

**Members Physically Present:**

Drew Carter, Chairman  
Virgil MacDonald, Selectmen's Rep.  
Roger Sample, Member  
Scott Williams, Member  
William O'Neill, Alternate

**Members Appearing Remotely:**

Bob Regan, Vice-Chairman, Home-Along  
Tom Hoopes, Member, Home-Along  
Russ Wilder, Clerk, Home-Along

**Others Physically Present:**

Jessica A. Call, Town Planner  
Amelia Cate, Planning Secretary  
John Dever III, Code Official

**Call to Order**

Mr. Carter called the meeting to order at 6:06 p.m.

**Preamble**

Mr. Carter read the preamble into the record.

As Chair of the Alton Planning Board, due to the COVID-19/Coronavirus crisis, and in accordance with Governor Sununu's Emergency Order #12, pursuant to Executive Order 2020-04, this Board is authorized to meet electronically, and these reasons shall be reflected in the minutes.

The Town of Alton has moved from "in-person" meetings to "remote audio participation meetings" until further notice, therefore, there is no physical location to observe and listen contemporaneously to this meeting, which was authorized pursuant to the Governor's Emergency Order. **We strongly encourage everyone attend our meetings remotely. Should you have a need to attend in person, we will make a remote location available upon a reservation request by you to this office NO LATER THAN TWO (2) BUSINESS DAYS in advance of the meeting date.** However, in accordance with the Emergency Order, this is to confirm that we are:

***a) Providing public access to the meeting by telephone:***

Members of the public wishing to attend this meeting electronically may call the conference call number from home. Follow the instructions listed under "News and Announcements" on the town's website:

[www.alton.nh.gov](http://www.alton.nh.gov).

***b) Providing additional public access by video or other electronic means:***

We are utilizing the Zoom platform for this electronic meeting. All members of the Board have the ability to communicate contemporaneously during this meeting, and the public has access to contemporaneously listen and, if necessary, participate in this meeting through the link that is listed under "News and Announcements" on the town's website.

***c) Providing public notice of the necessary information for accessing the meeting:***

We previously gave notice to abutters and the public of how to access the meeting via telephone conference and by using Zoom.

***d) Providing a mechanism for the public to alert the public body during the meeting that a member of the public wishes to speak or be recognized during public input at a public hearing:***

If you are calling in by conference call, press the “star” sign and then “9” to “raise your hand” to request to speak to the Board. If you are using a computer, use the “raise hand button” to request to speak to the Board. Several members of the public may be conferenced in, and requests to speak will be handled sequentially, one at a time. The Zoom Moderator will allow you to speak when the Board opens public input.

***e) Providing a mechanism for the public to alert the public body during the meeting if there are problems with access:***

If anybody has a problem accessing the meeting, please call (603) 507-1002.

***f) Adjourning the meeting if the public is unable to access the meeting:***

In the event the public is unable to access the meeting remotely, or there are difficulties with the Town’s equipment the following will take place: 1. **For applications**, the meeting will be adjourned and rescheduled to Tuesday, February 16, 2021; and 2. **For the 2021 Proposed Zoning Amendments Second Public Hearing**, the meeting will be adjourned and rescheduled to Thursday, January 21, 2021, both meetings starting at 6:00 P.M. at the Alton Town Hall.

***You may call the Planning Department at (603) 875-2162 between 8:00 A.M. and 4:30 P.M. Monday - Friday for more information, and for the Dial-in Code and Meeting ID for each Planning Board meeting.***

Please note that all votes that are taken during this meeting shall be done by Roll Call vote. Let’s start the meeting by taking a Roll Call attendance. When each member states their presence, also please state whether there is anyone in the room with you during this meeting, which is also required under the Right-to-Know law.

REMINDER: Any other business to come before the Board and public input on non-case specific planning issues have been put on hold until further notice as voted on at the May 12, 2020, meeting. If the public does have any input on non-case specific planning issues, they should contact the office to be scheduled at a future meeting.

**Approval of Agenda**

Mr. Carter asked if there were any changes to the Agenda since posted; Ms. Call stated, yes, there were many. She stated under 1. Old Business a. Reminder that Mr. Williams and Mr. Hoopes were up for reelection; 2. New Business 2.a. Petition to create a Warrant Article re: Master Plan Update; 4. Correspondence for the Board’s review b. Application from Paul Zuzgo, LLS, for the Alternative Housing Committee; c. Chairman to sign Release and Termination of Covenant Restricting a Building Permit for Case #P15-04; 5. Correspondence for the Board’s information c. Addition of another construction report dated December 1, 2020, and she stated she mistakenly listed the owner as Ingalls Trust not W&W Ralph Trust, LLC. Ms. Call stated she also added a memo under 5.c. that just updated the Board on the happenings with this case since approval last January.

**Mr. Wilder MOVED to approve January 19, 2021, agenda, as amended.**

**Mr. Hoopes seconded the motion.**

**Mr. Carter called for a roll call vote:**

**Scott Williams, Aye; Roger Sample, Aye; Virgil MacDonald, Aye; Drew Carter, Aye; Bob Regan, Aye; Tom Hoopes, Aye.**

**1. Second and Final Public Hearing on Zoning Amendments 2020-2021**  
**SEE SEPARATE NOTICE ATTACHED**

Mr. Carter read the public hearing notice into the record.

**PLANNING BOARD PROPOSED AMENDMENT #4:**

To amend Article 400 Zoning Districts Regulations, Section 401:D., 39., to remove “Outdoor Recreation” as a permitted use in the Residential (R) Zone, and continue to allow it in the Residential Rural (RR) and Rural (RU) Zones by Special Exception; and to amend Article 200 Definitions.

D.	Retail Business and Service	R	LR	RC	RR	RU	RS	Notes
39.	Outdoor Recreation	<del>EN</del>	N	N	E	E	N	Min. 20 acres

**Definition:**

“Outdoor Recreation - Commercial recreational uses conducted in a **minimum of 20 acres in a natural or semi-natural setting, such as hunting preserves, cross country skiing, mountain biking, trail horseback riding, and paintball games.** Outdoor Recreation does not include uses defined in this Ordinance as Amusement Use - Outdoor.” ~~“Amusement Use—Outdoor” are outdoor activities that do not require large areas to accommodate the uses, but do require more intense development of the site.~~

**Rationale:** Presently, the use is permitted by Special Exception in the Residential (R), Residential Rural (RR), and Rural (RU) Zones. The note on the Table of Uses requires that the lot containing the use be a minimum of 20 acres in size. **There are no known lots of that size in the Residential (R) Zone compatible for the use. This amendment does not affect pre-existing businesses.**

Mr. Carter stated that this was the Amendment that had been sent to Town Counsel for review. The Board decided to take the last sentence out of the definition. Mr. Carter asked for any comments, Mr. Sample stated that this was there comment.

**Mr. Hoopes MOVED to forward 2021 Proposed Zoning Amendment #4, including Attorney Sessler’s recommendation, to the ballot.**

**Mr. MacDonald seconded the motion.**

**Mr. Carter called for a roll call vote:**

**Scott Williams, Aye; Roger Sample, Aye; Virgil MacDonald, Aye; Drew Carter, Aye; Russ Wilder, Aye; Bob Regan, Aye; Tom Hoopes, Aye.**

**2. Design Review**

Case P21-01 Paul Zuzgo, LLS, of Prospect Mountain Survey, Agent for James & Allison Brown, Applicants, and William L. Moore, Thomas M. Moore, and Nancy C. Moore, Owners	Map 9 Lot 35 Moore Farm Lane	Design Review for Major Subdivision Residential Rural (RR) Zone
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Mr. Carter read the case into the record.

Mr. Regan recused himself by muting his computer. He stated after much thought, because there was a family relationship to the applicant, he thought it appropriate to recuse himself from this case.

Mr. MacDonald recused himself by moving his chair back from the table.

