

**TOWN OF ALTON PLANNING BOARD
MINUTES 2017
MAY 16, 2017**

APPROVED

Members Present:

Peter Bolster, Chairman
Roger Sample, Vice-Chairman
Russell Wilder, Clerk
David Collier, Member
Thomas Hoopes, Member
Scott Williams, Member
Virgil MacDonald, Selectmen's Rep.

Others Present:

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

CALL TO ORDER

Peter Bolster called the meeting to order at 6:00 p.m.

APPROVAL OF AGENDA

Peter Bolster asked if there had been any changes in the agenda. Nic Strong stated that she added a packet of information for the CIP under New Business.

**Scott Williams moved to accept the Agenda as amended.
Tom Hoopes seconded the motion, and it PASSED unanimously.**

Continued from April 18, 2017

Case # P17-07 Jeffrey L. Green, LLS, Agent for Scott Dulac/Dulac Motors, LLC	Map 26 Lot 4	Minor Site Plan Residential Commercial (RC) Zone 46 Suncook Valley Road
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Present were Jeffrey L. Green, LLS, Agent for Scott Dulac/Dulac Motors, LLC, Scott Dulac and his wife, Tina Dulac, and Bradley Bissell, property owner.

Nic Strong stated the Board had accepted the application as complete at the last meeting. The plan revisions were submitted and after reviewing them, she sent comments back to Jeffrey L. Green, LLS. As part of the condition of approval, submission of revised plans that included the issues stated in the Planner Review needed to be submitted so she could go over them again. Russ Wilder asked Nic Strong if all the outstanding revisions were taken care of, she stated no.

Peter Bolster noted on the Planner Review that the dimensions of the existing structure on site had been added except for the two sheds to the west of the building, but not all building heights were included. Jeffrey L. Green, LLS, stated he added the dimensions, square footage, and peak heights to the main structure, but the two sheds that were noted were actually temporary storage box trailers and he should have labeled them as such. There were two other structures that were more permanent, which were wooden sheds. Peter

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Bolster noted no floor plans of the building had been submitted. Jeffrey L. Green, LLS, thought noting the floor plan was for a new structure. Both Virgil MacDonald and Russ Wilder thought because Dulac Motors were using the building for the same use as before, floor plans were not needed. Tom Hoopes stated there should be a floor plan on file. Jeffrey L. Green, LLS, stated he would submit a plan. Peter Bolster noted that the well protective radius showed it spilling onto the abutting property and asked if there were any easements. Jeffrey L. Green, LLS, stated no, that many years ago, the previous owner of the property shared a well with the abutting property, which housed the Masonic Temple, and when that owner passed away, they did away with the shared well and built the current well. He had Peter Schauer, Environmental Consultant, look into the issue and found that the well did not need an easement because it was grandfathered due to it being built before enforcement went into effect.

Peter Bolster noted that setback distances and boundaries were difficult to find on the plan. He also noted that the Merrymeeting River was a Class IV or greater river and the setback distances and boundaries were shown on the plan, however, Nic Strong noted that she could not find the setback distances and boundaries on the plan. Jeffrey L. Green, LLS, stated that he inadvertently shut off a layer in the computer program to work with another section of the plan and submitted the wrong plan. Jeffrey L. Green, LLS, stated that the wetland line might meet the qualifications of shoreland, the State could not confirm, so the conclusion was that it was to be classified as a Class IV or greater river. Russ Wilder stated that the shoreland lines did not mimic the edge of wetlands. Jeffrey L. Green, LLS, stated that with wetlands and shorelands there was a difference. He mentioned that he had Peter Schauer go out to the property to delineate the wetlands and the wetlands were different from the shoreland lines, so the shoreland setbacks mimicked the shoreland lines on the plan. Peter Bolster noted that the entire site was located in the 250' shoreland setback protection area.

Peter Bolster noted that the NH DOT driveway permit was still pending. Jeffrey L. Green, LLS, spoke to George Gubatos from DOT and he stated they were still reviewing the permit and that their decision depended upon what the Board concluded with this application. Jeffrey L. Green, LLS, stated that after updating his plans with the Planner Review comments, he sent Mr. Gubatos his revisions and in turn, Mr. Gubatos sent an email back to Jeffrey L. Green, LLS, after speaking to his boss, David Silvia, and it was Mr. Silvia that had asked if there was an easement from where the Carleton property crossed Mr. Bissell's property; Jeffrey L. Green, LLS, stated that there was no easement. Jeffrey L. Green, LLS, did state that there was an easement drawn up back in 1999 that allowed New Durham Towing to cross the Carleton property to access Mr. Bissell's property, but in fact, that property belonged to Mr. Bissell anyway. The State was looking for an easement that allowed the Carleton property to cross the corner of Mr. Bissell's property. If that were drawn up, the State would not have a problem to use that area as an entrance for both the Carleton property and Mr. Bissell's property, and would give another access to the garage doors. Peter Bolster stated that the Board needed to have some documentation in the file that indicated that issue was rectified. Jeffrey L. Green, LLS, stated that the State might make further restrictions to close up the entrance a little, but if there were an easement for the Carleton property, they would approve the driveway permit.

