

**TOWN OF ALTON PLANNING BOARD
PUBLIC HEARING
Tuesday, May 21, 2024, at 6:00 P.M.
Alton Town Hall**

MEMBERS PRESENT

William O’Neil, Chair
Doug Brown, Member
Tom Diveny, Member
Lee Hillsgrove, Member
Mark Manning, Member
Roger Sample, Member
Tom Hoopes, Member
Christine O’Brien, Member
Drew Carter, Board of Selectmen’s Representative

OTHERS PRESENT

Jessica Call, Town Planner
Steven Boccelli, agent
Keith Babb, applicant

CALL TO ORDER

Chair O’Neil called the meeting to order at 6:00 PM.

Introductions were made of the Board members.

AGENDA REVIEW

Ms. Call added under Other Business: Letter of May 6, 2024 to Taco Bay.

MOTION: To approve the agenda as amended. Motion by Mr. Sample. Second by Mr. Manning. Motion passed 9-0-0.

1. Completeness Review of Application and Public Hearing if Application is Accepted as Complete

Case #P24-17 Steven Boccelli, Agent for New State Realty Management, LLC, Owners	Map 34 Lot 39 404 Main Street	Final Minor Site Plan Residential Commercial Zone (RC)
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Proposal: To permit the uses, “Amusement Use: Indoor” (arcade) and “Professional Office” (rental business) in an existing structure.

Chair O’Neil read the public notice into the record. Ms. Call provided an updated waiver list and Site Plan; she explained the items submitted with the Plan Review are outdated and she has not had a chance to review the updates. It was confirmed there are two separate buildings at the same address; it is the recommendation of the Fire Chief that each building have a separate number for E911.

43 The Board reviewed and discussed the waiver requests. The applicant asserts that the sections are
44 not applicable but no description was provided with the request. Mr. Carter stated it is hard to
45 make a decision without an explanation being provided.

46
47 Chair O’Neil stated the first waiver request is for Section F.5, Zoned Districts and the Location
48 of All Applicable Setbacks; the applicant asserts it is not applicable due to grandfathering. Ms.
49 Call explained grandfathering is lost when there is a chance of use, expansion of use or anything
50 that changes a lot.

51
52 Steven Boccelli, representative for the applicant, stated the structure is existing and has been
53 there since the 1970s; the structure is not being altered in any way and the arcade has been set up
54 inside of the building since the winter carnival, with a permit to open to the public for that day.
55 He stated they are only looking to open the doors and there won’t be any alterations to the lot or
56 building.

57
58 **MOTION: To grant the request for a waiver to Section F.5 for setbacks. Motion by Mr.**
59 **Carter. Second by Mr. Manning. Motion passed 9-0-0.**

60
61 The second waiver request is for Section 3.01 F.8, Radius from Private Well or Community
62 Water Line and the private water line servicing the property. The reasoning is that there is no
63 water to the structure. Mr. Boccelli confirmed there would be no septic services or a bathroom in
64 the building. Mr. Carter noted there are no wells indicated on any of the plans. Ms. Call
65 confirmed there is municipal water, but she is not aware of any wells in the area. Mr. Boccelli
66 stated he leases this building but does not own it. Mr. Manning noted the Water Department and
67 Conservation Commission have concerns about no bathroom or water onsite. It was noted there
68 could be a well on site, but it is not known at this time. Mr. Boccelli stated it’s not financially
69 feasible to have civil engineer determine if there is a well on site as there is no existing water or
70 sewer needs. He stated that would also require a survey of the entire corner store lot. Mr. Sample
71 explained all the buildings in the area have municipal water. He stated it can be assumed that
72 many of the buildings had wells prior to the water system, particularly the building that was an
73 inn for a long time. Mr. Diveny stated if there is no septic, there wouldn’t be a well; he stated he
74 should be not-applicable.