Ms. Call asked the Board to hold on a minute while the parties at the Gilman Museum got the camera up and running because the applicant's surveyor, Mr. Zuzgo, agent, was present along with Thomas Moore, owner. Mr. Hoopes asked Mr. Carter if it would be appropriate to appoint the Board's alternate to sit in for this case. (There was a momentary camera malfunction. Mr. Monaco, IT Department, assisted and the Board was able to continue with the meeting.) Jim Brown, applicant, joined via Zoom by computer but audio was via telephone.

Mr. Carter appointed Mr. O'Neil, alternate, as a full voting member for this case.

Mr. Carter referred to Ms. Call. He stated that there was some background that needed out be laid out first. Ms. Call read the following into the record:

Mr. & Mrs. Brown first came before the Board in November of 2019 for a Conceptual Consultation for their subdivision and the Board told them that the Town needed to look further into their proposal in order to assist them better.

Numerous conversations took place with the highway department, code official, and with town counsel during the beginning months of 2020. At this point, Mr. & Mrs. Brown were told which application to submit and they ultimately submitted the wrong application, and in fact, they submitted yet another wrong application later on in the year.

The Planning Board even had a special workshop that included the code official, highway department, and town counsel, to make clear to everyone exactly how the subdivision process took place, if and when a variance may be needed, and to discuss how, one would ask for a waiver of the Highway policies and regulations. A couple of days later I met with Mrs. Brown and Mr. Moore Senior to confirm how she should move forward.

Finally, in November of 2020, the proper application was submitted with numerous waivers. Again conversations with Town Counsel took place and it was determined that Mr. & Mrs. Brown should go before the Selectmen first to inquire whether they would waive not having to pave their road before coming to the Board for subdivision approval. This took place a couple of weeks ago and they were granted their request to not have to pave.

The day after they received their approval from the Selectmen, Mrs. Brown came into the office with another waiver, and after a short discussion, it was divulged by her that the road was already built with the assistance of the Highway Department head. Mr. & Mrs. Brown testified before the Selectmen that they had emails from the Highway, Police, and Fire departments regarding their reviews of the road. I asked Mrs. Brown for copies of them and to date, I have not received them.

Per Statue and Regulations, both prohibit any development of a site that is in the process of receiving approval from the Board.

Throughout the conversations that have been had with many departments in town, the Planning Department, and with Town Counsel, and throughout the meetings before the Board, Mr. & Mrs. Brown were building the road this whole time without a road plan, without proper subdivision approval from the Board, and without any observations from a Town Engineer.

Also, this whole time Mr. & Mrs. Brown haven't been charged for any of the applications they've submitted up until today's because the office was being patient in anticipation of them submitting the proper application to get on the right track and we didn't feel right to keep cashing their checks. We're not here to just keep taking people's money, we are here to assist property owners in accordance with the Board's Regulations.

I've been repeatedly told that, "I just want to do the right thing.", and, "I'm not trying to make your job harder.", but in all reality, the only word that comes to mind right now is "sandbagged". Mr. & Mrs. Brown repeatedly did not listen to the advice from the Planning Office, the direction from the Planning Board, or even their own surveyor. It's not fair to the Town, nor to any potential future applicants that they went ahead and built the road without approval, nor does it show any respect towards the Board or anyone else involved.

Ms. Call stated that was her recap of what had been going on. She also stated that in the Design Review application, there were many things that were not submitted, but there was also quite an extensive list of waivers. Going through the waiver list was very conflicting with what they had indicated on the checklist that they provided. She stated she was confused as to what waivers they were actually asking for, and that made it hard to inform the Board of what was being asked of them to waive. Ms. Call asked for clarification on that matter.

Mr. Carter stated that with the history laid out he thought the Board's proper procedure would be to make sure this package was complete. Ms. Call stated that with this being a Design Review the application was not up for completeness that would happen at the final application. Mr. Carter stated the Board could discuss the waivers as best as they could understand them and that maybe the Brown's would be able to walk the Board through them. Mr. Carter reiterated that they were not there just to shoot it down but that they were trying to figure it out. Ms. Call stated that was correct and it had just been very confusing and she had a hard time because it was very conflicting.

Mr. Carter stated that he was unsure if the Board of Selectmen had been aware that the road had already been constructed at the time the Browns were in front of them for the paving of the road waiver. Mr. Carter stated that he had suspected the Selectmen had been unaware of that.

Mr. MacDonald was trying to contribute to the situation even though he had recused himself, so Mr. Dever instructed Mr. MacDonald to step away from the table or absolutely say nothing because he was not a part of this discussion as a Board member. Mr. MacDonald stated that he was part of the public. Mr. Dever stated to the Chairman that he thought it was inappropriate for Mr. MacDonald to continue to sit at the table giving the appearance of sitting as a Board member and participating in the conversation. Mr. Carter instructed Mr. MacDonald to move away from the table. Mr. MacDonald stated he would and that he would just wait for public input.

Mr. Carter stated that there were many waivers and that he too was having a difficult time following. He stated that he knew Ms. Call was cross referencing with the checklist. Mr. Carter stated that for the purpose of moving things along as quickly as they could, he would like to at least go through the waivers one at a time and try to make an understanding as to what is being asked for. Mr. Williams made the statement that they need to be non-committal at this point. The Chairman agreed.

Ms. Call stated that she would like to try to get through this process and make it a little easier for everyone. She started by explaining that she was referring to the Waiver Request from Prospect Mountain Survey, it was a two page packet. Ms. Call stated that when she was going through that waiver list she was on page one and many of the sections refer to Section VII:B, 8a.(1) and B 8a. (6) and so on, but that they all indicate B 8. Moving to the second page, way at the top, you can see some numbers crossed off and written in it stated that they wanted to waive B8 - B16 and that was conflicting with page one because all the waivers included B8. Ms. Call asked if they saw what she had been referring too. She went on to explain that when she received an application she looked at the checklist and she went through every single item to make sure the documents were submitted and if there was a waiver request for anything, but when she went through the checklist many of the items that had waivers had already been provided in a document or they were indicated on a form. Ms. Call stated that was why she was not sure how to move forward.

Mr. Sample stated that they just had to attack the waivers. He stated that if a waiver had been provided but also that item was already submitted then they could just get rid of the waiver and it would be that simple. Mr. Sample held up a plan and asked if that was what was being proposed, and asked if their lot was off Moore Farm Lane. The Board stated, yes. Mr. Sample then asked isn't that the road, and why was there all this talk about a road if there was already a road. Mr. Carter stated that was because it was not a road built to Town Standards, and the road was not there when the Browns originally filed back in November 2019.

Ms. Call went on to say that Moore Farm Lane had only been approved by the Planning Board up to station 4+20 which was only a portion of Kim Moore's property. If you were to the right of Moore Farm Lane the road only went up to the driveway that headed to the farmhouse. That was the only section of Moore Farm Lane that had ever been approved by the Planning Board and that was back in 1986. Ms. Call stated that the rest of what was shown on the plan was just dirt and not up to Town Standards and that was the problem because subdividing had to happen on a Class V road, or if you did not have frontage on a Class V road the applicant would have to build it up to Town Standards. Mr. Wilder stated he wanted to clarify that the Town did not have Class V standards, they had town highway standards. Class V only meant that the town maintained the road. Mr. Carter stated that this may be unorthodox, and that he was not 100% clear on all the proper procedures, but did it make sense to have Mr. Zuzgo, the Brown's surveyor, walk the Board through his intention with the waiver document that had been submitted. The Board agreed that would be a good idea at this point.

Mr. Zuzgo joined via Zoom from Gilman Museum. Mr. Carter asked Mr. Zuzgo if he could answer the first question, that being, on the second page of the Waiver Request it had been asked for the Board to waive B8 - B16 and that had been very unclear and confusing and could Mr. Zuzgo clarify that. Mr. Zuzgo stated that the Waiver Request was originally drafted for the Final Major Subdivision application and that was where all the numbers came from. The Brown's never changed all of the numbers to reflect the Design Review application checklist numbers. Mr. Wilder asked Mr. Zuzgo just to be clear, the blue ink written in on the waiver form was supposed to reflect the Design Review checklist. Mr. Zuzgo stated, that was correct. Mr. Sample asked if

the most important waiver to discuss would be the one that asked to change the application from a Major subdivision to a Minor subdivision. Mr. Zuzgo stated that was a waiver Ms. Call had asked for and Mr. Zuzgo was not sure why. Ms. Call stated she never asked the Brown's to include that waiver. Mr. Zuzgo realized that was a different application they had worked on.