Peter Bolster asked if there were any further comments. Jeffrey L. Green, LLS, brought up the issue of landscaping. He stated that he added what was existing to the plan, and what was being proposed as new landscaping: 1. The front corner area was to be grassed or mulched, approximately 20 feet from the corner; 2. In front of parking P3 and P4 he added a flower box and an enter sign to be placed next to it; and 3. On the southern corner he placed an exit sign, which will assist in directing the flow of traffic between those two signs. The area between the two signs was about 24 feet wide. He also noted that on the westerly side, there

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was grass along the border of the fence and in the back corner there was a wooded area, which was part of the wetlands. Total landscaping coverage was about 27%.

Scott Williams mentioned that all the lighting should be downlights. Jeffrey L. Green, LLS, stated there were existing lights on the property and he had not planned to change them because they were grandfathered light fixtures. He further mentioned that the lights were downlights, that there was an office light that shone down in front of the building, a light on a utility pole shown down, and there were motion detectors out back of the building.

Russ Wilder noted that the Planner Review asked to clarify whether there was storage of hazardous materials, including petroleum products, whether all repairs would be done inside. Jeffrey L. Green, LLS, stated that he changed note #9 on the plan that had to do with the Aquifer District and hazardous waste. He asked if he should add hazardous waste on the plan and shared that the storage of the materials used in the business would be stored in accordance with the rules of the district and all repairs shall be conducted in the existing structures.

Russ Wilder noted that at the last meeting, the Board mentioned installing a swale out back of the building, but he did not see it indicated on the plan. Jeffrey L. Green, LLS, stated it was not indicated on the plan and that he hired an engineer to look into it and was in possession of a letter stating why it could not be installed. Jeffrey L. Green, LLS, stated that if they were going to install a swale, he would have to go through DES to obtain a permit because it was shoreland protected and they could not change the natural flow of the water off the site. None of the water flowed into the wetlands, but did flow into the back area where the snow storage was. Jeffrey L. Green, LLS, stated that he would add a stamp from Bruce Marshall, P.E., on the plan. Tom Hoopes stated that the letter from Peter Schauer noted that they could replace the septic, but did not state what type it was. Jeffrey L. Green, LLS, stated that there was no record of approval for the septic system, but the owner did pump it out every other year, and he did confirm with him that the system could handle the amount of water from the proposed business. Peter Bolster stated that the rule the Selectmen passed years ago was if a septic system was replaced in a shoreland area, it needed it to be replaced with a double tank system. Scott Williams recommended that Mr. Dulac put a meter on the well line coming in, so when the septic system ever was replaced, he could show how much water he used.

Dave Collier noticed that there was one monument on the plan, and in the note section, it stated there were monuments to be set, but they were not shown on the plan. Jeffrey L. Green, LLS, stated that he was not going to set them; there was one that he could not find and according to the last survey done, there was one under the pavement, and allegedly there was an iron pipe out back in the swamp area. He stated that he could reset the pins if the Board wanted him to. Scott Williams checked with Nic Strong to see if it was part of the requirements for a Minor Site Plan; it was not.

Peter Bolster opened public input. No public input. Peter Bolster closed public input.

Virgil MacDonald moved that after due hearing, the Alton Planning Board hereby approves Case # P17-07 for Scott Dulac/Dulac Motors, LLC, Final Minor Site Plan Review for an Automotive and Truck Used Motor Vehicle Dealer with associated repairs for the vehicles for sale, at 46 Suncook Valley Road, a/k/a Route 28, Map 26 Lot 4 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 Site Plan Review Regulations and that include all of the checklist corrections and any corrections as noted at this hearing.**
- 2. Submission of an amended Driveway Permit from NHDOT for the uses proposed on the site.**
- 3. Submission of the engineer's letter, re: onsite drainage and a floor plan.**
- 4. Submission of any outstanding fees.**

SUBSEQUENT CONDITIONS:

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

- 1. All site improvements are to be completed as per the approved site plans.**
- 2. The applicant shall comply with all of the Town of Alton's Site Plan Review 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 site 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 site 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 twenty-four (24) months.**
- 6. Site plan approvals that have not started construction within twelve (12) months shall automatically expire, at which time no building permits shall be issued, 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.**

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7. **No site may be occupied or used until a Conditional or Permanent Certificate of Occupancy Permit has been issued by the Code Official in accordance with Section 1.22 of the Site Plan Review Regulations.**

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 that are required prior to signing the site plan. 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 1.14 of the Town of Alton Site Plan Review Regulations.

Scott Williams seconded the motion, and it PASSED unanimously.

Case # P17-08 Kerry Fox, LLS, Agent for Leslie F. & Kathleen Beckwith, III	Map 19 Lot 30	Final Minor Subdivision Rural (RU) Zone 32 Drew Hill Road
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Present was Kerry Fox, LLS, Agent.

