

**TOWN OF ALTON PLANNING BOARD
MINUTES OF 2016
OCTOBER 18, 2016**

Members Present:

Roger Sample, Vice Chairman
Russell Wilder, Member
Virgil MacDonald, Selectmen Representative
Thomas Hoopes, Alternate

Others Present:

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

CALL TO ORDER

Roger Sample called the meeting to order at 6:00 p.m.

APPROVAL OF AGENDA

Tom Hoopes asked if there had been any changes in the agenda. Nic Strong stated that the miscellaneous items under 4. a. and 5. i. and j. were added.

**Tom Hoopes moved to accept the Agenda as amended.
Virgil MacDonald Sample seconded the motion and it PASSED unanimously.**

**COMPLETENESS REVIEW OF APPLICATION AND PUBLIC HEARING IF
APPLICATION IS ACCEPTED AS COMPLETE**

Case #P16-31 Victor Perin	Map 9 Lot 1 Rural (RU) Zone	Lot Line Adjustment 243 Suncook Valley Road
--------------------------------------	--	--

Nic Strong stated this application was before the Board back in June for design review, and now it's the first Public Hearing for the final application. The items for a final completed application are listed. The stormwater management report is still pending from the town engineer, Peter Julia, along with an estimate for his review when he returns from a business trip. Roger Sample appointed Tom Hoopes, Alternate, to be a full voting member at this meeting in Peter Bolster's absence.

**Russ Wilder moved to accept the application as complete, Case #P16-31.
Tom Hoopes seconded the motion and it PASSED unanimously.**

Roger Sample stated there were comments from the Conservation Commission that they were going to take no action on this application, but they did note there was no indication for control of run-off, proximity of buildings to wetlands, and no indication of s.f. of paving. The control of run-off issue will be taken care of when Peter Julia makes his comments on the stormwater report, and they have indicated where the wetlands are located.

**TOWN OF ALTON PLANNING BOARD
MINUTES OF 2016
OCTOBER 18, 2016**

Roger Sample opened up the discussion to the applicant. Victor Perin and his agent, Jack Szemplinski, P.E., from Benchmark Engineering, Inc., presented the application. Jack Szemplinski, P.E., stated that the property is a 2.95 acre site located on the easterly side of Route 28, almost across from Prospect Mountain High School. There is an existing building, which is a garage, that was used for residential storage. The proposal is to convert the existing building into a multi-tenant storage facility, and the second phase would be to add three additional buildings, which will allow for additional storage rental. The property is serviced by an existing well and a septic system that was built for a 3-bedroom apartment. The mezzanine in the current building is where Victor Perin would like to convert 1,000 s.f. of the property into an apartment for the Manager. Victor Perin did meet with the Fire Department to discuss what was needed for fire protection. The Fire Department is requiring double layer sheetrock to allow for a 2-hour fire rating. The drainage impact of this project is fairly small, because the area already consists of gravel, and the run-off difference between gravel and pavement is not that high. Jack Szemplinski, P.E., also stated that Victor Perin's father used to own the property and had excavated a ditch in the back of the building that collects water, so any water that comes off the site will collect there. He also stated that there isn't a need for an additional detention basin. They are creating a drip infiltration system to catch the roof run-off and infiltrate through the ground. According to his figures, there is no run-off increase between pre and post development. Jack Szemplinski, P.E., stated he had applied to NHDOT for a curb cut permit. He believed the plans are fairly complete. There were issues with the lighting plan, but he had fixed them.

Tom Hoopes asked if they wanted to phase the project. Jack Szemplinski, P.E., stated there are 3 phases. Roger Sample confirmed the NHDOT permit was for all 3 phases. Victor Perin stated Phase 1 will begin with remodeling the main building with sheetrock and installing a fire alarm system. Phase 2 will consist of building the storage part of the building, which is 1/3 of the building, then the other 2/3 of the building is for the apartment. Phase 3 will consist of building the other storage buildings in the spring.

Tom Hoopes asked Nic Strong if the Board could approve all 3 phases at once, or do they have to come in to get approval on each phase. Nic Strong stated yes, the Board could approve all phases. If the Board approved all phases, and a vesting time table was put in place, as long as they complete the substantial completion of improvements within 5 years, the project could be grandfathered with the current regulations. If the Town was uncomfortable about approving all phases, due to the fact they felt like there would be significant changes to the current regulations, they could opt to approve the phases individually, but the plans might have to be resubmitted under a new set of regulations. Nic Strong indicated that the current plans only show two phases and there is no mention of use of the apartment and when that will happen. Victor Perin stated that he could include the apartment in Phase 1. Settlement of water would be to the west of the parking lot and would drain into the wetland.

