

**Members Present:**

Roger sample, Chairman  
Drew Carter, Member  
Bob Regan, Member  
Tom Hoopes via telephone, Member

**Others Present:**

Jessica A. Call, Town Planner  
Amelia Cate, Planning Secretary

**CALL TO ORDER**

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

**APPROVAL OF AGENDA**

**Mr. Sample MOVED to approve the agenda for the January 7, 2020, Special Meeting for a Request for Rehearing.**

**Mr. Carter seconded the motion, and it PASSED unanimously.**

**1. Request for Rehearing**

<b>Case # P17-24 Thomas W. Varney, P.E., of Varney Engineering, LLC/Keith Babb of Green Oak Realty, Owner</b>	<b>Map 5 Lot 72</b>	<b>Rural (RU) Zone Suncook Valley Road</b>
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A rehearing request has been made in regards to the Planning Board approval of the excavation application and plan of Thomas W. Varney/Green Oak Realty Development, LLC/Keith Babb pursuant to Section 19. F. of the Town of Alton Excavation Regulations.

The chairman read the case into the record.

Mr. Sample suggested that the Board make a motion, have discussion, and then take a vote from each member to include a reason why each member voted the way they did. Ms. Call noted for the record that Mr. Hoopes was attending the meeting electronically via telephone.

**Mr. Carter MOVED to DENY the rehearing request from Attorney Sullivan, on behalf of Green Oak Realty Development, LLC, dated, December 21, 2019.**

**Mr. Reagan seconded the motion.**

**DISCUSSION AND VOTE:**

**Mr. Regan noted that Attorney Sullivan did not include in his rehearing request the comment that he made at the December 12, 2019, meeting that the Alton Conservation Commission had a responsibility, duty, and the public trust to approve or disapprove activities that occurred within**

the setback of the adjacent property where the Conservation Commission had an easement. The Conservation Commission had an obligation, and not just as rights as an abutter. He held firm his previous decision.

Mr. Regan voted to DENY the request for a rehearing.

Mr. Carter noted that in the Request for Rehearing document, Attorney Sullivan neglected to quote his entire reasoning behind his vote to include the Conservation Commission as an abutter. He did not think that any new information was submitted, and he held firm his previous decision.

Mr. Carter voted to DENY the request for a rehearing based on his statements at the December 12, 2019, meeting.

Mr. Sample stated that he was willing to vote yes to grant the request for rehearing if there was any new evidence that they wanted to present at the rehearing. Ms. Call informed Mr. Sample that the request that was submitted was their opportunity to submit new information, and if he did not see that there was any new information submitted in the request, then he should vote accordingly.

Mr. Sample voted to APPROVE the request for a rehearing.

Mr. Hoopes was present electronically. He reiterated his comment made at the December 12, 2019, meeting regarding abutters. “The term Abutter shall include any person who is able to demonstrate that their land will be directly affected by the proposal under consideration. The original grantors intentionally gave up certain rights when they created the conservation easement and it is the obligation of the ACC as the grantees to protect those rights perpetually.” He held firm his previous decision.

Mr. Hoopes voted to DENY the request for a rehearing based on his statements from the December 12, 2019, meeting.

Mr. Carter, Mr. Regan and Mr. Hoopes all voted to DENY the Request for Rehearing. Mr. Sample voted to approve the Request for Rehearing. Motion passed.

## **ADJOURNMENT**

At 6:10 p.m., Mr. Carter MOVED to adjourn.

Mr. Regan seconded the motion, and it PASSED unanimously.

The meeting adjourned at 6:10 p.m.

Respectfully submitted,

Amelia Cate  
Recording Secretary