Peter Bolster asked Russ Wilder to comment on the minutes from the site walk that was held on April 24, 2017, which Nic Strong, Russ Wilder, Kerry Fox, LLS, and Leslie F. Beckwith, III, attended. Russ Wilder stated that at the site walk they saw where the driveway was located, saw where some soil had been pulled back out of the wetlands, and they talked about the steep slope. Leslie F. Beckwith, III, stated at the walk that he would be flattening out that slope. The flagging of wetlands appeared to be accurate, the lot corners were flagged, and the driveway location had been picked by Ken Roberts, Road Agent, to accommodate for sight distance in both directions. The property appeared to be flat. Russ Wilder also stated that next to the Bennett property, there was a 1:1 slope and Mr. Beckwith would roughly be making it a 2:1 stabilized slope. The property had many different materials, for example, loam, sand, stones, logs, stumps, and left over construction projects like docks and pressure treated lumber. Tom Hoopes noted that the property had about six to eight feet of fill dumped there over the years. Peter Bolster asked if they had previously had a discussion on whether the topsoil was stripped off the original lot before material was dumped. Scott Williams stated they did have that discussion, and the answer was no, it was not stripped. Russ Wilder stated that there was no way to tell on the site walk whether it had been stripped or not because there was too much fill. Russ Wilder further went on to note that the original commercial building on the mother lot looked like it had reinforcing steel in the floor and were ready to pour a floor. He also stated that Mr. Beckwith mentioned he was going to put an office in the building.

Peter Bolster asked what the purpose of the subdivision of this lot would be. Kerry Fox, LLS, stated that he heard from the individual who serviced Beckwith Builder's equipment that they might be building a separate structure, like on the parent lot, in order to service their equipment. Scott Williams asked if there would be an employee there; Kerry Fox, LLS, thought there would be. Scott Williams stated if that was the case, there would have to be a septic system installed, and mentioned again about the issue regarding whether the topsoil had been removed or not, because if it had not been stripped, there would be no receiving layer. Kerry Fox, LLS, stated that the 4,000 s.f. area of the new lot he tested was of virgin soil, to where a septic system could be installed. Kerry Fox, LLS, further explained that he received a letter from the Code Official, John Dever, III, and he stated that he was concerned about the fill material and that further testing

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should be a condition of approval. Peter Bolster stated that it should be a condition that if they were to put a septic system in place, that Mr. Beckwith would install it within the designated 4,000 s.f. area.

Russ Wilder noted that in looking back on the minutes from a Special Exception application submitted by a Mr. Folsom, which was approved in September of 2008, it stated Mr. Beckwith was not proposing to have an office or running water on that property. It also noted that Mary Bennett, an abutter, who also appeared at the April 18, 2017, meeting, was against the construction of such an office because she believed it would diminish property values and was concerned about the impact of some streams running next to the property. Russ Wilder thought that the wetlands that they observed on the site walk where the fill had been pulled back, was the stream that Mrs. Bennett was referring to. Tom Hoopes further read the minutes and noted that another abutter, who was present at that meeting, was concerned about the tree buffer and whether that buffer was going to be kept in place. Tom Hoopes read that Mr. Folsom was going to leave the trees and the mature growth in the area. Tom Hoopes stated that was not the case anymore that several trees had been cut down, and furthermore, now that the property was being subdivided, he thought that the Board had the right to request that some screening would be kept between Route 28 and the property, and perhaps maybe Drew Hill Road. Peter Bolster noted that what Tom Hoopes stated was that there were trees cut against what was approved at the meeting; Tom Hoopes stated yes. Tom Hoopes then stated there was a note in the file indicating that the Board could not ask the mother lot for additional screening, but in this case, it showed they stated they were going to leave the tree buffer, but they did not. Nic Strong stated that at the last meeting, the Board asked her to get in touch with Town Counsel about the property that had the commercial building and to see if the Board could enforce planting trees as a buffer. She shared that Jim Sessler, Esq., stated it should be addressed separately because it did not have to do with the Minor Subdivision application. Furthermore, this was a land division issue and if the Board wanted to proceed with bringing up issues with the prior approval, along with the fact that there was no site plan application submitted for the commercial building, the Board should consider asking the Code Official to investigate it as a separate action.

Kerry Fox, LLS, noted that based on the site walk the transition from the travel way onto the property was gentle. He further shared that Les Beckwith stated he would even off the grade of the "plateaued area" to make it an easier transition, which was approximately a 7-8% slope.

Tom Hoopes moved to grant waivers IX D. 2. j.-Driveway Profiles and Cross Sections and IX D. 2. k.-Driveway Sight Distance Analysis.

Russ Wilder seconded the motion, and it PASSED unanimously.

Peter Bolster opened public input. No public input. Peter Bolster closed public input.

Tom Hoopes requested that there be no further tree cutting on Route 28, and the Board might require the planting of more trees.

Virgil MacDonald moved that after due hearing, the Alton Planning Board hereby approves Case # P17-08 for GSR Trust, Leslie F. Beckwith, III, and Kathleen Beckwith, for a Final Minor Subdivision for a two lot subdivision of Map 19 Lot 30, 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, including indication of fill area on Map 19 Lot 30-1 and any waivers granted by the Board.**
- 2. Submission of State Subdivision Approval and the addition of the details of the approval to the plan.**
- 3. Submission of a Town of Alton Driveway Permit for Map 19 Lot 30-1 and the addition of the details of the approval to the plan.**
- 4. Addition of the condition suggested by the Code Official in a note on the plan: "Prior to the erection of any Residential or Commercial structures requiring the use of frost resistant foundations on the new lot, test borings shall be performed and documentation of those borings provided to the Building Department, in order to ensure that the stability of the soils meets the requirements of the Building Code in effect at the time of construction.".**

SUBSEQUENT CONDITIONS:

The following conditions subsequent 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**

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

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.

Scott Williams seconded the motion, and it PASSED unanimously.

