

**TOWN OF ALTON PLANNING BOARD  
PUBLIC HEARING  
Minutes  
November 20, 2012  
Approved December 18, 2012**

**Members Present:** Scott Williams, Chairman  
David Collier, Vice-Chairman  
Roger Sample, Clerk  
Tom Hoopes, Member  
Bill Curtin, Member  
Dave Hussey, Selectmen Representative

**Others Present:** Ken McWilliams, Town of Alton Planner  
Lou LaCourse, Zoning Amendment Committee Member  
Randy Sanborn, Secretary  
Members of the Public

**I. CALL TO ORDER**

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

**II. APPROVAL OF AGENDA**

There was one change to the Agenda. Case P12-21 Lisa Rollins has requested to withdraw from the Agenda.

**D. Hussey made a motion to approve the agenda as amended. D. Collier seconded the motion which passed without opposition.**

**III. PUBLIC INPUT**

S. Williams opened the floor to non-case specific public input. There was none at this time.

**IV. REQUEST FOR REDUCTION IN SECURITY**

<b>Case P06-93 John Jeddrey, Trustee of the Jeddrey Realty Trust</b>	<b>Map 15 Lots 56-3, 4, 21 &amp; 23, Lot 57 and Lots 60-5 through 20</b>	<b>Reduction in Security Route 28</b>
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*John Jeddrey, Trustee of the Jeddrey Realty Trust, is requesting a reduction of \$64,736 in the security for the Ridgewood Subdivision improvements.*

This would reduce the security to about \$93,000. A spread sheet and a report from George Fredette, the Town’s Consulting Engineer, is in the Board’s packets approving of that reduction.

K. McWilliams recommends that the Board move forward with that.

**D. Hussey motion to approve Case P06-93.**

**B. Curtin seconded the motion which passed without opposition.**

**V. CONTINUED PUBLIC HEARINGS:**

<b>Case P08-08 Ryan Heath</b>	<b>Map 8 Lot 25</b>	<b>Public Hearing on Site Plan 182 Frank C. Gilman Highway</b>
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*Ryan Heath is requesting the Planning Board to:*

- A. *make a determination whether the conditional approval granted in the Notice of Decision dated July 29, 2008 for the Stone Meadow Commons elderly housing project is still valid and whether the Planning Board will authorize the Chair to sign the Site Plan; and*
- B. *consider an amendment to the Site Plan for that project resulting from approval of the Alteration of Terrain (AOT) Permit by the NH Department of Environmental Services that required deleting two buildings from the plans to add drainage features. This amendment is required by condition #5 of the July 29, 2008 Notice of Decision that states that any changes to the plans are not authorized and require Planning Board approval.*

S. Williams recused himself from this Case.

D. Collier chaired.

A packet was provided by R. Heath consisting of a memo from Melissa Guldbransen and Stacey Ames (Smith), a Planner Review dated August 13, 2009 by Sharon Penney, Town Planner at the time, a letter from M. Guldbransen to the Town of Alton Planning Board, an article in the Baysider dated August 27, 2009 and e-mails from K. McWilliams and John Dever to R. Heath.

R. Heath spoke to the Board to explain what has been done since the continuation of this case from last month.

D. Hussey asked if there was any documentation to support the letter from M. Guldbransen. K. McWilliams stated that he could find nothing in the file that shows in writing that R. Heath went through with the Planner all the conditions and provided that information.

R. Heath stated that many documents were missing from the files. Some of those documents have been recorded. K. McWilliams confirmed that the rental documents had been recorded at the Belknap Registry.

D. Hussey asked if the developer met their conditions. K. McWilliams stated that they met most of them but the major one that was not met was the change in the plans required by the AOT permit. It was discussed when they came in for the Workforce Housing application but they never came back to the Planning Board and asked for a Public Hearing to amend their site plan to reduce their units that was in accord with what the State permit approved. The Planning Board cannot sign the plan that was conditionally approved because they do not have a State permit that aligns with that.

T. Hoopes stated that the Town Attorney said that the Board needed to see all the requirements accomplished and if there was no return back to the Planning Board then that was a failure.

R. Heath stated that the reason he did not return to the Planning Board is because the Planning Department staff at that time told him he did not have to.

