planning file.

M. Gulbrandsen stated I just gave you DES and you said you had the Alteration of Terrain so I'll get you a copy of DOT. S. Penney stated she had one somewhere.

9. Will trip generation be significantly increased at the site due to the change to Work Force Housing dwelling unit increase and inherent additional trip generation?

M. Gulbrandsen stated she felt that would be a DOT issue.

10. The plan sheet ("sewer plan") is so graphically busy as to be unreadable. PLEASE SEPARATE OUT OR DELETE EXTRANEIOUS INFORMATION ON THIS SHEET.

Septic plan analysis COULD NOT BE ACCOMPLISHED with this plat. SEPTIC PLAN refers only to "Buildings 2, 3."

M. Gulbrandsen stated they would try to clean it up. S. Penney stated she wished we had overlays because some of the pages are really difficult. M. Gulbrandsen asked what would they be looking at for that and asked if in terms of the septic design, doesn't that go to Brian? R. Heath added the State sent the plans back to him saying they weren't detailed enough so we're stuck behind a rock and a hard place because those are the plans we submitted for the Alteration of Terrain and revised them for them, now what happens if we change them for the Board and they sign off on them, where does that leave us? T. Hoopes mentioned that at times, with too many lines, they could be done of separate sheets. M. Gulbrandsen asked if ultimately, isn't that something that goes to Code Enforcement? Does this Board need us to show you something different? T. Hoopes stated we simply need to see septic approval. R. Heath added they would submit separate plans for each individual septic system. T. Hoopes added the Board needs to see the loading system has not changed from two story buildings versus elderly housing.

11. The issue of foundation drains for full or slab foundations will require a 25-foot setback from the building to the septic area. No drains in place connotes only a five (5) foot setback. Again, septic plan is too busy for ease of analysis. Will there be foundation drains?

R. Heath stated there will be no foundation drains; they are only 4 foot frost walls.

TRAFFIC/PARKING:

12. Is number of parking slots adequate for increased units? (53 to 55?) (2 spaces per dwelling unit required. 88 plus 2 (house) parking spaces apparent). 112 needed for 55 dwelling units and house.

M. Gulbrandsen stated the elderly housing required 1.5 spaces per unit. The generic ordinance talks about 2 spaces per unit and we have a spot in front of each unit that has an extra space in the middle which could be a parking spot which could make it 9. I don't think it increases impervious surface for the overall project because we've already eliminated 2 buildings, it's not infeasible to add another parking spot in front of those I just think that's a Board decision, elderly says 1.5 parking spots per unit, generic says 2. T. Roy stated he would feel more comfortable with 2

because it would be more aligned with apartments. M. Guldbrandsen added they don't have a problem with that.

13. Is roadway still 2350 linear feet? One way/Two way traffic flows need to be more clearly delineated! Very confusing.

M. Guldbrandsen stated there is a page in the plan set that shows the 1-way/2-way of the driveway. It's basically only 2-way at the entrance and at one spot, look on page 6 of 10, R. Heath added it's in one of the notes, a breakdown that shows exactly how the traffic flow is, where the signs should be and everything else designed for it.

14. Highway agent strongly recommends an association or other legal implement to maintain roadway, in the event that this road does not meet standards for eventual town acceptance and remains private.

M. Guldbrandsen stated this one under common ownership and an association wasn't needed to maintain it. It will be the developer maintaining it.

15. All roadway access to include allowances for emergency vehicles.

M. Guldbrandsen stated it was designed to have that correct width in the initial process.

16. Snow storage must be taken into consideration, particularly in proximity to wetlands.

Snow storage was accounted for on the plan.

RECORDING CASSETT RUNS OUT HERE.

LANDSCAPING/LIGHTING/DESIGN CONCERNS:

17. Original NOD conditional approval specifies particular visual buffering with tree planting.

18. Design standards consistent with Master Plan guidance including building architecture, materials and exterior lighting.

