TOWN OF TILTON
PLANNING BOARD MEETING
OCTOBER 14, 2003

MEMBERS PRESENT:
Chairman Mike Curley               Michelle Jackson
Katherine Dawson, Ex-Officio Sandy Plessner

OTHERS PRESENT:
Margo Racicot                        Paul Racicot
Jon Rokeh                            Rod Dyer
Bill Letendre                        W.J. Letendre
Vincent Garofald                     Frances Garofalo
James Walker                         Gordon King
Tom Daniels                          Sharon Daniels
Susan Buckley                        Edgar Allen
William Lyscars                      Danny & Deborah
Appelquist                           
S. Paul Swett                        Mark Chamberlin
Connie Lyscars                       Joanne Clark
Rodney Clark                         Theodore Kupper
Ed Peters                            Catherine LaBonte
Arthur Paquet                        Gayle Archabald
Joe Plessner                         Bryan Bailey

AGENDA:
6:30 PM            Call to order.
Minutes of September 23, 2003
Correspondence and any other business
6:45 PM    Continuation-Case #03-27-Boundary line adjustment and condominium subdivision for Country Lake Resort. Applicant proposes a lot line adjustment with R-7 Lot 11 and R-7 Lot 11-1 and then create a 90 unit residential community on R-7 Lot 11-1. Property is located at 788 Laconia Road, Tilton, NH 03276. Tax Maps R-7 Lot 11 and 11-1 in the Resort Commercial District.

7:15 PM    Case #03-28-Subdivision for Fortin & Redmond Associates. Applicant proposes a five lot subdivision. Property is located on Calef Hill Road, Tilton, NH 03276. Tax Map R-2 Lot 3 in the Rural Agricultural District.

7:45 PM    Case #03-29-Site Plan Review for Charter Oak Group, LTD. (Lakes Region Outlet Mall)- Applicant proposes to build a 6,000 square foot free standing restaurant. Property is located at 120 Laconia Road, Tilton, NH 03276. Tax Map R-20 Lot 3 in the Regional Commercial District.

8:15 PM    Conceptual. Bryan Bailey wishes to address the Board with questions regarding the new subdivision regulations.

MEETING:

6:50 PM    Call to order. Chairman Curley asked the members if they had read the minutes of 9/23/03. Michelle Jackson made a motion to accept the minutes of September 23, 2003. Sandy Plessner seconded the motion. No further discussion. All voted in favor.

CORRESPONDENCE:

1. Letter from DES dated September 29, 2003 notifying Scott and Toni Manning that the DES had received a wetland complaint against them.

2. Letter dated October 1, 2003 from the Tilton-Northfield Fire Department to the Planning Board with comments on the Country Lake Resort application.
3. Letter dated October 8, 2003 from the Tilton Police Department to the Planning Board with comments on the Country Lake Resort application.

4. Letter dated October 8, 2003 from the NHMA with amendments to the local official calendar.

5. E-mail from Chuck Mitchell concerning the subdivision for Fortin & Redmond with comments from the DES.

6. Announcement for the annual municipal law lecture series.


8. E-mail from Vollmer Associates addressing questions concerning the Subdivision Regulations.

6:52 PM Continuation of Case #03-27 for Country Lake Resort. Jon Rokeh, engineer, began by updating the Board on the status of the different permits they had applied for. They included;

1. Driveway permit; Mr. Rokeh stated that widening of the road was not required but may become a future project so a bond estimate was being prepared for DOT for a future improvement fund. By establishing a bond fund, the DOT was generating revenues to make future upgrades to the roadway.

2. Sewer extension permit; Mr. Rokeh stated the State had requested some construction details but over all, the plans looked pretty good for a State approval.

3. Site Specific and Wetlands dredge and fill permits; Mr. Rokeh stated they were at the State awaiting approvals.

Mr. Rokeh commented on the letters from the police and fire departments concerning the possible impact of the project on the community. (Copies of the letters on file at the Town Hall.) In
regard to the Police Chief’s letter expressing possible concerns should the duplexes become rentals, Mr. Rokeh stated the units would probably sell for around $200,000 range and didn’t feel there would be a problem as investors, if renting their units, would screen their own tenants as they would not want to loose money.

