

**TOWN OF ALTON PLANNING BOARD
MINUTES 2017
APRIL 18, 2017**

APPROVED

Members Present:

Peter Bolster, Vice-Chairman
Russell Wilder, Clerk
Roger Sample, Member
Scott Williams, Member
Thomas Hoopes, Member
Virgil MacDonald, Selectmen's Rep.

Others Present:

Nic Strong, Town Planner
Jessica A. Call, Planning Secretary

CALL TO ORDER

Peter Bolster called the meeting to order at 6:00 p.m.

APPROVAL OF AGENDA

Peter Bolster asked if there had been any changes in the agenda. Nic Strong stated that 4.c. and 5.b were added after the agenda had been posted.

**Scott Williams moved to accept the Agenda as amended.
Roger Sample seconded the motion, and it PASSED unanimously.**

Voluntary Merger – Continued from March 21, 2017

Case # P17-06 Sedlari Construction, LLC	Map 10 Lots 16-5 thru 16-10 & 16-14 thru 16-16	Voluntary Merger Rural (RU) Zone Sedlari Way/Alton Mtn. Rd.
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Scott Williams asked if there was anyone present to represent the case. Nic Strong stated that she was not expecting anyone, because the applicant was working on an amended subdivision plan and requested the lot merger be withdrawn at this time.

**Scott Williams moved to grant the withdrawal of Case #P17-06 without prejudice.
Russ Wilder seconded the motion, and it PASSED unanimously.**

Completeness Review of Applications and Public Hearing if Application is Accepted as Complete

Case # P17-07 Jeffrey L. Green, LLS, Agent for Scott Dulac/Dulac Motors, LLC	Map 26 Lot 4	Minor Site Plan Residential/Commercial (RC) Zone 46 Suncook Valley Road
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Present were Jeffrey L. Green, LLS, Agent for Scott Dulac/Dulac Motors, LLC, Scott Dulac, and Bradley Bissell, property owner.

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Jeffrey L. Green, LLS, stated that the proposal was for a used car dealership. The property had 0.7 acres and currently had an existing building of 3,263 s.f., which Scott Dulac would utilize for the business. They were anticipating using the four (4) bay garage for detailing and repairing of the vehicles that were for sale. There were 25 spaces available for parking, which would be for displaying the used vehicles for sale, and for employee and customer parking. There were existing lights on the building, most of them spotlights that were pointed down, and they were not proposing any additional lighting. There was also an existing sign they would be utilizing, which was 42" x 72" x 15' tall; the only change would be the face of the sign, which would state "Dulac Motors." The property had a septic system, but they were unsure what type. The property also had its own well. A small paved driveway for abutters out back crossed the corner of the property and would remain as it was. The overhead utilities that were shown on the plan would remain the same. They had applied for a DOT driveway permit and were informed that DOT did not have any record of a previous driveway permit; Jeffrey L. Green, LLS, stated that after having a conversation with DOT, that they did not have any real issue with the existing driveway, because there was not a lot that could be changed. Jeffrey L. Green, LLS, indicated a 24' wide proposed entrance and exit for the driveway, noting the State said it would be nice to have one area designated to go in and out while the rest of the frontage could provide access to the front of the garage. There would only be 1-2 employees and the hours of operation would stay the same.

Scott Williams asked if the property across the street was part of the usage being proposed; Jeffrey L. Green, LLS, stated it was not.

Peter Bolster asked about the right-of-way to the rear parcel. Jeffrey L. Green, LLS, stated it was owned by Carleton. Tom Hoopes asked if it was a right-of-way and what size was it. Jeffrey L. Green, LLS, stated it was not a permitted right-of-way, but was a paved area that was actually on the wrong side of the lot line, which was intended for emergency access to the abutting campground. Tom Hoopes stated that if at some point, the right-of-way was used for regular access to the back land, there would have to more than a verbal agreement. Scott Williams stated that it was probably noted on the Carleton plan somewhere. Jeffrey L. Green, LLS, stated that what was shown on the plan was that the pavement for that access was there, and it would not be blocked by display vehicles. Scott Williams asked if the driveway or lot was going to be paved, and if not, why. Jeffrey L. Green, LLS, stated that they had not planned on paving because they were concerned about lot coverage and had planned on leaving things the way they were. Scott Williams mentioned that he liked to see commercial properties with pavement, and DOT might require pavement.

Roger Sample stated that the driveway entrance was part of the whole front of the property, and that was probably why DOT did not have a driveway permit. He then asked if the designated 24 feet of driveway was going to be delineated with pavement so people would know where to enter. Jeffrey L. Green, LLS, stated that with the driveway permit, they required the applicant to pave up to the right-of-way line, and if you looked at the plan, you would see that there was only about 10 s.f. of property the State could make him pave. He asked if the Town had any requirements to delineate the access any further. He did not think the State would have an issue with the open frontage, but he had not actually spoken with the engineer yet.

Roger Sample stated that if they were to put any type of barriers, they would have to be placed near the property line. Jeffrey L. Green, LLS, noted that there was broken pavement along the property's frontage and the State may require barriers. He said the Town may require barriers also. Peter Bolster mentioned that since it was going to be a business located at the gateway into the village, it would be nice to have the access to the property to be as attractive as possible. Roger Sample suggested installing some sort of island. Virgil

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MacDonald stated that it appeared they would not have enough room to get in and out of the bays because there was not a lot of room from the bays to the highway.

