

does not see the need to have the entire property surveyed.

A. Sherwood said the boundaries involved in the Boundary Line Adjustment need to be surveyed but does not see a need to go beyond that. He clarified that the Boundary Line Adjustment with Lot 41, and for Lot 44 will maintain enough area for both lots to be in compliance with zoning. Discussion about the Conservation property being included in the frontage requirements and the SPNHF has given permission for the Boundary Line Adjustment so he can manage his farm. The Board discussed the reason he cannot build on the lot because of the Conservation Easement but farming is an allowed use.

P. Ejarque asked about building a pond on the property and T. Hoopes spoke about Belknap County Conservation District designing and helping him with the pond construction.

P. Ejarque also asked about the greenhouse construction and if that would fall under Site plan Review and if about the barn would that fall under Site Plan Review and T. Hoopes said if it is not part of a business it is not part of the site plan but the greenhouses would fall under Site Plan Review.

Discussion about signs for the business and P. Ejarque said he wants to provide people to be able pick their own blueberries and he also wants to be able to ship his products out of the farm by trucks. He said he hasn't thought of a sign now but there may be one in the future.

Discussion about the applicant needing to get a surveyed plan to precisely define the boundary and

A. Sherwood said they will have to come in for the Site Plan Review and he could request a waiver at the time he submits for Site Plan Review about surveying the entire property but the Board cannot make that decision now.

T. Varney spoke about across the street is the old Town landfill just to make the applicant aware.

K. Menici asked about the survey including topography and wetlands for the Boundary Line Adjustment Plan and T. Hoopes said they would need to provide that information.

A. Sherwood said since the 2 acres is the only lot they can build on they would like to see the terrain and wetlands for that 2 acres parcel and the well and septic locations be identified.

P. Ejarque thanked the Board for their time.

K. Menici reminded the Board Conceptual Review applications have 15 minutes for their presentation. K. Menici read the next case into the record.

**Case#PO5-69 Map 2, Lots 19 & 14 Conceptual Review Boundary Line Adjustment
Kathleen & Michael Currier & Subdivision
Carol & Richard Locke Prospect Mountain Rd**

Application submitted by Kathleen & Michael Currier & Carol & Richard Locke for design and scoping input for a Boundary Line Adjustment and a subdivision. The properties are located on Prospect Mountain Rd and in the Rural Zone.

Kathleen & Michael Currier, property owner for Map 2, Lot 19, Carol & Richard Locke, property owner for Map 2, Lot 14, and Chris Bolfinger, agent were in attendance to represent the application. C. Bolfinger spoke about the history of the property and they have frontage on Prospect Mountain Rd and Route 28 and the initial research of the property was that the land could not support a subdivision. He spoke about K. Menici telling him they couldn't do a Boundary Line Adjustment and a Subdivision on the same application. The Board explained why they do the applications separate because it avoids confusion as to what property lines existed and what ones would be created all on the same plan.

Discussion about the notification of abutters and K. Menici said they have to pay separate abutters fees for both applications.

A. Sherwood explained the process for both applications would be heard at the same meeting.

C. Bolfinger asked about the surveying requirements and T. Hoopes said that they only want to see the property that will be involved in the subdivision and they want to see that the remaining land will be conforming and he has concerns about the large wetland on Currier property.

A. Sherwood said he wants the whole of the 2 lots related to lot 14 surveyed in their entirety.

C. Bolfinger asked about a future application for K. Currier and the survey requirements and T. Hoopes wants to see that the remainder of the lot is buildable and there is other existing land that is compliant with zoning

The applicants thanked the Board for their time

K. Menici read the next case into the record and reminded the Board Design Review Applications have 20 minutes to present their application to the Board.

Case#PO5-61 Map 11, Lot 25

Design Review

Peter & Tracy Long

Lakewood Dr. & Spring St.

Application submitted by Bryan Bailey, Turning Point Land Surveyors, on behalf of the property owners, Peter & Tracy Long for Design Review scoping and input for a 2-Lot subdivision. The property has frontage on Spring Street and Lakewood Drive and is located in the Rural Residential Zone.

Bryan Bailey, Brian Bailey Turning Point Land Surveyors, agent for the property owners, was in attendance to represent the application. He spoke about the history of the property and he explained it is the large remainder tract from the Lakewood Estates subdivision in the late 1980's. He said the property has frontage on Lakewood Dr. and Spring St and they would like to subdivide into 2 lots. He spoke about the previous condition of approval that limited the future subdividing of the lot to only a 2-lot subdivision. B. Bailey talked about the zoning change for the frontage requirements and he explained the owners received a variance from the frontage definition allowing them to access the lot from the Lakewood Dr frontage at the September 1, 2005 ZBA meeting. He spoke about the steepness of the frontage along Spring St and that frontage is inaccessible for the building site proposed for the plateau on the lot. The variance allowed them to use the frontage for both new lots off of Lakewood Dr. He explained the logging road that exists leads to the building site along the northern end of the smaller lot they are proposing. They are proposing a common driveway and have an easement for the lot (with the legal frontage on Spring St) for driveway access. He showed the board based on topography, the proposed building sites for the 2 lots. He wants the Board to comment on the following:

1) The proposed common driveway

2) He has concerns about having to show septic and well locations and test pits and do the topography again at different contours and he has concerns about having to show wetlands on a 30 acres parcel. He would rather show the Board the lots are without wetlands because he is creating 2 lots from one lot 30-acre lot.

T. Hoopes spoke about the subdivision requirements are for every applicant and they would consider waivers on certain things but they have regulations they have to uphold and could not consider waivers on others.

A. Sherwood spoke about some of the terrain he could consider waivers and for wetlands and topo but, the shared driveway he is not in favor for that proposal at all. He is not in favor of a ROW to access another lot and he thinks it is a bad idea.

B. Bailey said he will show the Board that all the regulations would be met and can be exceeded but by showing the wetlands in an area that is not related to the buildable area would have no real purpose on a 30-acre lot.

J. Dube does not have a problem with the survey issues but he is against the shared driveway.

B. Dunbar wants test pits shown.

Discussion about the access being shared but the driveways would split on their own land is what the Board has considered in the past and they spoke about the presented topo is adequate for the Board's requirements. Discussion about the ROW area on the lower portion of the lot and it is private land that individual lots have a right over and the owners have no plans to disrupt that.

T. Varney asked about Lot 25-53 and the driveway and B. Bailey said it drops off quickly and for safety and environmental reasons it would be better to have shared driveway. T. Varney spoke about the new road standards presented by the Fire Chief and B. Bailey will show the Board how difficult it will be to have independent driveways.

T. Hoopes asked about the boundary line between the lots being changed to avoid some of the steepness and B. Bailey agreed and said they could show that on the plan.

B. Bailey thanked the Board for their time.

K. Menici read the next case into the record.

Case#PO5-09 Map 32, Lot 13

Amended Site Plan Review

Ernest Gillan, Gillan Marine

Route 11

Application submitted by MJS Engineering on behalf of the property owner Ernest Gillan for Site Plan Review. The property is in the Residential Commercial Zone and within the Town of Alton's Aquifer Protection Zone, The Town of Alton's Shoreland Protection Overlay District and the NHDES Shoreland Protection Overlay District. The application was accepted with conditions on July 19, 2005 and has since been continued.

T. Hoopes spoke about the meeting with the Town Attorney and the Town Attorney has advised the Board to talk about the compliance issues that are left outstanding, such as:

- 1) Lot coverage and drainage issues for the zoning requirements and how much coverage was permitted
- 2) The green area being used for other purposes
- 3) Use of the business and whether it is retail sales, commercial, service, marina etc

B. Dunbar offered to step down since she will be absent in a few months and T. Hoopes appointed D. Brock to take the place of C. Balcius. B. Dunbar will still participate on the discussion on the application but not vote.

T. Hoopes spoke about the lot coverage and what is impervious and pervious, what did the minutes say, what is the meaning of a note on the plat. He said the research that was completed and found zero reference of a vote ever taken by the Planning Board to permit extra coverage within the Aquifer Protection Zone. He spoke about the note on the plan and there is no evidence that the Planning Board ever approved the plan with that note. He said the Board's opinion is that they still have to approve the extended lot coverage and in order to do that they have to understand what is taking place on the property.

