

**TOWN OF ALTON PLANNING BOARD  
PUBLIC HEARING  
Minutes  
September 18, 2012  
Approved 10/16/12**

**Members Present:** Scott Williams, Chairman  
David Collier, Vice-Chairman  
Roger Sample, Clerk  
Tom Hoopes, Member  
Bill Curtin, Member  
Dave Hussey, Selectmen’s Representative

**Others Present:** Ken McWilliams, Town of Alton Planner  
Members of the Public

**I. CALL TO ORDER**

S. Williams called the meeting to order at 6:00 p.m.

**II. APPROVAL OF AGENDA**

K. McWilliams stated that there was one typographical error on the agenda; Case P08-08 is actually Map 8 Lot 25, not Lot 15.

**D. Hussey made a motion to approve the agenda as amended. Dave Collier seconded the motion which passed without opposition.**

**III. PUBLIC INPUT**

S. Williams opened the floor to non-case specific public input. There was none at this time.

**IV. Continued Amended Major Site Plan: Completeness Review and Public Hearing if the Application is Accepted as Complete.**

<b>Case P12-14 Richard Lundy</b>	<b>Map 15 Lot 59B</b>	<b>Amended Major Site Plan Hurd Hill Road</b>
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*On behalf of Richard Lundy, Paul F. Zuzgo, LLS is requesting an Amended Major Site Plan on property located on Hurd Hill Road to add a new building 40’ X 80’ with two floors and to change the second floor of the existing building into storage and move the office space to the second floor of the new building. This property is in the Rural (RU) Zone.*

S. Williams introduced this case and Ken McWilliams gave the overview. Stormwater plans have been submitted to show control of runoff so there is no more runoff than current conditions. The Zoning Board of Adjustments has approved the special exception for the use on August 2, 2012. Ken McWilliams has found the application to be complete and recommended that the Board accept it as complete.

**D. Hussey made a motion to accept the application as complete. B. Curtin seconded the motion which passed without opposition.**

Mr. Zuzgo explained that this property is in the process of being sold to Broadband Communications; they are going to put in a new 40 X 80 building next to the existing one; parking will be in the front and storage in the back. A drainage easement has been completed.

Ken McWilliams explained the Department Head Comments – the new building will have to conform to the International Commercial Building Code, there are fire department requirements for the building that will be provided to the applicant and the drainage easement has been secured. The Conservation Commission has not yet met on this case; their next meeting is September 27, 2012. This is important because there is a large wetland that was filled in; the applicant is looking to get an after the fact wetlands permit complicated by the fact that some of the wetland is in the right of way of Hurd Hill Road. This will necessitate the Town of Alton being co-applicant on the wetlands permit; the application will have to go through the Conservation Commission, the Highway Department, and the Board of Selectmen for signature as a co-applicant. Security is to be provided by the applicant to insure that drainage improvements and landscaping are completed. The Conservation Commission does need to review this case; the Board had the option to either grant approval conditioned on the Conservation Commission review or continue the application to the next meeting. After discussion, members decided to go forward at this time. The applicant explained that the wetland was never there until the culvert for the road to the dump was installed incorrectly by being installed two feet too high.

T. Hoopes confirmed through questioning that the building will be used only for building trade and storage; there will be no dwelling on the property. The applicant explained the use of the property and that there will be office personnel mostly with occasional vans coming and going.

Security was discussed; members agreed that there is a need to ensure the drainage and landscaping improvements are completed and due to the tight economy; this often needs to be looked at as a case by case requirement.

S. Williams opened the floor to public input; there was none. Public input was closed.

**D. Hussey made a motion to approve the amended site plan for a 40 X 80 foot building for a building trade and repair shop, conditioned on the following:**

**CONDITIONS PRECEDENT**

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

1. A copy of any necessary Federal, State, and/or local permits shall be received by the Planning Department and the permit numbers shall be added in a note on the plat prior to plan signing.
2. A note shall be added to the plan prior to plan signing stating that Best Management Practices shall be utilized during any timber cutting on site.
3. All “To Be Set” (TBS) notes shall be removed and all monumentation shall be set prior to plan signing. This includes setting a bound in the southwest corner of the site. This is to be certified as complete by the surveyor who stamps the plan.