**R. Sample made a motion that the conditional approval is still valid.**

**B. Curtin second the motion with 4 in favor and 1 opposed (TH). Motion passes.**

S. Williams rejoined the Board as chair.

**VI. SITE PLAN REVIEW CONCEPTUAL CONSULTATION:**

<b>Case P12-23 Bradley E. Bissell</b>	<b>Map 26 Lot 13</b>	<b>Conceptual Consultation Site Plan Suncook Valley Road</b>
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*Bradley Bissell is requesting a conceptual consultation site plan to discuss whether or not he needs a minor site plan application for display of merchandise on his site off Suncook Valley Road located in the Residential Commercial (RC) Zone.*

K. McWilliams gave an overview of the situation leading to this consultation. The Code Official had notified B. Bissell of the need to obtain a site plan from the Planning Board. When K. McWilliams met with B. Bissell, B. Bissell contested that there had not been a change of use on the property. Google maps showed that between 1998 and 2011 there was only one year there was anything stored on the property. The Assessing Office stated that that lot has been vacant as far back as 2001. K. McWilliams and J. Dever felt that because of the activities that were going on they needed to go through a Minor Site Plan process.

S. Williams stated that he discussed with K. McWilliams that when he was in high school the school busses parked on that lot for at least ten (10) years.

B. Curtin stated that they use to park tractor trailers on that lot.

R. Sample stated that there has been busses and cars parked over there.

B. Bissell stated that he did not agree with the Notice of Violation. He felt that what he was doing was less invasive and he has been cleaning the property up and he does keep excess inventory there but does not have any for sale signs there. The fence is to keep people from dumping trash. He stated the lot has been used since 1955.

S. Williams opened up to the public. There was none at this time.

**D. Hussey moved that a Site Plan is not required for that lot.**

**B. Curtin seconded the motion with five (5) in favor and one (1) abstention (TH)**

**VII. COMPLETENESS REVIEW OF APPLICATIONS AND PUBLIC HEARINGS IF THE APPLICATIONS ARE ACCEPTED AS COMPLETE:**

<b>Case P12-24 Robert Carleton</b>	<b>Map 8 Lot 49</b>	<b>Minor Site Plan Review Suncook Valley Road</b>
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*Robert H. Carleton is proposing a minor site plan for a boat, trailer and watercraft storage area on property located in Rural (RU) Zone.*

S. Williams read the following letter into the record.

Nov 16, 2012

Alton Planning Board

Atten: Ken McWilliams, Planner

Re: P12-24 – Carleton site plan

Dear Chairman, Alton Planning board

We have visited the park during open house and liked what we saw, and know it will be an asset to the community. In looking over the plan for the “New boat facility”, the way it is currently proposed, there appears to be some confusion.

It seems the owner’s intent is to provide a boat parking area for his park site patrons. This is a good idea and “boat parking” would be considered an “accessory”.

When you add the “Valet service of boats”, this type of operation is commonly known as a “Dry Land Marina”

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See ZBA notice of decision Oct. 8, 2012 – conditional of approval #3 temporary storage or valet service of boats.

When “valet service of boats” is added, you are creating a wholly different and separate operation, which falls under a different set of guidelines. Site plan regulation 5.07 Off street parking B:1-d – 1 space per wet or dry storage unit.

Also, there would be 2 boat operations on the outlined area in the 5 acre parcel with approx 235 units; boats/trailers/watercraft could be placed.

This plan needs more work.

Sincerely,

David and Stephen Parker

Abutters Lot #26-5

Attached with that was the Zoning Board of Adjustment Notice of Decision dated October 08, 2012, a copy of Site Plan Regulation 5.07 B:1-d, a copy of the Zoning Ordinance definition for Boat Storage and the Zoning Ordinance definition for Marina.

K. McWilliams explained to the Board that R. Carleton applied to and was approved by the Zoning Board for a Special Exception for a Boat Storage use with conditions. He recommends the Planning Board accept the application as complete. Regarding the comment from Parker Marine about the use being a Marina and the use being subject to the parking requirements, the use he applied for is a boat storage facility and he does not see in the Town definitions of Marina and Boat Storage Facility where it makes a

distinction between those uses based on whether or not they offer valet services. He does not see anything that would prevent someone from offering a valet service for a boat storage facility. K. McWilliams noted that the marina parking requirement does not apply to a boat storage use.