Roger Sample asked to go over the Site Plan Review. There were some things missing like a signature. Jack Szemplinski, P.E., stated that he has corrected at least 95% of the outstanding issues. Design of the sign was in question; the sign will be 3 foot by 4 foot. Tom Hoopes confirmed that there will be no trees cut down in front. Although, Victor Perin did state that there is one tree leaning towards the power lines and he will need to contact the power company

**TOWN OF ALTON PLANNING BOARD
MINUTES OF 2016
OCTOBER 18, 2016**

to remove it. Roger Sample stated that the Board needed to wait for Peter Julia's comments on the stormwater report and needed Fire Chief's approval also. Tom Hoopes confirmed that even though the facility will be open 24 hours, there will be no gate. Virgil MacDonald asked how the applicant was going to keep the noise level down since the storage units would always be open. Victor Perin stated there will be surveillance cameras in place. Lighting is LED downlights. Russ Wilder noted the property currently has trees on site. He stated that according to site landscaping regulations, for a Rural Zone, there needed to be a minimum of 50% landscape coverage. Jack Szemplinski, P.E., stated there is a lot more than 50%. They will be planting evergreens on the north side because that side is closest to the nearest abutter. A lighting plan was submitted as part of the package that meets the Board's requirements. As far as noise control, the Board has limited construction from 6:30am – 9:00pm. The restrictions of operation would be that the customers need to be quiet. Other storage facilities in town are open 24 hours. Tom Hoopes stated that Victor Perin needed to meet with Nic Strong and John Dever, Building Inspector/Code Enforcement, prior to construction. Russ Wilder confirmed with Victor Perin that there will be a sign on the building only.

Roger Sample opened it up to the public.

Keith Chamberlain spoke in support of the application and thought it would improve the lot, even though he also owned his own self-storage facility on the other side of town. He also mentioned that it would be an asset to the town, especially since it's across the street from the High School.

Roger Sample closed public input. There were no further questions from the Board.

Nic Strong stated that Subsequent Condition #3 should be deleted if all phases were being approved at once. Also, there needed to be thresholds put in place for active and substantial development and substantial completion of improvements.

In discussion with the applicant, the following thresholds were determined:

Threshold 1: Completion of Phase 1, and obtaining the Certificate of Occupancy from the Building Inspector within two years.

Threshold 2: Complete the remainder of the project within the next three years. Five years total.

Tom Hoopes moved that after due hearing, the Alton Planning Board hereby conditionally approves Case #P16-31 for Victor Perin for a Final Major Site Plan Review to convert the existing 7,500 s.f. building into a multi-tenant self-storage facility and to construct three additional self-storage buildings with a combined building area of 5,350 s.f. and to include a 1,200 s.f. apartment for a property manager within the mezzanine of the existing building in two phases at, Map 9, Lot 1, 241 Suncook Valley Road, with the following conditions:

CONDITIONS PRECEDENT

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, any corrections as noted at this hearing and any corrections that arise from the Stormwater Drainage Report review by Peter Julia, PE.**
- 2. Addition of a note to the site 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 site plan prior to plan signing by the Planning Board Chair: This site plan contains a total of 5 sheets: [to be listed and dated by the applicant on the site plan itself]. In combination these plans constitute in their entirety the site plan 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 site plan prior to plan signing by the Planning Board Chair: This site plan is subject to the Conditions of Approval itemized in the October 18, 2016, Notice of Decision on file at the Town of Alton Planning Department.**
- 5. Receipt of approval from Peter Julia, PE, of the Storm Water Management Report prior to plan signing by the Planning Board Chair.**

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, including the fire protection measures as listed in Victor Perin's letter of October 10, 2016, and agreed to by the Deputy Fire Chief in his letter of October 10, 2016.**
- 2. The hours of operation for the self-storage facility are 24 hours a day, 7 days a week.**
- 3. The applicant shall comply with all of the Town of Alton's Site Plan Review Regulations.**

**TOWN OF ALTON PLANNING BOARD
MINUTES OF 2016
OCTOBER 18, 2016**

- 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 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.**
- 6. 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.**
- 7. 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.**
- 8. 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.**

**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:
completion of phase 1 of the approved plan (conversion of the existing building from a single tenant to a multi-tenant self-storage building and construction of the apartment) and receipt of a Certificate of Occupancy**
- 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:
completion of the remaining improvements on the approved plan, including construction of all proposed buildings and paving**

**TOWN OF ALTON PLANNING BOARD
MINUTES OF 2016
OCTOBER 18, 2016**

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.

Russ Wilder seconded the motion and it PASSED unanimously.

REVOCAION OF SUBDIVISION PLAN

<p>Case #P06-102 & P14-02 Joseph H. Spain, JH Spain Commercial Services, LLC</p>	<p>Map 9 Lots 53-2 through 20 Residential Rural (RR) Zone</p>	<p>Revocation of Subdivision Plan New Durham Road</p>
---	--	--

Tom Hoopes asked Nic Strong to explain why this was being brought back in front of the Board again. Nic Strong stated that after talking to Jim Sessler, Town Attorney, about this revocation, he wanted to see language that very explicitly exempted existing lot 9-53 from the revocation since that was purchased and is owned by a separate individual, and the motion that was made wasn't clear enough to say that Lot 53 will remain. When the subdivision was created, there was the original lot 53 and the other lots were designated as 53-1, 53-2 and so on. There was a lot merger for lots 53 and 53-1 and it is now just designated at Lot 53. Nic Strong asked for the record, that the Board enter the notes, overview, and background prepared by the Town Planner so that it is clear as to how the Board arrived at this action, and make the motion that is suggested on the Declaration of Revocation. Nic Strong stated that the voluntary lot merger will stay in place leaving it as Lot 53, and the other lots 53-2 through 53-20 will need to be reassigned with another lot # by the Assessing office.