4. A note shall be added to the plan prior to plan signing stating either the site is not in current use or stating the total acreage of each Current Use Category for the site.
5. The following note shall be added to the plat prior to plan signing: This site plan is subject to the Conditions of Approval itemized in the September 18, 2012 Notice of Decision on file at the Town of Alton Planning Department.
6. Trees along the boundary of the 25' of wetland buffer of all wetlands greater than 10,000 square feet in size in the area within 200' of proposed development that will disturb the soil or involve removal of trees are to be flagged on the plat and accurately in the field on trees approximately every 25' with permanent markers identifying them as the wetland buffer. The types of all proposed signage are to be reviewed and approved by the Planning Board. Where trees have been previously removed or do not exist the wetland buffer shall be flagged with metal fence posts displaying the markers, which should be affixed to the posts with bolts. This is to be completed prior to plan signing and certified as complete by the surveyor who stamps the plan.
9. Drainage improvements and landscaping shall be completed before a certificate of occupancy is issued.
10. Addressing any concerns of the Conservation Commission and the Board of Selectmen regarding an after-the-fact wetlands permit for filled wetlands.

(Conditions listed above reflect changes made from original reading via subsequent discussion)

**SUBSEQUENT CONDITIONS:** The following conditions subsequent shall be met during construction and on an on-going basis:

1. The applicant shall comply with all of the Town of Alton's Site Plan Regulations.
2. The approval is based upon the plans, specifications and testimony submitted to the Planning Board. Any alterations, additions or changes to the plans are not authorized and require additional Planning Board approval.
3. A site plan which has been filed and approved, conditionally or otherwise, may be revoked, in whole or in part, by the Planning Board when an applicant or successor in interest to the applicant has performed work, erected a structure or structures, or established a use of land, which fails to conform to the statements, plans, or specifications upon which the approval was based, or has materially violated any requirements or conditions of such approval.
4. The new building will have to conform to the requirements of the International Commercial Building Code and not the International Residential Building Code.
5. Both buildings must be connected to the existing septic system before a certificate of occupancy is issued.
6. The new 40'x80' building shall comply with the Fire Department requirements before a certificate of occupancy is issued including:

- a. The building must meet the NFPA 101 standards for occupied areas to include exit egress;
- b. The second floor must provide two means of egress both of which must be 1 hour fire rated and remotely located and enclosed with fire rated doors at each level;
- c. There must be at least 1 door at the lower level that opens directly to the outside;
- d. Separation between the first and second floor shall be 1 hour fire rated;
- e. Smoke detectors and carbon monoxide detectors shall be provided on each level;
- f. Lighted exit signs and emergency lighting shall be provided at all egress points and pathways; and
- g. The Fire Department must review the building plans before a building permit is issued and construction is started.

Lighting will meet the Dark Sky requirements; Ken McWilliams stated that the current lighting fixtures chosen will have downward facing shades and will meet Dark Sky requirements.

**Motion above was seconded by Bill Curtin and passed without opposition.**

**V. Completeness Review of a Final Minor Site Plan Review Application and Public Hearing if the Application is accepted as complete:**

<b>Case P12-17 John Mourikas</b>	<b>Map 14 Lot 5</b>	<b>Final Minor Site Plan 95 Jesus Valley Road</b>
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*John Mourikas is proposing a Minor Site Plan to establish a place for retail sales of firearms by appointment in his home. This property is in the Rural Zone.*

This case was introduced by S. Williams with an overview by Ken McWilliams. The home business will allow a retail use of the property, will be during set hours and by appointment; most sales will be internet. Total retail use will be 83 square feet, which is less than 4% of the total finished floor space of the residence. There will be no changes to the site. The house is located on a 12 acre parcel that sits 600 feet back from Jesus Valley Road. Section 33 of the Zoning Ordinance was reviewed with the applicant who feels he can comply with those provisions of the ordinance.

