

**TOWN OF ALTON PLANNING BOARD
PUBLIC HEARING
Public Hearing Minutes
November 15, 2011
Approved December 20, 2011**

Members Present: Scott Williams, Vice Chair
David Collier, Clerk (Arrived at 6:30 p.m.)
Tom Hoopes, Member
Bill Curtin, Member
Dave Hussey, Selectmen Representative
Roger Sample, Alternate

Others Present: Ken McWilliams, Town of Alton Planner
Randy Sanborn, Secretary, Planning Department
Members of the Public

I. CALL TO ORDER

Scott Williams, Vice Chair, called the Public Hearing to order at 6:00 p.m.

II. APPOINTMENT OF ALTERNATES

Roger Sample was appointed as an alternate for this meeting.

III. APPROVAL OF AGENDA

K. McWilliams stated that Case P11-09, Robert H. Carleton, has withdrawn. Case P11-34, Gary Kelloway & David & Lisa Madden for amended final subdivision on Rollins Road have asked to continue the application until December 20th meeting.

D. Hussey made a motion to approve the agenda as amended.

B. Curtin seconded the motion with a unanimous vote in favor.

IV. PUBLIC INPUT

None at this time.

V. CONCEPTUAL CONSULTATIONS:

Case #P11-38 Mark Pearson	Map 1 Lots 17-1, 17-2 and 17-3	Conceptual Consultation Lot Line Adjustment
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Mr. Pearson is proposing to take acreage from his Lot 17-1 and add it to Lot 17-3 owned by William & Karen Hayes

K. McWilliams summarized the application. The applicant is proposing to take a small amount of acreage off of his lot which is Map 1 Lot 17-1 and add it to the neighbors, William and Karen Hayes. The applicant is here to discuss a waiver from the requirement to survey the boundary around the perimeter of both of those lots. He is proposing to survey the piece that will be transferred out of his lot to the neighbors but he is asking for a waiver from having to survey around the full perimeter of both lots.

Mark Pearson answered questions regarding his application.

The Planning Board did not have issues with the waiver request.

Case #P11-36 Paul Monzione	Map 9 Lots 33 & 33-2	Conceptual Consultation Lot Line Adjustment
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Mr. Monzione proposes to take about 0.8 acres from Map 9 Lot 33-2 owned by the Gilbert Family Trust and add it to his property (Map 9 Lot 33)

K. McWilliams summarized the application. The applicant is looking at acquiring about 0.8 of an acre from his abutter the Gilbert Family Trust to add to his property. He is seeking a waiver from the requirement to survey the entire 5 acres owned by the Gilbert Family Trust. He is proposing to supply a survey around the area that he would take out of that property (0.8 acres); also he is requesting to use a two year old survey of his property rather than resurveying his lot.

Paul Monzione presented his application and answered questions.

S. Williams wanted to mention for the record that P. Monzione is a member of the Zoning Board of Adjustment.

The Planning Board did not have issues with the waiver requests.

VI. COMPLETENESS REVIEW OF FINAL APPLICATIONS AND PUBLIC HEARINGS ON APPLICATIONS (IF APPLICATIONS AREA CCEPTED AS COMPLETE:

Case #P11-31 Brian Welch & R.A. & A.D. Griffin Rev. Inter. Vivos Trust	Map 3 Lots 24-1 & 24-1-1	Boundary Line Adjustment 625 & 647 Prospect Mountain Road
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On behalf of Brian Welch & R.A. & A.D. Griffin Rev. Inter. Vivos Trust, Paul F. Zuzgo LLS is requesting a Lot Line Adjustment between tax map 3 lot 24-1 and tax map 3 lot 24-1-1. The purpose of this adjustment is to give tax map 3 lot 24-1 200 feet of road frontage between tax map 3 lot 24-1-3 and map 3 lot 24-1-1. This is located in the Rural Zone.

K. McWilliams presented the application to the Board. The basic intent is to reconfigure two lots through the Lot Line Adjustment. It is a very small area being transferred, 138 square feet. The main thing they are looking for is a little more road frontage. They are adding 1.68 feet of road frontage and this will lead to the next application for a subdivision. The reason they are trying to get the 200 feet of road frontage is to satisfy the road frontage requirement for the subdivision.

The applicant has asked for waivers from 7.2.24 soils, 7.2.27 elevations, 7.2.28 public use (non applicable), 7.2.29 future development (non applicable), 7.2.31 descriptions (non applicable) and 7.2.32 reserved areas (non applicable).

B. Curtin made a motion to grant the waivers 7.2.24 soils and the waiver of 7.2.27 elevations.

D. Hussey seconded the motion with all in favor making the vote unanimous.

K. McWilliams noted that one item he found is that there are some bounds missing. K. McWilliams suggested the Planning Board accept the application as complete and to require those bounds be set prior to signing and recording the plat.