Completeness Review of Applications and Public Hearing if Application is Accepted as Complete

<p>Case # P17-09 Bryan L. Bailey, LLS, Agent for Jennifer & Bryan Boyle and John & Elaine McAuliffe</p>	<p>Map 4 Lots 28 & 28-2</p>	<p>Lot Line Adjustment Rural (RU) Zone Dudley Road</p>
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Present were Bryan L. Bailey, LLS, Agent for John & Elaine McAuliffe, and Jennifer & Bryan Boyle.

Russ Wilder mentioned to Peter Bolster that there was a note from Nic Strong stating that there was an abutter, Deborah Cheney, not listed on the abutter's list, but shown on the plan. On Tuesday, May 9, 2017, a letter was mailed to the abutter by certified mail notifying them they had inadvertently been missed on the list of abutters and did not receive notice within the 10-day period as required. They were requested to respond to the letter regarding whether or not this lack of timely notice presented a problem for them. If they responded that they were ok with proceeding with the hearing, the Board could continue as planned. If they found it problematic, or if there was no response at all prior to the hearing, the Board should consider continuing the hearing until the June 20, 2017, meeting. Peter Bolster asked Nic Strong if she heard from them; she stated unless they were present in the audience, she had not heard back from them. Nic Strong explained to the Board that they could go ahead and hear the application and then postpone a decision until the next meeting and in the meantime she might hear back from them that they had no issues, or if they had issues, they would be able to show up at the next meeting because it would have been continued. Scott Williams thought the Board should go forward with the application subject to hearing from the missing abutter. Roger Sample stated that by the next meeting, Ms. Cheney would have had a 10-day notice. Peter Bolster stated that the Board should go ahead with the application and consider approving the application within 10 days, conditionally upon hearing from Ms. Cheney.

Russ Wilder moved to accept Case # P17-09 as complete.

Scott Williams seconded the motion, and it PASSED unanimously.

Bryan L. Bailey, LLS, addressed the issues stated in the Planner Review. He explained to the Board that the McAuliffe property was a 3.5 acre tract of land with no structures on it. The Boyle property was a 1.4 acre tract of land with a home and was shown near Dudley Road on the plan. There was an issue with the two properties in the past and it was indicated on the tax map that they were involuntarily merged, but have since been corrected. The existing property line ran through a small shed, which was the reason the application

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was submitted. Bryan L. Bailey, LLS, further explained that the existing lot, Lot 28, was a pre-existing, non-conforming lot in the Rural Zone, and Lot 28-2 was not developed, but was compliant with current regulations regarding property size and frontage. On Lot 28, there would be additional frontage and acreage, with the lot ending up with 281 feet of frontage and a total of 1.87 acres of land. Bryan L. Bailey, LLS, stated that Parcel A was being taken from Lot 28-2 and added to Lot 28. The Planner Review also noted that the title block notation should include 328 Dudley Road as well as 321 Dudley Road, but it could not be listed that way because that was where the McAuliffe's lived and it was on the other side of the road. The piece of property in question did not have a 911 address. Bryan L. Bailey, LLS, also shared that the waivers originally submitted had become moot points with the inclusion of two (2) notes added to the plan. The first note was in regards to Jurisdictional Wetlands, which there were none, the other note stated there were no steep slopes in excess of 25% on either subject lot, and each lot was comprised of contiguous upland. He also stated that there were four (4) lot corner monuments that still needed to be set and identified on the final mylar.

Peter Bolster opened public input. No public input. Peter Bolster closed public input.

Russ Wilder moved that after due hearing, the Alton Planning Board hereby approves Case # P17-09 for Jennifer and Brian Boyle and John and Elaine McAuliffe for the above cited Boundary Line Adjustment of Map 4 Lots 28 & 28-2, Dudley Road, with the following conditions:

CONDITIONS PRECEDENT:

The following conditions 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 and any corrections as noted at this hearing, including that the lot corner monuments will be shown on the plan as set and installed in the field.**
- 2. Addition of a note to the lot line adjustment/annexation plan prior to plan signing by the Planning Board Chair stating that Best Management Practices shall be utilized during any timber cutting on site.**
- 3. Submission of signed deeds to record with the Lot Line Adjustment/Annexation Plan and Notice of Decision within 60 days of conditional approval of the lot line adjustment by the Planning Board, unless extended by the Planning Board.**
- 4. Plans will be signed after expiration of the notice period for the abutter at Map 4 Lot 27.**

SUBSEQUENT CONDITIONS:

The following conditions subsequent 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. **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.**

3. **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 IV, O. 2. of the Town of Alton Subdivision Regulations.

Tom Hoopes seconded the motion, and it PASSED unanimously.

Case # P17-10 Peter D. Holden, LLS, Agent for Vance Sedlar/Sedlari Const., LLC	Map 10 Lots 16, 16-5 thru 16-10, 16-14 thru 16-16	Final Minor Subdivision Rural (RU) Zone Sedlari Way/Mountain Road
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Present were Vance Sedlar, owner, and Barry Elliott and his wife, April Elliott, buyers of the proposed subdivision.