Mr. Zuzgo stated that they needed to create the road frontage because Ms. Call was correct and that the original subdivision was only approved up to station 4+20 and what the Brown's wanted now was to go from that station and create enough road frontage so they could create the lot. The road would be built to Town Standards, well was supposed to be, and he noted that he realized that the Brown's would now have to prove that. Mr. Zuzgo went on to state that the Brown's received approval from the Board of Selectmen on the waiver requesting to build the road to Town Standards but not have to pave. Mr. Carter asked Mr. Zuzgo if he had the understanding that the road had already been built and that no engineers had checked the road or even witnessed the construction.

Mr. Carter asked to jump back to Section VII:B8 of the Waiver Request titled, Maps, and the waivers were for Sections d, e, f, g, h, and i. Ms. Call pointed out like Mr. Zuzgo had said at the beginning, that this Waiver Request had originally been filled out in accordance with a Final Major Subdivision application and that these Sections were different from the Design Review, and with that being said, B8 in the Design Review did not list maps. All the Board members stated they were thoroughly confused. Ms. Call stated she would be sharing her confusion with them and she asked the Board to look at the checklist and find Section B. Mr. Williams stated that he saw a lot of notations on the checklist in red and wanted to know whose notes those were. Ms. Call stated those were her notations. Ms. Call also stated there were blue checks under the Planning Board column and that those were office notes. Ms. Call explained that she had to confirm on the checklist all the items submitted or not submitted and that was where those blue checks came from, then she took all those notes and would prepare a Planner Review. Since the Waiver Request was so confusing she was not able to put it in the Planner Review. Mr. Williams stated he also did not know how Ms. Call would have been able to do that either.

Mr. Carter asked for clarification if he was correct in stating they would be providing all the required maps listed in A which was basically Section B from the Waiver Request provided. The survey plat with all sub categories. Ms. Call stated, yes, but that brought you to the second waiver. The first waiver was not even listed on the Design Review checklist. Ms. Call stated that she could not check off the waivers because on the Design Review application they did not even exist, and the application they were written for was not the proper application. Mr. Williams asked if that was because the difference from one application to the next; Ms. Call stated, yes, essentially that was correct. Mr. Williams asked why the applications were not at least similar. Ms. Call stated she was not sure why. He then stated they needed to fix that.

Ms. Call went on to explain that Waiver B8 did not even exist on the Design Review checklist. Mr. Sample asked if that meant because it was not listed then it was not needed. Ms. Call stated, no, that was not correct, what the applicants needed to do was fix the Waivers because they were wrong and they needed to match the application they were submitting. Mr. Carter stated he wanted to look at what their intent was so that they could make some progress. Mr. Zuzgo stated he provided a survey of the area that would be subdivided off which included lot one, the proposed lot and enough beyond to show the location. He stated the waiver was intended to be for the remainder of the land that was around 200 acres. Mr. Zuzgo stated that his survey plan showed topography, test pits, and soils. Wetlands were also delineated on the plan for the lot. Mr. Carter asked

if utilities, fire protection, and drainage were the Waivers being requested. Ms. Call asked what Mr. Carter was looking at. There was much confusion and Mr. Williams and Mr. Carter stated that they were trying really hard to make heads or tails of this.

Mr. Williams asked if the Board should decide first if this would be a Major or Minor and then venture down that path. Mr. Carter stated that the determination had already been made back in August that a Major Subdivision application was required. Mr. Sample stated he did not recall determining anything. Mr. Carter stated that had been back in August. Mr. Zuzgo stated that was exactly why they were here for a Design Review. Mr. Williams asked if the Browns were in agreement with a Major. Ms. Call stated that was the question; they were asking the Board to waive the Major to a Minor, but the Browns had come before the Board in August with a Minor application and the Board determined then it was the wrong application and now they are here asking again for a Minor and she could not understand why, since they were already told it was the wrong application to begin with.

Mr. Sample stated that what Ms. Call just said did not seem correct to him. Mr. Sample stated it seemed to him that the Browns could not even come in because they had the wrong application and the Board did not tell them anything, it had just been brought up and thrown out. Ms. Call reiterated that at the August meeting, the Board determined that the Minor subdivision application was the wrong application. Mr. Hoopes recalled that after the meeting it had been determined by Ms. Call and Town Counsel that because the Browns had no frontage on the lot that it had to be a Major subdivision, and that had been the final straw that turned it into a Major subdivision application. Ms. Call and Mr. Carter stated that Mr. Hoopes was correct. Mr. Wilder reiterated that it had already been determined that this was a Major subdivision application and that what the Board should be looking at tonight was the Design Review just to be clear. Ms. Call stated that was correct.

Mr. Wilder went on to state that he thought they really needed to be discussing the overall project and not specifically waivers. Mr. Hoopes stated that he thought that was why they needed to get guidance. Ms. Call stated that they could talk about the waivers but that nothing was binding and no approvals would be determined tonight. Tonight's meeting was to discuss the project, give guidance, and then at the Final application meeting was when the Board was to act and vote on them. Ms. Call stated that was what Design Review was all about and that was what tonight was, a review of said project. Mr. Sample stated with that being said this should be simple. Mr. Williams stated, yes, it should. Mr. Sample asked if the Board could just cover the side of the paper that showed the number and section of the listed waivers and just go down the sheet and read the waiver title to determine what exactly the applicants were asking for. Ms. Call asked Mr. Sample, was that what the Board did? Mr. Sample stated it was just a Design Review and that they could talk about it and when they came back they would provide the proper waivers. Mr. Sample stated the Board would tell him what to include for waivers. Mr. Carter stated he agreed with Mr. Sample and that this was a mess but that he wanted to at least get it somewhat organized so that the next time they look at this it was a little clearer.

Mr. Wilder stated that in general, the applicants were just taking this one lot out of the larger lot and then they were building a road along the front of the lot up past the wetlands and to be able to access the other side of this lot, so why wouldn't the Board just ask the applicants and agent to submit the required info for the lot and the road that was in question, and never mind about the other couple hundred acres. Mr. Sample and Mr. Williams stated that was what they believed the applicants and their agent intended to do.



Mr. Williams also stated he thought the Board should be giving them some good direction on what they would be expecting. Mr. Carter stated that he did not want to speak for the entire Board, but that it seemed like the general consensus was that the rest of the 200 acre lot was not in question, it should only be the 5 acre lot being focused on.

Mr. Sample stated that he thought the Board needed to stop stumbling over the letters and the numbers and just look at what they needed. Ms. Call asked if she could just point out the fact that on Page 2 at the top, the applicant was requesting to waive B8 - B16, which were all the waivers they just submitted, in essence, asking to waive the waivers. Mr. Williams stated lets work Page one and then get over to the problem on Page two. Ms. Call stated to go through page one would be pointless because on Page two they are asking to waive all the waivers from Page one. Mr. Sample asked to worry about page two after dealing with page two. Mr. Carter stated that page one in its entirety from what he gathered was to just focus on the five acres and he stated he thought the Board was in consensus with that.

