Tilton Planning Board
February 12, 2008
Meeting Minutes

(Revised on 3-12-08)

Members Present:
Sarah Paratore, Chairman                  Mike Curley, Vice Chairman
Robert Haberman                              James Dwyer (Arrived at 7:00 pm)
Nick Canzano                                 Katherine Dawson, Ex Officio

Others Present:
John Bernard
Mark H. McLeod
Stephen Nix
Jim Bolduc, Lepene Engineering and Survey

Agenda:
6:30 p.m.  Call to Order
Minutes of January 22, 2008
Correspondence
Any other business
6:35 p.m.  Continuation of Case #07-17 Site Plan Review for Lochmere Meadows. Applicant John Bernard is proposing a 47 unit housing development for 55 plus located on Laconia Road, Lochmere, NH 03276. Tax Map R10 Lot 7-1

Meeting:

6:30 p.m.  Meeting called to order. Sarah noted that the Board had a quorum. George Helwig gave notice at the Jan 22, 2008 meeting that he would not be available for this meeting.

Discussion of the meeting minutes from January 22, 2008.
Mr. Haberman asked that signing for the plats for South Bay Resort was omitted.

This item should be added to the minutes and some grammatical corrections made.

Sarah made a motion to accept the minutes with the addition of the signing of the documents and a few grammatical corrections. Mike Curley seconded the motion. Motion passed. Katherine Dawson abstained.

Correspondence:

- Letter from Tilton Conservation Commission dated 1-29-08 has reviewed development of 27 homes in a park (Hunt Brook II) need more information and clarification on several items.
- Letter from Tilton Conservation Commission dated 1-29-08 concerning Planning Board applications.
- Letter from Northpoint Engineering, LLC offering professional engineering services.
- NH OEP is now accepting applications for Housing & Conservation Planning Programs (HCPP) grants application.
- The Source – New Source Water Protection Strategy (Winter 2008)
Katherine Dawson suggests that we should establish a policy that the Planning Board wants to have with the Conservation Commission. Come up with a plan when do we call them in and what signals them to look at a site.

6:42 p.m. Continuation of Case # 07-17 Site Plan Review for Lochmere Meadows. Applicant John Bernard is proposing a 47 unit housing development for 55 plus located on Laconia Rd, Lochmere, NH 03276.
Mixed Use District  Tax Map R10 Lot 7-1

John Bernard took the floor and introduced his guest Mark McLeod from the Turner Group and Stephen Nix, Attorney.

John states that he is here to continue where he left off last time. He addressed outstanding issues:

1) Set the building is setback from the wetlands 20 feet.

2) One of the other issues that we wrestled with at the last meeting was this going to be a revision or a new site plan review. He stated that he wasn't aware of the process of review; if he had he would have asked for a review. So he paid for new site plan and had all the abutters notified. Chris Northrop in Concord informed him that the Planning Board could make this decision. Chris did ask John if this was a change in use. John explained that the buildings were together and this plan separates the buildings. Chris asked if he was going from residential to a commercial use that would differently be a substantial change. John explained to Chris that he kept the same units.
3) We have also gone further to find out how much difference we have made. Mark McLeod explains that in the approved layout total impervious area is 21% of the site and the revised layout is 23%. Part of that is the community building which represents the increase.

John asks before we go too much further he would like to see which way the Planning Board wants to go. Can we do a revision or a new site plan?

Sarah states that she also emailed Chris Northrop to get his take on this and to his input in writing. The board we have to decide whether there is a sufficient enough change to warrant new site plan. This is bigger percentage of change in impervious surfaces. Is this really changing sufficiently enough to warrant looking again at the issues involved with review any site plan.

John states that is why he brought legal counsel so we can deal with that issue. Hopefully the board sees this as a revision and we can proceed.

Sarah also states that you can also not withdraw the first site plan but make a condition of the approval of this plan the revocation of original one. John states that he agrees with this and is all for this option.

Discussion was open to the Board.

Mr. Haberman asked about the distance between the buildings and the wetlands.

John shows where the wetland area are and showing that the buildings were moved back.

