

**Approved by the Board 8-23-07**

**Call to Order:** at 7:05 p.m. by J. Dube, Chairman.

**Members Present:** Jeremy Dube-Chairman, Cynthia Balcius, Bruce Holmes, Cris Blackstone, Scott Williams, Jim Bureau

**Others Present:** Monica Jerkins – Planning Assistant, Peer Kraft-Lund – Interim Planner, and Jennifer Fortin – Recording Secretary

I would like to welcome Cris Blackstone and Scott Williams to the Planning Board.

**Appointment of Alternates:** Jim Bureau appointed.

**Approval of Minutes:**

**Motion made by C. Balcius to defer the approval of minutes until the next work session on March 28, 2007 at 6:00pm**

**Approval of Agenda:**

**Motion made by C. Blackstone to approve the agenda as presented, seconded by B. Holmes.  
Motion passed with all in favor.**

**Public Input:**

None seen or heard.  
Closed public input.

Peer Kraft Lund – I want to talk about the draw down for the Nutter project. I sent a memo dated March 19, 2007 and you also have something from Bill Nutter. Basically it says there were problems and I have been doing an analysis of the problems way back because I was involved in the project at the very start and mistakes were made that lead up to where we are today. I want to take time at another meeting to go over those mistakes because erosion control doesn't just start with a rain event, it starts from poor planning that goes way back before contractors are even involved in the project. It is my belief and Jenn is here tonight and she went out and took pictures every time there was a rain event that caused problems. DES has been involved and I questioned in length DES and they all felt the same thing that the contractor was very responsive and dealt with the problems as the problems came along. I think we need to deal with these and we have a lot of projects out there today that could have this same thing happen. It is not just strategies it is pre-planning for erosion control so we don't have these problems. CMA came up on a number of visits and they also said that Nutter was very responsive to the project. The draw down is not connected to the erosion control problem, it is connected to work that has been completed. I would like to get this done with so we can move on. Mr. Nutter is here to answer any questions.

C. Balcius – I drove by the site and it says that you did install a filtrex storm water blanket with nylon netting. Did you also seed?

Mr. Nutter – Part of the filtrex process is that there is a nylon netting that goes down and then they spray a patented mulch mixture and once that is sprayed on the slopes, which they have been sprayed on all of the slopes on the project, once it is sprayed on the slopes DES considers the slope stabilized.

Approved by the Board 8-23-07

C. Balcius – In that mixture that they sprayed was there seed?

Mr. Nutter – Yes

C. Blackstone – I am sorry that this took on a tone of cantankerous nature, when I first expressed a concern about this and I was involved in suggesting that we wait and not vote to release the funds because I was concerned about things I had seen. I wasn't meaning by any means that the fall out would be like one of your paragraphs says "now there is a financial hardship", it just seemed prudent because at the time I was on this board in fact as the Selectmen's Representative and it seemed more prudent to put the breaks on this and have some more input. I didn't think or feel that I had enough input or enough expertise to decide that there wasn't a bigger problem. I am satisfied where Peer says he has gone out and he has seen things and that Jenn accompanied him and took photographs and what not, that is kind of what I was looking for. It is very dramatic when you drive by.

Mr. Nutter – Yes and that project takes on that feel because the very entrance on the Chestnut Cove Road side of the project is the last phase of the project. What we did was start in the middle and worked our way back out and part of the logic behind doing that was that there is a tremendous cut there as you can see from the slopes on the road as you drive in and the logic behind starting in the middle and working our way out is that as we made that cut and we were cutting the road and that is at 10%, which is 10' and 100, so it is fairly steep, the logic behind doing that was as we were excavating if we have a high storm water issue with a lot of rain and the water runs down these slopes, because at the point everything is to sub-grade and being constructed so nothing is being stabilized, it hits basically a 15' wall of earth and can't go any further and that is why that phase of the project was the last to be done. Upon our meeting with DES and doing other issues, major stipulations before we closed up for the winter was that we got the drainage all installed down on Chestnut Cove Road, which has been done and that all of the slopes have been stabilized, which they all have been. The 3<sup>rd</sup> paragraph down in this letter "DES considers those slopes stabilized and finished once that filtrex has been put down. CEC is the company that does that and they guarantee that in writing that you don't have any problems and if you do they guarantee they come out and fix them free of charge.

C. Blackstone – It should be real dramatic this weekend and it should be a real test because we have this going on now and then 60+ degrees coming up.

Mr. Nutter – It should be and as a result of that something else that we did was in lieu of silt fence a lot of times what a lot of contractors are going to and what DES really likes is the Stump grindings which is made during the clearing process and it is a machine that grinds the stumps and it is like really long bark mulch, strips of mulch 6-8 inches long and DES likes them because when the project is done you put in your silt fence or erosion control along the perimeter of the project and these grindings after the project is done just become part of the landscape. They decay over time and they are gone, it is almost like leaves and what I have done is brought in additional loads of stump grindings, if you drove by you see two big burms just inside of the catch basins and those are basically huge silt fence barricades so any water that comes down through there now will be filtered not only by the under drain that is in place with the fabric and stone as per plan but also we have these grindings in place so any water that comes down through now will be filtered through these grindings before they go into the structures that are past them out by the road and once they go into these structures then they will go into the brook. We have

**Approved by the Board 8-23-07**

taken as many precautionary measures as we can that we can think of and my father was the gentleman that drafted this letter and he wasn't able to be present but he has been in the business a long time and this project has been very frustrating for a lot of people in the sense that a combination of factors of the soils onsite which are very silty and mud-up very easy, the steepness of the slopes and the unbelievable amount of moisture and weather we got last year. We will do everything in our power to satisfy the board and make you happy.

C. Balcius – As we go into the muddy, wet season, how often do you plan on doing some sediment and erosion control monitoring to make sure those slopes take?

Mr. Nutter – Pretty much every time after it rains, I am over there checking the site and the brook to make sure thing as ok.

C. Balcius – Your SWPPP is updated?

Mr. Nutter – Yes and Matt Mears who is the CMA engineer, the inspecting engineer for the project we are having a meeting over there next week to address any erosion control issues that may come up but again before we closed up for the winter the site was walked with DES, CEC.

C. Balcius – I am referring to your federal responsibility. Within the 24 hour time frame after ½" rain storm you have to monitor for sediment and erosion control, put that report in your SWEP and have it on site in case any member of the board goes out there and looks at it.

Mr. Nutter – That won't be a problem.

C. Balcius – I hope you already have that there.

Mr. Nutter – That would be a question more for my father, he handles that side of it, but we have been current on everything else.

C. Balcius – have you looked at the SWPPP?

P. Kraft-Lund – No I haven't, when we have that meeting next week if you want to come along that would be fine.

C. Balcius – Just let me know when it is. I worked on the new site-specific rules and stump grindings are not well liked unless they are clean and they are wood chips. My concern is sometimes those grindings have dirt in them and you surround the wetland or natural resource you have and you actually put sediment in those areas. I want to make sure they are clean whatever you have surrounded and that is your last level of defense before you hit the wetland.

Mr. Nutter – In a lot of cases now there is already silt fencing in place on the entire perimeter of the project in all pertinent areas where it applies. We have found that the stump grindings work well and better in high water flow situations at holding the water back because instead of having a 4' grade stake that is buried 8" into the ground you can make a berm of grindings as high as you need, so if you have a constant steady high flow of water, which we do on this site because the terrain is so steep and you can

**Approved by the Board 8-23-07**

out these grindings in place and you can keep them from blowing out because you can apply more of them where as you could put 10 rows of silt fence and them wouldn't last or hold up.

C. Balcius – The problem with the grindings is that it alters your seed ratio and you can't get good grass growth. After you spread them it acts like mulch and the soil never stabilizes, that is why they are not in the new rules.

P. Kraft-Lund – Cindy it all started here when they did the contour surveying and it didn't even show a brook on the plans. That is a year-round brook and when we were going through the process we were very concerned about fading that then all of a sudden it was forgotten and the brook didn't even show up for the Design Engineers. The ball was dropped early on and if we could share that with the board at a work session, you and I.

C. Balcius – Yes and the new rules will be out very shortly. I don't have a problem they seem to have gone through the hoops and I think as long as they are doing monitoring during the time of year that the high rains are coming up we keep an eye on it, they should be ok.

**Motion made by C. Blackstone to release the funds in the amount of \$49,897.46 for Case #P04-21 to Nutter Enterprises, seconded by C. Balcius. Motion passed with all in favor.**

**Sedlari Construction request for extension**

J. Dube – Did he ask for a specific extension time?

M. Jerkins – I don't think he did but in the past the board has granted 6 months or 1-year extensions.

J. Dube – All of these other conditions have been met except for the highlighted?

M. Jerkins – I believe so.

J. Dube – I don't have a problem with the extension, how does the rest of the board feel about that?

J. Bureau – I am all set

S. Williams – I think an extension should be granted.

C. Blackstone – I think it should be granted

**Motion made by S. Williams to grant Sedlari Construction an extension for 1-year, seconded by C. Balcius. Motion passed with all in favor.**

**Sedlari Construction request for security approval**

M. Jerkins – Sedlari went through CMA and discussed his security and came to an agreement recently on the figure and it is included in a letter in the back.

J. Dube – The letter dated February 9<sup>th</sup>.

**Approved by the Board 8-23-07**

M. Jerkins – No

J. Dube – That was before the last meeting.

M. Jerkins – It should be in your packet dated March 7, 2007. It is called Alton Mountain Road Construction Estimates Revised.

J. Dube – Last month we had the letter showing the discrepancies and the price and they have worked that out and have come to an agreement now.

