

APPROVED January 16, 2007

Call to Order: 7:05 p.m.

Members Present: Jeremy Dube-Chairman, Tom Hoopes, Cris Blackstone-Selectmen Representative, Bruce Holmes, Jeanne Crouse, Bonnie Dunbar-Alternate, James Bureau-Alternate, Monica Jerkins-Planning Assistant, Carolyn Schaeffner-Recording Secretary

Appointment of Alternates: Jim Bureau and Bonnie Dunbar

Approval of Minutes: October 10, 2006; October 17, 2006; October 19, 2006
Moved to the end of the meeting for review and approval.

Approval of Agenda: M. Jerkins recommended that case P06-91 Ligotti be moved to second on the agenda.

Motion by T. Hoopes to approved the agenda as amended. Second by B. Holmes. No discussion. Vote unanimous.

Public Input:

None seen or heard. Closed public input.

Applications for Public Hearing:

Case#P06-103

Map 9, Lot 4

Conceptual Review

Ronald Martin

Suncook Valley Road (NH Rte 28)

Request submitted by Ronald Martin for a conceptual consultation on the requirements for a proposed gravel excavation within the Rural Zone. The applicant also requests to discuss the current status of the gravel excavation on the lot.

Present for this case: Len Gulpo and Jeremy Clements.

L. Guplo a company has approached them to process some gravel on the property. They would like to open up the gravel pit. Taxes have been paid as a gravel pit. They would like to haul gravel out and selling it out and eventually put homes on the land.

J. Clements noted this was used as a gravel pit in the past and was used as such before Mr. Martin's incarceration. Upon his release he wanted to start up his business again. He was informed by a contractor that he needed to come to the Town Hall and fill out a Notice of Intent to Excavate. He has done so with the fee of \$100 and has received it back in the mail informing him to come before the Planning Board. That is why they are present tonight; to determine what needs to be done to continue with this excavation business.

T. Hoopes noted in the review there is a discrepancy in the title of the land. There was an attempt by Martin wife and son to sell the property.

L. Gulpo noted the son signed the father name and forged documents to sell the property. Added this was cleared up through Superior Court.

J. Dube questioned the clearing of the title and proof that this title is clear.

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T. Hoopes stated they need to know there is no contamination since this was once a junkyard. Need testing to show this is a permitted gravel pit. Knows there has never been a permit issued for this excavation property.

L. Gulpo noted that he personally has been paying the taxes on the property and it states that this is a gravel pit-not in use.

T. Hoopes added anything before 1988 was grandfathered. If the land pit is not used for more than two years the permit is null.

B. Dunbar an inventory of gravel was also required from the person who owned the land, an estimate of the cubic yards that was filed with the town. Feels he needs to follow the process for re-opening the pit.

T. Hoopes noted if there is plan for housing in the future need to be careful how much is removed with regard to the water table.

L. Gulpo noted they were going to have that reviewed before anything was done.

J. Clements clarified what has been stated they need. In terms of being grandfathered, there is a question on whether or not the previous owner of the property filled out the necessary paperwork in 1989 with the town and state. Also there is a question on whether or not this property, being dormant for the past two years, would fall under needing additional paperwork to be filed with the town and the state.

T. Hoopes also noted that individuals cannot remove gravel from a site. It can be moved around but cannot leave the site without a permit.

M. Jerkins you can remove up to 1000 cubic yards without a permit.

T. Hoopes informed every pit must have a restoration plan and the Town has no information on this property.

J. Clements confirmed they need to prove clear ownership and obtain a soil contamination test.

Case# P06-91
R. Ligotti Family Trust, John & Rose Ligotti, Trustees
Craig Churchill & Jennifer Hostetuer
Continued from the October 19, 2006 hearing.

Map 11, Lots 27 and 29
Boundary Line Adjustment
Dan Kelly Drive & Sanctuary Lane

Present for this case: Richard Ladd

M. Jerkins noted there is no planner report, but gave a brief history. The Ligotti property came in for a design review a few months ago for a subdivision and at that time there was discussion regarding the road upgrade. This application is concerning a small triangle of the property over which a driveway traverses to go to a house on the abutting property. They are trying to make it so the driveway is owned in common with house.

