

TOWN OF ALTON PLANNING BOARD  
PUBLIC HEARING  
Minutes  
April 21, 2015  
Approved May 19, 2015

Members Present: Dave Collier, Chairman  
Thomas Hoopes, Vice-Chair  
Roger Sample, Clerk  
Peter Bolster, Member  
Virgil MacDonald Selectmen's 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**

**T. Hoopes motioned to accept the Agenda as presented.**

**P. Bolster seconded the motion with all in favor.**

**III. REQUEST TO AMEND A NOTICE OF DECISION**

<b>Case #P14-02 Joseph H. Spain, JH Spain Commercial Services</b>	<b>Map 9 Lots 53-2 through 20</b>	<b>Amend Notice of Decision New Durham Road</b>
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Joseph H. Spain of JH Spain Commercial Services is requesting the Notice of Decision approved by the Planning Board on March 18, 2014 for his Amended Final Subdivision Plan for the Woodlands Subdivision be amended to provide the 24 months to comply with the provision for "active and substantial development" as provided by RSA 674:39.

D. Collier recused himself from this application.

K. McWilliams gave an overview of the application.

Joe Spain spoke on behalf of this application. He stated that his AOT permit has expired. If he gets the extension he will be going back to get the permit renewed.

T. Hoopes continued as Acting Chair for this application.

**R. Sample motion to approve an amendment to the Notice of Decision of March 18, 2014 to reflect that active and substantial development or building shall begin within 24 months of the date of approval (March 18, 2014) as provided in RSA 674:39 Five Year Exemption. This statute was revised in 2011 to provide 24 months instead of 12 months to prove active and substantial development or building had begun.**

**P. Bolster seconded the motion with all in favor.**

D. Collier returned to the Chairman position.

**IV. CONTINUED PUBLIC HEARINGS**

On behalf of Thomas Revocable Family Trust, Daniel O'Lone of Berry Surveying and Engineering is proposing a Final Minor Subdivision of Map 16 Lot 10 into 2 lots. Their intention is to subdivide a 31.42 acre parcel into one 3.64 acre lot to include the developed house lot, leaving the remainder of the land (27.78 ac) under their control for a potential future house lot. This property is located in the Rural (RU) Zone.

K. McWilliams gave an overview of this application. The applicant is requesting waivers from the following submittal requirements on the balance of the land beyond the area to be developed in Map 16 Lot 10-1: 1) Section 7.2.23 Natural & Cultural Features; 2) Section 7.2.27 Elevations; and 3) Section 7.2.33 Wetlands. The applicant has provided information for the area directly affected by this subdivision proposal including the area proposed for the building site on Lot 10-1. Ken recommends the Planning Board approve these waiver requests. He also recommends the Planning Board accept the application as complete.

**T. Hoopes made a motion to grant the waivers for 1) Section 7.2.23 Natural & Cultural Features, 2) Section 7.2.27 Elevations and 3) Section 7.2.33 Wetlands for Case P15-04.**

**P. Bolster seconded the motion with all in favor.**

**T. Hoopes made a motion to accept the application as complete.**

**R. Sample seconded the motion with all in favor.**

Daniel O'Lone Senior Project Manager from Berry Surveying & Engineering spoke on behalf of this application. Lot 10-1 which is the larger parcel does not have the required frontage of the Zoning Ordinance but they did get a Variance from the Zoning Board to allow the frontage to be 141.58 feet. They had submitted a 4<sup>th</sup> waiver request to upgrade a class VI section of the road to a class V. They have requested to withdraw that waiver.

K. McWilliams spoke with Attorney Arthur Hoover regarding the applicants choosing to do the Covenant Restricting a Building Permit on Lot 10-1. They will file it with the Registry. When they have sold lot 10 with the house on it, it will give them the funds to upgrade the Class VI road. They have a couple of choices, they could build the road improvements, get them inspected and approved and then release that Covenant, or the other option would be to provide security then they could release that Covenant, get a building permit and then they would have to complete the road improvements before they could get a Certificate of Occupancy for the residence.

