

**TOWN OF ALTON PLANNING BOARD
MINUTES 2019
APRIL 16, 2019**

APPROVED

Members Present:

Roger Sample, Chairman
Scott Williams, Vice-Chairman
Russ Wilder, Clerk
Tom Hoopes, Member
Dave Hussey, Member
Bob Regan, Alternate

Others Present:

Nic Strong, Town Planner
Jessica A. Call, Recording Secretary

CALL TO ORDER

Roger Sample called the meeting to order at 6:00 P.M.

APPROVAL OF AGENDA

Scott Williams asked if there were any changes to the agenda since it was posted; Nic Strong stated that information about last year's CIP was added under "Old Business" after the agenda was posted.

**Scott Williams MOVED to accept the March 19, 2019, agenda, as amended.
Dave Hussey seconded the motion, and it PASSED unanimously.**

1. Continued from January 15, 2019

Case # P19-01 Keith Babb of Green Oak Realty, Owner	Map 5 Lot 72	Conceptual Consultation Rural (RU) Zone Suncook Valley Road
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The Chairman read the case for the record.

Present was Keith Babb of Green Oak Realty, owner.

Keith Babb came to the table. He shared with the Board that Mrs. Varney mentioned that Thomas W. Varney, P.E., was going to retire from doing larger projects. Keith Babb shared that Mr. Varney had submitted some of the outstanding items for his Site Plan and they were received in today's mail. Roger Sample asked if Mr. Babb had seen the letter that the Board received from the Board of Selectmen. Nic Strong stated that the letter was just received today and that Keith Babb had not received a copy of it. Keith Babb stated that he wanted to put the Conceptual aside for now and just concentrate on the current plan. Roger Sample stated that was good, because the Board could not move forward with a new application until the original plan was approved.

Keith Babb stated he did some research into gravel pit laws and he wanted to know how the Board could enforce a law on a pit that was already 28 years in existence, and require him to come into compliance

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with a law that the Board adopted a year and a half ago. He likened this situation to a gas station that had its pumps too close to the curb and they wanted them moved because changes were made to the rules. He did not think that could legally be done to the gas station because it was an undue financial hardship, and that started to fall into municipal estoppel. He was curious as to how it was..... Roger Sample stated that it depended upon what street that particular gas station was on because if it was on the highway and changes were to be made, the DOT would definitely shut them down and state that they could not make the changes, but the Board was not here to talk about gas stations. Keith Babb stated that he was talking about a gas station that was already in existence. He thought it was similar to the American Legion and how there was a big controversy with them. He was curious how the Board could legally enforce him to come into compliance with the law on a permitted pit. The pit had been permitted for many years and that Dave Hussey's father had permitted that pit years ago. Dave Hussey stated that his father had permitted the pit long before the Conservation Commission had an easement with the abutting property. Tom Hoopes stated that he participated in Mr. Hussey's father's pit. Scott Williams stated that his pit started around the same time. Dave Hussey asked if Barbarossa owned the property to begin with. Tom Hoopes stated that Barbarossa owned the farm next door. Dave Hussey stated that Barbarossa was the one who gave his father the exit coming into the property. Dave Hussey stated that the pit was in existence for the last 28-30 years and he was not sure what the Board was going to gain by telling Keith Babb that he could not do something, but he agreed that Keith Babb had to submit the documents that the Board had requested for his approval. Dave Hussey stated that it had been 30 years that the Conservation Commission had walked the property; they walked it with him, they had walked it with Keith Babb, and they had walked it with his father, and there was never anything said, now all of a sudden it was already done. He could see if it was not already done, but it was already done. Roger Sample stated that there were only a few things that needed to be submitted. Keith Babb stated that Nic Strong was determined that the Conservation Commission had a say into how close he was to the property line, but it was already excavated. Dave Hussey stated again that he was not sure what the Board was going to gain by making Keith Babb do anything because it was already done, but he did mention that going forward he agreed that if the applicant wanted to change it, then change it, but it was all done; the Board was not going to gain anything. Keith Babb stated that he had permission letters from both Martha O'Connor and Dan Steele, which went back to Herb Jackson. Dave Hussey stated that he thought he had a letter from Barbarossa.

Roger Sample thought that Mr. Babb already submitted everything, or that this discussion had already happened. Roger Sample thought that the Board already discussed the issue where Keith Babb was already too close to the boundary line, and that he had letters from his abutters. Roger Sample did not understand why the Board still had to deal with it now. Virgil MacDonald asked if the Board received the items that were missing. Roger Sample was not sure. Dave Hussey asked what the items were that were missing.

Nic Strong stated that before the missing items were discussed, she wanted to refresh the Board's memory and rehash the history that the Board had gone over time and time again last year. The issue was that this particular pit was permitted under the old Regulations, which required the permit to be renewed every year. Nic Strong thought that the permit was renewed at least a couple of times, and then it was not renewed. She stated that the State Law regarding gravel pits had changed in the meantime, and the Town updated their Regulations, which required that all gravel pits in town needed to come into compliance, including people that had been operating out of compliance with State Law and Town Regulations for many, many, many years. She pointed out that when Mr. Babb purchased the property, he did not obtain a permit, and permits could not be transferred; a new owner needed to go to the Regulator to receive a

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permit. She stated because of that, that was why the applications were needed in the first place. She further relayed that Mr. Babb had received his approval, which included a couple of conditions, and as part of the discussion, the Planning Board, not her, requested that Town Counsel be consulted about whether or not the Conservation Commission had standing, as the owner of an easement on an abutting property, to be an approving or disapproving abutter according to State Law. Nic Strong stated that Town Counsel responded, which the Board received a copy of said email, that the Conservation Commission did have standing in his opinion. One of the conditions of approval was that if the abutters' property line was within 50 feet of excavation, it did not really matter because State law allowed at least fifty (50') feet from the property line for excavations, but if excavation was within ten (10') feet and the abutter disapproved, the Planning Board needed to know; the Board as the Regulator had the right to make sure that excavation was not occurring to that distance from the property line. In regards to Mr. Babb's excavation, there were three (3) abutters in question; two (2) letters had been submitted to the Board, with the exception of the Conservation Commission's letter. She noted that the required number of plans, with all revisions attached had not been received. She noted that she received a letter from Thomas W. Varney, P.E., that included the information for the safety plan and the waiver request so Mr. Babb did not have to apply as a Contractor's Yard. She stated to the Board that the history was that the Board went through all this last year as to why it had to be done.

Dave Hussey asked if the Conservation Commission received a formal notice, like an abutter's notice. Nic Strong stated, yes, as an easement holder, agricultural preservation, or conservation easement holder on any abutting property, they would have received notice. She noted that the request was that the Conservation Commission needed to answer whether they were an approving or disapproving abutter, since the excavation was actually over the line in some parts. Roger Sample stated that whereas the Conservation Commission was notified but did not respond..... Nic Strong stated that was not the question; the question was that Mr. Babb was notified that he was required to obtain letters from his abutters to make sure that they approved or did not approve of the excavation being within that distance from the property line. He only had two (2) letters. Russ Wilder pointed out that he was on the Conservation Commission and as of tonight's meeting, they never received a request for an opinion. Roger Sample asked if that request was supposed to come from Keith Babb; Nic Strong stated, yes. Dave Hussey asked if Mr. Babb was going to go forward with the Conceptual application. Keith Babb stated that he could not move on until the initial application was completed. He asked Nic Strong to give him a letter of exactly what was missing on the plan because Thomas W. Varney, P.E., appeared to not be happy about doing anything with his pit; he thought he was getting frustrated. Scott Williams thought that everything was.... and Virgil MacDonald told him that his pit, which he thought was in complete compliance, was all set, and now Virgil MacDonald just told him that he was not, so now he was puzzled. Nic Strong stated that the Notice of Decision clearly stated that there were conditions that needed to be met, which were to submit the right number of plans and a \$1,000 bond. Russ Wilder addressed Roger Sample and noted that the Board was talking about Mr. Babb and not Scott Williams' pit. Keith Babb stated that the only two (2) pit permits in the Town were sitting here at the table tonight. The Town was literally regulating two (2) people.

Dave Hussey asked Russ Wilder if he received something in writing, would he be against it. Russ Wilder stated that the Conservation Commission needed to receive a request from Mr. Babb, asking for him to have his gravel pit up to the property line, and then the Commission could vote on it. Dave Hussey stated that the Board was really not supposed to be discussing this issue tonight because of the letter the Board they received from John Dever, III, Code Official, but he thought that things were on schedule, so he did

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not see why the Board could throw things off. Dave Hussey asked if Mr. Babb received a copy of the letter from John Dever, III; Mr. Babb stated, no.

