

APPROVED July 20, 2006

Call to Order: at 7:09 p.m.

Present: Jim Bureau, Pam McLeod, Bruce Holmes, Jeremy Dube-Chairman, Tom Hoopes, Jeanne Crouse, and Bonnie Dunbar, Kathy Menici-Town Planner, and Carolyn Schaeffner-Recording Secretary Cynthia Balcius joined the meeting at the break (9:15 p.m.).

Appointment of Alternates: Jim Bureau appointed.

Approval of Minutes: November 22, 2005, March 21, 2006, and May 10, 2006

Changes to November 22, 2005 minutes.

Page 2, last paragraph, sentence rambles, suggest comma after “drainage” (Noted will listen to the tape and clean it up.

Page 5, 2nd p, T. Hoopes, 3rd sentence, should be “the applicant”.

Page 5, A. Sherwood, “also” deleted and “as” replaced.

Page 6, 12 Speakers down (A Sherwood), “thought” not “though”.

Page 6, T. Hoopes, “markers” not “marked”.

Page 10, last sentence, T. Hoopes, take “s” off the word question.

Page 14, second to last J. Dube, insert “done” after “already”.

Page 15, 4 lines down under J. Dube, insert “it” after “but”.

Page 16, W. Tanguay, insert “Court”, after “Supreme”.

Page 16, K. Menici insert “is” after “he”.

Page 18, 3rd from the bottom line add, “at” after the word quorum.

Motion by T. Hoopes to approve minutes for November 22, 2005 with changes. Second by J. Bureau. No discussion. Vote unanimous.

Changes to March 21, 2006 minutes.

No changes made.

Motion by T. Hoopes to approve minutes for March 21, 2006 as presented. Second by B. Holmes. No discussion. Vote unanimous.

Changes to May 10, 2006 minutes.

No vote – K. Menici will work on corrections to these minutes.

Public Input

Russ Wilson general question on requesting a 6 month moratorium on further cell tower applications. (Mr. Wilson did not speak into the microphone and was difficult to understand.)

T. Hoopes suggested he look at the new ordinance and he will see this is a great improvement.

R. Wilson has found a book regarding cell towers and has purchased a copy for each board member.

Earl Bagley questioned the policy for granting waivers. (inaudible)

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J. Dube stated for each waiver they look at the reasoning for each waiver on a case by case basis.

E. Bagley asked what is done when someone is, knowingly, not going by the rules of zoning and what does the Board do.

J. Dube informed that each application is different but feels the board is working very hard on being consistent in treating everyone equal.

General discussion on waivers.

Public Input closed.

Applications for Public Hearing:

Case#P06-36

Map 15, Lots 56 & 60

19-Lot Subdivision

Carl Norby & David Reynolds

Old Wolfeboro Road

Application submitted by Thomas R. Walker, Esquire on behalf of the property owners, Carl Norby and David Reynolds for a proposed 19-lot subdivision with an interior road. The property is located on Old Wolfeboro Road within the Rural Zone.

C. Balcius recused herself.

Randy Walker and David Reynolds are present for this case.

K. Menici this case was presented last month and was not accepted due to a lot size. The lot line was adjusted and this waiver is no longer necessary. The only waiver being requested is 7.2.15 locus. This is being requested because it is included on the plat but in a location other than that is required by the regulations. Since the subdivision regulations were drafted there has been a change in the plat law and the location required by the regulations is an area on the plat that the registry now requires to be left blank.

J. Dube asked the Board for comments.

J. Crouse has a question on consecutiveness of lot numbering.

K. Menici during the IGMO they did a minor subdivision with two lots and three remainder lots that were going to come back for future subdivision that is why the numbering is like it is.

Motion by T. Hoopes to accept the application for C & D for a 19-lot subdivision, Map 15, Lot 56 & 60, case number to be determined by Town Planner. Also grant the waiver 7.2.15 for locus. Second by J. Crouse. No discussion. Vote unanimous.

Randy Walker brought up the road length waiver. Road is 700 feet longer than required. Met with many engineers and experts and this is the best option they feel would be best. Previously, showed a loop road. After input from Wetlands Board they asked to minimize the wetlands impact. Has 4

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options for road placement and they are proposing option 4. This option does not comply but feel this is the best option. The option presented has 7000-8000 square feet of impact on wetlands. 2/3 less than original proposal. The loop road had 20,000 plus square feet impact. The 2500 foot option with 4 long driveways at the end is not acceptable to the Fire Chief.

