TILTON PLANNING BOARD
May 26, 2009 – Meeting Minutes

Approve on 6-9-09

Members Present: Sarah Paratore – Chair, Nick Canzano, Deana Cowan, & Robert Haberman

(Members Not Present) Mike Curley, James Dwyer, Katherine Dawson, Ex Officio

Others Present: Alan & Jean Amero

AGENDA

6:30 p.m. Call to Order
Minutes of the May 12, 2009 also April 14, 2009 and April 28, 2009
Correspondence
Other business – Nick Canzano would like to discuss South Bay

6:35 p.m. Case # 09-10 Application for Conditional Use Permit within the Wetland Buffer Zone.
Applicant Alan Amero seeks this approval for property located at 99 Clark Rd, Tilton, NH 03276. The Medium Residential District. Tax map R16 Lot 6-100.

Meeting:

6:31 p.m. The meeting was called to order.

Correspondence:

- DES Wetlands Bureau has reviewed the Shoreland Permit application and needs additional information to clarify and complete. Property 36 Ashuelot Drive, Tilton Tax Map U3/15 Procopio’s
- LRPC – Annual Meeting scheduled for June 22, 2009
- Belmont ZBA Meeting to be held on May 27, 2009 for 2 cases in the aquifer.
- Letter from William Joseph of 614 Laconia Rd granting permission of Mr. Chaloori to the 622 Laconia Rd property to the new sewer line. Both 614 & 622 will be connected at the same time and old septic system will be removed.

6:35 p.m. Case # 09-10 Application for Conditional Use Permit within the Wetland Buffer Zone.
Applicant Alan Amero seeks this approval for property located at 99 Clark Rd, Tilton, NH 03276. The Medium Residential District. Tax map R16 Lot 6-100.

The Chair Paratore reviewed the application for Conditional Use Permit within the Wetlands Buffer Zone which appears substantially complete. The Chair made a motion to accept the application, motion seconded by Nick Canzano. Vote taken and motion passed.

Mr. Amero explains that the land was subdivided a number of years back with the intent to build a single family house on the portion of the 20 acres when the farm was sold. The farm sold in March of this year and we applied for a building permit and thought we were all set to go. There was 50 feet kept at the time of the subdivision for a driveway to the back portion of the land. We didn’t know that we needed a wetlands permit to cross
a man-made ditch. Mr. LaPlante, building inspector told us we would need to go before Conservation Commission, which we have. We have also applied to the state for a wetlands permit for the 196 sq ft to cross the ditch. The permit has been received by the Wetlands Bureau and accepted as complete but is with the permit examiner.

We are here tonight to ask for the Conditional Use Permit within the Wetland Buffer Zone is for part of the driveway. The 20 foot buffer zones come into driveway that was installed by 6 to 8 feet depending on the exact location. The driveway was installed over existing lawn and my wife’s flower bed.

To compound issues the subdivision was approved 3 to 4 weeks before the conditional wetlands ordinance was enacted.

The Chair stated that the Amero had been to the Conservation Commission and the board received a letter from them that was read into the minutes.

May 20, 2009

To: Sara Paratore, Chairman
Tilton Planning Board

From: Helen Hanks, Chairman
Tilton Conservation Commission

Re: Amero – Conditional Use Permit

The Conservation Commission has reviewed the Amero’s Conditional Use Permit application and makes the following recommendations to be included in an approval:

1. The embankment along the roadway needs to be planted with grass and shrubbery to stabilize the area and offer some filtration. All restoration areas shall have at least 75% successful establishment of vegetation after two (2) growing seasons or the areas shall be replanted until vegetative stabilization is established.

2. All snow must be plowed to the east side of the driveway away from the wetlands.

Thank you.

Mr. Amero comments that “10 feet at the very end of the driveway 10 feet is the of NHDOT property”. The state asked as part of the curb cut once the construction is complete the state would like it paved 12 feet in. They only allowed us minimal cleaning of the road side. When we were putting in the driveway we were cleaning up the sand that has built up over the years which stopped the water from coming out on Clark Rd but the state told us to stop and not do anymore that what we had done.

Chairman Paratore – The Conservation Commission can work this out with DOT if there are issues.

Mr. Amero states “he is trying to balance between the town, Conservation Commission and then DOT steps in.”

We have no public to open the discussion to. Does the board have any questions? The board did not have any additional questions for Mr. Amero.
Chairman asked Mr. Amero to show her where the house was going to be. Which he did and showed where the actual impact area was. When Katie Surowiec did the wetland analysis there were some tractor tracks which held water and a broad leaf grass came up through and that is why it was designated. It is not a swamp.