Russ Wilder MOVED to release the letter from John Dever, III, Code Official, dated April 16, 2019, that was addressed to the Board and presented in their packets. Dave Hussey seconded the motion, and it PASSED unanimously.

Roger Sample noted that now that Thomas W. Varney, P.E., submitted the safety procedures, there were only three (3) items left to submit in order for the Board to give Mr. Babb a permit. One was a letter from the Conservation Commission, and he then asked Nic Strong what the remaining two (2) items were. Nic Strong stated that the only thing left other than the Conservation letter, was that Mr. Babb needed to submit 5 copies of the plan and they needed to be signed; once the Chairman signed the plans, and everything else was done, a permit would be issued. Roger Sample thought that was an easy thing for Thomas W. Varney, P.E., to do was just print five (5) sets of plans. Scott Williams asked why five (5) copies were needed. Nic Strong stated that they were distributed to different departments; it was the same as with Site Plans. Scott Williams asked why digital copies were not submitted so they could be shared. Nic Strong stated that was not the way..... Scott Williams thought that the regulations should change because it was the 21st century and the Board should go digital. Virgil MacDonald asked if the Board was going to be buying iPads for everybody. Scott Williams stated, no, that the plans that came in could be stored digitally; it only made sense instead of putting them on a shelf someplace where they could get lost, which that happened, a lot. Roger Sample stated that they took up space. Dave Hussey asked Russ Wilder that since the gravel pit was already done, would it hurt anything to go forward. Tom Hoopes asked when the Conservation Commission met next. Russ Wilder stated next Thursday. Scott Williams asked if they had filing deadlines. Russ Wilder stated, no. Keith Babb asked if he got a formal request letter into the Conservation Commission tonight..... Russ Wilder stated that he should send the letter to Cindy Calligandes, Conservation Commission Secretary. Keith Babb asked for Cindy’s email; Nic Strong stated it was Cindy@alton.nh.gov. Keith Babb stated that he would put in a formal request tonight. Russ Wilder stated that could be on the agenda for next week. Dave Hussey stated that the Board needed to bring this case to a head because now John Dever, III, was getting involved. Dave Hussey stated that Keith Babb should get the outstanding items into Nic Strong, and if Mr. Wilder could get Mr. Babb’s letter in front of his group..... Russ Wilder stated that he was just a member and not the Chairman. Dave Hussey asked who the Chairman was; Russ Wilder stated, Gene Young.

Russ Wilder MOVED to continue the Conceptual Consultation until the next regularly scheduled meeting on May 21, 2019, in order to allow the applicant to comply with the requirements of the April 16, 2019, letter from John Dever, III, Code Official. Tom Hoopes seconded the motion, and it PASSED unanimously.

<p>Case # P19-05 David W. Vincent, LLS, of Land Surveying Services, Agent for Murtagh Family Revocable Living Trust/Carol A. Murtagh, Trustee, Owner</p>	<p>Map 15 Lot 5</p>	<p>Final Minor Subdivision Residential Rural (RR) Zone 37 Bowman Road</p>
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The Chairman read the case for the record.

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Present was David W. Vincent, LLS, agent.

David W. Vincent, LLS, came to the table. Dave Hussey asked if David W. Vincent, LLS, had addressed all of the items that were in the Planner's Review. David W. Vincent, LLS, stated that he submitted most of them. He noted that he made changes to the plan based upon the comments from the Planner's Review, and he revised the list of waivers. Roger Sample wanted to deem the application complete or not before Mr. Vincent went any further. Nic Strong stated that some of the waivers were for the completeness items, so the Board probably should read the revised letter to discuss it. Dave Hussey stated that the Board could not accept the application until it was complete. Nic Strong stated that each application that came in had a list of things that was needed to be complete, and then there was a list of things that needed to be on the plan. Generally speaking, applicants would submit waiver requests that had both types of waivers listed together. In order for the Board to accept the application as complete, their request for waivers for completeness items needed to be looked at first in order to make the decision whether or not to waive them before it was deemed complete. She suggested that if Mr. Vincent submitted a revised letter, the Board should be acting on that first.

David W. Vincent, LLS, stated that the waivers addressed topography, slopes, and soils in excess of 25%, and wetland for the remainder of the property outside the existing conditions. He portioned out one acre of the property that would meet all the requirements as far as uplands, wetlands, and slopes. The wetland scientist went out to the property and examined the property and the area that was depicted to prove out the area for both the 22-acre lot and the 44 acres of remaining property. Tom Hoopes noted that he could not tell if there were any wetlands on the access to the main lot. David W. Vincent, LLS, stated there was a stamped letter from Mike Cuomo, CWS, that was submitted along with the original application stating that he inspected the area, and there were no wetlands on the area itself, but there were some wetland areas in other portions of the lot. Roger Sample asked if there was a wetlands map. Russ Wilder noted that Mr. Cuomo just looked at the property. David W. Vincent, LLS, stated that Mr. Cuomo noted there were no wetlands in the portion of existing lot. Tom Hoopes stated that normally the Board did not ask for the whole lot to be surveyed for wetlands, but they did ask for the importance of the access properties. If there was a wetland in an access, the Wetlands Board would not give them access if there was another option. David W. Vincent, LLS, stated that there were no wetlands on the access property. Tom Hoopes stated that there was no way that the Board could see that. Russ Wilder noted that it was indicated, but it was not clear. David W. Vincent, LLS, stated that if the Board read the actual report, it stated that in the area of the existing conditions, Mr. Cuomo inspected that portion of the property. Russ Wilder read from Mr. Cuomo's report, "I conducted a wetland investigation on the portion of your property proposed for development. No wetlands were found in the area of investigation." Russ Wilder pointed out that it did not specify that there were no wetlands in the area of development. David W. Vincent, LLS, noted that Russ Wilder was correct, it was not clear; David W. Vincent, LLS, stated that he was going to ask Mr. Cuomo to clarify what area he was referring to. Russ Wilder noted that the Conservation Commission was wondering the same thing.

David W. Vincent, LLS, addressed the second waiver, which was to show existing buildings within 200 feet of the subdivided parcel. He stated that this was a minor subdivision, and would not have a real impact on the surrounding properties. Virgil MacDonald asked if water from Swan Lake and the trail ran onto the property, because he thought that some of the wetlands were waist deep. David W. Vincent, LLS, stated that there was a flood hazard zone in the back area of the property, but that was part of the waiver request. Scott Williams thought that the entrance was wet. David W. Vincent, LLS, stated, not

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according to Mr. Cuomo. Tom Hoopes asked about the steep slopes. David W. Vincent, LLS, stated that there were steep slopes, but they were not located within the one (1) acre of property that was laid out for building.

Roger Sample asked where the access would be for Lot 5-1. Tom Hoopes mentioned that the Wetlands Bureau would not grant an access way on a piece of property through a wetland, if there was another access area. David W. Vincent, LLS, was aware of that, and mentioned again that there were no wetlands in the area of proposed access. Tom Hoopes pointed out that it was not clear on the plan. David W. Vincent, LLS, stated that he was going to have Mr. Cuomo revise his letter. Roger Sample asked if Mr. Cuomo performed a wetlands test, or did he just walk the property and did not observe any water. David W. Vincent, LLS, stated that Mr. Cuomo performed his inspection per the manuals required by a Wetland Scientist. Tom Hoopes stated that the Board usually asked to have a mapped wetland application. He pointed out that there were times in the past that the Board was presented with wetland information that did not actually match up with what was on the ground, and that was a real problem. Virgil MacDonald noted that Mr. Cuomo conducted a wetlands inspection on December 13, 2018. David W. Vincent, LLS, stated that Mr. Cuomo was a respected wetlands/soils scientist and he stamped the plan. Dave Hussey stated that the plan did not define the wetlands area; his letter only stated that no wetlands were found in the area of investigation. He asked how the Board was supposed to know exactly what he investigated. Tom Hoopes noted that in December, the ground was already somewhat firm. Scott Williams noted that there was a constant ground cover of snow since November of 2018. Scott Williams stated it did not show on the plan where the area of investigation took place. He stated that if augers were used in that location, then there should be ribbons in the trees marking that area. Tom Hoopes stated that the Board needed the exact information for the access areas; they were not entirely concerned about the back land. Scott Williams did not want to see this cause a hardship for future owners. David W. Vincent, LLS, asked the Board if it would be acceptable for Mr. Cuomo to write a letter stating that he physically walked the property and there were no wetlands in the area depicted for existing conditions. Virgil MacDonald thought that walking the property back in December of 2018 was a problem because there was snow on the ground. Roger Sample thought that Mr. Cuomo should go back out to the property to do a test of the area, and then give the Board the required wetlands/soils map, and have it signed by the wetlands scientist. Tom Hoopes noted that the map needed to show from Bowman Road to the back of the lot that there was dry access, because that was going to be their only access point. Dave Hussey motioned that the Board not accept the application at this time, and that they needed more wetland specifics. Tom Hoopes thought that the application could be approved with conditions. He pointed out that the application could not be accepted as complete if they did not grant the waivers. Dave Hussey decided to hold his motion.