**D. Hussey motion to accept the application as complete.**

**D. Collier seconded the motion with all in favor.**

R. Carleton spoke regarding the transporting of the boats. The boats are brought in the fall and they are taken out in the spring. He doesn't do anything with the boats. The only thing he wanted was a place to store boats. People in the park would be moving their own boats as they wanted.

S. Williams clarified that boats would not be shuttled in and out by anyone except the patrons.

R. Carleton stated he had no intentions of every valeting a boat.

S. Williams opened it up to the public.

Maureen Parker spoke regarding the term valet. She stated that it was fine if the person is moving their own boat. She stated the term came up at the ZBA and they used that term. She was okay with what R. Carleton stated he would be doing.

S. Williams closed public input.

**D. Hussey made a motion to approve the application for Minor Site Plan Review for boat and trailer storage with the following conditions:**

**Conditions Subsequent: The following conditions subsequent shall be met during construction and on an on-going basis:**

- 1. The applicant shall comply with all applicable Town of Alton Site Plan Regulations.**
- 2. Brush and debris must be maintained in the boat storage area to prevent exposure to a brush or grass fire as recommended by the Fire Department.**
- 3. Storage area will not encroach on the NHDES Shoreland Water Quality Protection Act (SWQPA) fifty (50) foot Waterfront Buffer.**
- 4. No boat repair or maintenance will be performed in the storage area or on the property.**
- 5. Temporary storage or valet service of boats will be restricted to the patrons of the adjacent Turtle Kraal RV Park only. D. Hussey noted this was as worded by the ZBA**

**Per Section 2.08 Conditional Approval of the Site Plan Review Regulations, this conditional approval shall be valid for one year from date of original conditional approval, unless extended by the authority of the Planning Board after petition by the applicant.**

**The approval is based upon the plans, specifications and oral testimony submitted to the Planning Board. Any alterations, additions or changes to the plans are not authorized and require additional Planning Board approval.**

**B. Curtin seconded the motion.**

T. Hoopes stated that under #2, you can read it two ways. Brush and debris must be maintained..... That means you have to keep the brush or do what to get rid of it. He felt ‘removed’ would be better than ‘maintained’.

**D. Hussey amended his motion to Tom’s recommendation.**

**B. Curtin seconded the motion with all in favor.**

<b>Case P12-25 New England Nominee Trust</b>	<b>Map 14 Lot 21</b>	<b>Amended Final Site Plan Review Bowman Road</b>
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*On behalf of New England Nominee Trust, Industrial Communications & Electronics, Inc., UniceL and U.S. Cellular are requesting an amended major site plan to be able to secure an alternative access to their approved cell tower site on property located in the Lakeshore Residential (LR) Zone.*

T. Hoopes recused himself from this case.

K. McWilliams read the Project Overview: The federal court case appealing the decision by the Planning Board to approve the cell tower site has been resolved in favor of Industrial Communications. Industrial Communications could choose to proceed with construction of the site plan as approved by the Planning Board on February 15, 2011. However, Industrial Communications prefers to and is applying for an amended final site plan to propose an alternative access to the cell tower site. The only point of discussion in this amended site plan application will be the acceptability of this alternative access proposal. The tower site, the tower height, camouflaging the tower, and the tower compound are not open for discussion and would be governed by the Planning Board Notice of Decision dated February 15, 2011.

The access to the tower site on the site plan conditionally approved by the Planning Board on February 15, 2011 came off East Side Drive (Route 28A) and wound its way up the hill to the tower site. The access proposed in the amended final site plan application uses Jude Hill Road coming off Bowman Road. Jude Hill Road passes through the manufactured housing park (Mountain View) to connect with the New England Nominee Trust property on the north side of the manufactured housing park. Jude Hill Road between Bowman Road and the New England Nominee Trust property will be a minimum of twelve (12) feet in width. The access across the New England Nominee Trust property to the tower site will be a minimum of twelve (12) feet in width.

They have requested waivers.