Mr. Amero comments that on his original approval he was to contact the fire department about his driveway. The fire department doesn’t do driveway so he was told but they will check on his fireplace.

The Chairman suggested that he should contact Brad Ober at the fire department concerning the driveway.

Chairman Paratore makes a motion to accept the application for the Conditional Use Permit within the Wetland Buffer Zone for the driveway to cross the wetlands with the 2 conditions put forth by the Conservation Commission which is as follows:

1. The embankment along the roadway needs to be planted with grass and shrubbery to stabilize the area and offer some filtration. All restoration areas shall have at least 75% successful establishment of vegetation after two (2) growing seasons or the areas shall be replanted until vegetative stabilization is established.
2. All snow must be plowed to the east side of the driveway away from the wetlands.

Motion seconded by Nick Canzano. Vote taken and motion passed.

Minutes:

Chairman Paratore as if the members had reviewed the minutes of the meeting held on April 14, 2009.

Motion made by Chairman Paratore to accept the minutes, motion seconded by Deana Cowan. Vote taken motion passed to accept the minutes for April 14, 2009.

Chairman Paratore as if the members had reviewed the minutes of the meeting held on April 28, 2009

Motion made by Deana Cowan to accept the minutes, motion seconded by Deana Cowan. Vote taken motion passed to accept the minutes for April 28, 2009.

Chairman Paratore as if the members had reviewed the minutes of the meeting held on May 12, 2009.
Motion made by Chairman Paratore to accept the minutes, motion seconded by Nick Canzano. Vote taken motion passed to accept the minutes for May 12, 2009.

Other Business:

Nick Canzano representing Kathleen McDonald at South Bay Resort. In 2007 we were here before the planning board having the condominium approved for South Bay. That approval took that property into conforming use.

Previously it was existing non-conforming use and part of the requirement process for turning this into condominiums was to take all the trailers down which took a sufficient amount of revenue away from Kathy McDonald. At that point the income that was coming from the property to pay the mortgage and taxes was from the 10 cottages and the house on the property.

Over the winter Kathy rented to a person off the street who only had only lived there for 3 weeks, came down to the town looking for assistance with the heat. That triggered the Code Enforcement Al LaPlante went out there check out situation and a cease and desist was issued to have all renters out by April 25, 2009.

Nick asked why planning board allowed Kathy McDonald to continue to rent the cottages. No one ever said he couldn’t continue to rent the cottages. It was just to get rid of the trailers.

The plan was to knock down all of the trailers and during that phase we were going start the road, retention pond and put in the swimming pool. We needed to do the road to run all the underground service like electric, phone and cable. Then knock down the cottages one at a time and put up new cottages. We all know that we are in a recession and real estate market tanked. Realistically to ask that all the renter is removed it reduces the McDonald income and they have a mortgage payment each month not counting the $25,000 property taxes for the town. The town could say we don’t care about you, the bank takes the property and the town gets no tax money.

One of my proposals would be that we actually take that property do an amended existing non-conforming site plan again. Meaning we change the property back for a limited amount of time until the real estate market comes back and they can to do what they had planned. Renting those cottages would help him sustain.

Chairman Paratore explains that she doesn’t know that the 2 issues are connected. This is how I remember it. The size of the cottages is what dictates whether or not they can be lived in year round. These are non-dwelling units.
Nick states that there are transient. The cottages are rented on a weekly basis sometimes for a week or a month.

Chairman Paratore explains that it has nothing to do with the site plan. Nobody should be living in these cottages year round before or after the site plan. They are non-dwelling units because they are less than 650 sq ft in size.

Nick asked why one would tell them they have to leave.

Chairman comments that they are non-dwelling units. She doesn’t believe this is a planning board issue.

Nick has talked to Joe Plessner and Sandy Plessner who told me the best place for me to go was to planning board. They suggested that maybe it could be changed from conforming to non-conforming so Kathy McDonald could do what they were doing in the past.

The Chairman read “the board of adjustment may order the issuance of a permit for any non-conforming use to be changed to another non-conforming use not substantially different in its purpose and manner” that is the board of adjustment.

The Chairman doesn’t think the planning board can do anything. What this person has to do is show when a person has rented and when they left. These would be still non-dwelling units that a person can’t live for 12 months out of the year.

Chairman will contact Sandy and Joe Plessner to see what they were thinking when they sent you to the planning board to change it back.

Motion made by Chairman Paratore to adjourn the meeting. Motion seconded Deana Cowan vote taken and motion passed.

Meeting adjourned at 8:00 p.m.

Minutes prepared by Augusta Marsh, Land Use Assistant

(These minutes are subject to review and approval by the Planning Board members at the next scheduled meeting)

****Minutes reviewed and approved at the June 9, 2009 meeting****