

Compliance/Mediation Hearing & Worksession Meeting
7:00 p.m. Alton Town Hall

Minutes

Members Present: Tom Hoopes – Chair; Jim Bureau; Bill Curtin – Selectmen’s Rep; Bonnie Dunbar; Bruce Holmes; and Jeremy Dube

Members Absent: Scott Williams and Cindy Balcius

Others Present: Monica Jerkins, Planning Technician; and Peer Kraft-Lund, Interim Planner

Call to Order: 7:00 p.m. by Tom Hoopes

T. Hoopes appointed Bonnie Dunbar as alternate to fill vacant spot on the Board.

1. Chestnut Cove Estates

2. Old Business:

- RACO Development Escrow & Surety Agreements:
- Tom Varney Letter of Appeal re: Norby:

3. New Business:

- Tom Hoopes to discuss previous approval of Houle Subdivision: **(BEGIN VERBATIM PORTION OF MINUTES)**

T. Hoopes – Ok, New Business, um, there’s an item here, uh, Jeremy and I spoke last night and, um, I think that it’s fair to say that the information that we got at a meeting, uh, with CMA...Peer was present, Russ Bailey was present and two people from CMA and Jeremy and myself...the information I learned in that meeting was very different from the information I learned at the Planning Board meeting from the applicants. Um, and Jeremy asked me if I could call Jim Sessler to see if there was some way we can reconsider the motion that we took to approve the Houle application. Um, and I said I would look into it. And I called Jim Sessler today, uh, and talked to him, and he said that if we felt strongly that the information was, um, inaccurate and we stated in a motion why we want to reconsider something that we are able to that. Because if the, uh, Notice of Decision has not yet been signed, um...

J. Dube – The key is that the plat...its not been recorded.

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T. Hoopes – Right.

J. Dube – That's the Planning Board's time frame in the RSA's.

T. Hoopes – Right, well also he said then to take it up under new business and to make a motion...that the motion would have to be made by somebody who voted in the affirmative. Uh, I did vote in the affirmative that night and I am willing to make the motion, but we have to state the reasons for the reconsideration within the motion. And, um, I would like to make a motion and then we can discuss it so that, um, people see where we are.

So I would like to make a motion to reconsider the subdivision approval of the Houle Estate, I don't have the number, um, but we can add that...for the following reasons. One, um, there appears to be a misrepresentation of the timeline of the submittals to the Town and to CMA. Two, information given to the Board differed from the information submitted to CMA. Three, the arrival of information from CMA was too late to analyze. The case should have been continued to the following meeting. Four, information, um, that the Engineering Subcommittee, uh, received from CMA meeting, revealed a different timeline of information from the applicants that arrived in dribbles rather than in a usable form by CMA. Um, to me the information we received at the last minute, uh, I think that our decision was made sometime after eleven o'clock, um...

B. Curtin – well after eleven.

T. Hoopes – ...uh, in retrospect, uh, I am disappointed that we approved that case. Simply because there were, uh, some drainage problems that I really thought were (inaudible)...

J. Dube – If I could, actually I'd like to maybe add something to your motion.

T. Hoopes – Fine.

J. Dube – is that the information that we received from CMA at the subcommittee meeting, uh, really was, uh, different interpretation than we even got from CMA's report.

T. Hoopes – Yes.

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J. Dube – I believe it was clarification in that subcommittee meeting...and this isn't a motion, (inaudible) I'm kind of discussing it for the Board, Tom, and if you want to do it you can...basically, when I read CMA's report, I got a different interpretation than when we actually had CMA face to face. And I did not understand all of Peer's comments that he had given us, and he wasn't here at the time to explain them. And now, later, after having those explained, I understand them.

T. Hoopes – Exactly.

J. Dube – And those things were, I believe the Board missed and had the Board had that information, we could have made some adjustments. You know, you could have still ended up with the same outcome, but it could've just been a better procedure.

T. Hoopes – Peer?

P. Kraft-Lund – I'd just like to say, or apologize to the Board that I didn't stay. Uh, I spent a lot of time and effort. I brought together their, down in Portsmouth; I brought together their engineers and our engineers in a room together and we hammered out, what we had thought at that time, was a resolution to the problem. I said, what you got, I had to write from that, the conditions that would ensure that those structures would work. So one of the concerns that I would say, that I wasn't there, if I had been there, and still feel that way, and could explain my conditions, that might have been a whole different thing. So, you could put that the absence of the Planner to explain the conditions...