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

**P. Bolster made a motion to approve the application with Conditions Precedent;**

- 1. The NH Department of Environmental Services subdivision approval number for Lot 10 for wastewater treatment needs to be noted on the plat.**
- 2. A note shall be added to the plat stating that Best Management practices shall be utilized during any timber cutting on site.**
- 3. All "To Be Set" (TBS) notes shall be removed from the plat and all monuments shall be set. This is to be certified as complete by the surveyor who stamps the plat and completed prior to the plat being signed by the Planning Board Chair.**
- 4. The following note shall be revised on the plat prior to the plans being signed by the Planning Board Chair: This subdivision plat is subject to the Conditions of Approval itemized in the April 21, 2015 Notice of Decision on file at the Town of Alton Planning Department and recorded at the Belknap County Registry of Deeds.**
- 5. A note shall be added to the plat prior to plat being signed by the Planning Board Chair stating that total acreage of each Current Use Category for each lot in current use as applicable. If part or all of one or more lots is in current use, then the property owner shall submit an updated current use application for those lots to the Town Assessor prior to the plat being signed by the Planning Board Chair. An updated current use application does not need to be recorded again and there is no cost for an updated current use application. The Town Assessor**

- shall verify receipt of this updated current use application prior to the plat being signed by the Planning Board Chair.
6. Trees along the boundary of the 25' of wetland buffer setback for all wetlands greater than 10,000 square feet in size in the area within 200' of proposed development that will disturb the soil or involve removal of trees are to be flagged on the plat and accurately in the field on trees approximately every 25' with permanent markers identifying them as the wetland 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 wetland buffer shall be flagged with metal fence posts displaying the wetland markers, which should be affixed to the posts with bolts. This is to be certified as complete by the surveyor who stamps the plat and completed prior to the plat being signed by the Planning Board Chair.
  7. The date of a driveway permit approval by the Highway Department for proposed Lot 10-1 needs to be noted on the plat.
  8. The applicant shall provide a cost estimate for the required subdivision improvements as required by Section 9.4 of the Subdivision Regulations. This cost estimate needs to be approved by one of the Town's consulting engineers prior to the plat being signed by the Planning Board Chair.
  9. The applicant shall show a temporary easement for the new temporary hammerhead turn around on the plat prior to the plat being signed by the Planning Board Chair. The applicant shall provide a temporary easement document for the new temporary hammerhead turn around to be recorded at the Belknap County Registry of Deeds with the subdivision plat.
  10. The applicant shall comply with one of the following options pertaining to the road improvements:
    - a. the build first option for the road improvements;
    - b. the security option for the road improvements; or
    - c. the Covenant Restricting a Building Permit for a New Residence on Lot 10-1

If the build first option is used, the applicant will need to submit a site restoration and/or stabilization plan and cost estimate as required by Section 9.5 of the Subdivision Regulations to be approved by one of the Town's consulting engineers prior to the plat being signed by the Planning Board Chair.

If the security option is used, the security will need to comply with Section 9.3 of the Subdivision Regulations and be submitted prior to the plat being signed by the Planning Board Chair.

If the Covenant Restricting a Building Permit for a New Residence on Lot 10-1 is used, then this covenant needs to be reviewed and approved by Town Counsel. The signed original Covenant as approved by Town Counsel needs to be submitted for recording with the subdivision plat prior to the plat being signed by the Planning Board Chair.

#### **Subsequent Conditions:**

1. Any property owner desiring a building permit on Lot 10-1 that fronts the Class VI road must sign a waiver of municipality liability for construction on a lot fronting on a Class VI road. The building permit application needs to be approved by the Board of Selectmen after review by the departments including the Planning Board and then the Notice needs to be recorded in the Belknap County Registry of Deeds.
2. The applicant shall comply with all of the Town of Alton's Subdivision Regulations.
3. The approval is based upon the plans, specification and testimony submitted to the Planning Board. Any alterations, additions or changes to the plans are not authorized and require additional Planning Board approval.
4. 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 specifications upon which the approval was based, or has materially violated any requirements or conditions of such approval.

Provided all listed conditions precedent 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.