1. Section 5.09 and 5.10(C) – pertaining to Landscaping:  
They request that a waiver be granted from all landscaping regulatory requirements given the remote location of the subject site. Strict conformity of this regulation would pose an unnecessary hardship on the applicant and granting this waiver would not be contrary to the spirit and intent of the regulations due to the proximity of the subject site.
2. Section 4.02(F) 24 – Pertaining to the approximate location of buildings, all wells, septic systems and any other pertinent features on abutting properties if within 200’ of the site:

Existing pertinent features along the parcels frontage and the point of access have been mapped and are shown in the plan set. Due to the size of the subject parcel not all features outlined in the referenced sections, such as wells and septic, have been mapped. They therefore request that a waiver be granted from these requirements given the size of the subject parcel and the location of the construction activities. Strict conformity of these regulations would pose an unnecessary hardship on the applicant and granting this waiver would not be contrary to the spirit and intent the regulations due to the proximity of the subject site and the distance to the abutting properties.

K. McWilliams recommends that the Board accept the waivers and the application as complete.

**B. Curtin made a motion to grant the waivers and accept the application as complete.**

**D. Hussey seconded the motion with all in favor.**

Steve Grill and Kevin Delaney spoke on behalf of this application. Landowners were able to access from the abutting land owner south of the subject site to access through their site up Bowman Road across the mobile home park extending an existing drive approximately 75 feet to the property line and then another 520 feet to the site where the tower will go. The advantage was it was a less expensive proposition for them. There will be far less cutting. This also eliminates drainage.

K. McWilliams stated that Pete Julius has reviewed the plans and he is satisfied with them.

S. Williams opened up to the public.

Russ Wilson spoke regarding the letter from Mr. Slade and asked if it was going to be read into the record.

S. Williams closed public input.

S. Williams read the letter into the record.

David R. Slade  
53 Miramichie Hill Road  
Alton, New Hampshire 03809  
(603) 855-2323

P.O. Box 659  
Alton, NY 03809

November 12, 2012

Re: Alton Cell Tower

Dear Members of the Planning Board and Zoning Board of Adjustment:

This is to confirm that we have decided not to appeal the decision of the Federal District Court ordering a tower to be built at East Side Drive at a height of 100 feet. While we continue to believe the Boards were correct in their original decision to deny a variance, it is clear that the Town Selectmen now favor a tower at this location, so long as it remains at this height, and the townspeople should not be forced to wait any

longer. And we sincerely hope that a tower that is properly camouflaged and limited to this shorter height will make it acceptable to those who have been concerned about its close proximity to the Bay.

However, we do wish to inform the Boards that should there ever be a need for additional carrier coverage in this vicinity, there is no need to increase the height of this tower, as there is an available alternative site. We know this to be the case because we own that site, and we are keeping it available to the town in case such a need ever arises. This site is on Evans Hill, the same location identified by the Town's engineer (Mark Hutchins) during the original proceedings as an acceptable alternative.

Further, we know that this site offers a technically viable alternative, because an alternative cell tower developer (one of ICE's friendly competitors) approached us in July to build a tower at this site for certain of the very same cell companies who are mentioned in the Application now before you. Indeed, had the Federal District Court postponed its decision just a bit longer, we would have presented to the Boards an alternative plan to build a more attractive tower on Evans Hill, for these same cell companies. But the court did decide, so we will now hold this plan in reserve as a buffer, to protect the town against the need to ever increase the tower at East Side Drive, should any future carrier require coverage in this area.

We would be very happy to answer any questions that the Boards may have in regard to this matter.

Sincerely yours,

David Slade

**D. Hussey made a motion to approve the amended Site Plan for an alternative access to an approved tower site conditioned on the following:**

**Conditions Precedent: The following conditions must be satisfied prior to the Planning Board Chair signing of plans.**

- 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 plan prior to plan signing stating that Best Management practices shall be utilized during any timber cutting on site.**
- 3. A note shall be added to the plan prior to plan signing stating either the site is not in current use or stating the total acreage of each Current Use Category for the site.**
- 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 February 15, 2011 and November 20, 2012 Notices of Decision on file at the Town of Alton Planning Department.**

**Subsequent Conditions: The following conditions subsequent shall be met during construction and on an on-going basis:**



1. **The applicant shall comply with all of the Town of Alton’s Site Plan 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.**
4. **Any gates or locked areas shall use a Knox Box or Knox Padlocks to facilitate access by the fire department during an emergency response.**

