

**TOWN OF ALTON
ZONING BOARD OF ADJUSTMENT
MINUTES
Special Meeting
July 14, 2010
APPROVED 8/12/2010**

I. CALL TO ORDER

Paul Monziona, Chairman, called the meeting to order at 7:03 p.m.

II. INTRODUCTION OF PLANNING DEPARTMENT AND BOARD MEMBERS

Paul Monziona, Chair, introduced himself, the Planning Department, and the members of the Zoning Board:

- John Dever, Code Enforcement Officer
- Stacey Ames, Planning Assistant
- Timothy Kinnon, Vice Chair
- Lou LaCourse, Clerk
- Timothy Morgan, Member
- Steve Miller, Member
- E. Loring Carr, Representative from the Board of Selectmen

III. APPOINTMENT OF ALTERNATES

There are no alternates to appoint.

IV. STATEMENT OF APPEAL PROCESS

The purpose of this hearing is to allow anyone concerned with an Appeal to the Board of Adjustment to present evidence for or against the Appeal. This evidence may be in the form of an opinion rather than an established fact, however, it should support the grounds, which the Board must consider when making a determination. The purpose of the hearing is not to gauge the sentiment of the public or to hear personal reasons why individuals are for or against an appeal but all facts and opinions based on reasonable assumptions will be considered. In the case of an appeal for a variance, the Board must determine facts bearing upon the five criteria as set forth in the State's Statutes. For a special exception, the Board must ascertain whether each of the standards set forth in the Zoning Ordinance has been or will be met.

V. APPROVAL OF THE AGENDA

S. Miller made a motion to accept the agenda as presented. L. LaCourse seconded the motion, which passed without opposition.

VI. CONTINUANCES

Case #Z10-17 Alton Bay Campmeeting Association	Map 34 Lot 33	3 Variances and 1 Special Exception Mount Major Highway
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Application submitted by JH Spain Commercial Services, LLC on behalf of applicant Alton Bay Campmeeting Association to request a Special Exception from Article 300 Section 320 to allow the expansion of use for up to 26 new dwelling units to be allowed year-round occupancy; a Variance from Article 300 Section 325 to request relief from the minimum parking requirements; a Variance from Article 300, Section 325(B) to allow parking spaces within the 5 foot parking area setback requirement; a Variance from

Article 400 Section 433 to allow 42 cottages to be reconstructed where the residential zone does not support the proposed density.

S. Ames read the case into the record.

Mr. Richard Uchita, an attorney with Orr and Reno in Concord, NH representing JH Spain Commercial Services and the Alton Bay Campmeeting Association is presenting. Mr. Spain of JH Spain, Mark MacLeod of HL Turner, the engineer for the project, and Rachel Goldwasser, a colleague of Mr. Uchita's, also came to the table to present this case.

Mr. Uchita thanked the Board for holding this special meeting. He acknowledged that the Board does not normally meet at this time of the month, and they really appreciate the accommodation. He also thanked S. Ames for her work in pulling all of this together.

P. Monziona informed Mr. Uchita that the Board was going to review the application and make a determination as to whether it should be accepted as complete. Mr. Uchita explained that he would stop partway through; his comments would help with the completeness determination. The Board could decide whether they wanted the applicant to continue with that exercise or stop at that point.

From an overall perspective, they are here for relief from the ordinance, which if granted, will permit the Alton Bay Christian Conference Center to rebuild nearly all, but not all, of the units that were lost in the Easter 2009 fire. The plans, if developed the way they have been laid out, would result in 16 single family cottages and 10 duplex units for a total of 36 units to be rebuilt. That compares with the 43 that were actually lost in the fire. As can be seen, in the new proposal, for reasons they will explain, they are eliminating 7 of the units that were originally there.

This property, as the Board knows, is about 28 acres. It's located in the residential zone here in Alton. They have some significant improvements they will be making to the housing there, but also to the property in response to comments they have heard from this Board in November, as well as comments from town staff, because they have been working with them for a number of months before bringing this project to the Board.

In the process of hearing the appeal, if they get past the issue of completeness, they will tell the Board about the improved road system, and the septic, and the additional parking they are adding, and the improved access, both onsite as well as into the site, and some of the fire protection issues they have worked on so hard to try to bring the Board this latest version of the project.

Mr. Uchita explained that the four pieces of relief they are seeking from the Board are those which the chairman explained. Rachel Goldwasser, his colleague, will explain the parking relief they are seeking because that seemed to be separate and she had focused on some of the parking issues that they need for this particular development. He will deal with the Special Exception and the variance dealing with the density of the project as well as the year round use by the cottages. He went on to say that, as the Board probably already knows, even if they are able to get approvals from this Board, they need to then go on to the Planning Board for their approval of the project.

Mr. Uchita addressed P. Monziona, explaining that they are ready to tell the Board a little bit about the project in terms of the features, the roads, etc.; if he would like them to do that now, Mr. Uchita would yield the floor to Mr. Spain. If the Board would like to stop to do their determination of completeness, they can stop and then go into those features.

P. Monziona declares that he would like to stop to make a ruling on whether to accept the application as complete, before they get into any substance of the application. He thanked Mr. Uchita.

P. Monziona asked about the plans he had noticed on the desk at the time he took his seat. These look like full size plans; probably reduced copies of these were provided with the application. His question to S. Ames is whether

there is anything additional provided this evening that needs to be considered as part of the application. S. Ames answered that there is a single page plan that they also go a smaller version of tonight. P. Monziona asked Attorney Uchita if everything in front of them, including the full size plans, the reduced plans, his letter, and the applications, is an application that would pertain to both the request for variances as well as the special exception. Mr. Uchita answered in the affirmative. P. Monziona asked if, when they look at this for completeness, they are looking at it in the context that the one application with all the plans is being submitted for the three variances and the one special exception. Mr. Uchita affirmed that to be correct.

P. Monziona invited questions from the Board members as to the completeness of the application. T. Kinnon asked about the numbers on the application; they are different from what has been stated here tonight. There is a discrepancy between the number of units (36) and the number of seasonal being requested (26). S. Ames explained that the request is for 26 year-round cottages; the remaining ones would be seasonal. T. Kinnon also mentioned that he is not seeing the duplex description on the application.

Mr. Uchita addressed T. Kinnon's concern. If they look at the actual text of the application the original variance request was for 42 cottages that was a mix of duplexes and single families. They have reduced the number of duplexes at the request of the fire department because of fire access issues, so the number has actually come down from the original application, from 42 units to 36 units that are in front of the Board tonight. The application always intended a mix of both duplex units and single family units. There were basically three duplex units that have been removed from the plan that was originally submitted in late June.

L. LaCourse asked if, in using the word cottages, they are referring to both duplexes and single family. Mr. Uchita answered that they are; he will try to make a distinction between the duplex cottages that contain two units and the single family cottages that contain one unit.

T. Kinnon explained his concern that the application doesn't differ; it just states the total quantity and doesn't specify how many single family and how many duplexes. It may be a technicality, but still. Mr. Uchita explained that there is a fairly extensive narrative that accompanies the application to address the elements that they are required to address. The narrative was intended to cover that area.

P. Monziona asked if the drawings reflect the amended number; Mr. Uchita had said when they talked about the application that there are a total of 36 units to be rebuilt. Earlier the application was being submitted in the context of an overall plan that sought to reconstruct 42 cottages, and the request concerned 26 that wanted to become year round as opposed to seasonal. Now what they are saying, after meeting with department heads of the town, and taking into consideration their concerns particularly in regard to fire safety issues, they have lessened the total number of structures that will be in the total project when it is finally completed, to a total of 36 units, 26 of which will be cottages they are seeking to have as year round structures. Of those 26 cottages, some are going to be duplexes. Mr. Uchita confirmed that as correct. P. Monziona asked if the location, dimensions, etc. of those are reflected in the plan and are up on the chart. Mr. Uchita explained that the plan in front of them now is the plan that contains 36 units, not the 42 units. The original plans that were submitted back in late June did contain a 42 unit plan. When it became evident that they needed to knock off three of the duplex units in Phase 2, they submitted new plans that showed the reduction of those units.

P. Monziona clarified that Mr. Uchita's answer to T. Kinnon's question is that the narrative, as they go through the criteria in their application, specifically deals with the context of the 36 unit plan. Mr. Uchita explained that he was responding to whether there was a discussion about single family and duplex units. He recalled that the narrative was submitted at the time they were contemplating 42 units, but his understanding of New Hampshire ZBA law is that once they go on record orally, and with their plans, saying they are not at 42 anymore they're at 36, they are bound to that number. He would assume, if they are inclined to approve this, that the variance would reflect the reduced number of 36 so that it is crystal clear; they might even attach a condition saying that they understand that the mix of those units is the 16 single family and the 10 duplex cottages.

L. LaCourse referred to the application where it mentions the parcel size as 28 acres; he asked if the parcel size represents the area where the new cottages will be built, or the entire parcel. Mr. Uchita answered that he had given them the entire parcel; if they were able to measure the two pods that form Phase 1 and Phase 2, they are a little over 7 acres.

T. Morgan asked Mr. Uchita to differentiate what Phase 1 and Phase 2 are. Mr. Uchita used the map to reference the two phases. T. Morgan asked if Phase 1 was all single units; Mr. Uchita explained that there are some duplex units in Phase 1.