Jeffrey L. Green, LLS, stated that when he looked into the project, he noted that when the State plowed Route 28, all of that snow would end up on their property; therefore, installing some type of barrier would make it difficult to have easy access to drive in and out of the bays. Virgil MacDonald noted there had never been anything there before and, in fact, there had been a gas pump at the front of the property at one time. Scott Williams and Roger Sample told Virgil MacDonald that the State would tell the applicant what to do, which may involve barriers or islands and shrinking the size of the driveway. Peter Bolster stated that they should keep in mind that the State would be continuing their second and third phases of road improvements on Route 28. Jeffrey L. Green, LLS, stated that if that was the case, then the State would have to buy a Right-of-way from Bradley Bissell. Jeffrey L. Green, LLS, mentioned that Scott Dulac could put a sign at the driveway entrance so people would not use the whole frontage to enter the lot. Peter Bolster asked Jeffrey L. Green, LLS, if they had heard back from DOT yet, as far as the driveway permit went; he stated, "No."

Nic Strong stated that there were only two (2) items that needed discussion relative to completeness:

1. Missing information on the Executive Summary, which had been provided before the meeting; and
2. A discussion regarding the driveway permit, which could be a condition of approval.

Russ Wilder read the amended executive summary, dated March 27, 2017, into the record:

"Dulac Motors, LLC, owner Scott Dulac, is proposing to sell and repair used vehicles on an existing 0.73 acre lot, Tax Map 26 Lot 4. There will be no changes to the existing building. The building is 3,260 s.f. with a small office area and four (4) bays with overhead doors for the purpose of auto repair and detailing.

There will be one (1) to two (2) employees working during the following hours of operation: Monday through Friday 9:00 am – 5:00 pm, Saturday 10:00 am – 4:00 pm, and Sundays by appointment.

There will be approximately 15 vehicles for sale, repair, and detailing. Traffic will vary daily with five (5) to ten (10) cars approximately, including delivery of parts. Cars will be delivered by truck or driven and dropped off in the back area.

There will be no changes to the existing topography or existing drainage on the lot. The structures, parking, and pavement are all existing."

Russ Wilder asked that since the Board had been given an amended Executive Summary, did the summary include everything from 3.01 (E), which was to include the description of the business; what was being done with the area within the structure allocated for the proposed business; the days and hours of operation; the extent of normal customer business traffic, including truck deliveries; any unusual demand for utility services; the provision of fire protection; and any other descriptive information on the proposed business; and have they evaluated the impacts of the proposed site development. Russ Wilder noted that the summary did not say anything about fire protection or utility services, and then asked the Board if they felt that 3.01 (E) had been complied with, in order to accept the application as complete. Tom Hoopes noted the Fire Department's letter, which would have to be complied with.

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**Tom Hoopes moved to accept Case #P17-07 as complete.
Scott Williams seconded the motion, and it PASSED unanimously.**

Peter Bolster asked about the breakdown of what the 25 parking spaces would be designated for. Jeffrey L. Green, LLS, explained that spaces 1 and 2 would be for displaying vehicles for sale out front of the building, 3, 4, 5, and 6 were for customers, 14 and 15 were for employee parking, and all the rest of the spaces were for displaying the vehicles for sale, with the exception of one additional space for handicapped parking, which would actually make 26 parking spaces.

Scott Williams asked about the status of the fence and whether Scott Dulac was going to use it as display space. Jeffrey L. Green, LLS, stated that he was not proposing to change the fence, and they would be using the fenced in area for displaying vehicles for sale. Jeffrey L. Green, LLS, stated that a lot of people shop online nowadays and if they were interested in looking at a particular vehicle, they would display it in the fenced in area until the prospective buyer had the chance to look at it.

Tom Hoopes noted that by looking at parking space #13, it appeared that it was a tight space for a truck to drive out back. Jeffrey L. Green, LLS, mentioned that there were plenty of spaces and that #13 might not work, and it might get eliminated. Peter Bolster asked if all vehicles being dropped off for sale would be drivable; Jeffrey L. Green, LLS, stated, "They should all be drivable."

Peter Bolster asked Jeffrey L. Green, LLS, if only one handicapped parking space was enough, and did he look at the Zoning Ordinance. Scott Williams mentioned that he thought it was one space for every 40 spaces. Jeffrey L. Green, LLS, stated that he put a note on the plan that there were not any regulations on parking requirements for a used car dealership, so his calculations were based on a business that had a service bay for repairing cars, which was five (5) spaces per service station, plus three (3) spaces per bay. In total, they would have to have at least 17 spaces, and they had 26.

Scott Williams noted that the main function of the business would be car sales. Roger Sample noted that it would not be a repair shop. Jeffrey L. Green, LLS, answered that the repair shop would not be for the public, and would only be for the vehicles that were for sale.