A. Sherwood said at the time the application was accepted, one of the conditions of acceptance he made was, the requirements of the Aquifer Protection Zone be addressed as part of the Site Plan Review. Meaning, if there is in excess of 20% coverage the applicant had to provide an engineering design adequate for recharge and purification. He said the intent was to have a design provided by the applicant and have the Town Engineer review it. He said the Town Engineer has looked at what was submitted and has informed the Board the plan still needs to provide a plan for storm water treatment, discharge and recharge of the site prior to flow into the Merrymeeting River. He spoke about the response from the applicant's engineer, MJS Engineering, indicating that what they are proposing to do is all they are going to do. He said The Board has specifically

asked for something from the applicant's engineer and the Town Engineer needs more information since what the Board asked for has not been addressed. He wants the clarification on whether or not the applicant will take that drainage requirement seriously and try to address it and the Board wants it taken care of.

Roger Burlingame, attorney for the applicant, said the Board has already decided the lot has not previously been approved for an excess of 20% of lot coverage.

T. Hoopes said they have not taken a vote and said it was not an issue that had been waived and it was something from the beginning that the applicant would have to provide.

R. Burlingame said it is their position the approval from March 1997 included the allowance of 51.8% impervious lot coverage based on the notes on an approved signed plan and they have a copy showing that. R. Roy, MJS Engineering, spoke about minutes reflecting discussion about groundwater recharge and the discussion about providing the stone lined swale at the base of the parking lot and it turning into draining into a grass lined swale. He said during the Planning Board's review in 1996 and 1997 in his mind, the Board understood that the applicant was exceeding 20% lot coverage. The Board required the groundwater discharge and the plan was amended and it is their position the plan was approved with an excess in 20% lot coverage and that number is shown on the plan with the 51.8% coverage.

A. Sherwood said his position is that the applicant specifically did not get a waiver from the zoning requirements and that is what they would have had to do. He said this is a new application, the site has changes and there is a new structure and the Board has the right to look at that zoning requirement within the context of the new application.

R. Burlingame said he disagrees and they are not prepared to go forward and if that is the decision the Board is going to make then he wants to pursue the appeal process. He said that issue controls the project they are proposing.

T. Hoopes said there is no mention of a vote in any minutes of previous meetings and they spoke about the aquifer and the swale and the necessity for extra coverage and there is no proof of a vote of approval. They spoke about the gravel being pervious not impervious.

R. Burlingame spoke about the fact that you will not get complete minutes and if the Board is relying on written minutes they are not complete. He said he has never seen a plan that was approved and have notes added later. T. Hoopes disagreed and it happens frequently.

T. Hoopes offered an individual vote of the Board to the applicant and R. Burlingame wants a vote of the Board.

A. Sherwood said they would vote after the application has been opened to the public. He said again, as a condition of acceptance was that the requirement of the Aquifer Protection section of zoning be dealt with and the applicant has not completed that. He said the applicants were all at the meeting when it was accepted and none of the applicants objected to the condition of acceptance and he said he and the Board were very clear as to what they wanted from the applicant. He said the Town Engineer has looked at it and does not feel as the requirements have been met, according to what has been submitted.

R. Burlingame said because the Town Engineer is assuming there are no grandfathering rights.

T. Hoopes opened the hearing up for Public Input:

C. Westen – spoke about the recharge issue and at the previous approval the discharge area was supposed to be serviced and checked 2 times a year and has concerns the swale has not been checked and because of that he has concerns of its impact to the Lake and the Merrymeeting River.

M. Guldbrandsen- attorney representing the abutters, the Parkers of Parker Marine. She spoke about the minutes issue and she never found a vote on the percentage of coverage. The Parkers have transcribed minutes and there is no mention of a vote. She spoke about the fact that, she

believes the Board would not have approved this application with that much coverage and its location to the Merrymeeting River and the Lake and not require conditions attached. She spoke about plans often including notations and often the standards are included on the plan for the Board's convenience. Her position is the note is simply a statement of the standard that would apply should the plan be approved. She spoke about the drainage report submitted by the applicant explicitly discusses the 20% standard and applies that standard to the drainage analysis. She said the applicant has argued there is second drainage report and that report is not in the record. There is a one page supplemental report but it still does not adequately address going from 20% to nearly 60% coverage.

T. Hoopes closed public hearing on that portion.

R. Burlingame spoke about the drainage from the lot and that is being treated now on this lot, is mostly from the state road. He said only a small percentage of the runoff that goes into the Merrymeeting River originates from this lot and that should support a willingness to approve a waiver for the 20% coverage requirements or an increase to the 51.8% in the overlay zone because the bulk of the treatment of the offsite runoff was directed at channeling and protecting against that offsite runoff that initially ran behind the property directly into the river and that was done in 1996 and 1997. He said the focus of this plan is to improve upon that protection. He said it is not unusual for a Board to approve a plan without specifically voting on impervious lot coverage or notes on a plan.

A. Sherwood said he has made it pretty clear that as part of this application the requirements of the Aquifer Protection Zone must be addressed. He said the Board does have the authority to waive that up to 60%, provided there is an engineering design that provides adequate recharge and purification and it is reviewed by the Town Engineer. He said that is still available to the applicant.

Eric Reitter, CMA Engineers as the Town Engineer, reviewed the revised plans and there were no calculations provided for the amount recharge that was going to happen and how much is being infiltrated and if recharge is happening. He said there is treatment happening in the swales but how much. He said standards today are that you get 30% removal of total suspended solids in a grass-lined swale. He said a general guideline would be 30-50% removal. He said other treatment options that would treat and remove much more and considering the location of the site more can and should be done. He is looking for more information from the applicant for treatment and his comments are based on the appearance the requirements for up to 60% impervious coverage do apply and that more information should be provided and at least background information stating the permeability of the soils would allow for additional recharge. He spoke about detention basins and porous pavement that can be utilized.

T. Hoopes spoke about the fact if they are thinking of going to up to 60% coverage then the engineering design has to provide adequate purification and recharge conditions. He said they have to see evidence of that and that is a requirement the Board is faced with.

R. Burlingame said unless the applicant has already done it in 1996 and 1997 and therefore it does not need to be done today. T. Hoopes said it is his position that it was not established.

Motion made by A. Sherwood, seconded by J. Dube that The Board finds that the requirements of the Aquifer Protection portion of the Alton Zoning, specifically provide adequate provisions for recharge and purification be met as part of this Site Plan Review and be met by a design that the Town Engineer believes meets the requirements of that section of the zoning.

T. Hoopes called for discussion on the motion.

T. Varney said it does not require a motion because it is already a zoning requirement. Discussion about it not being a motion it is a Board finding. Meaning that the applicant has to meet those requirements as part of this site plan application. T. Varney said they have to do that anyway.

R. Roy said that their position is that they have addressed that in 1996 and 1997 and it was already voted upon by the Planning Board. He said there is detail for an interceptor swale stone lined and that is the swale to provide ground water recharge.

A. Sherwood said the Motion is that Board finds that the applicant has to do that as part of the application.

R. Burlingame asked if an applicant has done something and received approval for a waiver and comes back before the Board seeking an amendment to that approval, the waiver represents the compliance with the ordinance. He wants clarification from the Board about whether they have the waiver or they didn't have a waiver.

J. Crouse said whether they had a waiver or not, what matters now in 2005, that in order for them to do anything on site, they have to comply with the Aquifer Protection Overlay zoning of today before they can go forward and that is the motion for discussion.

T. Hoopes said the applicants feel there was a waiver granted and therefore it is a grandfathered circumstance.

The Board discussed no grandfathering because it is a new application.

T. Varney spoke about not needing a motion to follow the rules in place.

Discussion about the purpose for the finding is so the applicant understands where the Board stands on issues.

The applicant discussed that the applicant paid to have drainage review done in 1996 & 1997 that were reviewed and approved by the Planning Board and to have that work repeated when there is no change in the area.

T. Hoopes called for motion vote was 6-1 with B. Dunbar not voting and T. Varney voting in the negative, motion of finding carried.

The Board has voted there needs to be evidence of the property being able to handle whatever the proposed coverage will be.

R. Roy asked if that they come back with a plan that shows they can comply with the Aquifer Protection zoning with coverage of up to 60% would that be acceptable.

The Board said it would have to be approved by the Board and reviewed by the Town Engineer and the concept of whether or not it was approved is not the point now. They discussed that it does not guarantee a waiver but that is the process.

R. Burlingame asked if the Board believes they can waive the 20% maximum requirements of the Alton Shoreline Protection Overlay District.