P. Monziona asked for further questions with regard to the completeness of the application. There were none. He invited a motion on the completeness of the application.

S. Miller made a motion to accept the application as complete. T. Kinnon seconded the motion, which passed by unanimous vote of the Board.

P. Monziona addressed Attorney Uchita; this case has four applications – three for variance and one for special exception. He gathers that the presentation with regard to this project will be applicable to each of those applications. It is his suggestion, unless any member of the Board has any objection or feels that they should do it differently, that they are going to address these individually, so when they invite public input, they are going to be doing it on one application for a variance. They will deliberate and vote then move on to the next one. That is not to say that the applicant will be required at each instance to re-do their presentation; they will be free to add anything at that time. He invited Mr. Uchita to proceed any way he might wish on that – he could give them the whole story now that will be applicable to everything, or he can single them out, but his suggestion to the Board is going to be that when they decide on these, that they do them individually and invite input on an individual basis.

Mr. Uchita gave a preview of what they are going to do, they thought they would have Joe (Spain) and Mark (MacLeod) give a description of the overall project – what it's all about, some of the changes that will occur up there that have been suggested by the town or by them as they have tried to bring this property to fruition, and then once they're done with the overall general presentation and discussing some of the comments on the Planner's report that are applicable to a number of the issues, he and Rachel will take each of the requests one by one and walk through them. They can either stop after each one or they can do all of them, whatever the Board's pleasure is, but they are prepared to address each of them individually once the overview is done.

P. Monziona asked if that approach is acceptable to the Board; all members agreed that it is.

Joe Spain took the floor. He began by thanking everyone for making this special meeting. He knows everyone has a busy schedule, and this is very much appreciated.

Mr. Spain stepped to the easel to speak. He got involved last September; it has been an interesting, exciting, and sometimes frustrating project because the process is one in which they have to listen to all parties. They have the Conference Center; they have the constituents, the cottage owners, and also the municipality. His job has been to listen; he really started to listen back in November when they came in with that 260 foot long building and they had (?) to build quaint little cottages. It wasn't very well received. Since then they have come up with a number of different designs to fit into the scape; it is based on the history of the conference center, then there are individuals who have been there for generations. There is one individual who brought a postcard to his office one day; it is dated back in 1903 with his grandfather and mother in a canoe. Each person comes to the office to discuss what is to be built; they each have deep connections to the Conference Center. It is really an amazing history.

Mr. Spain used the plan to show a drawing of the duplex unit. They really want to develop something that will fit into the scape; that is going to lend to the town of Alton. They are going to be building a number of different duplexes; they are not all the same. This is just a representation of one single duplex they are proposing. He pointed out that, from a marketing standpoint, this is completely different from what he has done in the past.

Usually they are marketing to people in a locality. This is being marketed to folks all over the country; folks who have been connected to the Conference Center for generations. They even have a young couple from Guatemala who want to come back and season here at the Conference Center. It's a pretty interesting project they are suggesting. Another different thing with the marketing is that it is ministry first, cottages second. That is huge from his perspective because he was always putting cottage first, and that's not the whole concept of the Conference Center. They have a community, they have ministry, and a person has to accept that; then it is the product after that.

Indicating the plan, he explained that these are some of the designs they are suggesting. They have met with seven individuals so far, and all of the cottages are different facades and renderings. Some of the things that have evolved in the process – again, they have met with department heads, state agencies from the Wetlands Board to DES; the town was involved in a group meeting with the Department of Environmental Services about three months ago. This was a roundtable discussion; they were all very focused on the Bay – that's the jewel of this area of New Hampshire. They are all on board to do what they can to upgrade facilities on site.

He went on to list a few of the things they have accomplished thus far. The water lines will be looped to service the fire hydrants on site. There are a number of limiting issues on site right now. There are four or five hydrants that exist that serve absolutely no purpose. There is no flow behind the hydrant. In doing this development, they are going to be looping the water system from Circle Road over to Beacon Avenue, to Rand Hill Road, and down to Route 11. That will create a loop that will energize all those hydrants that are pretty much dysfunctional at this time. That's in the first phase. In the second phase that loop is going to come down across this parking area (indicated on plan) and back into Mitchell Avenue, and there is another water line that comes up Route 11. From a fire protection system, they are going to make sure there is proper pressure behind those hydrants to service the community.

Also speaking of water, there is a concern out there about how to control the 26 units that will be used for year round homes. He wants to add that only 1 percent of the individuals he has met with expressed interest in possibly using this for year round residency. The requirement is not there; they like to summer there and consider it just their summer cottage. There is not a great need, but under the State of New Hampshire, DES had suggested that they use a nitrite calculation as the basis for the number of year round cottages they could construct. During the discussion with the town, there was concern about controlling it. What was decided was that they would control year round use of the cottages using the water system. Each cottage will have a gate valve; the Water Department will go in on October 15 to turn off the water to that particular cottage; it truly is seasonal. That's the controlling mechanism that is being put in place. The Water Department has expressed concern about policing it; that would be up to the Conference Center to police it and to know who is going to be using year round and who is not. That's something they worked out about a month and a half ago.

As far as fire protection goes, in Ed Constantino's letter, they had come in with 42 units, and that was an issue because they were hiding these three units (indicated on the plan) along the bluff. Underneath the Fire Department's comments they decided, because it was going to be difficult to construct them, and also prohibited access in those rear units, to simply eliminate them. That opens up some green space and allows them to develop that area in a more aesthetic manner. They did that, and hydrant locations have been noted on the plan. They are also putting in a dry hydrant down by the cove because they wanted additional water supply down in that area.

From a building construction standpoint, they are going to be installing cement board siding on all of the cottages. Alarm systems will be tied into the central station. No windows will be opposing one another. That's going to be a little challenge in itself, to make sure that each window does not oppose one across the way. Full foundations are being installed, and there is a 20 foot side yard setback with no combustible materials can be within that setback area. Those are all things that have been determined; it is quite an improvement.

T. Morgan asked for a clarification of the setback number; Mr. Spain answered that it is 20'. P. Monziona asked if the setback is from each structure. Mr. Spain said that it is; if they look at the plan, they will see a circle with a 20'

radius from each structure. S. Miller asked if the renderings are for both year round and seasonal. Mr. Spain answered that they are going to be very similar; they have to meet national code. These structures all have to be built to today's standard. It's not as if they can go in there and build the cottage that exists there today; most of them are simply un-insulated seasonal cottages.

S. Miller stated that the Conference Center is kind of like a homeowner's association; will they dictate what colors and styles should be where? Does everything have to flow through the Conference Center, or does each owner have autonomy to build whatever they want as long as it is within code? Mr. Spain answered that they do have autonomy, but it does have to be reviewed and approved by the Conference Center. S. Miller asked if the Conference Center has drawn up a set of standards. Mr. Spain answered that is the beauty of having a single builder because they are pretty much influencing individuals to stay within that period. They are not going to find a contemporary cottage built amongst the cottages they are proposing. Most individuals are coming back with photographs of their previous cottage and implementing some of the architectural features into their present plans. S. Miller asked if there is a written standard. Mr. Spain explained that they have a written spec sheet that has been created; he garnered information from a member of the public. The Building and Grounds Committee will be overseeing that; the height is a story and a half, the size is limited to 22 X 36 feet.

P. Monziona stated that this is very crucial information and invited the speaker to come to the table and use a microphone, and to identify himself for the record.

Mr. Richard Smith, Executive Director of the Alton Bay Campmeeting Association, came to the table and introduced himself. The specifications on the cottages, which they have gone over with Mr. Spain and his people as well as the cottage owners, are that they are a story and a half, which is approximately 32 feet. They are a maximum of 22 feet wide and 36 feet long. Each cottage must meet the character of the campground; they're not looking for real modern looking cottages. They want to stay with the character of the cottages, which is kind of in the colonial times. There are some definite restrictions, but the cottage owner does have the flexibility to have a design in the type they would want. There are restrictions on the windows and doors; they have to be the right character. For instance, a crank out window would not be acceptable because somebody walking by could get hit with a window. It has to be a colonial grid style. Those are some of the specifics the Building and Grounds Committee are charged with making sure occur.

S. Miller asked if the owners have signed an HOA agreement to abide by whatever they say. Mr. Smith answered that they all have to sign an agreement; they have to agree with all the rules and standards of the Campground. Anything anyone is going to do on the Campground, even to existing cottages, needs to come through them before they come to the town or before they go to the Code Officer or anything else. S. Miller told P. Monziona he would be interested in looking at that at some point. P. Monziona clarified that he was talking about the written rules or restrictions of the association. S. Miller answered yes, especially in the dimensions and things of that nature. Mr. Smith stated that they could provide that.

P. Monziona addressed the structures as they appear on the plan; he asked if they are all staying within the limitations just described by Mr. Smith, that they are one and a half stories maximum height and that the maximum dimensions would be 22 X 36 feet. He asked if the structures depicted on the plan are shown at the maximum; Mr. Spain answered that they are; that takes into consideration the drip line. Their soffits and drip lines are going to be one foot over the sidewall. That has to be within that 24 X 36 box. Even the duplexes, which are 18 feet wide, are staying within that 24' limit.

Mr. Spain continued, stating that they have developed a Master Plan for the Center. It is getting them to a point where they can move forward. They're going to set a concept – set a nice little village in this area, bringing up a lot of the services such as the water. This is truly a walk-in community. People are coming from all over the country; they bring one car, and they walk to their cottages. Prior to the burn they couldn't do anything but walk to the cottages because there was no room to park and drive up to their building. They have had a lot of constituents who

have been somewhat angry because they're proposing parking. They want to keep it as it was in the past. A lot of these upgrades are considerable.

