

TOWN OF ALTON PLANNING BOARD
 PUBLIC HEARING
 Minutes
 March 18, 2014
 Approved 4/15/14 as amended

Members Present: Dave Collier, Chair
 Bill Curtin, Member
 Scott Williams, Member
 Ray Howard, Member
 MarcDeCoff, Selectmen Representative

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

I. CALL TO ORDER

D. Collier called the meeting to order at 6:00 p.m.

II. APPROVAL OF AGENDA

K. McWilliams had a change to the agenda. To be added to Any Other Business that may come before the Board, election of the Board officers.

S. Williams motioned to accept the Agenda as amended.

B. Curtin seconded the motion with all in favor.

III. TIME EXTENSION:

Case P06-93 John Jeddrey, Trustee of the Jeddrey Realty Trust	Map 15 Lots 56-3, 4, 21 & 23, Lot 57 and Lots 60-5 through 20	Time Extension Ridgewood Subdivision Route 28
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John Jeddrey, Trustee of the Jeddrey Realty Trust, is requesting a time extension of one year to January 16, 2015 to complete Phase I and II improvements.

K. McWilliams gave a background of this application. The request is another time extension of one year until January 16, 2015 to complete Phase I and Phase II improvements. K. McWilliams recommends the Planning Board approve the requested time extension of one year to January 16, 2015 to complete Phase I and Phase II improvements.

S. Williams asked because Mr. Jeddrey is heavily invested in the project why is it necessary for him to come to the Planning Board every time he wants an extension. K. McWilliams will look into that to see if it is necessary.

D. Collier opened it to the public.

Tom Varney spoke as an abutter in regards to the applicant completing the roads of the subdivision and the extension of McDuffey Drive to Route 28 in particular.

The Board stated that J. Jeddrey has given a surety and there is a condition in the Notice of Decision that he must complete the road before he can sell any lots.

J. Jeddrey explained what he was in the process of doing for the roads. His wetland permits expire in 2017 so he needs to complete the roads before the permits expire.

S. Williams motion to approve Case P06-93, John Jeddrey Realty Trust, if needed, the requested time extension of one year to January 16, 2015.

All other conditions of approval in the January 16, 2007, August 16, 2011, September 20, 2011, January 17, 2012, July 17, 2012 and February 19, 2013 Notices of Decision shall remain in effect.

R. Howard seconded the motion with all in favor.

Case P11-15 Joseph Byrne Jilyan Byrne Estates	Map 15 Lots 17, 17-4 & 17-5	Request for Time Extension Route 28A (East Side Drive)
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D. Collier recused himself from this application.

S. Williams proceeded as acting chair.

On behalf of Joseph Byrne, Brad Jones, Jones & Beach Engineers, Inc. is requesting a one year time extension on March 15, 2015.

K. McWilliams gave an overview of this application. He recommends approval of the 12 month time extension to March 15, 2015 as requested by the applicant.

Brad Jones represented the applicant and explained what has been completed so far.

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

B. Curtin made a motion to approve Case P11-15, Joseph Byrne, for an additional extension of 365 days to March 15, 2015 to complete construction.

All other conditions of approval of the September 21, 2010, June 21, 2011, March 20, 2012 and March 19, 2013 Notices of Decision shall remain in effect.

R. Howard seconded the motion with all in favor.

D. Collier returned to the Board as Chairman.

IV. COMPLETENESS REVIEW OF APPLICATIONS AND PUBLIC HEARING IF THE APPLICATIONS ARE ACCEPTED AS COMPLETE:

Case P14-03 Robert, Sandra & Gary Bahre	Map 21 Lots 5-3, 5-4 & 5-5	Lot Line Adjustment Hopewell Road
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On behalf of Robert, Sandra & Gary Bahre, Mark C. Sargent, LLS of Richard D. Bartlett & Associates, LLC, is requesting a lot line adjustment between Map 21 Lot 5-3, 5-4 and 5-5 all owned by the Bahre family. The intent is to make the following annexations: 1) To annex 43,160 sq. ft. or 0.99 acres of lot 5-4 to 5-3 which will create a new lot area for lot 5-3 of 99,023 sq. ft. or 2.27 acres; 2) To annex 1,010 sq. ft. or 0.02 acres of lot 5-5 to lot 5-4 and to annex 24,200 sq. ft. or 0.56 acres of lot 5-4 to 5-5 which will create a new lot area for lot 5-4 of 209,630 sq. ft. or 4.81 acres and a new lot area lot 5-5 of 412,985 sq. ft. or 9.48 acres. The properties are located in the Lakeshore Residential (LR) Zone.