J. Dube question on the 2500 ft road with the driveways feels there will not be the road frontage.

R. Walker stated a "Y" would have to be put at the end. They also looked at doing a median strip where the road would go up and come back with spur off of that, which has been done by them in several locations. Shows option with the 3200 ft is best for environment – tree cutting, soil disturbance, tree cutting, and paving vs. other options. Noted the Board will be concerned with setting precedential value on granting a waiver regarding the road length. Suggest two primary considerations – done case by case, condition warrant this option. 50 ft buffer on perimeter, 10 ft buffer down the middle. The road is 700 longer to get around wetlands, preserving and protecting the land. Second, if they complied with zoning it would be more impact on the land. Safety issues from Fire Department stated no problem except the placement of cistern; Highway Department stated needed larger turn-around, stop sign and speed limit signage. This road is better for the applicant, town. Request to grant this waiver.

J. Dube stated the Fire Chief is looking for a safety point of view. The Board is looking at this from a procedural point of view. Feels this is setting a bad precedent. Feels decisions need to be consistent.

J. Crouse against one single access into developments regardless of department heads opinions. Feel also that any more impact on the wetlands is not good and feels this land is not suitable.

B. Holmes feels this is a good use of the land with their presentation of this road. Does not want to see a loop road.

C. Balcius speaking for NH Soil Consultants. Met with the Wetlands Bureau on this application many times. Feels state and local should work together and feels this case has taken large steps to see the impact on these wetlands.

J. Dube agrees but added the first thing they saw last year until now is a lot better situation. Stated also that at design review they were told that the State would not allow the loop road because of too much impact.

C. Balcius added the wetlands permits states that the plan proposed, for the next phase, they should look at at least that amount of impact or less. They definitely wanted minimization and avoidance. Based on the terrain out there, the fact that one road is a lot less than the loop, a lot less pavement, run-off, drainage, sediment and erosion control, you need to see that how much an improvement this is for overall impact.

R. Walker added this is basically their position. There are alternatives that do comply but are worse.

T. Hoopes asked regarding granting waivers need to weigh the benefits of granting that waiver. Feels pleased to see cutting the lot numbers from 31 to 19 and the road plan with less impact on the land. Does not like the idea of setting precedent but would rather see changes such as these.

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J. Dube feels rules are there for a reason and feels this could be a conforming sub-division with, for example, 15 lots and with a 2500-foot road.

B. Dunbar feels a loop road would impact more and in this case feels you need to weigh the outcome of this presentation. Does not have a problem with this option.

C. Balcius commented on wetlands in general 36 acres. Noted the applicant was very careful to not include this in the lots

R. Walker also stated the applicants have been very responsible in their decision making for this application.

T. Hoopes noted the Association Rules and Regulations for this area is very strict. No snowmobiles, ATVs, with trails, etc.

General discussion of roads.

J. Dube asked C. Balcius regarding the wetlands of that area.

C. Balcius stated the seeps and drainages do drain down there but they drain from all the surrounding land. They all drain down through Hurd Brook, through the wetland, and it meets up with and drains into Lake Winnepesaukee. It is just one huge part of a water shed.

P. McLeod agrees with not bending the rules but also feels that this option would be the best option for this land.

J. Bureau agrees and feels this is the best option.

J. Crouse questioned the amount of wetlands on each lot and proposed alternative, will there be sufficient room for buildable area. Noted lot 7 has a bizarre shape, lot 8 shape. Agrees the road waiver should not be granted.

The case was opened up to public input with the Conservation Commission to speak first.

Justine Gengras stated could not walk road alignment because center line was not staked. Did get a sense of the terrain and wetland impact. Noted the steep slope on the property. Issues for concern at large amount of earth moving to implement this road. The invasion and dissection steep slope. If the road is shortened still will have a great impact. Feels it is not the length of the road but the challenging terrain, soils and possible erosion and construction impacts.

T. Hoopes asked her opinion for a loop road.

J. Gengras felt the loop road would not meet standards for percentage of ratio for lot size. Feels this property is very irregular.