C. Balcius – Both sides agree now

J. Dube – Scott what happened last month is we had a letter from the applicant saying we are going to use some of the loam on-site and some different things and it was quite a difference in the price of the bond, so we continued it to get the rest of the information and that has gone back to CMA and CMA has acknowledged what Sedlari Construction has said and reduced the bond in the amount of what they asked for. I don't have a problem with this.

J. Bureau – We are just basically verifying or agreeing upon this security.

P. Kraft-Lund – The motion is just going to be for that amount.

C. Balcius – Do we have anything from the applicant saying that they agree with that?

J. Dube – The reason I say they agree is because that is the same number that they had said last month and if look right here it says “we accept Mr. Sedlar’s suggestions based on the site-specific conditions to reduce the cost estimate for clearing and grubbing, excavation, water cistern, power extension and loam.”

M. Jerkins – I can clarify a little bit, I know Mr. Sedlar was working directly with CMA to come up with this number.

**Motion made by B. Holmes to approve Case #P-06-10 for security in the amount of \$494,500.00 as provided by CMA, seconded by C. Blackstone. Motion passed with all in favor.**

Alan Johnson – Fire Chief – I have some issues I would like to discuss with the board and some I guess are problems we are having with some of the reviews. You ask for the Department Heads to bring reviews of different building and different projects, that type of thing, and review the site plans in that aspect and then we propose suggestions for the board. One that really concerns me is 5 Monument Square. We started addressing that as an issue under the previous administration almost 4-years ago in that particular building when the owner wanted to put a dance studio downstairs in the basement and it was required to have a sprinkler system put in. So for many years that building had not been sprinkled and there was nothing going down stairs. We responded to a fire alarm activation (no exact date), but it would have been around October 18, 2006, in that particular building which allowed us to do an inspection in there. At that point in time Cranberries had already been moved into and we did not know about it. In doing an inspection and a meeting with the Fire Alarm Technician that was there, we found

**Approved by the Board 8-23-07**

that there was an apartment rental space on the second floor that did not have an interior fire alarm notification system that was working at the time. We have not been able to gain access to that particular building. There was an unoccupied space out in the back which is now occupied by the video store, and we found in that building it had heat detectors in there and it needed to have smoke detectors added. We went through and found a whole bunch of things (7 items) and when this building was brought before the board around February 9, 2007, I sent a list of recommendations to the board and some of them were accepted and some of them weren't and I have some questions in regards to that. Basically these are all life safety issues that I had raised: emergency exit signs not lighted, emergency battery lighting units not in place, smoke detectors needed to be changed, there were horn light units in public spaces in Cranberries that were not functioning, we have a rental unit with living quarters on the second floor of the building and to this day we do not know if it is tied into the fire alarm system or not because we can't gain access to that particular portion of the building, short of breaking the door down. The issues that I brought we all addressed and a letter was sent out to the owner of the building and the first one went out October 19, 2006, with no response from the owner. We sent a second letter out and tried to deal with the alarm contractor who was working in the building, we sent a second letter out again and never got a response from that one either, and a copy was sent to the Code Enforcement Officer, and I security who has the security and fire alarm system in that building also. The intent was for him or Brian to get a hold of the owner so we could get some issues addressed before she moved any further into the building. Now we have, we are up to 2007 for the last review for Curves and I made some questions and comments (7 of them), some of them had been addressed by the board any my suggestion is I would request that the Planning Board not allow the basement area be used until all of the life safety issues had been addressed, they have not and I have some real reservations about the life safety issues in that particular building and the owner of the building not making any attempt to contact us in regards to two letters that sent to her. I think it is an issue that we need to address. I don't know where we want to go with it but we put a lot of time into reviewing these plans and doing inspections of the buildings and I was talking to Jeremy earlier and sometimes it is not a big issues that these issues are addressed of the plans of the building are reviewed and they are passed. It would be nice to know if they are passed or not because we don't really get any information back from the Planning Board to say yes the plan has been approved or what stage it is at or that type of thing. Once we send these reviews to the Planning Board they seem to get lost.

C. Blackstone – Have you ever gotten feedback from the Planning Board?

A. Johnson - No

C. Blackstone – So it is not like it use to happen and just stopped

A. Johnson – I get most of my feedback from Brian. I had someone call me last week requesting information about the sprinkler system at the Pavilion, I haven't even seen a set of drawings for that building, never have not since it has been changed, not since it burnt. We had plans and sprinkler systems for the old building as it was but the new building has a different floor plan in it, different roof structure, full basement, which the other one didn't have, so I haven't even seen plans for it so I called the owner of the building and asked him for a set of plans. Here again I guess that building went before the Planning Board too.

C. Blackstone – Not since the fire.

**Approved by the Board 8-23-07**

J. Dube – For the board though when I was talking to the Chief before the meeting, what we decided would be a good starting point would be with our applications that come in basically a status list that could go back to the Department Heads, they take the time to give us comments so at least the sheet could say it was approved, continued, or what not, so they know what is going on.

C. Blackstone – If we could just use the same one and put something to check of and sent the comment sheet they provide back that would probably be the easiest way to modify that.

C. Balcius – Why don't we send a notice of decision?

A. Johnson – I guess I am speaking for everyone here because I am the one frustrated with the 5 Monument Square building. I think we have some real issues there and my recommendation was not to let Curves go in there until she addressed the issues.

J. Dube – One of our conditions was the life safety issues needed to be addressed with that building with the Fire Chief. That whole building is in I don't really know where it falls with us but It seems to me we could do something with compliance with the building owner herself to get her in because from what the Fire Chief has told me there is nothing in that building that is in compliance. There are major safety issues in that building and we know about it.

C. Balcius – Cranberries would have been considered a minor site plan, did that ever come in front of the board?

M. Jerkins – Cranberries didn't come here.

J. Dube – Neither did the video store, I talked to Brian about each of those and he said it was a use that was there and they didn't need to come, so the only one we have seen out of there is Curves, we saw them last month.

A. Johnson –I guess I wouldn't be so frustrated had she answered us initially a year ago.

C. Blackstone – If I am not mistaken Attorney Hoover mentioned the letters getting crossed around.

A. Johnson – We had an address in Ossipee where she originally lived and then.

C. Blackstone – Let's not get into the nitty-gritty of that because we are not discussing her, but I am just trying to cite that your frustration of trying to get in touch with that owner is not isolated.

J. Dube – I think we can fix at least keeping you informed and the other Department Heads informed, that is an easy thing to fix and we will have to decide what we want to do about the other thing. We should discuss that under other business instead at the beginning of the meeting, but we will keep you informed of the whole situation.

A. Johnson –I just feel I had to get it out because I feel there are some real issues in that building and we are trying to keep all of the buildings in town up to code.



Approved by the Board 8-23-07

**Motion made by C. Blackstone to approve the agenda as amended, seconded by J. Bureau. Motion passed with all in favor.**

**Public Input:**

Open public – seeing none public input closed

**Applications for Public Hearing:**

**Case P07-10**

**Map 18 Lot 27**

**Boundary Line Adjustment**

**Robert's Cove Inc.**

**Map 48 Lots 2 & 3**

**Basin Road**

**Gregory & Marilyn Swenson**

**Janet D. Lower & William L. Davis III**

Application submitted by Eric Roseen, LLS on behalf of Robert's Cove Inc., Gregory and Marilyn Swenson, Janet Lower and William Davis III for proposed boundary line adjustments between the listed parcels. The properties are located in the Lakeshore Residential Zone.

M. Jerkins – There was a conceptual back in June of 2006.

While the board is looking over the information in the packets I am going to hand out something that I have been working on and I showed it to Jeremy a while ago, this is a list of our standard conditions of approval that we have been using on different projects. I tried to organize it in a somewhat logical fashion, the first couple being standards that we see nearly on every application and as you go further along you get into the more complicated plans sets with roads, etc. On the back there is a place for keeping notes during our discussion for possible other conditions you would like to consider. What I have at the top is an area for you to put the name of applicant and case # so when you are ready for the motion you can read off of that and go down through and check off to see which ones are applicable to this case.

J. Dube – Does the board think we have a complete plan? It looks complete to me to accept it and start talking about it.

**Motion made by B. Holmes to accept plan for Case # P07-10 as complete, seconded by C. Balcius. Motion passed as unanimous.**

Eric Roseen – The location of these properties are Basin Road and Robert's Cove Road and Tax Map and Lot for the Swenson's is 48/2. The currently have about .25-acres and they wish to add .13-acres to make a total of 030-acres. The other lot that belongs to Janet lower & William Davis III is Tax Map and Lot 48/3, currently is .53-acres and they would like to add .11-acres. The land would be coming from the back land of Tax Map and Lot 18/27 belonging to Robert's Cove Inc. It involves relocating the private road, which is Basin Road for a portion that crosses both lots there. We believe there is space enough to do so between the designated areas and the existing septic systems out back.

J. Dube – Monica, do you have any idea if the Town Attorney has seen the plan?

M. Jerkins –I don't know, Peer did the review of this plan and I did not talk to Jim.

**Approved by the Board 8-23-07**

J. Dube – If Jim has already seen this why would it have to go to him for a second time, this should have been something to have this comment here I would assume our Town Attorney has already seen it. It says on the bottom as advised by Town Attorney.

C. Blackstone – I took that to mean, that if and when he does this, his typical response is, that is what I took it to mean. If he determines there are deficiencies and if this is advised by the Town Attorney.

J. Dube – Do you know if Peer has talked to Jim about it?

M. Jerkins – I don't, I am sorry.

C. Balcius – What easement is Peer referring to because the easement is marked on the plan.

C. Blackstone – It says “and spoke with the Town's Attorney”

J. Dube – That comment reads “as advised by the Town Attorney”

C. Balcius – Is the only easement the electrical easement?

B. Holmes – There are two easements for septic and there is no description to that but maybe that is what he is talking about. Maybe that should be described as what is actually there.