David W. Vincent, LLS, addressed the second waiver again, that required existing buildings and intersecting streets and driveways be shown on the plan that were 200 feet along the outer perimeter of the lot. He noted that the area being developed was per the existing conditions site plan. He pointed out that someone could build off Bowman Road, or they could build on the back land where the test pits were done out back. He stated that he was going to ask Mr. Cuomo to indicate the abutting properties with their own wetlands on the plan; therefore, showing the Board that the wetlands were not on the property in question and were in fact on the abutting properties. Tom Hoopes did not think that the buildings 200 feet along the out perimeter of the property had anything to do with the application.

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David W. Vincent, LLS, addressed the third waiver, which was for driveway profiles, cross sections, and sight distances. He noted that there was an existing driveway that served Lot 5, and would remain with that lot. In regards to the new lot, it was indicated on the plan that there was a potential curb cut for a driveway, but he was not sure exactly where a prospective buyer would want to build.

David W. Vincent, LLS, addressed the fourth waiver, which was for future development and a project narrative. He thought that was mainly for someone that was proposing a full development of the remaining property; the applicant had no plans to develop the remaining property. Tom Hoopes noted that if a future buyer wanted to develop the area, they would be the one to propose that to the Board. Scott Williams asked if the property had been recently logged; David W. Vincent, LLS, stated, yes, but he was not sure how long ago. Scott Williams stated that there was a timeframe that people had to wait before building, which was two (2) years. Tom Hoopes thought it was two (2) years also. Scott Williams stated that David W. Vincent, LLS, should get the log date.

Russ Wilder asked if there was a waiver request for monumentation. David W. Vincent, LLS, stated, no; he changed the plans to show a stone monument to be set at the front corner at the road, since there was only one bound. Scott Williams asked why there was only one bound. David W. Vincent, LLS, stated that the Regulations required monuments to be shown at the street. Scott Williams stated that all of the corners needed to be bound. David W. Vincent, LLS, stated that there was a pin at one of the corners, and there was a drill hole in the existing stone wall that was going to stay in place, and that was going to as another bound.

Dave Hussey withdrew his motion to deny the application. Scott Williams commented that Dave Hussey was withdrawing his un-seconded motion. Dave Hussey thought that someone seconded it. Scott Williams did not think so. Roger Sample thought that it was just a motion. Virgil MacDonald stated that he seconded the motion and wanted to take back his second.

**Tom Hoopes MOVED to accept application #P19-05 as complete, and grant the waivers requested in the letters dated April 16, 2019, for Section VII B.8. (b) & (c) Major Subdivisions – Design Review Application; D. 1. (g), (l), and (n) Final Plat Requirements; E. 2. (h)(2)&(3), and (i) Minor Subdivision, which were for Topographic, Soils, Wetlands and Slopes in Excess of 25 %; Section VII D. 1. (q) Final Plat Requirements, which were for Features within 200 feet; E. 2. (j)&(k) Minor Subdivision, which were for Driveway Profiles, Cross Sections, and Sight Distances; and E. 2. (l)&(m) Minor Subdivision, which were for Future Development and Project Narrative. The waiver request for wetlands mapping was not being waived at this time, in order to allow the applicant to submit the information for the next regularly scheduled meeting on May 21, 2019.
Russ Wilder seconded the motion.**

DISCUSSION:

Virgil MacDonald did not think that the Board should tack things on for future development. Tom Hoopes stated that the Board waived that request because they were unsure of what would be proposed.

Roger Sample asked the Board for a vote. The motion PASSED unanimously.

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David W. Vincent, LLS, shared that Mrs. Murtagh lived on the property in a single-family dwelling, which consisted of 66 acres; frontage was on Bowman Road, a Class V road. The intent of this application was to reserve 22 acres for a homestead property. The property had been logged recently, but was still wooded all throughout. There was an existing family cemetery on the lot, which would stay with Lot 5, and it was noted on the plan. The 150 feet of frontage for Lot 5 would be along the westerly portion of the property.

David W. Vincent, LLS, went over the Existing Conditions Plan. He made clear once again that there were no wetlands. He indicated where the well was located and its radius, the test pits, along with where the septic system would be located. The plan also indicated that there was an area that met setbacks for State Subdivision Approval. Virgil MacDonald asked about the right-of-way. Scott Williams noted that there would be room towards the front of the lot to build, and the septic area was indicated on the plan.

Tom Hoopes asked the Board if they thought that they could approve the application with conditions at tonight's meeting. The Board agreed that as long as the wetlands information was provided to Planner, they did not have a problem approving the application tonight.

Nic Strong stated that the Board had to discuss lot standards and active and substantial building. Scott Williams thought that Active and Substantial Building would be the planting of the bounds. David W. Vincent, LLS, noted that it was up to the discretion of the Board as to the shape and configuration of the lot, which was why he did not submit a waiver request. Tom Hoopes thought that if the back lot was smaller, then he would have concerns, but it consisted of 44 acres. David W. Vincent, LLS, stated that he tried to make the lot as square as possible. Russ Wilder asked if the back lot could be subdivided in the future. David W. Vincent, LLS, thought that the back lot could be subdivided at some point.

Scott Williams MOVED to grant the waiver for the lot ratio requirement because of the large size of the lot.

Dave Hussey seconded the motion, and it PASSED unanimously.

Roger Sample opened public input. No public input. Roger Sample closed public input.

After due hearing, Scott Williams MOVED that the Alton Planning Board hereby approves the above cited application for Murtagh Family Revocable Living Trust for a Final Minor Subdivision for a two lot subdivision of Map 15 Lot 5, with the following conditions:

CONDITIONS PRECEDENT

The following conditions must be satisfied prior to the Planning Board Chair signing of plans:

- 1. Submission of revised plans in the number required by the Subdivision Regulations and that include all of the checklist corrections, any corrections as noted at this hearing and any waivers granted by the Board.**
- 2. Addition of a note to the subdivision prior to plan signing by the Planning Board Chair: This subdivision plan contains a total of ___ sheets: [to be listed and dated by**

the applicant on the subdivision plan itself]. In combination, these plans constitute in their entirety the subdivision as approved by the Town of Alton Planning Board. All sheets are on file at the Town of Alton Planning Department.

3. **Addition of a note to the subdivision plan prior to plan signing by the Planning Board Chair: This subdivision plan is subject to the Conditions of Approval itemized in the April 16, 2019, Notice of Decision on file at the Town of Alton Planning Department.**
4. **Addition of a note to the subdivision plan prior to plan signing by the Planning Board Chair stating that Best Management Practices shall be utilized during any timber cutting on site.**
5. **Bounds shall be set on the final plat or a separate certification of bounds set shall be recorded at the Belknap County Registry of Deeds at the applicant's expense.**
6. **Submission of additional wetlands/soils mapping to provide required information on wetlands within the entire area shown on the Minor Subdivision Site Plan sheet of the plan set dated February 26, 2019, revised April 16, 2019.**

SUBSEQUENT CONDITIONS

The following subsequent conditions shall be met during construction and on an on-going basis:

1. **All subdivision improvements are to be completed as per the approved subdivision plat.**
2. **The applicant shall comply with all of the Town of Alton's Subdivision Regulations.**
3. **The approval is based upon the plans, specifications and testimony submitted to the Planning Board. Any alterations, additions or changes to the plans are not authorized and require additional Planning Board approval.**
4. **A subdivision plan which has been approved, conditionally or otherwise, may be revoked, in whole or in part, by the Planning Board when an applicant or successor in interest to the applicant has performed work, erected a structure or structures, or established a use of land, which fails to conform to the statements, plans, or specifications upon which the approval was based, or has materially violated any requirements or conditions of such approval.**
5. **Once any and all conditions of approval have been met and the Chairman of the Planning Board or his designee signs a subdivision plan, the applicant has twelve (12) months from the date of signing to start construction and, unless a different schedule is approved by the Board, must complete construction within thirty-six (36) months unless an extension has been formally requested and granted by the Board. Normally the Board shall not grant more than one extension per project, shall only grant an**

extension for reasonable cause, and shall normally not grant an extension for more than six months.

