TOWN OF
TILTON
PLANNING
BOARD
MEETING

JUNE 22, 2004

MEMBERS PRESENT:
Chairman Mike Curley
George Helwig, Vice-Chair
Michelle Jackson
Katherine Dawson, Ex Officio
Bob Sharon
Sandy Plessner

OTHERS PRESENT:
Cindy Codrey
Shawn Sullivan
Jacqueline Sullivan
Byron Bedard
Paul Rushlow
Andrew Throne
Rolland Gamelin
Bob Hardy
Ed Balkon
Captain Linda Wilking
Christopher Hunt
June Brown
Dusty McMahan
Robin Bousa
Rich & Karen Benson
Katie Surowiec
John & Laura Maynard
Gordon King
Richard Maher
Phil Matzke
George Ryan
Terry & Virginia
DeSousa
Phil Hastings
Nick Conzano
George Chadwick
Joe Plessner

AGENDA:
6:30 PM Call to order
Minutes of June 8, 2004
Correspondence
Any other business
Continuation Case #04-07 for a subdivision for
Jacqueline Sullivan
Continuation Case #04-13 for a site plan for Konover Development, Corp.

Case #04-15 for a Condominium Subdivision / Site Plan for CVG, Inc. Applicant proposes the conversion of property with four units into a condominium form of ownership. Property is located at 850 Laconia Road, Tilton, NH 03276. Tax Map R-8 Lot 4 in the Resort Commercial District.

MEETING:

Call to order. Chairman Curley asked if the Board members had read the minutes of 6/8/04. Bob Sharon made a motion to accept the minutes of June 8, 2004. George Helwig seconded the motion. No further discussion. All voted in favor.

CORRESPONDENCE:

1. Wetlands and Non-Site Specific Permit #2003-04950 for Fortin & Redmon Assoc.
2. Letter to Nel Benett from the DES dated June 17, 2004 in regard to Lower Dam #237.16 and the remaining work still outstanding.
3. Email from the CC in regard to tonight’s meeting.
5. E-mail from the BCCD in regard to review of Konover Special Exception with the ZBA
7. Letter dated June 2, 2004 from the CC to the DES regarding PSNH.
8. Addendum plan depicting existing and proposed topography for wetland crossing locations for Fortin & Redman Associates sent to the DES.
9. Driveway permit for Shawn Sullivan for the
Continuation of Case #04-07 for a subdivision for Jacqueline Sullivan. As with past meetings on this case, Sandy Plessner and Michelle Jackson recused themselves from the review.

Byron Bedard, attorney, passed out revised plans and a letter from the wetland soil scientist to the Board. Mr. Bedard reviewed the past meetings which included lot dimensions and concerns raised by the Board and abutters in regard to the stone walls and easement areas. Mr. Bedard continued by saying the Board had requested a site walk by the Conservation Commission and that the Conservation Commission members had noticed areas along the westerly boundary that they felt might be wetlands and found wetland types of plants and expressed concerns with the right of way being there. Mr. Bedard stated that the Planning Board asked for the re-examining of the area as a result of the Conservation Commission findings. Mr. Bedard stated the wetland scientist that had done the original delineation in December went out and re-checked the delineation and Cynthia Balciuo, from the NH Soil Consultants visited the site with the original wetland scientist and went over the findings. Mr. Bedard stated the re-visit to the site produced no new specific wetlands but the original lines near the east side of the pond were altered and a small area adjacent to the Sanders line was flagged right along the stone wall and fence area. Mr. Bedard stated another concern raised was the lack of driveway permits which has been resolved.

Katherine Dawson asked if the Conservation Commission had seen the revised plans. Bob Hardy, Conservation Commission member, stated the Conservation Commission members had not seen any revised plans or any of the correspondence.

Paul Rushlow, Conservation Commission member and abutter, asked if they would be able to maintain the 15 foot space between the stone wall and the driveway for the entire length of the property. Mr. Bedard stated the driveway would only extend part way up to the property line for the property located in the back.

A brief discussion on probable locations for a home on the rear lot indicated the future dwelling would not be near the stonewall area.

Chairman Curley asked about the corner of the property and
whether or not Mr. Bedard had stated the wetland did not encroach into the right of way and Mr. Bedard agreed that it did not encroach into the right of way area. When asked about the current standing water in regard to any driveway, Mr. Bedard stated that would be a drainage issue and a culvert might be required to keep water from building up on the stonewall side of the property.

Katie Surowiec, wetland scientist, addressed questions regarding the flagging of the wetlands by stating there was a small ditch near the stonewall which was flagged as a wetland but it did not encroach into the right of way.

Katherine Dawson stated the pictures the Board were shown were so wet and wondered if the Conservation Commission had any comments.