S. Williams – Maybe it is in the current deed and the easements are there already.

E. Roseen – No, I have them here I guess I am confused as to what that question is, but if it meets and bounds for the easement I don't believe it is stated that way, I think it is just a general blanket statement saying that they have the right to install a septic system as approved.

C. Balcius – I think our acting Town Planner just has a note here that he would like a note on the plat to describe the easements.

E. Roseen – The distribution box will be located ~166' southerly of the southwest corner of said land of the grantee.

C. Balcius – He is suggesting a note on the plan that describes what that is and he is also suggesting a note on the plan that the proposed gravel road have a note identifying that it is not a sub-division road and it is a private road and that we are just approving the two boundary line adjustments and not any kind of sub-division or anything like that. When you file this with BCRD you are going to file for both the same plan for the boundary line adjustment?

E. Roseen – One plan

C. Balcius – One plan for each of the owners but it is the same plan.

B. Holmes – I think that is what he is referring to.

Approved by the Board 8-23-07

C. Balcius – Have you done that before being a surveyor.

E. Roseen – I have seen an old sub-division road not built by design and they have to adjust. I don't have a problem with it. I don't think there is an issue with it as long as the names are all correct.

J. Bureau – We have the two applicant's that are moving a road out and they are acquiring land from Robert's Cove Inc., but the only two on this application or the one's acquiring the land, shouldn't Robert's Cove Inc be I on this application.

E. Roseen – They did sign it and they are in the title block.

M. Jerkins – They are in the application

J. Dube – I will open this to public if there is anyone wishing to speak please step forward, seeing none I will close public.

C. Balcius – I don't have an issue, it seems pretty straightforward, maybe if we just have that last condition on there that the Town Attorney takes a look at it to make sure it is ok.

J. Dube – I agree, that is there, just as a safety and worst-case scenario he can see and it is not a big deal, which I don't think it is.

I think the boundary markers have to be set.

**Motion made by C. Balcius to approve Case #P07-10, Swenson, Lower, Davis, Robert's Cove Inc, 3-lot boundary lot adjustment with the following conditions:**

- 1. All to be set notes must be removed and all monumentation must be set prior to plan signing and recording**
- 2. A note referencing this conditional approval must be added to the plat prior to plan signing and recording**
- 3. A note is added to the plan that describes the septic system easements**
- 4. The road drive adjacent to the lot is not a sub-division road and we would like a note stating that the board is approving a 2-boundary line adjustment and not the location or condition of the road or drive shown on the plat**
- 5. Prior to final signing the Town Attorney review the plat for any deficiencies**

**Seconded by C. Blackstone. Motion passed with all in favor**

<b>Case #P07-11</b>	<b>Map 12, Lot 24</b>	<b>Boundary Line Adjustment</b>
<b>Philip &amp; Janette Coull</b>	<b>Map 15, Lot 64</b>	<b>Old Wolfeboro Road</b>
<b>Lawrence &amp; Charlene Martin</b>		

Application submitted by Randolph Tetreault, LLS of Norway Plains Associates, on behalf of Philip and Janette Coull and Lawrence and Charlene Martin for a proposed boundary line adjustment that would annex a portion of Map 12, Lot 24 to Map 15, Lot 64. The properties are located within the Rural Zone.

M. Jerkins – I have handed out a color aerial photograph along with the plan and also I provided for you the verbatim minutes from the Conceptual Consultations that the Coulls came in for in November. As

**Approved by the Board 8-23-07**

stated in the Planner's Report the applicant's have asked for some waiver and these waiver's were discussed at the conceptual consultation, well the most relevant one's anyway, Section 7.2.1 – sheet size – the applicant asked to submit the plans on a sheet size that exceeds the maximum requirement – the plan size they submitted is 24"x 36" and our maximum is 22" x 34" – that is an acceptable size at the registry so that is really up to the board to decide. I think it is mostly because of the sheer size of the parcel. Section 7.2.2 – Margins – The applicant has less than the 2" minimum margin on the left because there is no binding required because this is a one page sheet. Section 7.2.27 – Elevations – There is no proposed development and no new lots being built. Section 7.2.33 – Wetlands, again there is no proposed development and no new lots. The elevations and wetlands were both discussed in the minutes, which is part of why I printed them out for you.

C. Balcius – I don't have any issues with those waivers. There are already buildings on both sites and they are just getting more land.

**Motion made by C. Balcius that we accept the application for Case #P07-11 as complete and issue the following waivers for Section 7.2.1, 7.2.2, 7.2.27, 7.2.33, seconded by B. Holmes. Motion passed with all in favor.**

Randy Tetreault – I am here representing Mr. & Mrs. Coull and Mr. & Mrs. Martin, map and lots as shown on the plan and as previously discussed it is basically a 20-acres land swap. The Coulls originally own 33-acres and they will be conveying 20.1-acres which leaves them with a little under 13-acres, map 15 lot 64 owned by the Martin's originally had over 15-acres and now will end up being a little over 35-acres. As said in the narrative they are both in the rural zone, both under current use and this land change won't affect that status. As Cindy said they both have existing homes, wells, and septics as noted on the plan. We did create the existing site features plan that was kind of based on granite types information and it show the basic soils type. Everyone know s the area that is located on Old Wolfeboro Road located past the Powder Mill Road intersection and so it is fairly steep slopes and indicated by the soils type. The parcel being conveyed does have some frontage on Old Wolfeboro Road and located on that frontage is a cemetery as noted and there is an existing woods road as shown and that would serve as access to that and it is not mentioned in the deed but is inherent in the ROW for the right to get to and from the cemetery. Other than that it is basically a 20-acre land swap.

J. Dube – I will open it to public, seeing none I will close public input.

**Motion made by C. Balcius to approve Case #P07-11 Boundary Line Adjustment, seconded by B. Holmes. Motion passed with all in favor.**

**Case P07-01**

**Map 57, Lot 9**

**2-Lot Subdivision**

**Gerald and Linda Paxton**

**Woodlands Road and Rum Point Road**

Continued from the February 20, 2007 hearing.

M. Jerkins – This was originally brought to you in the January meeting.

J. Dube – This was in our January meeting?

M. Jerkins – Yes

Approved by the Board 8-23-07

J. Dube – Was it accepted?

M. Jerkins – No, but you have all of the information in your January packet.

J. Dube – Are there any waivers being requested?

M. Jerkins – It came to the January meeting but never made it to you because upon staff review we noticed that there was a zoning variance that was going to be needed so the applicant requested to be continued so at that point the information had already been given to you. The applicant did request to be continued, they went to the ZBA this past March 1<sup>st</sup> because at that point they had already missed the deadline to be on the February agenda for the ZBA, they were given their variance and now they are back here to you. If you don't have your packet information I can run out and make some copies. I also have some pictures here that we took. I don't believe there were any waivers requested and I reviewed the plan back in December and it doesn't seem that there are any waivers that are needed. The one problem that we did have was with the driveway, on the original plan there was a shared driveway proposed. What he went to the ZBA for was to get another driveway coming off Rum Point Road, which is a private road and was granted the variance to have it instead of at the public access point on the Class VI road. The way our frontage reads for a subdivision you would have to have your access come off of your frontage on the Class VI and they were granted a variance from that. Does anyone need me to explain the photographs?

**Motion made by B. Holmes to accept Case #P07-01, seconded by C. Blackstone. Motion passed with all in favor.**

Dennis Rialland with Gerald Paxton –Owner and Emily Hughes – Survey Technician and Project Manager. This is located at 304 Woodland Road and buffered by Rum Point Road. Woodlands Road is a Class VI public Road with a ROW width of 33' dedicated. Rum Point Road is a private road with an undetermined width. It is a total of 2.89-acres. The proposal is to divide it into two separate building lots. There is an existing dwelling there and an existing well. The septic system will be upgraded as part of this proposal and a proposed septic disposal area towards the upper portion of lots 57/9-1, it was designed by Peter Cooperdock of Fernstone Environmental and he felt this was the best location to be able to take care of Lot 57/9-1, there is a 4K area proposed just below that existing garage. The reason for the zoning variance request that was granted back on March 1, 2007 was from Section 412:b:1c and I will also mention that was to avoid using the 30' required width on the Woodlands Road, Class VI road. The reason Mr. Paxton would like to avoid that there is an area of wetland, poorly drained soil that parallels Rum Point Road and in order to avoid that impact he wishes to come up above that area and as you can see the proposed driveway accessing the existing dwelling at that point. Rum Point Road does have an existing easement that is pertinent to this parcel. At this time it is ~7-8 dwellings that are accessed by Rum Point Road and it is paved up beyond this parcel ~30', which access the next lot up 57/10 and it becomes gravel beyond that point. At this time we did not receive approve from NH DES, we sent revised plans to them also at the same time we sent them here. Some of their comments were concerning the 4K area, it was an existing designed septic for the lot which ended up being too close to the poorly drained soils, so we had to revise that. This drawing also represents some edits that were based on their comments.

**Approved by the Board 8-23-07**

J. Dube – With the new lot it shows the garage and boat house and deck getting cut off of that lot, does the garage plan to stay there or is it going to come down?

D. Rialland – It will likely come down.

J. Dube – With the boathouse and dock how does that go because it goes with the lot right now but when you subdivide that wouldn't that go with the lot that has the dwelling on it, because the other lot probably won't get a boathouse?

C. Balcius – They probably won't get a boathouse but they could certainly get a dock if they meet the frontage.

S. Williams – So the septic system is in process on this current structure?

D. Rialland – There is an existing septic

Gerald Paxton – There is an approved design for the house lot, which is the septic Dennis put on.