Mr. Carter asked Mr. Zuzgo about Page two because he was not sure that Mr. Zuzgo's intent was to waive the waivers on Page one. Mr. Zuzgo stated that basically what the applicants were trying to do was waive all the engineering for the road. Mr. Carter stated that that made more sense. Mr. Zuzgo stated that when the Brown's built the road, making it clear he had no idea they put a road in and only found out about it two weeks ago, he would have gone out and prepared an As-built. Mr. Zuzgo stated that the Brown's had Ken Roberts out during the construction of the road and he would know what had been used for materials and such. Mr. Zuzgo stated that if there was an active application on file at the time then, yes, they were not supposed to build the road, but if there was no application on file they could do whatever they wanted on their land and upgrade and put in any kind of road they wanted to. Ms. Call stated that was not correct and asked if she could read the regulation. Mr. Sample stated he knew when there was an active application you could not do any work involving property. Mr. Zuzgo stated he was told there was no active application because all the prior applications went away when they were informed a Design Review had to be done in accordance with a Major subdivision application and all the other applications that had been filed had been incorrect. Mr. Zuzgo stated that Allie & Jim would know the date that they submitted the Design Review. Mr. Zuzgo was unsure. Ms. Call stated it had been submitted in December but asked if she could please read the regulation so that everyone would be clear. Mr. Carter gave the ok. Ms. Call stated it was on Page 2:

**SECTION I: E. PROHIBITED BEFORE SUBDIVISION APPROVAL**

*Whenever any subdivision of land is proposed, no land within that proposed subdivision shall be sold, transferred, leased, altered, or cleared; no road construction or building development shall be started; no permit for the erection of buildings shall be issued; and, no subdivision plat shall be filed with the Belknap County Registry of Deeds until all required Land Use permits and approvals shall have been issued. Furthermore, construction activity associated with street work or utility installations or tree removal shall not occur prior to all Conditions Precedent, as stipulated in the Notice of Decision being completed and authorization to proceed with such work is authorized in writing by the Planning Department.*

Ms. Call noted that the applicants proposed a subdivision of land back in November of 2019 and had been actively working with the Town since that point in 2019. Mr. Sample asked if we knew when the road had been built because he had heard it was over the summer of 2020. Ms. Call stated that she was also told the road had been built over the summertime but Ms. Call showed a Google Earth picture dated October 10, 2020,

and that road had not been built as of that time. Ms. Call stated she was very confused as to when the road had actually been built. Mr. Tom Moore joined from the Gilman Museum and stated that the road had been built in front of the 200 acre farm land and not in front of the five acre property that Allie and Jim Brown had been proposing. Mr. Moore went on to state that the road in question was an upgrade to an existing road that the family used to go up into the woods and that said road just happened to run parallel to the five acre lot the Brown's had been proposing for the subdivision. Mr. Moore stated that the road in question was not part of the Brown's lot and that none of the five acre lot had been touched. Mr. Carter asked Mr. Moore if this road that had just been built was road that was intended to be used as frontage for the Brown's subdivision approval and Mr. Moore said, that was correct. Ms. Call stated that determined the road was in fact part of the project. Mr. Carter agreed. Mr. Moore stated that this was not the Brown's fault because the Moore's were going to be upgrading the road anyway.

Mr. Hoopes asked what the purpose was for going to the Selectmen for the waiver. Mr. Moore stated that was Mr. Brown and Mr. Moore thought that Ms. Call had told the Browns to get the waiver. Mr. Moore stated that all they were trying to do was give his sister Allie a piece of property and he did not know what all this was about.

Mr. Brown joined via Zoom and asked if he could speak. Mr. Hoopes told Mr. Brown he needed the camera on, legally, anyone speaking on an application needed to be seen on the computer. Mr. Brown was able fix his camera. Mr. Brown stated he would like to run through the optics of this project from his and Allie's side. He went on to state that back in August they had been told at the Planning Board meeting that they needed to file a Major subdivision application. At that time, they were under the understanding they would be back on the September agenda. He stated that changed a few weeks later when they were then instructed that in order to come in front of the Planning Board they would first need to go in front of the ZBA. Mr. Brown stated they went forward with the ZBA application. He stated in the middle of September they had been filling out the ZBA application and it stated on the application that a Notice of Decision needed to be filed with the ZBA application. The Browns called Ms. Call and at that point Ms. Call told the Browns that they did not need one. Mr. Brown stated the next day they were emailed an image of an unsigned Notice of Decision and then the following day they received an emailed image of the signed Notice of Decision. Mr. Brown stated that they were frustrated at that point and did not want to go in front of the ZBA and potentially have an incomplete application again. They then decided they would wait until the following month (November) since the deadline was that day.

Mr. Brown stated he had been talking to his father-in-law and he stated that the Browns would eat whatever the consequences were because it may have been a misunderstanding on their part but they were under the impression that they had no open application and they were frustrated and were looking to make forward progress and they thought they were allowed to do what they did, referring to the building of the road. Mr. Brown stated that there were no town standards for private roads, there was the procedural requirement at the end of the highway regulations if a building permit was being applied for then there was a standard for the condition of the road at that point. Mr. Brown stated that they were not trying to get away with anything, per se, but they went ahead and followed that highway regulation without calling anyone and asking any questions. He stated that they did contact Ken at the Highway department about the middle of September. He stated no work was done over the summer and that they had asked Mr. Roberts for some advice before moving forward.

Mr. Brown noted that at some point right before the November ZBA agenda was posted, Mrs. Brown heard from Mr. Dever and he had asked her what exactly they were looking to the ZBA for. He then stated to Mrs. Brown that the ZBA was not the appropriate application because it was a Planning Board issue and Mr. Dever stated he would get with Ms. Call and let her know that the ZBA was unnecessary. Mr. Brown stated at that point they had two days to get everything ready to meet the Planning Board deadline in two days. Mr. Brown stated that there had been a conversation about whether or not to do a Design Review or a Final Major Subdivision application between himself, Allie, and Mr. Zuzgo, and at that time they decided to forgo the Design Review and just submit a Final Major Subdivision application. Mrs. Brown turned the application in and Ms. Call reviewed it at that time. Mr. Brown stated that Mrs. Brown told him that she and Ms. Call had a conversation and that Ms. Call stated to her that it did not mean they were going to be on the next Planning Board agenda because everyone was still unclear if this was a Selectmen issue and Town Counsel had been consulted. Mr. Brown stated there had been an email chain after that about Ms. Call contacting Mr. Sessler, Town Counsel. Mr. Brown stated that about eight days after Mrs. Brown turned in the Final Major Subdivision application they caught wind that the wrong application had been submitted. He stated they were added to the November agenda but indicated that it was to determine if the application was complete or not. It had been determined that it was an incomplete application at that meeting. Mr. Brown stated that they were upset with that because if no one knew where the application was going then why was it being put on an agenda that they know was going to be rejected. He stated they thought at some point that was going to make them look bad like they were not putting any thought into it.

At 6:55 p.m., Mr. Wilder stated he had to leave the meeting due to another commitment.

Mr. Brown went on to state that they submitted the Design Review on November 9<sup>th</sup>. At that point Mr. Brown stated that all they were waiting on was the Selectmen to schedule the Waiver Request meeting. That was scheduled for January 4, 2021. Mr. Brown stated that the paperwork submitted to the Selectmen included the road requirements to obtain a building permit and Mr. Brown stated they approved that. Mr. Brown stated that when he spoke with Mr. Roberts at the Highway Department that he stated that Moore Farm Lane was a “paper “ road, and already recorded on a previous plat, which meant the road existed. Mr. Roberts also stated the length of Moore Farm Lane was about 1,100 feet and Mr. Brown said that was consistent with Kim Moore’s recorded subdivision plan. Mr. Brown assumed that meant they had linear frontage, not acceptable frontage, but linear frontage. He stated that they also thought they could bring that road up to spec because they had no active application at that time. He stated that they thought because they had adequate lineage and adequate access, the Planning Board would let them get away with only having to file for a Minor subdivision instead of a Major subdivision, and that was the point they were at now.

Ms. Call asked if she could clarify some items. Mr. Carter stated he thought the Brown’s thinking process and strategy for someone who was not familiar with the way this worked made sense but, unfortunately, they had violated the process and simply creating their own road and then calling it frontage did not cut it. Mr. Carter also stated that if their surveyor, Mr. Zuzgo, had known about the road he may have advised them they would be in violation of the Regulations.

Ms. Call stated that when Mr. Brown noted she had told them they did not need a Notice of Decision, she had been referring to the fact that they did not need to submit the Notice of Decision from the Planning Board with their Variance application for the ZBA, and that was also reiterated in an email chain between Ms. Call and

the Browns. Ms. Call also stated that Mr. Brown referred to Board of Selectmen's meeting and the Class VI road application for a building permit and that the Browns were not even at that point.