75
76 **MOTION: To deny the waiver request for Section 3.01 F.8 because the fact that there is no**
77 **water or septic to the structure is not a reason to approve the waiver and they need to know**
78 **about adjoining properties as well. Motion by Mr. Carter. Second by Chair O’Neil. Motion**
79 **passed 6-3-0.**

80
81 The third waiver request is for Section 3.01, F.9., Location of Any Existing Septic Tank or Leach
82 Field for the Onsite System of the Location of Any Percolation and Proposed Septic System
83 Locations. The reasoning by the applicant is that there is no water supply to the structure.

84
85 Chair O’Neil stated the Water Department and the Conservation Commission are concerned
86 about not having water or septic to the structure. Mr. Diveny stated he doesn’t believe these
87 concerns are pertinent and it would be up to the Building Inspector as to whether a business
88 needs to have water. Mr. Boccelli stated there are no-onsite employees and one employee for the

89 office. He stated he gained restroom access, 24 hours per day, 7 days a week, in perpetuity to the
90 Corner Store for access for staff. He stated the Corner Store is on a contiguous lot so there won't
91 be trespass over another property; he stated he would be willing to consider having a port-o-potty
92 set up in the back with regular service but the expense of connecting to water and sewer isn't
93 feasible as a lessee. Chair O'Neil noted there will be two businesses in this building, including
94 the arcade and an office space. Ms. Call noted there a Site Plan prepared by Mr. Varney in 2015
95 for a Shoreline Permit, which shows a leach field to the right side of the building, right where the
96 parking is. She explained permission would be needed from NH DES to have a port-o-potty as
97 the intention for those are for contractors who are mobile and temporary use. Mr. Sample stated
98 there are instances where other businesses have a port-o-potty on site, without having a crew.
99 Mr. Boccelli asked to submit a copy of the Site Plan Ms. Call presented, to support his request
100 for the waiver. It was the consensus of the Board that enough information is not available and
101 there are concerns about the lack of potable water or sewage available to this site.

102
103 Ms. Call suggested the Board continue through the list of waivers and determine if the
104 application is complete; if the Board does not find it complete, the applicant will need to
105 resubmit the application per the Site Plan regulations.

106
107 Mr. Boccelli noted the bathroom at the Corner Store is not being used by any business as the
108 space is vacant and he is the staff that is going to use the single bathroom. He presented a signed
109 document indicating he is authorized to access the bathroom facilities, in perpetuity. Mr. Diveny
110 questioned what would happen if the space is leased and the capacity is too much for the single
111 bathroom. Mr. Boccelli stated he has legal precedence to use it.

112
113 **MOTION: To deny the request for a waiver based on information presented. Motion by**
114 **Mr. Manning. Second by Mr. Carter. Motion passed 9-0-0.**

115
116 The fourth waiver is for Section 3.01 F.10, Location, Height, and Design Elevation Showing the
117 Dimensions of Proposed Sign. Ms. Call stated the Board does not have a copy of the sign permit
118 application because the location, height and design of the actual sign was not submitted but a
119 copy of the building with the signs was submitted, including the dimensions of the sign. The
120 Board agreed this waiver is not needed.

121
122 The fifth waiver is for Section 3.01, F11, Screen and Site Features. The Board agreed it is an
123 existing structure, and no action is necessary.

124
125 **MOTION: To grant the waiver for Section 3.01, F.11. Motion by Mr. Carter. Second by**
126 **Mr. Manning. Motion passed 9-0-0.**

127
128 The sixth waiver is for Section 3.01, F12, Location of Rivers, Streams, Ponds, Lakes and Other
129 Water Courses or Bodies of Water. The request for a waiver indicates there are no bodies of
130 water. Mr. Carter noted there is a lake.

131
132 **MOTION: To grant the waiver for Section 3.01, F.12. Motion by Mr. Manning. Second by**
133 **Mr. Carter. Motion passed 9-0-0.**

134

135 The seventh waiver is for Section 3.01, F.13, Location of 100 Year Flood Plain and Floodways
136 as Designated by the Flood Insurance Rate Maps for the Town of Alton, Effective May 17, 1988,
137 as Amended. Mr. Boccelli stated the lot is not within a flood plain. It was noted there is a
138 retaining wall between the lot and the lake.