Going back to the building construction, as he had stated, it is cement board siding and 20 foot setbacks. During the construction process, they will control the plans. Once the footings are in, they will verify the location to make sure they are not going over any of the setbacks. It's a little guarantee process to let the town know they are abiding by the plans as they are building this whole thing out.

As pertaining to traffic, they have had a lot of discussions about widening the roads and making sure the radii are proper for the fire trucks to enter and service the needs of the community. Circle Road became a huge issue because right now it has a 15.5% grade; it is being dropped down to a 9.5% grade. There are four of five cottages where they will have to go in and do extensive excavation to bring down the road. They have met with Fire Chief Scott Williams to make sure fire apparatus can get over that line at the entrance.

Parking will be available for all cottages – two parking spaces per.

The other issue was drainage. They came in proposing permeable pavement. This is something that is used throughout the state, but it is an issue as far as maintenance goes. If you go down 15 to 18 feet, the soils in this area are all gravel. There had been a water leak down in that area that was putting out 56,000 gallons of water; the water department could not find the leak because the water was just leaching into the gravelly soil. There is great drainage, and with that they were suggesting permeable pavement. The town did not like that concept because of the maintenance issue. Who polices it; what if it gets clogged; what are the ramifications. They have changed their whole drainage system to go back to basic pavement with under drains; a chamber system underneath the asphalt on the roadways. They are going to pre-treat all the drainage materials so they can leach into the ground.

The biggest issue is septic. The septic system, at the very most, is somewhat archaic. There is one system with a turnstile (indicated on the plan) that serviced all these units plus the 43 that were destroyed. In their master plan, they are going to size the leach field in the ball field so that it can take on additional cottages along the way.

In the master plan process, they have given thought to how to abandon the turnstile leach field within the next five years. It connects some of the existing cottages into these systems and makes sure there is ample size for others to tie in over the next five years so that one system can be abandoned. Mr. Spain yielded the floor to Mark MacLeod so he could describe it in more detail.

Mr. MacLeod introduced himself and thanked the Board for this meeting. He explained that when they met with DES early in June, they met with wetlands subsurface, alteration of terrain, and Shoreland. The only one of those bureaus that voiced a lot of concern was subsurface. That is because the existing system that is there has been patched together kind of haphazardly over a number of years. Their goal is to really prove what is happening with the septic system on the site; to create a better condition. That is the goal for the whole design, but with this in particular. All of the new cottages that are being constructed and a handful of the existing are going to be tying into the new system. The darker shaded areas (referring to the plan) are where the new leach fields will be located. The blue lines are the septic tanks and lines that will be going to them.

The first challenge they had was making sure they had enough room for the fields themselves to handle the effluent that will be coming to them from the new buildings and as many of the older ones as they could. Once that was accomplished, during their meeting with DES they agreed that, to arrive at a number of units they could accept for year round use, it had to be dependent on nitrate setbacks and nitrate calculations. There is a series of tables and calculations in their regulations to try to limit the amount of nitrates that reach water bodies in the state. The green lines (referring to the plan) indicate the nitrate setbacks from the leach field; they have to stay within property lines and it is dependent on the volume of flow that goes to each leach field. Working backwards from that and figuring out how much space they had to the property line at each system and seeing what that distance is, and looking at the corresponding table, that was how they were able to arrive at the number of 26 units that this system and this

property can sustain for year round. As it says in the fine print, these four fields can handle 16 two bedroom residences, this one can handle five, and this one can handle five (indicated locations on the plan). It's not like they could put all 26 right here; they could not put any more than 16 there, and no more than 5 in the others, so it is kind of spread out in this area. As the Board can see, these all fall within the Phase 1 construction; the Phase 2 units will also tie into those. They're not going to be expanded or anything; they're already to size for the Phase 2 work.

P. Monziona asked how many units are in Phase 1; there are 26 residences of the 36 two bedroom residences in Phase 1. P. Monziona stated that, if he understood correctly, he had just described that the leach beds depicted on the plan have a maximum capacity for 26 2 bedroom dwelling units. Mr. MacLeod explained that they are sized to support everything that is tied into them, even the existing, plus 26 of those 36 for year round use.

S. Miller asked if it is their intention to upgrade the entire system; assuming everything is approved, what will come first. Is it in the plan to get this done, or is it all done prior to the buildings going up. Mr. MacLeod explained that the new systems would be done in conjunction with the Phase 1 of construction. None of the new buildings can get a certificate of occupancy until the leach fields are completed. S. Miller asked about the five year plan to upgrade the whole system. Mr. Spain explained that the five year plan is to tie in existing cottages; those cottages that are present now, into those upsized leach fields. S. Miller asked if that would be a requirement. Mr. Spain explained – they're going to have to tie in to the new leach fields. During construction, they are going to interrupt the drainage pipes and their leach fields. Mr. MacLeod said there would be 6 – 10 from Phase 1 (indicated on the plan) that would have to get tied in during Phase 1.

Mr. Spain explained that during this phase they are accomplishing quite a bit. That turnstile was being overtaxed with the 43 plus the ten they are proposing to tie into the new leach fields. They are proposing to take a lot of the burden off that turnstile system, and the lake.

P. Monziona understands that they had talked about being able to handle a total of 26 year round 2 bedroom dwelling structures in addition to the seasonal ones. There are some now that are using the old leach field that they want to tie in, over five years, to the new system and make it all right. In the application (addressing Mr. Uchita) there is a Supreme Court case cited that tends to argue that they might not even need a Special Exception for changing a use from seasonal to year round. They have to take that into consideration; that there is a legal argument out there that they might not even need to be here for the Special Exception, or that maybe in the future you do not have to be here if the Supreme Court says going from a seasonal use to year round use is not significant enough use that it makes a difference. So, shouldn't they be looking at this as an idea of all of these units becoming full year round units; the Conference Center could sell this parcel of land to ABC Developer from Boston who wants to put a resort in there and it's no longer a campground or Christian Conference Center, and they have granted a variance here that would enable them to turn all the units into year round units and overtax that system. Shouldn't they be looking at a plan that provides adequate septic for 36 year round units, as opposed to 26?

Mr. Uchita explained that there are two answers to that question. Even if they determine that the Special Exception to go to year round use wasn't required, the DES permit that they have to live and die by will restrict the number of year round units they can tie into the system. Unless they can create another leach field system out there, they are never going to be able to get more than 26 units out there. Secondly, he will tell them both as a matter of conscience as well as a matter of being thorough, if this Board determined that the Special Exception was not required, they would ask the Planning Board for that same condition, because they think that is fair; this is what they said they were going to do, and that's the condition that ought to be there. So, they are constrained by state law with the permit, and assuming they get past here, they are going to ask that the Planning Board impose that condition, so if they ever do decide to change, they have to not only change their permit and redesign the system, but also seek approval from the town to modify that condition.

P. Monziona added that he had not been meaning to state an opinion one way or the other that he feels a Special Exception is not needed; he just saw that argument in the application and also the Supreme Court case law on what the significance of changing the use from seasonal to year round could be. In an abundance of caution, they need to

be thinking along those lines. Mr. Uchita felt that was a very fair, excellent question they had anticipated the Board would ask; they are prepared to offer all of those things.

Mr. MacLeod continued, inviting any other specific questions about the septic design. P. Monziona asked what the source of water was going to be. Mr. MacLeod explained that it would be town water. P. Monziona acknowledged that to be the obvious as that has been addressed in terms of metering and turning it on and off. He asked if that would also be true of the hydrants; the dwelling units will be serviced by town water, some of them on a seasonal basis which means the town will turn it on when the season begins and off when the season ends, and they pay a flat rate fee to the town for water usage. Someone will have to monitor that. As far as all of these water lines that are going in so that they know there is adequate water supply in case of a fire, he asked if that source of water for fire suppression is also town water. Mr. MacLeod answered that they are providing one new hydrant (indicated on the plan) because there is a new line going in that will cut across the site east to west and then tying back in to the other existing line on Route 11, and they're putting a new hydrant off of that. The other hydrants Joe was speaking about earlier are the existing ones; when they complete these loops they will be providing additional water to the hydrants. There is the one dry hydrant down in the cove.

T. Kinnon asked how many of the existing cottages they anticipate being able to tie into the new leaching system. Mr. MacLeod answered that off hand, he does not have the ultimate number, but this is designed to handle more. Mr. Spain added that in their discussions with Gary Spaulding, they have got that first group (indicated on the plan) that is all going to be tied into the system. There are also three other clusters that are going to be tied into it; he thinks it is about 50 or 60. John Dever thought it worked out to be about 56; when he had been looking at the numbers earlier the system they are indicating, which is going to be under the ball field, it can handle a maximum of 56 units itself. They have designed it for that size. There will be 16 year round units going into that system.

T. Kinnon clarified that between a third and half of the campground would be on the new system. Mr. Spain answered that he is a big one for Master Planning; when Gary Spaulding came to them and said that he had the ability to expand that leach field to take on additional effluent, it's reasonable to do that and plan for the future. They can get all of that area to the right tied onto new systems. Those last two systems can pick up additional demand from existing cottages. His personal goal for the Conference Center is to see them get off that turnstile and eliminate that down by Route 11, by the Clamshell. Mr. Uchita clarified the answer to T. Kinnon's question; it is over a third, almost half.