Discussion about the Alton Shoreland Protection Overlay District the applicant has to meet the requirements and how the Board will handle that.

T. Varney said that requirement is in the zoning ordinance and they spoke about the NHDES Shoreland Protection District and they would have to get a variance from the NHDES.

A. Sherwood said he is not sure if the Board can waive the Alton Shoreland Protection Overlay District requirements.

Discussion about the differences in the zoning requirements and that the Aquifer Protection Overlay specifically allows the permitting of coverage up to 60% with appropriate engineering

and the Alton Shoreland Protection Overlay District does not have that provision. The Board discussed they do not have the authority to waive the Alton Shoreland Protection requirements and K. Menici said it would require a variance from the Alton ZBA. The applicant still maintains that they are grandfathered for the coverage in relation to going to the ZBA.

T. Hoopes moved discussion along to the issues of the green area and parking requirements.

R. Burlingame says the green areas and the parking areas are driven by the lot coverage issue and they should resolve that first.

J. Crouse said the Board is willing to discuss the other issues but it appears the applicant is not.

R. Burlingame said until they resolve the drainage they cannot plan for the others.

Discussion about the issues all being compliance issues and the applicant agreed to listen to the points from the Board on the other issues.

T. Hoopes spoke about the green area and the parking and the Board's position. He said the green area is supposed to be the grass area within the 25' setback from the street and it is not supposed to have anything in it and there have been boats stored there. He spoke about compliance of how the parking is used and how the boat storage is used and they are major issues to the Board. He spoke about the truck being parked on Route 11 unloading as an issue. He also spoke about the proposed use and there are 2 different things being asked for by the applicant under different names like commercial sales and marina uses are being used. He said the description of how the parking requirements relate to the different uses the applicant is proposing. He said the application that was represented to the ZBA for a Special Exception for an approval was submitted as commercial/retail use and that what has been applied for all along. He said so how the boat storage area is laid out and where the parking requirements will be and where the truck space will be is an issue. He said just this week a truck was parked on Route 11, which is a problem.

J. Crouse said the Board wants the green area to be free of storage and parking and the green area has to be delineated somehow to preserve it and have it clearly used as green area and not used for anything else.

R. Burlingame wants to know why the Board wants the green area delineated and why they cannot use it for parking and maneuvering vehicles and snow storage.

The Board said they will not allow the green area to be utilized for anything else but green area and the Board referred to past violations of how the site was cited for as to why the area has to be delineated and not used for anything else. The Board discussed the need for the green area and also how it is important because of the Aquifer Protection District and the Shoreland Protection District and requirements of the regulations. J. Dube spoke about the compliance issues and he said the barrier would prevent any question of compliance and where the green areas area located.

The Board discussed which type of use the business is operating under and what was presented to the ZBA as a commercial retail operation. A. Sherwood spoke about the parking requirements in zoning for the use being met and what is the use being proposed and the Board wants to see the parking and boat parking areas separate and where they will be located so it is clear to the Board. R. Roy said they changed the parking and it was R. Burlingame's idea to change the requirements and the more appropriate use to classify boat sales would be to use the marina definition for parking.

A. Sherwood said the current use is a sales business and it is not a marina it is a boat sales/retail, commercial use and those parking requirements apply and how many spaces are needed. He said the business is a sales business and the work that was going to be done on site, was in terms of maintenance service preparing boats for sale only; so the use is sales not a marina and the parking should follow that.

Discussion about the use and the parking requirements and which use should apply and the use should be commercial/retail sales.

The applicant claims that when you look at the definition of boat/sales it refers to the definition of marina and that 11 spaces are adequate, 4 for employees and 7 for customers and marina parking requirements fit the current use the best.

The Board discussed some flexibility with the parking requirements.

K. Menici said they were approved with 15 parking spaces and they are now proposing to reduce the parking in the 1998 approval. The applicants said it was reduced to 6 spaces through an amended site plan in 1999 and now they are proposing 11.

B. Dunbar spoke about by using the definition of the marina it would be a change in use and the applicant would also have to provide marina services.

R. Burlingame said the marina definition is the closest they can come to in order to address parking requirements.

A. Sherwood wants the parking shown on the plan and the Board wants the parking contained on the site.

R Roy referred to the plan and the notes relating to parking and boat display areas and confirmed that the parking requirements are for year round use and not seasonal requirements.

E. Reitter suggested they applicant research parking and traffic requirements and find the closest definition. The Board discussed that since the applicant is building a larger building he should be realistic in the parking requirements. R Roy said that is why they increased the parking requirements.

The Board discussed the use and what is the exact use and that needs to be resolved and they have concerns about the service issue.

R. Burlingame said it is a boat sales use including service to boat sales and there is no need for service to be included on the site. The applicant's position that service to the boat sales is the preparation service in sales and warranty work is included in the boat sales use.

The Board discussed if there is more then sales service occurring on site then the applicant needs to have the proper equipment in place to handle larger repairs and accidents.

E. Reitter spoke about an oil-water separator and additional catch basin collection system that should be installed.

R. Burlingame said he has been doing service since 1996 and there has been no accidents and there is no reason to believe there would be an accident that the existing equipment would not handle. And the business would not be doing service of old boats only of boats sold by the applicant.

A. Sherwood asked if there has been after sales servicing on the site and if there is a repair shop on site and R. Burlingame said yes it has been there all along and it has not been a problem.

R. Burlingame does not see this is not an expansion of a use for boat sales, it is only an expansion of a building on the property.

Discussion about what the use will be under Boat sales and what service work it would include and how many mechanics are on site. The applicant said there are 2 mechanics.

T. Varney said the use is boat sales and along with that comes warranty work and if the Board would go along with boat sales with warranty without boat repair as a business.

The Board spoke about at what point warranty work becomes service and repair and for how long the warranty work would continue.

T. Hoopes opened the hearing for public input:

M Gulbrandsen-attorney representing the abutter, the Parkers of Parker Marine. She said it is not

for the Planning Board to decide on parking requirements, the zoning ordinance dictates the standards for parking requirements. She said the applicant has a Special Exception approval based on 30 spaces. She said a variance from the zoning ordinance is required by the ZBA and not the Planning Board to be flexible on parking it is a zoning variance requirement. She also said the retail/commercial use or marina use is also for the ZBA to decide. She also spoke about the Alton SPOD and the zoning issues related to that and those issues need to be resolved before the Planning Board can go forward with the application procedurally. She also spoke about servicing issues and the site was permitted to have service directly related to sales, oil change etc. and the type of service that is allowed to address warranty work is a different type of service needs. She also spoke about if the site sells older boats and what type of service work that would entail. She suggested the Board should be clear about the permitted use is for the site.

T. Hoopes closed public input.

R. Roy said the zoning allows the Planning Board to discuss with the applicant reasonable parking requirements and it does not need a variance.

The Board discussed the applicant going before the ZBA based on 30 spaces for their approval and shouldn't the applicant go back to the ZBA to ask for a reduction in spaces.

R. Roy said that the Special Exception was for an expansion of use and that R. Burlingame would argue they did not need the Special Exception in the first place.

The Board decided to read the ZBA minutes from the Special Exception approval

Motion made by A. Sherwood, seconded by J. Dube to continue Case#PO5-09 until 10/18/05 at 7pm, motion carried with all in favor.

T. Hoopes called for a break at 9:12 pm.

T. Hoopes called the meeting back to order at 9:20pm

K. Menici read the next case into the record.

**Case#PO5-03 Map12, Lot 43
William McQuade/ Nextel Communications**

**Site Plan Review
Old Wolfeboro Rd.**

Application submitted by William McQuade on behalf of the property owner Michael Letourneau, Nextel Communications and Tower Venture for Site Plan Review to construct a new 120' monopole telecommunication tower. The property is located on Old Wolfeboro Rd in the Rural Zone. The application was accepted at the May 17, 2005 meeting and has since been continued.

K. Menici informed the Board that the applicant has submitted new plans that reflect the review the CMA did and they are different than what was distributed but Eric Reitter would discuss the issues that have been addressed and have the Board look at the plans that were submitted at the meeting. She also distributed another structural review letter and E Reitter will discuss

Eric Reitter, CMA Engineers, representing the Town of Alton, gave his presentation to the Board.