T. Hoopes seconded the motion with all in favor.

**V. COMPLETENESS REVIEW OF APPLICATION AND PUBLIC HEARING IF THE APPLICATION IS ACCEPTED AS COMPLETE**

<b>Case #P15-06 Carol A. Dadura</b>	<b>Map 27 Lot 49</b>	<b>Final Major Site Plan 64 Main Street</b>
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On behalf of Carol A. Dadura, Steven J. Smith & Associates, Inc. for Morning Rise Real Estate LLC is proposing to construct an Aroma Joe's Drive-thru Coffee Facility. This property is currently occupied by a single family residential home. The site is served by on-site sewage disposal and municipal water. The property contains 26,217 sf (0.60 ac) of land area with 154.60 feet of frontage along Main Street/NH Rte 11. This property is located in the Residential Commercial (RC) Zone.

V. MacDonald recused himself from this application.

K. McWilliams gave an overview of the application. He recommends the Planning Board accept the application as complete.

**T. Hoopes made a motion to accept the application for Carol Dadura as complete.**

**R. Sample seconded the motion with all in favor.**

Steve Smith of Steve Smith & Associates, representing the applicant and Morning Rise Real Estate, LLC, spoke on behalf of this application. They made modifications to the plans based on the Design Review of the Drainage Study and the Traffic Study by the Planning Board's and Town Engineer's suggestions. They have received approval of the driveway permit by NHDOT. They made modifications to the access point. They have also received approval from NHDES for their onsite subsurface sewage disposal system. There is a letter in the file from the Code Officer concerning the Aquifer Protection Zone and confirming that the system meets standards and they do not have to go for a special exception. They have no issues on what K. McWilliams wrote on his review. Steve would like to discuss the fencing item. He had specified an 8ft solid fence instead of a 6 ft fence but would like to change that to a 6 ft fence. Ken has recommended they extend the fence on the northern boundary 50 ft. They would like to eliminate the conifers that they had planned to put in that area. If they go 50 ft they would be disturbing the lilacs on the abutters property and if they went 40 ft. that would come to the face of the front of their building and to the edge of the lilacs.

The Board felt that the fence being 6 ft is sufficient and it is okay if the fence goes only to the lilacs which will be approximately 40 ft.

K. McWilliams explained to the Board that the Traffic Study and the applicant's representations stated that cars would not back up onto the Main Street. If by chance the conditions change and vehicles do back up onto the Main Street more than 6 times in a 30 day period, he suggested that the Board require them to come back to the Board for a compliance hearing to discuss that particular issue and how that can be addressed. He has asked the Board to agree on a threshold on how many times the vehicles back up before the compliance hearing is required.

S. Smith had no issue with this request but felt it wasn't necessary to put as a condition because the Board should be able to call back any application that they wish.

D. Collier opened it to the public.

Mark Dame representing Richard Dame spoke regarding a request for a fence to be put on the back side of the lot.

S. Smith stated that there is a wire fence already there and is covered by vines. He would rather not put a fence on the back area.

The Board felt that because there is no one behind the area to view the property that a back fence is not necessary and would not be appealing to view from the Main Street.

David Countway representing Carol Dadura spoke in regards to the time line for the approval of this application.

The Board stated that there should be a conditional approval by the end of the hearing.

Betty Gannon spoke regarding the traffic and activity on the proposed property will be heavy and she also spoke regarding the dumpster being visible from her property and it would draw animals.

S. Smith stated that they pulled the dumpster back to do some grading around it. They moved the dumpster back as far as they could away from the abutter.

The Board requested that the applicant move the north fence back to the junipers so it will be built from the junipers to the lilacs.

D. Collier closed the public hearing.

**T. Hoopes made a motion to approve Case P15-06. After due hearing, the Alton Planning Board hereby approves the above cited application for Morning Rise Real Estate, LLC for a Final Major Site Plan Review for an Aroma Joe's Coffee Shop with the following conditions:**