P. Monziona asked the presenters if they had seen the comments and concerns in the Planner's report; they seem to be addressing them as they go. One of them is the construction of additional dry hydrants as determined by the Alton Fire Department to provide comprehensive fire suppression without bisecting Route 11 to access lake water. He asked if that had been specifically provided for in the plan. Mr. MacLeod answered that there is a new dry hydrant that will be coming in off of Rand Cove (indicated the location on the plan). P. Monziona acknowledged that it had been mentioned, but he fails to see how that provides that dry hydrant without bisecting Route 11. He guessed that by bisecting Route 11 that meant they were bringing fire hoses literally across Route 11, thereby cutting off the use of Route 11 while things are being handled. Mr. MacLeod used the plan to show that Rand Cove is on the campground side of Route 11. Fire apparatus could be parked behind the motel so the hoses can be used. P. Monziona realized that the water flows from the lake under the bridge to the cove; that is the part he had been forgetting. Mr. Uchita brought up an existing conditions plan from prior to the fire which actually locates Rand Cove; it is easier to see.

Mr. MacLeod continued; one of the other issues they have been looking at with this site that has already been touched upon is to reduce density, not only by setbacks between the buildings but also by reducing the number from what was lost. The new roadways have been designed with emergency access in mind; they have maintained a minimum 11 foot vehicular lane on all the new ones; some of the old ones have some constraints and they can't do much with them. In an effort to provide some clarity, he has sketched traffic patterns on the plan. One of the things they wanted to do was not only to improve the grade of Circle Road to make it easier for fire apparatus to get in; it is also going to be just one way in for emergency vehicles. There is not going to be traffic from the

Campground coming out or in through there at this intersection. They have created a new entrance in off Rand Hill Road to service the residents coming in and out. A number of them are already using the one across from the lake. Once they get in, this loop (indicated on the plan) is one way around. This existing narrow road, Beacon Avenue, stays as a one way in; these (indicated on the plan) are used for two-way traffic back here. There is an existing exit out onto Route 11 from Mitchell Avenue. This will maintain the existing traffic patterns that are already there on the site.

The other big issue they have had to deal with on this design is the drainage; as Joe had mentioned, their original plan to use permeable pavement was not exactly what the town had in mind. They have gone to a more typical collection system. They have a series of catch basins located throughout the site that will treat the storm water. They are putting that into plastic chambers infiltrated into the ground. They have done extensive test pitting out there and investigation of the soils, and everywhere they have dug it has been ideal material.

A couple of the problem areas they wanted to focus on where right at the intersection of Circle Drive and Rand Hill Road; even though they are reducing the slope of that road, it is still fairly steep. They are trying to collect everything before it comes down onto Rand Hill Road and infiltrates that. Another area that has been of concern is the intersection of the new entrance and Rand Hill Road. From their investigation, it appears that the problem occurs because there is good material if you get down deep enough, but it has a layer of not so good material on top of it. They're just kind of ignoring that; they're collecting all the water as low down as they can and piping into the retention system, up where they know they have good material from existing base grade. All the water coming down this road is getting collected in catch basins and infiltrated into the ground. There is just one little area of pavement where those questionable soils are; their approach to handling this is to put some smaller retention ponds on either side and also putting a larger one over here (indicated on the plan). They will try to capture and detain; in the instance of some of them, try to infiltrate as much as they can to try to reduce the overall volume getting to this problematic intersection. Previously, it was all just running overland; a lot of it did infiltrate but there was no treatment; with the alteration of terrain rules, they have been forced to apply for treatment of that storm water and infiltration. These are major requirements; they will have to do something like this on Phase 2 as well. There will be two subsurface detention basins treating, and catch basins as much as in Phase 1.

Mr. Uchita mentioned that some of that had been sheet flowing onto Rand Hill Road with nothing stopping it. Mr. MacLeod agreed; existing, it does climb up pretty quickly from Rand Hill Road, so they are trying to capture absolutely as much of that as they can. They may take advantage of the soils they have at that site as best they can to manage that.

T. Kinnon asked to return to the leaching systems. He understands how the calculations are working for the year rounds. What type of calculations did they come up with for the single families and any existing year rounds, if there are any? Mr. MacLeod answered that it is all based on flow; the number of bedrooms coming to it dictates the size. For X number of gallons per day, you need X number of square feet of leach field area, based on the conditions they have. That is how the preliminary size was arrived at. Once they had the footprint of the systems, then they could look at the setback distances to make the determination of year round. Really, year round calculations came in after; it wasn't looking at that first. It was looking at gallons per day, what kind of flow could these handle, and how large the systems would have to be for the number of units anticipated to be coming to it. T. Kinnon asked if there was any investigation done as to how many existing year round structures there are; there are five. Mr. MacLeod added that it is almost irrelevant; what drove the existing number, that absolute number of 26, whether it is an existing one or a new one that is going to tie in, it's just 26, and that is strictly based on this distance (indicated on the map); the gallons that are flowing into it and how much distance they have from the edge of the system to the property line.

L. LaCourse asked why the system goes so far up in one direction. Mr. MacLeod answered that the state requires a greater setback from a down gradient property line.

T. Morgan asked for a clarification; there are five currently existing year round that would be included in this number of 26 units – it is not 26 new ones, it is 26 that will exist net at the end of this. Mr. MacLeod and Mr. Uchita both indicated that to be correct.

P. Monziona stated that they have heard a description of the limitation of size, and it is also true that the application with regard to these 26 units is that they are going to be two bedroom units, maximum – that is the other restriction they are including in their application. Mr. Uchita stated that was correct and added that it is also a function of the state permit because it is sized based on the number of bedrooms.

P. Monziona asked how the drainage described compares with the drainage that is there presently. They have had to expand the roads for fire safety to get equipment in and they are using regular asphalt as opposed to permeable pavement and they have designed a drainage system to handle the regular asphalt; they are creating more impermeable surface by improving the roads. Mr. MacLeod answered that there is a net increase of about 8% impermeable surface on the site. Prior to the fire, there was no collection of storm water; it was allowed to run overland. Whatever was able to infiltrate did and what didn't just ran off the site wherever it could. Now they are proposing to collect the vast majority of that. P. Monziona made the point that as they improve the roads they create more impermeable surface with the resulting additional drainage issues; he want to make sure that the plan described will handle that additional 8%. Mr. MacLeod answered that it would.

P. Monziona addressed the issue of fire safety in the winter for the year round structures, and adequate space for snow removal so that areas of snow that would be impeding the roads are not created. Mr. MacLeod explained that the available open areas could be utilized first off for snow storage. Some years that will likely be adequate year round; those years when it is not it will be the responsibility of the Campground to contract out to have the plows remove it as space available for the next storm. It is his understanding that with the potential for year round usage, it will become their responsibility. It hasn't been necessarily in the past. P. Monziona added that even if the intent is that only 1% of the people actually plan to be there, the fact is that as long as anybody is staying there in the dead of winter the roads have to be accessible for emergency vehicles.

Mr. Uchita stated that one of the things they did is they tried to make sure that despite the close proximity of the cottages both existing and new that there were ample open areas where the snow can be pushed. If you look at the plan and think of yourself as a snowplow driver, there are some natural areas where in is going to be easy to push that's snow out of the way and off the new roads as well as the existing roads. Mr. Macleod added that the larger parking areas are also just seasonal use and can be used in the winter for immediate snow removal off the roadways. But those parking lots can be used for short term snow storage. P. Monziona stated that is a question that could also affect the parking issue that is being sought. Mr. Uchita said that they are prepared to tell the Board even more about snow storage and parking.

S. Miller asked if there is a hotel on the grounds. Mr. Uchita answered that there is. S. Miller asked if there are any plans for the hotel to be year-round. S. Ames thought that it already was. That was confirmed by the presenters. S. Miller asked how many rooms are in the hotel; there are 14. S. Miller asked if it is ever used in the winter. It is year-round. Mr. Uchita stated that typically it is used in connection with special events like a retreat that may be happening over either in weekend or a school vacation or something like that. It's not year-round from the standpoint that every day you have someone in those rooms, but it has been used through the winter season.

P. Monziona if there is any plan in the alternative if the variance was not granted. Is there a plan in the alternative to try to increase any of these units to three bedrooms; has it that even been considered or given any thought to as an alternative plan. Mr. Macleod answered that it had not to his knowledge.

T. Morgan asked Mr. Spain if he would talk in a little bit more detail about the fire alarms being tied in. Mr. Spain said that this is something that has been a whirlwind over the last couple of months because the original concept was to go in with residential sprinkler systems. Then it came down to the inability of controlling the year-round use of a cottage. That gate valve is the controlling mechanism to assure the municipality that it is not going to be year-

round use. In lieu of that it has been requested by the fire department that they put in an alarm system that will be tied into the central station. Each unit will have an alarm tied in. Mr. Spain added that going into the fire department's concerns, they have spoken to the fire department many times and they penned a letter today stating their support of the present plan. They had a problem with the previous submittal because of the three additional duplex units in the Phase 2 side because they would have a hard time gaining access. They eliminated those three.