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Earl Bagley commented on the length of the road and concern how it once changed from 2000 to 2500 feet and does not want this to set a precedent to again change the standard length of road.

T. Hoopes noted when a waiver is requested you have to weight the pluses and minuses of what is being offered and not only how it is going to impact the land but the town as well.

J. Dube feels this is his concern also.

T. Hoopes noted this is being requested to lessen the impact on the land and feels this is important.

E. Bagley (inaudible)

C. Balcius job of the professional to look at the land and give alternatives.

K. Menici suggested a site visit.

T. Hoopes feels a site visit is essential

LuAnne Varney, abutter to the proposed property, presented her report (this is copied below)

My name is LuAnne Varney and I am an abutter to the proposed 19 lot subdivision of C & D Interests. My talk will last about 10 minutes. I would like to share with the planning board what I know about this area and give you a bigger picture of how this proposed housing development fits in.

Some of the information I present tonight will come from a booklet entitled Town of Alton Natural Resource Inventory. It was written and edited by Charles Hersey, a natural resource specialists and prepared for and in consultation with the Town of Alton, the Planning Board and the Alton Conservations Commission, dated 2002. I will quote from this publication many times, but leave the exact references out to save time.

Exhibit One is made up of parts of the Town of Alton Tax map 12 & 15. I have enlarged them to show you most of an area referred to as the Gilman Pond/Bear Pond Open Space Area. I have outline the roads surrounding this area in yellow. The existing houses are in green. It is an unfragmented section of Alton consisting of about 1,609 acres.

There are 3 major water and wetland areas associated with this unfragmented open space area. Gilman Pond, in the upper right. Bear Pond on the lower right and Hurd Brook on the upper left. These areas are shaded in blue.

Gilman Pond is a 32 acre natural pond and the 29.9 acres of wetlands surrounding it are referred to as Prime Wetland #13. This values and functions of this area are described as: ground water recharge, water quality protection, rare species habitat and fishery/wildlife habitat.

Bear Pond is a 15 acre natural pond and serves both as groundwater recharge and discharge area.

Hurd brook flows for about 3 miles before it empties into Lake Winnepesaukee. The 63 acre wetland, along the brook, can be seen from Route 28 near the intersection of 28 and 28A. It is fondly referred to by hunters and residents as the big swamp. This wetland has been recommended for prime designation because of its ability to store flood water, the variety of vegetation, size and location. It has a high wildlife habitat potential. Fish & Game stocks the Hurd Brook with about 350 brook trout every year.

The Gilman/Bear Pond open space area serves as a significant core of open space in East Alton. The area is noteworthy for the habitat it provides for the rare small whorled pogonia. The small whorled pogonia is listed as threatened on the Federal Endangered Species List. East Alton, especially around

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Gilman Pond is home to the largest known population of small whorled pogonia orchids in the world. The small whorled pogonia is known to go into hibernation for up to 4 years.

The land, Gilman/Bear Pond Open Space Area, has generally been wild land since the beginning of time. It was used, by humans for subsistence farming from about 1800-1900, then abandoned to grow back into forest. Since 1900 it has been used for some scattered single family homes, but primarily logging, hunting, fishing, and long quiet walks in the woods. The wildlife has used this area since the beginning, they were here first, and as development increased around the big lake they have retreated back into the forest, where luckily this area provides a variety of water, wetland and upland, for food, water, and safety. This area is home to many wildlife species including, bear, moose, deer, fox, porcupine, turkey, ruffed grouse, raccoon, beaver, just to name a few. A week or so ago, a moose passed by our house and down through the field.

The biggest threat to Alton's wildlife and biodiversity is habitat loss and alteration. Laws and social imperative have been effective in controlling the direct exploitation of species, i.e. fishing and hunting. However, laws and social values, if anything, have promoted habitat loss and alteration, not curbed it. It is obvious that when a piece of land is paved over or built upon it loses its habitat value for most species. Harder to discern are the indirect effects of development on remaining natural habitat. Development can lead to severe fragmentation whereby natural habitats become isolated islands that lose much of their value for a variety of species. Domestic pets can increase predation and competition with native species. Edges created by roads and buildings provide excellent pathways for the introduction of exotic species, which can directly compete with some native species while at the same time making the habitat less hospitable to others. Development that occurs in or near unique or important habitats such as rivers, wetlands, lakes, rare forest types or an endangered species habitat can degrade these habitats and reduce their functional value.