1) The swale in the contour lines on the road that did not tie into existing contours and the grades should be tied into the roadway and the regarding of the swale has been shown on the revised plans and the erosion calculations and that a stone lined swale should be provided and it will be provided at 5% grades and he asked how big the stones will be for the lining.

He said the structural analysis was completed and there are no issues that would hold back approval of the application.

W. McQuade and Emon Kirnan and Johnathan Springer representing the application.

E. Kirnan could not answer what size stone would be used at a 20% grade it would not be a wash or riverbed stone but it would be a rip-rap type stone and he will research stone size.

E. Reitter said it would not be a significant issue that would prevent the application from being approved and they could review it as a detail later.

Emon said the road follows the contours and it may not have that much run off and much of the flow and drainage will be at the end of the ditch at the bottom.

T. Varney wants to continue the application and does not want to be at the meeting past 10 pm and said the application does not meet zoning requirements.

The Board discussed the use of the road will not be intense for the life of the tower.

Motion made by T. Varney to continue the application until October 18, 2005, no second to the motion, motion failed.

T. Hoopes said the applicant deserves to be heard and they have presented a complete application

J. Crouse wants to know what a steep slope is because the ordinance says they cannot build a road with steep slopes

A. Sherwood said the ordinance allows towers in 4 locations and they all have steep slopes and the towers are located on top of mountains he does not have an issue with the steep slope.

Discussion about the classification of access road or is it a driveway and what slope percent would apply.

CMA Engineers decided that the access is not being used for a residence and that the slope is only 20% in certain sites and not the entire length of the road.

TV wants them to move the location of the road because it would be least impacting and he wants to know who the owner of the section of road was because he asked it before and he never got an answer. B. Dunbar said these issues have been discussed and that the vote should be moved along.

W. McQuade said they have a very complete application and they have done their best to comply with the ordinance.

T. Hoopes opened up the hearing for Public Input; being none he closed that portion of the hearing.

Motion made by T. Varney to deny because it does meet zoning, no second to the motion, motion failed.

Motion made by A. Sherwood, seconded by J. Dube to approve Case#PO5-03, with the following conditions:

1) Details to be provided for review and approval by the Town Engineer for stone lined swale include stone size.

2) Surety in an amount that represents the cost of removal and disposal of the tower in case of abandonment. The amount to be approved by Town Engineer and Town Attorney

3) Subject to all recent state, federal, and local permits and copies to be submitted to the Alton Planning Department

The motion carried with a vote 7-1, with T. Varney voting in the negative

K. Menici reminded the Board that they have to vote to continue past 10pm

Motion made by B Holmes, seconded by D Brock to continue the meeting past 10pm motion carried with vote of 7-1 T. Varney voting against the motion.

T. Hoopes appointed B. Dunbar to replace T. Varney

K. Menici read the next case into the record.

**Case#PO5-48 Map 58, Lot 5
NSTS Development**

**3-Lot Subdivision
Timber Ridge Rd**

Application submitted by Benchmark Engineering on behalf of the property owner NSTS Development. The proposed subdivision is located on Timber Ridge Rd and is located in the Lakeshore Residential Zone, The Town of Alton Shoreland Protection Overlay District and the NHDES Shoreland Protection District.

J. Szemplinski, agent for the applicant, gave his presentation to the Board. He spoke about the new changes to the driveway requirements and he met with the Fire Chief and said he does not have an issue with the driveways as proposed. He said if they go with separate driveways they will disturb more land area and the driveways will be steeper by about 2-3% if they are separated. Board discussion about a driveway having a ROW through someone else's land does not make good sense in the long term and they have been consistent in that policy.

J. Szemplinski says it will save more trees by what they have proposed.

Discussion about the changes in the regulations and in the driveway standards since the application was first approved.

Doug Hill, attorney for applicant, said he does not understand the objection to having the driveways shared and is not aware of any other Towns categorically opposed to shared driveways and is not aware of what section of the zoning the Board is referring to. He said the road and the driveways are private. He said that it would be more environmentally damaging to separate the driveways and that the Town Attorney could be review the driveway easements for completeness and approval. He said the deeds and easements for these lots would be specific and well written for protection to the Town and the owners. He said he does not see a municipal advantage in separating the driveways because it will be more damaging to the environment by disturbing an extra acre of land.

Discussion about a 4th driveway being shown now based on the Planner's Recommendations and any plan that gets recorded or approved will not show the 4th driveway and that the plan is only for 3 lots.

B. Dunbar asked about the 4th driveway going over the property line and J. Szemplinski said yes. They discussed that if they do come in for the 4th lot they will address the driveway issue at that time.

D. Hill said they do comply with the latest driveway regulations and would say that they do not apply to this application because this application was accepted before the standards were adopted.

Discussion about the driveways on 5-25 and 5-26 being acceptable and the driveways on the future lot and on 58-5 are not really acceptable and what if they ran down the property line. J. Szemplinski said they cannot be located anywhere else because of the slope issues.

Discussion about the proposed driveways being safe for emergency vehicle access.

Discussion about the existing Conservation Easement being extended and they are willing to provide that and work it out with J. Sessler.

A. Sherwood does not like the long shared driveway going through another lot via an easement and he does not like the future driveway for Lot #4. He suggested approving the subdivision

presented tonight and discuss the driveway in the future for lot #4.

Discussion about lot 26 and 25 on the first sheet with one driveway per lot as on the plans distributed at the meeting. J. Dube pointed out the well and septic locations are missing on plans the Board may approve but they should be added later.

B. Dunbar has concerns on lot 58-5 and in the future and going against the zoning and discussion about the status of lot 58-5.

D. Hill said this Board has not made any representations to the applicant about future subdivision and driveway location for lot 58-5 since it was only shown conceptually.

A. Sherwood spoke about the Board being against the easement concept but not against shared access.

T. Hoopes opened up the hearing for public input to discuss the application, there being none; he closed the public input portion of the hearing. The Board went into deliberations as follows:

Motion made by J. Dube, seconded by A. Sherwood to approve Case#PO5-48 with the following conditions:

1. The existing conservation easement to be extended to the westerly boundary of M/L 58/5 and to extend to the shoreline.
2. Trees along the boundary of the twenty-five foot wetlands buffer be flagged on the plat and in the field on trees approximately every 25 feet with permanent markers identifying them as the wetlands buffer. All proposed signage to be reviewed and approved by the Planning Board.
3. A note to be added to the plat stating erosion control will be in place prior to excavation or timber cutting.
4. The language and conditions of the proposed easement deed to be approved by the Town Attorney and to be accepted by the Board of Selectmen. If the Selectmen do not accept the language and conditions of the proposed easement deed, an Administrative Review will be required.
5. All necessary state, local and federal permits be obtained prior to the beginning of excavation or timber cutting; copies to be provided to the Planning Department.
6. Well and septic locations to be added to the final plan
7. The following notes are added to the mylar and final plat sheets for recording:

This subdivision plan contains a total of 7 sheets, which in its entirety constitute the subdivision plan as approved by the Town of Alton Planning Board. Sheets Number 1 through 3 are recorded at the Belknap County Registry of Deeds; the remaining sheets are on file at the Town of Alton Planning Dept.

This subdivision plan is subject to the Conditions of Approval itemized in the September 20, 2005 Notice of Decision, on file at the Town of Alton Planning Dept.

The Plans approved by the Board on September 20, 2005 are dated August 29, 2005 and date stamped received in the Planning Department on 9/2/05.

The motion carried to approve with 1 abstention by J. Crouse.

K. Menici read the next case into the record.

Case#PO5-62 Map 17, Lot 7-3

James & Lucy Clemons

Site Plan Review

Mount Major Highway (Rte 11)

Application submitted by Craig Bailey on behalf of the property owners, James & Lucy Clemons, for Site Plan Review for a proposed 40' x 60' residential dwelling unit and a separate proposed

30' x 32' commercial retail unit to be located on the same lot. The property is located on Mount Major Highway in the Rural Zone.

K. Menici gave her report as follows and mentioned there is one waiver request: Section 7.2.34 – Zoning District Boundaries and that those requirements could be added to the final plan.

T. Hoopes said a retail shop requires a Special Exception and the Board discussed that it is a gift shop and it is an allowed use in the zone.

Motion made by A. Sherwood, seconded by D. Brock to add the zoning district boundary to the plan and the language on the plan be changed to a gift shop use, and accept the application as complete, motion carried with all in favor.