19. "No Cut" wetlands boundary signage and setbacks must be observed

20. Vigilant Best Management Practices must be in place during construction and site development.

ENGINEERING OVERSIGHT:

21. This project in its present configuration will (continue) to require engineering oversight by the Town's consulting engineer, Peter Julia during construction. A review of changes to the scope of work by the engineer is strongly recommended to assure compliance and continuity. Funds need to be escrowed for this purpose by the applicant.

Abutter comments provided by Planning Assistants notes taken during meeting.

Ruth Messier, abutter. Frank C. Gilman Highway;

Ms. Messier voiced her concerns with the number of children in the neighborhood and the impact it may have on the school resources. Additionally, she asked whether or not this is HUD housing or privately funded. R. Heath stated it was privately funded. Ms.

Messier stated for the record she was against the elderly housing project and this one as well.

Randy Glines, abutter.

Mr. Glines also stated for the record he was against this project.

Lane Glines, abutter.

Mrs. Glines stated her concern for additional traffic adding the increase of children and where school busses would pull over and how dangerous that area is.

Glen Nieowla:

Mr. Nieowla voiced his concerns about traffic and stationary noise.

Bob Bergeron, abutter.

Mr. Bergeron commented on the drastic change to the rural community.

Peter Julia, Town consulting engineer addressed some of the abutter comments and Boards questions and concerns.

Mr. Julia stated that with the change of use DOT will require a new approval and that the State reviews all septic plans and with the July 2009 change to the Alteration of Terrain, DES may grant an expedited review but the applicant must submit a change of use to DOT & DES.

Virginia Bergeron, abutter.

Mrs. Bergeron voiced her concerns with traffic safety and kids out there riding bikes. 140 is not a road for riding bikes or walking. We have no sidewalks; you have to walk in the road. It's a hard road to take a bike and you should consider that and I'm going to say I'm against this project.

Bob Bergeron, abutter.

Mr. Bergeron commented on the testimony that happened after he spoke, when Peter spoke about the impervious surface asked if it wasn't obvious there was an increase of impervious surface with the parking and the number of units? M. Guldbrandsen stated they would only have to add one parking space to the number of units but the footprint has remained the same and we've removed two units from what the Board had previously approved. R. Heath added they removed two full parking lots and two full structures during state processing that was originally approved by the Board so adding one parking space to every structure is still a dramatic decrease from before. Mr. Bergeron added the other issue is when you look at this sort of a density, is the workforce housing required to have this sort of a density to be fair to the applicant? Can the Board have no say whatsoever on a project of this magnitude for things like on site recreation for a project of this magnitude or any similar site plan or just good common sense amenities to the overall project that would have had nothing to do with the elderly housing project but certainly comes into play with a large magnitude project. It seems were focused on getting every single unit the lot can hold by capacity...T. Roy, stated the Workforce housing regulations require a minimum of 5 units or more but it's up to the developer what he wants to build. Mr. Bergeron added his question was, we had a rule of units per acre that was part of the elderly housing that triggered the number of units that were being put on because he was going for the maximum density, the argument that time was why does it have to go to this absolute maximum density with the rural character of the neighborhood and what about recreation and things of that nature? Why is the Board seem to be ignoring any of the things that might have come up in a regular site plan review for this purpose where its going to be children and so forth and there isn't any