J. Dube – That is not noted on the plan.

D. Rialland – The approval number, no it is not.

J. Dube – It might be a good thing to add on to it.

J. Bureau – this 30' width piece of parcel for 57/9, that was originally for road for a driveway to meets Woodlands Road?

D. Rialland – Yes to meet the minimum standards.

J. Bureau – And you got a variance for that?

D. Rialland – yes

J. Dube –He didn't get a variance for his frontage, just so he didn't have to enter through his frontage. He still meets his frontage.

J. Dube – I will open it to public, seeing none I will close public.

C. Balcius – You said there is going to be an easement for the septic and is that on the plan already?

D. Rialland – Yes, and it is shown on the plan and a draft of that was sent to DES.

C. Balcius – You just have it labeled as easement area but you don't have a note on the plan.

D. Rialland – No I don't

Approved by the Board 8-23-07

**Motion made by C. Balcius to approve Case #P07-01 Map 57 Lot 9 a 2-Lot Subdivision for the Paxton's with the following conditions:**

- 1. Any necessary federal, state and/or local permits must be received by the Planning Department and a copy placed into the file prior to the plan being signed and recorded**
  - 2. A note must be added to the plat prior to plan signing and recording stating that all erosion control measures must be in place before a building permit shall be issued**
  - 3. All "to be set" notes must be removed and all monumentation must be set prior to plan signing and recording**
  - 4. Trees along the boundary of the 25' of wetlands buffer are to be flagged on the plat and in the field on trees ~ every 25' with permanent markers identifying them as a wetlands buffer. The types of all proposed signage to be reviewed and approved by the Planning Board. Where trees have been previously removed or do not exist, the wetlands buffer shall be flagged with metal fence posts displaying the markers, which should be affixed to the posts with bolts. This is to be completed prior to plan signing and recording and certified as complete by surveyor who stamps the plat.**
  - 5. The following notes must be added to the plat prior to plan signing and recording: This subdivision plan contains a total of 1 sheet, which in its entirety constitute the subdivision plan as approved by the Town of Alton Planning Board. Sheet(s) numbered 1 are recorded at the BCRD. This subdivision plan is subject to the conditions approval itemized in the 3/20/07, Notice of Decision on file at the Town of Alton Planning Department.**
  - 6. A not referencing this conditional approval must be added to the plat prior to plan signing and recording**
  - 7. Add a note describing the septic system easement**
- Seconded by B. Holmes. Motion passed with all in favor.**

**Case P06-105  
Robert & Joanna Morehouse**

**Map 12, Lot 14**

**2-Lot Subdivision  
Route 28 & Bay Hill Road**

Continued from the December 19, 2006 hearing.

M. Jerkins – There are two waivers requested 7.2.27 – elevation – “We have provided contours but are request a waiver from the permanent benchmark requirement; 5.51 – submission requirements for the 7 days prior to the meeting date. I believe they brought the updated plan, which was updated yesterday at the request of Peer, who reviewed this project and they made the adjustments that he had asked for and that is the reason we got them yesterday.

J. Dube – There is no wetlands stamp on this either.

Randy Orvis – It should be on the revised one.

M. Jerkins – Most of the concerns that were on Peer's review should be addressed on the new plans.

C. Balcius – What zone is this in?

Randy Orvis – Residential Rural

B. Holmes – Monica you said all of the concerns on here that Peer had were met?

**Approved by the Board 8-23-07**

M. Jerkins – I don't know for sure, there is no follow-up to the review but I do know that Mr. Orvis came back in with the plans yesterday that supposedly addressed all of the issues because Peer had called him and talked to him about all of these.

B. Holmes –What were the waivers?

M. Jerkins – Elevations – a waiver from the permanent benchmark requirement and a waiver from the deadline for submission.

C. Balcius – Why a waiver on the permanent benchmark/

R. Orvis – I would be happy to put one on I just don't have one out there right now. I would be happy to do that as a conditional approval.

M. Jerkins – Part of our elevations requirement for 7.2.274 says at least one permanent benchmark shall be set on the property and described on the plan. It is part of the requirement so he has to ask for a waiver if it is not there.

C. Balcius – I am not a surveyor and I know for septic you would use a temporary benchmark.

R. Orvis – And that is what we would use anyhow. We just didn't set one because it is not a normal thing to do and only a few towns now are starting to require them on subdivision plans.

C. Balcius- You are the first one to ever ask for a waiver from that.

R. Orvis = I didn't know it was part of the requirements I know Barrington requires it.

M. Jerkins – Maybe we have just been overlooking it.

R. Orvis – I can put one in when we go out to stake it out and then add it to the final plan.

J. Bureau – Did Peer ask for these plans or did he say this is stuff that needs to be fixed and all of a sudden we got a set of plans yesterday.

R. Orvis – I talked to him on Friday and said I can get you the plans as soon as I have the stuff on there and I got them here Monday morning.

J. Bureau – Did he ask for them or did he give you a list of things that needed to be addressed?

R. Orvis – He gave me a list of things that he needed me to do, and I asked when he wanted them and he as soon as you can get them.

J. Bureau – We got them yesterday and he wasn't even able to see or look them over to see if you fixed the things you requested.

B. Holmes – I think the only issue is that the abutters didn't look at the plans.

**Approved by the Board 8-23-07**

J. Dube – Another issue is that Peer asked for the plan.

M. Jerkins – And he only called on Friday which is after the seven day mark. Might you ask if there are any abutters here that might have been concerned. I haven't had anyone come into the office and ask about this particular one, if that makes a difference in the boards mind.

S. Williams – I have one question on the completion of the plan. I am sure there is a type of spring structure on this lot, I believe it use to service the town water system and many, many years past.

R. Orvis – That is an abutting parcel that shows up there.

S. Williams – It would be great if you could show it on there as a pertinent feature to the plan.

C. Balcius – I was wondering why the culvert was there. I knew there had to be something flowing in there.

S. Williams – That is what keeps the other side of the street so nice and wet.

C. Balcius – Is any of the information missing, the plans were changed substantially.

J. Dube – Really the stuff that was added from Peer's comments here were previous to the new plan.

C. Balcius – If an abutter was to come in and look at it what would the different things they see be on here is stamped by the wetlands scientist.

J. Dube – The only thing that looks like it was changed on the plan was a description of the easement that wasn't there and is there now and also the building lines for the other lots, so that really doesn't change the moving of the access way or moving lots around. Peer asked for it and the things in here don't really change anything it was just added information relating to the plan.

C. Balcius – I am not basing my decision on what Peer asked for.

J. Dube – That is my concern was that Peer did that. There is a plan in front of us and these things are fairly minor things that changed and the plan could have come in front of us and we could have addressed them, it wouldn't have been a huge deal type of thing, but then Peer asked for a new plan and there is nothing about the 7 days things that he asked us to enforce.

R. Orvis –He did ask me to request a waiver for the 7 day thing too.

J. Bureau – We decided a few months ago that we were going to enforce it and now we are like it is not that big of a thing and it is only a 2-Lot subdivision and now we are kind of going back to where we were.

B. Holmes – Jim is right, we hammered this around for a long time and then all of a sudden we shut it off and now we are being put back into it again. I don't see any major change though, but it is still the 7-day deal.

**Approved by the Board 8-23-07**

M. Jerkins – from the staffs perspective, part of needing the 7 day requirement goes along with the complexity of the plans and I think waivers need to be looked at on an individual basis and each situation you will find will be different such as a situation where you are looking at a 20 page plan set that comes in with changes the day before, there is absolutely no time to look it over. You have to look through each and every single page and compare it to the previous plan submitted. A plan like this with the changes that have been listed, there are relatively minor changes and it is a one-page plan and it doesn't take much time at all. I could probably sit here and in 5 minutes review it.

C. Balcius – How come you didn't?

M. Jerkins – We have to consider that with any waiver request, you have to look at the circumstances surrounding it and it is up to the board to draw the lines of where you are going to make that decision. Why didn't we/I, it was Peer's project and he has been reviewing it and he very well may have.

S. Williams – What are we going to gain by waiting?

C. Balcius – I agree, this seems pretty straight forward, but you weren't here prior.

J. Dube – We have a history.

B. Holmes – Monica is right, a waiver is a waiver and we have the right to on every individual plan that comes through to decide.

C. Balcius – Yes, whether or not it is larger or smaller.

M. Jerkins – I suspect Peer has probably looked at it, but that he just didn't for whatever reason.

B. Holmes – What are the waiver numbers that were requested?

M. Jerkins – Section 7.2.27 and Section 5.51.

C. Balcius – He said he would set a permanent benchmark so we don't make that as conditional approval

**Motion made by B. Holmes to accept Case #P06-105 and grant the waiver 5.51, seconded by C. Balcius. Motion passed with all in favor.**

R. Orvis - Morehouse owns a little over 7-acres of land with an existing home on it with an existing easement that runs through to the property behind it. They propose to subdivide off a 2-acre lot. We had initially submitted an application in December and the lot configuration was different in that the access would have been on the easement and so we would have had to gone to get a variance but rather than get a variance we re-configured the lot so that it conformed with the zoning.

J. Dube – Has Ken looked at this proposed driveway entrance?

**Approved by the Board 8-23-07**

C. Balcius – Did you do the slope calculation? In the Rural Residential no more than 25% of the lot can be made up of slopes greater than 25%, did you look at that in planning, because I didn't see anything in this. It looks like a pretty steep lot that is why I am asking.

R. Orvis – The scale may make it look steeper than it is.

C. Balcius – You mean the contours make it look steep.

R. Orvis – It is a 50 scale. I know that it is not over 25%.

C. Balcius – I think we need to make that conditional to show the proper slope calculations on here.

R. Orvis – I think a lot of it is 18%-20% in that area.

S. Williams – Are we certain that when this was subdivided by Helene and Fuller 8-10 years ago this was not restricted to further subdivision?