Unfragmented land provides some of the most valuable wildlife habitat in the long term. It provides a range of contiguous natural habitats that often encompasses many habitat types, supporting a diverse array of native wildlife and ensuring that species common to the area remain common.

Exhibit #2 is of the same tax maps with the C & D Interests proposed housing development. I have shaded the property lines, proposed road and houses in red. The road intrudes over 3,000 feet into this unfragmented area and winds around and closely hugs the west side of the Hurd Brook wetland area. In essence this development will cut off access to almost half of the Hurd Brook wetland area from the wildlife that uses it. The land disturbance and noise from the construction of 19 houses and a 3,000 foot plus road will drive the wildlife away. Then noises, banging doors, loud music, and household pets of 19 houses, a minimum of 38 people and 38 cars driving up and down every day, will keep them away. This road reminds me of a long, fickle finger of fate, extending into a pristine area. And what fate does it bring?

I strongly urge you, members of the planning board, to take a long hard look at this proposed project. Any compromise you make will set a precedent and affect this area for a long time into the future. The essence of planning is to make sure new projects are beneficial to the whole community, not detrimental. Use the Master Plan, the Zoning Regulations, the site plan rules and your own conscience to decide what is best for all that live in the Town of Alton. Thank you for your time this evening and let me leave you with one passing thought. Only after the last river has been poisoned, only after the last field has been paved, only after the last tree has been cut down, hopefully, before then, we will realize that we (and the wildlife around us) cannot eat money.

C. Balcius added she has an aerial photo of the land and what was just said leads into the conservation easement that they are hoping to put on that large wetland associated with Hurd Brook. They do know

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there was a prime wetland study done in the 1980's Nancy Randall and was considered one of the high value wetlands.

T. Varney abutter – three issues

1. Noted the development of this property and destroying the wildlife in the area. Feels this plan has the most severe impact. Referred to the Master Plan stating this area should be protected.

2. The road – in 1989 the 2500 max length was set. Feel the intent of that law was to establish limits with safety in mind.

3. Entrance on Old Wolfeboro Road – does not have the proper amount of frontage.

J. Dube notes this could ultimately be revised.

R. Walker addressed road comments. On the flair of the road with regard to the entrance.

J. Dube stated this was not presented at design review and feels the flair was done so the lot will not have frontage on Old Wolfeboro Road.

Richard McDuff would like to address that the applicant spoke with the abutters about the road or development and notes he has never been asked for any comments or meetings. Recommends the Board walk the site. How will this affect the ground water and aquifer? What will the extra amount of houses impact the well quality status?

R. Walker feels this area would not go dry at all.

R. McDuff stated just because there are a lot of water on the surface does not mean there is water below.

E. Bagley commented on the area disturbance on the terrain compared to other developments.

R. Walker regarding the conservation easement they have covenants and restrictions to cover this.

K. Menici noted this area is part of lot 6.

J. Gengras you cannot access the easement without trespassing on private property.

Public Input closed.

B. Holmes feels it is clear they need to do a site walk.

J. Crouse would suggest that the center line of the road should be indicated.

J. Dube asked the applicant if this could be marked.

D. Reynolds stated yes

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K. Menici suggested the lots be marked also

J. Dube suggested front be staked and the back flagged.

R. Walker noted this could be done by June 10.

Motion by T. Hoopes the Planning Board perform a site walk on June 8 at 6:00 p.m. Second by P. McLeod. No discussion. Vote unanimous.

Motion by T. Hoopes to continue application for C & D Interests, Map, 15 Lots 56 & 60 until the following Planning Board meeting on June 20, 2006. Second by J. Bureau. No discussion. Vote unanimous.

9:17 p.m. break for 5 minutes.

9:30 p.m. meeting resumed

Cynthia Balcius took her seat on the Board.