Scott Williams stated that the plan did not show where the septic system was located. Jeffrey L. Green, LLS, could not find out when it was installed, but knew where the tank and the leach field was located. Jeffrey L. Green, LLS, stated that he hired Peter Schauer, Environmental Consultant, to flag the wetlands and the septic design. The business use would need a minimum of 300 gallons a day flow and the leach field was 15' x 30'. Russ Wilder asked Jeffrey L. Green, LLS, to have Peter Schauer provide a report to the Board.

Russ Wilder mentioned that the property was in the Shoreland Protection District and that one of the notes on the Planner Review was to check to see if it complied with the shoreland rules. Jeffrey L. Green, LLS, stated that there was a misunderstanding because when he looked at the site, it showed that Merrymeeting River was not in the shoreland; then after reviewing the Planner Review, he checked again and noted that it actually was a shoreland river, which was classified as a Class IV. Scott Williams noted that the property encroached on the back and the front. Jeffrey L. Green, LLS, stated that in the back, the river was almost 1,400 feet away. Russ Wilder mentioned that the river was the same level as the marsh. Jeffrey L. Green, LLS, stated that the State had not gotten back to him yet to confirm the marshland, but at first, the State informed him that was not part of the shoreland, then they called him back and told him that it was. Jeffrey

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L. Green, LLS, stated that a shoreland application was not needed because they were not doing any type of construction. Russ Wilder stated that the jurisdictional line should be shown on the plan, whether or not the shoreland application was required. Jeffrey L. Green, LLS, stated that he would get that done once he heard back from the State with exactly where it was located.

Russ Wilder noted that according to the Planner Review, concerning the Aquifer Protection Overlay District, the Board needed to confirm that the plans included information to prove compliance, for instance storage of hazardous materials like oil and gas. Jeffrey L. Green, LLS, stated that there were none proposed. Russ Wilder informed Jeffrey L. Green, LLS, that there should be a statement to that effect on the plan.

Russ Wilder asked Jeffrey L. Green, LLS, if the landscaping was at least 15% of the property. Tom Hoopes stated he understood the problem with the snow, but the site needed some landscaping done to it. Jeffrey L. Green, LLS, stated that it was an existing plan and they were trying to utilize the landscaping that was currently there because it was a tough area to landscape. Currently there was a small grassed area located between the fence and the paved driveway to the Carleton property, and there was a small section near the office where they could plant flowers, etc. Out front of the building was made of concrete, and Jeffrey L. Green, LLS, stated that the State would inform him what to put out front.

Peter Bolster asked Nic Strong if the property was grandfathered because it had been a garage for a long period of time, and did grandfathering allow the Board to waive landscaping currently required in the ordinance. Nic Strong stated that since it was a new application, it would have to follow the current Regulations/Ordinance, and the applicant could request a waiver. Virgil MacDonald asked how the Board could force landscaping on an applicant when there was not a lot of room for vehicles to turn into the bays, and he felt that it diminished the use of the property. Peter Bolster stated that the applicant should have requested a waiver. Virgil MacDonald still disagreed. Tom Hoopes stated that if the Board expected every other applicant to follow the regulations, how could the Board avoid expecting it from this applicant. Virgil MacDonald stated that there was no place for the applicant to do landscaping. Peter Bolster stated then they should request a waiver so the Board could consider the conditions and if it was not possible to meet the requirements, then the Board could grant the waiver. Roger Sample stated that there was a way they could incorporate landscaping near spaces one (1) and two (2), by repositioning the spaces to allow for some fencing around the canopy in order to incorporate a small patch of grass. Scott Williams stated that by looking at a species list, the applicant could choose from a variety of plants that were salt tolerant. Peter Bolster stated that the solution to this would be for the applicant to submit a request to waive some landscaping, and then the Board would consider it. Jeffrey L. Green, LLS, stated that there was existing landscaping on site, so he had not gone over the whole regulation because he was not proposing to add anything to what was already there. Jeffrey L. Green, LLS, stated that he normally does not like to submit waivers and would rather come to an agreement with what worked for the Board without using one. Scott Williams stated that what Jeffrey L. Green, LLS, had already shared with the Board regarding the existing landscaping should be noted on the plan. Peter Bolster would like to see landscaping as a condition of approval.

Russ Wilder stated that the Planner Review noted there was no new lighting proposed, and that they would be using the existing lighting on the property. Scott Williams stated that down lights were required by the existing regulations. Jeffrey L. Green, LLS, stated that the three (3) spotlights out back were motion lights and shined down on the storage area; there were two (2) lights by the office door that were down lights and the one (1) out front was down, which were all shown on the plan. Russ Wilder stated that the plan should show what type of lights they were.

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Russ Wilder stated that the Planner Review indicated there was no description showing how stormwater drainage and erosion control was currently handled. Jeffrey L. Green, LLS, shared that he had spot elevations that showed it was a fairly flat lot, and everything ran to the back of the property where the snow storage area was, which drained into the marsh area. Russ Wilder asked if there was any stormwater treatment going on in that area. Jeffrey L. Green, LLS, stated, "other than the grass, no."