R. Orvis – I don't recall that it was, I don't believe so.

C. Balcius – I am assuming that Peer reviewed the plans.

J. Dube – At this point I will open it to public if anyone wishes to speak, seeing none I will close public input.

J. Bureau – On the locust it says Route 11 not Route 28. That portion of Bay Hill Road is that paved or dirt?

R. Orvis – Paved

S. Williams – Just paved

J. Dube - We just need the lot calculations added to it.

S. Williams – I would like to see that spring structure on the town portion

C. Balcius – It is an actual well?

S. Williams – I don't know I have never pulled the cover off it but there is a cement face there that use to supply the early reservoir.

J. Dube – We also need the permanent benchmark.

M. Jerkins – The locust needs to be fixed. Sorry, tax map.

Approved by the Board 8-23-07

**Motion made by B. Holmes to approve Case #P06-105 2-Lot subdivision providing the following conditions are met:**

- 1. Any necessary federal, state, and/or local permits must be received by the planning department and a copy placed into the file prior to plan signing and recording.**
- 2. A note must be added to the plat prior to plan signing and recording stating that all erosion control measures must be in place before a building permit can be issued.**
- 3. All to be set notes must be removed and all monumentation must be set prior to plan signing and recording.**
- 4. The following notes must be added to the plat prior to plan signing and recording: This subdivision contains a total of 1 sheet, which in its entirety constitutes the subdivision plan as approved by the Town of Alton Planning Board. This plan is subject to the Conditions of approval itemized in the March 20, 2007, Notice of Decision on file at the Town of Alton Planning Department.**
- 5. Show slope calculations on the lots.**
- 6. Show the town structure on the town owned piece, which is a well and also the well on the residential lot #14.**
- 7. Permanent benchmark needs to be set**
- 8. Fix the tax map from Route 11 to Route 28.**

**Seconded by S. Williams. Motion passed with all in favor.**

**Case #P06-110  
Brian & Heather Welch**

**Map 3, Lot 24-1 & 23**

**14-Lot Subdivision  
Prospect Mountain Road**

Continued from the February 20, 2007 hearing.

M. Jerkins – They had a specific question with zoning and I have spoken with the Code Enforcement Officer and I don't believe that there are any problems that he has with the shop that is up there. It is basically an accessory structure, but they do run a small business out of there.

Melissa Guldbrandsen – I can give a brief introduction. I am here on behalf of Attorney Hoover who has been working on this project and I am filing in today and with me are representatives from Eckman Engineering and also the owners of the property and they will introduce themselves as they address the board. This project originally came before the board in August for a conceptual consultation or Design Review and then the application was submitted in November. This has been an ongoing project, but tonight maybe your first time to delve into the actual plans. As Monica said there was a question about the structure on the property. It is a free standing structure and it is on the same lot as the house on lot 14 and to call it a business is even somewhat of a stretch. The owner constructs cabinets in there but the cabinets are sold off site. There are no customers that come to the site. I do want the engineers to give you an overview of what they have and you do have a color schematic of the overall project that is probably a good starting point for the overview.

Joe Griffin – it is a 62.4-acre lot that is being subdivided into 14 proposed lots, one which will house the existing house and workshop. The road is ~2400 lineal feet, it is a Cul-de-Sac and that will access the 13 new lots as well as the workshop and one abutter. The fire protection is a 10K cistern that we discussed with the Fire Chief and CMA has gone through one set of reviews and we have made though remarks and corrections so we are basically here for your input on the project.

**Approved by the Board 8-23-07**

J. Dube – So the Fire Chief has seen the revised plans for the cistern?

J. Griffin – He has not seen the revised plans. The 10K cistern has been in there from the get go, it has been on the plans. Are you looking at the Fire Chiefs comments?

J. Dube – I am trying to look at the engineer review comments. We didn't have any new comments from the Fire Chief, just the letter from CMA. A lot of these questions here from CMA on the report have those been addressed yet or are those in the works.

M. Guldbrandsen – I just want to point out that there are 2 CMA reviews, one dated February 14<sup>th</sup> and then one March 16<sup>th</sup>. The February 14<sup>th</sup> concerns were addressed and then the March was a follow-up to that.

S. Williams – I see a lot of things here of what there scope of work was. Was it to review road calculations, half of this what I think the board should be taken up not CMA.

J. Dube – it is actually a topic that has been brought up to the board before and I don't think we have really had a discussion on it, but this is what has been coming on all of the things. Cindy has brought that up before.

S. Williams – 7.5 right there in the last paragraph on the first page.

J. Dube – They go through our complete subdivision regs and everything.

S. Williams – This is an engineering review not a planning board review.

J. Dube – What we need to do as a board is to sit down and talk about this and Cindy has brought this up before too and I don't think we have got there yet.

S. Williams – We should address it because these people have to pay for these reports and to put money out for these reports shouldn't be on the burden of the applicant.

J. Dube – I know we talked about that at one meeting Monica, did we ever go to CMA and ask talk about that? I think we talked about that one night with Peer, but I can't remember 100%. Do you recall that at all? I know it has been brought up before.

M. Jerkins – I remember it being brought up at board meetings before, but I don't recall making any decisions on it.

S. Williams – The whole second page is something the board should decide too not the engineer.

M. Jerkins – Some larger towns have a town engineer on staff.

S. Williams – But we don't.

**Approved by the Board 8-23-07**

M. Jerkins – I understand, and he would be another department head who would give a department head review. We don't have that so our town review engineer is all we have and maybe this is what CMA does for other towns in the similar situation. I don't know what you have discussed with them in the past as far as what you wanted their scope of work to be. But I know since I have been doing it this is what the reports have looked like.

J. Dube – I wasn't involved when we were looking for new companies so I don't know what was ever told them the scope has been. I know this is what I have seen and this has been brought up to other meetings that this is a problem.

S. Williams – This second report almost entirely shouldn't have been written, it should be the job of the board not CMA. We have a responsibility to the applicant not to waste their money.

C. Blackstone – I am sympathetic as well but this is really just a cookie cutter thing in their computer.

S. Williams – The people I should say, Danielle and William, spent time doing this and they will submit a bill for what they have done. That is just my opinion.

J. Dube – I think what we need to do is the board needs to sit down in a work session and address the scope of work and decide what we actually want and knock off the list anything the board doesn't want and feels is not needed, that is the best way to go about that. Did we get anything from Peer on any of this?

M. Jerkins – On Welch?

J. Dube - Like an update?

M. Jerkins – I looked over the last CMA report that came in and it doesn't seem to me that there are any issues here that remain, that would prohibit you from, and we already decided on section 7.5 that we are not requiring any additional studies, permit numbers are a standard condition of approval, the surety is a standard condition of approval, the proposed name Blueberry Hill Road, as you probably know the 9-1-1 Committee has to approve the name, so that is a process and that is also in our standard conditions of approval and a warranty deed is a standard condition of approval, so the remaining question in my mind when I looked it over was that you need to decide whether or not you have an issues with the garage structure that is on the property that is really an accessory structure that the applicant conduct's a hobby/business out of.

B. Holmes – Isn't there a frontage question or has that been resolved?

M. Gulbrandsen – I think the question was the fact that the frontage on the remainder lot 14 which kind of wraps around and has frontage on the new proposed subdivision road and it has frontage on Prospect Mountain Road and the frontage on Prospect Mountain Road there is a section that is over 200' and there is a section that is a separate lot and then there is an additional 130' of frontage, so from my perspective it exceeds the standard. I think the question was just the fact on the corner it is 130' as opposed to 200'.

**Approved by the Board 8-23-07**

M. Jerkins – We didn't have anything at the time about the frontage being contiguous.

M. Guldbrandsen – It will have the frontage on the new road and it has 200' on Prospect Mountain Road and then there is the non-contiguous portion and then an additional 130'.

J. Griffin – It is actually Lot 14 so that is the existing driveway and that is where the 200' of frontage is.

B. Holmes – I don't see an issue with the building.

J. Dube – New Durham was noticed.

M. Jerkins – yes we did a regional notification and as you can see there is a lot of interest from New Durham here.

B. Holmes – Wasn't CMA supposed to review road construction details and drainage details and things like that. Is that part of their review?

M. Jerkins – Yes

B. Holmes – And they have cleared all of that.

J. Griffin – That was covered under the first review.

J. Dube – Everything with CMA has been resolved.

**Motion made by B. Holmes to approve Case #P06-110 with the following conditions:**

- 1. Any necessary federal, state, and/or local permits must be received by the planning department and a copy placed into the file prior to plan signing and recording.**
- 2. A note must be added to the plat prior to plan signing and recording stating that all erosion control measures must be in place before a building permit can be issued. See Best Management Practices attachment.**
- 3. A not must be added to the plat prior to plan signing and recording stating that the total acreage of each current use category for each lot where applicable.**
- 4. All "to be set" notes must be removed and all monumentation must be set prior to plan signing and recording.**
- 5. Trees along the boundary of the 25' of wetlands buffer are to be flagged on the plat and in the field on trees approximately every 25' with permanent markers identifying them as the wetlands buffer. The types of all proposed signage to be reviewed and approved by the Planning Board. Where trees have been previously removed or do not exist, the wetlands buffer shall be flagged with metal fence posts displaying the markers, which should be affixed to the posts with bolts. This is to be completed prior to plan signing and recording and certified as complete by the surveyor who stamps the plat.**
- 6. The following notes must be added to the plat prior to plan signing and recording:**
  - ❖ The subdivision plan contains a total of 38 sheets, which in its entirety constitute the subdivision plan as approved by the Town of Alton Planning Board. Sheets**

Approved by the Board 8-23-07

numbered P1 through P11 are recorded at the Belknap County Registry of Deeds; the remaining sheets are on file at the Town of Alton Planning Department.