J. Dube – I would also like to add the absence of the, uh, review engineer also. And just for the Board's, uh, knowledge, we're probably going to be having the review engineer at a lot more meetings now, any type of major type subdivisions. Before we used to have Eric here quite often and Tom and I being on the committee and talking to, uh, Bill, we requested him... it's still going to go by our request, but pretty much we told him when any major type subdivision, you know, not three lots, but anything with major interior roads, drainage type things, to please at least be prepared to show up for one meeting...After they have, you know once we're getting close, or if any problems come that he comes instead of this just back and forth. Cause we, the Board needs the explanation of some of these engineering...if we had had Peer there and we had Bill there, it would have been a lot clearer. The end result, who knows what would have come of it, but we could've had a much cleaner decision.

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T. Hoopes – From what I understand is that, um, if we, um, reconsider and revoke the approval, the idea would be to have a meeting with Peer, CMA and their engineers present.

J. Dube – That's right, and also, I'd also, I don't know if this needs to be a motion or a second motion or not, would say that we do this on a special date, uh, to accommodate the, uh, developers.

T. Hoopes – Sure.

J. Dube – So this is not dragged out for another month or so.

T. Hoopes – Absolutely.

B. Curtin – Try to do it expeditiously.

J. Dube – Right, speed this process up so we can just clean this up and get it moving.

B. Curtin – So if you need a second for discussion, I'll second it.

T. Hoopes – Ok, thank you.

T. Hoopes – So I guess the second would be, under the fifth item would be also...

B. Dunbar – Mr. Chairman? Have you appointed Jim Bureau?

T. Hoopes – no I have not. I will, thank you very much, I will appoint Jim Bureau to fill Cindy's seat.

B. Dunbar – He might have been here for that particular case.

J. Bureau – um, was this approved last month?

J. Dube – yeah.

J. Bureau – I wasn't here.

T. Hoopes – That's all right, you still have information that's helpful. Um, I think, just to reiterate, my fifth point would be as Jeremy mentioned that the absence of both the Planner and the review engineer affected our decisions. So...

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J. Dube – Well I would just, because this is going to be on the record and lawyers are going to be extremely involved in this so when we put that in there we need to have an extremely clean motion. We need that because the Planner and the review engineer were not present the Board misinterpreted information given to the Board and later got clarification on those items.

T. Hoopes – I, I accept that, uh, correction.

J. Dube – I guess for maybe Monica, since this is going to be all on tape. Would you like maybe to have Tom go over the motion one more time, all together, nice and clean so we can get a good trans...so you can transcribe this fairly easy cause the minutes of this are going to be, uh, requested fairly fast.

M. Jerkins – Yep. Ok.

T. Hoopes – Ok, um, my motion was to reconsider subdivision approval of the Houle Estate and I don't have the numbers for that. And, for the following, um, reasons. One, there was a misrepresentation of the timeline of the submittals to both the Town and to CMA by the applicants. Two, information given to the Board was different from that submitted to CMA. Three, the arrival of information from CMA was too late to be analyzed at the meeting and the case should have been continued to the following meeting. Four, the Engineering Subcommittee, um, received, uh, from CMA, now that Subcommittee meeting was...what was the date about? That was a meeting with CMA, um, the Planner, Jeremy, myself and Russ Bailey, and, uh, CMA representatives.

B. Curtin – That was last Tuesday.

T. Hoopes – Last Tuesday. Um, at that meeting, um, we received from CMA information that revealed a different timeline of the information from the applicants. Uh, that information, instead of arriving in one net group, had come in in absolute dribbles. So that there was no way that the CMA could have produced their report any earlier. Even though the applicant said that they had gotten some of the material to them much earlier, it's no good until all of the information is received. And the fifth item is that the absence of the Planner and the review engineer, um, led to some misinterpretation on our part that affected our decisions. So...

B. Dunbar – I'm not sure if that last one is a good one to put in. It will point fingers at the Board for not having them there.

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T. Hoopes – Well, they can, but the facts are that they weren't. And, um, the information that we later discovered from CMA revealed that there was a...