Roger Sample opened up hearing for public input. There being none, Roger Sample closed public input.

Russ Wilder moved to enter the background information on Case #P06-102 & P14-02 into the record.

Tom Hoopes seconded the motion and it PASSED unanimously.

OVERVIEW & BACKGROUND:

- The original subdivision was owned by Alton Bay Camp Meeting Association and was conditionally approved March 20, 2007, and recorded at the Belknap County Registry of Deeds on November 19, 2007, with Prospect Mountain Builders listed as the client. The four recorded sheets depict the subdivision of 21 lots, including an area set aside for a fire cistern next to lot 53-4 and no phasing of the project.

No specific requirements were established for what would be required to meet active and substantial development or building or substantial completion of improvements. Therefore, the plan would have received a four-year exemption from changes in the regulations because that's what RSA 674:39 included in 2007. This means that after

**TOWN OF ALTON PLANNING BOARD
MINUTES OF 2016
OCTOBER 18, 2016**

March 20, 2011, the subdivision should have been subject to changes in the Town's regulations.

- (In 2008 a site plan was submitted for four units on Lot #9/53-20. I can find no evidence that the conditions to this approval were fulfilled and think, therefore, that the approval expired.)
- On September 3, 2009, the Planning Board approved an extension to the subdivision approval from 2007 for 36 months to expire October 16, 2010. The Notice of Decision lists the extension as being "through November 16, 2010". The minutes of the discussion refer to changes in RSA 674:39 which changed the period for achieving active and substantial development or building to 36 months for plans approved between January 1, 2007 and July 1, 2009.
- In 2011, the Board was approached to extend the time frame for the subdivision, amend certain conditions and to accept a covenant restricting lot sales. The Notice of Decision from August 16, 2011, changed the wetland buffer flagging and the construction observation escrow conditions to be subsequent conditions versus precedent, accepted a Covenant Restricting Lot Sales and provided an additional 365 days to August 16, 2012, before all conditions precedent were satisfied and construction must commence. The NOD notes that the other conditions from the March 20, 2007, approval remained in effect. The owner at the time was Alton Bay Campmeeting Association with Joseph Spain as the applicant. As noted above, the four-year exemption for the subdivision would have expired on March 20, 2011, so the extension granted on August 16, 2011, must have been to the conditions of approval not the active and substantial aspect.
- On August 21, 2012, the Board was asked to extend the time frame once more. The owner and applicant were both listed as J.H. Spain Commercial Services. The Notice of Decision from August 21, 2012, indicates an extension to August 16, 2013, before all conditions precedent are satisfied and construction must commence. The conditions of March 20, 2007, were once more noted as remaining in effect.
- An eight-month extension was requested by Joseph Spain in 2013, with a note in the minutes that this was to give him time to prepare a phasing plan, replace the cistern with a fire pond and submit a utility plan. The extension was granted to April 16, 2014, this time noting the March 20, 2007, and August 16, 2011, NODs as being in effect.
- In 2014 an amended subdivision plan was submitted. The plan proposed three phases, a fire pond instead of a cistern and underground utilities or overhead power to the first part of Marie Drive. Various conditions were attached to this approval by the Board made on March 18, 2014, and the decision notes that it replaces the March 20, 2007, and August 16, 2011, NODs. In addition, the decision from March 18, 2014, establishes specific thresholds to meet to fulfill the requirements of RSA 674:39, the five-year exemption statute.

**TOWN OF ALTON PLANNING BOARD
MINUTES OF 2016
OCTOBER 18, 2016**

The first threshold of active and substantial development or building was determined to be submission of the security for the Phase I subdivision improvements. This was listed in the NOD as \$402,400.00. The deadline was 12 months from approval, i.e. the security should have been submitted by March 18, 2015. If this threshold had been met the application would be exempt from subsequent changes to the subdivision regulations, site plan regulations, impact fee and zoning ordinances for five years from the date of approval which would be March 18, 2019, **BUT ONLY IF THE SUBDIVISION PLAT IS PROPERLY RECORDED**. This amended subdivision plan was never signed by the Board and never recorded. Nor was the NOD from March 18, 2014.

The second threshold of the exemption statute, substantial completion of improvements, was specified to be construction of the road in Phase I with base course of asphalt and completion of other Phase I improvements including the fire pond and dry hydrant and the drainage ponds. If this threshold is met within the timeframe of the five years' protection afforded by the first part of the exemption the application would become vested forever from changes to the Town's regulations and ordinances. The conditions of the approval remain in effect, requiring wetland buffer flagging for each phase, escrow accounts for observations for each phase, pre-con prior to each phase, as-builts for each phase and submission of security for each phase, etc.