B. Curtin Motion to accept the application as complete.

D. Hussey seconded the motion with all in favor making the vote unanimous.

Paul Zuzgo explained the application. This was a 14-lot subdivision that was approved in 2008 and it never came to fruition. All the permits have expired and nothing was done. B. Welch's wife has passed away and it was mainly her project. The applicant just wants to get the road frontage so he can move on to a minor subdivision.

T. Hoopes questioned whether there were two houses on the lot. P. Zuzgo stated that the one that is closest to the road is B. Welch's workshop. T. Hoopes stated that it was marked HSE. P. Zuzgo stated that it should have been marked shop.

T. Hoopes made a motion to approve Case P11-31, Boundary Line Adjustment between Brian Welch and R. A. Griffin Rev. Vivos Trust and Prospect Mountain Road.

Conditions Precedent: The following conditions must be satisfied prior to the 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 plat 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.**
- 4. 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 November 15, 2011 Notice of Decision on file at the Town of Alton Planning Department.**
- 5. The house shown on Lot 24-1 will be changed to shop prior to plan signing.**

Subsequent Conditions:

- 1. The applicant shall comply with all of the Town of Alton's Subdivision and 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 subdivision plat, site plan or other approval which has been filed and approved, conditionally or otherwise, may be revoked, in whole or in part, by the Planning Board when an**

applicant or successor in interest to the applicant has performed work, erected a structure or structures, or established a use of land, which fails to conform to the statements, plans, or specifications upon which the approval was based, or has materially violated any requirements or conditions of such approval.

Provided all listed conditions and subsequent conditions are satisfied, this approval will remain valid for implementation 365 days from date of original approval, unless extended by the authority of the Planning Board after petition by the applicant.

B. Curtin seconded the motion with all in favor making the vote unanimous.

Case #P11-32 Brian Welch	Map 3 Lot 24-1	Final Minor Subdivision 625 Prospect Mountain Road
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On behalf of Brian Welch, Paul F. Zuzgo LLS is proposing a 2-Lot subdivision. The areas of the proposed lots are lot 1, 18.01 acres, and lot 2 14.56 acres. All lot frontages will be on Prospect Mountain Road.

K. McWilliams stated that is a minor subdivision for 2 lots. Lot 1 would include just over 18 acres and have 200.3 feet of road frontage. Lot 2 would consist of 14.56 acres and have 200.85 feet of road frontage. There is one item missing on this application. There are several points on the perimeter that don't have a bound set. He is recommending that the Board accept the application as complete and require the setting of the missing monuments as a condition of approval.

B. Curtin motion to accept the application.

D. Hussey seconded the motion with all in favor making the vote unanimous.

K. McWilliams stated that as far as he can see they meet the requirements of the Zoning Ordinance.

P. Zuzgo spoke on behalf of the application.

S. Williams opened to public input. There was none at this time.

D. Collier made a motion to approve Case #P11-32, subdivision plan of Brian Welch, Prospect Mountain Road, Alton, NH, Map 3 Lot 24-1 2-Lot Subdivision for Brian Welch.

Conditions Precedent: The following conditions must be satisfied prior to the 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 plat 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.**
- 4. 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 one is recorded at the Belknap County Registry of Deeds; the remaining sheet is on file at the Town of Alton Planning Department.**

5. 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 November 15, 2011 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.

7. The house shown on Lot 24-1 will be changed to shop prior to plan signing.

Subsequent Conditions:

1. The applicant shall comply with all of the Town of Alton's Subdivision and 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 subdivision plat, site plan or other approval 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 specification upon which the approval was based, or has materially violated any requirements or conditions of such approval.

Provided all listed conditions and subsequent conditions are satisfied, this approval will remain valid for implementation 365 days from date of original approval, unless extended by the authority of the Planning Board after petition by the applicant.

B. Curtin seconded the motion with all in favor making the vote unanimous.

Case #P11-37 Robert F. Bollinger General Construction, LLC	Map 15 Lot 30	Final Major Subdivision Gilmans Corner Road
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On behalf of Robert F. Bollinger General Construction, LLC, Jeffrey L. Green Land Surveying Services has submitted a final subdivision application for a 5 lot major subdivision in the Rural (RU) Zone.

K. McWilliams stated that this is a follow up from the Design Review. They are back with a 5-lot major subdivision. This has been revised since the design review. The lots now access directly on Gilmans Corner Road. In the design review lot 1 was proposed to access off of Leighton Mills Road. They have now widened the frontage on Gilmans Corner Road to provide enough frontage and access directly to Lot 1 from Gilmans Corner Road. All the other lots have individual accesses directly on Gilmans Corner Road. There was a previously proposed combined drive to serve the last two lots. That has now been separated so they each have their own driveway access. J. Green has submitted a sight distance analysis for each of the driveway points.