Peter D. Holden, LLS, submitted a letter, dated May 12, 2017, which included revised waiver requests along with an amended plan after reviewing Nic Strong’s Planner Review. Peter Bolster confirmed with Vance Sedlar that the purpose of this application was to modify the right-of-way of the existing and constructed portions of Sedlari Way to consolidate several existing approved lots. The information required is generally to ensure the lots being proposed are of a character and nature that would allow them to be constructed upon. Tom Hoopes confirmed with Vance Sedlar that he wanted to combine nine (9) lots, and stated that he had no problem with granting all of the waivers.

Tom Hoopes moved to grant waivers IX.C.8.d. Utilities Plan Map; IX.C.8.b. Topographic Map; IX C.8.c. Soils Map; IX.C.11 Soils Report; IX.C.12 Road and Driveway Profiles and Cross Sections; IX C.8.a.10. Wetland Mapping; and IX.C.8.a.7. Steep Slopes and Contiguous Upland. Russ Wilder seconded the motion, and it PASSED unanimously.

**Scott Williams moved to accept Case # P17-10 as complete.
Dave Collier seconded the motion, and it PASSED unanimously.**

Peter Bolster read from the Planner Review and had a question about the date indicated on the plan. Nic Strong stated that when she reviewed the original plan, it was dated April 17, 2017, and when revisions were

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done and another plan was submitted, it was dated May 8, 2017, with another revision done on May 12, 2017. She stated that when that happened, she got leery about the possibility of something else being changed between the April 17, and the May 8, submissions, and wanted to verify that was not the case. Vance Sedlar stated that was not the case and that Peter D. Holden, LLS, had dated them the date the corrections were made. Nic Strong noted that the date she would like to have stated on the plan would be the April 17, 2017, date, and then the revisions could state May 8, 2017, and May 12, 2017, because that was normally how things were done.

Peter Bolster further read from the Planner Review and noted that some monuments were not shown on the plan and plan note #11 stated that all monuments would be installed and added to the final plat final to recording. Vance Sedlar stated that was scheduled to be completed this week.

Peter Bolster also read that the curve radii details for the hammerhead should be on the plan to verify that it met the town's requirements for a dead end road. He stated that it looked like they had been added but appeared to be only 50 feet, and the Town's Subdivision Regulations required 62 feet. Nic Strong sent this to the Road Agent, Ken Roberts, and the Fire Chief, Ryan Ridley for their comment. Nic Strong shared that the Fire Chief stated he could make the turnaround work for the biggest fire truck, but she had not heard back from Ken Roberts. Scott Williams stated the radius of the hammerhead was satisfactory when Vance Sedlar first submitted a plan for the subdivision and that it should not be a problem now. Peter Bolster was concerned that if the Board approved the 50 feet that would set a precedent. He then asked Vance Sedlar what the reason was for constructing the 50 feet and not the 62 feet. Vance Sedlar stated that he constructed a temporary hammerhead made of gravel that was not acceptable; therefore, he had it re-engineered and it was then approved by Mr. McWilliams, previous Town Planner. Vance Sedlar further stated that if he knew at the time it had to be 62 feet, he would have built it that way. Vance Sedlar also stated that Mr. McWilliams informed him that if the road did not continue, it needed to stay the way they built it. Peter Bolster stated that the regulation required 62 feet. Vance Sedlar asked when the plans were submitted, why were they not told that it should have been 62 feet? Virgil MacDonald stated that it was noted that the measurements were not on the plan. Peter Bolster thought they had to go with the 62 feet, even though a former town employee told him that was acceptable. Tom Hoopes asked if any road definitions had changed since the plan was originally approved. Scott Williams did not believe so. Barry Elliott asked if there was some record approving the 50 feet. Nic Strong stated that she looked through the file and the minutes and did not find anything to do with the hammerhead, and when the as-built was submitted it did not have measurements.

Scott Williams moved to grant the waiver request for a 50 foot radius, where 62 feet was required for the hammerhead turnaround on Sedlari Way.

Roger Sample seconded the motion, and it PASSED unanimously.

Peter Bolster opened public input.

Nancy Lake, an abutter at 460 Alton Mountain Road, came to the table to speak. She wanted to know if there would be access to the lot alongside their lot line and noted that the Surveyors flagged the area. Scott Williams stated that there were going to be two (2) access roads into the lot. Nancy Lake also asked if everything was being consolidated into Lot 16, and did that mean that a new home would be built out back of their property. Scott Williams stated not necessarily, because the new owners had a lot of land.