- On April 21, 2015, the Board changed the deadline for the completion of active and substantial development or building to 24 months based on the change to RSA 674:39 to that effect. That meant that \$402,400.00 should have been submitted to the Town by March 18, 2016, in order to fulfill this requirement and guarantee the five-year exemption. Since the plan was not recorded, however, this timeframe may not be valid.
- On March 1, 2016, the Planning Secretary sent a letter to Joseph Spain reminding him that in order to meet the condition of approval with regard to active and substantial development or building he would have to submit the Phase I security in the amount of \$402,400 on or before March 18, 2016.
- On March 22, 2016, having received no response from Mr. Spain, the Planning Secretary again wrote to him to inform him that the Planning Board would be discussing the matter at their April 19, 2016, meeting.
- Eugene Sullivan, III, Esq., requested by letter of April 17, 2016, an extension of one year. The Planning Board discussed the matter at their April 19, 2016, meeting. Due to confusion with the prior approvals and many extensions and amendments to the project the Planning Board continued their discussion to the May 17, 2016, meeting.
- At the May 17, 2016, meeting, the Planning Board met with Joseph Spain who indicated that he wanted to submit the required bond for the project so that he could be vested in the project. The Town Planner questioned the status of the subdivision and the five-year exemption timeframes. The Planning Board determined to consult with Town Counsel and discuss the matter again at the next meeting.

**TOWN OF ALTON PLANNING BOARD
MINUTES OF 2016
OCTOBER 18, 2016**

- Town Counsel responded to the Board's questions on June 17, 2016, and the Planning Board reviewed the matter at their meeting of June 21, 2016, at which meeting Joseph Spain was in attendance. It was noted that the applicant should provide copies of all required permits and should submit the plans approved in 2014 in the numbers and formats specified by the Subdivision Regulations for signing and recording at the Belknap County Registry of Deeds at the applicant's expense. Additionally, the applicant should provide two full size copies of the 2007 subdivision plan for the Town's records. The Notices of Decision noted above, along with any future NODs for this subdivision, should be recorded at the Belknap County Registry of Deeds at the applicant's expense. The Board could consider an extension request if the applicant made one for good cause. It was noted that the good cause would be a circumstance beyond the control of the applicant such as weather, the economy, regulatory delays by other jurisdictions, litigation by others, etc., and that such a request would require a hearing with notice at the applicant's expense. The Board indicated that they would be willing to entertain such an extension request. Joseph Spain stated that he was prepared to submit the bond in the amount of \$402,400.
- By email of June 22, 2016, the Town Planner forwarded to Joseph Spain the information the Planning Board had reviewed at their meeting the previous evening and asked him to submit an extension request by June 28, 2016, along with a list of abutters and the fees for the notice letters. Joseph Spain responded by email of June 22, 2016, thanking the Town Planner for the information and noting that he would be back in touch by the beginning of the following week.
- On July 13, 2016, the Town Planner forwarded Joseph Spain her June 22, 2016, email and noted that the deadline had been missed for the July meeting. The Town Planner noted the deadline for submission of an extension request for the August meeting and pointed out that failure to meet that deadline could jeopardize the status of the subdivision which was out of compliance with the terms of the approval.
- Joseph Spain sent the Town Planner an email on July 13, 2016, requesting a meeting to discuss and evaluate the options. The Planner responded with a list of available days for such a meeting. No such meeting was scheduled.
- On August 3, 2016, Joseph Spain sent a letter to the Planning Board in which he stated that he had decided not to pursue the project any further.

REVOCATIONS OF APPROVALS:

- See attached RSA 676:4-a, Revocation of Recorded Approval.
- The first part of the statute describes the circumstances in which the Board is able to revoke a plan. The second part goes on to describe the process by which the recording of the revocation should take place and the opportunities that should be offered for affected parties to request and attend a hearing after being notified of the revocation. There is

**TOWN OF ALTON PLANNING BOARD
MINUTES OF 2016
OCTOBER 18, 2016**

- actually no requirement in the statute for the Planning Board to hold a hearing or notify anyone of their intention to act on revoking a plan.
- There is only one court case regarding this statute, Brewster v. Town of Amherst, from 1999. Note that since that time no changes have been made to the statute and there is still a lack of description as to how to revoke a plan.
 - The Subdivision Regulations contain the following section regarding revocation:

