

**TOWN OF ALTON
Planning Board
PUBLIC HEARING
Tuesday, September 20, 2022, at 6:00 P.M.
Alton Town Hall**

MEMBERS PRESENT

Andrew Carter, Chair
Roger Sample, Vice Chair
William O’Neil, Clerk
Douglas Brown, Member
Thomas Hoopes, Member
Scott Williams, Member
Thomas Diveny, Alternate Member

Lee Hillsgrove, Alternate Member – excused absence
Mark Manning, Alternate Member – excused absence
Brock Mitchell, Board of Selectmen Representative - excused absence

OTHERS PRESENT

Jessica Call, Town Planner
Sarah Marcimo, applicant
Brett Marcimo, applicant
Fab Cusson, Bethel Builders/applicant
Paul Zuzgo, Prospect Mountain Survey, representative for applicants
Jeremy Bonan, Bonan Architects, representative for applicant

CALL TO ORDER

Chair Carter called the meeting to order at 6:00PM

REVIEW OF AGENDA

Ms. Call outlined the changes to the agenda which took place after it was posted: Alternative Committee Update – three invoices from Tara; Master Plan Committee – update and invoices with breakdown.

Mr. Williams motioned to approve the agenda as amended. Mr. O’Neil seconded the motion. Motion passed, 7-0-0.

Public Hearing Continued from August 16, 2022

Case #P22-14 Varney Engineering, LLC, Agent for Green Oak Realty Development, LLC, Owner	Map 5 Lot 72 NH Route 28/ 398 Suncook Valley Road	Excavation Permit Application Rural (RU) Zone
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Proposal: To continue the existing excavation pit operation.

Ms. Call stated an email was received from Tom Varney requesting a continuance to the October meeting in order to have time to complete the requests from the planner review.

Mr. Hoopes motioned to continue the public hearing for Case P22-14 until October 18, 2022. Mr. O’Neil seconded the motion. Motion passed, 7-0-0.

Case #P22-25 Sarah & Brett Marcimo and Ronald J. Everitt, Owners	Map 11 Lot 13-2 229 Alton Mountain Road	Minor Site Plan Review Residential Rural (RR) Zone
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Proposal: To operate a Family Group Child Care Home in an existing single-family home.

The Board reviewed the application for completeness. Ms. Call stated she assisted the applicants with the minor site plan and documents and believes the plans are complete.

Mr. Williams motioned to accept the application for P22-25 as complete. Mr. Brown seconded the motion. Motion passed, 7-0-0.

Chair Carter asked Ms. Call if all owners need to be present. Ms. Call confirmed all property owners signed the application and he does not need to be present.

Sarah Marcimo, applicant, stated she is in the process of opening an in-home day care; the space will be approximately 950 square feet; an outdoor will be fenced of approximately 750 square feet with a maximum capacity of 10 children. The hours of operation would be 6:00AM to 7:00PM.

Chair Carter noted there will be no more than 2 employees. Ms. Marcimo stated that is correct and includes herself.

Chair Carter confirmed her application has been before the Zoning Board of Adjustment. Ms. Marcimo stated her case was approved by the ZBA.

Chair Carter confirmed the application was reviewed for compliance with the criteria of 3.01, Requirements for a Minor Site Plan. He stated the ZBA approval verified the application followed all requirements of the Zoning Ordinance.

Chair Carter stated comments were received from the Fire Department and these were reviewed by the Board. The comments suggested 35 square feet per person and the proposed area is more than the required space. There will also be inspection and licensing required with the State of New Hampshire. Ms. Marcimo stated she has not had an inspection done yet. It was noted the Fire Department will also need to do an inspection prior to the State inspection.

Chair Carter stated the Conservation Commission submitted comments as well, but the issues were satisfied through the ZBA proceedings.

It was noted the ZBA approval was for hours of operation of 6:00AM to 6:00PM.

Chair Carter stated he doesn't believe the traffic analysis is a huge concern. Mr. Williams stated the roadway intersection is a busy road and asked if there could be problems. Mr. Marcimo noted the house is well set back from the road. It was agreed the sightlines are adequate in the area; the traffic for the daycare would be staggered and Ms. Marcimo stated there could be space to park 10 cars if necessary, on the property but doesn't anticipate parking problems. Chair Carter suggested requiring a staggered drop off schedule. Ms. Marcimo reiterated she doesn't expect all drop-offs or pickups to occur at the same time.