ACTIVE AND SUBSTANTIAL DEVELOPMENT OR BUILDING AND SUBSTANTIAL COMPLETION OF IMPROVEMENTS

1. **Within 24 months after the date of approval, the following items must be completed in order to constitute "active and substantial development or building" pursuant to RSA 674:39,I, relative to the 5-year exemption to regulation/ordinance changes: setting bounds**

2. **The following items must be completed in order to constitute "substantial completion of the improvements" pursuant to RSA 674:39,II, relative to final vesting: setting bounds**

Unless otherwise approved by the Board, the applicant shall have one (1) year from the date of the meeting at which the application is approved with conditions to complete any conditions precedent that are required prior to signing and recording the subdivision plat. Failure to complete any conditions within the one (1) year timeframe shall invalidate the Board's approval, unless an extension is approved by the Board per Section XI, C. 2. of the Town of Alton Subdivision Regulations.

Dave Hussey seconded the motion, and it PASSED unanimously.

<p>Case # P19-06 Randolph R. Tetreault, LLS, of Norway Plains Associates, Inc., Agent for Van E. Hertel, Sr. and Van E. Hertel, Jr., Owners</p>	<p>Map 15 Lots 9, 9-1, & 9-3</p>	<p>Lot Line Adjustment Residential Rural (RR) Zone Old Wolfeboro Rd./ NH Route 28 & Miramichie Hill Rd.</p>
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The Chairman read the case for the record.

Present was Steve Oles, LLS, agent.

**Russ Wilder MOVED to accept the application for Case #19-06, as complete.
Dave Hussey seconded the motion, and it PASSED unanimously.**

Steve Oles, LLS, came to the table. Scott Williams asked for clarification where the properties were located. Virgil MacDonald stated that the property used to be the old Walker Farm. Steve Oles, LLS, stated that Lot 9-1 would have frontage on Old Wolfeboro Road, Lot 9-3 would keep the frontage on Old Wolfeboro Road and Miramichie Hill Road, and all of the lots conformed to size. Tom Hoopes asked if there was going to be a buffer at the edge of the road, and wondered if the Board could require the property to not be clear cut. Steve Oles, LLS, stated that would be up to the owners. Russ Wilder had a question about the corner lot; Steve Oles, LLS, stated that belonged to someone else. (Recording became inaudible because too many Board members were speaking at the same time.) Scott Williams asked how

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would the other lots have access. Steve Oles, LLS, stated that he was proposing to make them all one lot. Russ Wilder recalled that there were limited wetlands, and it did not look like a problem was being created with wetlands. Tom Hoopes asked about the cemetery lot and wondered if it would be indicated in the deed; Steve Oles, LLS, stated it was already in the deed. Russ Wilder shared that when these parcels went through a previous subdivision, there was an access way granted to get onto the property in order to maintain the cemetery lot.

Roger Sample opened public input.

Rob Secinaro, an abutter, came to the table. He was wondering if there was any plans for building on the properties. Steve Oles, LLS, stated, that would be up to the owners. Scott Williams stated that whatever was built, it had to be under 35' high. Russ Wilder shared that this was a Rural Residential Zone. Tom Hoopes stated that the property was a legal lot of record, and it was up to the buyer to determine what they wanted to build. He did mention that if the owners were going to present a multi-dwelling unit that they would have to come back to the Board and abutters would get notified and be able to speak if they wished to do so. Roger Sample stated that a duplex would be an exception to what Tom Hoopes just stated.

Roger Sample closed public input.

After due hearing, Scott Williams MOVED that the Alton Planning Board hereby approves Case #P19-06 for Van E. Hertel, Jr., and Van E. Hertel, Sr., for the above cited Lot Line Adjustment of Map 15 Lots 9, 9-1 & 9-3, with frontage on NH Route 28, Miramichie Hill Road and Old Wolfeboro Road, with the following conditions:

CONDITIONS PRECEDENT

The following conditions precedent must be satisfied prior to the Planning Board Chair signing the plans:

- 1. Submission of revised plans in the number required by the Subdivision Regulations and that include all of the checklist corrections, any corrections as noted at this hearing and any waivers granted.**
- 2. Bounds should be set on the final plat or a separate certification of bounds set will be required to be recorded at the Belknap County Registry of Deeds at the applicant's expense.**

SUBSEQUENT CONDITIONS

The following subsequent conditions shall be met during construction and on an on-going basis:

- 1. The applicants shall comply with all of the Town of Alton's Subdivision Regulations.**

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2. **Approval of the lot line adjustment by the Planning Board constitutes recognition that the lot configurations are in conformance with local land use regulations. To complete the lot line adjustment, deeds must be transferred and recorded and this is the applicant's responsibility.**
3. **The approval is based upon the plans, specifications and testimony submitted to the Planning Board. Any alterations, additions, or changes to the plans are not authorized and require additional Planning Board approval.**
4. **A lot line adjustment which has been approved, conditionally or otherwise, may be revoked, in whole or in part, by the Planning Board when an applicant or successor in interest to the applicant has performed work, erected a structure or structures, or established a use of land, which fails to conform to the statements, plans, or specifications upon which the approval was based, or has materially violated any requirements or conditions of such approval.**

Unless otherwise approved by the Board, the applicant shall have one (1) year from the date of the meeting at which the application is approved with conditions to complete any conditions precedent that are required prior to signing and recording the subdivision plat. Failure to complete any conditions within the one (1) year timeframe shall invalidate the Board's approval, unless an extension is approved by the Board under Section IX, A. 2. of the Town of Alton Subdivision Regulations.

Virgil MacDonald seconded the motion, and it PASSED unanimously.

<p>Case # P19-07 Richard D. Bartlett & Assoc., LLC, Agent for Jill Royer & Cynthia Balcius, Owners</p>	<p>Map 3 Lots 4 & 12</p>	<p>Final Minor Subdivision Rural (RU) Zone Prospect Mountain Road/ Chamberlain Road</p>
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The Chairman read the case for the record.

Present were Mark Sargent, LLS, agent; and Cynthia Balcius and Jill Royer, owners.

Mark Sargent, LLS, and Cynthia Balcius came to the table. Mark Sargent, LLS, addressed the waivers. He stated that he was proposing three (3) uses on three (3) different pieces of property owned by the applicants. The waivers were for the scale; he showed the portion of property to be subdivided on a scale of 1":50', but the remainder of the property was scaled at more than 1":100'; a waiver was requested for not showing the complete boundary for the larger portion of the property, nor of Lot 12, which a portion of Lot 4 was to be annexed to; a waiver was requested for existing and proposed lot lines; a waiver was requested to waive showing the wetlands and topography delineation for the remainder of the property and Lot 12, but they were shown on the portion to be subdivided; a waiver was requested to waive a soils report; and a waiver to not include buildings, streets, and driveways within 200 feet of the property.

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Mark Sargent, LLS, noted that with the last application that the Board heard, the length to width ratio was a discretionary decision by the Board; therefore, he wanted to add that request to the list of waivers; Lot 4 had a width of 329.93 feet, times that by 3 and you got 989.79 feet, and the proposal was 950 feet. The lot to the right, Lot 4-5, had a frontage of 286.91 feet, which would equate to 860.07 feet in length; the proposal was to be 950, therefore, the length was 90 feet over the requirement. He noted that driveway profiles and sight distances were checked on the checklist, but he actually considered them non-applicable because the lots had existing driveways.

Dave Hussey MOVED to grant the waivers for Section VII E.2. (g)(2)(a) Plans and Maps – General, scale not more than 100 feet per inch; Section VII D.1. (b) Final Survey Plat, complete boundary survey; Section VII D.1. (c)(1) Final Survey Plat, existing and proposed lot lines; Section VII D.1. (g)(1) & (j), wetlands; Section VII D.2., topographic map; Section VII E.2. (h)(3), soils map; Section VII C.9., soils report; Section VII B.16. Additional Information – buildings, streets, and driveways within 200 feet; and to make the lot ratio a moot point.

Scott Williams seconded the motion, and it PASSED unanimously.

Tom Hoopes MOVED to accept the application for Case #P19-07, as complete.