Craig Bailey, Brian Bailey & Associates, representing the applicant gave his presentation to the Board as follows. He said this is a lot from the old Merlin Subdivision. He said the existing brook has run dry because of the beavers damming it.

He said they are proposing two uses on the lot and they have the NHDES approved septic plan to handle both uses. He said there might be an easement across the property and he will have to research that and get back to the Board. He spoke about abutter concerns with parking, cars turning around in their driveway to get to the business, trespassing on his property, and defecating on his property. He told the Board he work on those issues with the applicant and the neighbors to address those issues. He said parking is ADA accessible and he has addressed snow storage and lighting fixtures have been submitted on the plan and he asked the Board for their preference.

He said what they have proposed fro the light poles are at 6' high and he could provide information using lower poles. He said the sign would be lit with flood lighting from the ground and all utilities will be underground.

A. Sherwood asked about hours of operation and C. Bailey said he does not know and he said this business is for the applicant's retirement and it would be probably 9-5 and there would be no kiln or artwork on site.

A. Sherwood said because the zone is mixed use e and he wants to put some restriction on hours and days of operation.

C. Bailey asked for the Board's preference on time of day and asked about the later daylight in the summer and he said he would talk to his client.

Donald Chambers abuts to the rear and the west side of the property.

He would like to see a barrier to prevent people from crossing the property lines on to his property. C. Bailey said there is a natural buffer on site currently and D. Chambers thinks it is not enough and would like a fence installed that people cannot step over. He spoke about the ROW that is in his deed and it crosses over the Clemons property right in the middle of the lot to his property. He is not sure what it for used for but it has not been used in many years.

C. Bailey said he would research it and give the Board an answer on the status.

Nina Chambers- they live on the sharp curve on Route 11 and because of the construction and construction vehicles have used their driveway as a turnaround and have damaged their driveway and they also have a lot of snow to be removed and she has concerns of how the business will handle the snow. She has concerns about the sharp corner and that someone died on the curve it they have safety and traffic concerns about the entrance. They also have concerns about overflow parking on his property.

J. Dube said the NHDOT has approved the entrance for the driveway

C. Bailey said his applicant would be willing to install fencing that is reasonable but stockade

fencing may not be reasonable.

Issues to be addressed by applicant:

- 1) Existing easement/ROW status
- 2) Lighting-height of the poles
- 3) Fencing, style, type, height
- 4) Hours of operation

Motion made by J Dube, seconded by A. Sherwood, to continue Case#PO5-62 until October 18, 2005, at 7pm, motion carried with all in favor.

Adjournment

Motion made by B. Dunbar, seconded by B. Holmes to adjourn at 11:10 pm, motion carried with all in favor.

Respectfully submitted by,

Stephanie N. Verdile
Alton Planning Department Secretary

**THE FOLLOWING IS A CONTINUATION OF THE SEPTEMBER 20, 2005
ALTON PLANNING BOARD MEETING HELD ON SEPTEMBER 22, 2005
AT 7PM.**

Members Present: Chairman, Thomas Hoopes; Vice-Chairman, Cynthia Balcius; Ex-Officio, Alan Sherwood; Bruce Holmes; Jeremy Dube and Alternate Bonnie Dunbar,

Member(s) absent: Donn Brock, Jeanne Crouse, Thomas Varney, Alternate Ex-Officio, Cris Blackstone

Others Present: Town Planner, Kathy Menici; Secretary, Stephanie Verdile and others as identified below.

Call to Order: Chairman, T. Hoopes called the meeting to order at 7:02 p.m.

Appointment of Alternates: T. Hoopes appointed B. Dunbar to fill T. Varney vacancy

Approval of Agenda: K. Menici explained the shortest applications were moved to the front of the agenda.

Motion made by A. Sherwood seconded by C. Balcius to approved the agenda as amended, motion carried with all in favor

Public Input: T. Hoopes opened up the hearing for general Public Input, being none; he closed that portion of the hearing.

K. Menici reminded the Board that Conceptual Reviews have time limit of 15 minutes and she read into the record the next case.

C. Balcius recused herself and K. Menici explained that she and the applicant's attorney worked together in the past and asked the Board if they felt she should step down if the application goes forward and the Board didn't think it was necessary

Case#PO5-44

Map 9, Lot 53

Conceptual Review

Jeff Caley

1141 New Durham Rd

Application submitted by Attorney Sharon Cuddy Summers on behalf of the property owner Jeff Caley for design and scoping input for an Elderly Housing Complex. The property is located on New Durham Rd in the Residential Rural Zone.

J. Caley, property owner, was in attendance to represent the application **and get from tape**.

Sharon Summers, attorney, representing the applicant

Applicant is proposing a 55+ housing community to be located on New Durham Rd

The housing complex would be under condominium ownership and it will include a range of recreational activities as well as housing. It will also accommodate living quarters located on the first floor and also health and human services available on an a la carte basis as residents need them. There will also be walking trails and they are aware that the application will require site plan and subdivision applications and the use is allowed in the zone with a density of one dwelling unit per acre and the condos are planned to be detached in the conceptual plan.

They spoke about project impacts and this type of development will create an extremely high assessment value and it would be in cluster type style of development. It will have minimal impact on town services and no impact on the schools system the taxes are project to be about \$4200.00 per year per unit.

Discussion about the IGMO at this time not allowing this type of development.

The applicants were reminded that conceptual have a time limit.

S. Summers spoke about the IGMO and the findings of fact have are notable and the recent rate of growth and development and the growth affecting the schools and services. She said the findings of fact do not address the need of the growing population of 55+. She said there is no rational basis to limit projects to people over 55. She said they do comply with the IGMO and in order to be done it has to be done with a state and federal programs and they have complied and they should be allowed to have the project go forward.

Discussion about the IGMO being in place and the project is attractive but the Board is unwilling to address it until after the IGMO.

K. Menici spoke about state and federal agencies that qualify and this applicant is not utilizing the federal guidelines.

Discussion about accepting the information the applicant submitted under advisement and obtain the Town Attorney's opinion before this application can move forward formally.

A. Sherwood said it is a great idea and he believes there is a need in town for it but would rather wait to hear the opinion from the Town Attorney

The applicants thanked the Board for their time

K. Menici read the next case into the record.

Case#PO5-55

Map 15, Lot 1-3, 1-4, & 1-7

Boundary Line Adjustment

Rick Lundy, Jay & Debbie Dalrymple

46 Calef Drive

Application submitted by Anderson Livingston Engineers on behalf of the property owners for a Boundary Line Adjustment. The property is located at 46 Calef Drive in the Residential Rural Zone.

K. Menici explained the waivers as follows: Section 7.2.31 – Descriptions and Section 7.2.32 – Reserved Areas; however, waivers are not required as neither of these requirements is applicable

to this application. Staff review of the plat identified the following deficiencies: Section 7.2.13 – Signature Block, Section 7.2.14 – Building Lines, Section 7.2.15 – Locus (doesn't include map and lot numbers) Section 7.2.16 – Legend.

Motion made by A. Sherwood, seconded B. Dunbar by to grant the waiver requests and accept Case#PO5-55 as complete subject to the condition the following items be included on the final plat: Section 7.2.13, Section 7.2.14, Section 7.2.15.be corrected and Section 7.2.16, be added motion carried with all in favor.

Paul Zuzgo, Anderson Living Engineers, representing the property owners, gave his presentation to the Board. He said the application is part of an approved subdivision and the owners approached Richard Lundy in order to make the Dalrymple's lot smaller. He said he would not have to resubmit to the NHDES from the approved subdivision for approval.

A. Sherwood Asked about 1-7 & 1-4 if there were houses on those lots and if on lot 1-4 were there any concerns accessing it and the agent said no.

T. Hoopes opened up the case for public input, being none he closed that portion of the hearing and the Board went into deliberations as follows:

Motion made by C. Balcius, seconded by A. Sherwood to approve Case#PO5-55 with the condition that all the deficiencies on the final plat as outlined in the acceptance be added to the final plat.

Discussion on the notion: K. Menici suggested all state and federal permits be obtained. The applicant told the Board they did not have to go back to the NHDES and he will provide a letter to that affect to the Board.

C. Balcius amended the motion to include obtaining all state local and federal permits, motion carried with all in favor.