Peter Bolster suggested a rain garden could be put along the back property line area, like a swale. Jeffrey L. Green, LLS, stated that he did not see a problem with adding a swale to keep the water from draining directly into the marsh area. Virgil MacDonald stated that currently, the water already was filtered through all of the brush, trees, sand, etc. that was out there now. Peter Bolster stated that the question was whether the area was adequate for stormwater drainage. Jeffrey L. Green, LLS, stated that there had been no issues with the water either draining onto the road, or draining onto the abutter's property. He also stated that the State had no issues with stormwater drainage. Peter Bolster stated that the Board would like to see a letter from the State stating that they did not have any issues. Russ Wilder stated that normally on a new site, the applicant would have to provide a stormwater containment plan, so since they are in the process of reusing the property, they should install a treatment swale out back, which was easy to construct.

Russ Wilder continued to read from the outstanding items listed on the Planner Review, which had to do with hazardous and toxic materials. Jeffrey L. Green, LLS, stated that all of the repairs would be performed inside and nothing outside would be affected. Russ Wilder stated that the Board would need it to be noted on the plan. Russ Wilder mentioned screening and buffers. Jeffrey L. Green, LLS, stated that there was screening on the dumpster area, the fence, and the masonic side all the way down, and on the Carleton side out back.

Russ Wilder mentioned existing utilities; Jeffrey L. Green, LLS, stated they were not proposing to change anything, because they currently had power, their own private well, and there was a septic system. Russ Wilder asked about their sign. Jeffrey L. Green, LLS, stated they were only changing the nameplate on the sign and it would be the same size as the current sign. Russ Wilder stated that it did not appear that a site walk was needed.

Russ Wilder went on to explain that at this point, the application could be continued to the next meeting, in order to give the applicant ample time to complete the checklist items. Jeffrey L. Green, LLS, hoped to obtain a conditional approval at the meeting so they did not have to come back next month. Scott Williams shared with the Board that if they did approve the application with conditions tonight, at the next meeting they would only be able to discuss the conditional issues, and nothing else. Tom Hoopes reiterated that the applicant still needed to provide a wetlands report, a note on the plans about lighting being shielded, landscaping, and what type of septic system they had. Russ Wilder acknowledged the fact that the applicant wanted to get going so he could start his business, but thought that if the applicant submitted a revised application and plan set to include all of the items that were talked about which are outstanding, it would give the Board the opportunity to make a better decision. Scott Williams stated that the DOT driveway permit would shed light on what might be required.

Tom Hoopes asked Jeffrey L. Green, LLS, if it was possible to take out a parking space, either #1 or #2, in order to add more landscaping. Jeffrey L. Green, LLS, stated that he could possibly move those two (2) spaces over in order to accommodate landscaping. Scott Williams asked Jeffrey L. Green, LLS, if there was a stockade fence that ran the length of the property line; he stated it was a chain link fence that ran down the

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side that turned into a board fence at the back. He also stated that between the masonic fence and the canopy there was a wooded section. Scott Williams stated that it would be important to have the two (2) spaces out front so people coming off the Alton traffic circle could see the vehicles for sale.

Jeffrey L. Green, LLS', wife came to the table and showed him the landscaping regulation. He stated that he would not be able to place any landscaping within 25 feet of the right-of-way or the side property line. He also read that the minimum street front and side landscaping should be 25 feet from the right-of-way line and did that mean that the Board wanted 25 feet? Scott Williams stated that technically the 25-foot setback was supposed to be unusable land, which would normally be landscaped. Scott Williams stated that the property did not fit into those criteria. Russ Wilder suggested that Jeffrey L. Green, LLS, in his revised application, state that he attempted to get the 15% landscaping, but if he could not, he should request a waiver.

Brad Bissell, property owner, came to the table for discussion. Brad Bissell explained to the Board that the property had been in use for over 50 years in pretty much the same fashion. He had been doing interviews for a year with prospective businesses, and finally came across Mr. Dulac, who was starting up a new business and thought he was a good fit. He further went on to explain that he was not aware that he would have to go through this whole process, considering the proposed use was pretty much the same as what was previously there. The State had never mentioned anything about the front of the road before, and he pointed out that there was not enough space to do any of the landscaping that the Board had required. Peter Bolster informed Brad Bissell that the Board needed a detailed list of what landscaping was there now, and what the hardships were, and then the Board would be sympathetic to amending what was required, but they had to have something submitted requesting that. Brad Bissell stated that the property had never been landscaped in the past. Tom Hoopes explained to Brad Bissell that the regulations have changed and the Town needed to abide by those regulations. Brad Bissell stated that he thought the Board would approve the application tonight, and therefore, Mr. Dulac could start his business right away. Russ Wilder stated that if Jeffrey L. Green, LLS, came back with the requested information at the next meeting, things should be fine, but they had to follow the regulations just as everyone else had to. Scott Williams stated that the area they had already defined in the back corner with trees would be considered a landscaped area, and could be included in the 15% factor.

Peter Bolster opened public input. Since Brad Bissell already spoke and no other public were present, Peter Bolster closed public input.

Russ Wilder moved to continue application #P17-07 to the next meeting, which would be held on May 16, 2017, in order to allow the applicant to fulfill the outstanding checklist items and those discussed at the meeting, which would be available in the minutes.

Tom Hoopes seconded the motion, and it PASSED with Virgil MacDonald voting NAY.