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Paul Lake, an abutter at 460 Alton Mountain Road came to the table to speak. He asked if the road had been accepted by the town yet, Virgil MacDonald stated no. Paul Lake asked who would be responsible for the retention pond if it needed attention and what about the drainage that was being given to the town, easements on each side of the road. Virgil MacDonald stated that he was unaware of anything being submitted to the town involving drainage easements. Paul Lake stated he was going by a map that he had of the property which showed 20 foot easements on both sides of the road where the current drainage was. Virgil MacDonald asked if he was referring to Alton Mountain Road or Sedlari Way. Paul Lake stated if you came down Alton Mountain Road onto Sedlari Way, it would be the first road that was built. Nic Strong stated that the developers were currently working on completing Phase I, in which they had to prepare an as-built plan, clean out the ditch lines, and have a walk through with Ken Roberts, Road Agent. Then the Planning Board would have to hold a final approval for Phase I before they could approach the Board of Selectmen, with no guarantee, to see if the Selectmen would accept the road as a town road. Scott Williams mentioned that it would be called a Compliance Hearing with the Planning Board. Paul Lake asked if the road acceptance would be part of the sale agreement of the proposed subdivision to make sure that the road was up to par and the drainage was up to par. Tom Hoopes stated those were two separate issues. Scott Williams stated that when Ken Roberts, Road Agent, looked at the as-built, at that time, they would determine if the road was built to specifications. Scott Williams stated that what Paul Lake was looking at was a slope easement and not a drainage easement. Paul Lake then asked what happened if the land sold, would the current owner take over the responsibilities of the road. Scott Williams stated the buyer was not buying the road; they were buying a lot. He also shared that several of the drainage ponds would not be built because the new owners would not be developing the lots. Paul Lake stated that the pond currently has water in it and wanted to know who would be taking care of the pond as part of the Phase I subdivision. Scott Williams stated that once the road was approved by the Town, it would be the Town's responsibility to maintain it. Paul Lake asked if the Board had any information about the road being previously rejected twice. Scott Williams stated that he knew the process of accepting a road and that was not the Board's concern now and that would be done when they reviewed the as-builts to make sure things were done properly and no one could make any decisions before then. Paul Lake then asked if the road had a bond in place, and if so, would it stay in place until the road was approved. Scott Williams stated yes and once the road was approved, the bond would thereafter stay in place for a year. Paul Lake noted that Scott Williams stated that the subdivision could be reversed at some time in the future; Scott Williams stated that if the new owner wanted to re-subdivide they would have to go through all the current regulations in order to do that.

Shawn McCracken, an abutter at 2 Sedlari Way, came to the table to speak. He expressed his concern about the lot being consolidated because he and his wife had been waiting six (6) years for the road to be accepted by the town and they wanted to make sure that when this subdivision got approved, all the homeowners would be able to install their mailboxes and that they would not be responsible for plowing the road anymore. Scott Williams stated that they would be responsible for plowing until the Town accepted the road. Shawn McCracken stated that once the new owners purchased their lot, he wanted to make sure that they were held responsible for paying for their share of plowing and maintenance and it would not be an additional cost to the current owners. Scott Williams stated that was a contractual agreement with the developer and had nothing to do with the Town. Tom Hoopes stated that the steps that were currently being taken were to declare Phase I complete and until Phase I was declared complete, the Selectmen could not look at the road. Shawn McCracken stated that when he signed his agreement with Vance Sedlar, he understood that Phase I was supposed to include a turnaround at the end of the road. Scott Williams stated

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that there was a turnaround. Shawn McCracken stated he put in a petition, along with the other homeowners, to the Postmaster to come look at the road in the fall of last year, in which the Postmaster determined that they could not deliver mail because there was not enough turnaround radius. Virgil McDonald stated that the Post Office would deliver mail once the road was accepted. Shawn McCracken asked about the Covenants on the property and were they still in effect; Scott Williams stated they should still be in effect.

Pat Bergevin, an abutter at 21 Sedlari Way, came to the table to speak. She asked if the developers were already working on trying to see if the drainage would pass the town's inspection. Scott Williams stated they were working on the as-built plan now. Pat Bergevin asked that when that was done, could they petition the Board then. Scott Williams stated they would have to come before the Planning Board for a Compliance Hearing first, and then the Board would determine if the developer had completed the road according to their specifications, then after that hearing, whomever decided to petition the Board of Selectmen could go ahead with that process.

Paul Lake asked the Board again if they knew about an application that had been submitted to approve the road and that it had been rejected. Tom Hoopes stated no. Scott Williams stated no, because there had not been a Compliance Hearing yet.

Peter Bolster closed public input.

Dave Collier moved that after due hearing, the Alton Planning Board hereby approves Case # P17-10 for Sedlari Construction, LLC, for a Final Minor Subdivision/Lot Line Adjustment that would consolidate approved lots Map 10 Lots 16-5, 16-6, 16-7, 16-8, 16-9, 16-10, 16-14, 16-15 and 16-16 into one lot; adjust the right-of-way for Sedlari Way to accommodate the built portion of Sedlari Way which terminates at a hammerhead cul-de-sac; and to consolidate the remainder of the Sedlari Way right-of-way into newly consolidated Map 10 Lot 16-5, 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, including that all monuments must be shown on the final mylar and set in the field, and any waivers granted by the Board.**
- 2. 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.**
- 3. 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.**

4. **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 May 16, 2017, Notice of Decision on file at the Town of Alton Planning Department.**
5. **Addition of a note to the plat prior to plan signing by the Planning Board Chair stating the total acreage of each Current Use Category for each lot where applicable.**
6. **Submission of a Town of Alton driveway permit for the new lot, Map 10 Lot 16-5.**

SUBSEQUENT CONDITIONS:

The following conditions subsequent 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:
Receipt of a Driveway Permit and Building Permit for new lot Map 10 Lot 16-5**

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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:
Receipt of a Driveway Permit and Building Permit for new lot Map 10 Lot 16-5**

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.

Scott Williams seconded the motion, and it PASSED unanimously.

<p>Case # P17-11 Tracy True, Agent for Courtney Nadeau</p>	<p>Map 26 Lot 8</p>	<p>Conceptual Consultation Residential/Commercial (RC) Zone 6 Suncook Valley Road</p>
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Present was Tracy True, Agent for Courtney Nadeau, and her partner, Nick Collemacine.