recreation or sidewalks for protection or any place for them to go and its such a change of character for the neighborhood. I feel its being rushed through and ought to be a new site plan and looked at accordingly with the kind of questions a responsible board should be asking about the project and what the project really is. You didn't know when you approved the elderly housing you were really approving the workforce housing project and I think you ought to get a chance to review it accordingly.. T. Hoopes stated the workforce housing regulations were written by the State, were done in such a fashion to encourage workforce housing that was as affordable as possible so in many instances, they actually granted extra densities to make it more affordable. In this case...Mr. Bergeron interrupts, adding they don't throw out the septic requirements when they do that in so forth, the drainage requirements; do they throw out all the other requirements for a safe project that is harmonious for the environment? T. Hoopes, of course they don't throw them out but we don't have the State's regs with us at this instant. B. Curtin added, if we feel there is a safety factor at any point on any project, we have the option to rectify it. Mr. Bergeron responded by saying that is why he feels it should go back to be reviewed from square one. T. Hoopes added the hard part is we can not totally challenge this because what we're doing is simply transferring it from one site plan review to a change in site plan. Mr. Bergeron added he doesn't understand that, it's a change of use and a change of use would require a review. B. Curtin added its one of the things we're looking into also. If this had been over two years then yes he would have to start from scratch. Mr. Bergeron added he wasn't trying to make him start from scratch; there is all sorts of work he gets to carry forward, all that information in known and done, what I'm talking about is what the Board is supposed to be reviewing here when they look to make sure the project fits the community. The reason we have a Planning Board is for the planning part of it not the engineering part so it actually fits into the community and it doesn't change the rural characteristic of the neighborhood which was a requirement the original plan had to meet. T. Hoopes added we have the zoning rules. When the Town adopts something, we don't have any option but to abide by the Town's regulations so we can't grant a waiver to the Town's regulations so when the Town adopted and voted for elderly housing, that application was the first we'd ever seen for elderly housing so there is a learning curve for everybody involved. We go through and we do the best job we possible can. We can't change rules mid-year. Mr. Bergeron stated I'm not looking for you to change them; I'm looking for you to apply the tools you have already. Where does the density of workforce housing in Alton get determined? What determines the density? T. Hoopes answered, the regulations passed by the State. R. Heath added the State says there is no density totality unless the Town adopts an ordinance and they didn't. Mr. Bergeron asked if the Board position is that the State has an unlimited density on these? Is there a height limit? T. Hoopes answered yes, the Town does is 35 feet maximum. Mr. Bergeron asked that still stands even though its workforce housing? T. Hoopes responded, yes. Mr. Bergeron asked what the Town's regulations for density are. T. Hoopes explained that with workforce housing, you can't limit it to 4; it has to be at least 5. M. Guldbrandsen added the issue of density was addressed in the 1985 case because in Chester, they didn't have density requirement and the developer he could do whatever he wants as long as you meet building code, septic capacity so you're still held to those standards and the standard is reasonableness. Mr. Bergeron added he's asking what is the acre limit on multi-unit housing, which this obviously is. S. Ames commented that I have

the zoning ordinances right here and it states, in the rural residential zone duplexes and multi-family dwellings must have a minimum of 1 acre per structure. Mr. Bergeron asked why that regulation isn't beingS. Ames stated it is in compliance with the zoning ordinance and he meets that requirement adding each structure is allowed 5 units. S. Ames asked R. Heath to confirm if he had 15 acres, R. Heath stated he has 14 ½ . S. Ames explained to Mr. Bergeron that R. Heath is allowed 14 structures, he has 11, each of those structures is allowed, by workforce housing statute, 5 units, he is well within the density allow that the Town established. Mr. Bergeron asked if there are any other requirements that go with this multi-family housing in terms of setbacks and so forth and are they being used on this plan or are they still using elderly housing? Setback requirements, open green space, recreation...any of that? Is any of that different for multi-dwellings? T. Hoopes stated there has been very little multi-housing built in recent years so it's not something the own has had a lot of experience with. Mr. Bergeron asked that since this is a big project, is that something that is being looked at in terms of applying that standard to this project or are you going to be applying the elderly housing standard if it is a lower standard. B. Curtin stated he will have to meet any standards for multi-family housing. M. Guldbrandsen added the setbacks are the same for building. R. Heath added the plan completely complies with everything that needs to be done with a normal multi-family. Mr. Bergeron stated that was what he wanted to know and thanked the Board.

Bill Curtin closed public input.

T. Hoopes asked where the Board stands?

Motion made by Bill Curtin to continue case P09-17 to September 15th at 6:00.

Discussion:

R. Heath asked why?

B. Curtin stated one of the reasons was he felt there is an awful lot the Board needs to consider, especially from public input and feels it would not be wise...R. Heath added he heard something about permits and was wondering why they couldn't conditionally approve because he can't amend any of his State permits until the Board approves the project.

Seconded by Dave Hussey; vote: unanimous.