Mr. Williams asked if the Board could get back to the original question Mr. Carter asked about 20 minutes ago and that was, what the plan was for B8-16. Mr. Carter stated, yes, right after Mr. Dever was done speaking. Mr. Dever stated that while they were on the subject of the Zoning Board, when the Browns came to see him they had expressed to him that they were going to submit an application to request a Variance for the road frontage, to not have to have the 150 feet of road frontage, which Mr. Dever stated was in the purview of the ZBA. Mr. Dever went on to state that when the application was submitted, it stated they were asking to not have to build the road to Town Standards. Mr. Dever explained that was not a ZBA request; that would have to be a Board of Selectmen issue because it has to do with road standards. Mr. Dever went on to state, jumping forward, after the Browns went to the Board of Selectmen they had submitted a Waiver to not have to lay asphalt on the road and that they would have to construct to be able to subdivide the property. Mr. Dever stated that he and Ms. Call had a conversation with two different members of the Board of Selectmen after the meeting, and neither of them had been aware that the road was already completed, and that it was not divulged during the Brown's meeting with the Selectboard. Mr. Dever stated that the Selectboard members thought the Browns were only asking for this waiver as a precursor for coming to the Board and getting their subdivision approval and building their road and everything else that is required for a major subdivision. Mr. Dever stated that what the Browns said they were submitting for an application and what they actually submitted were two very different things and that was the reason why he told the Browns that they had to go to the Board of Selectmen and not the ZBA. Mr. Dever went on to state that this has been a constant series of saying one thing and doing another. Mr. Williams stated that they would like to really lay something out tonight so that there was a clear path.

Mr. Brown asked if he could chime in; Mr. Carter stated he could. Mr. Brown went on to state that they had been told they would not be able to go in front of the Planning Board and that they would have to be seen by the Zoning Board, they had asked Ms. Call for the specific reason that they would need to list on the application. Mr. Brown stated that the reason came from the Town and that they did not make up that reason or try to figure it out themselves. He stated when they asked specifically, that they were told they needed to go in and challenge the term frontage in the glossary term as it related to the zone. Mr. Brown stated that he was starting to take exception to this as far as they were saying one thing and not doing this and doing something else and that was not correct. He stated there was a fair amount of confusion but with that particular application they wrote exactly what the Town of Alton told them to write. Mr. Sample asked who in the Town of Alton was being referred to. Mr. Brown stated he meant Ms. Call had given them the direction and what to write on that application. Ms. Call stated that she had told them that on the ZBA application they were asking to waive the road frontage standard but that was not what had been written on the Variance application. Ms. Call stated that was the point that Mr. Dever had been trying to make a minute ago. Mr. Williams stated he thought they were just stirring the pot and could they try to start to move in a direction that would give someone clarity so that there was no confusion in the future. Mr. Williams stated to tell them clearly what needed to be done and go away until you have it done. Mr. Carter referred to Mr. Williams question about the Waivers and when Mr. Zuzgo stated that the Browns were trying to avoid the engineering. Mr. Carter thought that may have been the objective being that the road was now built.

Mr. Williams stated that Mr. MacDonald had been asking to speak. Mr. Carter stated that Mr. MacDonald had to wait for public session to be able to speak. Mr. Williams apologized. Mr. Carter stated that he thought he

had summarized, in reference to the waiver page, that they in essence were just looking to address the five acres piece of land and not the whole 200 acre parcel. Mr. Carter stated that he thought that was the summary of Page one. Mr. Williams stated that was what he thought also, to exclude the excess land from surveying. Mr. Hoopes stated that the Planning Board had always allowed for just the immediate area to be done. Mr. Carter asked for everyone to turn to Page two. Ms. Call stated she was so confused because many of the items listed had been provided. The Board agreed with the confusion. Mr. Carter stated the guidance would be to be more specific in what was being requested for waivers as well as a brief explanation as to why the waiver was being requested. Mr. Hoopes asked what application would be brought back to be submitted so that everyone was clear. Mr. Carter stated a Major Subdivision Application. Mr. Hoopes stated, ok, then let's use the numbers for the waivers from that application. Ms. Call stated they submitted a soils map, a survey map, and an overall plan. She stated she was still unsure because none of the numbers or letters matched up to her checklist. The Board stated that they could not give a blanket waiver for all these. Mr. Carter stated that they needed to require road and driveway profiles and that the Browns were only given a waiver for the asphalt and not the entire road so these have to be required.

Mr. Sample asked what would happen if the Browns came back to them with all this stuff, would the Board automatically turn them down because the road was not engineered, he stated the Browns needed to know that now. Mr. Carter agreed and he stated that conversation would need to be had before they went any further. Mr. Carter stated that after they finished the conversation on waivers they would need to open up the conversation about the road construction. Mr. Carter asked Ms. Call where they were at as far as waivers. Ms. Call asked what they wanted to do with the first waiver on page two, B8 - B16. Mr. Carter stated he did not think they could act on that, it was too broad. Mr. Williams and Ms. Call agreed. Ms. Call stated she was not sure what the intention was because that would be asking to waive pretty much everything.

Ms. Call stated that the road needed to be discussed, and how was the Board going to move forward if the road was already built. Mr. Carter stated that before they got to the road discussion he would like to make a recommendation to the Browns that they lean on Mr. Zuzgo more to try and get this paperwork fixed and straight and accurate before the next submission. Mr. Williams stated that if the Board needed some clarification they could look at what happened up on 28A, Joe Byrne's subdivision. Mr. Williams stated that things were not done in order up there and maybe by reviewing the records there might be some procedure that the Board agreed to once. Mr. Dever stated he could speak to that directly and that he had to give that developer a cease and desist because he built 1,000 feet of road without any observations. Had he come to the Planning Board and received subdivision approval, had all the paperwork in order, but he had not done the pre-con and other things and he just went ahead and built the road. Once the road was built he was required to stop and hire an engineer to review all the work that had been done including all the samples and all the specific test pits to make sure that was all done to standard. Mr. Dever stated that Mr. Byrne was required to have parts of that road dug up and redone because it had not been done right.

Mr. Williams stated that what he was getting at was a guideline of how to move forward with this scenario. Mr. Williams stated he thought there was consistency with that one, but it was just a thought. Mr. Carter stated the big difference with Mr. Byrne's project was that he had been given subdivision approval, but the Brown's had not been given approval. Mr. Williams stated, yes, that was true but, looking at what had been done about the road. He went on to say that the road would stand on its own merits so to say, and then if the road passed muster then the rest could happen. Mr. MacDonald stated that the Board might want to read their own ordinance.

Mr. Dever stated that in his Department Head Review he thought that an engineer should be hired to review the road construction, test whatever needed to be tested, and then to do an As-built of the road. Mr. Brown asked to chime in again. He asked if the Board had been planning on adopting this road as a town road when it was complete. The Board stated the Browns would have to petition the Board of Selectmen. Mr. Brown stated he was just trying to wrap his head around some stuff. Mr. Williams explained the Town did not just take a road over because it was there, the developer had to petition the Board of Selectmen for the Town to take over a road.

Mr. Brown stated he was trying to figure out why the paperwork they filled out was entitled procedures for Class VI and private roads for a building permit. He stated he understood that there were standards the road had to be built to and that he wouldn't want anything unsafe but that he count not wrap his head around some of this. Ms. Call stated what Mr. Brown had just brought up had nothing to do with what was happening right now. She stated that was not the procedure for what they were here for tonight and that was something completely different. Mr. Brown asked if it were possible to request a lesser road. Mr. Sample stated that basically what they needed to do was some testing, and if the testing came back anything other Town Standards then that part of the road would have to be rebuilt. Mr. MacDonald started to chime in again and was asked to please wait for public input to be able to speak. Mr. Carter asked Mr. MacDonald to stop speaking.