Three waivers are being requested; the first is to eliminate the need for 22 X 34 plans and to allow the use of 11 X 17 plans because there are no exterior changes. The second and third waivers are to eliminate the need to locate streams and wetlands, also because there are no exterior changes. Pending approval of the waivers, the application is complete and Ken McWilliams recommended acceptance.

**D. Hussey made a motion to approve the waivers as stated:**

- 1 – reduce the size of plans from 22 X 34 to 11 X 17 because there are no changes to the exterior.**
- 2 – Section 3.01 (F) 12, Location of Streams, because there are no changes to the exterior.**
- 3 – Section 3.01 (F) 15, Location of Wetlands, because there are no changes to the exterior.**

**B. Curtin seconded the motion which passed without opposition.**

**B. Curtin made a motion to accept the application as complete for Case P12-17. D. Hussey seconded the motion which passed without opposition.**

The applicant came forward to explain that he is going to have a computer and website; 90% of his business will be done over the internet. He will occasionally have guns at his property which will be

secured in a gun safe. The Bureau of Alcohol, Tobacco and Firearms will issue a permit once town approvals are granted. Ammunition will not be sold. The applicant will be licensed with the ATF once the process with the town is completed. There were no issues raised by department heads.

S. Williams opened public input for this case; there was none. Public input was closed.

**B. Curtin made a motion to approve the application for Case P12-17 conditioned on the following:**

The Alton Planning Board hereby approves the Home Business for retail sales of firearms conditioned on complying with the criteria for a Home Business as specified in Section 333 of the Zoning Ordinance on an on-going basis.

**D. Hussey seconded the motion which passed without opposition.**

**VI. Completeness Review of a Final Minor Subdivision Application and Public Hearing if the Application is accepted as complete:**

<b>Case P12-19 Andrew and Susan Morse</b>	<b>Map 6 Lot 42</b>	<b>Final Minor Subdivision Stockbridge Corner Road</b>
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*On behalf of Andrew and Susan Morse, Randolph P. Tetreault, LLS, Norway Plains Associates, Inc. is proposing a 3-lot subdivision located on the southwesterly side of Stockbridge Corner Road. Two lots would be subdivided from the parent 32.37 acre parcel. Lot #1 is under five (5) acres and Lot 2 is over five (5) acres. The remaining property (23.79 acres) will remain in current use status for the time being.*

This case was introduced by S. Williams with an overview by K. McWilliams. This is a 3 lot subdivision located on the southwesterly side of Stockbridge Corner Road. Two lots are to be subdivided from the parent lot which is just over 32 acres. Lot #1 will be just over 3 acres and lot #2 will be just over 5 acres. The remainder, lot #3 would be just over 23 acres. The proposal meets minimum lot size, contiguous upland and buildable area requirements, and road frontage requirements. K. McWilliams has reviewed the application and recommended that the Board accept the application as complete.

**D. Hussey made a motion to accept the application as complete. D. Collier seconded the motion which passed without opposition.**

Randy Tetreault of Norway Plains Associates and the applicant, Andrew Morse came forward to explain the application. This application is to subdivide out a 3 acre and 5 acre lot; both lots meet the contiguous area requirement of the town. The three acre lot will require additional DES subdivision approval. Wetlands and topography has been mapped on the entire site; steep slopes have been delineated as shown on the plan. There will be onsite wells and septic; driveway permits have been issued by the Town of Alton Highway Department. The remainder lot could potentially be subdivided in the future; that would require state permitting but is being left as is for the time being. There was discussion concerning a stream that runs down the ditch in front of the remainder lot; that would require a stream crossing permit from DES in order to subdivide it further. Currently, access to the mother lot is gained over a log landing. There is no plan for mining on the mother lot. The current use status was discussed; the lots would drop out of current use either when they are sold or when they are developed; the mother lot will stay in current use at this time. The applicant will discuss with the tax assessor the pros and cons of when to take the property out of current use.