Mr. Haberman states that his is looking at building identified as 4D, 4E and 21 and they are within the setback per Katherine Dawson. John states that those buildings have not been moved. Mark states the building 21 abuts a tree line.

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Katherine Dawson states that wherever they are on paper, even if they are incorrect and it gets by the Board they still have to be 20 feet from the wetlands. John stated that he didn’t have a problem with that. Katherine states that John acknowledges on paper that he recognized the 20 foot setback. John agreed.

Sarah asked about increased square footage of these building? John replied that they are 1500 square feet. The originals were 1000 square feet, 19 buildings we increased by 500 sq ft. That is as large as the foot print would be, foot print maybe smaller.

Sarah asked what else is different besides the increased of square footage of 19 of the units by 500 sq ft?

John explains that the parking area is smaller. The 23% impervious surface reflects a slightly greater roof surface and but less pavement surface in the parking area. Original site plan we had 27,224 square feet of pavement and 26,508 square feet of pavement in the new site plan.

Sarah asked if the Conservation Commission has seen this plan. John states this is the same plan as far as the wetland are concerned and the jurisdictional area they have is exactly the same. They have not seen this plan.

Nick Canzano notes that the roof line of the structures that you had with the other plan, you now have 19 different structures. The water run off of those buildings will be a lot greater than you had before and more concentrated in each area.

Katherine Dawson states that the opinion of the Conservation Commission is very important to the Planning Board so they should see this new plan.

Steve Nix states that at the beginning of this meeting you read a letter from the Conservation Committee requesting to see site plans. His point is that in reviewing the site plan regulations, it doesn’t state in the regulation that all site plans shall go to the Conservation Commission. So that doesn’t exist in your rules, now under state law.
Katherine Dawson state defecto, for years we have sent plans to the Conservation Commission that deals with wetlands if the Planning Board so feels that they should.

Chairman Paratore states that you have to do that first. In the past with plans showing wetlands areas, the Planning Board would suggest that applicant meets with the Conservation Commission before going before the Board.

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Due to turn over in staff and we are finding a lot of things that were done unofficially for many, many years but never written down. But the process has been as Katherine has said that plans that have a lot of wetlands or near bodies of water that are concerns for us in terms of the effective impact on wetlands, that is what the Conservation Commission is there for. It doesn’t have to happen first but we can say tonight that we can’t do anything until the Conservation Commission has reviewed and then we will meet again. This is within our power.

Mr. Nix would like to address the defecto. He states that within the constitution of the state we don’t have defecto laws. For the record if someone off the street was asked for the rule and regulations for the Town of Tilton and read them, this is not there.

Katherine Dawson read “To provide for the safe and attractive development of change or expansion of use of the site and to guard against such conditions as would involve danger to injury, health safety, or prosperity by reason of”.

Mr. Nix states that this is fine but is the enabling statue for site plan review, but not to create a completely separate review of the whole plot.

John Bernard states that what he is trying to do is a better plan for the town, himself, for the water district for everybody.
Chairman Paratore feels that we need as a Board to check in with each other and see whether or not we think this is a substantial enough change overall to require a new site plan or make it a revision. The increase of 7500 square footage in living space, the parking area is slightly smaller, the impervious surfaces from what I've heard are 2 percent greater. Is there anything else that you can point us to that has changed from one to the other so we can have all the facts to make a decision?

Open discussion for the Board.

Katherine Dawson states that she believes it is a substantial change to the original. The biggest impact on this property is the buildings and that’s a big change.

Mr. Canzano states that what bothers him is that the buildings first were a 1000 square feet, now 1500 square feet then you tell us that they could be a little bit smaller. You must have an idea what the fixed number is, so you can make the Board feel a more comfortable with this plan.

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Chairman Paratore states OK but follows your point further what if you decided that one looked better if it was longer and by the way it's closer to the wetlands but we have already been approved.

Mr. Bernard stated that he could not to that.

Katherine Dawson declared she feels this new plan is totally new. The new one shows drainage changes, submersible pump station and lot line is not drawn on this plan.