Case#P05-09

Map 32, Lot 13

Amended Site Plan Review

Ernest Gillan, Gillan Marine

NH Rte 11

Application submitted by MJS Engineering on behalf of the property owner Ernest Gillan for Site Plan Review. The applicant proposes an expansion to an existing boat sales facility and remove an existing two story, 2000 SF building and replace it with a two story, 11,600 SF building. The property is in the Residential Commercial Zone and within the Town of Alton's Aquifer Protection Zone, The Town of Alton's Shoreland Protection Overlay District and the NHDES Shoreland Protection Overlay District. This application was continued from the October 18, 2005 meeting.

J. Bureau recused himself from this case.

Present for the Town: Eric Ryder

Present for this case: Roger Burlingame, Ernest Gillan, and Roger Roy.

R. Burlingame stated the three issues remained from October meeting. One issue has been resolved through court appeal and stipulation on the question on whether or not the impervious lot coverage had been vested through prior approval. That is, as he understands is now off the table. Engineering that remains to be done is a limited engineering review for the purpose determining whether or not the change from compact gravel to pavement resulted in any engineering issues. The other two issues that were discussed at the October hearing were parking and the green areas. Asked if the Board agreed that this is the current status.

T. Hoopes questioned regarding his statement regarding the "coverage is off the table."

R. Burlingame he stated that by agreement of the parties and approved by the court, it was determined that in 1996-97 the planning board approved the impervious lot coverage on the site up to 51.8 to 52%.

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T. Hoopes stated he was not under that impression at all.

J. Dube stated he was under that impression. He stated that what was said was that the board asked them to do the drainage study of what the recharge was fair.

T. Hoopes stated the question by A. Sherwood was whether or not there is coverage permitted. That what was needed to be shown was that that the coverage could be handled in terms of recharge. That there had to be some scientific way of showing that the property could handle the run-off and flowage on property and that there still was recharge to the proper capacity.

J. Dube felt that basically what Alan's motion was, (J.Dube seconded the motion) that they needed to do a study to make sure that it was still adequate with being changed from gravel to pave, that they were still getting the same effects, and that was what that motion was for and that motion was proven to be a reasonable motion.

T. Hoopes didn't feel it was limited to just gravel vs. pavement.

J. Dube added that what it has done is that they said the note on the plan made it so they had the coverage they say they had.

T. Hoopes felt it was not referred to him that way.

K. Menici stated she had a copy of the decision for review.

R. Burlingame added if, in fact, the Planning Board approved the impervious lot coverage, exceeding the 20% cap on impervious lot coverage in 1996-97, and the board approved it at that time, and as such they cannot be required to reproduce the engineering to prove to the current board that they should be entitled to exceed the 20% again. It is vested, it is a right that goes with the property and they maintain that right. The engineering issue that remained outstanding was whether or not the change from gravel to pavement resulted in other problems with the site. There is no longer the requirement they demonstrate that through engineering means that the lot coverage works.

J. Dube stated that is how he sees this situation.

Roger Roy stated that relating to the drainage there are two parts of drainage. One was the ground water infiltration and the other part was what is being done to treat the run-off from the on-site parking. In discussions with Eric Ryder regarding the proximity of the site to Merrymeeting River and what additional studies would prove regarding ground water recharge it was agreed that if we at least try to flatten the swale that is right off lower part of the parking that this would at least, help maintain recharge area. That was the original area of recharge as proposed on the plan approved in 1996. That issue is set aside, he believes.

E. Ryder agreed with his statement. Noted the site is relatively closed to ground water and there is not a lot of room for recharge into the ground water in this area. The treatment swale has been enlarged and the flat grades through there actually help with recharge into the ground water. It slows the water

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down acting as a detention pond vs. a swale to get the water out to the river as quickly as possible. The meandering path helps with that as well. The treatment issue is the primary issue that he had deal with and as required by the Ordinance in the aquifer protection zone.

R. Roy indicated on sheet C-2 swale areas.

T. Hoopes asked about the existing burm that is there was there for an entirely different reason than the original proposal. Asked if they were reducing or increasing the inflow above the burm.

R. Roy noted by flattening the swale they are hoping to improve the recharge, decreasing the flow coming out of the swale.