Mr. Sample stated he was just trying to give them some answers to be able to move on past this issue so they could find out what was wrong, fix what was wrong and move on. Mr. Carter asked Mr. Sample how an engineer would be able to evaluate a road that he had no design to base his evaluation on. He would have no profiles to go by, no ditch drainage, nothing to look at to determine if the road was constructed properly. Mr. Carter went on to state that he did not know how the Board could move forward if they did not know what the road was supposed to be built to and to what Standards. Mr. Sample stated that all that would have to be done would be an As-built. Mr. Carter stated that in his opinion, the Browns needed to get an engineer to get out to the road and get the proper tests done and get the plans made so that the Board could give the Town Engineer a plan to go by so that he could state the road was up to Town Standards so that we could all move forward. Mr. Carter further stated that a formal letter needed to be presented to the Board of Selectmen to make sure they were fully aware that they granted a waiver on a road that had already been built.

Ms. Call wanted to clarify that the Board was asking the Browns to come back with a road design, which may end up being the equivalent of an As-built. Mr. Carter stated that they needed to be able to give the Town Engineer something to be able to compare the road to. The Board could not send the Engineer out to inspect something when they had nothing to give him to refer to. Mr. Sample asked if there were anything else that the Browns may stumble on in preparing the final application.

Mr. Carter opened for public input.

Mr. MacDonald approached the as a member of the public, but spoke from his seat. He referred to Section 646 in the ordinance. He read aloud the Town Ordinance. Mr. Dever asked what ordinance it was. Mr. MacDonald stated it was listed under Construction Observation Guidelines under the subtitle Road Construction. Mr. Dever stated that was not the correct set of Guidelines, and that road guidelines did not trump subdivision guidelines. In this case, the Subdivision Regulations trumped all others. Mr. MacDonald stated he was reading

right from the highway ordinance right from Mr. Roberts' road book. Mr. Dever reiterated the fact that the Board was working on a subdivision and the Subdivision Regulations would be the only regulations that applied and that the Highway Regulations had not been modified for 25 years. Mr. MacDonald stated that those were the regulations that the Selectmen used for roads. He stated that was how they did Chamberlain Road. Mr. Dever stated nothing had been done with Chamberlain since he started here over 10 years ago. Mr. MacDonald stated they just added more footage there and there was no engineering there. Mr. Dever asked what Mr. MacDonald was talking about. Mr. Carter asked Mr. Dever and Mr. MacDonald to respect each other when talking. Mr. MacDonald stated it was a Class VI road and Mr. Dever stated that the Board was not talking about a Class VI roads. He stated the Board was talking about a Major Subdivision that needed frontage. Mr. MacDonald stated it was a single lot subdivision. Mr. Dever stated it could not be because a subdivision needed frontage on a Class V road in order to subdivide.

Mr. MacDonald stated the regulations he was holding were right from the Town's website and they go to all roads. He stated that the Planning Board would pick and choose which regulations to use when they wanted to use them. He then stated that as soon as the Board got one thing figured out then they would go to a different book of regulations. Mr. Dever asked Mr. MacDonald if he accusing them of a violation of ethics. Mr. MacDonald stated, no, just follow the Town Ordinance so that it was good for everybody. Mr. Carter asked Mr. Dever and Mr. MacDonald to please bring it back in. Mr. Carter went on to state that Mr. MacDonald made his point and that he thought if the Board needed to, they could contact Attorney Sessler to see what his interpretation of this was, if they felt it needed to escalate to that level. Mr. MacDonald stated he was going to be speaking to Mr. Sessler tomorrow.

Mr. Williams stated he had been saying for a while now that the Town rebuilding their roads had done so by the seat of their pants and everyone else had to tote the mark which is not right. He stated that the roads the town had rebuilt should have been rebuilt properly and that had been his standing since he started on this Board. Mr. MacDonald made the statement that the Board would allow Mr. Roberts, the Highway Manager, to engineer a town road that held thousands of cars a day, and yet the Board did not expect him to look at this road, that was a private driveway. Mr. Carter stated this did not meet the definition of driveway because the Browns wanted to use the frontage to break off a lot so that did not apply. Mr. Carter stated that all they could do was follow their own regulations, meaning the Planning Board's regulations. He further stated that maybe the Highway Department needed to align the road regulations with the Planning Board's regulations. Mr. Sample stated the simplest thing to do was to do what works, meaning require an As-built, the design, and to have it tested to see if it met requirements and then that way when the Browns came back, the Board had something they could hang a hat on. Mr. Carter agreed. Mr. Dever stated he wrote all that in his Department Head Review. Mr. Sample stated he saw that and that was why he was speaking up.

Mr. Moore made a comment about why should they have to suffer when it was the Town who were the ones who did not have their stuff together. Mr. Carter asked Mr. Moore to repeat himself. Mr. Moore stated that was okay he did not want to waste any more time. Mr. Williams stated he was not convinced that the Board had given the Browns all their information they needed. Mr. Sample stated the Board should ask Mr. Zuzgo if he was aware of what was needed. Mr. Zuzgo stated he would go out and do an As- built and show what was there now. Mr. Zuzgo stated he did not believe a design would be any different, he stated that would be the plan and profile; it was going to be what was there now. He stated the testing would need to be done to make sure the right materials were used, the right width, the right slopes; that would all be there and if that did not meet where the cross section did, that would have to be addressed. Mr. Carter asked if Mr. Brown understood

what the process of getting the engineering done and inspected. Ms. Call asked if Mr. Zuzgo was going to submit just the As-built and not a designed road plan. Mr. Carter stated that for the sake of this step, yes, then we would have our engineer go out and do the coring and verify.

Mr. MacDonald made a statement during the discussion between Mr. Carter and Ms. Call about the ordinance not being good now. Mr. Carter asked Mr. MacDonald to hold on. Ms. Call clarified that Mr. Zuzgo was going to submit an As-built and then she would give it to the Town Engineer to review and perform his inspections. Mr. Carter had to speak to Mr. MacDonald about respecting Ms. Call while she was talking. Mr. Carter then asked Mr. MacDonald what he wanted to say. Mr. MacDonald asked the Board if what he was holding were the Planning Board's regulations. Mr. Carter and Mr. Dever asked what he was holding. Mr. MacDonald read the title, Observation Guidelines. Mr. MacDonald stated it said right in that book that Mr. Roberts could look at the road. Mr. Dever said it did not. Mr. MacDonald read the following, "3-5 years of experience with infrastructure". Mr. Carter stated it required an appointed engineer. Mr. MacDonald said no it did not. Ms. Call stated that the subdivision regulations trumped all other regulations and that would be the set of regulations the Board would be adhering to.

Mr. MacDonald interrupted Ms. Call again and Mr. Carter told Mr. MacDonald to give Ms. Call the respect of listening to her speak. Ms. Call stated that when it came to regulations the Board used the regulation with the greater restrictions. Ms. Call stated the Subdivision regulations required an engineer and that was why the Board had a contract with a town engineer. Mr. Dever stated that the Observation Guidelines would not even come into play until the applicant had already been to the Planning Board and had a road plan, then the Construction Observation Guidelines would come into play, not if the road was built before. Mr. MacDonald stated, no, it happened during. Mr. Dever stated, yes, after the road was approved and there was a plan in front of you.....(inaudible).... Follow the rules. Mr. Carter asked the gentlemen to reel it in. Mr. Dever stated it was a conflict of interest to have Mr. Roberts, Highway Manager, work on the road anyway.

Mr. Carter interjected with the gavel, and asked Mr. MacDonald and Mr. Dever to take a breath. Mr. MacDonald continued to comment stating that Mr. Dever was wrong. Mr. Carter stated the direction had been given and that the Browns would have to submit an As-built and get some testing done. Mr. Carter also stated he thought the Waivers had been covered and that the Board would not grant a blanket waiver. Ms. Call stated that also with the final application she asked the applicants to go through the waiver request sheet and clarify everything and jot a note as to why the waiver is being requested and that would help clear up the inconsistencies. Mr. Zuzgo stated that he would be submitting a whole new application for a Final Major Subdivision, with a whole new set of waivers. He stated he would be doing an As-built, which would produce a plan and profile that was required by the application. He further stated that the Town Engineer would not even be getting involved until the road was built. Mr. Williams and Mr. Carter stated that the Town Engineer got involved as soon as the plans were submitted to the Planning Office. The Engineer reviewed the plans for correctness, and then if there were issues they got corrected and then sent back to the Engineer for him to say that, yes, they met the intent, and then it would go back to the Planning Board for them to say, yes, it met the specifications, and then road construction could begin. Every step of the way the Engineer had to inspect and make sure the road was constructed properly. Mr. Carter then asked Mr. Zuzgo if he thought he had adequate direction to get the Browns through the next step. He stated, yes, as long as they were filing the Major Subdivision Application next. The answer was, yes.