S. Williams opened the floor to public input; there was none. Public input was closed.

**A motion was made by \_\_\_\_\_ to approved the minor subdivision application conditioned as follows:**

**CONDITIONS PRECEDENT:** The following conditions precedent shall be met before the subdivision plat is signed by the Planning Board Chair and the plat is recorded:

1. The date of approval of the driveway permits by the Highway Department being noted on the subdivision plan;
2. Submission of subdivision approval from the NH Department of Environmental Services for Lot #1 consisting of 3.21 acres and the permit number shall be added in a note on the plat prior to plan signing.
3. A note shall be added to the plat prior to plan signing stating that Best Management Practices shall be utilized during any timber cutting on site.
4. All "To Be Set" (TBS) notes shall be removed and all monumentation shall be set prior to plan signing. This is to be certified as complete by the surveyor who stamps the plan.
5. A note shall be added to the plat prior to plan signing stating the total acreage of each Current Use Category for each lot where applicable.
6. The following note shall be added to the plat prior to plan signing: This subdivision plan contains a total of two sheets, which in its entirety constitutes the subdivision plan as approved by the Town of Alton Planning Board. Sheet number 1 is recorded at the Belknap County Registry of Deeds; the remaining sheet is on file at the Town of Alton Planning Department.
7. The following note shall be added to the plat prior to plan signing: This subdivision plan is subject to the Conditions of Approval itemized in the September 18, 2012 Notice of Decision on file at the Town of Alton Planning Department.
8. Trees along the boundary of the 25' of wetland buffer of all wetlands greater than 10,000 square feet in size in the area within 200' of proposed development that will disturb the soil or involve removal of trees are to be flagged on the plat and accurately in the field on trees approximately every 25' with permanent markers identifying them as the wetland buffer. The types of all proposed signage are to be reviewed and approved by the Planning Board. Where trees have been previously removed or do not exist the wetland buffer shall be flagged with metal fence posts displaying the markers, which should be affixed to the posts with bolts. This is to be completed prior to plan signing and certified as complete by the surveyor who stamps the plan.
9. Addressing any concerns of the Conservation Commission.

**SUBSEQUENT CONDITIONS:** The following conditions subsequent shall be met during construction and on an on-going basis:

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

**Bill Curtin seconded the motion which passed without opposition.**

**VII. Completeness Review of Design Review Application and Public Hearing if the Application is Accepted as Complete:**

<b>Case P12-11 Spring Haven Campground LLC</b>	<b>Map 65 Lot 17</b>	<b>Design Review-Site Plan Review 1702 Mount Major Highway</b>
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*A site plan for the Spring Haven Campground was approved by the Planning Board on January 16, 2007. The owners of the campground did not build the campground according to the approved site plan. After removing the units not approved in the campground and moving some other units to comply with setbacks, the Spring Haven Campground LLC is returning to the Planning Board to propose an alternative site plan for the campground.*

This case was introduced by S. Williams. The applicant asked to delay his turn, as he is waiting for his attorney; Boards members agreed to allow this case to be heard after case P08-08.

**VIII. Public Hearing**

<b>Case P08-08 Ryan Heath</b>	<b>Map 8 Lot 25</b>	<b>Public Hearing on Site Plan 182 Frank C. Gilman Hwy.</b>
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*Ryan Heath is requesting the Planning Board to:*

- A. *make a determination whether the conditional approval granted in the Notice of Decision dated July 29, 2008 for the Stone Meadow Commons elderly housing project is still valid and whether the Planning Board will authorize the Chair to sign the Site Plan; and*
- B. *consider an amendment to the Site Plan for that project resulting from approval of the Alteration of Terrain (AOT) Permit by the NH Department of Environmental Services that required deleting two buildings from the plan to add drainage features. This amendment is required by condition #5 of the July 29, 2008 Notice of Decision that states that any changes to the plans are not authorized and require Planning Board approval.*

S. Williams recused himself from this case; D. Collier acted as Chair. K. McWilliams gave an overview of this case. Original conditional approval was granted on July 29, 2008; Mr. Heath is now asking if the original conditional approval is still valid. This hearing is for the Board to do two things: the first is to

consider an amendment to the site plan that results from the approval of the Alteration of Terrain (AOT) permit from NH-DES which required deleting two buildings from the plan in order to add drainage features. The amendment would be required by condition #5 of the July 29, 2008 Notice of Decision which states that any changes to the plans are not authorized and require Planning Board approval. Second, the Planning Board needs to make a determination whether the conditional approval granted in the Notice of Decision granted July 29, 2008 is still valid and whether the Planning Board will authorize the chair to sign the site plan.