K. McWilliams explained the plan intent of the Lot Line Adjustment. The applicant has requested the following waiver; 7.2.27 – Elevations – The applicant’s agent indicated that the lot line adjustment plan does not create any new lots, the three subject lots exceed the minimum lot size requirements, steep slopes have been depicted on the plan and the depiction of topography on the plat would not enhance the application. K. McWilliams recommends approval of the waiver and to accept the application as complete.

S. Williams motioned to approve the waiver 7.2.27 Elevations on Case P14-03, Robert, Sandra & Gary Bahre.

B. Curtin seconded the motion with all in favor.

S. Williams motioned to accept the application as complete on Case P14-03.

B. Curtin seconded the motion with all in favor.

Mark Sargent spoke on behalf of the Bahre family. He handed out to the Board an 11”X17” colored plan drawing showing the existing and proposed lot lines.

D. Collier opened it to the public. There was none at this time.

S. Williams made a motion to approve Case P14-03, Robert, Sandra and Gary Bahre’s Lot Line Adjustment with the following conditions:

Conditions Precedent: The following conditions must be satisfied prior to signing the plans.

- 1. The following note shall be added to the plat prior to plan signing: this Boundary Line Adjustment Plan is subject to the Conditions of Approval itemized in the March 18, 2014 Notice of Decision on file at the Town of Alton Planning Department.**
- 2. The applicants need to submit signed deeds to record with the Lot Line Adjustment plan within 60 days of approval of the lot line adjustment by the Planning Board. The deeds would be for:**
 - a. Transferring 43,160 sq. ft. or 0.99 acres from lot 5-4 to lot 5-3 both currently owned by Gary Bahre;**
 - b. Transferring 1,010 sq. ft. or 0.02 acres from lot 5-5 (Robert & Sandra Bahre) to lot 5-4 (Gary Bahre); and**
 - c. Transferring 24,200 sq. ft. or 0.56 acres from lot 5-4 (Gary Bahre) to lot 5-5 (Robert & Sandra Bahre).**
- 3. All monuments shall be set prior to signing the plans.**

SUBSEQUENT CONDITIONS

- 1. The applicant shall comply with all of the town of Alton’s Subdivision Regulations.**
- 2. The approval is based upon the plans, specifications and testimony submitted to the Planning Board. Any alterations, additions or changes to the plans are not authorized and require additional Planning Board approval.**
- 3. A lot line adjustment which has been approved, conditionally or otherwise, may be revoked, in whole or in part, by the Planning Board when an applicant or successor in interest to the applicant has performed work, erected a structure or structures, or established a use of land, which fails to conform to the statements, plans, or specifications upon which the approval was based, or has materially violated any requirements or conditions of such approval.**

Provided all listed precedent conditions are satisfied, this approval will remain valid for implementation 365 days from date of original approval, unless extended by the authority of the Planning Board after petition by the applicant.

B. Curtin seconded the motion with all in favor.

Case P14-02 Joseph Spain	Map 9 Lots 53-2 through 20	Amended Final Subdivision Plan New Durham Drive & Marie Drive
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D. Collier recused himself from this application.

S. Williams proceeded as acting Chair.

On behalf of Joseph Spain, Jones & Beach Engineers, Inc. is requesting an amended final Subdivision to:

- 1) Install underground utilities instead of overhead lines along the first part of the subdivision road (Marie Drive) off new Durham Road,

- 2) Switch from a cistern to a fire pond with a dry hydrant, and
- 3) Develop the subdivision in phases.

The properties are located in the Residential Rural (RR) Zone.

K. McWilliams gave an overview and background on the application. The applicant is requesting 1) to install underground utilities instead of overhead lines along the first part of the subdivision road (Marie Drive) off New Durham Road; 2) Switch fire protection from a cistern to a fire pond with a dry hydrant; and 3) Develop the subdivision in three phases. K. McWilliams recommends the Planning Board accept the application as complete.

B. Curtin made a motion to accept Case P14-02, Joseph Spain application as complete.

R. Howard seconded the motion with all in favor.

K. McWilliams gave the status of previous conditions of approval. He recommended the Board approve this application with conditions as outlined in his planners review.

S. Williams asked in regards to maintenance of the fire pond.

K. McWilliams stated that there was an easement provided for the fire pond. There is a Town policy developed in 2012 that the Town would be responsible for the maintenance.

S. Williams requested that the plans be updated to coincide with current abutters.

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

Brad Jones spoke on behalf of Joseph Spain. He explained the process of the different Phases.