K. Menici read the next case into the record.

**Case#PO5-51 Map 14, Lot 1
Sandra Wyatt & Elaine MacDonald**

**3-Lot Subdivision
Jesus Valley Road**

Application submitted by Anderson Living Engineers on behalf of the property owners for a 3-lot subdivision. The property is located on Jesus Valley Road and in the Rural Zone. Discussion on the acceptance of the application was continued from the August 18, 2005 meeting.

K. Menici explained the waiver requests as follows: Section 7.2.6 –Scale, Section 7.2.13 – Signature Block, Section 7.2.14 – Building Lines Section 7.2.23 – Natural and Cultural Features Section 7.2.26 – Existing & Future Improvements, Section 7.2.29 – Future Development, Section 7.2.34 – Zoning District Boundaries, Section 7.2.25 – Substandard Lot, Section 7.2.31 – Descriptions

Board discussion about adding 7.2.34, 7.2.13 to the final plan Discussion about the soils waiver but the types are on the plan.

Discussion about the location of the well and septic areas are missing on the plan proposed lots are large enough and it is not required. K. Menici said Section 7.2.13-Signature Block and 7.2.34-Zoning District Boundaries should be added to the final plan

Motion made by A. Sherwood, seconded by B. Dunbar to accept Case #PO5-51 and grant the waiver requests: 7. 2.6, 7.2.13 and have 7.2.13 added to the final plan, 7.2.14,7.2.23, 7.2.26, 7.2.29, 7.2.34 and have 7.2.34 added to the final plan and accept the application as complete, motion carried with all in favor.

Paul Zuzgo, Anderson Living Engineers, representing the property owners, gave his presentation to the Board. He explained to the board that he added the information to the plan the Board asked and the Board does not see a problem with the plan

B. Dunbar asked about the notation of Jesus Valley Rd as a Class VI Rd from range line to driveway for lot 14-1. P. Zuzgo explained that the range line is where the original layout started and it goes to where the driveway turns into the lot and from there to the range line is Class VI Rd. B. Dunbar said that notation says to tax map 14 lot 1, and right now the lot is 14-1-2. She said that it the 14-1 should be changed to 14-1-2 for clarity.

T. Hoopes opened up the case for public input, being none he closed that portion of the hearing and the Board went into deliberations as follows:

Motion made by J. Dube seconded by A. Sherwood to approve Case#PO5-51 with the condition the information required from acceptance to be included on the final plat and amend note for the 14-1 for the Class 6 section of the road to be Map 3, Lot 14-1-2 as discussed.

Discussion on the motion- C. Balcius requested to add all state, local and federal permits be obtained. T. Hoopes called for the vote, motion carried with all in favor.

J. Dube recused himself from Case#PO4-49.

K. Menici read the next case into the record.

Case #P04-49

Map 12, Lot 2

19-Lot Subdivision

Wentworth Cove Realty LLC

Pearson Road & NH 28

Application submitted by Randy Orvis, Orvis & Drew, LLC on behalf of Wentworth Cove Realty, LLC for a nineteen-lot subdivision. The proposed subdivision will result in the creation of an extension of Pearson Road and 19 new lots. The property is located on NH 28 and Pearson Road in the Residential Rural Zone. The application was accepted at the November 8, 2004 meeting and has since been continued.

Melissa Gulbrandsen, attorney representing the applicant, Brad Hunter, property owner, Bob Moynihan and Rick Drew from Orvis & Drew, surveyor/engineers for the project.

Melissa Gulbrandsen, explained that there have been many revisions and both parties have worked hard to address all of the concerns and they are looking for conditional approval,

Rene LaBranche, Dufresne-Henry, Engineer representing the Town of Alton, gave his presentation to the Board. He explained he has been in contact with the applicants.

C. Balcius spoke about R. Lobdell BCCD and he was supposed to meet with R. Orvis and R. Lobdell, was supposed to report back to the Board and that has not happened.

R. Drew explained that R. Orvis did review the site again and has information ready to go the NHDES. C. Balcius said that R. Lobdell still has to provide an up to date report because the first report was from January. R. Drew said they have revised the plans to submit to the NHDES

A. Sherwood asked about the NDHES application and what is the application for and R. Lobdell was supposed to do an inspection and work with R. Orvis in order to update the wetlands mapping and then the application could be submitted to the NHDES.

C. Balcius said that R. Lobdell was supposed to get another report to the Board and the do not have it since the plans have not been updated and there is no application for the NHDES.

She has serious concerns about not having the information on the plan that is needed and they have been waiting since January 2005 and she feels bad for B. Hunter for having to wait so long. She does not feel it is fair to grant conditional approval without all the facts on the plan. Discussion about the report from R. Lobdell from the last meeting and the R. Lobdell's presentation was somewhat favorable and they discussed that there would be some leeway for the Board to say that the road standards are acceptable and would not have to be changed again.

Discussion about the lack of the NHDES Wetlands permit and the Board cannot go forward without that information. C. Balcius asked about the mitigation impact and R. Drew said no there have not been conversations on mitigation.

A. Sherwood said that mitigation could change lot configuration and would it be on site and R. Drew said yes the lots would change if mitigation were required on site.

C. Balcius asked about the follow up with J. Degler from the NHDES and notes from the meeting and M. Gulbrandsen said they do have notes from the meeting but there has not been a follow up.

R. LaBranche gave his presentation to the Board and discussed his written comments and what is still outstanding on the application.

- 1) Wetlands permit needs to be submitted to NHDES
- 2) Slope easements and retaining wall easements need to be addressed and the and flowage rights easement on the Birdsee property is outstanding
- 3) Culverts and some of the wetlands impacts could be increased with adjusting culverts
- 4) Drainage Analysis needs to be revised for further review

He spoke about M/L-32-60 the Birdsee property, and there is one discharge point on to the property and it will add more runoff to their property in addition to the one that is there. He said they are taking what is spread out and sending it concentrated to specific locations. He said the Birdsee's have concerns about the discharge between lot 5 & 6 and there is a wetland downstream from that and west of that are 2 wells and there have been issues in the past with storm water discharge on the property. He suggested that there be a site walk and see if there could be a level spreader he would like to have the water distributed more evenly and more controlled on site.

T. Hoopes opened up the case for public input.

Mr. Conboy, property owner below proposed subdivision has concerns about runoff and he has had 19 inches of ice and snow that has built up on his property and had drainage problems. He said there is too much runoff into the Levey Park area and there is a lot more runoff since the reconstruction of Route 28.

Mike Soucy- lot owner being affected by the runoff down hill, said the NHDOT abandoned the culvert when the sidewalk was installed. He has serious flooding problems and freezing problems

Mr. Birdsee-abutter, said the water from his lot that goes down the hill further and it all comes from the proposed subdivision property and he said in the past, the culvert filled it took out a dry well and it and flooded his basement and ruined 2 furnaces and this drainage and runoff issue has been going on for 15 years.

Discussion about the drainage issue needing attention and that the responsibility is not all on B. Hunter but the subdivision could very well make the drainage in the area worse and the runoff is worse seasonally. The Board will do a site walk with the public abutters who spoke, engineers, NHDES Wetland and Site Specific personnel along with the Board members.

Monday October 3, 2005 at 8:30 am there will be a site walk and the attendees will meet at just north of the storage building on Route 28 by the gravel pile.

With no more public input T. Hoopes closed that portion of the hearing.

Discussion about the road access as proposed is satisfactory.

A. Sherwood said he does not have any more issues and realizes that they may lose some land in the lot configuration with mitigation.

C. Balcius advised B. Hunter that the NDHES process will be up to 6-9 months long and he really needs to submit his applications. B. Hunter acknowledged her advice.

Discussion about the homeowner's agreement and they will submit a draft to the Town Attorney for review

The following issues are outstanding for the application-

1- Wetlands app

2- R. Lobdell, BCCD revised comments have to be given to the Board

3- Site walk about the drainage

A. Sherwood asked if the applicant addressed most of the issues after meeting with the Town Engineer and they said yes.

Motion made by A. Sherwood, seconded by B. Dunbar to continue Case#PO4-49 until October 18, 2005 at 7pm, motion carried with all in favor.

K. Menici read the next case into the record.

Case#PO5-64 Map 6, Lot 16-14 & lot 18

Boundary Line Adjustment

Donald Roberts, Kimberly Griffin, Andrew Cote Chamberlain & Suncook Valley Roads

Application submitted by Alton Law Offices on behalf of the property owners, Donald Roberts, Kimberly Griffin and Andrew Cote for a Boundary Line Adjustment. The property has frontage on Chamberlain Rd and Suncook Valley Road and is located in the Rural Zone.