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Motion by T. Hoopes to accept the application for Case P06-91 as complete. Second by J. Crouse. No discussion. Vote unanimous.

R. Ladd noted driveway crossed Ligotti property and garage was right at the property line and did not meet the setback. The Ligotti and Churchill's entered into an agreement to sell them a portion of the property so the driveway would be on their own property and the garage would meet the setback agreement. Noted triangle on the plans of 10,182 sq. feet. It has been monumented. Granite bound at the front with a pin midway back, pin at the angle point and a pin starting back on the other property line so there will be no confusion in the future.

T. Hoopes asked about concerns on drainage on Dan Kelly Drive. Asked how this relates to where the drainage question are.

R. Laird noted this property is at the end of the road. Noted the entire road has problems that need to be upgraded. The Ligotti's decided not to subdivide due to the requirement to upgrade the road. Noted Mr. Bevin is here because of concern of water flowing off this property and on to his property. No topography has been on this to prove this.

Open to public.

Ralph Bevin, 38 Dan Kelly Drive. Present tonight due to concern from water run-off from driveway that comes now on his property. Would like the driveway moved over 20 feet Dan Kelly is a private road.

T. Hoopes noted this is private property and the town has no jurisdiction. Informed Mr. Bevin this needs to be taken care of by civil court.

J. Dube noted this is only here tonight for a boundary line adjustment. Noted this is a civil matter.

None further seen or heard.

Public input closed.

J. Crouse asked about the possibility of wetlands on the property.

R. Laird noted there are no wetlands in excess of 100 ft to the house or driveway.

J. Dube noted they are just trying to make what they have legal. The two abutting landowners agree to have this corrected. If the Board does not approve this it is a zoning violation and they never should have been issued a "CO".

C. Blackstone read two letters into the record.

Two from Theodore Manning and Mr. John Traghese. Both object to any boundary adjustment. This would change their rights and view to the lake.

Jim Rachilla- Map 35, lot 23 and 24. Objects to the boundary line adjustment.

Motion by T. Hoopes to approve the application for Case P06-91. Second by C. Blackstone. No discussion. Vote unanimous.

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Case#P06-101

Map 5, Lot 41

Conceptual Review

Peter Ejarque

Coffin Brook Road

Request submitted by Peter Ejarque for a conceptual consultation on a proposed greenhouse business located on Coffin Brook Road within the Rural Zone.

B. Holmes recused himself for this case.

Present for this case: Peter Ejarque.

P. Ejarque informed he would to set up a greenhouse business on his property. There are 4 acres up front, a total of 47 acres, that he would like to put this business on. He would like to phase this project.

T. Hoopes stated you probably will not need a traffic study for this small business.

P. Ejarque would like to ask the Board some questions tonight. Question on application on some studies. Drainage, storm water management, environmental impact study, traffic study, fiscal impact study.

T. Hoopes stated a traffic study would not be necessary due to the type of business with approximately 2-3 customers at a time. But did add they do need to know what the topography of the land is like.

J. Dube added when he comes in for design review the topo will show better use on the land.

P. Ejarque would like to also eventually add a pond and a barn.

T. Hoopes noted you can get assistance for a pond from Belknap County Conservation District.

P. Ejarque asked if he should show everything in his phase or come in each time when he wants to add something.

J. Dube stated he can do this either way.

P. Ejarque asked about permits.

J. Dube stated this is all done in the Planning Office.

P. Ejarque asked about putting up hoop house as compared to greenhouse with cement floor.

M. Jerkins noted there are differences in taxation. Need to talk to the Town Assessing department.

P. Ejarque asked about having the property surveyed.

M. Jerkins noted yes this will need to be surveyed.

Bruce Holmes resumed his seat on the board.

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Case#P06-100

Map 12, Lot 24

Conceptual Review

Phillip and Janette Coull

Map 15, Lot 64

Old Wolfeboro Road

Request submitted by Phillip and Janette Coull for a conceptual consultation on a proposed boundary line adjustment with their abutter on Old Wolfeboro Road within the Rural Zone.

Present for this case: Phillip and Janette Coull.