Mr. Carter closed public input.



Mr. Carter thanked everyone.

Mr. Regan and Mr. MacDonald returned to the table as members. Mr. O’Neil stepped down from this case as a voting member and went back to being an alternate.

**3. Completeness Review of Application and Public Hearing if Application is Accepted as Complete**

<p><b>Case #P21-02</b>  <b>Bradford Jones of Jones &amp; Beach Engineers, Inc., Agent for George &amp; Carol Stevens, Jr. and Michael Stevens, and Robert C. Broughton ½ Int. Trust &amp; Janet A. Broughton ½ Int. Trust/Robert &amp; Janet Broughton, Trustees, Owners</b></p>	<p><b>Map 41 Lots 31 &amp; 32                  14 &amp; 20 Sand Peep Lane</b></p>	<p><b>Lot Line Adjustment                  Lakeshore Residential (LR) Zone</b></p>
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Mr. Carter read the case in to the record.

Mr. Jones, agent, and Mr. Broughton and Mr. Stevens, owners, joined via Zoom. (Minor video difficulty. Mr. Stevens could not get his video working. Since Mr. Jones was present as his agent, Mr. Stevens just listened in.)

Ms. Call stated the only thing that was missing were the sample deeds but they could be listed as a conditions precedent and be submitted after the meeting. She had no issues with anything else.

Mr. Hoopes stated he didn’t really understand it and he reads maps real well. Mr. Jones stated he had some nice colored drawings to help clarify. Mr. Jones also stated he sent Ms. Call the sample deeds prior to the meeting. Mr. Carter asked if it was basically just shimmying the lot line over.

**Mr. Williams MOVED to accept the application for Case #P21-02 as complete.  
 Mr. MacDonald seconded the motion.**

**Mr. Carter called for a roll call vote:**

**Scott Williams, Aye; Roger Sample, Aye; Virgil MacDonald, Aye; Drew Carter, Aye; Russ Wilder, Aye; Bob Regan, Aye; Tom Hoopes, Aye.**

Mr. Williams asked if there were any waivers. Ms. Call stated there were none and there were no concerns from any of the departments.

Mr. Jones introduced himself. He stated he was presenting a lot line adjustment that included two different lake front lots located on Sand Peep Road in Alton. He shared a plan on the screen. He stated the green line was Mr. Stevens’ larger lot consisting of 1.8 acres and 106 feet of shoreland frontage. A lot line adjustment was recently done for him and increased the size of the lot back in 2019. Mr. Broughton had a lot next door to Mr. Stevens and he had 75 feet of shoreland frontage. Mr. Broughton’s lot abutted Sand Peep Lane. Mr. Jones stated the plan showed what was currently there today. He shared another plan and that one showed the lots and where the lot line adjustment would be made. He pointed out a little square and stated that was going to be

given back to Mr. Broughton's lot because for his shoreline permit to reconstruct the house, he needed a little more area for the lot. That's the rationale.

Mr. Jones stated that this would be a new home construction with state of the art septic system that would include a treatment system. He noted that they had been in front of the ZBA and received approval for two (2) Variances because the lot did not have the required 150 feet of frontage, plus the size of the lot was below the required minimum of 30,000 sq. ft.

Mr. Williams stated that the wording on the deeds needed to state that there was a right-of-way to the lots beyond these two. Mr. Williams suggested Mr. Jones check the Clough Road book for the right-of-way for Sand Peep Lane. Mr. Jones stated that Dave Collier was in charge of that. Mr. Jones stated they had added a few notes to the plan, which were the conditional notes that Ms. Call had on her review.

Mr. Carter opened public input. No public input. Public input was closed.

**After due hearing, Mr. Williams MOVED that the Alton Planning Board hereby approves Case #P21-02, for Robert C. Broughton ½ Int. Trust, Janet A. Broughton ½ Int. Trust, Robert & Janet Broughton, Trustees; and George & Carol Stevens, Jr., and Michael Stevens, for the above cited Lot Line Adjustment of Map 41 Lots 31 & 32, Sand Peep Lane, Alton, NH, with the following conditions:**

**CONDITIONS PRECEDENT:**

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

- 1. Submission of revised plans in the number required by the Subdivision Regulations and that include all of the checklist corrections, any corrections as noted at this hearing and any waivers granted.**
- 2. Addition of a note to the lot line adjustment plan prior to plan signing as follows:  
"This subdivision plan is subject to the Conditions of Approval itemized in the January 19, 2021, Notice of Decision recorded in the Belknap County Registry of Deeds and on file at the Town of Alton Planning Department."**
- 3. Addition of a note to the lot line adjustment plan prior to plan signing by the Planning Board Chair as follows:  
"This lot line adjustment plan contains a total of \_\_\_ sheets. (List number of sheets included with the plan). In combination, these plans constitute in their entirety the lot line adjustment plan as approved by the Town of Alton Planning Board. All sheets are on file at the Town of Alton Planning Department."**
- 4. Bounds should be set on the final plat or a separate certification of bounds set will be required to be recorded at the Belknap County Registry of Deeds at the applicant's expense.**

5. **Submit sample deeds.**
6. **Regarding Note #14: to confirm if subject lots are subject to a 10' wide right-of-way, and if affirmative, then remove the word, "POSSIBLY" from the note.**

**SUBSEQUENT CONDITIONS:**

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

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

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

**Mr. Hoopes seconded the motion.**

**Mr. Carter called for a roll call vote:**

**Scott Williams, Aye; Roger Sample, Aye; Virgil MacDonald, Aye; Drew Carter, Aye; Russ Wilder, Aye; Bob Regan, Aye; Tom Hoopes, Aye.**

**Other Business:**

1. **Old Business:**
  - a. **Reminder that Tom Hoopes and Scott Williams are up for reelection in 2021. January 20<sup>th</sup> through January 29, 2020, is the timeline to file with the Town Clerk.**
2. **New Business:**
  - a. **Update from the Master Plan Committee. Petition to create a Warrant Article re: Master Plan Update.**

Mr. Regan informed the Board that at the last meeting the Committee started a review process for the Vision Section and would be continued at the next meeting on December 27, 2020, at which time the Committee would submit a list of items they felt needed to be discussed. The RFP was scheduled to go out mid-January; Questions from Consultants submitted no later than February 1, 2021; Answers to questions sent out no later than February 8, 2021; RFP submittal deadline February 15, 2021. Mr. Regan shared that submissions would be picked by early March and the would schedule interviews.

Mr. Regan stated that so far the Committee had made pretty good progress and was going quite well. He stated that last week a petition had been submitted to the Board of Selectmen requesting that the master plan of 2007 be extended for another 10 years and that the Committee should not update the current plan, with the objective being to preserve the rural character, natural beauty, and unique quality that Alton citizens cherish. Mr. Regan stated that the intention was not to change the character of the Town but rather be in position to accommodate changes that the Town had no control over, and to take a long look at what the Town needed to do to meet those objectives. The intention was not to change the character but rather to preserve it.

Mr. Hoopes added that the Committee had three (3) new members that were “new blood” and thought that was a great help and once the Committee got going, the goal was to try and get a lot of public involvement. Mr. Regan stated the recommendation he was going to make at the Deliberative Session with regard to the petition, was that the people that had these concerns should participate in the process. The Board agreed. Mr. Regan stated that he did not know what the Selectmen’s position was on it.