B. Curtin made a motion to approve Case P14-02, Joseph H. Spain, for an amended final subdivision plan for the Woodlands Subdivision to include the following:

1. **Develop the subdivision on three phases.**
2. **Switch fire protection from a cistern to a fire pond with a dry hydrant; and**
3. **Install underground utilities or overhead lines along the first part of the subdivision road (Marie Drive) off new Durham Road.**

The approval is given with the following conditions:

The following conditions subsequent shall be met before or after construction as noted:

1. **All proposed road names must have written approval from the Board of Selectmen. A copy of the approval of the road names must be supplied to the Planning Department prior to commencing construction.**
2. **All "to be set" notes are to be set as part of the road construction and to be shown on the as-built plans.**
3. **Trees along the boundary of the 25' of the wetlands buffer are to be flagged on the plat and in the field on trees approximately every 25' with permanent markers identifying them as the wetlands buffer. The wetland buffer disks are available for purchase from the Alton Planning Department. Where trees have been previously removed or do not exist, the wetlands buffer shall be flagged with metal fence posts displaying the markers, which should be affixed to the posts with bolts. This is to be completed prior to commencing construction for each phase and certified as complete for each phase by the surveyor who stamps the plat.**
4. **An amount necessary for road construction, fire pond and dry hydrant construction or other necessary construction inspections must be placed in an escrow account prior to construction of each phase. The amount for each phase is to be determined by the Town's review engineer.**
5. **Proof of registration with the NH Office of the Attorney General must be provided to the Planning Department prior to a building permit being issued.**
6. **A pre-construction meeting for each phase shall be arranged between the Town Engineer, the applicant and his/her developer, the Planning Department, and others the Board may deem necessary prior to**

excavation or timber cutting, during which time the applicant and his agent(s) together with the town engineer shall determine the construction/inspection schedule.

7. As-built plans for each phase for roads, underground or overhead utilities, drainage ponds, fire pond and dry hydrant and other subdivision improvements and final engineering inspections must be completed and all boundary points to be set prior to the release of the security for the subdivision improvements for each phase.
8. Provide security in an amount equal to 110% of the cost of improvements for each phase as approved by the town's review engineer. The amount of security for Phase I shall be \$402,400.00. The security needs to be provided prior to the preconstruction meeting and before construction starts.
9. Homeowners' Association documents will need to be submitted and approved by town Counsel prior to construction commencing.
10. The following documents must be recorded at the Belknap County Registry of deeds prior to construction:
 - a. Easement Deed for the Fire Pond and Dry Hydrant,
 - b. Phase I – Drainage Utility Easement (Lot 53-20),
 - c. Phase I – Drainage utility Easement (Lot 53),
 - d. Temporary Easement Deed – Phase I for the turn-Around at the end of Phase I, and
 - e. First Amendment of the Covenants Restricting Lot Sales.
11. The applicant shall comply with all of the Town of Alton's Subdivision Regulations.
12. 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.
13. A subdivision plat which has been filed and approved, conditionally or otherwise, may be revoked, in whole or in part, by the Planning Board when an applicant or successor in interest to the applicant has performed work, erected a structure or structures, or established a use of land, which fails to conform to the statements, plans, or specification upon which the approval was based, or has materially violated any requirements or conditions of such approval

Active and substantial development or building shall begin within 12 months of the date of approval. Active and substantial development or building shall be considered achieved when security for the subdivision improvements in Phase I is established and approved by the Planning Department.

Substantial completion of the improvements shown on the subdivision plat shall be met when the road in Phase I has been constructed with the base course of asphalt and other Phase I improvements are completed including the fire pond and dry hydrant and the drainage ponds.

Per RSA 674:39 Section IV; Four Year Exemption

This Notice of Decision replaces the previous Notices of Decision for this subdivision notably the March 20, 2007 and the August 16, 2011 Notices of Decision.

R. Howard seconded the motion with all in favor.

D. Collier returned to the Board as Chairman.

V. CONCEPTUAL CONSULTATION:

Case P14-05 Thomas T. & Elysa M. Seymour	Map 63 Lot 32-2	Conceptual Consultation 70 Rollins Road
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Thomas T. & Elysa M. Seymour are requesting a change to the condition of approval to mark the wetland buffers since fence posts will interfere with existing landscaping.