**B. Curtin seconded the motion with all in favor.**

S. Williams called a four minute recess.

**VIII. VOLUNTARY LOT MERGER:**

<b>Case P12-22 Alina Gutierrez</b>	<b>Map 12 Lots 79 &amp; 80</b>	<b>Voluntary Lot Merger Bear Pond Road</b>
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*Alina Gutierrez is requesting to merge two lots of record into a merged lot consisting of 31,250 sq. ft. in the Rural (RU) Zone.*

T. Hoopes and S. Williams questioned whether this lot was owned by the Town of Alton. The Town had tried to acquire a property to provide access to Bear Pond Road. T. Hoopes wanted to be sure the town lot was not involved in the lot merger request.

K. McWilliams stated that the applicant had deeds of records for these two lots.

**T. Hoopes made a motion to discuss this with Dave Lawrence and continue this case to the next meeting.**

**B. Curtin seconded the motion with all in favor.**

It was also decided to talk with Town Counsel, if needed, and the owner of the two lots.

**IX. REVIEW OF DRAFT ZONING AMENDMENTS:**

*Review of draft amendments to the Zoning Ordinance submitted by the Zoning Amendment Committee.*

K. McWilliams stated that they needed to get the Planning Board comfortable with these amendments to move them ahead for Public Hearing in December. The Recreation Campground Amendment is the only amendment that has had public comments.

Sylvia Leggett submitted comments regarding this amendment titled Review of Recreational Campground Amendments.

The definitions section uses the RSA 216:I with two exceptions.

1. The first one is the definition of Recreational Campground or Camping Park. To this definition the term “occupancy for less than 180 consecutive days per year”, S. Leggett is recommending that that be removed to be consistent with the State definition. It is already covered in the definition where it says it is ‘not for permanent year-round residency’.

**B. Curtin made a motion to move it to the ballot with the changes.**

**D. Hussey seconded the motion with all in favor.**

2. The definition of Recreational Camping Cabin is identical to the State definition with the exception to the last line “it is not designed for routine travel on roads”. She would like this removed to be consistent with the State definition.

Board decided that the last line would remain, but put in parentheses.

3. Section 356 is hard to regulate. S. Leggett would like to give a seven day grace period before the permit is needed.

**D. Hussey made a motion to eliminate this amendment section and leave it as it is today.**

**T. Hoopes seconded the motion with five (5) in favor and one (1) abstained (RS).**

4. Section 357, S. Leggett suggest that it be slimmed down and included with Section 355 under B.

**D. Hussey made a motion to leave as is but add hooking up to permanent water must have a sewer disposal system**

**D. Collier seconded the motion with all in favor.**

5. Revision of Section 355, accessory structures and site improvements, S. Leggett feels it is not necessary.

**D. Hussey motion to leave 355 as is.**

**B. Curtin seconded it with all in favor.**

6. S. Leggett felt that private tent sites should say they need to get a permit from the building department.

**D. Hussey made a motion to scratch the words up to the word “three and then private tent sites are permitted...” and then the second one take out the words “more than three private tent sites and/or” then start it with the use for a longer duration made be permitted by a special exception.**

**B. Curtin seconded the motion with all in favor.**

**B. Curtin made a motion to move the amendments with the changes to the ballot.**

**D. Hussey seconded the motion with all in favor.**

**X. PUBLIC HEARINGS ON AMENDING REGULATIONS.**

K. McWilliams suggested that the Public Hearing that was set up on amending the regulations, the sub regulations and the Site Plan Review Regs be continued until December.

**B. Curtin motion to continue the public hearing until December 18th.**

**D. Hussey seconded the motion with all in favor.**

**XI. Other Business**

1. Old Business – None
2. New Business – None
3. Approval of Minutes, October 16, 2012

**D. Hussey made a motion to accept the minutes of October 16, 2012 as presented.**

**B. Curtin seconded the motion which passed without opposition.**

T. Hoopes asked a question regarding the pin settings in Case P12-11.

S. Williams made a corporate decision to table the minutes until the next meeting.

4. Correspondence - None

**XII. Public Input**

No public input at this time.

**XIII. Adjournment**

**D. Hussey made a motion to adjourn. The motion was seconded by D. Collier and passed without opposition.**

The Public Hearing adjourned at 9:00 p.m.

Respectfully submitted,