SECTION III - ADMINISTRATION AND ENFORCEMENT

P. REVOCATION OF RECORDED APPROVAL

1. A subdivision plat, street plat, site plan or other approval which has been filed with the appropriate recording official under RSA 674:37 may not be revoked, in whole or in part, by the Planning Board, except pursuant to this section, and only under the following circumstances:
 - a. At the request of, or by agreement with, the applicant or the applicant's successor in interest.
 - b. When the 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 requirement or condition of such approval.
 - c. When the applicant or successor in interest to the applicant has failed to perform any condition of the approval within a reasonable time specified in the approval, or, if no such time is specified, within the time periods specified in RSA 674:39.
 - d. When the time periods specified in RSA 674:39 have elapsed without any vesting of rights as set forth therein, and the plat, plan or other approval no longer conforms to applicable ordinances or regulations.
 - e. When the applicant or successor in interest to the applicant has failed to provide for the continuation of adequate security as provided by RSA 674:36, III (b) and 674:44, III (d) until such time as the work secured thereby has been completed.
2. Prior to recording any revocation under this section, the Planning Board shall give notice, as provided by RSA 676:4, I(d), to the public, the applicant or the applicant's successor in interest, and all abutters and holders of conservation, preservation, or agricultural preservation restrictions. The notice shall include the Planning Board's reasons for the revocation. A hearing with notice as provided in RSA 676:4, I (d) shall be held at the request of any party receiving such notice, submitted within 30 days of receiving such notice, or if the Planning Board determines to hold a hearing.
3. A declaration of revocation, dated and endorsed in writing by the Planning Board, and containing reference to the recording information for the plat, plan or other approval being revoked, shall be filed for recording with the Registry of Deeds, no sooner than 30 days after written notification of the revocation is served on the applicant or the applicant's successor in interest, in person or by certified mail, or

**TOWN OF ALTON PLANNING BOARD
MINUTES OF 2016
OCTOBER 18, 2016**

30 days after any public hearing, whichever is later. If only part of an approval is revoked, that portion of land subject to revocation shall be clearly identified in the declaration. The declaration shall be recorded under the same name or names as was the original approval, as well as the names of subsequent owners, if any, of the land or part thereof subject to revocation, as identified by the municipality.

4. A revocation under this section may be appealed pursuant to RSA 677:15. Nothing in this section shall affect the municipality's ability, either before or after such a revocation, to pursue other remedies or penalties as set forth in RSA 676:15-17.

Roger Sample opened the hearing for public input. There being none, Roger Sample closed the public input.

Russ Wilder moved to revoke the plan entitled Phasing Plan Woodlands Subdivision Tax Map 9, Lot 53, 117 New Durham Road, Alton, NH J.H. Spain Commercial Services, LLC 210 North State Street, Concord, N.H. 03301, dated 1/11/06, most recently revised 1/27/14, approved by the Alton Planning Board by Notice of Decision dated 3/18/14, and not recorded at the Belknap County Registry of Deeds AND the plan entitled Subdivision Plan Woodlands Subdivision Tax Map 9, Lot 53, 117 New Durham Road, Alton, NH Prospect Mountain Builders, LLC PO Box 501, Stratham, NH 03885, dated 1/11/06, most recently revised 11/9/07, approved by the Alton Planning Board by Notice of Decision dated March 20, 2007, and recorded at the Belknap County Registry of Deeds as Plan Drawer L62 # 37, 38, 39 & 40, for the following reasons:

- **the applicant has stated in his letter of August 3, 2016, that he has decided not to pursue this project any further; and,**
- **the applicant has failed to fulfill the conditions of the 3/18/14 approval within the time period specified by the Board, including multiple extension dates.**

This Declaration of Revocation specifically excludes Lot #9/53 and 9/53-1 which were merged by virtue of Notice of Voluntary Merger of Pre-Existing Lots recorded at the Belknap County Registry of Deeds at Book 2575 Page 168, June 12, 2009, and Book 2660 Page 651, September 7, 2010, to become Lot #9/53, which lot shall remain following the revocation of the remainder of the subdivision.

Tom Hoopes seconded the motion and it PASSED unanimously.

OTHER BUSINESS

1. Old Business-

- a) Discussion on the Town of Alton Excavation Regulations, Working Draft 6.17.16, distribution of revisions made at the August 16, 2016, Planning Board Meeting.

**TOWN OF ALTON PLANNING BOARD
MINUTES OF 2016
OCTOBER 18, 2016**

Russ Wilder inquired to Nic Strong about her comments made in the regulations. Nic Strong stated that there is no updated Aquifer mapping, so the reference in the current regulations to the Zoning Ordinance is valid. The typos were taken care of; the cemeteries were added to Section 14 A. 6. and Conservation Easements added to # 8; Section 15 C. professional geologist was added. All of the comments and suggested changes from the 8/16/16 meeting have been added to the current packet. Nic Strong stated that she has sent the packet to Jim Sessler, Esq., to review, and is still awaiting his comments; before distributing it to the gravel pit owners and asking for a public input session, Town Counsel should say that it is in good shape first. Tom Hoopes confirmed with Nic Strong that all new excavations need to be approved by Special Exception. Tom Hoopes inquired whether or not hours of operation fall under the Zoning Board of Adjustment. Nic Strong stated no and if someone came in for a new pit, they would go for the use to be allowed by Special Exception, but all of the details of it are governed by the Planning Board under the Excavation Regulations. Tom Hoopes stated that if the facility was located near other abutters there would have to be some regulations on hours of operation. Nic Strong stated that would fall under the Excavation Regulations and if there was any interest in changing them, now would be the time.

- b) Discussion on the Town of Alton Subdivision Regulations, Working Draft 4.19.16, distributed at April 19, 2016, Planning Board Meeting and memo dated 9/20/16, re: Planning Board Procedures.

Russ Wilder acknowledged the comments that Nic Strong has recommended to change.