Regarding the first issue concerning the amendment, K. McWilliams explained that the change is required by the AOT permit approval; the number of units was reduced from 53 to 45 and eliminates two buildings. Condition #5 of the July 29, 2008 Notice of Decision based approval on the plans, specifications and testimony submitted to the Planning Board and any alterations, additions, or changes to the plans would require additional Planning Board approval.

The applicant has indicated that through communication with S. Penney, the Planner at the time of the original approval, he was told he would not need to come back before the Planning Board; K. McWilliams could not find any notes concerning that determination. When the plan came back before the Planning Board on August 15, 2009 to change to Workforce Housing, C. Balcius, then Planning Board member, had stated that she thought that when substantial changes were caused to a plan by permit approval, the applicant should be back before the Board for an amendment of the original approval. The only noted discussion on this between the Planning Board and the applicant occurred during the Public Hearing to convert from Elderly Housing to Workforce Housing. Both K. McWilliams and Town Counsel agree that this is a significant change requiring approval by the Planning Board, which is why this Public Hearing is being done. Also of note is the fact that this is occurring 4 years after granting of the original conditional approval back on July 29, 2008.

The second point is that the approval is not final until all of the conditions precedent are met and the Planning Board Chair signs the plan; there is no evidence that the conditions precedent were ever met so the plan was never signed by the Chair. The 1984 regulations in affect at the time of this project include a statute of limitations of 1 year after which the approval will automatically be void. K. McWilliams cited three specific conditions not met – the permit numbers are not on the plans even though all the federal and state permits were obtained within the first year. A note on the plan stating that Best Management Practices were used for all timber cutting was not satisfied. The reduction from 53 to 45 units was not noted on the plan. There are also subsequent conditions that must be satisfied after construction begins and before it is completed.

In July 2009, Mr. Heath applied to the Planning Board to convert the Elderly Housing to Workforce Housing; that project was denied but that application for conversion could be considered as evidence to abandon the Elderly Housing Project. E-mails were exchanged between Mr. Heath and K. McWilliams in March, 2011 in which K. McWilliams cited Site Plan regulations in affect at that time, and not the ones in affect when he went through the process. K. McWilliams corrected his error later but pointed out that the error really had no affect because the time limit for meeting the conditions had already expired.

Attorney John Arnold represented Mr. Heath. He addressed both of the issues in this case. The 1984 regulations in affect at the time of the conditional approval require that substantial action be taken within 1 year; the applicant satisfied this requirement by gaining all of the permits needed, by drafting covenants and by-laws for the development, by granting an easement for the town to bring water to the property, and he gained construction bids for the development.



Attorney Arnold addressed the three points K. McWilliams brought up as conditions not met. All necessary permits were obtained within the one year limit even though the permit numbers were not added to the plan; he contended that the requirement is not for the numbers to be on the plan within 1 year, but that they need to be on the plan before it is signed. When the plan was submitted in 2009 for Workforce Housing, the permit numbers for AOT, wetlands, driveway, and stormwater were on the revised plan. He conceded that the BMP note was not on the plan but again stated the requirement that it only needed to be on the plan prior to signing; it has since been added. The final condition is the requirement for Planning Board approval to remove the two buildings, which the applicant feels is not necessary for the change.