Ms. Call asked if she could speak to that. She stated that the Selectmen had actually received an opinion from Town Counsel and he stated that this was in violation of RSA 675:6, which stated that it was the Planning Board who adopted the Master Plan; the petitioned warrant article was directing the voters to direct the Planning Board, and that was illegal. Mr. Williams stated that they could probably try to petition to remove the funding for the Master Plan. Ms. Call stated that it had already been voted in and they could not take it back. Mr. Regan stated he did not want to lose the input though. He stated that the statement being made with this petition would be important as the Committee moved forward with the Master Plan. Mr. Hoopes stated the Committee should send them all invitations to be on the committee. Mr. MacDonald stated that the petitioned warrant article had to be put on the ballot because it was a petition, but that there would be a note on it that it would be null and void because this was not legal.

3. **Approval of Minutes:** Planning Board meeting minutes of October 20, 2020; November 17, 2020; and December 15, 2020

Ms. Call informed the Board that the office was backed up. She stated between Ms. Cate and her, she would make sure the minutes were up to date at the next meeting.

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

- a. Case #P20-24, Voluntary Lot Merger for Janet M. Boucher for property located at Minge Cove Road, Map 60 Lots 7-1 & 7-2.

Ms. Call informed the members that these cases were listed here on the Agenda because they needed action and there was nowhere to put these cases under a regular heading on the Agenda. The Board shared the confusion. Ms. Call stated from now on she would make these cases with a regular heading under the other cases on the Agenda so that it was not so confusing.

Mr. Williams asked if this was an involuntary lot merger from back when the Town decided to merge a bunch of lots. Ms. Call stated no, this was a voluntary Lot Merger.

Mrs. Boucher joined the meeting via Zoom.

Mr. Carter asked Mrs. Boucher if she originally had these as two lots, and what the history behind the lot numbers were. Mr. and Mrs. Boucher said they were not clear, they had bought these two parcels from a neighbor. Mr. Boucher went on to state that when they were looking to get a building permit they had an engineer design the septic and the build out of the land. NH DES stated that for the septic, the Boucher's would have to merge the two lots together.

Ms. Call pointed out that the Deed referred to the parcels as Tract I and Tract II; both lots were listed on one deed. Mr. Hoopes stated he saw no problems.

Mr. Carter opened comments. No further comments. Ms. Call stated she had no issues with this either.

Mr. Carter opened public input. No public input. Public input was closed.

**Mr. Williams MOVED that the Alton Planning Board hereby approves Case #P20-24, Voluntary Lot Merger application for Janet M. Boucher, to merge Map 60 Lots 7-1 & 7-2, Minge Cove Road, for municipal regulation and taxation purposes. No such merged parcel shall hereafter be separately transferred without subdivision approval.**

**Mr. Regan seconded the motion.**

**Mr. Carter called for a roll call vote:**

**Scott Williams, Aye; Roger Sample, Aye; Virgil MacDonald, Aye; Drew Carter, Aye; Russ Wilder, Aye; Bob Regan, Aye; Tom Hoopes, Aye.**

The Applicant thanked everyone for their time.

- b. Application dated 12/1/2020 from Paul Zuzgo, LLS, stating his interest in becoming the Citizen Member for the Alternative Housing Committee.

Mr. Williams stated that he knew Mr. Zuzgo had done a ton of research on this topic. Mr. Hoopes stated the Board would be fools to pass him by. Ms. Call stated that the Committee would be starting up by mid-February. Mr. Carter asked if the Board would need to vote. Ms. Call stated she thought it would be good idea because the Board voted in other Committee's members.

**Mr. Hoopes MOVED to approve Mr. Zuzgo's request to sit on the Alternative Housing Committee.**

**Mr. Williams seconded the motion.**

**Mr. Carter called for a roll call vote:**

**Scott Williams, Aye; Roger Sample, Aye; Virgil MacDonald, Aye; Drew Carter, Aye; Russ Wilder, Aye; Bob Regan, Aye; Tom Hoopes, Aye.**

- c. Chairman to sign, Release and Termination of Covenant Restricting a Building Permit, re: P15-04, subdivision for Walter Duane Thomas and Inge Hannan Thomas, Trustees of the Thomas Rev. Family Trust.

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

- a. Amended Voluntary Lot Merger for Mark & Megan Farrell, Evans Hill Road.

Ms. Call informed the Board that when the Farrell's came in to merge their lots, Evans Hill Road was not included with the lot merger. The area of the road was configured and added to an amended merger form so that it could be recorded accordingly. This was just an FYI for the Board.

Mr. Williams inquired about the cistern and who owned it. He stated there had been a few items that needed addressing before the Farrell's could merge the lots. Ms. Call stated they had been completed and that she had that information down in the office. Mr. MacDonald asked about the bond and what happened with it. Ms. Call stated that the Board already had that discussion and the money from the bond was going towards the other portion of the subdivision for Ridge Road so that the property owners could come in for final road approval, and that was clarified by Town Counsel. Mr. MacDonald stated that the Board approved that money to go to Evans Hill at the meeting. Ms. Call stated that was not correct and when the Farrell's came in to merge the lots that was when the Board determined the bond money would go towards Ridge Road to help the owner finish it, and that was verified with Town Counsel. Town Counsel stated there was no reason for the Farrell's to receive six thousand dollars for buying property. Ms. Call stated that this had all been documented and recorded.

- b. Letter to Town of Barnstead re: Holmes Land Trust subdivision, Hollywood Beach Road/New Castle Drive.

Ms. Call updated the Board that Mr. Williams was correct at the last meeting and that Towns did need to be notified when a subdivision of land is proposed and another Town's road abutted that property.

- c. Construction Services Report from Northpoint Engineering, LLC, dated November 25 and December 1, 2020, re: W&W Ralph Trust, LLC, "Phase II".

Ms. Call stated that she put together a memo for their information along with some construction reports for their review. She informed the Board that Mr. Williams was working with DES on the AOT permitting. Ms. Call wanted to inform the Board that Kevin Leonard, P.E., from Northpoint Engineering got a bad rap and she wanted to clarify that he was very thorough, he did a good job, and did what needed to be done. She also noted that he was very particular, but it needed to be noted because he worked hard.

### **Adjournment**

**Mr. Carter MOVED to adjourn.**

**Mr. Williams seconded the motion.**

**Mr. Carter called for a roll call vote:**

**Scott Williams, Aye; Roger Sample, Aye; Virgil MacDonald, Aye; Drew Carter, Aye; Russ Wilder, Aye; Bob Regan, Aye; Tom Hoopes, Aye.**

The meeting adjourned at 8:20 p.m. +/-

Respectfully submitted,

Amelia Cate, Recording Secretary

**ALTON PLANNING BOARD**  
**NOTICE OF SECOND PUBLIC HEARING**

Notice is hereby given that the **ALTON PLANNING BOARD** will hold a **SECOND PUBLIC HEARING** on **TUESDAY, January 19, 2021**, starting at **6:00 PM** in the **ALTON TOWN HALL, ALTON, NH**, to consider changes by the Planning Board resulting from the first Public Hearing on December 15, 2020, to the proposed amendments to the Alton Zoning Ordinance for 2021 ballot vote, as follows:

**Proposed Amendment #4. To remove the suggested wording from the Definition: “Amusement Use – Outdoor” are outdoor activities that do not require large areas to accommodate the uses, but do require more intense development of the site.”**

**Copies of the full text of the 2021 Zoning Ordinance Amendments proposed by the Planning Board are available free of charge from the Planning Department during regular business hours, are posted at the Post Office and Town Hall for viewing purposes only, and can be found on the Town of Alton website [www.alton.nh.gov](http://www.alton.nh.gov).**

If inclement weather or issues with the public accessing the electronic meeting necessitates cancelling the public hearing, then the public hearing will be continued to Thursday, January 21, 2021, starting at 6:00 PM in the ALTON TOWN HALL, ALTON, NH. A notice shall be posted on the front door of Town Hall announcing the meeting cancellation on January 19<sup>th</sup> and the continued meeting date of January 21<sup>st</sup>.  
1/8/2021 ALTON PLANNING BOARD

Respectfully submitted,

Amelia Cate, Recording Secretary

Minutes approved as presented: March 16, 2021