- ❖ This subdivision plan is subject to the Conditions of Approval itemized in the March 20, 2007, Notice of Decision on file at the Town of Alton Planning Department.
- 7. All proposed road names must have written approval from the 911 committee, a copy of which must be supplied to the Planning Department, prior to plan signing.
- 8. Any and all Declaration of Covenants and Easements (of any kind) language must be approved by Town Counsel and accepted by the Board of Selectmen prior to plan signing and approval. If the Selectmen do not accept the language and conditions of the proposed easement deed, and Administrative Review will be required.
- 9. The Homeowner's Association Agreement must provide for maintenance of road drainage structures until such a time as the town is petitioned to take possession. Language to be reviewed and approved by Town Counsel prior to plan signing and recording.
- 10. A letter must be received by the Planning Department stating that the Board of Selectmen accept the language and conditions of the proposed easement deed for the cistern(s) and/or detention pond(s) based upon recommendation of the Town Counsel prior to plan signing and recording. If the Selectmen do not accept the language and conditions of the proposed easement deed, and Administrative Review will be required.
- 11. Certificate of Organization for the Homeowner's Association to be filed with the New Hampshire Secretary of State's office. A copy of certificate and proof of filing to be provided to the Planning Department prior to plan signing and recording. (All subdivisions with interior roads.)
- 12. Security in the form of cash or letter of credit with self-calling features (language to be approved by Town Counsel) must be submitted to the Planning Department for the installation and maintenance of the cistern(s) and/or detention pond(s) and association drainage prior to plan signing and recording, with the amount to be determined by the town's review engineer.
- 13. Security in the form of cash or letter of credit with self-calling features (language to be approved by Town Counsel) must be submitted to the Planning Department for the construction of the roads prior to plan signing and recording, with the amount to be determined by the town's review engineer.
- 14. An Amount necessary for road construction, cistern construction or other necessary construction inspections must be placed in an escrow account prior to plan signing and recording, amount to be determined by the town's review engineer.
- 15. A. pre-construction meeting shall be arranged between the Town Engineer, the applicant and his/her developer, the Planning Department and others the board may deem necessary prior to excavation or timber cutting, during which time the applicant and his agent(s) together with the Town Engineer shall determine a construction/inspection schedule.
- 16. As-built plans for roads and final engineering inspections must be completed and all boundary points to be set prior to the release of the security for the roads and associated drainage system.

J. Griffin –Much of the wetlands is to the back of these lots, I was curious whether or not we could say offset of 200' from our work limits and say that the wetlands greater than 10,000 sq. ft. within that area shall be flagged.

**Approved by the Board 8-23-07**

J. Dube – We always have everyone flag it all.

J. Griffin – Ok flag it all?

J. Dube – Yes that is how we always do it.

J. Griffin – Ok not a problem

S. Williams – I would like to add that usually it says, “all of the silt fence has to be installed prior to tree cutting”, that is really not feasible if you are out there working. Once the trees are cut, before you disturb the soils, that makes sense because you usually need a machine to dig it in to keep the silt fence in the ground and I think requiring that before tree cutting is done is not a feasible situation, you really can’t do it properly. Let them cut the trees, the soil hasn’t been disturbed, the soil will still be stable. Once the stumps are pulled is when it comes unstable, put the silt fence in once the trees are cut, that way you can get in there and do it properly.

M. Jerkins – We have actually changed it to state that a note be added to the plat prior to plan signing and recording stating that all erosion control measures must be in place before a building permit can be issued.

S. Williams – What about the road construction? Every time I have seen a conditional approval’s it says prior to tree cutting and that is really not a feasible situation.

M. Jerkins – How do you want to handle this?

S. Williams – I do it.

C. Blackstone – Well that doesn’t make it right.

S. Williams – What stuff makes it wrong? The idea is to protect the soil and once the soils has been disturbed from siltation run-off, once a tree is cut it does not create an erosion condition until the stump is pulled or you remove the top soil. Prior to stump removal before work is done on the road the silt fence should be put into place.

J. Dube – So we want to change #2?

S. Williams – That just refers to a building permit and you are not going to get a building permit until you finish the road.

B. Holmes – How do they handle it when you timber?

S. Williams – When they cut a lot they don’t put silt fence up at all.

B. Holmes – They don’t use it at all.

S. Williams – No



**Approved by the Board 8-23-07**

To the Alton Planning Board – I am writing to express my concerns about the 30' deep well, which supplies water to my home. The well is 178 years old. It's on my property, which abuts the land on which a development has been proposed. The land is located on Map 9 Lot 55 on New Durham Road. The proposed development is on a higher elevation than the well. The wetland area is widespread across my land and the proposed development area. My question is how can I be assured there will be no chance of pollution or damage to my water supply? The well has been tested regularly and gives me adequate and excellent water for my household. With many septic systems being installed above the well I would like some assurance there will be no impact on my water supply. Thank you for your attention to this matter. Signed – Alice Z. Calvert.

J. Dube – Would you like to address that.

J. Ring – The well is westerly of our westerly property line and down slope of property roughly 300'-400'. We haven't located specifically on the plan but I did get a picture of that from one of my partners, Brad Jones, and he told me it is 300'-400' beyond the property line. The leach fields on these properties will certainly be designed in accordance with state standards and regulations, which require they be at least 75' from a well. If we are 300'-400' away from her well we exceed the state standard by more than the minimum requirement certainly as well. The leach fields will certainly be relative to state and town criteria, they will be designed in accordance with accepted practice and there should be no adverse to her well as a result of the construction of this project. Most of these lots are even further away lots 20 & 21 are the closest to her. The rest of them are, the next one is at least 700' from the property line so that one is going to be 1200' from her well. At the most there are two leach field areas that would be even within 300'-400', well that is to the property line and we are still going to be another 50' from the property line with the leach field probably. The leach fields as well have certain requirements from the wetland. I think it is 75' to very poorly drained soils and 50' in accordance with your regulations and the state regulations from the wetland for the leach field itself. Those state requirements are intended to protect the wetlands and make sure that there is no effluent that gets into that surface water to pollute anybody down stream and maybe Cindy has something else to add.

C. Balcius – In addition we do have the 25' vegetative buffer, which has just been an added layer that our town has in place, which the state doesn't. I think there are several layers of protection there.

M. Jerkins – The concerned abutter is also present tonight, so if you have any questions.

J. Dube – I will open to public right now and if anyone that would like to get up and speak please step forward.

Alice Calvert – As I wrote in the letter because my well is below the big wetland area up there even though you talk about setbacks, setbacks are on dry land and I am concerned about the leaching and I don't understand enough about leaching and swamps and things like that but it is wet as you know all up along there and the well is below but the swamp goes along my land and the land that the development is proposed to be on is all swamp in there and how can I be assured that there won't be some leaching down through these swamps because it is wet all the way through the top off that land where my well is and the development is above that and water doesn't go up, so that is just a concern and I wish to have some sort of assurance. I understand about the 75' and the different requirement for setback but how deep are these swamps and how can I know and how do you know that these won't leach down through.

Approved by the Board 8-23-07

C. Balcius – I can respond to a little bit more and give you a little bit more information regarding the wetlands. With all of the layers of protection with the setbacks already in place, one of the main functions, we call them functions in values of wetlands is nutrient attenuation, so in the case of a wetland it actually serves to protect people even more because it will assimilate and use phosphorous and nitrogen and those kind of materials that might come from a septic system, but in this case there is 300’-400’ between your well and the area of concern where the leach fields are plus you have the wetlands plus you have upland vegetative buffers, so you are actually afforded multiple layers protection in your case, but that is a primary function of a lot of wetlands is nutrient attenuation. When we do our wetland function in value assessment we look at things like ground water recharge, wildlife habitat, nutrient attenuation, and productivity export – some wetlands specialize in exporting seed and food for wildlife as well. So those are all items we look at but that is a big one right there, the swamp won’t be carrying it out it will actually be using those nutrients if anything.

A. Calvert – I suppose than that the DES rules and regulation for testing and that kind of thing can assure me down the line that as I test my well and I found out that indeed something has happened than what is my recourse?

C. Balcius – I think at that point you can definitely contact DES. The good thing about the DES rules is just there septic rules alone, they look at the worst case scenario when they are doing their calculations for setback for septic and it is all driven by nitrates, which is one of the things that you find that leaches in the leach field and so they have tons of research that they have accumulated and when they put together their septic rules they looked at that. You have a very conservative value from them to start and then the additional land that is between your well and there I think you are afforded a lot of protection, but in any case if you do have a problem call the DES right away and sure you can call the developer at that time too.

J. Ring – It is also true that as these leach field percolate down through the ground it is diluted as it passes through all of that 300’-400’, some of it is going to head in your direction and some of it is going to swing down to the bottom of the plan toward New Durham Road because that wetland there is that little ridge in there, so some is going to go to the right or south and some is going to go to the north and swing around the other side. The effluent as it is coming from the leach fields should actually flow below and around so it is not affecting you at all.

A. Calvert – I know the lots of convolutions and the land there but I just somehow, my land eventually I won’t be there forever and my land eventually will probably be broken up and I don’t want to leave a problematic legacy.

J. Ring – That is a reason why the state guidelines are in place that show where we need to place these leach fields away from property line setbacks and to make sure the wells are adequately placed further from the leach fields as well and your well exceeds that minimum by quite a bit.