Bob Hardy stated he could not speak for the entire Board but felt the letter had not addressed the south end and the Commission was not aware of the flag changes so they had not revisited the site.

Discussion ensued concerning the wetlands, the revisit and the locations of the wetlands.

6:45 PM Open to public comment.

Joe Plessner asked if and when the subdivision were approved, if there were encroachment into any wetland areas, would not the Commission members report the encroachment to the DES who, in turn, would investigate to determine whether or not there had been an encroachment into wetlands.

Michelle Jackson asked where the driveways would be and Mr. Sullivan described what the DOT had told him.

Ms. Dawson asked if the plan indicated where the driveways would be and was told they were not shown.

There was a brief discussion on what the DOT had stated and Mr. Sullivan stated the driveway on the northerly side would be located at the furthest point away from the Sanders line which would be the 15 feet of undisturbed space plus at least another 20 feet from the boundary line and the southerly side of the existing catch basin.

After a brief discussion on the fire department requirements, Andrew Thorne, abutter asked about the effect on the pond. Captain
Wilking and Shawn Sullivan each explained what would happen as far as creating an area by the pond that would support the weight of the fire truck and the work, if done, would not be on the Thorne property.

Sandy Plessner, abutter, told Mr. Throne she had a fire pond on her property and had for the past 26 years and had never had any problems with the quality of the water or the fire department.

7:05 PM Close to public comment.

Hearing no further discussion, George Helwig made a motion to approve the subdivision with the following conditions.

1. Compliance with fire protection requirements: A dry hydrant or sprinkler systems for the homes if over 1,000 feet from a water source as per the fire department letter dated 3/23/04.

2. Driveway locations per DOT driveway curb cut approval.

3. Easement to be 15 feet from stonewall on north side and 10 feet from stonewall on the south side to provide an undisturbed area between the easements and the property lines of the abutters.

4. Drainage from abutting properties must not be impacted.

5. Compliance with State Fire Codes.

Bob Sharon seconded the motion. No further discussion. All voted in favor.

7:15 PM Continuation of case #04-13 for a site plan review for Konover Development Corp.

Dusty McMahan, Vice President from Konover Corp., told the Board he was there to bring the Board up to date on their progress but was not looking for any approvals. Items mentioned included:

Had received Variance approval from the Zoning Board of Adjustment. Special Exception portion of application continued until July to allow time for review from the BCCD. Did present letter from the Conservation Commission in regard to the Special Exception application.
TF Moran had addressed issues from the Boards, the Conservation Commission and abutters including canoeing some of the end islands and adding a turning land to the access road.

Landscape and cross access comments being incorporated into site plan.

There will be a site walk Wednesday 6/23/04 with the DES, Army Corp of Engineers, the EPA, Fish and Wildlife and representatives from the Water, Fish Habitat. (not sure of the name of the department.)

Scheduled walk on the 23rd of June should result in guidance from the DES on the mitigation proposal. Konover proposal will have a 3.4 acre wetland impact within the site. Preservation to include back half of the Gaudet parcel; mitigate additional 1.5 acre in the area for a conservation easement to turn over to the Town of Tilton. In addition, there is a proposal on an adjacent property that offsets and mitigates property in the same water shed connecting the wetlands on this property to adjacent property which ties into the creek that runs into Ice House pond. This area would go into a preservation.

DOT application has been submitted.

Have relocated entrance drive about 60 feet to accommodate DOT report.

Mr. McMahan continued his update to the Board by adding they had continued to meet with abutters and they had moved everything over on the front pad site so nothing was in the right of way that Mr. Ryan had. They were continuing meetings with the prospective developers of the Ryan site for future cross access for the sites.

Michelle Jackson asked about a letter received from Peter Graves from Rogers Development expressing concern about the protective water radius for wells on the Rogers property. Mr. McMahan stated the protective radius was being added to their site plan but the radius only went onto the Konover property 14 feet and would be located in the set back area and not impacted at all by the Konover development. Ms. Jackson asked about runoff from the site and Mr. McMahan explained the drainage flow would not flow into the well radius area.
When asked about salt use on the parking lots, Mr. McMahan stated they used a reduced salt mixture as salt was too hard on the landscaping and everything from the parking lots would go into the oil/water separators into underground gallery systems.

Ms. Jackson asked Mr. McMahan to explain what an underground gallery system was and was told it was a series of perforated pipes buried in gravel that caught the runoff from the parking lots and the buildings and held and retained the flow and slowly released the flow into the retention ponds.

Chairman Curley described a low impact seminar he had attended and said he had left word with Nick Sanders in regard to the meeting and whether or not some of the practices could be incorporated into this site plan. Mr. McMahan stated he was aware of that and stated TF Moran was working on using a lot of the recommended items on the list of low impact suggestions.

7:30 PM Open to public comment.