T. Morgan asked, out of interest, of the potential customers Mr. Spain has talked to only 1% seem to want to be there year-round. Why are they interested in 26 year-round units if it is such a small group that seems interested? Mr. Spain answered that first of all, the campground would like to have a retreat center; it allows them to bring in more individuals over the winter season. It also allows, from a marketing standpoint, the ability for an individual to expand that use and come up and ski and enjoy the winters in New Hampshire.

Mr. Uchita added that when he spoke to Mr. Smith about this, in addition to those who might be interested in getting one of the cottages that are new, there are people who have expressed interest in retiring to their cottage here. They thought if they could make that opportunity available, even if they don't fill those 26 right from day one, it would be wonderful to have the opportunity to do that and to be able to offer some of the people who have been there for generations the opportunity to retire there, as they have talked about. It seems like that number probably won't reach 26 but it would be nice to have the flexibility because there seems to be an increase in interest of some people retiring into that.

Mr. Spain stated that their first proposal was to have all 42 or 36 units. They sat round table with the state, with the town's participation, and came up with that calculation. That was going to be the determining factor in which the number of units for year-round use would be determined.

T. Morgan addressed a question to the planner. There are a couple of instances in the planner review that say see attached commentary for additional detail and he can't seem to find them in his packet. P. Monziona said that they are getting them now; the letters that came from the various department heads need to be copied and circulated among the members so they can get a look at those. They are from the fire chief, the police chief, and various others; he does not know if there is one from code enforcement. They will look at them now. P. Monziona asked Mr. Spain about a letter from Assistant Chief Fire Inspector Constantino; it says he has reviewed a new proposal for phase two in which 26-31 in the previous conceptual,... P. Monziona realized this was an understanding that the number had been reduced from 31 to 26. Mr. Uchita corrected him and said that refers to unit numbers 26 through 31; these are in phase two of the plan anyway.

S. Miller asked a question that puts everything in context; for instance, will the 16 singles one day become three bedrooms instead of two bedrooms. Could they explain the ownership of the units in terms of the type of deeds that they have, or what the rights are versus constraints of the homeowners and the exact relationship with the Conference Center itself. He would like to get a good feel of what type of autonomy they have or how tightly they're constrained to do what the board may ask them (the applicant) to do.

Mr. Uchita explained that some of these points are interesting to a lawyer, but not necessarily to anyone else. He explained that this is a tenancy community and it is the way they used to do communities before there were condominiums. What happens is the property itself, the real estate, is owned by that Campmeeting Association and all of the people who want to live there become members of the association. The Campmeeting Association then grants a deed to those who qualify as members. In order to qualify as a member you have to live up to a series of policies that have been put together. There is a series of cottage policies violation of which expose you to, ultimately, being expelled from the community. The simple answer is that you have the association that owns the real estate, you've got deeds to the units that either will be built or are already there; you and I can sell our property off to others but whoever buys has to live up to this series of policies that the Campmeeting Association has passed over in number of years; failing this, our tenancy membership says we lose our privileges as members.

T. Kinnon added that he had mentioned going to a three bedroom or expanding the use; they just dealt with this the other night with the Hall property. Being as this would be non-conforming uses in that respect, expansion of the non-conforming requires a Special Exception from the Zoning Board, so any request to add a third bedroom or anything like that passes through this board. In this case, he would not see it being an option as they go forward, like the other structures have increased in size. Mr. Miller said that he had been wondering if the Association would be sitting there or just the individual homeowner, or both the homeowner and the association. T. Kinnon stated that in the past it has been the owner only. Mr. Uchita added that before they ever come to see this Board, they will have had to talk to the association and gotten the ability to do that. If they don't get that, they don't even get to talk to the Board about the issue. T. Kinnon believes that in past cases, going even further back, every case has been accompanied by a letter from the Association. Mr. Uchita stated that is consistent with the cottage policies the Association has passed over the years.

P. Monziona clarified that the landowner is the association, or the Christian Conference Center. Mr. Uchita answered that technically it is the Alton Bay Campmeeting Association. P. Monziona clarified further that the owner of record for the real estate would be the Alton Bay Campmeeting Association. The homeowner owns the structure but the Campmeeting Association owns the land on which it sits. Mr. Uchita stated that it feels just like a condominium in that regard, but this community is so old, that it was created in a time when the concept of condominiumization did not exist. What is interesting about this community is that underneath all of the structure they just described are in a series of policies designed to protect the fellowship and the ministry of the property. If you violate those the ultimate sanction is that you must leave and forfeit your membership. This creates some real interesting real estate title issues if you were to try a to create this into a condominium because you have this title that is subject to divestiture if you don't live up to, not real estate related concerns, but ministry concerns.

Mr. Uchita is not sure that is relevant; P. Monziona assured him that it is in the sense that these are contractual rights and obligations and when they grant a variance or a special exception, they are doing so with the idea that it's going to run with the land. If the Campmeeting Association decides six months after these things are approved to sell the real estate to ABC Corporation who is a resort developer from Boston who wants to make a singles resort out of it or put in a club for people want to party late into the night or whatever they want to do; they could do that provided they meet all others only requirements. As far as the variances that this applicant has come in for and successfully obtained, assuming they are obtained, those would run with the land so as they go through their considerations of the various criteria to see if these should be granted, they can't do that locked into a freeze frame picture of the Campmeeting Association being the owner in perpetuity; they have to do it with the idea that these are structures to be bought, built, and sold by anybody and who knows who in the future. As they go through what is going to happen, while it's nice to know that the group that's up there now has certain restrictions as to how they use the land and how they do certain things, that may not always be the case.

Mr. Uchita agreed. They do run with the land, so to the extent that at the zoning board level they could have certain restrictions to protect the town, that new singles resort owner will have to figure out how to abide by those or ask the board to reconsider those. Most critically, in that instance they would need to go to the planning board where, he suspects that if they are successful there will be even more conditions for the protection of the town that would require modification. On the one hand he would agree wholeheartedly that tomorrow that hypothetical sale could occur he thinks what they will see between this board and the planning board as well as the realities of the state permitting that will not be as easy a process as they might think in theory.

T. Kinnon has a question in regard to the monitoring of the alarm system; is this going to be a private system or something that will be tied down at the fire station. Mr. Spain answered that it will be tied in to the system and the cottage owners will have to pay in monitoring fee. T. Kinnon clarified that it would be a private system not public. Mr. Spain agreed.

L. LaCourse asked a question about the construction; he asked if the roof construction would be trusses or open attic systems. Mr. Spain answered that they are proposing to go with a truss floor system, which will cause them to go to a truss roof system. Because of the width, they want a clear span down in the basement and so it will be a

truss roof system. L. LaCourse stated that would mean they could not expand into the third floor area; Mr. Spain agreed that was correct.

S. Miller guessed that the duplexes are for large families; people who only had singles are now going to go into a duplex. Mr. Spain stated that he has to imagine that what existed over there were forty-two cottages that were no more than five feet apart. S. Miller stated that there is a big difference between having a single home and being part of a townhouse or duplex situation. He envisions this is because large families will now take over a duplex, or would it be two single families. Mr. Spain answered that they will be two single families. S. Miller asked if the intent could be to get a duplex and reconfigure it from four bedrooms to five bedrooms and take out a kitchen and add another bedroom. Mr. Uchita clarified that he is talking about them taking down the party wall and have a big unit. S. Miller said that once they do that, two one or two bedroom homes now become a 6 bedroom home.

Mr. Smith clarified that the regulation is that no one on the Campground can own more than one unit. That is a very hard and fast rule; they don't want people coming in to do that sort of thing. They don't want an investor coming in and deciding to buy two or three cottages to rent. They are there for the purpose of the ministry and people who live there are to be there for the purpose of the ministry. They can only own one unit, so a family could not own a complete duplex, even if it was two different people of the family. Each unit is individual.

S. Miller addressed the guidelines; he assumes that it is not dictated by one person, so a committee could change the bylaws at any time. Mr. Smith said that would take the entire Board of Directors, which is made up of 12 individuals. In order to change the bylaws, there is an executive committee which is all the executives that approves or disapproves any tenancies that are requested. Could it be changed somewhere down the line – they are bylaws, and bylaws are changeable, but not very easily. S. Miller clarified that they could be changed; Mr. Smith agreed that they could.

P. Monziona asked the applicant if they have anything to add in the presentation. Mr. Uchita would like Mr. Spain to address any other comments in the Planner review that the Board may have concerns about, that he has not had a chance to address. T. Morgan asked if they have copies of the letters that were handed to the members. Mr. Spain said they did; they were given a copy at the last meeting, and they have two new correspondences. T. Morgan clarified that they have seen a copy of what the members have just seen. P. Monziona stated that there are two letters from Assistant Chief Constantino, a letter from the police department on the parking issue. Mr. Uchita said they are prepared to address that, and how they think they have satisfied the police concerns regarding the number of spaces and the danger of off site, on street parking.

P. Monziona thinks that though it is within the applicants' discretion as to how they want to present, so far the focus of the presentation has been on the 26 year round units to be converted to year round use. Everything they have seen deals with those units; with regard to the other variances, he wonders if they just want to keep going and make their full oral presentation that would incorporate all of these things. The Board still has to deal with and vote on them individually. He knows they are not in the deliberative phase of what they are doing here, but he does not feel it is inappropriate of him to share a little bit of his thinking at this point.