In looking at the application completeness he had a few minor points. One was on the North arrow. There was a note that says note 2. He wasn't sure what that was referring to so it needs to be clarified. He found several spots on the perimeter where bounds were not set 7.2.21 regarding metes and bounds. He recommends the Board accept the application as complete conditioned on satisfying the two items prior to signing and recording of the plat. There are no waiver requests.

T. Hoopes made a motion to accept application P11-37 as complete.

D. Hussey seconded the motion with all in favor making a vote unanimous.

J. Green presented the application. This subdivision was presented before as a design review. This is a 5-lot subdivision on Gilmans Corner Road and the corner of Leighton Mills Drive. There is an existing house on the lot so they are showing four additional lots. Shown as lot 1, 2, 3 and 4 and the original being 15-30 remaining land. Each one is over 2 acres. They all have the required buildable areas. Wetlands are shown and on lot 1 there is a wetland along with a 25 foot wetland buffer because it is over the 10,000 square foot required area. All the driveways access directly onto of Gilmans Corner Road. They readjusted the lines showing that they can all have access on Gilmans Corner Road and meet all the requirements. He does have sight distances. Everything is the same as it was other than the readjustment of the frontages on Gilmans Corner Road.

T. Hoopes stated that he knows the sight distances are there but they can throw them out the window. They are useless under the circumstances they are dealing with. If you drive that road at 35 miles per hour it is hard to stay in your lane. He feels that it is intolerable to think of five more driveways in that area which is the worst section of the entire road. He stated that he cannot support the application as it stands. He will not. It is not safe. He would love to have the police and other people come down and take a look at it and drive it at the speed limit, but if you come over the crest from Sylvia's house down towards the brook you cannot stay on that road at the speed limit in the winter when there is snow on the road.

J. Green stated that looking at what he did, he created a subdivision, he met all the regulations, and he met all the requirements for sight distance which are required. If there is an issue with the road and at 35 miles an hour you cannot stay on the road as it is, it doesn't matter how many driveways are on that road. It is still an issue which means the road speed needs to be slowed down to 25 miles an hour or 20 miles an hour. That is something the Town needs to look at but it isn't something that should effect a subdivision that has met all the requirements that the Town has put forward for him to meet.

T. Hoopes stated that it may meet the requirements but he also has the circumstances of the site itself. You can have distances but that doesn't do any good if you are on a slope on an icy area you need a certain amount of speed to even get up the hill.

R. Sample asked what the problem with the number of driveways was. He felt it would slow people down.

T. Hoopes stated that where the first driveways are located you can't see a thing. It is flat and level and then it dives down and it is a reverse bank curve.

R. Sample stated that the road is what it is. What does a driveway have to do with anything?

T. Hoopes stated that if someone is driving down the road at 30 miles an hour and another car pulls out and you can't see it beyond the line of sight and all of a sudden you come around the corner and it is right there in the middle of the road there is no place to go and no place to stop.

J. Green asked isn't that what a sight distance analysis is for. It says at this site at this speed limit you can stop or you are supposed to have control of your vehicle if someone pulls out of a driveway. That is what a sight distance analysis does.

T. Hoopes invites all the Board members to drive that road and drive it at 35 miles an hour in both directions.

S. Williams suggested that the thing to do is have a site walk and have the Highway Agent there so he can either disagree or agree with Mr. Green's driveway analysis.

D. Hussey asked if it is a problem with distance of sight or a problem with the road itself.

S. Williams stated that the driveway analysis gives the required distances.

T. Hoopes stated that the curve is substantial enough so that that distance changes very fast as you are going around the corner at the speed limit.

S. Williams asked the Board if they agreed a site walk was appropriate. The Board agreed.

D. Hussey asked if the sight distance analysis has been checked by the Highway Agent.

J. Green stated that he spoke with him several times and he didn't feel he needed to go out, that he just had to do the normal analysis based on what he was saying about standing at the road and measuring, etc. He did not want to meet out at the site.

D. Hussey stated that they do not have any support that says the sight distance analysis is acceptable.

D. Hussey suggested that K. Roberts go out and verify the distances are correct.

J. Green explained how he measured his sight distances.

S. Williams open it to the public.

S. Williams read a letter into the record from Lynn Seavey Nemser. (Attached to the minutes)

S. Williams also read an e-mail from Sylvia Leggett (Attached to the minutes)

Sylvia Leggett spoke in opposition to the subdivision because of unsafe driveway access points and poor road alignment.

Mark Northridge, Drew Hill Road spoke in opposition to the subdivision also because of unsafe driveway access points and poor road alignment.

J. Green explained what happened at the logging on Leighton Mills Road.

David Lawrence, 218 Gilmans Corner Road spoke in opposition to the subdivision. He reiterated concerns expressed by S. Leggett and M. Northridge.