In regard to the Fire Department letter, Mr. Rokeh stated they had added the cistern to the plans after the original discussions with the fire department. The letter, Mr. Rokeh felt went on to recommend everything including the cistern, hooking the community up to the 911 system and sprinkler systems in each of the units. Mr. Rokeh stated the cistern would be there and they would look into the 911 system hook up but with the cistern in place, he hoped they would not have to also put sprinkler systems in each of the units.

Mr. Rokeh stated he had not received anything in writing from the school district but understood Mr. Plessner had spoken with them. Joe Plessner stated he had spoken with Norman Couture, the Superintendent of Schools, in regard to the impact the project might have on the school system. Mr. Couture stated that from the description of the project, he did not feel there would be any problems as the completion of the school project would have openings for 75 or more students in each of the schools.

At this point, Mr. Rokeh gave the Board members a copy of the community impact statement. The statement said the style of development traditionally attracted the empty nesters type of investors for second homes so the proposed development would generate less year round residents, as compared to doing a conventional subdivision with single family homes. Summarizing, Mr. Rokeh stated he felt the impact study was saying this type of development would be more beneficial to the community as far as the tax base went and would be less stress on the facilities and the schools because of the types of people who generally would buy in this type of project.

Sandy Plessner asked if Mr. Rokeh could address the type of housing that would be built. Mr. Rokeh passed out pictures of duplexes they were modeling their units after. They would be two story, three bedroom, two bath units with a one car garage. Mr.
Rokeh stated at the present time they were getting ideas together to have an architect draw up some plans. Ms. Plessner asked if that meant they would be stick built units and Mr. Rokeh replied at the present time they would be.

Michelle Jackson asked if Mr. Rokeh had looked at the drainage to see if there would be any impact to the lake. Mr. Rokeh stated Chuck Mitchell, Conservation Commission Chairman, had asked if he would run the drainage report for a 50 year storm and they had done this. Mr. Rokeh stated the over all results showed no impact to the lake. Mr. Rokeh stated the nature of putting together a drainage report and site specific program was to have the pre versus post release of the water from the site be the same.

Mr. Rokeh also submitted a copy of the conservation easement, which was being created for the open land of the proposed project.

Chairman Curley asked what the distances were of the road to the cul de sacs. Mr. Rokeh went over the distances for each of the cul de sacs. Mr. Rokeh stated the road distance was one of the reasons for the cistern being placed where they were showing it for added fire protection.

Sandy Plessner stated rumors were the project would be sold and she was wondering about the proposed conservation easement and would it be recorded. Mr. Rokeh stated it would be recorded as well as the lot line adjustment so anyone purchasing the property would be bound by the easement and boundary line adjustment.

Discussion on the dead end road distance to each of the cul de sacs ensued as the distance proved to be longer than what would be permitted. Various solutions were discussed. Mr. Rokeh stated he would refigure and get back to the Board with possible ways of looping the road or shortening the distance.

7:24 PM Open to public comment.

James Walker gave the Board a copy of an ad from the newspaper advertising the sale of the property with approvals. Mr. Walker stated if the property sold, all of the discussions
would become irrelevant as there would be a new owner. Mr. Walker stated things such as the fences, phasing and cutting of the trees might not mean anything to a new owner. Mr. Walker continued by saying the impact on the schools, police and fire departments would require capital investments. Impact fees could be used to cover some of the costs. Mr. Walker asked if there was a condominium agreement as it would be important especially if there was a new owner.

Chairman Curley stated if the project were approved it would be approved with conditions and the new owner would have to abide by the conditions. Chairman Curley did state he was concerned that the project was being advertised for sale with approvals.

Jon Rokeh stated everyone who had inquired about the project was being told the project was not through the approval process yet. In Mr. Rokeh’s opinion, the ad the Board saw was just very poorly written.

Chairman Curley stated he agreed with Mr. Walker that the condominium agreement needed to be discussed.

Michelle Jackson asked Joe Plessner what the school Board had stated about capital expenses. Mr. Plessner stated Mr. Couture didn’t feel there would be any except for a new teacher or two depending on how many children would be involved.

Chairman Curley told Mr. Walker the Board could not impose impact fees as there were no regulations on impacts as of yet.

Paul Racicot felt 90 units on the size of property should not be done. Mr. Racicot felt there would be an additional 200 cars creating more impacts on the worse section of Route 3. Mr. Racicot felt there would be impacts on the schools and perhaps the project needed to be scaled back.