T. Roy asked about sidewalks, any chance they can be raised? R. Heath stated there is no way he could afford the curbing and it wouldn't make the project feasible. T. Roy stated the molded asphalt curbing is not a lot of money. R. Heath added he also heard a lot of discussion regarding recreation and he wanted to point out to the Board that these same abutters that forced him to take out his community center with an in-ground pool saying I was sucking every bit of density out of this land so I lost a building and I lost the recreational center and now it's the flip side. Obviously I've thought about swing sets and stuff like that anyways, that's a small cost to bear but I'm out of the realm now of putting an actual rec center in like I would have liked to. S. Ames asked R. Heath if a swing set and a sand box was out of the question. R. Heath stated no, that's reasonable. The raised curbing is an issue. T. Roy asked that he at least look into it.

Motion made by Bill Curtin to take an 8 minute recess. Seconded by Tim Roy; vote: unanimous.

Case P09-18

Map 20 Lot 3

Subdivision

Richard Coskren

Mount Major Highway

Application submitted by Dean Clark LLS of DMC Surveyors on behalf of applicant Richard Coskren to propose a 2 lot subdivision with shared access located in existing driveway with lot frontage on new cul-de-sac. The Board of Selectmen granted a waiver for the shared driveway with conditions. This parcel is located in the Rural zone.

Application continued to the September 15, 2009 meeting per the request of the applicant's agent Wescott, Dyer, Fitzgerald, & Nichols, PA attorneys at law.

Case P09-19

Map 12 Lot 17

Subdivision

Paul Beckett

Route 28 North

Application submitted by Tom Varney of Varney Engineering LLC on behalf of applicant Paul Beckett for a proposed 8 lot subdivision with frontage on Route 28 and a new road, "Hilltop Drive". This parcel is located in the Rural Residential zone.

Motion made by Scott Williams to accept the application. Seconded by Tim Roy; vote: unanimous.

Tom Varney of Varney Engineering LLC addressed the Board and explained the proposed subdivision. D. Collier voiced his concerns with slope easements, drainage easements and mentioned curve data for the cul-de-sac was missing as well as utilities in the right-of-way were not shown. T. Roy asked if we could schedule a site walk. Site walk was scheduled for Tuesday August 25th at 4:00pm to meet in at the existing house's parking area.

S. Ames suggested they schedule a workshop immediately following the site walk at the Town Hall.

D. Hussey asked if the road was marked out already. Mr. Varney stated they are. B.

Curtin asked if they were talking about the new proposed road or the existing road. Mr.

Varney stated the new road was roughed out and you can see it and he will show you the

rest of it. T. Hoopes asked the length of the proposed road. Mr. Varney stated it was 1600

feet. T. Hoopes asked if from the heights, can you look down onto Swan Lake? Mr.

Varney said no. B. Curtin asked if you could see Connolly's subdivision that's off Austin

Drive and Swan Lake where he's already done the clear cutting. T. Varney said you can

see across the bay towards Dave Hussey's house.

S. Ames asked if the Board wished to continue this application until after the site walk and pick back up at the September meeting.

Motion made by Tim Roy to continue to the September 15th meeting. Seconded by David Hussey;

Discussion: S. Penney stated there must be some redress to the sheet of extensive Conservation concerns. S. Williams added it would be good for the consulting engineer to start working on this project too. S. Ames stated they have to approve the

application before an escrow account will be set up for engineering reviews. If the Board wishes preliminary review by the engineer that will require a motion and the invoice shall be paid directly through the planning department by the applicant and will have to be paid before the application is approved. S. Williams asked if the applicant should write a letter authorizing a preliminary review. S. Ames stated it was not required adding the Planning Board has that authority to ask for a preliminary review and the applicants responsibility to pay that cost. B. Curtin asked why the applicant wasn't billed directly. S. Ames stated everything must go through the planning department so that way we know the bill was paid.

Second for the preliminary review offered by Bill Curtin, vote: unanimous.

Vote on motion for continuance: unanimous. Passes.