Photos were reviewed of the yard and parking area. Mr. Williams stated his concerns regarding parking needs are resolved.

It was the consensus of the Board that there have been adequate provisions by the owner regarding traffic safety.

The Board discussed the sewer system. It was confirmed the ZBA approved the septic system as being adequate. It was confirmed the property has a State approved 3-bedroom system; Ms. Call confirmed the details of the system were reviewed. Ms. Marcimo stated it is just herself and her husband residing at the house; she stated the existing tank is 1000 gallons.

Mr. Williams stated the amount of load going into the tank will be over the three bedroom calculations. He noted the law states the calculations of usage is 10 gallons per child. Chair Carter suggested a State approved septic system plan be on file in the event that the load causes failure of the existing system; it was noted that if the design is done and approved, they can still operate.

Ms. Call stated the Town's Code Official has already determined that the plain being presented will be accommodated by the current system; she suggested the Board should not go beyond that. Chair Carter noted it is not uncommon to have a requirement of an approved system on file. Mr. Marcimo stated he would like to get clarification from the Building Inspector as to why the plans were approved by him and doesn't think he should have to pay for an additional plan.

Chair Carter stated he agrees with Mr. Williams that an approved plan should be on file. Mr. Hoopes stated he also wants confirmation from the Building Inspector as his indication is that the current system is adequate; he stated they don't know what the existing system is, and it may already be oversized. Mr. Marcimo stated many of the kids won't be using the system as they will be in diapers. Mr. Williams stated the State doesn't have a reduction for diapers or guest rooms. Chair Carter stated it seems the general consensus of the Board is to require an approved plan be on file.

The Board agreed the off-street parking has been demonstrated to be adequate.

Chair Carter stated there are no requirements for landscaping; he noted the plans indicate outdoor lighting is going to be installed along the walkway and a light at the main entrance to the daycare. Mr. Marcimo stated he will also install lighting along the walkway. Mr. Williams stated he wants to be sure the lighting doesn't exit the property and asked what kind of lighting will be along the walkway. Ms. Marcimo stated they will install LED solar powered lights along the walkway; there are already lights installed along the garage and entrance. Mr. Williams suggested the walkway lights need to be wired as solar lights can have problems operating during the winter. Chair Carter noted the plans indicate four parking places and a walkway around to the back of the house which will be the main entry for the daycare; he stated the pathway lighting will be critical during the winter season. Ms. Marcimo stated they will ensure there is adequate lighting at all times. Mr. Marcimo stated there are already lights along the deck. It was confirmed there is lighting on the backside of the house. The Board discussed the parking plan and it was agreed it was difficult to understand the layout on the property; it was agreed a Site Walk would be beneficial to better understand the lighting, parking, egress, and snow storage.

Chair Carter stated the ZBA notes indicate the hours of operation approved are for 6:00AM to 6:00PM however there are no hours indicated within the Notice of Decision. Ms. Call explained the information presented at the ZBA public hearing is legal and binding; if changes are made, the applicants would need to go back to the ZBA as the ZBA approved 6:00AM to 6:00PM. Ms. Marcimo stated they are fine with the 6:00AM to 6:00PM hours of operation.

The Board agreed there are no concerns with the utilities.

The Board reviewed the departmental comments from the Conservation Commission and Fire Department.

Ms. Marcimo stated she hopes to be open for January 1, 2023.

The Site Walk was scheduled for Friday, September 23, 2022 at 7:30AM.

Chair Carter motioned to continue the public hearing to October 18, 2022 at 6:00PM. Mr. Williams seconded the motion. Motion passed, 7-0-0.

Case #P22-27 Prospect Mountain Survey, Agent for Bethal Builders, LLC, and Dexter & Holly Brown, Owners	Map 5 Lots 5 & 6 Stockbridge Corner Road	Lot Line Adjustment Rural (RU) Zone
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Proposal: To adjust lot lines for two (2) lots of record, with Map 5 Lot 5 adjusted from 43.07AC to 42.89AC, and Lot 6 adjusted from 0.97AC to 1.15AC.