Tracy True stated that she had a pending Purchase & Sale Agreement at 6 Suncook Valley Road and was looking to open a farmer’s market. It would be owner operated and not a big box store type of business with multiple tractor-trailers or large vehicles coming in and out of the property.

Tracy True shared that there was a permit previously submitted for a driveway and she had visited NH DOT to discuss the permit with David Silvia, which she included an email from him regarding that conversation in her application packet to the Board. She would be working with the existing building, but would be gutting the inside. Peter Bolster stated that there could be an issue with parking and traffic coming into the site. Tracy True stated that they were not going to alter the driveway and were going to be working with the existing driveway. Peter Bolster noted that when people entered the driveway off the circle, it appeared that they would make a right-hand turn. He asked when they left the property and wanted to get back onto the circle, how would they go about doing that. Nick Collemacine stated that the point of the island did not obstruct the driveway and traffic would be able to drive straight across to the other side of the street in order to take a left. Peter Bolster noted that DOT indicated that the driveway could be moved over. Nick Collemacine stated that from point to point on the granite curbing, it was 22 feet, 4 inches, and the permit that was applied was allowed to go up to 24 feet, but the sidewalks were already established when they did the traffic circle, and the guardrails were in place at Merrymeeting River. He further stated that the truck they would be using for the business was a single-axle 24 foot box truck.

Tracy True stated that the driveway permit does state that the driveway would be a low-volume commercial access. She also pointed out frontage on Merrymeeting River and she stated that she wanted to preserve the shoreland line, and maybe put two spaces for employee parking. When Tracy True addressed parking with DOT, they were willing to work with her in moving the customer parking from out back to the front of the building. She also stated that DOT mentioned they would like to see that property cleaned up so there was a line of sight coming around the traffic circle if you were coming from Aubuchon’s.

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Peter Bolster asked about parking spaces. Nick Collemacine stated that there would be approximately 10-12 spaces. Tracy True stated that prior to closing on the property, she was going to have the property surveyed so they would know how much of the property was workable, because there were many wetlands.

Russ Wilder questioned if you were coming from Route 28 South and making a left into the driveway, was there enough line of sight because there would be oncoming traffic accelerating off the circle. Nick Collemacine stated that there was 515 feet of road frontage giving it plenty enough room for a line of sight. Tracy True referred back to the conversation with DOT and how they wanted that property cleaned up.

Russ Wilder noted that there was both Shoreland and Wetlands on the property and stated they would have to place the jurisdictional lines on the plan, and once the jurisdictional lines were obtained, they would be able to know where the setbacks were. Tom Hoopes suggested to both Tracy True and Nick Collemacine that they could call and set up an appointment with DES and talk to the shoreland specialists to discuss what they were proposing and they could assist them with where the problem areas might be or what they needed to look out for. Scott Williams stated that there would be a ton of due diligence to be done for this property. Peter Bolster asked if the wetlands had been delineated. Tracy True stated no, that she was coming before the Board to get a preliminary approval so they could move forward. Scott Williams stated that what they were proposing was allowable in the district and he thought that the driveway access would be their biggest issue.

Dave Collier stated that in regards to their truck entering and exiting the property, was to make sure the truck had enough room to turn around on site and not on the road. Tom Hoopes thought there were two issues they would need to address with one being the access to the property and indicating where the shoreland lines were.

Nic Strong asked what the use was they were proposing. Tracy True stated that they were not going to be growing anything on site, but they were going to be buying direct from the market and transporting product to the property. Nic Strong asked which use from the Zoning Ordinance they would be applying under. Tracy True stated that the listing she received from Maxfield's showed that her business would fall under a Farmer's Market, and she also had to apply for a Food Service License because she was installing refrigeration for cheeses, etc. Nic Strong stated that Tracy True would have pick a use from the Table of Uses that was permitted in the Residential/Commercial Zone. Tracy True stated that after looking at the table, she believed that it should be Retail Store.

Russ Wilder asked about their water situation; Scott Williams stated it was town water. Scott Williams suggested to have the Division 3 Engineer from DOT, Alan Hanscom, sit in on a meeting between Tracy True & Nick Collemacine, and Dave Silvia because when Dave Silvia did his findings, he passed it on to the Engineer, and he was the one who would sign off on it.

Peter Bolster stated that he thought there could be a parking issue, because even though the business was being proposed as low volume, would it be viable economically. The more people they got, the more viable the business would be. Tracy True stated that until the survey was completed and they knew how much land was workable, she could not say specifically how many parking spaces would be made available. Peter Bolster wondered if adequate parking could fit on that property. Tracy True stated that she was targeting a certain market. Russ Wilder asked if it would be a year round business, Tracy True stated yes. Peter Bolster

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mentioned adequate snow storage. Peter Bolster again stated his concern and thought that they could have a high volume business because of the volume of traffic around the circle. Tracy True stated that she recently moved back to Alton and believed that this business was exactly what Alton was missing.

Other Business:

1. Old Business:

- a. Planning Board Certification of the Town of Alton Excavation Regulations Adopted on April 18, 2017.

Nic Strong stated that before the Excavation and Subdivision Regulations could become legal, they needed to be signed by the majority of the Board. If she had known there were going to be no changes to the Regulations, she would have had the certifications ready at the last meeting. She then noted that because the adoption of the new Regulations were delayed a month, she asked the Board if the deadline for applications could be extended a month, which would bring the deadline to September 2017. The Board agreed.