K. Menici explained the plan deficiencies as follows: Section 7.2.24 – Soils, Section 7.2.27 – Elevations, Section 7.2.34 – Zoning District Boundaries (missing minimum lot area and frontage requirement)

Motion made by A. Sherwood, seconded by J. Dube to grant the waiver requests 7.2.24, 7.2.27, with 7.2.34 to be added to the final plan and accept the application as complete, motion carried with all in favor.

Melissa Guldbrandsen, attorney representing the applicant Rick Drew, Orvis & Drew, Surveyor, and property owner Don Roberts were in attendance to represent the application.

M. Guldbrandsen explained the BLA is in order to meet the lot requirements of the zoning.

T. Hoopes read the Conservation Commission's comments into the record about the wetland areas and runoff and C. Balcius spoke about the drainage area being an intermittent stream.

C. Balcius wants to get an independent consultant to do an inspection on site for the wetland areas

T. Hoopes asked if that wetland issue would affect the subdivision

C. Balcius has a problem if a Wetlands Scientist stamped the plans and the wetland areas are incorrect and plans keep coming to the Board.

T. Hoopes opened up the case for public input, being none he closed that portion of the hearing and the Board went into deliberations as follows:

Discussion about the wet area in question affecting the approval of the subdivision and the Board will set aside a decision in order to discuss the subdivision, Case#PO5-65.

K. Menici read the next case into the record.

**Case#PO5-65 Map 6, Lot 18
Donald Roberts**

**3-Lot Subdivision
Chamberlain & Suncook Valley Roads**

Application submitted by Alton Law Offices on behalf of the property owner Donald Roberts. Applicant proposes a 3-lot Subdivision of Map 6, Lot 18. Two lots will have frontage on Suncook Valley Rd and the remainder lot will have frontage on Chamberlain and Suncook Valley Roads. The property is located in the Rural Zone.

K. Menici explained that waivers were not requested but staff review of the plat noted the following deficiencies: Section 7.2.24 – Soils, Section 7.2.34 – Zoning District Boundaries She spoke about the soils and the 1968 soil survey is what was used and they have to be brought up to date.

Motion made by A. Sherwood, seconded by B. Holmes to grant the waiver requests and add them to the final plan and accept the application as complete, motion carried with all in favor.

Melissa Guldbrandsen, attorney representing the applicant was in attendance to represent the application

Discussion about the NHDOT approving the driveway locations, the installation of the culvert and paved aprons 25' from edge of pavement and there will be a third driveway approved and will be installed for a future subdivision.

Discussion about the shared driveway and the Board is confused to the report from R. Drew about R. Talon, from NHDOT's comments about not having shared driveways. There are shared driveways that are having problems in the area but not sure if it is drainage related or access C. Balcius has no concerns with the lots but has concerns about the wetland delineation and wants an independent consultation to have the delineation verified.

C. Balcius and T. Hoopes, 2 of the 3 Engineer Subcommittee Members present, decided that R. Lobdell should do the wetland boundaries and delineation on the lot for both applications

T. Hoopes wants to talk to NHDOT about shared access policy for that location

T. Hoopes opened up the case for public input, being none he closed that portion of the hearing and the Board went into deliberations as follows:

Motion made by A. Sherwood, seconded by C. Balcius to continue Case#PO5-64 and Case#PO5-65, October 18, 2005 at 7 pm motion carried with all in favor.

T. Hoopes called a minute break at 9:10pm

T. Hoopes called the meeting back to order at 9:15pm

J. Dube recused himself as he is an abutter.

K. Menici read the next case into the record.

**Case#PO5-67 Map 12, Lot 57
Deanna O'Shaughnessy/Fae Kontje-Gibbs**

**2-Lot Subdivision
Old Wolfeboro Rd**

Application submitted by the property owners, Deanna O'Shaughnessy & Fae Kontje-Gibbs for a 2-Lot subdivision on Map 12, Lot 57. The property is located on Old Wolfeboro Rd and in the

Rural Residential Zone.

K. Menici explained the waiver requests: Section 7.2.6 – Scale and Section 7.2.33 – Wetlands

Motion made by C. Balcius, seconded by B. Holmes to grant the waiver requests and accept the application as complete, motion carried with all in favor.

Deanna O' Shaughnessy, property owner and Tim Morgan, property owner were in attendance to represent the application. She gave her presentation to the Board and explained the subdivision is for the planned site plan. She spoke about her intention to put a large portion of the land into conservation easement and to contribute financially to maintain the rural character of the Town of Alton.

T. Morgan spoke about the reasons for the subdivision

- 1)
- 2) Current Use penalties will be applied but they will put the property back into Current Use
- 3) The LLC will be responsible for the taxes for both properties
- 4)

T. Morgan referred to the plan and explained the proposed subdivision will be in the front as the majority of the land will be the site plan and put back into conservation easement.

A. Sherwood asked about current use and the land coming in and out of current use and the applicants explained that sections will come out of current use for development and the rest will remain in current use.

T. Hoopes opened up the case for public input,

Helane Shields-abutter- spoke in favor of the subdivision

Mel Guttormsen-abutter- asked about the lack of the proposed driveway for access to D. O' Shaughnessy's house for a driveway and that she does not have an access over his land and he presented a copy of a deed to the Board.

T. Morgan said it is an issue that is not the purview of the Board and it has been going on for a long time.

Board discussion about the deed and the use of the easement for 20 years by the applicant and if it relates to the subdivision.

M. Guttormsen asked how could the Board approve a subdivision without a driveway access.

The Board said that the issue is a civil issue and they cannot address it.

Keith Chamberlain- spoke in favor of the subdivision

T. Hoopes closed the case for public input.

The applicants would like to get approval tonight because it helps with tax issues and conservation easement issues

**Motion made by A. Sherwood seconded by C. Balcius to approve Case#PO5-67,
Discussion: to include the condition: All state federal and local permits be obtained if
applicable, motion carried with all in favor.**

K. Menici read the next case into the record.

**Case#PO5-68 Map 12, Lot 57 Site Plan Review/Groundwater Withdrawal Plant
Deanna O'Shaughnessy/Fae Kontje-Gibbs Old Wolfeboro Rd**

Application submitted by the property owners, Deanna O'Shaughnessy & Fae Kontje-Gibbs, for Site Plan Review for a Commercial Groundwater Withdrawal Facility to be located on Old Wolfeboro Rd. The property is located in the Rural Residential Zone.

K. Menici explained the waiver requests: Section 7.2.6 – Scale and Section 7.2.33 – Wetlands

Motion made by B. Holmes, seconded by B. Dunbar to grant the waiver requests and accept the application as complete, motion carried with all in favor.

Deanna O' Shaughnessy, property owner and Tim Morgan, property owner and Jim Wieck, GZA Environmental were in attendance to represent the application.

J. Weick gave his presentation to the Board the site will have underground water lines as well as underground utilities. He said existing gravel roads would be used for access to the well heads. He said the groundwater testing is complete and the application has been submitted to the NHDES. Get some of his from tape

AS said the Town of Alton has requested that another public hearing be held in Town and that will be some time in October,

Discussion about the lack of building dimensions and the NHDES has to give their requirements before final building can be proposed. Discussion about the building being about 35' high and the silos/water tanks will be in the style of the proposed.

AS wants more detail and more things need to be added to the plan.

TH explained that the PB has no authority to speak on the groundwater extraction but they can speak on the site plan and now they can go on site but before they could not.

KM suggested that a conditional approval the applicants will have to come back with a final building plan and the plan would not be signed until the final building plans are submitted.

The Board decided to do a site walk on October 12 2005 at 3pm.

J. Weick spoke about additional sheds on site per NHDES requirements that may be added. Discussion about fire services to the site and Dept. Fire Chief S. Williams said it is not feasible to get water from the site for emergency use.

Tim Pellow- abutter- has concerns about all the children in the neighborhood he said with 30 trucks coming in and out that will be 60 trucks per day.

Helene and Charlie Shields- abutters are in favor of the Site plan

Keith Chamberlain- spoke in favor of the site plan and said it is a better use than residential use

T. Hoopes closed public hearing and the Board went into discussion.

T. Hoopes discussed his concerns about trucks entering and exiting from Route 28 and Old Wolfeboro and he spoke to the Highway Agent and the Chief of Police and he has concerns T. Hoopes wants the Police Chief and the Road Agent and the NHDOT discuss getting the trucks off of Route 28.