Section I, D. WHEN SUBDIVISION APPROVAL IS REQUIRED, “Subdivision is defined as:” Russ Wilder agrees with adding the entire statutory definition so as to not to fall out of changes to the state definition, therefore, making the town consistent with what the state requires as its definitions.

Section II - DEFINITIONS, Russ Wilder agrees with Nic Strong’s comment to simply state “See Zoning Ordinance Definition,” rather than repeating them in each document.

Section II - DEFINITIONS, C., 15. Antenna:, Russ Wilder agrees with Nic Strong’s suggestion to add the language to refer to the Personal Wireless Service Facilities Ordinance.

Section II - DEFINITIONS, C., 34. Best Management Practice (BMP):, Russ Wilder commented that the current definition is a more proper one than the one currently in the Zoning Ordinance. Russ Wilder suggested this be brought before the Zoning Amendment Committee, and Nic Strong stated they have already discussed this.

Nic Strong suggested that instead of having definitions listed in the Subdivision Regulations, when the only place the word is referred to is in the definitions, they should be deleted. Russ Wilder mentioned that the number of definitions was very high and

**TOWN OF ALTON PLANNING BOARD
MINUTES OF 2016
OCTOBER 18, 2016**

agreed with Nic Strong that the definitions which are non-subdivision related can be removed.

Section II - DEFINITIONS, C., 64. Contractor:, Russ Wilder stated that he thought the definitions are not the same and that the Contractor working in town may not be using Contractor Equipment Storage. After looking it over again, Nic Strong is in agreement that Contractor and Contractor Equipment Storage are two separate definitions. Tom Hoopes asked what Contractor Equipment Storage is and Nic Strong stated that it is a definition in the Zoning Ordinance for a use like a plumber who stores equipment at a location but does the work elsewhere. #64 and #65 will stay as is.

Section II - DEFINITIONS, C. 115. Highly Erodible Soils:, Russ Wilder agreed with Nic Strong's comment to have people refer to the manual on the DES website rather than the outdated "Stormwater Management and Erosion and Sediment Control Handbook."

Section II - DEFINITIONS, C. 195. Removal or Removed:, Russ Wilder agreed that the definition should clarify that it refers to trees. Nic Strong stated that this came up at the Zoning Amendment Committee also.

Section II - DEFINITIONS, C. 200. Right-of-Way:, Russ Wilder commented that the definition should include "private use." It is the consensus of the Board and Nic Strong that the language throughout the regulations should be the same. Nic Strong will put together a consistent definition and bring it back to the Board for their approval.

Section II - DEFINITIONS, C. 251. Wetlands:, Russ Wilder suggested removing the last sentence in the definition.

Section III – ADMINISTRATION AND ENFORCEMENT, I. OFF-SITE IMPROVEMENT FEES, Russ Wilder confirmed with Nic Strong to remove the town regulations and replace it with the state statute, RSA 674:21, V, (j) as amended.

Section III – ADMINISTRATION AND ENFORCEMENT, J. SECURITY, Russ Wilder asked Nic Strong for clarification on her comment. Option 3 – Recorded Covenants is not a statutory option and is not valid at the time of coming in to see the Planning Board for an approval. When an application is made for a subdivision, the two options are either getting the approval and building the road to the point that one is ready to get permits and bond what is left, pull permits and continue with the project; or one would bond the whole project from the start and get permits all the way along and continue with the project. The third option where the covenant is required was helpful in the past, but does not meet current regulations.

Section III – ADMINISTRATION AND ENFORCEMENT, O. DEFINITION OF "ACTIVE AND SUBSTANTIAL DEVELOPMENT AND BUILDING" AND "SUBSTANTIAL COMPLETION OF IMPROVEMENTS UNDER RSA 674:39 FIVE

**TOWN OF ALTON PLANNING BOARD
MINUTES OF 2016
OCTOBER 18, 2016**

YEAR EXEMPTION”, Russ Wilder confirmed with Nic Strong that this section could be deleted out entirely because it was repeated from Section III, N.

Section IV – APPLICATION PROCEDURES FOR A MAJOR SUBDIVISION, L. PLANS FOR DISTRIBUTION TO DEPARTMENTS, Russ Wilder confirmed with Nic Strong that the plan distribution in Section L. could be combined with the final plan distribution in Section N. Russ Wilder suggested applicants submit plans electronically instead of using paper, considering the costs involved in making many copies, or at least this should be done sometime in the future. Tom Hoopes and Virgil MacDonald suggested keeping the paper copies.

Section IV – APPLICATION PROCEDURES FOR A MAJOR SUBDIVISION, O. CONDITIONAL APPROVAL COMPLIANCE SCHEDULE;, Russ Wilder confirmed with Nic Strong that this section can be removed entirely and to refer to **Section XI – POST APPROVAL AND CONSTRUCTION, C. TIME FRAME FOR COMPLIANCE WITH CONDITIONS PRECEDENT**: in its place.