K. McWilliams gave a background of this application. The applicants have submitted a request to eliminate the wetland buffer marker requirement in the cleared areas next to the wetlands. According to the plans submitted for the amended subdivision plan in December 2013, there is a cleared area about 50 feet wide along the wetland buffer between the wood

line just south of the proposed garage and the wood line at the southeast corner of the proposed shed. They have noted that the fence post placement will interfere with existing landscaping and beautification. They have not proposed any alternative to the wetland buffer marking requirement. K. McWilliams has suggested that the applicant may consider 1) using some alternative material to the metal fence posts for affixing the wetland markers such as pressure treated wood posts; 2) spacing the markers on metal fence posts farther apart than the standard 25 feet. Perhaps a wetland marker could be placed on either end of the 50' wide cleared area along the wetland buffer; or 3) Affixing the wetland buffer markers to a decorative fence located at the wetland buffer line. K. McWilliams recommends the Planning Board either stick with the original condition for marking the wetlands or negotiate one of the alternatives suggested.

Tom Seymour spoke on his own behalf. He explained that he was unable to attend the original meeting regarding this application. He has worked with Steve Smith and Associates and they had no recommendations at the time. Since then they have come up with other options. T. Seymour stated that the biggest issue was the expense. Steve Smith and Associates told him it would be about \$3,000 to put the stakes up and survey the wetland buffer. T. Seymour also stated the post where a potential hazard to his children. He asked if he could put the markings on the trees that are there. He has cleared about 50 feet of area by the wetlands. He also stated that if he puts a stake there it would be unsightly.

The Board agreed that if Mr. Seymour puts a sign on the corner of the shed and one on the well casting he should be pretty close to the 25 feet. If it goes greater than 50 feet he needs to put a fence post in.

D. Collier opened it up to the public. There was none at this time.

VI. SMART GROWTH AND NATURAL RESOURCE ASSESSMENTS

David Jeffers of the Lakes Region Planning Commission and Carol Foss of the NH Audubon reviewed the Alton Master Plan and Zoning Ordinance and discussed with the Planning Board their findings for recommendations of the Smart Growth Principles that the Town of Alton can use to improve the Town's growth. They handed out a booklet of Habitat/Natural Resource Topic and Smart Growth Principles. Their work was funded by the Samuel P. Pardoe Foundation.

VII. OTHER BUSINESS

1. Old Business – None
2. New Business –
 - a. Work session on April 1st at 6:00 p.m. to begin to review the Subdivision Regulations dated 1/22/14.
 - b. Received Engineering Consultant selections from 7 firms. Dave Collier is not able to be part of the subcommittee and must step down during the Planning Board decision since his employer, Jones & Beach, is one of the firms submitting a proposal. A third member is needed to sit on the subcommittee. The Board decided to ask Tom Hoopes if he is willing. The Board received a handout from Ken with his evaluation of the firms.
 - c. Mr. Slatery asked to extend the time to get the deeds together until July 21st.

B. Curtin made a motion to extend the time frame to provide signed deeds until July 21, 2014 for Case P14-01, Boundary Line Adjustment plan for 585 & 587 Alton Mountain Road.

M. DeCoff seconded the motion with all in favor.

3. Approval of Minutes:

B. Curtin motioned to approve Minutes of December 18, 2013 as presented.

S. Williams seconded the motion with three (2) approved and one (2) abstention (RH&MD).

Minutes for January 21, 2014 needed a correction of Marc's name. To be spelled Marc not Mark.

B. Curtin motioned to approve Minutes of January 21, 2014 as amended.

S. Williams seconded the motion with all in favor.

B. Curtin motioned to approve Minutes of January 14, 2014 as presented.

S. Williams seconded the motion with all in favor.

4. Correspondence – None
5. Any other Business that may come before the Board –

Election of officers:

Dave Collier was nominated as Chairman

M. DeCoff motion that D. Collier stays Chairman

B. Curtin seconded the motion with all in favor.

Tom Hoopes was nominated as Vice Chairman

B. Curtin motioned that T. Hoopes is Vice Chairman

S. Williams seconded the motion with all in favor.

Roger Sample was nominated as Clerk

B. Curtin motioned that R. Sample is Clerk

M. DeCoff seconded the motion with all in favor.

Marc DeCoff is the new Selectmen Representative

Loring Carr is the new Selectmen Alternate Representative

VIII. PUBLIC INPUT ON NON-CASE SPECIFIC LOCAL

None at this time.

IX. Adjournment

S. Williams made a motion to adjourn. The motion was seconded by B. Curtin and passed without opposition.

The Public Hearing adjourned at 8:33 p.m.

Respectfully submitted,

Randy Sanborn, Recorder, Public Minutes