Attorney Arnold addressed the issue of whether or not the Conditional Approval granted in July, 2008 was still valid; the Board needed to decide whether the action taken by Mr. Heath within the first year did constitute substantial change. T. Hoopes stated that the work done appears to be work required; action would involve financial outlay. Members discussed at length whether substantial change had been done. The AOT permit issue is out of the control of the town, but the final set of plans needs to show the removal of the two buildings. Planning Board approval would not be required for that reduction. All the permits have been extended out through 2016, so they are all still valid. Again the issue of what constitutes substantial improvement was discussed. Time and money were invested in the permitting process; the 1984 regulation was unclear as to what constitutes substantial action.

D. Collier opened Public Input.

Scott Williams, speaking as a citizen, stated that the Board has granted extensions on these things in the past due to the economy.

Ruth Messier is an abutter to this property. She had hoped for a reprieve, but she is still disgusted. She asked if this is going to continue to come up every five years. The property is overgrown; there is a house there but no one is living there. She does not want this approved and is hoping it is not approved; she opposes this development.

Bob Bergeron is an abutter to this property. At the time of the approval the Board was almost apologetic, citing the regulations and that their hands were tied. This is a huge amount of density in that rural area. Now it has languished for four years; the requirements that were laid down before have not been met. It was opposed by all the abutters in the past, and the Board's hands were tied; they are not tied now and the Board needs to do the right thing. Follow the regulations; Ken has given great detail about the requirements not met. The phone call to Sharon Penney was not about the lapse; it was about the Alteration of Terrain permit. He has done projects in other towns and is always understood what constitutes substantial work – that has always been after the approval, not dollars invested in getting the approval. Even on a large project, alteration of the property and materials moved around are required to meet the substantial work criterion. There have been plenty of opportunities for renewal under the guidelines. Mr. Bergeron asked if there have been substantial changes in the regulations governing slope, lot coverage, etc. since this project was originally approved; there has been a change in how wetland and road coverage is backed out of the total lot area. Mr. Bergeron stated that the purpose of the one year requirement is not just to hassle people; it is so that current regulations are adhered to at the time of the construction. He questioned which buildings would be removed; are they recreational buildings that were part of the reason for approving a self contained community.

Ruth Messier came forward and apologized for being emotional during her first comments. She asked if the property should have been for sale shortly after the approval; Board members explained that the approval does not mean the applicant has to be the one to do the work. The property would be sold with the approval for elderly housing; if that was changed the new owner would have to come back before the Planning Board. An approved subdivision can be put up for sale without the applicant making that known during the approval process. Mrs. Messier asked if all the conditions would apply after a sale; members explained that it would have to stay the same unless changes came before the Planning Board.

Board members discussed whether or not the application is still valid and whether they should make the applicant go through the process again. D. Hussey asked whether or not they should gain the opinion of legal counsel; according to K. McWilliams, Attorney Sessler thinks the permit has expired.

Brent Heath, Ryan Heath's father and an investor in the project, came forward. He stated that he is sorry the abutters are so opposed to this project; he and his wife have invested a large sum in this project and had planned on this project being their retirement. Things have been done the way they were supposed to be. The biggest issue has been the money factor and the economy. Finance companies and banks are not funding the way they used to. He wished the abutters and the Board would consider the fact that they are sitting on a lot of money but due to the economy they have been unable to sell; it is not even feasible that they would be able to start over because of the money issues. They are not developers looking to change the world; they are simply trying to make an honest investment and make this work.

D. Hussey addressed the economic issues and the money spent on permitting. In the past extensions have been granted, even when the approvals have run out. The Notice of Decision does not have an expiration date on it. Members agreed that they are reluctant to make the applicant do the process all over again. Everything has to be done by the book.

Bob Bergeron came forward again. The opinion of counsel agrees with the citizens opposed to the project that the approval has expired. This is not a huge issue; the engineer is not going to charge a huge amount to make the project right by current regulations because it has to be done to remove the units anyway. The current regulations for slope and lot coverage should be followed, which could cause loss of additional units.

Public input was closed.