<p>Case # P17-08 Kerry Fox, LLS, Agent for Leslie F. & Kathleen Beckwith, III</p>	<p>Map 19 Lot 30</p>	<p>Final Minor Subdivision Rural (RU) Zone 32 Drew Hill Road</p>
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Present was Kerry Fox, LLS, Agent for Leslie F. & Kathleen Beckwith, III.

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Kerry Fox, LLS, provided the Board a revised waiver list to be added to the case file. Russ Wilder stated that the waivers requested were for a soils report, road and driveway profile, driveway site distance, and future development.

Russ Wilder read the waivers for the record from Kerry Fox, LLS's, letter of April 18, 2017:

"1. IX C. 11.-Soils Report.

Soil conditions consist of well-draining soil with a hardpan layer. This was observed from a test hole dug on the property last Friday. I had water coming in at seven (7) feet and this was the start of the pan layer. The water table was determined to be at 52 inches and the soil above consisted of well-draining, fine sandy loam, without the trace of any cobbles or boulders. Overall soil conditions are fine, Jeddrey's gravel pit is on the other side of Route 28 to give you a general idea of what might be found in the immediate locus. Given the information provided, I hope the Planning Board is satisfied with our results and would not require further soil testing for this minor subdivision application.

2. IX D. 2. j.-Driveway Profiles and Cross Sections.

No new road construction is being proposed and the proposed driveway for Lot 30-1 as shown on the subdivision plan has been viewed and Ok'd by the Road Agent."

Russ Wilder asked if there was any record of Ken Roberts' comment. Nic Strong stated that she had not seen a driveway permit as of yet.

"3. IX D. 2. k.-Driveway Sight Distance Analysis.

At the time of this submission a formal driveway application has not been secured but the proposed site has been viewed and Ok'd by the Road Agent and a driveway permit is pending."

Russ Wilder stated that waivers #2 & #3 were contingent upon a recommendation from Ken Roberts, once a driveway permit was submitted.

Russ Wilder then read waiver #4 "IX D. 2. L.-Future Development. The two proposed lots along Drew Hill Road have no potential for being further subdivided because of available land area and available road frontage."

Russ Wilder moved to grant the waivers as requested in the April 18, 2017, letter from Kerry Fox, LLS.

Scott Williams seconded the motion.

DISCUSSION:

Tom Hoopes wanted to discuss waiver #1, Lot 30-1. He stated that he drove past this property at least five (5) times a week minimum and had witnessed the amount of fill that had gone into Lot 30-1, which was a huge amount. The slope at the back of the lot appeared to be about a 40-50 degree angle, which was much too steep near a boundary line. Scott Williams confirmed with Tom Hoopes that the back of the lot meant alongside the stream. Tom Hoopes stated that when the State was working on Route 28, they used the lot to dump materials from the area where they were forming the road; therefore, that lot had a lot of fill that was not natural to the area. Kerry Fox, LLS, stated that he thought the property was quite different from other properties he had worked on, and realized there was a lot of fill in it, although he had dug test

pits on natural soil. He went on to say that, ultimately, the lot would not be used as is and at the time of site plan review, the Planning Board would require detailed information. Scott Williams pointed out that the district permitted residential uses and a single-family dwelling would not come to the Planning Board for any approvals. Kerry Fox, LLS, mentioned that he received John Dever, III, Code Official's, comments and concerns and spoke to Leslie F. Beckwith, III, about it. Kerry Fox, LLS, stated that Leslie F. Beckwith, III, had no problem with test pitting if they were going to build on the lot.

Russ Wilder read John Dever, III's, report into the record:

“The parent lot was approved for use as “Contractor’s Equipment Storage Yard” in 2008 and has been in use as such by Beckwith Builders since then. During that time, there has been substantial amounts of fill added to and removed from the proposed new lot.

I request the Board consider adding a condition of approval addressing future construction on the new lot similar to the following statement:

“Prior to the erection of any Residential or Commercial structure requiring the use of frost resistant foundations on the new lot, test borings shall be performed and documentation of those borings provided to the Building Department, in order to ensure the stability of the soils meet the requirements of the Building Code in effect at the time of construction.”

Russ Wilder stated that the Board could grant the waiver as long as they added John Dever, III's, comments to the decision. Tom Hoopes suggested a site walk would be necessary to look at what had taken place on the lot, because his concern was how steep the slope was. Peter Bolster agreed with a site walk.

Russ Wilder stated that the Board could grant both waivers #2 and #3, because they received Ken Roberts' comments on the placement of the driveway, even though a driveway permit had not been secured yet. Kerry Fox, LLS, stated that the driveway had a gentle grade going in off the road and it would be a function of cutting out some of the fill material that had been put in. Scott Williams asked whereabouts the driveway access was proposed. Kerry Fox, LLS, indicated it was to the far left corner of the lot.

Peter Bolster stated that waiver #4 should stipulate that the two (2) lots would not be subdivided a second time because of the lack of available land area and the lack of available road frontage. Kerry Fox, LLS, stated that it stipulated itself because there was not enough room.

Russ Wilder amended his motion to grant waiver #1 to include the condition from John Dever, III's, letter dated April 5, 2017, and waiver #4. Waivers #2 and #3 would be decided subsequent to a site walk.

Scott Williams seconded the amended motion, and it PASSED unanimously.