Ms. Call explained this application needed an Equitable Waiver of Dimensional Requirements due to the house being within the 25' front setback; at that time it was overlooked that there were

also additional variances needed for the minimum lot size and the minimum frontage. She stated ordinarily the Planning Board requires ZBA approval before coming to the Planning Board. Ms. Call recommended the Board allow the proceedings to take place and put the acquisition of the variances as a condition of approval due to it being the Town's oversight.

Chair Carter stated that due to the issue explained by Ms. Call, the application is not complete, but they could move forward with the proceedings.

Mr. Williams motioned to move forward with this case without the prior approval of the Zoning Board of Adjustment but approval from the Zoning Board of Adjustment will be a condition of approval by the Planning Board. Chair Carter seconded the motion. Motion passed, 7-0-0.

The Board reviewed the application, and it was noted a form listing waivers was not submitted. Ms. Call noted the sample deed is missing as well as any indication whether one or the other properties has an existing mortgage.

Paul Zuzgo, Prospect Mountain Survey, representative for the applicants, stated they are requesting a waiver from the jurisdictional wetlands on the entire site and submitted a written request to the Board. He stated they are also requesting a waiver from showing the slopes and a complete boundary on Lot 5-5. Mr. Zuzgo explained the purpose is to get two lots on one side of the larger lot but there wasn't enough road frontage; there is going to be an exchange of property with Mr. Cusson and the Browns to allow for the creation of two lots.

Chair Carter stated it appears there are excessive slopes on this lot; he stated there needs to be a minimum amount of buildable upland which is two acres. It was noted they are making a nonconforming, less nonconforming. Mr. Zuzgo stated this is a line adjustment and there is no new lot being created. Ms. Call explained because a new deed is being created, they will need to follow the current zoning ordinances. Mr. Cusson stated a new lot isn't being created; there is already a house on one of the lots and it will become more conforming; there won't be a new residence on it. Ms. Call stated the Code Official determined a variance is needed so if they want to move forward, they will need to appeal his decision. Chair Carter stated he agrees that since there is a house on the lot, it is an established lot.

Mr. Williams motioned to approve waivers for Section VII, F.7.G., 25' wetland buffer; Section VII, F.7.H, Slopes of 25% and Section VII, F.7.i., Contiguous Upland for each lot excluding jurisdictional wetlands and slopes in excess of 25%.; and Section VII, F.7.E., Complete Boundary Survey showing each of the properties. Mr. O'Neil seconded the motion. Motion passed, 7-0-0.

Ms. Call noted Section VII, F.7.H, Slopes of 25% is a zoning ordinance and the Planning Board cannot override a zoning ordinance. Mr. Zuzgo stated it would just be another variance to ask for. Ms. Call stated the Board can't grant the waiver for that specific ordinance. Chair Carter stated the waiver is for the requirement to show the 25%. The Board agreed a condition of

approval will be granting of that variance as well from the ZBA.

Mr. Williams made a motion to accept the application as complete with the requirement that the sample deed be submitted. Mr. Sample seconded the motion. Discussion:

Ms. Call asked if there is a mortgage on either lot; it was confirmed there is. Ms. Call stated a letter will be required from the lien holder.

Chair Carter stated a lot seems to be getting pushed along and isn't comfortable with moving forward until more items are cleared up.

Ms. Call stated that since the Board has not deemed the application to be complete, it would be up to the applicant to request a continuance; if the Board moves ahead and denies the application, the applicant will need to start the process all over. She suggested the applicant request to continue this application and the following application which is dependent on the first.

Mr. Cusson asked if there are any other possible variances that will be needed to avoid going back and forth. Ms. Call stated she will double check with the Building Inspector.

Mr. Williams withdrew the motion.

Mr. Zuzgo requested Case P22-27 and Case P22-28 be continued. Ms. Call stated the continuance would be to October 18, 2022.

It was noted the soils indicated on the maps show numbers but more information is needed in order to correlate what the types of soils are. Chair Carter noted the map legend does correlate with the soil report.

Case #P22-28 Prospect Mountain Survey, Agent for Bethal Builders, LLC, Owner	Map 5 Lot 5 Stockbridge Corner Road	Final Minor Subdivision Rural (RU) Zone
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Proposal: To subdivide Map 5 Lot 5 into three (3) lots of record. The parent lot would consist of 38.35AC, Lot A would consist of 2.25AC, and Lot B would consist of 2.29AC.