A. Calvert – It is because the whole thing is so wet.

C. Balcius – Actually I will talk a little more on bigger commercial projects like the high school they actually encourage having the larger leach fields up above a wetland and the wetland actually encourage

**Approved by the Board 8-23-07**

having a wetland specially with poorly drained soils there to help assimilate those excess nitrates that might be produced in those larger systems.

A. Calvert – Thank you very much.

J. Dube – Is there anyone else that would like to speak? Seeing none I will close public input. It looks like you have a copy of the Fire Chief's report and it looks like we have here is some minor name things. We have the cistern, were aware of that before this memo that he was recommending a different location?

J. Ring – Actually the memo is written based on plans from February and we actually issued revised plans and Jeff dropped them off to him last week and we did change the road names to Marie Drive and Elizabeth Way so Riley is not one of the roads now.

Jeff Caley – The Woodlands Subdivision the Fire Chief had a concern in his first letter and he said it is just a subdivision name and he is ok with because he was concerned about the 911 and then we talked about putting the cistern from

M. Jerkins – There should be two pages of comments from him, one dated March 8<sup>th</sup> and the other one March 19<sup>th</sup>.

J. Caley – Right, this is the 19<sup>th</sup> that I am looking at. We basically answered his questions from the first letter and made some amendments.

M. Jerkins – And that is evident in this one.

J. Dube – We don't have anything but the March 8<sup>th</sup> memo.

J. Ring – As I look at the March 19<sup>th</sup> letter I think everything is accomplished

J. Dube – I never saw that letter until right this second

J. Ring – We thought we had a letter from the Road Agent too but he gave us a copy of the wrong one

J. Caley – He sent it to me because I asked him and he said he sent Monica one as well and I didn't look too closely at it, I just took it and put it in my file

M. Jerkins I wonder if he got them confused because of the engineering company being the same

J. Dube – What was his letter concerning?

J. Caley – No Concerns

M. Jerkins – The one I have and the one they just showed is referencing the other Jones & Beach application for Alton Mountain Estates.

**Approved by the Board 8-23-07**

J. Ring – I guess that would have to be a condition of approval a satisfactory letter from him if that is where you go with this application tonight. He may have written it and he just may not have given it to us all. Jeff did talk to him and my understanding was that everything had been addressed. We also have addressed all of the comments from CMA – the Town Engineer and their most recent letter again is March 16<sup>th</sup> similar to a previous application which some of those are a Planning Board item, have you got the final sign off from the Police Chief and the Fire Chief, so that is just reiteration of the standard conditions. They do say the construction cost estimate approved and in our case we included the cost of the bounds and the monuments, the iron pins in the construction cost estimate because if we are required to do that in advance of recording the plan, some of those are going to get knock out when we build the road, so we prefer to have that as part of the bond and build the road, take down the trees and build the road and after the road is in there and stabilized and the slopes are constructed properly and the loam is down then we can set the bounds and the monuments so that we don't have to set them twice. The bulldozer is going to knock them out. It will be part of the bond draw down to be reviewed during one of the inspections during the site work for the project.

J. Dube – I don't have a problem with that. There is no memo from Peer on this one either. Does the board have any questions or comments?

J. Bureau – Do we have to add the things from CMA to the conditions or is that everything that is in there.

M. Jerkins – Should be in there.

**Motion made by C. Blackstone to approve Case #P06-102 Map 9 Lot 53 with the following conditions:**

- 1. Any necessary federal, state, and/or local permits must be received by the planning department and a copy placed into the file prior to plan signing and recording.**
- 2. A note must be added to the plat prior to plan signing and recording stating that all erosion control measures must be in place before a building permit can be issued.**
- 3. See Best Management Practices attachment**
- 4. All "to be set" notes are to be set as part of the road construction and to shown on the as-built plans.**
- 5. Trees along the boundary of the 25' of wetlands buffer are to be flagged on the plat and in the field on trees approximately every 25' with permanent markers identifying them as the wetlands buffer. The types of all proposed signage to be reviewed and approved by the Planning Board. Where trees have been previously removed or do not exist, the wetlands buffer shall be flagged with metal fence posts displaying the markers, which should be affixed to the posts with bolts. This is to be completed prior to plan signing and recording and certified as complete by the surveyor who stamps the plat.**
- 6. The following notes must be added to the plat prior to plan signing and recording:**
  - a. The subdivision pan contains a total of 29 sheets, which in its entirety constitute the subdivision plan as approved by the Town of Alton Planning Board. Sheets numbered B1 & A1 through A4 are recorded at the Belknap County Registry of Deeds; the remaining sheets are on file at the Town of Alton Planning Department. This subdivision plan is subject to the Conditions of Approval itemized in the March 20, 2007, Notice of Decision on file at the Town of Alton Planning Department.**

Approved by the Board 8-23-07

7. All proposed road names must have written approval from the 911 committee a copy of which must be supplied to the Planning Department, prior to plan signing.
8. A letter must be received by the Planning Department stating that the Board of Selectmen accept the language and conditions of the proposed easement deed for the cistern(s) and/or detention pond(s) based upon recommendations of Town Counsel prior to plan signing and recording. If the Board of Selectmen does not accept the language and conditions of the proposed easement deed, an Administrative Review will be required.
9. An amount necessary for road construction, cistern construction or other necessary construction inspections must be placed in an escrow account prior to plan signing and recording, amount to be determined by the town's review engineer.
10. Proof of registration with the NH Office of the Attorney General must be provided to the Planning Department prior to plan signing and recording. (Subdivisions of 16 or more lots). (Not needed until after signing).

J. Ring – My understanding is that the Attorney General won't start to do their action until the Plan is on record at the registry.

M. Jerkins –That may be true, I haven't done very many of those, it was just a difference of whether to put it in conditions precedent or subsequent.

J. Ring – You could do that prior to the first building permit.

J. Caley – A lot of that they like to see the infrastructure built and have lots be able to be sold and sometimes there is a waiting period and have to road in for 4-6 months before we get final AG approval.

J. Ring – In order for the AG to start their process they need to have the plans on record at the registry.

J. Dube –Ok we can scratch that one (#10).

J. Ring – I don't think it is a problem giving you a copy of the AG approval afterwards prior to the first CO happening.

11. A pre-construction meeting shall be arranged between the Town Engineer, the applicant, and his/her developer, the Planning Department and others the board may deem necessary prior to excavation or timber cutting, during which time the applicant and his agent(s) together with the town engineer shall determine the construction/inspection schedule.
12. As-built plans for roads and final engineering inspections must be completed and all boundary points to be set prior to the release of the security for the roads and associated drainage system.

Seconded by S. Williams. Motion passed with all in favor.

M. Jerkins – Did you find it helpful to have this list because obviously we recognize there are some adjustments needed and I expected that. My intention is because I am working on a draft of the subdivision regulations, a re-write of the subdivision regulations and I would like to incorporate this into a section called "conditional approval" that will list out standard conditions of approval as we perfect the

**Approved by the Board 8-23-07**

list and get it and that way once that is adopted you would be able to say “according to subdivision section/chapter #1, 2, 3, etc... and just number them and that would help I think.

C. Balcius – It depends on which ones, if we have some fairly standard ones, yes.

M. Jerkins – Obviously I recognize that there are some adjustments that need to be made.

C. Blackstone – But we can’t let it slip through the cracks we have to make sure it is available to all of the public to know.

J. Dube – It is in the regulations.

M. Jerkins – That is my hope to get it as part of subdivision regulations that I have been working on once it is completed and obviously I have some good changes to make, but then it will be something we can reference very easily, I would think.

**Appointment of Officers:**

**Motion made by J. Dube to nominate C. Blackstone for Chairman, seconded by C. Balcius. Motion passed with all in favor.**

**Motion made by C. Balcius to nominate B. Holmes for Vice-Chairman, seconded by J. Dube. Motion passed with all in favor.**

M. Jerkins – We need a clerk, someone that is available to sign things.

J. Dube – We also need a clerk, I was thinking we could nominate T. Hoopes as the clerk.

**Motion made by J. Dube to nominate T. Hoopes for Clerk, seconded by C. Balcius. Motion passed with all in favor.**

**Old Business:**

M. Jerkins – You have a letter which is an appeal from Tom Varney. It really shouldn’t have come to you but he addressed it to you so I gave you a copy of it. It has been forwarded to our Town Attorney for him to decide how we should proceed with responding.

J. Dube – We don’t proceed, right?

M. Jerkins – No

B. Holmes – This goes to ZBA

M. Jerkins – No not necessarily

B. Holmes – Why not?

M. Jerkins – Part of it if it is pertaining to zoning or a question of interpretation of zoning the Planning board’s interpretation of zoning, which I believe #4 is or maybe considered than it could go to the ZBA, otherwise it should probably go to Superior Court, but again we forwarded it to Town Counsel and he is

Approved by the Board 8-23-07

going to be responding to us on how we should proceed and tell Tom. This is basically for you information.

S. Williams – Was it filed timely?

M. Jerkins – It was filed timely with our office, however it wasn't necessarily filed correctly.

B. Holmes –If he were to take it to court and he missed the deadline.

M. Jerkins – Next we have a letter from Alton Law Office regarding the Gillan Site Plan Approval. This one is a little confusing. The plans have been submitted to the Planning Board with all of the conditions that the Planning Board asked for are on the plans, all the notes have been added and that sort of thing. However, the abutters, the Parkers, are very concerned about the specific wording of one of the notes on the plan.

J. Dube – I thought we brought those up because I was looking at them with Peer before the meeting.

M. Jerkins – The wording of one of them is off and they are concerned that in the future they might be able to come back and say see it is here on the note on the plans approved by the Planning Board and they wanted the Planning Board before the plan gets signed and recorded to review the note and decide whether they think it is an issue. We can actually move on and set dates for hearings and work sessions. The Impact Fees Ordinance passed, so we need to now set a date for public hearing on the actual fee schedule that Bruce Mayberry came up with. We can do that as soon as you want to, I just need time to post it.