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**Russ Wilder moved to accept application #P17-08 as complete.
Scott Williams seconded the motion, and it PASSED unanimously.**

Kerry Fox, LLS, shared with the Board that he had surveyed this lot and came up with 5.2 acres of land and was located in the Rural Zone. The minimum road frontage was 200 feet and the minimum lot size was 2 acres. The setback requirements in the zone were 25 feet for front yard and 10-foot side and rear setbacks, with a 25-foot buffer on any wetlands greater than 10,000 s.f. Scott Williams made sure that Kerry Fox, LLS, knew that once the lot was separated into two lots, the new setback requirements would take effect. Kerry Fox, LLS, further shared with the Board that the westerly side of the wetland was over 10,000 s.f. and showed the 25-foot buffer around the wetland area on the plan. The proposal was to create two (2) lots of record, meeting all minimum lot requirements of a parcel found in the Rural zoning district. Lot 30 was proposed at 3.02 acres of land with 354.11 feet of road frontage, minus 12,497 s.f. of wetland area and minus 13,309 s.f. of slopes greater than 25%, which would leave a net area on Lot 30 of 105,753 s.f., or 2.42 acres. Lot 30-1 was proposed at 2.26 acres of land with 200.81 feet of road frontage, minus 628 s.f. of wetland area and minus 16,691 s.f. of slopes greater than 25%, which would leave a net area on Lot 30-1 of 81,434 s.f., or 1.86 acres. Kerry Fox, LLS, further shared that both lots met State Subdivision requirements and currently they were pending the State Subdivision Approval. He stated as far as monumentation went, he would set new monuments as a result of the subdivision and would make reference of them on the final plan. The right-of-way and roadway widths on the original submission were included. Kerry Fox, LLS, stated there were some revisions according to the Planner Review. He made note that he thought all roads and drives were included within 200 feet of the subject parcel on the plan. The driveway permit would be requested within a few days. According to the Planner Review, there was a comment regarding the purpose of the plan, which he had indicated as a commercial lot, but it really was not a commercial lot, it could be used for anything permitted in the district. There was a waiver note on the plan that had been corrected to include, "Best management practices shall be utilized for any future development of these lots." Kerry Fox, LLS, also shared that in the Project Narrative he included information regarding the number of trips as far as automotive, whether there would be a positive or negative impact on the community. There was currently a steel building with one existing driveway, and that was probably what was going to happen on the second lot.

Scott Williams stated that he would like to see some screening around the building; even though it already existed, they were changing the use of the lot. In addition, since it was a commercial building, it could require some screening or landscaping. Tom Hoopes stated it was set far enough back on the property that it would only require screening near Route 28, possibly some 8-foot balsam firs. Peter Bolster stated that when they did the site walk, they might want to look at that issue. Scott Williams asked Nic Strong to make some bullet points to go by for the site walk. Kerry Fox, LLS, stated he was eager to take any recommendations.

Peter Bolster opened up public input. Priscilla Bennett, abutter, stated that she drove by this site every day and could see a big rock pile, a big dirt pile, and the building was very visible and it would be nice to not have a fence and to have a buffer of trees instead. Scott Williams stated that he thought the gist of her concerns were screening the building. Russ Wilder asked if they could enforce landscaping for a minor subdivision; Scott Williams stated that since there was a commercial use proposed, he thought they had the authority to enforce it. Tom Hoopes stated that the Zoning Board of Adjustment (ZBA) must have mentioned something about landscaping when they granted the application to permit the use of a commercial garage on a lot without a residence. Scott Williams asked if there were currently stockpiles on the lot. Kerry Fox, LLS, stated there was none on Lot 30, the lot with the building. Peter Bolster stated that the Board

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could require them to install screening, or suggest that since they were good neighbors, it would be nice to have some screening installed.

Virgil MacDonald asked Nic Strong to get a copy of the ZBA's decision on the use for a garage on a lot without a residence.

Scott Williams suggested that Nic Strong get in touch with Jim Sessler, Esq., and ask him what the Board could require from Lot 30 in regards to screening at this time.

Peter Bolster suggested that Kerry Fox, LLS, talk to Mr. Beckwith about installing some screening with some trees he might possibly have from some of his other construction jobs. Scott Williams asked Priscilla Bennett if she had anything else to add. She asked if the new entrance would be on the lot closest to her house, Tom Hoopes stated, "Yes." Scott Williams informed Priscilla Bennett that she was invited to join the Board at the site walk and if she had any questions, she should direct them to the Chairman.

Peter Bolster closed public input.

The Board established a Site Walk, which would be held on Monday, April 24, 2017, at 5:00 p.m.

Tom Hoopes moved to continue application #P17-08 to the next meeting, which would be held on May 16, 2017, in order to allow for a Site Walk, which would be held on April 24, 2017. Scott Williams seconded the motion, and it PASSED unanimously.

Public Hearing for Adoption of Town of Alton Excavation Regulations

Peter Bolster read the public hearing notice. There was no one present in the audience.

Russ Wilder moved to adopt the Town of Alton Excavation Regulations dated April 4, 2017. Tom Hoopes seconded the motion.