Russ Wilder seconded the motion, and it PASSED unanimously.

Mark Sargent, LLS, pointed out that the two (2) parcels of land noted in the application were known as 229 Prospect Mountain Road, Map 3 Lot 4; these were on the left hand side of the plan. The other parcel of land was located on a right-of-way, 41 Kiana Road, Map 3 Lot 12, with frontage on Chamberlain Road. The Prospect Mountain Road property had a total area of 60 acres with 616.08 feet of frontage; it had an existing single-family home and a barn, as well as a building for Cindy Balcius' business. The home was located on the left hand side of the lot, and the business was to the right. The Kiana Road property, which had an existing single-family home and a barn, had 48.67 acres, with 685.58 feet of frontage on Chamberlain Road and had access via Kiana Road.

Mark Sargent, LLS, stated that this application proposed to create an additional lot encompassing the office building; it would have an area of 5.04 acres and 286.09' of frontage. The idea was to annex the back portion of Lot 4, which had 49 acres, to Lot 12, and create a new lot area for the Kiana Road property, Lot 12, of 97.67 acres; the remaining area on Lot 4 was 6.22 acres with 329.93' of frontage. He went over the items that were missing per the Planner Review, which were, labeled the proposed lot lines, labeled the new proposed lot Map 3 Lot 4-5, the portion of Lot 4 to be annexed to Lot 12 had been labeled as parcel A, the new lot corners to be set had been noted on the plan (granite bound at the front corner and the two extreme corners were already monumented with steel pins), the travel width right-of-way and classification of Prospect Mountain Road were noted on the plan, a note was added concerning the flood insurance rate map, rectangles depicting the minimum contiguous buildable areas were now shown on each parcel, and a note had been added that the parcel was not in the aquifer protection district. He pointed out that there was a note that slopes in excess of 25% were not shown on the plan, but there were no slopes in excess of 25% on that portion of the property.

Russ Wilder asked if the lot with the office building had a power line going across it. Mark Sargent, LLS, stated that there was a pole easement on that property. Scott Williams asked if there were any physical wires; Mark Sargent, LLS, stated, no. Scott Williams stated that back in the early 1960's everyone

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wanted to get the power lines off the road for beautification of Alton. Tom Hoopes stated that was not the reason; it was the Rural Electrification plan (REA), where it was cheaper to run a short copper line. Russ Wilder clarified that it was just an easement and there were no poles or lines running across the lot.

Roger Sample opened public input. No public input. Roger Sample closed public input.

Nic Strong asked what the Board wanted to determine for active and substantial building. Scott Williams thought it should be to monument the lot.

After due hearing, Dave Hussey MOVED that the Alton Planning Board hereby approves the above cited application for Jill Royer and Cynthia Balcius for a Final Minor Subdivision and Lot Line Adjustment for a two lot subdivision of Map 3 Lot 4, creating Map 3 Lot 4-5 of 5.04 acres, annexing Parcel A of 60 +/- acres from Map 3 Lot 4 to Map 3 Lot 12 such that Map 3 Lot 12 is increased in size to 97.67 +/- acres, and leaving Map 3 Lot 4 with 6.22 acres, with the following conditions:

CONDITIONS PRECEDENT

The following conditions precedent must be satisfied prior to the Planning Board Chair signing of plans:

- 1. Submission of revised plans in the number required by the Subdivision Regulations and that include all of the checklist corrections, any corrections as noted at this hearing and any waivers granted by the Board.**
- 2. Addition of a note to the subdivision prior to plan signing by the Planning Board Chair: This subdivision plan contains a total of ___ sheets: *[to be listed and dated by the applicant on the subdivision plan itself]*. In combination, these plans constitute in their entirety the subdivision as approved by the Town of Alton Planning Board. All sheets are on file at the Town of Alton Planning Department.**
- 3. Addition of a note to the subdivision plan prior to plan signing by the Planning Board Chair: This subdivision plan is subject to the Conditions of Approval itemized in the April 16, 2019, Notice of Decision on file at the Town of Alton Planning Department.**
- 4. Addition of a note to the subdivision plan prior to plan signing by the Planning Board Chair stating that Best Management Practices shall be utilized during any timber cutting on site.**
- 5. Bounds shall be set on the final plat or a separate certification of bounds set will be required to be recorded at the Belknap County Registry of Deeds at the applicant's expense.**

SUBSEQUENT CONDITIONS

The following subsequent conditions shall be met during construction and on an on-going basis:

1. All subdivision improvements are to be completed as per the approved subdivision plat.
2. The applicant shall comply with all of the Town of Alton's Subdivision Regulations.
3. Approval of the lot line adjustment by the Planning Board constitutes recognition that the lot configurations are in conformance with local land use regulations. To complete the lot line adjustment, deeds must be transferred and recorded and this is the applicant's responsibility.
4. The approval is based upon the plans, specifications and testimony submitted to the Planning Board. Any alterations, additions or changes to the plans are not authorized and require additional Planning Board approval.
5. A subdivision plan which has been approved, conditionally or otherwise, may be revoked, in whole or in part, by the Planning Board when an applicant or successor in interest to the applicant has performed work, erected a structure or structures, or established a use of land, which fails to conform to the statements, plans, or specifications upon which the approval was based, or has materially violated any requirements or conditions of such approval.
6. Once any and all conditions of approval have been met and the Chairman of the Planning Board or his designee signs a subdivision plan, the applicant has twelve (12) months from the date of signing to start construction and, unless a different schedule is approved by the Board, must complete construction within thirty-six (36) months unless an extension has been formally requested and granted by the Board. Normally the Board shall not grant more than one extension per project, shall only grant an extension for reasonable cause, and shall normally not grant an extension for more than six months.

ACTIVE AND SUBSTANTIAL DEVELOPMENT OR BUILDING AND SUBSTANTIAL COMPLETION OF IMPROVEMENTS

1. Within 24 months after the date of approval, the following items must be completed in order to constitute "active and substantial development or building" pursuant to RSA 674:39,I, relative to the 5-year exemption to regulation/ordinance changes:
setting bounds
2. The following items must be completed in order to constitute "substantial completion of the improvements" pursuant to RSA 674:39,II, relative to final vesting:
setting bounds

Unless otherwise approved by the Board, the applicant shall have one (1) year from the date of the meeting at which the application is approved with conditions to complete any conditions precedent that are required prior to signing and recording the subdivision plat. Failure to complete any conditions within the one (1) year timeframe shall invalidate the

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Board's approval, unless an extension is approved by the Board per Section XI, C. 2. of the Town of Alton Subdivision Regulations.

Scott Williams seconded the motion, and it PASSED unanimously.

3. Design Review

<p>Case # P19-08 One80 Solar Group, LLC, Agent for David R. Hussey, Owner</p>	<p>Map 5 Lot 72-7</p>	<p>Design Review/Major Site Plan Rural (RU) Zone 356 Suncook Valley Road</p>
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The Chairman read the case for the record.

Present were Chris Nadeau, P.E., Sean McDowell, P.E., and Patrick Attwater, agents; and Dave Hussey, owner.

Chris Nadeau, P.E., Shawn McDowell, P.E., and Patrick Attwater came to the table. Chris Nadeau, P.E., stated that the proposal was to develop the front 1/3 of the property with a large-scale solar array. The proposal includes 3 megawatts of solar arrays divided into three (3) separate areas, as indicated on the plan. The three arrays included just over 12,000 solar panels. The NH Electric Co-op had an agreement to buy the power and connect their lines to Route 28; the arrays would be accessed via Mr. Hussey's driveway off Route 28. Each of the individual arrays would be fenced off with a 7' high chain link fence, and they were working diligently to not disturb any wetlands. Ordinarily, the beginning process included smoothing out the land because it was rocky and the topography was all over the place. Before the panels were assembled and put in place, the areas would be loamed and seeded so grass would grow under all the panels. Each of the three arrays had an equipment pad. Patrick Attwater stated that the inverters would be spread out throughout the array, and on the pad would be a transformer and a switch gear. Scott Williams asked if Patrick Attwater would be using end phase monitoring on the panels themselves. Patrick Attwater stated that they would not be using end phase because of the scale of the system; he was using string inverters, which were boxes about the size of a 22" x 34" plan and would hang in clusters of five (5) or six (6) throughout the array. DC strings would run back to the inverters, which convert the energy from DC to AC, and then that would be run back to a central switch gear on the equipment pad that had the transformer.