P. Coull would like to take horseshoe shape and sell half of property (20 acres) to neighbor (Martin), who owns the property in the middle of his property. Martin would like to purchase this property. He will be keeping approximately 13 acres.

T. Hoopes added they will need a survey for the official lot line adjustment.

M. Jerkins noted the Board will want to see the wetlands and elevations on this Boundary Line Adjustment.

J. Dube corrected that the boundary line will be the only part of the property that needs to be surveyed.

Case#P06-96

Map 34, Lot 37-3

Site Plan Review

Nejanad Realty Trust

24 Mount Major Highway

Application submitted by Stacie Hubbard for a site plan review for a proposed change of use from retail space to an office for massage therapy. The property is located within the Residential Commercial Zone.

M. Jerkins noted comments from the Fire Chief. Applicant is requesting a blanket waiver of site plan requirements.

Motion by T. Hoopes to accept the application for P06-96 as complete. Second by B. Holmes. Vote unanimous.

M. Jerkins note that prior to 1994 was this property was a 4 unit apartment.

S. Hubbard would like to put a therapeutic massage business, with approximately 4 employees.

J. Dube asked about parking for employees.

S. Hubbard noted she lives a block from property and not all the employees will be there at the same time.

Open to public input.

None seen or heard.

Closed public input.

B. Holmes noted Fire Chief comments on fire exit and lighted signs.

M. Jerkins noted 1 parking space for 5 employees

Motion by T. Hoopes to approve case P06-96 with one condition: The building will need to exit signs and the emergency battery units in place. Second by B. Holmes. No discussion. Vote unanimous.

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Case#P05-09

Map 32, Lot 13

Amended Site Plan Review

Ernest Gillan, Gillan Marine

NH Rte 11

Continued from June 20, 2006.

J. Bureau recused himself from this case.

M. Jerkins noted report from Peer Kraft Lund in packets. Application has been accepted. Noted they need to have a request for extension letter from applicant.

Present for this case: Roger Burlingame, Ernest Gillan, Sr., Ernest Gillan, Jr., Mike Sievert

R. Burlingame update history on this case. Noted they have been to ZBA on special exception for cupola and were approved. Also to ZBA on variance for parking and were approved for 11 spaces. Back before Planning Board for final site plan approval.

J. Dube asked about CMA comments.

M. Sievert noted they have been working with CMA. The last correspondence was May 18, 2006. They have resolved for sedimentation basins (NW corner of property), added one on the south side (noted black dot), noted letter "a" need to show at what storm the lower basin would work. It has been determined, depending on the level of the lake; it would work up to a 50 year storm in some cases. Almost in all cases a 25 year storm with a rise in the lake of 1 foot or less. He has provided this data to CMA and stated they felt it was adequate.

T. Hoopes asked about the vortechnic of the state runoff and where this was on the plan.

M. Sievert noted this for T. Hoopes. Also informed all other issues are note issues with the exception of the boat unloading. Have DOT permission and they have agreed they will not unload and load on the state right of way. M. Sievert asked the Board for conditional approval with CMA. Noted he spoke with Peer today regarding the DOT permit and faxed over DOT information to him.

J. Crouse comment on planting shrubs on the westside.

M. Sievert noted on the plan where they show on the plans for about 21 plantings.

Open to public input.

Arthur Hoover on behalf of Parker Marine (David and Stephen Parker). Compliment Mike on plans and they are very happy with them. Concern for the great activity of marina businesses. Filed a motion for rehearing and were denied and are appealing. 4 issues. Parking – what was granted by ZBA is not binding on Planning Board. Feels that 11 are not adequate for the summer. Recommend 25 for busy season. Noted there is adequate room. 2nd issue is delivery of boats. Noted there needs to be a guarantee it will be done where assigned. If parking is reduced how will this be accomplished? 3rd issue regarding the exterior style of the building to blend in with the area. Some portions from the east side view will be 38 feet. 4th issue is activity on the site. Service is a concern. Feel post possession service should not be allowed.

None further seen or heard.

Public input closed.

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R. Burlingame addressed Hoover concerns. Surprised that the Planning Board can deny or object to the parking decision of the ZBA. Feels the Planning Board does not have this authority. Regarding the size of the building they are sensitive to the community concerns, feel building will fit very well in the area. Noted very large building on Parker property similar in size.