D. O'Shaughnessy spoke about if the Board wants to hear from NHDOT, they have to request Jack Cilley to speak to the Board.

A. Sherwood has concerns about turning onto Old Wolfeboro Rd and coming North on Route 28 and also turning into the driveway on site.

K. Roberts, Highway agent, said NHDOT will take the responsibility of the safety of the

intersection and the Planning Board could request that the Board of Selectman request to widen the intersection from the NHDOT and the driveway has not been reviewed by the Town of Alton and they have not received an application yet.

Discussion about the Planning Board having the responsibility to have a safe intersection and that is getting the traffic on and off of Route 28.

Alton Police Chief K. Iwans- said NHDOT has the liability and he agrees to cut the corner to 50' and it would be a great relief in improving that intersection.

C. Balcius wants to revisit the intersection issue and also based on the 15 truck trips at the beginning and would be willing to revisit the situation.

Chief Iwans spoke about having a tanker truck video taped to go into the corner and with a 40' trailer and it would be a good suggestion

K. Roberts suggested Randy Talon and Jack Cilley from the NHDOT go on the site walk as well. Discussion about the Alton Selectman request in writing to have the NHDOT to fix the intersection.

Motion made by T. Hoopes seconded by A. Sherwood to have the Planning Board request in writing that the NHDOT attend the site walk that is scheduled for October 12, 2005 at 3 pm, motion carried with all in favor.

Motion made by A. Sherwood seconded by B. Dunbar to find that this site plan application has potential for regional impacts, motion carried with all in favor.

Motion made by C. Balcius, seconded by B. Dunbar to continue Case#PO5-68 until October 18, 2005 at 7pm, motion carried with all in favor

Other Business:

1. Approval of Minutes
2. Old Business-
3. New Business-

1. Request from Dan Weldon to extend Subdivision approval

K. Menici explained that he is requesting a 6-month extension for his approval and he has been working to try to complete the conditions of approval. She asked the Board if it requires a Public Hearing. Dan Weldon, owner explained that they have had an engineering change and unavoidable delays.

Motion made by A. Sherwood, seconded by B. Holmes to extend the approval to either post security or make substantial improvements of Case# PO4-21 until March 13, 2006, motion carried with all in favor.

T. Hoopes and C. Balcius recused themselves from discussion on the next item.

A. Sherwood acted as discussion leader with B. Dunbar, B. Holmes and J. Dube sitting of active members.

2. Request to speak to the Board at the September meeting from Scott Williams regarding the Board's decision regarding outstanding balance for review engineer and his request for a building permit for Lot 2 of the Ingall's Wood subdivision.

Arthur Hoover, Attorney representing the applicant gave an update to the Board on the outstanding conditions of approval and other issues. He said he submitted the Homeowner's Association documents and By-laws to have Town Counsel to review.

He asked about the easement deed for the cistern and he asked about the ownership of the cistern

and the length of time the homeowner's association maintains ownership of the cistern and he said he thought a condition was for 2 years. A. Sherwood said they ask for 2 years but A. Hoover asked who owns it. A. Sherwood said previously approved applications include an easement right to it but the Town of Alton does not own it. They discussed after two years the Town of Alton would take on responsibility to maintain it and have an easement giving the Town of Alton rights to do that.

K. Menici said that she would research the policy on the cistern ownership and she would report to the Board at the Workshop Monday night September 26th.

A. Hoover said he has drafted the Stormwater Management Inspection & Maintenance Plan and will deliver it to the Planning Department. He asked about the Association maintaining the system permanently or how would that work. A. Sherwood said that anything that is within the 50' ROW that the Town of Alton owns or has a maintenance easement and that if and when the Town of Alton accepts the road at that point in time the whole road ROW would be a separate parcel of land and a deed with fee interest that would be deeded to the Town of Alton and everything within the ROW the Town of Alton would own and maintain, including the Stormwater management system. A. Sherwood said yes. A. Hoover asked about the issuance of a building permit for one lot and the Board told them that all conditions of approval have to be met and final plans submitted and signed before a building permit can be issued. A. Sherwood reminded them that the regulations state that all conditions have to be met before any permits can be issued. He said the only legal way to get a building permit is to meet the conditions of approval met and completed. A. Hoover agreed.

A. Hoover asked about the engineering fee issues and he said that Mr. Williams objects to the fees charged by Dufresne-Henry, and A. Hoover is looking for input from the Board and he asked if it would be possible to pay the outstanding fees into an escrow account so the Town of Alton would have the funds. A. Sherwood spoke about the applicant's engineer being slow and it was not clear to the Board on whether there was an error in the part of the Town Engineer in terms of the amount of work they did. He said the work has been done and the bills exist.

Scott Williams spoke about the Town of Alton having a fiduciary responsibility to all applicants with due process. He said R. LaBranche is not a licensed engineer in the State of New Hampshire and that due to that it has caused problems with his application.

A. Sherwood spoke about the fee schedule being corrected and S. Williams said he never received any documentation regarding that. K. Menici said that she would provide that information to S. Williams.

Discussion continued about the engineering review process in the Town of Alton.

A. Sherwood spoke about the engineering rates were increased without the Planning Board's knowledge and the Board voted to roll the rates back to the previous rates and that agreement is in place. K. Menici said the issue about R. LaBranche not being an engineer was discussed in the fall of 2004 and Dufresne-Henry wrote a letter verifying that R. LaBranche is not the engineer reviewing the projects but he acts as the facilitator to the Town of Alton with the engineering review information from licensed engineers at Dufresne-Henry in a written report form. S. Williams has a problem with R. LaBranche representing himself as a licensed engineer.

A. Sherwood spoke about the question of the money owed in engineering bills, being put into an escrow account pending mediation between the applicant and Dufresne-Henry and if the bill was negotiated to a lesser amount then the bill would be paid and the applicant would get the remainder back and if no negotiation is reached then the outstanding amounts would be paid. A. Hoover said that is correct.

Motion made by B. Dunbar, seconded by J. Dube to have S. Williams place in escrow place in escrow the amount equal to the bill outstanding owed to Dufresne-Henry and allow the S. Williams to negotiate the remaining bill. A. Hoover wants that to satisfy the condition,

motion carried with all in favor. The Board reminded the applicants that all remainder conditions of approval that are outstanding have to be met and verified by the Planning Department Staff before a building permit can be issued.

T. Hoopes and C. Balcius returned to the Board.

3. She distributed copies of the driveway standards approved by Board of Selectman.
4. Modification of Site Plan- Bahre Alton Properties, LLC

K. Menici explained that the Meredith Village Bank wants to add a 1,000- gallon tank and expand the pad in addition to what was approved from Golde Planning. She explained that instead of having the applicant come before the Board under Amended Site Plan Review, she is bringing it to the Board under Other Business. A. Sherwood asked if it could be covered administratively and K. Menici said it is an insignificant change. A. Sherwood said typically this could be handled in an As-Built at the end of the project. K. Menici said she is trying to get guidance from the Board on how they want to handle these types of issues. She said she does not know if the Board would want the Code Officer and her to review it and she is looking for guidance from the Board. T. Hoopes said it is an inconsequential change. B. Dunbar said this is a Code Officer issue and A. Sherwood said unless it is a substantial change the Planning Department can do it and possibly review it with the Fire Chief.

5. Modification of Site Plan- Nelson Realty North-

K. Menici said the farm stand building was approved to be relocated, but there were other buildings that were included with that, that were not relocated on the plan and they need to be relocated to the new location on the revised plan. A. Sherwood said again that an As-Built is due to the Town and K. Menici said yes and A. Sherwood said again something like this would go under the same category as the previous modified site plan. K. Menici said that will help staff in the future for similar changes and they can go forward.

6. Letter from Planning Board to ZBA requesting a determination of regional impact for 4 variance applications to allow the construction of 2 telecommunication towers in areas other than the overlay districts.
7. K. Menici passed out the agenda for 9/26 work session with Town Counsel and Code Officer and spoke about the minutes to be approved.

T. Hoopes spoke about the OEP Conference in the fall and encouraged all the Board members to attend.

Adjournment

Motion made by C. Balcius, seconded by J. Dube, to adjourn at 11:10 pm motion carried with all in favor.

Respectfully submitted by,

Stephanie N. Verdile
Secretary, Alton Planning Department