Several abutters and area citizens had numerous comments and suggestions, which included:

An access road was needed to help prevent traffic congestion.

Efforts need to be made to help the Grant Street traffic enter and exit onto Rt. 3.

At this point, Chairman Curley asked Robin Bousa, VHB engineer, to address the proposed traffic study and conceptual road plan and then the Board would return to public comments.

Ms. Bousa went over the traffic plan and study to help answer the questions most of the audience were asking. Ms. Bousa also discussed the possibility of an access road for the development in the area and explained that there were on going meetings and efforts by the potential developers in the area on this same subject.

Ms. Bousa stated Rt. 3 could not be widened by Grant Street as there was not enough room to widen the road at that location. Ms. Bousa stated they could propose to widen the entrance to Grant Street by flaring the entrance for turning and widening the area on the Konover side to allow for a right turn slow down and turn area for Grant Street but they did not have any easement on the other side of Rt. 3 so they could not widen for a left turn into Grant street from
Rt. 3. Captain Wilking asked if the final decision of what would happen was up to the DOT and was told it was.

Public discussion continued on various aspects of the conceptual road design, traffic safety, Grant Street and the widening. Many suggestions of what might be done were discussed with Ms. Bousa explaining why some things were not feasible. Phil Matzke told the Board that he had had discussions with the Konover people but he did not have any agreements with them. Mr. Matzke was told he would be provided with a conceptual plan and that everything sent to the DOT showed there was no formal agreement with him. Mr. Matzke asked what would happen if he did not agree to the road plan and was told the plan would have to be scaled back and resubmitted to the DOT.

Discussion continued on with various comments on Rt. 3 for several minutes. The main theme of the conversations was making Rt. 3 work as well as possible with safety for the abutting properties and traveling public in mind.

Conversation moved to the middle lot and the building on it and whether or not the loading docks could be moved. Mr. McMahan stated they were working on it.

Richard Maher expressed concern over the snow storage and the detention ponds and safety measures (fencing) that would be needed as there were children in the area.

8:25 PM Close to public comment.

After a brief discussion, George Helwig made a motion to continue Case #04-13 until July 13, 2004 at 7:30 PM at the Town Hall. Michelle Jackson seconded the motion. No further discussion. All voted in favor.

8:30 PM Case #04-15 for a Condominium subdivision/site plan review for CVG, Inc. Chairman Curley told the Board he found the application to be substantially complete and asked for a motion. Sandy Plessner made a motion to accept the application. George Helwig seconded the motion. No further discussion. All voted in favor.

Phil Hastings, attorney, gave a description of the project by stating there would four units in the condominium association at the present time but language had been added to the documents that
would allow further subdivision of ownership in the future provided they met all of the town regulations.

The application was for four units which included Unit 1, a house with two apartments in it; Unit 2, a single dwelling unit; Unit 3, a 3 apartment unit and Unit 4, the motel. Mr. Hastings went over the parking areas on the property and stated the electrical had been brought up to code and each unit had its own electrical service. Captain Wilking told the Board she had done an inspection of the units and stated everything was in order. Mr. Hastings explained the condominium documents briefly and stated the motel would own 50% of the condominium association.

8:50 PM Open and close to public comment as no one had any comments.

Hearing no further discussion, Michelle Jackson made a motion to approve the Condominium subdivision/site plan with the following conditions.

1. Current use cannot change without Planning Board approval.
2. Compliance with State Fire Codes.
3. Recorded set of condominium documents.

George Helwig seconded the motion. No further discussion. All voted in favor.

Board members spent several minutes discussing wetlands, wetland delineations and surveys and what might be done to improve the regulations in regard to these wetland issues. Items discussed included:

When a current wetland delineation would be required. How old can delineations be before requiring that a new one be done. Discussion on whether or not to accept wetland delineations done in the winter produced the following for consideration.

“Wetland surveys can not be done at a time when snow cover, permafrost and or seasonal vegetative growth cycles impair the wetland or soil scientist’s ability to identify soils and vegetation.”

If a case is continued to allow the wetland area to be revisited by the applicant, findings will be forwarded to the Planning Board and the
Conservation Commission at least one week before the meeting to allow time for review.

All subdivisions shall be required to do a delineation or a survey offered, which states there are no wetlands on the site.

Conservation Commission should review/site walk all wetland surveys with potential impact issues and must present findings in writing and be available at the follow up meeting to present findings and answer any questions regarding findings.

All site plans need to show proof that there are no structures within 20 feet of wetlands.

Any site plan with increased land use with reasonable potential for wetland requires a wetland survey or delineation.

A need for information in the Subdivision regulations in regard to defining and detailing steep slopes.

Discussion will continue at the July 13th meeting. Information of steep slopes will be introduced and discussed at that meeting as well.

9:40 PM Meeting adjourned.

Minutes prepared by, Sandy Plessner