T. Hoopes feels this is a very large building and will stick out.

E. Gillian, Sr. noted this is smaller than the pavilion.

R. Burlingame added regarding post sales warranty work. They currently have post sales warranty work. The appeal for rehearing was denied and feels they can move forward.

J. Dube asked about the plans for the exterior of the building.

E. Gillian, Sr. considering brick on the front of the building with glass and the other shingles will be asphalt shingles.

E. Gillian, Jr. would like to fishtail gable ends. This will not be a cinder block building.

T. Hoopes questioned sales, storage and service and post possession.

R. Burlingame corrected this is post possession warranty work.

General discussion on warranty work.

B. Holmes would like to see a final report from CMA

M. Jerkins will get this from CMA.

J. Crouse concern for traffic congestion of boat delivery.

J. Dube commented that having a new site plan with the off load and on load site feels this is adequate. If it is not done that way it is a compliance issue.

E. Gillian, Jr. noted they have agreed to not off load in the right of way. Yes, they have had traffic problems but they are working on this.

C. Blackstone noted cooperation with businesses and E. Gillian, Jr. honesty.

J. Crouse is concerned about approving without comments being taken care of and does not want to do a conditional approval.

General Board discussion of how many issues have already been addressed.

E. Gillian, Jr. asked for conditional approval since the items needed are pretty gray.

J. Dube noted that the plans will not be signed unless these issues will be taken care of.

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M. Jerkins noted for a formal request for an extension letter for the file to be added to a motion.

General board discussion on attorney Hoover's comments about the board's choice to change the number of parking spaces and that the ZBA decision does not matter.

Motion by B. Dunbar approve case P05-09 with the following conditions.

1. Letter of May 18, 2006 cited by CMA items a-f be addressed.
2. Note be placed on the plan that states there will be no unloading or loading of boats within the NH DOT right-of-way.
3. Area used for boat sales south to the set back line and on the east side of the entrance be labeled.
4. Post sales warranty service work shall be permitted.

Second by B. Holmes. No discussion.

Amendment to the motion to include extension for the file.

Second B. Holmes

Vote: 4 agreed, 2 opposed. Motion passes.

9:15 p.m. break

9:28 p.m. reconvened

Case#P06-97

Map 42, Lot 11

Boundary Line Adjustment

Timothy Chabot & James O'Der

Trask Side Road

Application submitted by George Chrisenton on behalf of Timothy Chabot and James O'Der for a proposed Boundary Line Adjustment. The property is located within the Lakeshore Residential Zone.

Present for this case: Jim O'Der

Planner reported waivers requested for elevations and wetlands.

Motion by J. Crouse to accept the application for case P06-97 as complete with waivers. Second by B. Holmes. No discussion. Vote unanimous.

Jim O'Der informed they are extending his property 200 x 260 which will square off the property line.

Open to public input.

None seen or heard

Public input closed.

Motion by T. Hoopes to approved Case P06-97. Second by B. Dunbar. No discussion. Vote unanimous.

Case# P06-102

Map 9, Lot 53

21-Lot Subdivision

Alton Bay Camp Meeting Association

New Durham Road

Prospect Mountain Builders

Application submitted by Jonathan S. Ring of Jones & Beach Engineers, Inc., on behalf of Prospect Mountain Builders, for a proposed 21-lot subdivision (with up to 47 units) and interior roads. The property is within the Residential Rural Zone.

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Planning Assistant presented history of this application. At the last hearing, when Prospect Mountain Builders was before the Board for a 32 lot subdivision, the Board denied the application. Since that meeting, the applicant has initiated a law suit, among other things, stating that the process was not followed correctly and that the Board should have worked more with the applicant and also subsequently presented a new set of plans. The town has entered into a settlement agreement with regard to the law suit that simply remands the case back to the Board. However, the old plans will not be considered. The new plans do take into consideration to what the Board was speaking about. So from this point forward the case will be reopened. The application has already been accepted and discussion should continue and with public input. Abutters have been renotified because of the complexity of the issue.