P. Monziona feels that a formal site visit would be helpful and appropriate at this point. He is going to suggest that to the Board members before they ultimately vote on each of these applications. He knows they have probably all been up there at one time or another, perhaps even since the fire, but to do it in a formal context now, after having heard the presentation and seen the plans. He addressed Mr. Uchita, stating that there is very little they are allowed to do privately on these public matters; they can't call each other and talk about it; they have to do all of it in a formal public session. He is thinking that would be helpful before they make an ultimate decision. They are not going to lose time by virtue of them doing that because even if this had been on the regular agenda, this would be part of the process under any circumstances. With that in mind if they want to do all of the oral presentation from the applicants on each of the applications now and give them all that background information tonight, and if the Board agrees and they decide before they deliberate on each application individually that they would like to have a site visit, then they would have it all in mind when they go up there. Ultimately, the choice is with the applicant.

Mr. Spain stated that it has been requested by the Planning Board that each foundation be staked out so they can go do a site visit also. That is scheduled to be done the week of the 21st or 22nd. S. Ames added that the Planning Board is meeting on the 20th; they will schedule the site walk then. She wants to give them (the applicant) time to stake it, so they are thinking the week after, so that would be the week of the 26th. P. Monziona clarified the schedule; they are going to stake it some time around the 21st. Mr. Spain answered that they want to know when they (the Planning Board) was coming so they could go up the day prior and stake out the four corners; then they can get a good understanding of the concept. S. Ames said she would contact this Board because it could be a joint site walk, which would probably be more effective.

S. Miller stated that he has read the narrative, and the members have just received the concerns of the individual department heads. He asked if they have an answer or a narrative to each of those concerns, or is it just going to be an oral presentation. Mr. Uchita answered that they had planned to address each of those issues orally. If there is any particular concern that the Board would like a written or more formal response to, he would be happy to see that as well. S. Miller told P. Monziona that he would be interested in seeing a written response so he can compare item by item. P. Monziona stated that it is completely up to the applicant how they want to address this, however, now that the application has been submitted, the Board would have the right to permit a written response if the applicant wished to do it and if a member felt that would be useful. He would say that many of the concerns, particularly those identified in the Planner's memo, have been addressed here this evening, such as water supply, drainage, snow removal, fire suppression and safety. To the extent it would be helpful for any Board member to have those in writing as a direct response to each of the department heads' written concerns, they are free within their discretion to submit further writings, particularly since they have not gotten to the point of deliberating or passing on any of these applications.

Mr. Uchita stated that was fine, and they would try to make sure the members have those in hand before the site visit; that might help illustrate further the way they have responded to those comments.

T. Kinnon agreed with the proposal for a site walk. He would like to submit that, for the benefit of deliberations, on the night they are deliberating would be a good time to finish the narratives on all the variances and the special exception. That information would be fresh in their memory, rather than hearing the narrative tonight, doing a site walk in a couple of weeks, and then coming back to do a deliberation. So far, they have received a very well presented and in depth scope of the project; a site walk would just set that foundation even firmer.

T. Morgan would be interested in hearing a brief overview of the parking issue this evening. That way, when they are doing the site walk, someone can show that. T. Kinnon agreed; the parking issue would be a good thing to hear tonight. Mr. Uchita suggested that they could give the Board an overview of the parking issue, and the justification for the two parking variances without going deeply into the elements of the variance that they need to demonstrate; they can give an overview of the philosophical and legal underpinnings for requesting those variances. P. Monziona added that in doing that, he would like them to understand that it is completely within their discretion as the applicant to proceed; though it is entirely appropriate for the members to say what they think would be helpful, it is entirely up to the applicant as to how they proceed. Nothing the Board is asking them to do will in any way limit their rights or ability to present fully on the balance of these issues when they get together again at a meeting after a site walk.

Mr. Uchita voiced his appreciation of that and stated that, given the scope of this project, and S. Ames has emphasized to them that the project is of sufficient scope and importance, they want to do what is most helpful to this Board, and if what is most helpful is to present those arguments and materials in the context of going through the variances after the members have had a chance to look at the property, if that's the most helpful thing, that's the way they are going to do it. That is perfectly fine with them.

Mr. Uchita introduced his colleague, Rachel Goldwasser, also of Orr and Reno. She is the one who has spent the most time thinking about and working on the parking issue. Ms. Goldwasser came to the table to present. She thanked to members for holding a special meeting; she is sure there are other places they might rather be.

They have requested two parking variances; with the Board's permission, she is going to talk about them separately because they do raise slightly different issues. The first request is with respect to the number of spaces on the site. The application states that they request a variance to permit 547 spaces where 741 would be required. She is going to amend that this evening; because they have reduced the number of residences, the number of spaces required would actually be 729, not 741. In addition, through their conversations with DES and the development of the septic system, they realized they are going to lose six parking spaces that would have been around the baseball field. They are requesting a variance for 541 spaces where 729 would be required. Mr. Uchita explained that is because some of the spaces were on what is now going to be a septic field. Ms. Goldwasser added that protecting the water quality in the area is their utmost concern, so six spaces lost out to septic needs.

This proposal includes 150 spaces that weren't on the site before. That is true even though the cottages under the ordinances only require 72 new spaces, because under the ordinance only two spaces are required per cottage. They are providing roughly twice as many new spaces as would be required if they were simply building the 36 new units. Under the ordinance, they have been thinking about the requirement for 700+ spaces requirement in terms of three different uses of the site. The first is residential and when she talks about residential, she includes the motel. The residential uses on the site would require approximately 415 spaces. Just the residential use alone, if you have two spaces per cottage, you need about 400 spaces if every cottage is occupied.

They also have amenities. She pointed these out on the plan; there is a tabernacle, which is sort of a big auditorium. There is a dining hall, a chapel, and a youth services center. Those are the physical amenities on the site, which under the ordinance, require parking. The amenities require about 296 spaces.

The third use is the administration building, which requires about 20 spaces.

If you count them all separately, that is how you get up to the 700+ spaces required.

Because of the specific use of the site and the unique nature of the community, which they have heard a lot about from Joe (Spain) and others, those 700 spaces may not be the best use of the land on the site. There are several elements that contribute to why the Alton Bay Campmeeting community is unique. One of them is the walk ability of the site. The typical use of it is that people drive in to their cottage; they use one car because they are coming up for the summer and they don't bring two cars with them. They drive to the site, they park near their cottage, and then they walk. They walk to the dining hall, they walk to the tabernacle, and they walk to their lake access. They don't get in their car and drive between their cottage and the tabernacle; that doesn't make sense, and it kind of goes against the feeling of the community and what they have been seeking to establish there for so many years. The first issue that makes it kind of special is the walk ability; she thinks they will notice that when they go on the site walk.

The second is that these uses are simultaneous; at this community you don't drive up to your house and then get in your car and drive down the road to get to the restaurant, then leave and drive down the road to go to church. People are driving in and parking, then using all of the facilities at the same time, instead of separately. That is why they think that the parking they have provided is sufficient. You don't need to provide parking for each building separately because as a whole, you are providing what is needed by the group.

The third reason is that it is a seasonal community for the most part; there is limited use in the winter. This walk ability of the community is supported by the fact that people are much more likely to walk in the summer than in the winter. When it sees the most use is in the summer, which coincides with the time when walking would happen more than driving your car to various parts of the site.

Ms. Goldwasser stated that is her very brief summary of the first parking issue. She invited questions. S. Miller asked if they required three cars per residence. Ms. Goldwasser explained that under the ordinance, two spaces per residence are required. S. Miller said that no one brings up two cars, so they have plenty of parking spaces

available currently. Ms. Goldwasser said that is what they believe. S. Miller asked for the breakdown on the 729 spaces. Ms. Goldwasser explained that the current cottages and the new cottages would require 266 spaces plus 72 spaces; that is the current cottages plus the new cottages. P. Monziona asked for clarification on the total number of cottages – the request is for 36 new cottages to be built; there are 133 existing now. There were forty-three units lost in the fire, and they are replacing with 36. Each residence requires two spaces. There was discussion to clarify this for all the members – there will be a total of 169 residential units, some of which will be duplexes. Each residential unit requires two spaces, for a total of 338 spaces needed to support the residences.

L. LaCourse asked if there is anything in the ordinance that states that a parking space can not be used for multiple purposes. There is a need for so many parking spaces for the units, and so many for the amenities – why can't the parking spaces for the units be used for the amenities, or vice versa. P. Monziona said he was trying to rewrite the regs; it is a legal question. It is a good consideration to see if the variance makes sense. He invited Ms. Goldwasser to answer.

Ms. Goldwasser stated that what the ordinance does is it identifies per residence or per square footage of a certain type of building how many spaces would be needed. What the ordinance sort of does is to imagine that you have a movie theatre in the middle of a field. How many spaces would you need if you just had that movie theatre? If you take out the movie theatre and just have a restaurant, how many spaces would you need just if you had a restaurant? However, she doesn't think it answers the question, and that is why they are here tonight for the parking variance. What if you have a movie theatre next to a restaurant and they're sharing parking spaces. People park and then have dinner and then go to a movie. That is part of the situation they are looking at this community. Mr. Uchita added that they are going to hear that explained as the uniqueness of this property under the hardship requirement, precisely because the ordinance does not give them that relief. There are some ordinances that allow for those mixes of uses to be taken into consideration, and take into consideration that a parking space can be used for multiple uses. Alton's ordinance doesn't do that; that is why they would need help from this Board.