139
140 **MOTION: To grant the waiver for Section 3.01, F.13. Motion by Mr. Manning. Second by**
141 **Mr. Carter. Motion passed 9-0-0.**
142

143 The eighth waiver is for Section 3.01, F.14, Location of the Shoreline Protection Overlay District
144 and the Aquifer Protection Overlay District if Applicable. The Board reviewed the maps
145 presented; Ms. Call noted the property is over an aquifer. Mr. Boccelli stated he reviewed flood
146 maps and those show the lot is not in those districts. The Board agreed this waiver request is not
147 applicable and no action is necessary.

148
149 The ninth waiver is for Section 3.01, F.15, Location of Wetlands Included on the National
150 Wetlands Inventory Map and or any Poorly Drained Soils as Mapped by the Natural Resource
151 Conservation Service, If Applicable. It was noted there are no wetlands on the property.

152
153 **MOTION: To grant the waiver for Section 3.01, F.15. Motion by Mr. Brown. Second by**
154 **Mr. Diveny. Motion passed 9-0-0.**
155

156 The tenth waiver is for Section 3.01, F.16, Location of Any Stonewalls, Architectural or Historic
157 Features in Cemeteries or Graveyards. Ms. Call stated the building or corner is not listed with the
158 National Registry of Historic Places; she stated there is no definition of “historic”. The Board
159 agreed this waiver is not applicable and no action is necessary.

160
161 The eleventh waiver is for Section 3.01, F.17, Direction of Stormwater Flows on Site and
162 Proposed Drainage Facilities. Ms. Call suggested this waiver be granted as no work is being
163 done outside.

164
165 **MOTION: To grant the waiver for Section 3.01, F.17. Motion by Mr. Manning. Second by**
166 **Mr. Diveny. Motion passed 9-0-0.**
167

168 The twelfth waiver is for Section 3.01, F.19, Temporary and Permanent Erosion and Sediment
169 Control Provisions if Needed.

170
171 **MOTION: To grant the waiver for Section 3.01, F.19. Motion by Mr. Carter. Second by**
172 **Mr. Manning. Motion passed 9-0-0.**
173

174 The thirteenth waiver is for Section 3.01, F.20, General Topography of the Site at 20 foot
175 Contours from USGS Maps. Existing topographic map not available for submission.

176
177 **MOTION: To grant the waiver for Section 3.01, F.20. Motion by Mr. Carter. Second by**
178 **Mr. Manning. Motion passed 9-0-0.**
179

180 The fourteenth waiver is for Section 3.01. F.21, Seal and Signature of all Professionals Assisting
181 with the Preparation of the Application. The Board agreed this waiver is not applicable and no
182 action is necessary.

183

184 The fifteenth waiver is for Section 3.01. G.1, State Subdivision Approval for Septic Systems,
185 Septic Design Approval or Certification of the Adequacy of the Existing System. Mr. Carter
186 suggested tabling this waiver. Ms. Call explained waivers cannot be tabled as they need to make
187 a determination on the waivers prior to making a determination on the completeness of the
188 application. Mr. Carter stated he believes a septic system is required for this structure and the
189 intended use with this application. Mr. Diveny stated once different businesses are put in this
190 busy corner, the septic system may need to be changed.

191

192 **MOTION: To deny the waiver for Section 3.01, G.1. Motion by Mr. Carter. Second by Mr.**
193 **Manning. Motion passed 9-0-0.**

194

195 The sixteenth waiver is for Section 3.01, G.6, State or Town Driveway Permit. Mr. Carter stated
196 there is an existing driveway servicing the area. The Board discussed the ownership of the road
197 and the driveway. It was noted there are concerns by the Department of Public Works and the
198 increased amount of foot traffic. There was also discussion about plans to move the existing
199 crosswalk.