Section VI – APPLICATION PROCEDURES FOR ANNEXATIONS OR LOT LINE ADJUSTMENTS, F. ANNEXATION OR LOT LINE ADJUSTMENT PLAT SIGNING AND RECORDING;, Russ Wilder inquired about whether or not the town can require the submission of deeds after the annexation or lot line adjustment plat is approved. Nic Strong suggested that the town could ask to see copies of the deeds that will be transferred, but the town’s responsibility is to record the plan that shows the lot line adjustment, then it is up to the developer to record the deeds to go along with it. By the way the regulation is currently written, the applicant needs to provide the town with the signed, original deeds for recording. The proposal is to have the deeds come in to be reviewed only, then given back to the developer to record. Russ Wilder inquired about how would the Assessor know there was a lot line adjustment, and whether or not the deed was recorded. Nic Strong stated that the Assessor is given a copy of the recorded plan, so he would know to look out for the deed.

Section VII – VOLUNTARY LOT MERGER, B. LOT MERGER STANDARDS;; This section needs to be updated to reflect current state statutes.

Section IX – APPLICATION SUBMITTAL REQUIREMENTS, B. MAJOR SUBDIVISIONS – DESIGN REVIEW APPLICATION, 7. Plans and Maps – General;; Russ Wilder commented about Nic Strong’s suggestion to cut down on the number of copies needed. The Board agreed that only two 22”x34” copies would be sufficient instead of five, one for the file and one copy to be available at the Planning Board meeting. Having applicants provide more 11”x17” copies would be cost efficient, but make sure the copies are legible.

Section IX – APPLICATION SUBMITTAL REQUIREMENTS, B. MAJOR SUBDIVISIONS – DESIGN REVIEW APPLICATION, 9. Erosion and Sedimentation Control Plan, Russ Wilder commented on Nic Strong’s question as to whether this plan

**TOWN OF ALTON PLANNING BOARD
MINUTES OF 2016
OCTOBER 18, 2016**

should be provided with every Major Subdivision Application. The Board came to the conclusion that the applicant could request a waiver if they did not think it was necessary.

Section IX – APPLICATION SUBMITTAL REQUIREMENTS, B. MAJOR SUBDIVISIONS – DESIGN REVIEW APPLICATION, 10. Stormwater Management Plan, Russ Wilder commented on Nic Strong’s question as to whether this plan should be provided with every Major Subdivision Application. The Board came to the conclusion that the applicant could request a waiver if they did not think it was necessary.

Section IX – APPLICATION SUBMITTAL REQUIREMENTS, C. MAJOR SUBDIVISION – FINAL APPLICATION, 7. Plans and Maps – General:, The way the current regulations are written, the requirements for a completed Major Subdivision Application include all items that are required for the plan preparation to be in place on the plan, or the Board shouldn’t accept the application as complete; this is tying up the application process. If there were missing items, it would be picked up by the Planner’s review, and/or by the members of the Board at their discussion. Creating a list of application requirements along with plan requirements would clarify things and make the applicant aware of what is expected before the plan is approved.

Section IX – APPLICATION SUBMITTAL REQUIREMENTS, C. MAJOR SUBDIVISION – FINAL APPLICATION, 10. Stormwater Management Plan, b. 4) Annual Report Submittal:, Russ Wilder agreed with Nic Strong’s suggestion to remove this from the regulations. Nic Strong stated that the Town shouldn’t be involved in the enforcement or inspection or monitoring of the stormwater management facilities on private property. According to the Regulations, the Planning Board shall make the final decisions of what maintenance option is appropriate in a given situation, which really should be the responsibility of the Town Engineer. Tom Hoopes noted that as part of the plan approval there is a section to where the Board requires the developer to clean out the areas designated in the stormwater plan. Tom Hoopes also suggested that there be a note for Code Enforcement placed in the file. Nic Strong suggested that instead of filing the Operation and Maintenance Plan and the Stormwater Management Plan as separate documents, they should just be noted in the deed.

Section IX – APPLICATION SUBMITTAL REQUIREMENTS, N. PROPERTY MONUMENTATION – BOUNDS and PINS, 2. Monuments:, Russ Wilder acknowledged Nic Strong’s comment to have 4”x4” granite posts as front corner markers, and right-of-way markers with iron pins or similar for rear lot corners, but the Board did not make a decision. Nic Strong will bring it back in front of a full Board.

Section XI – POST APPROVAL and CONSTRUCTION, A. PERMIT TO CONSTRUCT A SUBDIVISION ROAD, Russ Wilder agreed with Nic Strong to remove this section from the regulations. When the Board approves a subdivision plan that includes a road, after going through the process of getting the security in place, working with the town engineer and doing inspections, the road gets constructed based on the approval. There is no such thing as a permit to construct a subdivision road.

**TOWN OF ALTON PLANNING BOARD
MINUTES OF 2016
OCTOBER 18, 2016**

Section XI – POST APPROVAL and CONSTRUCTION, B. SUBDIVISION CONSTRUCTION SCHEDULING, Russ Wilder agreed with Nic Strong to remove this section from the regulations as it was very similar to Section H. below.

Section XI – POST APPROVAL and CONSTRUCTION, J. SUBDIVISION AS-BUILT PLANS, Russ Wilder suggested to cross reference this section with Section III J. and III M. so they will all state the same procedure.