Attorney Arnold addressed the issues brought forth and cautioned the Board on relying on opinion of counsel when counsel is not present or the opinion is not in writing. He understood that there was some confusion as to whether the approval is still valid. The current site plan regulations gives 12 months; permits and approvals in this case took 12 months and getting into the ground would not be possible at the same time. Precedent is not an issue; this project with the 1984 regulations is probably an anomaly. Board members corrected him; there are actually quite a few approvals in the same situation.

Board members agreed through discussion that they need a session with Attorney Sessler to get an opinion and see what kind of precedent they are setting. Ryan Heath has been cc'd on emails between Attorney Sessler and Ken McWilliams; he pointed out that this was an issue that was unclear and that is why Attorney Sessler wanted the issue to come back before the Planning Board. Tom Varney came forward to explain that having to do the plans and the Alteration of Terrain over again would be very expensive. He also said that the common thought in town is that the one year begins after the plan is signed. Attorney Arnold asked the Board also to consider whether the 12 month period really deals with satisfying the

requirements of the application. Discussion continued concerning getting opinion of counsel so the Board can make an informed decision.

**D. Hussey made a motion to continue Case P08-08 until the October 16, 2012 meeting. T. Hoopes seconded the motion which passed with four votes in favor and one abstention (BC).**

**K. McWilliams noted he would arrange a meeting with Town Counsel to discuss the project.**

S. Williams rejoined the Board and resumed his role as Chair.

Case P-12-11, delayed earlier, was heard at this time.

<b>Case P12-11 Spring Haven Campground LLC</b>	<b>Map 65 Lot 17</b>	<b>Design Review-Site Plan Review 1702 Mount Major Highway</b>
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*A site plan for the Spring Haven Campground was approved by the Planning Board on January 16, 2007. The owners of the campground did not build the campground according to the approved site plan. After removing the units not approved in the campground and moving some other units to comply with setbacks, the Spring Haven Campground LLC is returning to the Planning Board to propose an alternative site plan for the campground.*

K. McWilliams gave an overview of the case. This is a 30 site campground open from May 1 through October 31. It is a non-conforming use in the Lakeshore Residential Zone and does not conform to many of the standards set forth in the regulations. This property was before the Board in January, 2007 to approve the Spring Haven Railroad Station for use as an administration and recreation building. There is one backhoe on the property which is allowed by court order. There have been a number of violations that have resulted in the Code Official issuing a Cease and Desist order in June, 2012. In August, there was a meeting between Spring Haven LLC and Town officials where it was agreed that enforcement would be held in abeyance while Spring Haven made efforts to proceed through the site plan approval process; they also agreed not to make further changes to the site during the review process until approval. K. McWilliams' review indicated that the application was complete, and he recommended that the Board accept the application as complete.

**D. Hussey made a motion to accept the application as complete. D. Collier seconded the motion which was approved without opposition.**

Attorney Simon Leeming came forward for the applicant; Bernie Lynch has owned the property since 2000 and has made many improvements since that time in order to make this a good campground. The applicant has met with town officials and is rededicated to improving the campground and meeting the needs of the town.

The property is grandfathered and would not meet current regulations. Using K. McWilliams' review as a jump point, Attorney Leeming brought forth and explained each issue.

The RV storage issue is for 10 consecutive days for one RV, which would not be occupied (no hookups), and would facilitate removal/replacement of RV's. S. Williams and B. Curtin questioned the need for this. Members advised the applicant to rethink the RV storage.

To the issue of setbacks – the applicant will work to provide buffer plantings in the setbacks all around the campground.

Snow storage – the roads would be plowed for emergency access. Pros and Cons were discussed and the consensus is that if the applicant wants to plow, he can plow, but does not need to show snow storage on the plan.

Backhoe – The abutter affected by the location of the backhoe has no objections. Also, the area where the backhoe will be parked is pretty well screened and will be even more so with perimeter setback screening.

State Approval – state approval from NH DOT for landscaping and lamp posts in the state right-of-way is forthcoming and will be in hand by the next meeting.

Shrubs – various buffer vegetation was discussed. Arborvitae grows too slowly to provide good buffering; the ones showing on the plan are existing.