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

1. A note shall be added to the plan prior to plan signing by the Planning Board Chair stating that Best Management Practices shall be utilized during any timber cutting on site.
2. The following note shall be added to the site plan prior to plan signing by the Planning Board Chair: This site plan contains a total of nine (9) sheets. The Maximum Queue Plan dated 10-24-14 includes three (3) sheets. The Floor Plan & Alternate End Elevation, Exterior Elevations, and Power & Lighting Plan all dated 9-26-14 include three (3) sheets. In combination these plans constitute in its entirety the site plan as approved by the Town of Alton Planning Board. All sheets are on file at the Town of Alton Planning Department.
3. The following note shall be added to the site plan prior to plan signing by the Planning Board Chair: This site plan is subject to the Conditions of Approval itemized in the April 21, 2015 Notice of Decision on file at the Town of Alton Planning Department.
4. The site plan shall be amended to extend the six (6) foot high solid landscape fence along the north side from the juniper trees to the lilacs to provide better screening between the Aroma Joe's site and the property to the north. In exchange the proposed four (4) conifers eight (8) to ten (10) foot high shown in this area on the site plan can be removed from the site plan.
5. A note shall be added to the Site Plan indicating that there will be no disturbance of the tree line in the rear of the property.

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

1. The applicant shall comply with the following requirements of the Fire Department:
  - a. Any interior aisles must be kept clear 3' minimum per Chapter 36 36.2.4.3;
  - b. Lighted exit sign is required per 36.2.10 NFPA 101;
  - c. Recommend one emergency light unit with battery backup for power outages; and
  - d. Chapter 36 36.3.5.3 (ref. NFPA 10) one (1) 5 ABC fire extinguisher as a minimum.
2. The applicant shall comply with the Town of Alton's entire Site Plan Review Regulations.
3. 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.
4. A site plan 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.
5. A new site plan review is required if Aroma Joe's changes to a competing coffee shop with a different business model to review the adequacy of the queue length and on-site parking.
6. A new site plan review is required if the use changes to another use.
7. In the event that the on-site stacking of vehicles proves to be inadequate and vehicles trying to enter the Aroma Joe's site back-up onto Main Street six (6) or more times in any 30 day period, then the owner of the Aroma Joe's site agrees to apply to the Planning Board for a compliance hearing to address options to remedy the situation within thirty (30) days after receiving notice from the Town a compliance hearing is required. Evidence of vehicles backing-up onto Main Street shall be as recorded by the Police Department. The compliance hearing

would be a public hearing before the Planning Board with ten 10 “clear days” of notice. Notice to abutters would be provided by certified mail. Notice to the general public would be provided by a public notice published in a newspaper of general compliance hearing would be only to address the issue of the inadequate on-site stacking of vehicles resulting in an unsafe condition of vehicles backing up onto Main Street. The purpose of the compliance hearing would be to discuss options available and to reach agreement with the Planning Board on a plan of action to reduce or eliminate the issue of vehicles backing up onto Main Street.

Provided all listed conditions precedent 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.

P. Bolster seconded the motion with all in favor.

V. MacDonald returned to the Board.

Case #P15-07 Jason L. & Kristin Grenon	Map 1 Lot 41	Final Minor Subdivision 221 Muchado Hill Road
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On behalf of Jason L. & Kristin Grenon, Randy R. Orvis of Geometres Blue Hills, LLC is proposing a Final Minor subdivision to subdivide 8.34 acres into two lots. One lot would include 3.63 acres with 300 feet of road frontage and include the existing house and structures. The second lot would include 4.71 acres with 393.91 feet of road frontage and is currently undeveloped. The property is located in the Rural (RU) Zone.

K. McWilliams gave an overview of the application. He recommended the Board accept the application as complete.

T. Hoopes motioned to accept the application Case P15-07 as complete.

R. Sample seconded the motion with all in favor.

Randy Orvis spoke on behalf of this application. Originally the applicants thought they had over nine (9) acres but it turned out to be a little short. They planned on a 3-lot subdivision but with the wetlands they were only able to do a 2-lot subdivision.

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

R. Orvis made the statement that the Board is asking the applicant to put a permanent marker on a dynamic wetland boundary.

T. Hoopes made a motion to approve Case P15-07 for a 2-lot subdivision for Jason & Kristin Grenon with the following conditions:

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

1. The subdivision number (eSA201504301) approved by the NH Department of Environmental Services for wastewater treatment needs to be noted on the plat.
2. A note shall be added to the plat stating that Best Management Practices shall be utilized during any timber cutting on site.
3. All “To Be Set” (TBS) notes shall be removed from the plat and all monuments shall be set. This is to be completed prior to the plans being signed by the Planning Board Chair and certified as complete by the surveyor who stamps the plat.
4. The following note shall be revised on the plat prior to the plans being signed by the Planning Bard Chair: This subdivision plat is subject to the Conditions of Approval itemized in the April 21, 2015 Notice of Decision on file at the Town of Alton Planning Department and recorded at the Belknap County Registry of Deeds.
5. Trees along the boundary of the 25’ of wetland buffer setback for all wetlands greater than 10,000 square feet in size in the area within 200’ of proposed development that will disturb the soil or involve removal of trees are to be flagged on the plat and accurately in the field on trees approximately every 25’ with permanent markers identifying them as the wetland 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 wetland buffer shall be flagged with metal fence posts displaying the wetland markers, which should be affixed to the posts with bolts.