Mark McLeod comments that we should think of this as a typical subdivision approval that would come in. The building foot print has to be shown on that plan.
and in location to well radii and septic footprint but the approval of that plan is not necessarily approving the foot print of that house on there.

Chairman Paratore agreed with Mark’s statement but there are wetlands very close behind him want we want to make sure that any changes could have affects on the wetlands.

Steve Nix asks if would make us feel more comfortable if this was treated like South Down Shores in Laconia, which is a huge development. In that development they have areas that a house can be constructed, it can’t be outside that area. There are other restrictions on height and things like that. If this was treated the same and that was the box you could put your house in, you can’t go any further outside the box and nail it down on the paper.

Chairman Paratore and Nick Canzano thought that this would be great. Nick didn’t that it was unreasonable for us to ask this.

Steve Nix thinks this is a good compromise. If these boxes could be labeled the building envelope, than we will say this is the envelope and you can’t go outside this envelope.

Mike Curley states that on the original ones you didn’t have the sheds/decks.

The sheds/decks were for trash, but with the building separated give more room give us different areas for the trash.

Open to public discussion at 7:15 p.m. Public discussion closed at 7:20 p.m.
Sarah asked if there area in the middle is all conservation area. John Bernard states that is correct, there is 4.3 acres it goes just beyond the wet area to create a corridor.

Katherine Dawson said she understood that you didn’t give a conservation easement on this property?

Mr. Bernard states that what he did was give a set aside area. The problem he had saw with giving up a conservation easement was no one carries insurance on it, so if someone get hurt they are looking for someone to sue. Also if trees and limbs fall down you can’t go clean them up.

John would have to have it insured as a set aside. But they wanted John to grant an easement to the conservation commission.

A conservation easement doesn’t always allow public access, that’s would be a recreational public access easement.

Chairman Paratore asks if the Board is ready to vote if this is a revision or a new site plan.

Motion Made by: Mike Curley that there is a substantial enough change to warrant a new site plan approval. Sarah seconded the motion. Motion passed that this is a new site plan.

This is a new site plan approval so there is more specific information requested:

1) Drainage
2) All lot lines included
3) Review of this by the Conservation Commission. Need to make an appointment to go see them with the information we are requesting as well.
4) Building enveloped clarified.
5) Lochmere Village Water (meter issue) resolved.

Chairman Paratore asks Mr. Bernard if he would prefer to go through this site plan application and as a condition of its approval have the other one revoked.
Mr. Bernard states yes that is fine not a problem.

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Motion Made by Sarah Paratore to continue Case #07-17 Site Plan Review for Lochmere Meadows on February 26, 2008 at 7:10 p.m. Mike Curley seconded the motion.

Motion passed to continue Case #07-17 to Feb 26, 2008 at 7:10 p.m.

Jim Bolduc was present to explain the drainage, grading, and erosion civil plans for Tractor Supply. He wanted to make sure that he has addressed all the requirements of the Planning Board.

The Board reviewed the Tractor Supply civil drawing and signed the Mylar’s by Sarah Paratore and Jim Dwyer as secretary.

The Board also reviewed and signed the boundary/lot line adjustment for Edward and Mary Perrin on 282 Calef Hill Rd, Tax Map R-2 Lot 44. The Mylar and paper prints were signed by Sarah Paratore and Jim Dwyer as secretary.

Mike Curley informed the Board that he would not be available for the next meeting on February 26, 2008 meeting. Nick Canzano will also be in Florida and not available for the Feb 26, 2008 meeting.

Sarah states that she will also be on vacation as of March 18th, 2008 until sometime in April so she won’t be here for the March 25th meeting.

Discussion ensued about on how to go about the sending applicant to the Conservation Commission.
Augusta will need to check site plan prints and if shows wetland areas is the applicant must contact the Conservation Commission prior to making an appointment with the Planning Board.

Sarah will write to the Conservation Commission and ask for support in meeting where there are wetland issues.

Motion made by Robert Haberman and seconded by Mike Curley to adjourn the meeting. Motion passed.

Meeting adjourned at 8:15 pm.

Prepared by Augusta Marsh
(Minutes are subject to review and approval by the Planning Board)