Margo Racicot asked about the improvements to Rt. 3 and Mr. Rokeh stated the DOT was collecting bond monies for improvements to Rt. 3 in perhaps 5 to 10 years.

James Walker stated the DOT had told him they would be
re-doing the roadway with in 5 years.

7:40 PM Close to public comment.

Board members agreed the project would have to be continued because of issues raised. Items the Board asked to be addressed at the next meeting included:

1. Show a breakdown of the phasing for the development.

2. Trip generation projections.

3. New site plan showing changes to the roadway.

4. Fire department letter of approval for roadway distance being over 600 feet.

5. Copy of the condominium agreement documents.

After a brief discussion, Sandy Plessner made a motion to continue the case until

October 28, 2003 at 8:15 PM. Michelle Jackson seconded the motion. No further discussion. All voted in favor.

7:45 PM Case #03-28 for a Subdivision plan for Fortin & Redmond. Hearing no disqualifications, Chairman Curley told the Board he had found the application to be substantially complete and asked for a motion. Sandy Plessner made a motion to accept the application. Michelle Jackson seconded the motion. No further discussion. All voted in favor.

Edgar Allen, surveyor, told the Board he was proposing to subdivide a 63 acre parcel into five single family lots ranging from 7 to 20+ acres each. Lot #3 would have its own access to Calef Hill Road. Lots one and two will have a shared access and four and five will have shared access with right of ways. Mr. Allen stated there were wetlands that they were working to avoid.

Mark Chamberlin, realtor, stated they had presented new plans as they wanted to set the logging road within the right of way. Mr. Chamberlin stated that although there was a lot of ledge, there were plenty of areas to place a home without getting
Mr. Chamberlin stated the State driveway permits had been applied for and they had met with the DOT four times and the specific spots were marked. Mr. Chamberlin added the wetland crossing was being applied for.

Michelle Jackson asked who did the wetland delineation and Mr. Allen stated it was Barry Keith Associates out of Freedom. Ms. Jackson asked if they were certified and was told they were.

Sandy Plessner asked about the slash left on the site and if it was going to be cleaned up. Mr. Chamberlin stated he would speak to the loggers about the slash removal.

Michelle Jackson stated a representative from DES had walked the site and said there was some slash in some of the wetlands but stated the wetland crossings looked pretty good. Ms. Jackson stated the original wetland crossings they had applied for were for the logging operation and now applications for wetland crossings would be needed for the subdivision.

Ms. Jackson asked Mr. Chamberlin if the DOT had any concerns with the line of site for the curb cuts. Mr. Chamberlin stated the representative from DOT confirmed there was sufficient site distance from the specified locations.

Ms. Jackson told Mr. Allen and Mr. Chamberlin that the wetland scientist needed to be added to the plan.

8:00 PM Open to public comment.

Rodney Clark stated the area had been a wildlife habitat and now here was none left. Mr. Clark felt the animals would starve with the habitat gone.

Joanne Clark felt the wetland should be left undisturbed and any blasting could cause damage to their foundation and affect the wells in the area.

Tom Daniels stated he believed there were wetland violations in the beginning and the three beaver ponds were removed, which he understood was legal to do, but they had to
have the equipment in the wetland to remove the beaver dams. Mr. Daniels felt the project needed to be watched.

Sharon Daniels asked if the applicant would show her where the driveways were and she was shown.

Discussion on the driveway locations ensued. Mr. Chamberlin stated they did not have the driveway permits yet but the DOT representative was recommending the three curb cuts shown on the plans.

Mr. Daniels asked how close the driveway was to the Buckley property. After a brief discussion on the location of the driveway, it was determined the driveway should be moved out of the setback area.

8:10 PM Close to public comment.

Michelle Jackson stated the case needed to be continued as the Board needed to see the real locations of the driveways with the setbacks shown on the plan. Ms. Jackson stated after moving the driveway out of the setback, it could also change the DOT permits. Ms. Jackson added it might limit them, which could mean a very different plan. Mr. Chamberlin asked if the actual travel-way could be anywhere in the 50 foot right of way and was told that it could. Mr. Chamberlin stated they just had to make sure the leading edge of the driveway was out of the setback area. The rest of the driveway was okay.