DISCUSSION:

Peter Bolster asked if the Board had any questions for discussion. Nic Strong stated that she had created separate application forms for different potential excavation types, in order to streamline the process for applicants, and created a checklist for each one.

Scott Williams had a question about expansion of existing excavation, and what did it include. Nic Strong stated there was a definition of existing excavation and it was stated on the form. Scott Williams stated that many of the gravel pits were not permitted and how would the Board get someone to come in to fill out an application to expand their lot. Nic Strong stated that was not necessarily the case. She explained that the Board might be in a predicament with some of the applications, because if the proof was not submitted at the time it was an existing excavation or "grandfathered" according to the Statutes, it would be up to the Board to determine the length of time it had operated, the fact that there might have been a couple of plans over the years, to see if that was enough for the Board to consider it an existing excavation. However, to expand the existing excavation, they needed to have shown the Town at the time where it was and where they intended to excavate to.

Scott Williams asked if all the gravel pit owners were aware of this. Nic Strong stated that if they did not read the Regulations that were sent to them previously in draft form, then they probably did not know. She also stated that the State had these laws in place since around 1979 & 1989. Peter Bolster stated that when they applied for an excavation pit, they needed to delineate the area that they were going to use. Scott Williams stated that was only on a new application, and that the majority of the Regulations would affect existing operations. Peter Bolster asked that when people opened their pits before, were there any requirements that they delineate the area they were going to potentially expose. Nic Strong stated that there were requirements in place, and it was just that the owners did not follow them and the Planning Board did not enforce it. Tom Hoopes stated that the only application that he had seen in the past was for Dave Hussey's father. Scott Williams stated that he submitted an application in the past and that somehow since then, his plans have shown up missing in the file.

Scott Williams suggested that they possibly table the adoption of the Regulations so that some of his questions could be answered. Nic Strong stated that Jim Sessler, Esq., Town Counsel, had reviewed the Regulations and had deemed them legal and enforceable, but the Planning Board had the right to use their discretion on whether to waive certain requirements or to have discussions on any issues. Nic Strong stated that there are files in Town Hall for some of the gravel pit owners, and even though some of them might not be complete, at least there was some information available to go on. She also stated that, potentially, anything that did not fall under the existing excavation that was operating for 10-20 years, but had not proven anything in accordance with the Statute, might need to do a new application. Peter Bolster stated that the gravel pit owners could bring in people from the community, for example, surveyors could testify that the gravel pit had always been what was expected of the site, and then the Board would consider those. Russ Wilder stated that they would accept aerial photographs of the sites. Nic Strong suggested that some of the Alteration of Terrain (AoT) plans might be helpful. She also stated that AoT contacted two of the sites in order for them to meet their requirements and the plans that were submitted for them should be more than enough to cover what the Town would require.

Nic Strong stated that another issue with the gravel pit owners was obtaining a Reclamation Bond, which was a requirement for any of the gravel pits. There was an incremental reclamation requirement, as one section would close and another would be opened up, there should have been bonds put in place for each section.

Virgil MacDonald asked Nic Strong what a Minor Topographical Adjustment was. She stated that those were statutory definitions and there were different categories of operation that may or may not require a permit. The Minor Topographical Adjustment would be something that would not require a full permit, but the Planning Board would consider what the State definition was, whether the person met that requirement, and if they needed any proof of traffic, and where the material was going, etc.

The Chairman called for a vote, and the motion **PASSED**: Peter Bolster, Roger Sample, Russ Wilder, and Tom Hoopes: **AYE**, Virgil MacDonald **NAY**, and Scott Williams abstaining.

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Nic Strong asked the Board when they wanted applications submitted by. The Board determined that August 18, 2017, would be the deadline for applicants to submit their applications. Scott Williams stated that the Board of Selectmen were aware of the happenings of the gravel pit owners because they were the ones to sign off on the Notice of Intent to Excavate. Peter Bolster asked how these regulations would be enforced, would John Dever, III, be the one going out from time to time. Scott Williams stated, "No, that it was actually the Town Assessor, Tom Sargent." Nic Strong stated that the Board had decided to make a permit good for 50 years, and the inspection timetable would be determined at the Planning Board hearing, or every seven (7) years, for new pits only.

Public Hearing for Adoption of Town of Alton Subdivision Regulations Amendments

Peter Bolster read the public hearing notice. There was no one present in the audience.

Tom Hoopes moved to adopt the amendments to the Town of Alton Subdivision Regulations, dated April 3, 2017.

Russ Wilder seconded the motion.

DISCUSSION:

Peter Bolster asked Nic Strong what she thought were the biggest changes. She stated that the security methods were tightened up and got rid of the covenant to restrict lot sales; reference to the off-site improvement and regional impact statutes were added; and a section on as-built plans. Russ Wilder also mentioned the updates for ongoing maintenance for stormwater management systems.

The Chairman called for a vote, and the motion PASSED unanimously.

Other Business:

1. Old Business:

Scott Williams asked what the status was on the lights at the carwash near the Legion. Nic Strong stated that she had asked John Dever, III, to investigate but had not heard back from him as of yet.

Peter Bolster asked what the status was on the Maserian cottage. Nic Strong stated that the last she heard was when they left the last meeting and stated they were taking care of it. Roger Sample shared that the paperwork had been signed off on and was now in the mother's hands.