C. Blackstone – What kind of date are you looking at?

M. Jerkins – I need to put it to be able to put it to the paper. The paper's deadlines are Fridays so I could possible get a notice in by this Friday for it to be posted next Thursday and it needs to be posted 10 days prior to. So the soonest is 10 days from next Thursday.

B. Holmes – Do we have to do a work session real soon.

M. Jerkins – We can do a work session anytime within 48 hours.

C. Balcus – The public hearing is going to be in regards to real numbers right so we are going to need stuff ready because I am telling you those numbers.

M. Jerkins – I believe Bruce Mayberry said he would come up for these.

C. Blackstone – We asked him

J. Dube – Say this number \$5000, what the point I said I was uncomfortable with was say you had a subdivision that was approved before the impact fees were approved, to me that means you are not subject to those impact fees but to what state statute says is that after 4 years you are grandfather is over, say you

**Approved by the Board 8-23-07**

have a subdivision and you wait 4 years and 1 day to pull a permit than you are going to get charged \$5000 a lot even though you did it before.

C. Balcius – So any lot of record even though it is a 200 year old lot that there has been nothing done, that is what doesn't sit well with me, and then they have the 4 year grandfather for new subdivisions that are just created that get exempt from it. Bruce said they went through it and he knows it sounds unfair but that is they way the state determined it needed to be.

J. Dube – And that gets added to the building fees and you can't get a CO.

M. Jerkins – You have to keep in mind the reason for impact fees is to deter development which...

C. Balcius - That is not the reason for the impact fees.

M. Jerkins –I understand it is to offset the impact but it is also well known to be one of the things to help slow growth in a town.

C. Balcius – I think it depends on if we had 4 different impact fees for different things right off, but I think this one is justifiable for the school. It is not meant

S. Williams – inaudible – you can't pick on certain things – inaudible.

C. Balcius – We have actually done quite a few on the Master Plan over the last couple of years where we actually had the public hearings in different locations as well because you know how Alton is split by the Bay. We did have a lot of public input at that point plus we sent out the surveys, which we got great input back on that, nothing has been done in a vacuum but I think with regard to impact fees I think it was a little sticker shock for some of us when we saw the figures.

C. Blackstone – 10 days from Thursdays.

M. Jerkins – Can I make a suggestion? Does the board feel comfortable and ready to go to public hearing?

C. Balcius – I think we need to meet again in a work session and look at those figures because I am.

C. Blackstone – Moreover we need to get in touch with Bruce Mayberry because when he was here we asked him if he would come back for the public hearing.

J. Dube – I think we should have the impact fees going to work session with that and the same night we should have the board address the whole engineering scope of work and do that ASAP. Maybe tackle both of those the same night in a work session.

C. Balcius – In regards to the engineering thing I think especially if we have a Town Planner hired it will go a long ways towards paring down what the original intent, I was on the engineering committee and what the intent was to have them do.

**Approved by the Board 8-23-07**

M. Jerkins – The new Planner starts April 30<sup>th</sup>. Mike Izard

C. Balcius – I think we will be very please with him.

M. Jerkins – And you won't have me anymore.

J. Dube – We will still have you, you will be around.

M. Jerkins –I may still be coming to some meetings because for any of you that don't know I am enrolled in school now and I will be starting in the fall at UNH at the Community Development Program with a minor in Planning, so I have three full time semesters left and I will be doing it part time though so it will be taking me probably three years, as soon as I can get it done anyways. I think I will be taking a class during the day two days a week, which would mean I would make up my hours by coming to meetings and helping Mike out.

C. Balcius – I am sure nobody minds when somebody offers to do an extra night meeting for them.

C. Blackstone – Congratulations on taking that step.

C. Balcius –I will get you tomorrow a copy of the BMP's that way you have the exact citation on that.

M. Jerkins – So we will set two work sessions and one to do the Impact Fee discussion and engineering discussion. We only have to give 48 hours notice, so as soon as you would like to have it.

J. Dube – I am gone until next Wednesday.

M. Jerkins – And then he is going to Washington D.C. Which work session would you like to have first, the Master Plan work session or the Impact Fees and engineering?

C. Blackstone – The Impact fees and Engineering scope.

**Motion made by J. Bureau to go past 10:00pm, seconded by J. Dube.**

J. Bureau –Do we want to push it back one more week so Tom and Bonnie are here?

C. Blackstone – How about April 10<sup>th</sup> than that way Scott can go to the FD and PB at 6pm.

J. Bureau – Do we want to try and see when Bruce is available?

C. Blackstone – Let's pick a few nights for the public hearing and then you can e-mail him and get a date.

M. Jerkins – Do you want to set that now or at the next meeting.

C. Blackstone – I think we need to think about it now so that it falls into place.

M. Jerkins – I can call him and ask him for his availability for the month of April.

**Approved by the Board 8-23-07**

C. Balcius – Madame Chair we don't need him at the work session.

C. Blackstone – We don't need him at the work session but we do need him at the public hearing. When is our work session for all of the minutes?

M. Jerkins – Seriously I have at least 12 sets of minutes for you. We also have other business items.

B. Holmes – Do we want to have a meeting next week?

C. Balcius – Wednesday the 28<sup>th</sup>?

C. Blackstone – What time?

C. Balcius – 6pm

M. Jerkins – You need a Master Plan work session. If we get the Master Plan ready to go to public hearing than we can have it for Mike's first week and he will already be familiar with it.

M. Jerkins – Gillan

B. Holmes – What is the conflict with it? Is it just that is says for unoccupied parking area?

M. Jerkins – You all have the Gillan letter from Alton Law Office.

J. Dube – It is about whether having a comma or not.

M. Jerkins – If you look at page C1 of this plan, which I will have to pass around to you, note #10 is one of the issues, where it says "permitted boat sales activities on the site has included and will continue to include: pre-display, pre-demonstration and pre-delivery preparation and servicing, together with post-delivery warranty work", they have a problem with the word servicing.

C. Blackstone – A lot of public input had the same problem.

M. Jerkins – The board discussed this at length, I researched the minutes and basically you decided that the work that needed to be done to a boat pre-sale and the work that needed to be done to a boat for post-sales warranty work would be permissible, but not general servicing. The other issue was note #8 "boats for sale shall be positioned within the boat sales display area (labeled on the plan), and within the proposed building, boats may be temporarily moved within any part of the boat sales display area or unoccupied parking area during unloading of delivery trucks. They didn't like that either, because of the unoccupied parking spaces, once you put a boat there then it is occupied and then you don't have parking for everybody.

B. Holmes – The intent there was that they could drop them in a parking space while they unloaded the trucks and then they have to move it.

**Approved by the Board 8-23-07**

M. Jerkins – I am sure that is the intent and that is why we had to bring this letter to you, Notes 8 & 10 and you can decide if you think they have a legitimate complaint and we can make them re-do their plans, otherwise they are ready to be signed.

B. Holmes – I don't think #8 needs to be changed because it says boats may be temporarily moved within any part of the boat sales display area or unoccupied parking area during unloading of delivery trucks, that is pretty clear that they can use those parking spaces while they are unloading a truck than they will have to move them, they can't stay there.

C. Balcius – I tend to agree with Bruce on that, there has to be a line somewhere, if they are just unloading something it is too ridiculous, where are we

C. Blackstone – I also want to point at that boat might have to sit there, it could be more prudent to let it sit 4-5 hours based on what kind of traffic is going on down there. Is it a van and bumper day and everyone is you know.

B. Holmes – The whole idea about the parking was it is more of a detriment to him if his customer can't park on the lot.

C. Blackstone – The original detriment was when the boats were on the grassy area that was in front of the building.

B. Holmes - #10 that means he can't do service after the warranty runs out.

C. Blackstone – that was the gist of the discussion that he not be able to do the work after the warranty ran out.

B. Holmes - #10 right now says permitted post boat sales activities on the site has included and will continue to include: pre-display, pre-demonstration and pre-delivery preparation and servicing, together with post-delivery warranty work, I think you could after pre-delivery preparations say “and warranty service work”

J. Dube – I think that right there says post-delivery warranty work, so that right there is saying he is doing warranty work and you can't say to a guy you can sell a boat but you can't do your warranty work.

B. Holmes – The thing they wanted to get out is it is not a general service station.

C. Blackstone – But that goes back to Con Com, the cultural memory here. Remember whoever was here then that is was an issue of what could be discharged and what could be you know when you are doing those repairs.

J. Dube – Yeah but they have to comply with state rules.

C. Blackstone – I understand, I am just reminding you what the gist of that conversation was.

J. Dube – I think it says what we meant to put.

**Approved by the Board 8-23-07**

C. Balcius - I don't have an issue the way anything is written so Cris can sign it.

M. Jerkins – I will locate the mylars.

J. Dube – That is what I looked at the mylars.

M. Jerkins – I know, we looked at them right before the meeting but Jenn went down to look for them and couldn't find them. When would you be able to come into the office to sign them?

C. Blackstone – anytime after 4pm, tomorrow I will be here a little past 4pm.

B. Holmes – Do we have to address this letter?

M. Jerkins – I don't think so I think we just did.

C. Balcius – I think we are all set.

C. Blackstone – We did disagree with the analysis and we are going to go ahead and sign it because we thought it meant the intent, we discussed the cultural memory of what the conversations that happened back in the day.

M. Jerkins – the rest is just correspondence.

**Motion made by J. Dube to adjourn at 11:15pm, seconded by C. Balcius. Motion passed with all in favor.**

Respectfully Submitted,

Jennifer Fortin  
Secretary Pro Temp