- b. Planning Board Certification of the Town of Alton Subdivision Regulations Adopted on April 18, 2017.

2. New Business:

- a. Tom Hoopes stated, in regards to the Beckwith Case #P17-08 that the ZBA Notice of Decision stated they were not going to cut down any trees, and since the trees have in fact been cut down, John Dever, III, Code Official, should go out and inspect the site. If trees have been noticeably cut down, he thought that some enforcement of requiring them to plant some trees might be warranted. Russ Wilder stated that in the Special Exception, under the motion that was approved, they stated it would be like a landscaper's lot. He also stated there were all types of waste on site when they went for the site walk; he saw pieces of pipe, and bulldozed remnants of docks, it was like a landfill, and that was not what was proposed with the Special Exception. Russ Wilder went on further to explain that they did not propose to have an office on site or have running water to the building and when they were on the site walk, Les Beckwith stated they were proposing to build an office. The Special Exception also prohibited the owner from filling the stream, which had been done on the edge and the cutting down of trees that Tom Hoopes had mentioned. Russ Wilder stated that there were four (4) issues to have John Dever, III, look into based on the ZBA motion. The Board agreed. Peter Bolster asked if Les Beckwith would have to come before the Board with a Site Plan application in order to construct the proposed office. Nic Strong stated that the problem was that they never came before the Board with a Site Plan for the building, which was located on the mother lot.
- b. Scott Williams asked Nic Strong if she had heard any word about the non-compliant lighting over the carwash. She stated that John Dever, III, spoke to the developer and he would be replacing the existing light fixtures with downlighting.

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- c. Nic Strong stated that work on a new CIP needed to begin. She gave the Board the last report that was done in 2011-2016. The CIP committee would be a subcommittee of the Planning Board. She handed the Board a draft suggestion for a handbook to guide all parties involved in the process, which included what a CIP was, how the process worked, and who did what and when. Nic Strong asked the Board members to read the packet before the next meeting, paying close attention to the highlighted portions, which needed some decision making. Throughout the next month, Nic Strong would be contacting all of the Department Heads and Trustees. She hoped to have everything together before the Budget Committee in October 2017. Scott Williams stated that when he worked at the Fire Department, he used to rally some of the public to sit in on the CIP process; Nic Strong thought it was a good suggestion. She also suggested having one Planning Board member, one Selectmen, and one Budget Committee member on the CIP Committee. Scott Williams was not sure if the CIP Committee should have a Budget Committee member sitting on it because he felt it should be unbiased. Russ Wilder and Tom Hoopes thought it would be a good idea to have a Budget Committee member sit on the CIP Committee because it would be easier to explain the ins and outs of the process to all of the other Budget Committee members. Nic Strong stated that if the Board read the packet she handed to them, it might answer some of the questions they had about who should or should not sit on the Committee.

3. **Approval of Minutes:** April 18, 2017, Planning Board Meeting

**Virgil MacDonald moved to approve the minutes of April 18, 2017, as written.
Scott Williams seconded the motion, and it PASSED, with Dave Collier abstaining.**

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

- a. None.

5. **Correspondence for the Board's information:**

- a. Memo dated May 2, 2017, from Nic Strong to the Planning Board regarding the membership with the Lakes Region Planning Commission, a statement she read to the Board of Selectmen at their last meeting, and minutes from the Board of Selectmen meetings when the LRPC was discussed.

Nic Strong stated that the Town of Alton would no longer be a part of the Lakes Region Planning Commission (LRPC) as of the end of June. Peter Bolster noted that the Board of Selectmen (BOS) had decided to stop paying dues to be a part of LRPC and they did not give the Planning Board the option to withdraw. Virgil MacDonald stated that he had tried several times to convince the BOS to stay an active member. Peter Bolster asked what was it that made the BOS decide to have the Planning Board leave the LRPC. Tom Hoopes stated that there were several people in town that did not understand fully what the LRPC had to offer. It was not a HUD function or another governmental entity looking to take over small town business. Virgil MacDonald stated that as a Board, they should write a letter to the Board of Selectmen letting them know why they should be members of the LRPC. The Board would like to present this to the Board of Selectmen at their June 5, 2017, meeting.

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Tom Hoopes moved to have the Planning Board submit a letter to the Board of Selectmen in regards to the Town remaining a member of the LRPC and pay the dues so as to be able to vote and be a full partner.

Russ Wilder seconded, and it PASSED unanimously.

- b. Letter from the Lakes Region Planning Commission (LRPC) dated May 3, 2017, regarding the Ten Year Transportation Plan for the Lakes Region.

Nic Strong stated that the two (2) applications that she submitted to the TAC Committee were being recommended to move ahead in the Ten Year Plan process.

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

Public Input on Non-Case Specific Local Planning Issues

Peter Bolster opened public input. No public input. Peter Bolster closed public input.

ADJOURNMENT

At 9:00 p.m., Virgil MacDonald moved to adjourn.

Dave Collier seconded the motion, and it PASSED unanimously.

The meeting adjourned at 9:00 p.m.

Respectfully submitted,

Jessica A. Call
Planning Secretary

Minutes approved as written: June 20, 2017