The site walk was scheduled for Friday, November 18th at 3:00 p.m.

D. Hussey made a motion to continue this meeting to December 20th with the Site Walk on November 18th at 3:00 p.m. and the public is invited to attend.

B. Curtin seconded the motion with all in favor making the vote unanimous.

Case #P11-25 Town of Alton/Pattersons	Map 29 Lot 72 & Map 27 Lot 43	Lot Line Adjustment Depot Street
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The Town of Alton & Robert & Kim Patterson are requesting a Lot Line Adjustment to transfer 1,680 sq. ft. (0.04 ac.) from Map 29 Lot 72 (Town Lot) to Map 27 Lot 43 (Patterson Lot)

D. Hussey recused himself from this application.

K. McWilliams spoke on behalf of the Town. This is a lot line adjustment application between the Town and the Pattersons, Robert & Kim. This got started from a warrant article that came before the voters in 2010. The purpose of this lot line adjustment is to implement that Article 44 that was approved at the 2010 Town Meeting.

He read the Article into the record. “To see if the voters will authorize the sale of a small portion of property from a parcel of Town land located off Depot Road to Robert L. and Kim E. Patterson. The piece is approximately 20 feet by 90 feet and is part of the Town property Map 29, Lot 72 obtained from the State of New Hampshire being part of the old railroad right-of-way. The sale price of the property was determined by the Town Assessor to be \$240 and all associated costs for the sale would be paid by the buyer.”

Regarding the completeness of the application, there is a waiver requested from providing a complete boundary survey around the entire Town lot that is the former railroad right-of-way. He recommends approval of the waiver and recommends that Board accept the application as complete.

B. Curtin made a motion to grant a waiver of 7.2.21 for Case P11-25 and they accept the application as complete.

D. Collier seconded the motion with all in favor making the vote unanimous.

Robert & Kim Patterson spoke regarding their application.

S. Williams open to public input. There was none at this time.

T. Hoopes made a motion to approve Case P11-25, Lot Line Adjustment plan between the Town of Alton and Robert and Kim Patterson with the following conditions.

After due hearing, the Alton Planning Board hereby approves the above cited application for a lot line adjustment to implement ARTICLE 44 approved at the 2010 Annual Town Meeting with the following conditions.

Conditions Precedent: The following conditions must be satisfied prior to the 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. All "To Be Set" (TBS) notes shall be removed and all monumentation shall be set prior to plan signing.
3. 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.
4. 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 November 15, 2011 Notice of Decision on file at the Town of Alton Planning Department..

Subsequent Conditions:

1. The applicants 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, site plan or other approval 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 Town acknowledges that one of the Patterson's sheds straddles the property line between the Town's property and the Patterson's property.

Provided all listed conditions precedent are satisfied, this approval will remain valid for implementation 365 days from date of original approval, unless extended by the authority of the Planning Board after petition by the applicant.

B. Curtin seconded the motion with all in favor making the vote unanimous.

VII. Old Business:

Everyone received the updated meeting list. The Board scheduled a meeting to review the 2nd draft of the Site Plan Review Regulations on November 30th at 5:00 p.m.

VIII. New Business:

S. Williams recused himself from the Board to address his project behind the Post Office. The two owners at Fiddleheads are deadlocked on how they want to proceed with the cross-access agreement. He is submitting a second draft for an alternative parking scenario. This affords one more parking space than they originally had in the approved Plan. He feels this is kind of a minor change and the Board can handle it without public input because when they did have the public no one was there to talk about it. He would like to gain approval from the Board to use either the approved plan or this parking configuration in event the Fiddleheads deal cannot be put forward.

B. Curtin made a motion to approve the new parking plan along with the previous one with the same conditions.

D. Hussey seconded the motion with all in favor making the vote unanimous.

S. Williams returned to the Board.

IX. Approval of Minutes

October 18, 2011

B. Curtin motion to approve the minutes of October 18, 2011 as presented.

D. Collier seconded the motion. All were in favor making the motion unanimous.

October 27, 2011

B. Curtin motion to accept the minutes of October 27, 2011 as presented.

D. Collier seconded the motion. Five were in favor with one abstained (D. Hussey)

November 1, 2011

B. Curtin motion to accept the minutes of November 1, 2011 as presented.

R. Sample seconded the motion. All were in favor making the vote unanimous.

X. Correspondence.

The Eastern Lakes Region Housing Coalition is having a Breakfast Forum on affordable housing in small rural towns on November 29th at 8:30 at the Sunny Villa on Route 16 in Ossipee. The Forum is open to the public.

XI. Adjournment

D. Hussey made a motion to adjourn.

B. Curtin seconded the motion. All were in favor making the motion unanimous.

The public hearing adjourned at 7:52 p.m.

Respectfully submitted,

Randy Sanborn
Recorder