APPENDIX B – COVENANT RESTRICTING LOT SALES & BUILDING PERMITS, Russ Wilder agrees to take out this document from the regulations. Nic Strong commented that this document was used for subdivisions that were already recorded, but had no security in place, but with the updated regulations, the Town wasn't going to use this option anymore.

Nic Strong suggested she compile the suggestions and comments from tonight's meeting, then present the regulations to the board at their next meeting.

2. New Business:

Virgil MacDonald, on behalf of the Board of Selectman, asked the Planning Board to reinstitute a Capital Improvements Program (CIP). Tom Hoopes worked on it in the past and felt like the Selectman didn't do anything with it in the past, which is why it stopped. The mechanics of a CIP requires each Department to come in and present what they need for capital improvements. Russ Wilder mentioned that he previously worked for the Town of Windham who had a CIP in place, and felt that it was a great asset. Nic Strong suggested that a committee will need to be put in place to include Selectmen members, Planning Board members, Budget Committee members, and a member of the public, if possible. For the record, the Planning Board was willing to go forth with implementing a CIP. The Planning Board will need to put together forms for the departments asking them for a 10, 15, or 20-year plan for their capital improvements. The items on the CIP should be more than \$5,000, like \$10,000 or \$20,000. This should start sometime around Spring. Nic Strong stated that if capital reserves are put in place, towns can operate with no debt service. Virgil MacDonald mentioned that there are several things to take care of, like an ambulance for the Fire Department, town trucks and vehicles, and town buildings. Tom Hoopes offered to bring in old CIP files to help start out with a new one in the Spring.

3. Approval of Minutes: September 20, 2016, Planning Board Meeting

Virgil MacDonald moved to approve the Planning Board minutes of September 20, 2016, as written.

Russ Wilder seconded the motion and it PASSED unanimously.

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

- a. Town of Alton Planning and ZBA Meeting Schedule for 2017, and Planning Board Calendar October 2016 through January 2018.

**TOWN OF ALTON PLANNING BOARD
MINUTES OF 2016
OCTOBER 18, 2016**

Nic Strong informed the Board that the calendar has important dates to include meetings for the Zoning Amendments. The meeting in November will be with the Zoning Amendment Committee, where they will present all of the amendments. Then the meeting in December will be the first public hearing on the amendments to go on the ballot. Ballot voting will be on March 14, 2017.

5. Correspondence for the Board's information:

- a. Copies of the ZAC meeting minutes of May 18, June 15, July 12, and August 23, 2016, meetings.
Nic Strong gave out copies of these minutes to the Board so they will be aware of what to expect at the next Planning Board meeting.
- b. Letter dated September 28, 2016, from Nic Strong, Town Planner, to Vance Sedlar and Rich Ollari, re: Mountain View Estates, Phase I completion.
- c. Letter dated September 21, 2016, from George Fredette, PE, SFC Engineering Partnership, Inc., re: Mountain View Estates Subdivision.
- d. Copy of AoT Permit #AoT-0316A, dated 9/27/16, five-year extension granted to 9/23/21, Alton Mountain Road Subdivision, Sedlari Construction, LLC.
- e. Memo dated September 22, 2016, from Mike Vignale, PE, KV Partners, LLC, re: Ridgewood Subdivision, Phase II (Map 15, Lot 56, 57 & 60).
- f. Copy of Routine Roadway and Railway Maintenance Activities Notification for Society for the Protection of NH Forests, to extend a 48" cement roadway culvert outlet with an additional 3' long section and construct a headwall, Reed Road.
- g. State of New Hampshire County Population Projections, By Municipality, September 2016.
- h. 2010 Demographic Profile Data for Alton, NH, from U.S. Census Bureau.
- i. Observation Log dated October 7, 2016, from Farmhouse Land Development, PLLC, for Jilyan Byrne Estates Subdivision.
- j. Town of Alton Email Policy.
Nic Strong informed the Board that the Town Administrator wanted to make sure they all had the email policy, so they are all aware to not create email chains or respond back and forth to each other. Russ Wilder confirmed with Nic Strong that it was the October 3rd amendment.

The above miscellaneous items were distributed for the Board's information with no action required.

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

Russ Wilder mentioned that there were two meetings on Aquifers and Groundwater that he and Nic Strong attended. Also, Russ Wilder attended a Risk Map Assessment meeting, which involves FEMA and risk flood mapping.

PUBLIC INPUT ON NON-CASE SPECIFIC LOCAL PLANNING ISSUES:

**TOWN OF ALTON PLANNING BOARD
MINUTES OF 2016
OCTOBER 18, 2016**

Roger Sample opened the meeting for public input on non-case specific local planning issues. There was no one present in the audience. Roger Sample closed the public input session.

ADJOURNMENT

**At 8:25 p.m. Tom Hoopes moved to adjourn.
Virgil MacDonald seconded the motion and it PASSED unanimously.**

The meeting adjourned at 8:25 p.m.

Respectfully submitted,

Jessica A. Call
Planning Secretary
Minutes approved as written: November 15, 2016