200

201 **MOTION: To grant the waiver for Section 3.01, G.6. Motion by Mr. Carter. Second by Mr.**
202 **Brown. Motion passed 9-0-0.**

203

204 The seventeenth waiver is for Section 3.01, G.7, State Shoreline Permit. Mr. Carter stated there
205 is no construction occurring and it doesn't seem applicable. The Board agreed this Section is not
206 applicable and no action is necessary.

207

208 The eighteenth waiver is for Section 3.01, Municipal Water Connection.

209

210 **MOTION: To grant the waiver for Section 3.01, G.8. Motion by Mr. Carter. Second by Mr.**
211 **Brown. Motion passed 9-0-0.**

212

213 The nineteenth waiver is for Section 3.01, G.9, Any Deed Restrictions and All Deeds Covering
214 Lands to Be Used for Public Purposes, Easements and Right of Ways. It was noted that the letter
215 from the property owner to confirm the use of facilities would be needed for this. Mr. Carter
216 questioned if there are deed restrictions for this property and the Board agreed research is needed
217 to confirm; no copy of the deed was submitted.

218

219 **MOTION: To deny the waiver for Section 3.01, G.9. Motion by Mr. Carter. Second by Mr.**
220 **Brown. Motion passed 9-0-0.**

221

222 The twentieth waiver is for Section 3.01, G.10, Any Professionals Assisting with Preparing the
223 Application Shall Submit an Insurance Certificate that Names the Town As An Insured
224 Beneficiary. Ms. Call confirmed this is not applicable for this application. The Board agreed no
225 action is necessary.

226
227 The twenty first waiver is for Section 3.01, G.11, Any Other Local, State and or Federal Permits.
228 Mr. Sample questioned how they know for sure that the State isn't requiring any additional
229 permitting or approval. Mr. Boccelli stated he has inquired, and no further approvals are needed.
230 Ms. Call explained it is the burden of the applicant to provide evidence that he has researched the
231 necessary permitting.

232
233 **MOTION: To deny the waiver for Section 3.01, G.11. Motion by Mr. Diveny. Second by**
234 **Mr. Brown. Motion passed 9-0-0.**

235
236 **MOTION: To deny the request for waivers to Section 3.01, G.2, 3, 4, and 5 as no**
237 **information was presented pertaining to them. Motion by Mr. Carter. Second by Mr.**
238 **Sample. Motion passed 9-0-0.**

239
240 Mr. Boccelli asked if the application will be able to be approved tonight. It was clarified that the
241 waivers which were denied, would need to be addressed and the application is considered
242 incomplete. Ms. Call stated there isn't enough information for the Board to accept the application
243 as complete; she advised that per the regulations, the application will need to be resubmitted with
244 the information provided for the waivers which were denied, for another completeness review by
245 the Board. A Notice of Decision will be issued which clarifies the waivers approved and denied.

246
247 **MOTION: To determine that the application for Case #P24-17 is not complete due to the**
248 **denied waivers and to allow the applicant to come back next month to address the waivers**
249 **that were denied. Motion by Chair O'Neil. Second by Mr. Carter. Motion passed 9-0-0.**

250

Case #P24-18 Green Oak Realty Development, LLC, Keith Babb, Owner	Map 5 Lot 72 NH Route 28/ 398 Suncook Valley Road	Final Minor Site Plan Rural Zone (RU)
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251 Proposal: To permit a Contractor's Yard for the retail and wholesale sales of construction
252 materials.

253
254 Chair O'Neil read the public notice into the record. The Board reviewed the waiver requests. Ms.
255 Call stated the reasoning for the waiver requests as submitted by Mr. Varney on behalf of the
256 applicant, refer to the Excavation Plan which as been reviewed by the Board. She confirmed all
257 the items are on the Plan; the items were not included on the Site Plan because the information is
258 available on the Excavation Plan.

259
260 **MOTION: To grant the waiver request for Section 3.01, F.10, 11, 13, 17 and 19; and**
261 **Section 3.01, G.4. Motion by Mr. Carter. Second by Mr. Brown. Motion passed 9-0-0.**

262
263 The Board reviewed the application for completeness.