J. Dube added for the record, before this whole thing ended, they had talked about reopening the case and possibility reversing the motion. The reason it went the way it did was technically there is no actual statute that allows this to be done. In the settlement, it does say on both parties, that the Planning Board was of the opinion and wanted to revisit the application, but being a lack of statute this was the way the applicant and the town should proceed.

Present for this case: Jonathan Ring and Bob and Jeff Caley.

J. Ring presented revised plans for 21 lots with max of 47 units. Eliminated culdesac to the left of entrance, eliminated some lots, wetland impact reduced 9720 sq ft. Traffic analysis completed. NH soil consultants performed test pits. Two waivers noted, one for the fee and section 7.2.2 for plan margins and revised parcel A, area to be deed to abutter to clean up lot 21 on the plan.

T. Hoopes commended on current changes of plans.

B. Dunbar commends as well but noted difference on lot line for lots 19 and 18 and notation on lot 17 notes more upland than noted.

J. Ring noted and corrected. They were technician errors.

T. Hoopes questioned driveway for lot 1.

J. Caley noted the existing structure will remain with the driveway and may sell that lot off.

T. Hoopes noted driveways are schematic and need to check with Joselyn.

M. Jerkins identified items that are suggested from Peer Craft Lund.

T. Hoopes asked about culverts on Old New Durham Road.

Discussion on culvert on that road.

Open to public input.

None seen or heard

Closed public input.

T. Hoopes would like to set a site walk.

J. Dube suggested to pick a date for a site walk and send this application to engineering.

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Motion by T. Hoopes to schedule a site walk for Saturday, December 2 at 10 a.m. Second by B. Dunbar. No discussion. Vote unanimous.

M. Jerkins noted they would like to see building envelopes indicated on plans.

J. Caley is not prepared to do this yet.

J. Dube agreed that this is not necessary at this point.

Motion by T. Hoopes to send this application to engineering. Second by B. Dunbar. Discussion: by C. Blackstone noted there was concern about the building envelope. Noted that this was on the last plans and the board does not want to see this yet.

J. Dube noted Peers recommendation for an environmental impact study.

Motion by J. Crouse to ask CMA to include an environmental study on this application. Second by B. Dunbar. No discussion. Vote unanimous.

J. Dube noted Peers recommendation a fiscal impact study. Noted to the number of lots that he does not feel this is necessary.

General discussion by the board regarding the fiscal impact study.

J. Dube would like to see details on what this study entails and the reasoning.

B. Dunbar noted abutters concerns on drainage and reminded the applicant of this concern.

Motion by T. Hoopes to continue this application to the December 19, 2007. Second by J. Bureau. No discussion. Vote unanimous.

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

Other Business:

1. Old Business: Caley road bond. Discussion.

Motion by B. Holmes to release the funds. Second by T. Hoopes. No discussion. Vote unanimous.

2. New Business: Petitioned Warrant Article, Alden Norman.

Discussion on this. T. Hoopes would like to speak with Jim Sessler on this proposal. Stated the Planning Board cannot speak on this in public. J. Dube noted the Board meeting at 6:00 p.m. on the 30th to meet with Attorney Sessler. M. Jerkins noted December 13 is the deadline to have amendments posted. Suggested a work session be scheduled. Scheduled Tuesday, December 5 and Tuesday, December 12 for work sessions at 6:00 p.m.

3. Correspondence: FYI, Memo from CMA re: Chestnut Cove Gravel Gradation Results

4. Any other business that may come before the Board.

Approval of minutes: October 10, 2006; October 17, 2006; October 19, 2006. No action taken.

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Presented by T. Hoopes Capital improvement report – each department must put forth a plan out for 6 years for anything over \$10,000. Presented to the Board tonight for acceptance and this then gets forwarded on for approval. Discussion of school board request for money for purchase of land. Discussion of police department request and request from Parks and Rec for funds for the beach to proposal. Discussion of police department for new file server. Discussion on why the Fire and Rescue is so amounts are large. Reasoning is Fire Pumper Truck 1 will not pass inspection. Also there are continuing lease payment on Rescue and car 1 included in these costs.

Motion by B. Holmes to accept CIP report as amended. Second by J. Bureau. No discussion. Vote unanimous.

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

Respectfully submitted by
Carolyn Schaeffner, Recording Secretary