Chris Nadeau, P.E., stated that an AoT Permit was required because they were disturbing more than 100,000 s.f. The site sloped from north to south and there was a series of shallow detention ponds that would control the runoff. A solar array was not considered a rooftop because each individual panel and the rack itself had spaces in between where rainwater would be able to run off. Scott Williams was surprised that detention ponds were suggested to be installed. Chris Nadeau, P.E., stated that was because of the vegetation and the AoT required it as part of their permit. Russ Wilder noted that some roads were being built. Chris Nadeau, P.E., stated that there were graveled driveways that were 15' wide, so they needed to offset the increase in runoff. Once the arrays were built, they required very little maintenance; they needed to be maintained a couple of times per year and were monitored remotely. If there was an issue with a panel, they would send out a maintenance person to fix the issue. The grass would be mowed once or twice a year; other than during construction, there was virtually no traffic, no noise, no pollution,

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no gases being given off, and no moving parts. Chris Nadeau, P.E., thought that the biggest issue would be from Mr. Hussey's neighbors on what it looked like. The site was very wooded and screened and if you drove up NH Route 28 from the south, after coming around the bend, you were not even going to see them.

Virgil MacDonald was concerned about glare from the sun. Patrick Attwater stated that solar panels were designed to be anti-reflective, but there was some steel on the array that could have some minor reflection, but most of that was covered by the panels. Russ Wilder noted that during construction, there would be 12,000 panels, so he wanted to know where the staging area and construction yard were going to be located. Patrick Attwater stated that he would have a couple of them and they would be spread out throughout the construction site, and the construction materials would be coming in waves. Russ Wilder asked if there was any noise involved with construction. Patrick Attwater stated that due to soil conditions, they would drill and drive the posts into the ground, but other than that, it would just be normal construction noises. Russ Wilder stated that the Board usually had a time deadline for construction.

Virgil MacDonald asked if Chris Nadeau, P.E., met with the Fire Department. Chris Nadeau, P.E., stated, yes, he did receive some comments back from them that they needed to address. The Fire Department wanted a Knox box at the entrance or at each gate. Virgil MacDonald stated that the other comment was that the Fire Department wanted to meet with Chris Nadeau, P.E., and the installation company so they had a better understanding on how to mitigate any issues. Scott Williams thought that the Fire Department should stay out of this. Patrick Attwater stated that part of their installation, there was very clear signage being installed, which clearly indicated what to touch and what not to touch. Virgil MacDonald asked about a fence. Patrick Attwater stated that a 7' fence would be installed. Russ Wilder noted that it stated 6' in the application. Patrick Attwater stated that the fence could be 6' with barbed wire, or it could be 7'. Russ Wilder was not sure if the Conservation Commission saw the application yet, but he thought that the concern would be how runoff was being handled because there was a stream that went across the adjacent property which the Conservation Commission holds a Conservation Easement on. Chris Nadeau, P.E., stated that part of this submission, they generally labeled where the drainage control was going to be located, and the next plans would indicate in detail how the runoff was going, and how it was controlled. Shawn McDowell, P.E., stated they would submit a full drainage report that consisted of pre and post conditions. Chris Nadeau, P.E., was not sure if he was the one to submit the information to the Conservation Commission. Russ Wilder noted that once his application was received, a copy of the plans were sent to the Conservation Commission. Patrick Attwater noted that Chris Nadeau, P.E., mentioned that there was space between the panels, but in between the sections, there was about an 18' wide driveway so they did not shade themselves. Scott Williams asked how far the panels would be off the ground. Chris Nadeau, P.E., stated the panels would be about 3' off the ground at a 25-30 degree tilt. Roger Sample asked if the arrays would have their own entrance. Chris Nadeau, P.E., stated that they would be sharing Mr. Hussey's existing driveway, which they would have to apply for a change of use with DOT.

Roger Sample opened public input.

George Dewhurst of 338 Suncook Valley Road came to the table. He shared that he had 1,000 feet of land that abutted Mr. Hussey's property. Prior to him receiving a letter about tonight's meeting regarding solar arrays, he thought that Mr. Hussey was putting in a buffalo farm, which he agreed with, but now that

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Mr. Hussey clear cut 70 acres of his property, it shut down the access of animals to his property, and now he had a problem. Mr. Dewhurst was concerned because there was no wildlife now on his 10-acre piece of property. He noted that prior to clear cutting, there was an eagle's nest in one of his trees that was 100' from Mr. Hussey's property line, and now it was gone. Mr. Dewhurst was concerned about the wildlife and mentioned that he was going to ask the EPA about having an impact study done. He thought it was going to be an atrocious site having all these panels next door to him, especially since they would be reflecting light into his windows. He was concerned with water runoff; he had property that was below grade from Mr. Hussey's property. He shared that he was a wildlife enthusiast and not a hunter, and regarded his property as a wildlife sanctuary; after the clear cutting occurred, only 1/10th of the animals come onto his property. Virgil MacDonald stated that the animals would find their way around and they would come back; animals changed their habitat according to the different seasons. George Dewhurst showed the Board where his house was located on the plan. Virgil MacDonald stated that he did not think that the solar panels would blind Mr. Dewhurst. George Dewhurst was concerned with water runoff. Roger Sample stated that the water would be taken care of. Virgil MacDonald stated that people should do what they want with their property. George Dewhurst thought that this project was more like a commercial solar farm and thought that his property value would go down because of this. Scott Williams stated that solar arrays were allowed in the zone with a Special Exception, which Mr. Hussey was approved for.

George Dewhurst was also concerned about the long-term effects on humans and animals as far as solar panels went, and in fact, he did not even want to live near high-tension wires. He was all for solar energy, but just not in his backyard. He thought he was zoned Residential, but in fact, he was zoned Rural. Tom Hoopes stated that the Rural zone permitted a lot uses. In terms of water runoff, Mr. Hussey was not allowed to disperse more water off his property than it currently did. If there was an increase in water, all Mr. Dewhurst had to do was notify EPA. George Dewhurst wanted to know if he could request a study before Mr. Hussey applied. Tom Hoopes stated that in the EPA application process, a design for drainage to include how much water would be landing on the property, what volumes there were, and how the water was going to be redirected. Patrick Attwater stated that Mr. Hussey was really concerned about wildlife, and typically what the company looked for was a squared off, rectangular area for solar panels, but in this case, the panels moved with the property and forced them to open corridors for wildlife in between each of the arrays. Patrick Attwater stated that this type of project was no different from the electrical service coming into your house off a pole. George Dewhurst stated that he was an electrical engineer and worked in the field his whole life, so he understood the process. He stated that living within so many feet of high-tension wires could cause cancer. Patrick Attwater stated that he was not going to be adding any additional high lines or extra voltage, or even a substation; they would be connecting to the high lines already running along the highway. He shared that the solar panels would be facing to the south; therefore, eliminating any direct glare into Mr. Dewhurst's property. Tom Hoopes stated that there was also a requirement for a buffer zone of trees. Patrick Attwater shared that the fences would be kept tight around each array. Mr. Dewhurst asked where the buffer of trees was going to be because Mr. Hussey cut down all of the trees up to his property line. Tom Hoopes stated that Mr. Hussey would have to plant more.

Dave Hussey referred the Board to the plan. He noted that many years ago, a portion of his property was clear-cut to accommodate the snowmobile trails. The water runoff that Mr. Dewhurst referred to came out of Marty Cornelissen's pond through a culvert. Dave Hussey then referred to the other side of his property that was uphill, and he did not think that water runoff would be an issue. He also noted that he

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recently shot a buck on his property along with his other neighbor. He pointed out that Marty Cornelissen stated he had many deer out back of his property. Scott Williams did not think there would be any water runoff. Roger Sample was concerned that this project was going to affect the snowmobile trail.

Russ Wilder asked what the life of the project was. Patrick Attwater stated, typically, 25 years. The modular had warranties that guarantee they would produce 80% of the amount of power they produced on day one in 25 years; they degraded slightly over time. Russ Wilder noted that a vegetation management program needed to be done in between the arrays because the trees should not shade the panels. He also thought that the vegetation management would have some effect on the wildlife, and he thought that should be addressed given what was brought up tonight with Mr. Dewhurst. Russ Wilder asked if there would be any service lights. Patrick Attwater stated that there would not be any continuous lights, but there was a light at the transformer pad that could be turned on and off if someone needed to service the panels at night.