P. Monziona asked Ms. Goldwasser to continue with the breakdown of the number of parking spaces. Mr. Uchita asked the Board to keep in mind that the numbers they are about to give are based on the different uses that are out there. Some are based on two per residential unit and others are based on square footage of an office, so they are based on different indexes. S. Miller asked for the indexes they used in their calculations. Ms. Goldwasser explained that she does not have that with her, but she will provide it in writing when they submit their supplemental materials. S. Miller clarified that each residence is 2 parking spaces and everything else is based on square footage. Ms. Goldwasser confirmed that as correct. They have a sheet that they can give. The square footage depends on the use of the building; the ordinance sets out the number of parking spaces depending on how they are using the building. S. Miller asked if the fire capacity of the building determines the number of spaces that need to be outside. Mr. Uchita answered that does not define the parking spaces. For example, a motel requires one space per unit plus two additional spaces. He is citing Section 325, Off-street Parking, on page 17 and 18 of the ordinance. If it's a theatre, it is one space for every six seats.

Members were given a sheet showing how the numbers were calculated, and how they arrived at 729. L. LaCourse asked if there is any use of the site by members who may not live there, or by transient members. Ms. Goldwasser answered that the primary use of the site is by people who own cottages and are members of the community. They do have some special events; those special events do happen primarily in the summer, so one other use of site would be summer special events usually held in the tabernacle. That is one of the reasons they are happy to provide some of the extra spaces that were alluded to earlier; to provide for those events. The other thing they have available for events is offsite parking at Camp Adventure. These are ticketed events; if they expect a lot of people they can have them park at Camp Adventure and bus them down to the site. That's the backstop; typically they are able to have everyone parked on the site. Not only that, they provide volunteers to make sure that the people who are coming who aren't necessarily familiar with the site are directed to proper parking areas. That's what they have been doing for years, so that's not a new activity. Mr. Uchita added that the other place there are non-owners is in the motel, but they have to subscribe to the ministry. Not everyone can stay at the motel; you have to abide by the policies and support the ministry and the fellowship associated with that. To answer the question directly, that is

the other non-owner use that would occur on a regular basis. Ms. Goldwasser added that typically happens during the retreats that are the non-summer special use; these are retreats were a church or a church school group may contract with the community to come up and participate in church retreat activities during the winter when the facility is not busy. During those times it is obviously relatively easy to control where people park because they're coming as a group and they're controlled as a group. They use the dining hall as a group; they use the tabernacle or youth activity center as a group.

P. Monziona stated that they make the application for this parking variance with the understanding that if the variance is granted, it will run with the land, and that they are not permitted as a condition to restrict the use of that property to a ministry or a campground or conference center; they have to grant this variance with an understanding that it may not be the Christian Conference Center in the future. It may be something entirely different, so they have to take into consideration the space.

Mr. Uchita acknowledged that but added that if the use starts to change, if there is a change of use and now it's not an auditorium, it's a movie theatre, and it's not the administration building, it's a swimming pool stadium. That is a change of use that needs to be back in front of them, so while it runs with the land, once they start to change the use of the land and different parking requirements are implicated, that applicant would need to come back. P. Monziona agreed but added that if it is residential, it is residential whether it's in the Christian Conference Center or whether it's some type of resort residential use. Maybe the tabernacle is a concert hall. They have to think of the use beyond the restricted use they are currently using it for as they do this.

P. Monziona clarified that the request is down from 749 to 541. Ms. Goldwasser addressed P. Monziona's concern in particular and also the police detective's concern. The Campmeeting Association would welcome a condition which required the owner of the property to come back before the Board if an issue with parking arose; that might address some of his concerns. If an issue with parking or public safety arose, either with the ABCC owning the property or if someone else owned the property and they caused a parking problem a condition of the variance might be that they have to come back if the police write a letter saying there is a concern.

P. Monziona asked if one of the points they would be making with this application for a variance with regard to the parking spaces is that this plan that has been addressed earlier this evening can not be constructed as submitted without the variance of these parking spaces. In other words if they have to put 729 parking places in this, they have to go back to the drawing board and start reconfiguring where these structures are going and how the whole thing lays out. Ms. Wasserman stated that was true, but she does not think their variance request requires them to demonstrate that they can't put another parking space in. They could put more in, and if the Board looks at the plan, there are some open spaces which, from an environmental and town perspective, if the spaces aren't necessary then they ought not to be paved.

P. Monziona stated that what he is asking specifically is that the design, the plan as they have currently figured it out, could not be constructed with green space and septic area and structures the way they want them and the roads the way they want them and all they are trying to achieve; this can not be accomplished or achieved in this manner, with this architectural design, with this aesthetic and everything else they are trying to achieve, can not be done unless the variance for the parking space is granting as they are requesting. Mr. Uchita stated that the simple answer is that there is no way they can accommodate 200 and some odd additional spaces, given the layout of the property.

S. Miller stated that it is a walk ability situation; they stress that themselves. People who use the facility for the most part live on the facility. Ms. Goldwasser agreed with that statement. S. Miller added that there are no outside hotels or anything like that. If it's not raining out, they have too much parking, and if it's raining they don't have enough parking at the other venues. Ms. Goldwasser stated that she does not live at the site so she does not want to misrepresent anything, but everyone knows how many spaces there are when they buy into the community. Before the fire, there were few if any spaces anywhere in the vicinity of the cottages. When you bought a cottage, you knew you were going to be parking a quarter mile away from your cottage when you bought groceries. She thinks

that people who move there accept the fact that they are going to have to use their umbrellas because they are buying with the knowledge that they are going to have to walk to chapel on Sundays, that there is not going to be parking there and they know. If you have a health problem and you have to drive, there are a few spaces.

S. Miller said that was his point; there are 190 spaces at the tabernacle. He asked if 190 spaces are ever used at the tabernacle. Mr. Smith stated that a good example would be on the Fourth of July when the town had the fire works. They did not use the parking down front; they left that open for the town people who needed to park for the fireworks. They had a concert that evening with over 541 people in attendance, and they did not use all the parking area at that time because most of the cottage people walked. During a rainstorm, if you happen to be up there, you will see umbrellas all over the campground because people still don't get in their cars and drive down the camp road to get to the tabernacle. S. Miller asked if, unless there is a handicap need or special situations, there are a significant number of parking spaces that are never or under utilized to a significant degree, even during the height of the season.

Ms. Goldwasser added that it might be important to distinguish on the plans there are spaces with more defined lines and spaces with dashed lines. They will see this when they walk around, but the spaces with more defined lines will be the delineated spaces with lines on the ground; the ones with dashed lines are gravel parking spaces which won't have lines. They don't have the kind of impact on the image of the facility; the view of the facility. They do provide for additional parking when it is required.

Ms. Goldwasser moved on to the second parking request, which is the five foot parking area setback. The Antrim ordinance requires a five foot setback in addition to the regulation 20' parking space. Again, they have a change in their application that is related to the septic systems. She is going to walk through very quickly where the spaces are that require this variance. She has highlighted the spaces that will require the variance from the five foot setback. These are regulation length; they just don't include the five feet from the road. The first row is the one farthest to the left, by the motel and the dining hall, across the street from 32. There are two spaces in the triangle in the center of the community; they are a little shorter than the ones near them. There is a row of 14 along the baseball field which abut the new septic system, and then 12 that are in the center of the circle by some of the new units in Phase 1.

P. Monziona asked where they are in terms of a setback. Ms. Goldwasser answered that she believes they are the 20 foot regulation size. P. Monziona asked, in regard to the variance they are seeking from 325B, which requires the five feet from the right of way or property line, where they are in relation to the property line and or right of way on those spaces. Ms. Goldwasser answered that they are on it. Mark added that usually they measure off five feet from the edge of the pavement then get the 20'; in this case, they are right to the edge of the pavement for these spaces. P. Monziona clarified that it is not as if they are two feet off and are looking for a three foot variance, they are looking for the entire five feet to go away. He added that usually with an application where they are looking to be within the five foot setback, sometimes they are only in it a foot or two feet; they are in it the whole five feet on all of these parking places that have been designated in blue on the plans. The applicant agreed that was correct.

T. Kinnon stated that in order to have a legal parking, according to our ordinance, it would have to be 25 feet long. Ms. Goldwasser agreed. T. Kinnon added that a legal parking space is 20 feet. Ms. Goldwasser agreed; many towns require a general regulation parking space is a 20 foot space. T. Kinnon stated that these parking spaces are twenty feet long, they're just not five feet from the road, which really doesn't make a lot of sense to him, why you would have a parking space away from a road.

P. Monziona asked if there were any additional comments at this time on the variance of parking, knowing that they are going to have an opportunity to present whatever they want to at a later time when they have to get back together. Ms. Goldwasser thinks they will be all set to be able to find those spaces on the site when they go for their walk. T. Kinnon asked if, in the process of staking out the foundations, these locations would also be marked. Mr. Spain said that they would be now; Mr. Uchita added that they are pretty obvious, but they will mark them out for clarity.

S. Miller asked Mr. Smith if anyone gets parking tickets up there. Mr. Smith answered that they do not issue parking tickets. S. Miller asked if the Alton Police Department comes up there and issues parking tickets. Mr. Smith said that they do not; they have the regulations that nobody is allowed to park in the roadway, and if they do they are in violation of their agreement. That could cost them if they are not careful. He tends to drive around the campground on occasion, just to see what's happening and make sure all the roads are clear and that they are not parking in the roads. As you know, some of the roads on the campground are fairly narrow; some of them have existed for a hundred years and they're basically one way and in some cases wide enough for a truck to get down, unless somebody parks in the road, so they don't allow that. They do keep an eye on that. Again, they have a community that tends to abide by rules because of the nature of the community.