J. Dube – We just need a second and then we can discuss.

B. Curtin – Second.

T. Hoopes – Motion made by Tom Hoopes, seconded by Bill Curtin.

J. Dube – For Bonnie, you weren't here last month, so I'll just give you the quick so you understand what's going on.

B. Dunbar – No, I'm going to have to abstain, I'll tell you that right now.

J. Dube – Basically, this isn't part of it, but it does help, it was late at night. And basically we had the applicant who was saying that our review engineers were not very accommodating at all, in reference to time. No we had just got this memo from CMA that day of what was going on. And so, with reading it, you know we read it for the first time that night, and so I read it, and thought I understood what was going on, and I obviously totally didn't, but the uh, developer sat there and told us, we talked to Bill today and this is what happened, this is what he said, he agreed with us, this and that. Ok, and now we get to the Subcommittee meeting and Bill says, that is not what I said, what I said is and what I meant and what I wrote was no, there are major issues, there are two specific lots that are in question, there are major issues with these and I had given them suggestions to that, but I did not say, no, basically they took what Bill said, and took it out of context and relayed that to the Board.

B. Dunbar – Ok.

J. Dube – And so after hearing what Bill said from CMA, that's really what gave a whole new light to the situation because of that.

B. Dunbar – So it's the applicant's misrepresentation of what CMA said.

J. Dube – Right, which is what Tom had put in his motion also, so I mean that's...that's really what fueled this whole thing with me starting to talk to Tom, and I mentioned to Tom last night...

T. Hoopes – Oh and I had no hesitation agreeing with him, because, I mean, what we learned from CMA just said, I thought, well jeez you know...

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J. Dube – You know it was two extreme different things; it wasn't close.

B. Dunbar – Ok.

T. Hoopes – And I felt as though we were being pushed on the timeline by them mentioning the fact that this was something that was in probate and other things going on. That they were trying...and that should not be our concern.

J. Dube – Which that's...that's the Board's fault for doing that, but with different information I think it's worth this process.

T. Hoopes – Any other input on how you feel? I mean this is going to, in all likelihood, involve some inter discussion, but hopefully, we will wind up with a neater and tidier package.

J. Dube – and the abutters will be protected.

T. Hoopes – Well, that's...that's one of the key things, as far as I'm concerned, right there.

J. Dube – And also, not only the abutters, but the people that buy that land, we need to make sure that they are buying, you know (interrupted and spoken over) a suitable piece of land.

T. Hoopes – And a good point was made last night in the um, public input, that you should consider the maximum amount developable rather than the minimum amount developable and, because there is some way to control that. In the...on the other hand right now, if somebody acquires that land, it's all lost.

B. Dunbar – You have a motion on the floor.

T. Hoopes – Any other discussion? All those in favor please say "I".

"I"

T. Hoopes – Any opposed?

B. Dunbar – I'll abstain.

J. Bureau – Me too.

T. Hoopes – Two abstentions and one, two, three, four, uh, "I's".

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T. Hoopes – So, uh, we need to notify the applicants immediately of the action we've taken...

J. Dube – Now, just real quick for the Board, maybe we can discuss, uh, the possible timeframe so we can expedite this, uh...

T. Hoopes – That meeting on Tuesday the fifth?

J. Dube – That's what was going to be my suggestion.

M. Jerkins – We need to, um, it's not that simple with this.

J. Dube – Oh cause we have to notice.

M. Jerkins – We need to...we need to notify abutters in this situation.

J. Dube – You tell us what the timeframe is if we can get everything...

M. Jerkins – If I can get a notice to the paper by this Friday, it will be in Thursday's paper, so ten days from that date.

J. Dube – So ten days from next Thursday.

B. Holmes – from next Thursday.

J. Dube – So where does that put us?

J. Dube – You have to get it in by this Friday, though for it to be in next Thursday. Is it possible for you to get it in next Friday if we can set a date?

M. Jerkins – Yes.

B. Holmes – But you're looking at the week of the 25th, right? You have to go ten days after that?

B. Curtin – yeah, I'd try to get it in tomorrow.

(Inaudible, not speaking into the microphone, discussion on dates)

J. Dube – So basically, uh, we could go for Wednesday the 20th, Monday the 18th...

T. Hoopes – Anything to expedite.

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J. Dube – Thursdays don't work for you...

B. Curtin – Thursday's don't work for me and the 18th is going to be a Selectmen's meeting.

J. Dube - Ok, so it looks like Wednesday, maybe...the 20th. Cause we wanna make sure that we...(interrupted and spoken over, inaudible)

T. Hoopes – (speaking over J. Dube, inaudible)

J. Dube – We wanna make sure that we have the Board members here that were present at that meeting so everybody knows what was going on. At least four of us here. And I think it was only us four against Scott if I remember correctly.