2. New Business:

Scott Williams stated that all of the screening trees at Dunkin Donuts were all red and were presumed dead. Also, he asked what the outcome was in regards to the turnout lane to get out of the queue, because there was supposed to be an emergency ditch out lane. Roger Sample asked if final paving was completed. Scott Williams stated that they would not be able to fix the issue with pavement, because the turnout lane was up too high. Peter Bolster then asked Nic Strong to pass this on to John Dever, III, to look at.

3. Approval of Minutes: March 21, 2017, Planning Board Meeting

**Tom Hoopes moved to approve the minutes of March 21, 2017, as written.
Scott Williams seconded the motion, and it PASSED with Roger Sample abstaining.**

4. Correspondence for the Board's action/review/discussion:

- a. Nic Strong stated that the carwash lot had come in for their Phase II Site Plan and it was determined that the detention basin had been constructed in a different shape and that it needed to be confirmed that it was still going to function in the matter it was supposed to in Phase I; therefore, Michael Vignale, P.E., was asked to review this. Virgil MacDonald stated that he thought that was already discussed and it was ok to have the detention pond a different shape. Nic Strong stated that it had to be determined that it was going to function as intended and hold the right amount of water and meet the drainage calculations. Furthermore, the detention pond now must be constructed as shown on the plans. Nic Strong questioned the Board on how they wanted that to be determined as part of their Site Plan. Would they like on-site inspections during construction of it, or did they want an as-built plan and a field visit by Michael Vignale, P.E., at the end? Virgil MacDonald stated that an as-built was required anyways. Nic Strong stated that the Board currently does not require as-built plans to be submitted as part of the Site Plan Regulations. Russ Wilder proposed to get an as-built plan and an inspection when the construction of the detention pond was completed, and to have Michael Vignale, P.E., write up and submit a report. The Board agreed.
- b. Nic Strong shared with the Board that there was a request from the Board of Selectmen to meet with all of the Boards, Commissions, Committees, Trustees, etc. for about 15 minutes each appointment, with at least the Chairman or a representative present. Russ Wilder asked what exactly the Board of Selectmen was expecting from the Planning Board. Nic Strong read the email and it stated, "A brief explanation as to what's been going on during the past year and anything they would like to share about upcoming projects." Peter Bolster offered to attend. There were a list of dates provided to choose from, and Peter Bolster chose June 5 or June 19, 2017. The Board agreed.

5. Correspondence for the Board's information:

- a. Amended NH DOT driveway permit for Right Field Development was received.
- b. Memo regarding Right to Know Law meeting being held on April 27, 2017, at 6:00 p.m. with Jim Sessler, Esq., Town Counsel.

6. Any Other Business that may come before the Board:

Peter Bolster asked what was happening with the 10-year plan. Virgil MacDonald explained that the State received extra money to be put towards the section of road from 11D to Ellacoya, then from the Alton traffic circle down to Barnstead. Peter Bolster stated that once the State started working on Route 28, the Town would be at a higher priority for the work to continue until the project was complete. Nic Strong stated that she submitted an application to the Technical Advisory Committee (TAC), for Route 11 and one for Route 28, because the two sections of Route 28 the State previously fixed used up all the money that was set aside for that whole segment. She further stated that she was not sure how high of a priority the Town of Alton

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was going to be, but there were funds available under the Highway Safety Improvement Program, which had more funds than the 10-year Plan. Nic Strong stated that it was possible if an application was submitted in December of this year, potentially the Highway Safety Improvement Program could fund the intersection of Prospect Mountain and Dudley Road, and potentially the Route 11 project also. Nic Strong also stated that she was waiting to hear back about the funding.

Election of Planning Board Officers

At the last meeting, Roger Sample was voted in as Chairman, even though he was not present. The Board agreed that if he decided not to become Chairman, the Board would vote again at their next meeting. Roger Sample indicated that he would rather not be Chairman.

A vote was taken amongst Board members on who the new Chairman of the Board would be:

Russ Wilder moved to nominate:

Peter Bolster, Chairman

Scott Williams seconded the motion, and it PASSED unanimously.

Since Peter Bolster was voted in as Chairman, and had been voted in as Vice-Chairman at the previous meeting, the Board had to vote for a new Vice-Chairman.

A vote was taken amongst Board members on who the new Vice-Chairman of the Board would be:

Russ Wilder moved to nominate:

Roger Sample, Vice-Chairman

Scott Williams seconded the motion, and it PASSED unanimously.

Russ Wilder offered a suggestion to the Board, that they follow the format of the Planner Review as a guide for their hearings on applications because the Planner had put together the reviews to focus on the things the Board needed to discuss for each application. He noted that going section by section would help the Board stay organized and make sure they addressed all the concerns. The Board agreed.

Public Input on Non-Case Specific Local Planning Issues

Peter Bolster opened up public input. No public input. Peter Bolster closed the public input.

ADJOURNMENT

At 9:00 p.m., Roger Sample moved to adjourn.

Russ Wilder seconded the motion, and it PASSED unanimously.

The meeting adjourned at 9:00 p.m.

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Respectfully submitted,

Jessica A. Call
Planning Secretary

Minutes approved as written: May 16, 2017