Ms. Jackson made a motion to continue the case October 28th at 8:45 PM. Items to be addressed at the next meeting included:

1. Show the wetland scientist on the plat.
2. Show the setbacks on the plat.
3. Address the wetland issues discussed. (Debris and damage) DES permits applied for?
4. Removal of the slash on the property.
5. Take the driveway shown on lot 3 out of the side setback.
Sandy Plessner seconded the motion. No further discussion. All voted in favor.

8:25 PM      Case #03-29 for a site plan for Charter Oaks, LTD. Hearing no disqualifications, Chairman Curley stated he found the application to be substantially complete and asked for a motion. Sandy Plessner made a motion to accept the application. Michelle Jackson seconded the motion. No further discussion. All voted in favor.

        Ed Peters, a Charter Oaks partner, introduced the individuals with him involved with the project.

        Mr. Peters stated the project was for an Uno Pizzeria. Information given included;

1. The building would be 5,744 square feet.
2. The restaurant would be connected to the Tilton Aqueduct water supply.
3. Restaurant would employ about 40 people.
4. There would be a loss of about 60 parking spaces but by moving employee parking to the rear by the bus parking and putting in parking spaces around the new restaurant, the actual net loss of parking spaces would be 24 spaces. This would cap any future development as it was in the lease that the Mall would maintain a 5 to 1 per thousand ratio for parking.
5. Snow storage would be on the southwest corner of the parking lot and the Mall has contracted to remove snow when it gets to deep and take it to an off site location owned by Casey Nickerson.
6. Utilities. Sewer, telephone and electric will come into the back of the building from Route 3. The gas and water tie ins are in front of the 99 Restaurant. The proposed restaurant will be on domestic water for both water and fire suppression. The eventual aim is to put the whole mall on domestic water.

        Mr. Peters showed the Board elevations for the building and gave a description of the construction details. Mr. Peters stated the building would tie into the existing storm drainage. Mr. Peters continued by saying one parking lot light would have to be removed but the restaurant would have lighting
Chairman Curley asked where would they put the buses that came in and Mr. Peters stated they could put them in the back of the stores but for now the buses are parking in the parking lot out by Route 3.

Michelle Jackson asked if the sewer problems had been on that side of Route 3 and was told not. Mr. Peters stated the restaurant would have a 1,000 gallon grease trap.

Mr. Peters finished up by saying both sides of the proposed building would be landscaped and the building would have a fenced off dumpster in the rear of the building.

8:45 PM       Open to public comment.

Joe Plessner stated he felt the Fire Department might have a problem with bus parking in the rear of the building. Mr. Peters stated there would still be room for the fire equipment to pass by the buses.

8:50 PM       Close to public comment.

Katherine Dawson asked about the sidewalks and if they were elevated. Mr. Peters stated the area would be curbed and the sidewalks would be raised.

There was a brief discussion on the landscaping package. Mr. Peters assured the Board it was a full package and would look good.

Hearing no further discussion, Michelle Jackson made a motion to accept the site plan with the following conditions.

1. Restaurant to be connected to Tilton Aqueduct water supply.

2. All State and Federal permits required.

3. Compliance with Tilton signage regulations.

4. Compliance with State Fire Codes.

5. Downcast lighting.
6. Landscaping around building as depicted by the applicant.

7. Dumpster inside fencing as shown on plan.

8. Snow storage to be on the southwest corner of parking lot or removed from the site.

Sandy Plessner seconded the motion. No further discussion. All voted in favor.

9:00 PM Conceptual with Bryan Bailey. Mr. Bailey addressed the Board in regard to a proposed project he was working on and had questions regarding the new subdivision regulations for the Town. Mr. Bailey and the Board spent time going over the different aspects of the new subdivision regulations and how it might pertain the project he was working on. Of great interest to Mr. Bailey was the regulations concerning dead end streets with cul de sacs.

10:15 PM The Board spent time discussing Mr. Bailey's questions. Board members discussed a letter written to the Selectmen which the Chairman signed. Plans were signed for the Waters Edge Condominium site plan, Tucker Bay Condominium site plan and Jensen's site plan for the storage room/meeting hall building at the Jensen's mobile home park.

11:00 PM Meeting adjourned.

Minutes prepared by, Sandy Plessner