Other Business:

S. Williams mentioned a couple months ago the Board discussed Site Plan Regs and asked where we are with that. S. Penney stated they got blown out of the water with all the subdivisions but we're aware of it and are plugging along on them. S. Williams added we need to get rolling on this stuff so anything we need to put forward we can. S. Williams asked how much longer...T. Hoopes interjected for our "must do" list to add, workforce housing, and we need to adopt 25 foot "no-cut buffer" on Site Plans. D. Hussey added another thing we should take a look at too is the Planner's review and the need for them to get out to the applicants sooner because we spent an hour tonight for nothing. If the applicant had had it, they would have gone through it and we wouldn't have had to waste time tonight. T. Roy added he would like them prior to so the Board doesn't have to sit there and go through them right before hearing the application. S. Williams stated this was discussed ages ago and the fairness to the applicants and it's not fair to blindside these people. S. Williams asked S. Ames to put on the workshop agenda to get a time frame for Planner's reviews to be out. S. Ames stated while the Board was discussing the planner review, she and Sharon were discussing site plan stuff and she would like to have something for Tuesday's workshop. S. Ames added that will only give them 2 days because she will be out all day on Wednesday and Sharon is out on Monday's but she has been plugging away and has 3 pages of adjustments. S. Ames added she had a drawdown request from SFC for the Lundy project. S. Penney suggested they do that at the workshop.

B. Curtin re-opened Public input:

Ron Pine represents Alton Bay Camp Meeting Association inquired about an extension request letter of the Woodlands subdivision that was submitted to the Board about a month ago. The developer has had difficulty in financing and is in the process of a purchase and sale for a portion of it but wanted to work with a couple other developers in buying the property. Running close to the expiration of the approved plan and his letter was to ask for an extension so they could complete the sale of the property to the developers. He understood it was supposed to be discussed at some point tonight.

S. Ames stated the letter was discussed during last months meeting however; there was an approved site plan on that lot as well and so there was question as to any vesting or how do you go about granting an extension with an approved site plan as well. After a brief explanation of the project in question S. Ames added the site plan approval has yet to expire but the subdivision approval is close to nearing its end but the question was ask Jim Sessler where the project stands and if the site plan carried on with the subdivision, is that considered vesting, has anything been done on the project, which it has not. I posed the question to Jim, he had questions in turn and I'm not really sure where it went from there. B. Curtin stated the original approval was in 2007 so it expires a year from that in 2008. If you came back at that point in time you might have gotten an extension at that time. Mr. Pine stated he thought he had two years. S. Ames stated no, you only have one year however; that was a secondary part of the question where the project had received site plan approval. B. Curtin added by giving you a year and a half, it would have expired again anyway and that is why we're getting in touch with the Town's attorney. T. Hoopes asked what the status was. S. Ames stated there is no status, I haven't heard from Jim and I'm not really sure if the answers to his questions were answered. Mr. Pine stated he assumed he could close the deal? S. Williams asked how he can close the deal if the project has expired. S. Ames added if you do not meet your conditional approval within a year without previously coming to the Board and asking for an extension, your subdivision is null and void. The only way it would have been continued is by the four year exception which requires substantial vesting and development on the parcel which has not happened. The only thing that has happened is Jeff Caley's site plan approval but have those buildings been erected? Mr. Pine answered no. S. Ames added that with "no", and his site plan close to expire, technically the subdivision is null and void at this juncture. Mr. Pine asked what they were supposed to do to sell this property. S. Williams suggested selling it in its entirety or go through the subdivision process again from the beginning and it will have to meet the new regulations. B. Curtin suggested Mr. Pine meet with the planning department. S. Ames asked if the subdivision is expired, how the site plan can continue. S. Penney added the site plan is propagated by the subdivision. S. Ames added because you no longer have those two viable lots as provided by the subdivision, how could the site plan continue. Mr. Pine thanked the Board.

X. ADJOURNMENT

Motion made by David Hussey to adjourn. Seconded by T. Hoopes;

Discussion:

S. Williams stated we really need to speak with Jim about these subdivisions that are expiring. S. Penney stated she did and he (Jim) stated they are case by case specific and the Board needs to look at each one individually.

Vote: unanimous.

Meeting adjourned at 10:00 p.m.

Respectfully Submitted,

Stacey Ames
Planning Assistant