264
265 **MOTION: To accept the application for Case #P24-18 as complete. Motion by Mr. Carter.**
266 **Second by Mr. Brown. Motion passed 9-0-0.**

267

268 Ms. Call confirmed there are no outstanding issues to be addressed. She stated this application
269 has been before the Board numerous times, for many years so that is the reason there was not
270 extensive discussion of the waiver requests.

271
272 Mr. Hillsgrove noted the comments received by the Conservation Commission indicate approval
273 should not be granted by the Town until the work on the slope is complete; approval would not
274 be in the Town’s interest. It was noted that a sign-off letter was received from the applicant the
275 day prior to the hearing, indicating the work was completed. Ms. Call stated the Conservation
276 Commission met a month ago, prior to the work being completed.

277
278 Chair O’Neil opened the hearing to input from the public. None was indicated.

279
280 Chair O’Neil closed the public hearing.

281
282 **MOTION: To approve Case #P24-18, to permit a Contractor’s Yard for the retail and**
283 **wholesale sales of construction materials, for property located at Map 5 Lot 72, NH Route**
284 **28/398 Suncook Valley Road, to include the conditions as laid out in the Plan Review and**
285 **discussed at this hearing and conditions precedent. Motion by Chair O’Neil. Second by Mr.**
286 **Carter. Motion passed 9-0-0.**

287
288 **2. Compliance Hearing**

Case #P22-14 Green Oak Realty Development, LLC, Keith Babb, Owner	Map 5 Lot 72 NH Route 28/ 398 Suncook Valley Road	Compliance Hearing for Excavation Permit Application Rural (RU) Zone
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289 Proposal: To conduct a compliance hearing regarding the acquisition of an excavation permit.

290
291 Chair O’Neil read the public notice into the record. The Board reviewed the application for
292 completeness. Ms. Call noted this compliance hearing is a condition that was required for
293 approval of the Excavation Permit; a final sign off letter from the Town Engineer was provided
294 for review by the Board. It was confirmed that a reclamation bond and maintenance bond are in
295 place for the restored slope. Ms. Call confirmed all conditions precedent have been satisfied but
296 there may be some additional escrow funds needed for the review by the Town Engineer.
297 She stated the Board will need to make a determination as to how long the permit will be good
298 for. The Board reviewed and discussed the conditions precedent.

299
300 **MOTION: To approve the final signoff for the completion of the most northerly slope of**
301 **the above cited application and authorize the signing of the Site Plan and Excavation**
302 **Permit for Case #22-14 for Green Oak Realty Development LLC, Keith Babb, in regard to**
303 **an excavation operation located at Map 5 Lot 72, NH Route 28/398 Suncook Valley Road,**
304 **Alton, NH, to include conditions precedent and subsequent as laid out and modified in the**
305 **Plan Review and noted in this hearing. Motion by Chair O’Neil. Second by Mr. Carter.**
306 **Motion passed 9-0-0.**

307
308 **Other Business:**

309 **1. Old Business:**

- 310 **2. New Business:**
311 **a. Approval of Minutes:** Planning Board meeting minutes of April 16, 2024 –
312 Edits were made. **MOTION: To approve the minutes as amended. Motion**
313 **by Mr. Carter. Second by Mr. Brown. Motion passed 9-0-0.**
314
315 **3. Correspondence for the Board's review/discussion/action:**
316 **4. Correspondence for the Board's information:**
317 **a.** MPIC Committee will be scheduled once the ZBA assigns a representative.
318 **b.** CIP forms to be sent to Department Heads by the end of May/early June.
319

320 **Any Other Business to Come Before the Board**

321
322 **Public Input on Non-Case Specific Planning Issues**

323
324 **ADJOURN**

325 **MOTION: To adjourn the meeting. Motion by Mr. Carter. Second by Mr. Diveny. Motion**
326 **passed unanimously.**

327
328 The meeting was adjourned at 8:00 PM.

329
330 Respectfully Submitted,

331 *Jennifer Riel*

332 Jennifer Riel, Recording Secretary