This is to be completed prior to the plat being signed by the Planning Board Chair and certified as complete by the surveyor who stamps the plat.

- 6. The date of a driveway permit approval by the Highway Department for proposed Lot 41-2 needs to be noted on the plat.

**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 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 specifications upon which the approval was based, or has materially violated any requirements or conditions of such approval.

Provided all listed conditions precedent 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.

P. Bolster seconded the motion with all in favor.

**VI. VOLUNTARY LOT MERGER**

<b>Case #P15-05 Charles M. Shields Revocable Trust</b>	<b>Map 12 Lots 1 &amp; 49</b>	<b>Voluntary Lot Merger Old Wolfeboro Road &amp; Bay Hill Road</b>
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Charles M. Shields, Trustee of the Charles M. Shields Revocable Trust dated February 4, 1993 is requesting a voluntary lot merger to combine the two lots noted above consisting of 57 acres and 9 acres respectively.

K. McWilliams gave an overview of the application. He recommended that the Board accept the application as complete and authorize the Chair to sign the form for recording.

T. Hoopes made a motion to accept and approve the Lot Merger for Charles M. Shields, Trustee for Case P15-05 combining Lots Map 12, Lot 1 & Map 12, lot 49 totaling 66 acres.

V. MacDonald seconded the motion with all in favor.

**VII. REVERSAL VOLUNTARY LOT MERGER:**

<b>Case #P13-18 David L. Bruhm &amp; Cheryl A. Boyd-Bruhm</b>	<b>Map 44 Lots 52-1 &amp; 53</b>	<b>Reversal of Voluntary Lot Merger 134 Blackpoint Road</b>
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A voluntary lot merger involving the two referenced lots was approved by the Planning Board for the Bruhms on December 17, 2013. The two lots were located on opposite sides of Blackpoint Road, a private road. During a variance hearing before the Zoning Board of Adjustment in 2014, it was revealed that Blackpoint Road is owned by the homeowner’s association. As a result the two Bruhm lots are not contiguous and do not qualify to be merged necessitating the revocation of the lot merger.

K. McWilliams gave an overview of the application. Town Counsel has drafted the Release Form for the Planning Board Chair to sign and record in the Registry. Mr. Bruhm is aware of the process.

T. Hoopes made a motion to approve the Reversal of the Voluntary Lot Merger for Map 44, Lots 52-1 and 53 on Blackpoint Road on Case P13-18

P. Bolster seconded the motion with all in favor.

## VIII. OTHER BUSINESS

1. Old Business – None
2. New Business –
  - a. OEP Registration is still open until Friday. T. Hoopes signed up.
  - b. The Public Hearing on the Subdivision Regulations and the Construction Observation Manual will be on Tuesday, May 5<sup>th</sup> at 6:00 p.m.
3. Approval of Minutes:
  - a. Minutes of the March 3<sup>rd</sup> and 17<sup>th</sup>, 2015 Planning Board Meeting.  
**P. Bolster motioned to approved these minutes as presented,  
R. Sample seconded the motion with all in favor.**
4. Correspondence – None
5. Any Other Business that may come before the Board. –
  - a. There was a discussion regarding the SB146.
  - b. There will be a ZAC meeting tomorrow at 6:00 p.m.

## IX. PUBLIC INPUT ON NON-CASE SPECIFIC LOCAL PLANNING ISSUES:

There was none at this time.

## X. Adjournment

**T. Hoopes made a motion to adjourn. The motion was seconded by R. Sample and passed without opposition.**

The Public Hearing adjourned at 7:50 p.m.

Respectfully submitted,  
Randy Sanborn, Recorder, Public Minutes-