Tom Hoopes asked if there was an end life. Patrick Attwater stated that at the end, the panels would be decommissioned, and there were many valuable materials in the array. Russ Wilder thought there was a decommissioning plan. Roger Sample asked if it would be a decommissioning or a recommissioning. Patrick Attwater stated that it was up to the landowners to continue after that time frame; after 25 years, they could upgrade the panels, unless the owner did not want it on their property anymore. Roger Sample wanted to know if the project was going to affect the snowmobile trail. Patrick Attwater was not sure where that went on the property. Dave Hussey stated that the project would not affect the trail.

Dr. Dan Steele came to the table. He was not against solar energy, but he was concerned with the time frame of the project, and wanted to know what step in the process was this meeting. Scott Williams stated that it was conceptual. Dr. Steele wanted to be able to talk to Mr. Hussey some more about the project. Tom Hoopes thought that Mr. Hussey was trying to get the project done before the end of the year; the biggest part of the project was clearing and grubbing the land. Patrick Attwater stated that he was trying to move as quickly as he could with the application process because he had a short window of time for construction due to the winter weather. Dr. Steele had some concerns and he wanted to talk about them in person; Patrick Attwater agreed to meet. Tom Hoopes stated that if a final application was submitted for the next meeting, the Board had 65 days to approve the application, so it could be a possibility that the project could be approved at the next meeting, but since it was such a large-scale project, it could be two meetings; he did not know for sure.

Earl Guyette of 342 Suncook Valley Road came to the table. He was concerned because since Mr. Hussey owned the property, he had not been able to sleep past 7:00 a.m., except throughout the wintertime. Mr. Hussey would often start up his equipment early in the morning to work on his property. He addressed the noise from the transformer and asked if it was going to be humming close to his house. Patrick Attwater did not think that there was going to be any noise from the transformer that Mr. Guyette would hear because they were set back into the arrays themselves. Earl Guyette mentioned that when he lived in Hooksett and lived across the street from a plant, the transformers constantly hummed. Patrick Attwater shared that one of the reasons why he was in this industry was, out of all the ways that power was created, solar energy was one of the most environmentally sensitive ways that it could be created. He stated that the landscape of Mr. Hussey's property was going to look different, but he was hoping that a better habitat for deer would be created. He noted that these solar panels would not create much noise, and they did not have gears or moving parts like other types that followed the sun; these solar panels were

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a fixed tilt. Earl Guyette mentioned that when Mr. Hussey talked to him about the solar project, Mr. Hussey informed him that he was going to install three (3) solar panels. Mr. Guyette was under the impression that meant literally three (3) panels, and not 70 acres of panels. Patrick Attwater explained that a lot of times people get the terminology wrong. He explained that they were solar arrays, which was comprised of multiple individual panels.

Nic Strong shared that Marty Cornelissen came into the office on April 15, 2019, and left a note for the Board, which suggested that there be an access gate along the range way just in case of forest or grass fires inside the array, which he had experienced and knew that the Fire Department had gone along there to attack those fires before. Dave Hussey asked Patrick Attwater if he knew where the range road was located. Patrick Attwater thought it ran across the north side. Dave Hussey stated, yes, the range road came in from Lot Line Road and Mr. Cornelissen wanted a gate between his property and Mr. Hussey's property in case of fire. Roger Sample asked why a gate would be installed. Virgil MacDonald stated that the solar arrays would be fenced in, and Mr. Cornelissen suggested installing a gate. Nic Strong suggested that Roger Sample look at the plan so he could see that it looked like. Mr. Cornelissen suggested a gate in the fence so the Fire Department could get access in case of a fire, instead of having to go through Mr. Hussey's driveway and drive all the way up to the back of the property. Patrick Attwater did not think that was a bad idea. He stated that originally they contemplated that in the design. Roger Sample asked if the Fire Department could fit one of the trucks down the range way. Dave Hussey stated that he could fit a logging truck down there, so he did not think it would be a big deal.

Roger Sample closed public input.

Nic Strong stated that the Board needed to make a determination. She wanted to know if the Board was telling the applicant to submit their final application, did they need to come back with information to the Board under Design Review, because the Law stated that the Board needed to say one thing or another. Roger Sample stated that the applicant definitely had to come back for Design Review. Nic Strong stated that this hearing was Design Review. She stated that the Board should direct them to either continue this process, or was it okay for them to go forward with their final. Scott Williams thought that a final application could be submitted. He thought that it would be based off what AoT determined. Patrick Attwater stated that in the meantime, he was going to meet with everyone to address all of their concerns before the next meeting.

The Board thought that this application was prepared enough to go to a Final Site Plan Application.

The Board took a quick five-minute break.

4. Voluntary Lot Merger

Case # P19-09 Fernhill Corporation, Owner	Map 2 Lots 26-1 & 26-4	Voluntary Lot Merger Rural (RU) Hollywood Beach Road
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The Chairman read the case into the record.

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No one was present for the application.

Tom Hoopes thought this was a done deal because he thought it was part of the subdivision approval. Nic Strong stated that Fernhill Corporation had to submit the application and the Board needed to act on it. Scott Williams thought that the Board had talked about this because Fernhill Corporation stated that if the Board did not think it was a good idea, they were not going to go forward. Virgil MacDonald stated, no, this was the case where the Board approved the four (4) cabins with the four (4) different owners on a nonconforming lot; the wetlands lots were merged. Russ Wilder stated that this would be the actual approval of what was presented to the Board before. Tom Hoops stated that the two application could not be done at the same time.

Russ Wilder read from page 3 of the Planner Review, which stated that this merger was a condition of approval of the recent subdivision for Fernhill Corporation that was approved on February 19, 2019. The subdivision condominiumized four (4) existing camps showed Map 2 Lots 26-1, 26-4 being merged into one lot. Approval and recording of the Notice of Voluntary Merger would fulfill the conditions precedent for the subdivision.

Roger Sample opened public input. No public input. Roger Sample closed public input.

Russ Wilder MOVED that the Alton Planning Board hereby approved Case #P19-09 Voluntary Lot Merger application for Fernhill Corporation, to merge Map 2 Lots 26-1 & 26-4, for municipal regulation and taxation purposes. No such merged parcel shall hereafter be separately transferred without subdivision approval. Payment for recording the Notice of Voluntary Merger of Pre-Existing Lots shall be combined with payment for recording the mylar and Notice of Decision for the recent subdivision application for the same parcels. Scott Williams seconded the motion, and it PASSED unanimously.

Other Business:

1. Old Business:

- a. Continued discussion regarding Construction Observation Guidelines.

Russ Wilder noted that Nic Strong had incorporated comments from the Board at their last meeting. The text in red underline was proposed to be added, the text highlighted in yellow indicated changes since the first draft had been distributed based on the Board's discussion with additional items that Nic Strong found on a further read through, the text in blue indicated suggestions from Mike Vignale, P.E., from KV Partners, and the text in green indicated suggestion from Kevin Leonard from Northpoint Engineering. Russ Wilder thought that there was a lot of progress made, but suggested having the Board members who had construction experience make comments and/or changes to these Guidelines before it was addressed again. Russ Wilder suggested to continue this discussion until the next meeting. He thought that the Board member should very carefully go over the requirements so that in the end, what was required from an applicant should be very clear before they even got started with their project. The Board agreed to take up this discussion at next month's meeting.

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- b. CIP information. Russ Wilder noted that the CIP information was requested by the Board at last month's meeting. Bob Regan, as a former member of the CIP, wanted to know if the CIP process was going to continue again next year. He was concerned because a lot of their recommendations were over ruled by the Selectmen. Virgil MacDonald stated that it was not the Selectmen that cut the funds; it was the Budget Committee. Tom Hoopes stated that Virgil MacDonald had mentioned that the Selectmen received the information too late and were not able to use any of it. Virgil MacDonald stated, some of it, but the Selectmen only cut a couple of things that they disagreed with. Tom Hoopes stated that all of the departments had to get all of their information together to make a presentation, and when he was Chairman of the CIP, what he saw happen often was when the Selectmen received the information, they would just put it aside. The difficult part about implementing a CIP was that it was really tough the first few years.

Virgil MacDonald stated that the only thing that the Selectmen had a problem with was the Fire Department's proposal because the Selectmen thought that their figures were incorrect. Scott Williams stated that if old records were looked at from when he was the Fire Chief, there was a spreadsheet that configured everything. Tom Hoopes thought that if CIP was to happen again, it needed to start early enough in the year where it was going to have a chance to get looked at and thought about.