B. Holmes – I think you're right.

(Three or four speaking at once, inaudible)

J. Dube – Oh, I understand, but I'm just saying, I think it's very important to try to at least get the five of us that were here, here.

B. Curtin – Oh, absolutely.

J. Dube – Right.

M. Jerkins – What time?

B. Curtin, B. Holmes and J. Dube (together) – 7:00.

J. Dube – Yeah, 7:00 works good. Do you want that in Motion form, Monica? Would that be helpful, or?

M. Jerkins – A motion for the date, yes.

J. Dube – I move that we, uh, move, uh...I move that we, uh, schedule a date for the rehearing of the Houle Subdivision to Wednesday, June 20th at 7:00 p.m.

B. Holmes – Second.

T. Hoopes – On a Motion by Jeremy, second by Bruce...um, any further discussion? All those in favor please say "I"

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Board – “I”

T. Hoopes – So that’s June 20th?

J. Dube – June 20th, yes.

T. Hoopes – At 7:00 p.m.

J. Dube – Oh, you’re going to be here for that, right Tom?

T. Hoopes – Oh yeah.

J. Dube – Oh, that’s right after the Planning Board meeting.

T. Hoopes – and Tuesday the fifth at 7:00 p.m. is the CMA, Norby...

J. Dube – Yes, as long as that works for Bill.

T. Hoopes – Is there any other?

(END OF VERBATIM PORTION OF MINUTES)

➤ **Appointment of Clerk:** The Board discussed who is conveniently available for signing. J. Dube suggested Scott Williams as a candidate for clerk who is almost always in or around Town and could easily come in to sign things when the Chair or Vice-Chair was not available.
Motion by B. Curtin to appoint Scott Williams Clerk. J. Dube seconded the Motion. The Motion passed with all in favor.

➤ **Bonnie Dunbar to discuss Master Plan work remaining to be completed:** Bonnie discusses email of outline on items remaining with the Master Plan. Thank you notes should be sent to Master Plan Committee members. Monica has the list of committee members, but Tom should send the thank you cards as the Chair.

Bonnie suggested that a Notice of Action be sent to LRPC to document the timeline of when things are sent and how long it takes to get the items back.

Monica asked for clarification on reference line “I”. Bonnie explained that the “I” had dropped off and all of the info was the same.

Bonnie suggested reviewing the older chapters of the Master Plan. Jeremy suggested scheduling a Worksession for the Master Plan. To

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delete the old chapters, a public hearing will be necessary. The old chapters are not in digital form. The goal is to have a Master Plan document that is complete and up-to-date and useable as a reference.

Peer discussed the money available under contract for LRPC and other consultant work. The Board should know how much money is available for Master Plan work.

Bonnie suggested contacting New Durham who is working on Conservation Zoning. Bonnie reminded the Board that in 2005 the Board came up with a draft conservation subdivision ordinance. Monica will locate the draft to use as a basis for ongoing discussion. Bonnie discussed Randall Arendt reference materials that she has access to.

Monica gave the Board the Master Plan Status chart.

Jeremy discussed updating subdivision; site plan and minor site plan review regulations as a priority. Jeremy discussed including change of use applications in minor site plan review regulations. The Board discussed setting a standard meeting schedule for Worksessions on planning issues. Discussed organizing subcommittees. Discussed having Worksessions every 14 days. The general consensus was that two Worksessions per month would be a good idea. Peer reminded the Board that a full time Planner would be starting hopefully by the end of June. Jeremy stated that the Planner would lighten Monica's workload and that she would have more time to devote to special projects such as Master Planning and researching and drafting regulations. Monica stated that the Board should wait to consult with the new Planner to discuss her role in the department. The new Planner will be the Department Head and may very well have her own ideas regarding how she would like to see the department run.

Bonnie discussed the wind zone in the Northeast. Building Codes state the wind zone in the Northeast is 90 mph.

General discussion on upcoming dates. Monica will send out an email with upcoming dates.

4. Correspondence: None
5. Any other business that comes before the Board: None

Alton Planning Board
May 30, 2007

Approved July 17, 2007

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Public Input: None

Adjournment: J. Dube made a Motion to adjourn. B. Curtin seconded the Motion. The Motion passed with all in favor.
Tom Hoopes, Chair