E. Ryder stated number of concerns with storm water running would cross and run down the ramp. Asked for survey shots of the edge of the pavement and it did not appear that the shots indicated that was would be directed to the oil/water separator. It seems as if it would be running down the over the ramp. Was on site on Monday 5/15 to look at this and found that actually the water, and there is a high point across the end of the boat ramp and water does not actually go down the ramp. Possibly only at high flows. There was actually a separation between what water ran down the ramp and what water did not. Felt that this was satisfied. Have had numerous conversations about raising the grade in the parking lot creating a better definition at the ramp and raising the grade so storm water and separator could function more efficiently. Improvements were made along the way, for example the curb was added, oil/water separator was raised at one point and the original grades in the parking lot were raised as well. The design is not complete yet, still waiting on a couple of details. Noted another concern is in the last paragraph in his letter, he said, "the oil/water separator elevation of 505.25 is expected to be flooded during the 100 year storm event which has an elevation of 506 in Lake Winnepesaukee. The information provided indicates that the Merrymeeting River elevation on the day of the survey was 504.17 which would allow for 13 inches rising in the river level before the oil/water separator would not function effectively." The concern is that in a large storm event they do not know how high that storm is but that the swale would back-up and the oil/water separator would not function effectively. Dealing with the grades they are trying to raise the grades in the bottom of the parking lot so that there was a greater elevation difference less prone to flooding from Lake Winnepesaukee on the Merrymeeting River. He was there just before the meeting the water elevations on the lake and river are high but have not crossed over the ramp yet. It is about $\frac{3}{4}$ up the ramp, somewhere around the elevation of 505.7, close to the 100 year flood elevation. This is the second time in the past 6-8 months that this has happened. It bears taking a closer look at.

R. Roy responded on question about 100 year flood elevation. They did raise the grade. They are trying to preserve the existing pavement. Initially the design was with an outlet invert of 505.0. After Eric's inquiry they researched the data collected by the NH Dam Bureau, where they keep water elevations on a day to day basis, and they keep the precipitation accumulations on a day to day basis. They looked at a period from 2002 up to a week ago. The average data is for a period back to 1982. What they found is, going back to 1982, the highest the water reached was 504.7 in all those year. Looking back at last fall, October 2005, and the water elevation was 505.24. They are trying to create a system that will work for the worst scenario but being realistic and design on the most probable events.

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The invert was set at 505.25. They have designed their height for the highest water elevations during the year.

C. Balcius question to Eric if this is designed to the 50 year flood?

E. Ryder stated the oil/water separator is designed to take the first flush which about the 10 year storm event. The first inch will come off and be treated in the unit. That is what it is designed for. It will still keep taking water and filtering it and taking pollutants out of it until the level of the 25 year storm event. After that it will continue to function but will end up by-passing more water out of it. Also noted this must be maintained.

C. Balcius confirmed that most parking lots are done for 10-25 year storm. 100 year storm is not normally designed for this. Expressed the long term maintenance concern.

E. Ryder recommended that maintenance records be kept and should be put on the plans and agreed to by the board.

T. Hoopes asked if this needs to be done on a prescheduled agreement.

R. Roy noted this information has been submitted with the plans for maintenance. It shows pumping the system out once a year.

E. Ryder noted loading and unloading areas were an issue, Item D in his letter. In the fact that it was previously asked how tracker trailers would be able to load and unload on the parcel with the boats and with the parking areas shown. A comment last time made was that boats on site would be moved to accommodate deliveries. It was indicated by MJS that loading and unloading would occur in the shoulder of Route 11 as it occasionally does now, and they do not recommend that this continue.

R. Burlingame stated that if a delivery trailer cannot get into the site to off-load then they will not off-load. They will bring them in individually on standard trailers. They will not have unloading from Route 11 right-of-way.

E. Ryder stated the last significant item is parking. The applicants stated that this is a marina and he does not see how it meets the definition of a marina.

R. Burlingame stated they never said it was a marina. It is Boat Sales and Service.

T. Hoopes stated Boat Sales not Boat Sales and Service.

R. Burlingame questioned Mr. Hoopes to define service.

E. Ryder noted that what is stated on the plans is marina. The applicant is looking for parking to apply to the marina standards. In order to apply to marina standards, the definition of marina is boat storage and service pertaining to boats. When you go to the plans there is no wet storage or dry storage of boats, so they found it difficult to make the leap that the marina parking standards should apply when this is Boat Sales and so therefore it would conform to definition of retail. If the Board agrees to that

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standard then 39 parking spaces would be required by the Ordinances. 11 parking spaces are provided but the notes show that notes are on the plans, and there is a discrepancy there between the 11 and the 12 and then more importantly how many parking spaces are really required for the site. 39 what the definition of retail would require.