Tom Hoopes thought that there was something about implementing a CIP that would enable a Town to do something. Scott Williams stated that a CIP was very hard to buy into, especially if it had not been done in a long time. Bob Regan stated that the CIP Committee's intention was to get enough money in the Capital Reserve so the Town did not experience a big hit. Scott Williams personally did not think leasing equipment was a good idea. Virgil MacDonald stated that the Town had the grader and the loader on lease; next year the cost went to \$40,000, which was cheaper to lease because there was no maintenance. Every five years the Town would get a new grader and a new loader.

Bob Regan stated that the other component of the CIP was that it had to do with the Master Plan. Virgil MacDonald thought that the CIP criteria should change because there were too many items listed. Tom Hoopes mentioned that the CIP should start earlier.

2. New Business:

3. **Approval of Minutes:** February 19, 2019, and March 19, 2019

Russ Wilder MOVED to approve the minutes of February 19, 2019, as presented. Scott Williams seconded the motion, and it PASSED with Scott Williams abstaining.

Russ Wilder MOVED to approve the minutes of March 19, 2019, as presented.

Scott Williams seconded the motion, and it PASSED with Virgil MacDonald abstaining.

4. Correspondence for the Board's review/discussion/action:

- a. Letter dated April 8, 2019, from KV Partners, LLC, re: Right Field Development, LLC-Drainage Site Observations

Virgil MacDonald stated that the drainage had been inspected, and he wanted to know if any of the Board members had been over to the American Legion when it was raining, because all the rain ran across the parking lot into the front door of the American Legion. Dave Hussey stated that Right Field Development dug a trench into the wetlands and water was draining into it. Virgil MacDonald stated that the runoff was supposed to go out back and down the little river at the back side of the parking lot, but it was not even close. He thought that even though what was built was inspected, he wondered if it was checked to see if it was actually working. Scott Williams thought that the Board should make a motion to contact Mike Vignale, P.E., to come and inspect during a rain event.

Roger Sample wanted to know if the drainage was built right. Virgil MacDonald did not think it was. He pointed out that the design should have led the water into the detention pond, then out and down the little river bank at the back of the lot. Roger Sample stated that it was designed and reviewed by Mike Vignale, P.E., and it was determined that it was designed properly. Roger Sample wanted to know if it was not built properly. Russ Wilder stated that in Mike Vignale, P.E.'s, letter dated March 31, 2017, he stated that his concerns had been addressed and the site drainage construction had now been completed in accordance with the approved plans. Virgil MacDonald stated again that the detention pond was not working. Russ Wilder mentioned that Mike Vignale, P.E., was not stating that it worked, he stated that it was built according to plan.

Dave Hussey stated that up front, there used to be a huge catch basin, but now it was gone, and he thought that was the reason why there was so much water built up in front of the American Legion's front door. Scott Williams stated that it went right up to the ditch line; the pipe was not much more than 20-25' because the State culvert was located in the same area. Russ Wilder thought that what the Board was discussing was that the detention pond was built according to design, but it did not work. He wanted to know how this issue could be fixed. Dave Hussey thought that the drainage issue should be looked at during a torrential downpour.

Scott Williams mentioned, as he had mentioned before, that the Town should require insurance certificates for engineers who draw up plans for applications. He stated that engineers were human and made mistakes. Virgil MacDonald thought it was up to Right Field Development to go after his engineer and inform them that they did not do it right, it was not up to the Board. Russ Wilder did not know if there was anything, as a Board, they could do to readdress this issue. Virgil MacDonald stated that the Board

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could do something about it because for one, there were town ordinances in place that prohibited people from putting water onto other people's property, and two, the Board approved the plan, but the design was not working; it was up to the Board to say it was not working and it needed to be fixed.

Nic Strong stated that the way to go about this was to ask Mike Vignale, P.E., to go out to inspect the detention pond during a rain event to take pictures, look at the current conditions, figure out why it was not working, and then inform Right Field Development what needed to be done. She pointed out that Mike Vignale, P.E., went out and did the job that he was hired to do. She stated it was not raining when he went out initially, so she was going to ask him to go out when it was. Russ Wilder asked if the Board had to vote on that directive. Nic Strong thought that the discussion was just fine.

Virgil MacDonald stated that the Board allowed both parties to split the right-of-way, and now Mr. D'Angelo was hauling fill out of the back of the property and instead of going through his lot, he would jump down onto the Legion's driveway because the Board took the away the right-of-way. Nic Strong stated that no one took away the right-of-way, parking spaces were designed within it and if there was an issue with someone going on someone else's property, that was a civil matter. Russ Wilder stated that was between the Legion and Mr. D'Angelo. Dave Hussey stated that the right-of-way went right square into the wetlands, so he was not sure what they were going to do; they would have to go to the left.

- b. Memo dated April 8, 2019, from KV Partners, LLC, re: Evans Hill Road-Repair Requirements and Financial Guarantee Estimate

Nic Strong stated that Evans Hill Road had one person other than Atlas Mortgage who owned lots on Evans Hill Road, and they wondered how that road would get finished when all of the money was being taken to fix Ridge Road. She noted that the Board had instructed her to have Mike Vignale, P.E., go out to see what it would actually cost to complete Evans Hill Road; she gave the Board a copy of the estimate.

Nic Strong stated at the moment, the estimate was only informational. What she wanted to do was pass it on to the other gentleman who owned the other lot on that road, because he was trying to think of a creative way that he might be able to figure out selling his lot but keeping an amount of money to get that road finished. Virgil MacDonald stated that he did not see any guardrails; there was a 40' drop there. Tom Hoopes stated that there were some guardrails up there, just not all the way. Scott Williams stated if there was a 3:1 slope guardrails were not needed; anything less than that he thought that guardrails were required.

Russ Wilder thought what Nic Strong was proposing was to provide the information from the Town's Engineer to the landowner. Tom Hoopes stated that when the subdivision on Alton Mountain Road was sold as a unit, he had gone out there with Ken Roberts and he had mentioned that any of the cracks that were visible on the road

had to be cut and properly filled prior to covering it. Tom Hoopes knew that the roads were paved a long time ago, and he did not know what the current conditions were. Virgil MacDonald stated that if the road was not taken care of properly beforehand, the new pavement would push right down in within months. He thought that Ken Roberts should look at the road to determine if more guardrails were needed because there were some steep drops on that road. Scott Williams asked about Ridge Road. Nic Strong stated that was being handled separately. Roger Sample stated that was the reason why this landowner was asking about Evans Hill Road because if all of the money was going towards Ridge Road, he wanted to know about his road. Virgil MacDonald thought that was only fair. Russ Wilder stated that the landowner wanted to get an estimate for his own purposes.

Virgil MacDonald stated that the Board had already okayed for Ridge Road to be fixed, and he wanted to know if the landowner complained, and the money was spent on Ridge Road, would the Town have to come up with the money to fix the top. Nic Strong stated, not according to Jim Sessler, Esq., Town Counsel.

5. Correspondence for the Board's information:

- a. 25th Annual Office of Strategic Initiatives (OSI) Planning & Zoning Conference will be held on June 1, 2019

Tom Hoopes encouraged the other Board members to attend because the conference had great workshops and you had the chance to meet some interesting people. Russ Wilder asked if the Town paid for the registration. Nic Strong stated that there was money in the budget for only two (2) members and she needed to know soon because the conference was already about 70% booked.

6. Any Other Business that may come before the Board:

Nic Strong stated that she had mentioned this before, and it had now cropped up again. She shared that two (2) or three (3) time tonight applicants or Board members had said, "Take care of Nic's stuff", "Go ahead and take care of Nic's issues". When she did plan reviews, it was based upon the Board's Regulations and checklists, so hearing people say, "Make sure you take care of all of Nic's stuff", is not accurate, and gives a funny impression. The Board's meetings are videoed, and there were minutes, and it comes out that these were issues that Nic said versus what the Board had put in the Town's Regulations.

Nic Strong asked the Board if they could make a mental note that when they told people to go away and take care of things that they take care of the checklist plan review items. She noted that would be enormously helpful. Dave Hussey admitted that Nic Strong had said that in the past, and he was going to try to make sure he did not do that. Nic Strong stated that there could be a couple of applicants that could pick up on that and it could cause problems. She thanked the Board for their assistance.

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Public Input on Non-Case Specific Local Planning Issues

No one was present in the audience.

ADJOURNMENT

**At 8:54 P.M., Scott Williams MOVED to adjourn.
Dave Hussey seconded the motion, and it PASSED unanimously.**

The meeting adjourned at 8:54 P.M.

Respectfully submitted,

Jessica A. Call
Recording Secretary

Minutes approved as submitted: May 21, 2019