Emergency access – Scott Williams noted this will require a Knox Box lock with the key going to the Fire Department. The fire department has indicated that the turning radius will need to be revised from 30' to 45'.

Site Parking - There will be two parking spaces provided per site with no parking allowed on the road. The septic systems are H20 rated and can be parked on; applicant will show proof of H20 rating.

Conservation Commission was concerned about drainage; this has been 30 units for a long time, but some units have been moved and regarding has been done. Attorney Leeming explained changes to the drainage; the runoff issue has been exacerbated by development and changes made by the State Highway Department. Catch basins and culverts have been added at the request of the town.

There is surface water draining into drywells; the engineering calculations and a grading plan needs to be provided with the final site plan application.

Security for the drainage, landscaping and other improvements will need to come with the final site plan.

A site walk was scheduled for 3:00 p.m. on September 25, 2012.

S. Williams opened the floor to public input.

Jim Pierce asked about the emergency access – he lives across Acorn Drive from it. This will have a gravel surface and will not be plowed. It will be used only by emergency personnel; the key will only be with the fire department so they will have the only access. He asked about the backhoe storage, which is on the far side of the property from him. The RV storage will be for a single RV and only used during a transfer. This abutters may attend the site walk.

Tom Varney commented on the RV storage; most campgrounds have one. Most of the RV's are there for the whole season and having one space is reasonable. The length of time for storage and the circumstances under which it would be used were discussed.

S. Williams asked about park rules such as quiet hours; Mr. Lynch noted there are rules with the agreement and a copy of those will be on hand for the final site plan.

The design review will be continued to the October 16, 2012 Planning Board meeting, with input available from the site walk.

**IX. Other Business**

1. Old Business – None

2. New Business –

Tim Roy is unable to attend Zoning Amendment Committee meetings; T. Hoopes will take his place on the committee.

There is a Randall Arendt workshop in Bedford about reclaiming commercial strips on October 25 from 5 – 9 p.m. Board members were asked to contact Randy Sanborn to register if they would like to attend.

3. Approval of Minutes, August 21, 2012 regular Planning Board meeting

On the first page, first line, last paragraph, “new” should be “knew.”

**T. Hoopes made a motion to approve the minutes as corrected. D. Collier seconded the motion which passed without opposition.**

4. Correspondence

5. Any other business that may come before the Board

Members discussed the need for an insurance certificate that names the Town as an insured beneficiary for any professional who puts a stamp on a plan; this would be errors and omissions and liability. This will require an amendment to the regulations.

**B. Curtin made a motion to require a certificate of insurance to accompany any professional stamp on a plan with this requirement to be added to the appropriate regulations, said insurance to name the Town of Alton as an additional insured beneficiary.**

There was discussion concerning the responsibility on the engineer who affixes his stamp, and also concerning the use of a town engineer.

**The motion above was seconded with further discussion and report from K. McWilliams to be forthcoming. The vote on the motion and amendment was unanimous in favor.**

**X. Public Input**

Ruth Messier apologized for her earlier comment, stating that this is a very emotional subject for her. She asked why the Board seems to be concerned about the big money; she wonders if there is any concern for the people with small pockets who are on the other side of the fence from where the big money is. S. Williams explained that when it comes to the decision, the Zoning Ordinance represents the small money. The Board tries not to cause any undue expense; there is no need to continuously add requirements and get the applicant so far into the project that it is too expensive to continue and to far in to stop. The rules and regulations are what hold sway. The emotion is on both sides of the table. Ruth Messier also brought up the amount of information going via email; the applicant is not allowed to contact the lawyer but must go through the Planner. The emails between the Planner and the applicant are a matter of public record. The Board members are not allowed to have contact with the applicant.

Public input was closed.

**XI. Adjournment**

**D. Hussey made a motion to adjourn. The motion was seconded by B. Curtin and passed without opposition.**

The Public Hearing adjourned at 9:03 p.m.

Respectfully submitted,

Mary L. Tetreau, Recorder, Public Minutes