S. Miller asked if anyone has two cars and a golf cart. Mr. Smith said there are three people who own golf carts, but they don't have two cars. Very seldom do they get someone with two cars because if they're coming in from Florida they come in with one car. Once in a while, if you get somebody who is local, the wife might come up and then the husband might follow, but most of their people are from out of state; they winter in Florida, Texas, or other states. P. Monziona stated that this is private property; if they were Hannaford's and you were coming in to figure out how many parking spaces they need in their Hannaford parking lot, on their private property, under Alton zoning regulations that require so many parking spaces per square footage based on usage. When they talk about the number of parking spaces here, that is really for parking spaces that are going to be constructed on private property. Mr. Smith agreed with that. P. Monziona continued, saying that they don't have the police enforcing their parking requirements, but the police department's concern is, as he read it in their letter, that if you have inadequate parking on their site, then people might start going offsite and get in trouble with parking on public streets or blocking other neighbors parking, and that raised some concern with the police department. As far as what they're talking about here, they're talking about a variance of the five foot setback of parking places, all of which are going to be constructed on their private property. Mr. Smith agreed and added that they exist as they are, and they may have been there before, but under the ordinance at this point they need the variance to continue to use them. P. Monziona stated that is given the number of buildings that are going to be up there when they are all done.

P. Monziona asked if the roads are private roads. Mr. Smith answered that they are. S. Miller asked why they need the additional parking; he keeps hearing that they will not use the extra parking even in a worst case scenario. Ms. Goldwasser answered that the additional parking was in response to concerns raised by town officials that there wasn't enough parking. Mr. Spain added that Planning has requested that they need that variance for parking before they will render a decision on their application and plan. S. Miller clarified that most of the residents only have one car, so that is 50% less parking they need right there. They don't have the people at the residence and the tabernacle at the same time. P. Monziona stated that they are seeking to actually have fewer spaces than what the reg. requires them to have right now. If they had to fulfill the reg., they would need 729 spaces and they are trying to get only 541. They are actually not looking for extra parking; they are looking for less parking. But, it's based on various uses on these buildings, so that is something they (the Board) are going to have to look at carefully. When they go up to do the site walk, they can delineate where these are.

Mr. Spain explained that they attempted to apply to Planning in April; at that time, they wanted to get approval on Phase 1, then have a brief interruption and then go back with Phase 2 maybe three months later. At that time, the Planning Board wanted more of a global presentation; they wanted to consider all those issues, so they pushed them back and stated that they would need to get the variance. Mr. Uchita stated that P. Monziona's point is well taken; under the ordinance, that is what it says. P. Monziona added that as they make a decision on each of these applications, and he thinks, along the lines of the Planning Board, at least for him, he would want to know what the total project was going to end up being anyway, and how both Phase 1 and Phase 2 was ultimately going to lay out, the total number of units in relationship to one another and relationship to the road and green space, and everything that has been demonstrated. It is good for the Planning Board and, speaking for himself, it is also good for us (ZBA) to see the whole picture; this will be the final product, and when they file these applications they represent to the Board that this is the final product; when they consider it they will take it in the context of that, and that is what they (the applicant) is asking them to do.

L. LaCourse asked about the parking, with people coming from Florida and only having one car. Do any of the residents have visitors; does anyone ever drop by? Mr. Smith answered that when they have a concert or something of that nature – on the Fourth of July they had over 541 people on the campground. Those were not all residents; those were people who came for Fourth of July and to hear the speaker on Sunday morning, which is part of the ministry. Some people had driven in from town in New Hampshire. There were no parking issues because there is really a lot of parking there and the cottage owners tend to leave their cars at their cottages, so that leaves room for people driving in, or a visitor or friend to come on. Their largest concert last year was approximately 800 people and there was no offsite parking, and again they didn't use down front near the bay on Route 11 because it wasn't necessary. They have never reached that kind of capacity. L. LaCourse said that he has been in the area on the Fourth of July, and every road in the area is plastered with cars; it's hard to say who's they are, but a lot of people are on the side of the road for the fireworks.

P. Monziona noted that for the tabernacle they had used category 1, which is one vehicle for 6 seats, or 50 square feet. Ms. Goldwasser confirmed that to be the category used.

P. Monziona invited the presenters to comment further on any of the issues spoken about this evening. Mr. Uchita responded saying they would save the rest for next time. P. Monziona acknowledged that T. Kinnon's point about getting an additional presentation just before deliberating is well taken. He asked if there was anything they wanted to Board to know prior to the site visit regarding the final variance which is to allow 42 cottages to be reconstructed where the residential zone does not permit the proposed density. Mr. Uchita responded that they have knocked that number down to 36; also, in addition to the Devaro case in regard to the Special Exception, he will be asking the Board to take a look at the abandonment of non-conforming use section of the ordinance for the density question. There is a question as to whether they need a density variance as well. He suggested that they take a look at the abandonment of non-conforming use section of the ordinance before the next meeting because he is going to talk a little bit about that. He can be more specific if they need him to be, but he will be chatting about that.

P. Monziona asked Mr. Uchita if he is referring to the fire. Mr. Uchita stated that under the ordinance there is the ability to rebuild after a casualty loss within an 18 month period unless you demonstrate intent to abandon use. There is a question as to whether rebuilding at least some of these units, even at the density that they will produce, will be permitted without a variance under the abandonment provision in the ordinance. He will talk a little bit about that with the understanding that if the Board disagrees with him, he is prepared to go right on into the variance. As a preview of coming attractions, he just wanted to let them know that he is going to chat about that as well.

P. Monziona stated that they would not take public input at this time because they are not at that point in the process; they will do that at the conclusion of the presentation of each of the applications on behalf of the applicants. They will then entertain public input for or against and do what they do in regard to each of these. In the interim, they are going to have a walk of the site sometime after the 20th; the Planning Department will let the members know when that will be. He asked S. Ames if there is anything procedurally that they need to do; S. Ames will post a notice. The Board will go to the site as a group at a given date and time with the applicant present. After that, they will schedule the balance of this hearing to a later date that is appropriate. S. Ames mentioned that if they continue to a specific date, the next meeting is August 5.

P. Monziona asked the members if they felt they could get the site walk done and be back on August 5 to put this case on the agenda. He invited a motion to continue and asked if that would also have to be a request of the applicant. Mr. Uchita stated that the August 5 date would be terrific. T. Kinnon asked if the site walk would actually be a meeting; it would be a posted meeting and open to the public. He wondered if that actually means they are continuing to two meetings, if they include the site walk as a meeting. P. Monziona answered that it would be a Special Meeting, and if they continue it would be to the next regular meeting. The motion would be to continue the hearing to the next regularly scheduled meeting, which would be August 5. The postings for the site walk would be separate.

T. Kinnon made a motion to continue this case to the next regularly scheduled meeting on August 5, 2010. T. Morgan seconded the motion which passed by unanimous vote of the Board.

T. Kinnon requested that the site walk be no earlier than 5:00 p.m. because of work. P. Monziona felt that was a reasonable request. L. LaCourse will be out of town for a period of time. S. Ames thought they would try to shoot for Tuesday the 27th or Wednesday the 28th. L. LaCourse thought he would be back by then.

S. Miller asked about the summer and winter population. Mr. Smith answered that the summer maximum is 800; the average is 400. During the winter the retreats are about 125 people; there are only 5 cottages occupied during the winter.

VII. APPROVAL OF MINUTES

Due to the late hour, approval of meeting minutes for March 4, 2010, April 1, 2010, and May 6, 2010 was moved to the July 8, 2010, Special Meeting.

L. LaCourse made a motion to move approval of minutes to the August 4, 2010 meeting. T. Kinnon seconded the motion, which passed without opposition.

VIII. OTHER BUSINESS

John Dever, the Code Enforcement Officer, asked the Board to think about zoning amendments and things that as a Board, they see repetitively, they think may not necessarily need to keep coming to them; by removing one of the factors that drives it, or other things in the zoning that may need to be addressed that aren't in there. The zoning ordinance is a living thing; if they have ideas, that would be good.

P. Monziona stated that they are doing the workshops; they've attended one where most if not all of the members were present. It's hard for everybody to get there; the suggestion is a great one, and he would take it further and say that even during the deliberation process when they are going through the cases, to the extent that any one of them notes that something looks crazy in the regs., they need to point them out and share them with the workshop and the Planning Board.

Mr. Dever has been looking at the issues from a Code Enforcement standpoint; at a meeting last evening with the Planning Board, they had brought forth a number of instances of items they are seeing repeatedly. They are looking at things that might better fit the Master Plan by reducing a particular factor or adjusting a factor.

P. Monziona feels that it would be appropriate to note these things in public and perhaps to even take a motion to bring items to the attention to the appropriate people working on adjusting the regs.

IX. ADJOURNMENT

T. Kinnon made a motion to adjourn. T. Morgan seconded the motion which passed without opposition.

The meeting adjourned at approximately 9:30 p.m.

Respectfully submitted,

Mary L. Tetreau

Recorder, Public Session (not in attendance – transcribed from audio tapes)