R. Burlingame stated they have a site plan approved for 6 parking spaces from 1998. The Board has taken a position consistently that this is a commercial retail. Commercial retail is not defined but is listed under parking requirements and would result in 39 sites. There are a number of defined uses which have their own parking requirements that are also commercial retail businesses. Under the definition of Boat Sales the Ordinance says see Marina. States there must be some reasons this was put in there. He feels it is there because a boat sales operation is a component of marina operations and the boat sales has a number of the same attributes that a marina has and therefore when you are going through the ordinance trying to apply it to boat sales, you look to the next closest item by definition.

J. Dube asked what ordinance he was referring to.

E. Ryder Boat Sales and Services was adopted March 2006 and does not apply. Using 2005 which does apply. As they go through the definition of retail sale as compared to the other ones, the others did not seem to fit and there is a definition for retail parking spaces.

R. Burlingame states that the Ordinance defines retail store. It does not say it is the same as retail commercial and parking is under the heading of retail commercial not retail store. Stated that this is making a jump saying they are both the same thing. Noted again, boat sales states, "see marina" not see retail store. Boat sales does not attract a lot of traffic.

K. Menici noted previously approved site plan was for 15. Discussed marina standard with Town Counsel his determination of the Ordinance would be that any boat that is in wet or dry storage, there would have to be one parking space for each boat as well as parking provided for the number of spaces for the number of boats that can be docked. That is the marina standard.

R. Burlingame disagreed.

E. Gillan stated it was originally for 15 but changed to 6 when he added the deck on the building and the 10 parking slips that were down by the long dock were eliminated from the plan.

B. Dunbar stated they did talk about not micromanaging the lot. It was reduced feels it would be best to refer to the minutes.

R. Burlingame stated it was changed April 20, 1998.

B. Dunbar noted it was based on the square footage of the building. Now there is a larger square footage of the building with more boats and feels there is some type of calculation in dealing with this.

R. Roy plans show 11 and last September states they gave the board a parking summary and described 11 there also.

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B. Dunbar stated she doesn't know what the recommendation should be because it is not exactly falling into retail commercial but notes there needs to be extra parking.

Discussion on storage of boats with regard to inside or outside.

E. Ryder feels parking number of spots is a Zoning issue. This does not fit into a specific category.

E. Ryder option that it could be considered retail commercial and apply for a variance.

Further discussion commercial retail.

P. McLeod agrees that this is clearly not defined and there is a large gray area to where this falls.

J. Dube inclined to think this is not within the purview of the planning board.

K. Menici suggested she research parking standards in other facilities and talk with Town Counsel on what the actual process should be if he feels the board has the authority to negotiate on this issue or go in front of ZBA.

This case was opened to public for input.

Patricia Norton issue about the parking spaces. Does not see a rush of customers, these are expensive boats and does not require all this parking. Feels all the talk for parking has been wasting time. Also feels the process has not been handled properly and why are they asking questions now.

J. Dube explained that this is all a process and decisions need to be carefully prepared and this takes time-.

Howard Newton stated the ZBA makes the determination on what is required.

Melissa Guldbransen on behalf of abutters David and Steven Parker. Feels parking is ZBA issue. Every commercial retail issue. Does not feel there is wiggle room in marina definition. Applicant has consistently used retail classification and calculated parking on retail formula. Representation to ZBA for Special Exception was they had 30 parking spaces. This is stated in minutes. Zoning issue with respect to what types of items being sold. Regarding drainage. Lake levels handout and compare to Eric Ryder's comments. Graph shows maximum and minimum levels. Final point use of the property is limited to sales only and this is a prior condition to approval. This was for limit to petroleum based products introduced to soils. Comments have been made to sales and service, warranty work.

Closed public input.

J. Crouse if Town Planner consults with counsel and he says this needs to go to Zoning does this mean they wait another month?

J. Dube noted he thinks they could just find out from what the Town Planner learns from Town Counsel and they can be informed.

APPROVED July 20, 2006

E. Gillan stated that in the last meeting it was voted that Town Counsel was supposed to be here at this meeting.

Discussion on the presence of Town Counsel.