Continued at the request of the applicant's representative.

Other Business:

- 1. Old Business:**
 - a. Alternative Housing Committee Update**

Mr. Williams stated the committee has disbanded for the remainder of the year, but they outlined some items to pick up again next year. He stated the short term rental situation was worked on

extensively, but it will be a continuing project. Mr. Williams stated Tara was a huge help, but the ordinance will be a “tough nut to crack.” He stated they will be looking into flexible subdivision zoning next year; he stated there was participation from members of the public and they went through a lot of points which will help tie down the short term rentals. The Board reviewed a summary overview of the draft ordinance. Ms. Call stated the funding and warrant article isn’t tied to the ZAC committee and they will try to continue to work with Tara.

i. Invoice #'s 2022-136, -147, and -153; to include a breakdown

The Board reviewed the invoices.

ii. Memo dated September 12, 2022, from Jessica A. Call, Town Planner to the Planning Board

b. CIP Committee Update

Mr. Sample stated the CIP Committee has met with all the department heads; they are working to put together recommendations, but it was recently determined they were working with incorrect budget numbers so will need to go back and make adjustments. Ms. Call explained the financial reports showed higher amounts than what actually remain; she stated expenditures don’t come out regularly by the Trustee of the Trust Funds, so expenditures aren’t captured throughout the year.

c. Master Plan Committee Update

The Board reviewed and discussed the meeting schedule.

The Board set the meeting to review the Master Plan for October 18, 2022.

The Board set the meeting to review the CIP plans for October 18, 2022.

i. Invoice #'s 2022-135, -145, and -152; to include a breakdown

d. ZAC Committee Update

The Board reviewed and discussed the meeting schedule.

2. New Business:

a. Approval of Minutes:

Meeting of July 19, 2022 – Edits were made. **Chair Carter motioned to approve the minutes as amended. Mr. Brown seconded the motion. Motion passed, 6-0-1.** Mr. Hoopes abstained.

Meeting of August 16, 2022– Edits were made. **Chair Carter motioned to approve the minutes as amended. Mr. Brown seconded the motion. Motion passed, 6-0-1.** Mr. Hoopes abstained.

b. Case #P22-26, Voluntary Merger of Pre-existing Lots, Higgins Family Property Trust, c/o Richard W. & Carrie A. Higgins, Trustees, Owners of Map 18 Lots 29-5, 29-6, & 29-7, Dewitt Drive, located in the Lakeshore Residential (LR) Zone. Proposal: To merge together three (3) contiguous lots to become one lot of record.

The Board reviewed and discussed the proposal. Ms. Call stated the Board only needs to look at whether there are issues with taxes; there is no objection to merging the lots. She explained a public hearing was not required for this voluntary lot merger, no noticing of abutters is required and by law, the property owner has the right to merge the lots unless there are issues with taxes.

Mr. Williams motioned to approve the request for a Voluntary Merger of Pre-existing lots for Map 18 Lots 29-5, 29-6, & 29-7. Mr. O’Neil seconded the motion. Motion passed, 7-0-0.

3. Correspondence for the Board's Review/Discussion/Action:

No correspondence for action.

4. Correspondence for the Board's Information:

- a. **Letter dated August 17, 2022, from Jessica A. Call, Town Planner, to John Jeddrey Realty Trust, re: Certificates of Occupancy for Ridgewood Subdivision; and Minor Site Plan approval to operate as a Contractor’s Yard.**

The Board reviewed the letter. Ms. Call stated she researched the approvals and outline the requirements in order to obtain a certificate of occupancy.

- b. **Memo dated August 30, 2022, from Mike Vignale, P.E., Town Engineer, re: Construction observations for Kemper Land Holdings, LLC/Contractor’s Yard.**

The Board reviewed the letter from Mr. Vignale.

- c. **Memo dated August 30, 2022, from Mike Vignale, P.E., Town Engineer, re: Construction observations for Piperdube, LLC/Contractor’s Yard/Self-Storage Facility.**

The Board reviewed the letter from Mr. Vignale.

Other

Ms. Call stated her secretary resigned effective last Friday; she stated she is working to revise the job description to include more planning related tasks as well as administrative duties.

Chair Carter adjourned the meeting at 8:12PM.

Respectfully Submitted,

Jennifer Riel

Jennifer Riel, Recording Secretary