Concerns about elevation and appearance review.

Motion by C. Balcius to continue Case P06-39 to June 20, 2006 Planning Board meeting. Second by B. Holmes. No discussion. Vote unanimous.

Motion by T. Hoopes to continue the meeting past 10:00 p.m. Second by B. Holmes. No discussion. Vote unanimous.

Case#P06-39

Map 11, Lot 25-49-1

**Compliance Hearing
Spring Street**

Robert Carpenter

Hearing requested by the Code Officer to review compliance with a condition of approval requiring a 25' no-cut vegetative buffer. The Planning Board approved the subdivision plan at its August 9, 2004. The property is in the Residential Rural zone.

Present for this case was Robert Carpenter

K. Menici noted there was no plan to present before the Board but does have photographs of the site that were taken by the Code Officer.

J. Dube stated we are here to determine what needs to be done and what would be required for restoration.

R. Carpenter informed he was out of the country when this was done. He knew there was a buffer zone there. He had built the house next door. He owns both lots. The existing house was up, the buffer zone was left and doesn't know if it was a miscommunication or misunderstanding between him and the site work guy. He understands he is liable for what goes on whether he there or not. The existing soil and the rooting have not been disturbed. The lot was not grubbed out completely. The trees were just cut down.

T. Hoopes when the subdivision was done originally he remembers there were already complaints already about erosion and there was concern about the way the flow along the road was being handled then. One of the requirements was that buffer. With that slope there needs to be some really good vegetation in there.

J. Dube stated there needed to be a restoration with a plan and this will need to be approved. This will need to be reviewed by the planning department before it can be accepted.

R. Carpenter has some information here tonight and has a hand drawn overhead sketch. Wanted to make sure the board knows it was not his intention to have this done.

J. Dube added the restoration needs to be native species.

APPROVED July 20, 2006

This case was open to the public.

Bill O'Brien cannot get into his property due to the run-off erosion. Has been an Arborist since 1973. Stated there is more of a problem than just the cut buffer.

R. Carpenter informed the soil is not disturbed. Added there were ten trees taken down.

C. Balcius explained that trees have significant canopy that when removed increases the water impact on soil. Need a planting professional planting plan.

B. O'Brien stated this road has a serious problem and needs to be addressed.

J. Dube stated the selectmen are in charge of the roads.

T. Hoopes suggest put this in writing, then the Selectmen cannot not address this.

Howard Newton – problem started when they stripped the hill above. Problem has been exacerbated. This problem has been going on for a while. The erosion has pushed over the wall from the hill. Also stated that Rand Cove turns tan after every heavy rain from the run-off.

B. O'Brien stated during the rain the water run-off is coming off the wall 8 ft in the air and blowing on that wall.

C. Balcius addressing this individual lot. The restoration will be taken care of for the subdivision.

H. Newton feels that taking down the canopy has created a major part of the problem. Would like to see the Board required Mr. Carpenter to do something aside from just replacing growth.

C. Balcius added the entire street needs to be analyzed and this needs to be presented to the Selectmen.

T. Hoopes suggested putting together a community letter regarding the spring street problem.

Sean Ford abutter and one who notified the town of the cut. Expressed his concern about the existing driveway being the only one use and the second driveway being blocked off.

Discussion on the driveways referring to the plans.

T. Hoopes noted there probably was a driveway issued with the lot. Referred to notations on the plat.

R. Carpenter said he was only aware of the restrictions for the buffer zones in front and in back.

C. Balcius states the driveway is on the subdivision plan.

Public input is closed.

APPROVED July 20, 2006

Motion by T. Hoopes to continue Case P06-39 to the next meeting of the Planning Board. Second by C. Balcius. No discussion. Vote unanimous.

Motion by T. Hoopes to have a joint meeting with ZBA regarding the cell tower applications. Second by C. Balcius. J.Crouse recused herself for this vote. Vote unanimous.

Motion by C. Balcius to dismiss case P05-45 without prejudice. Second by J. Crouse. No discussion. Vote unanimous.

Motion by T. Hoopes to adjourn. Second by B. Holmes. No discussion. Vote unanimous.

Respectfully submitted,
Carolyn Schaeffner, Recording Secretary