

Members Present:

Roger Sample, Chairman
Russ Wilder, Clerk
Drew Carter, Member
Bob Regan, Member
Virgil MacDonald, Selectmen's Rep.

Others Present:

Jessica A. Call, Town Planner
Amelia Cate, Planning Secretary
John Dever, III, Code Official
Paul Monziona, Esq., ZAC Chairman

Call to Order

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

Appointment of Alternates

Approval of Agenda

Mr. Wilder asked if there were any changes to the agenda since it was posted. Mr. MacDonald asked the Chairman to amend the agenda to include informational packets, to be handed out, on regulations for the Town regarding private roads. Ms. Call stated it would be included under **Old Business**, b. Discussion on private roads.

Ms. Call added 3 items under "**Other Business**": 4. e, in addition to the ones listed. Those included information on three (3) Bills being presented at the legislative session that all have to do with either planning or zoning.

**Mr. Wilder MOVED to approve the agenda for January 21, 2020, as amended.
Mr. Regan seconded, and it PASSED unanimously.**

1. Public Hearing pursuant to RSA 675:3 on proposed 2019-2020 Zoning Ordinance Amendments

The Chairman read the Public Hearing notice into the record.

Mr. Dever III, Code Official, and Mr. Monziona, ZAC Chairman, came to table for discussion.

AMENDMENT #1: This amendment adds "Townhouse" to Article 200 Definitions and Article 400, Section 401, the Table of Uses; amends the "Restrictions Governing Use" for the Residential Commercial (Section 443) and Rural Residential (Section 463) Zones to allow Townhouses in those zones; and amends the "Restrictions Governing Use" for the Rural Zone (Section 452) to allow "Multi-Family Structure" and "Townhouse" in the zone by Special Exception.

It also updates the definition of "Dwelling-Multi-Family"; and increases the allowable number of dwelling units in a Multi-Family Structure from five (5) to six (6).

Article 200, Definitions: Amend the definition of “Dwelling – Multi-Family”; and add a definition for “Townhouse”.

Proposed definition: “*Multi-Family Structure – A single structure containing a minimum of three (3), and no more than six (6), individual dwelling units*”.

Proposed definition: “*Townhouse – A single-family dwelling unit constructed in a minimum group of three (3), but not more than five (5), in which each dwelling unit extends from foundation to roof, is structurally independent of other units, has utility services independent of the other units, and has a yard or public way on at least two sides*”.

Article 400, Section 401, Table of Uses: Add “Townhouse” as a separate line (A.5.); amend the allowable number of units in a structure from five (5) to six (6) for “Multi-Family Structure”, and five (5) in a group for “Townhouse”; and allow both uses by Special Exception in the Rural (RU) Zone.

A.	Residential Uses	R	LR	RC	RR	RU	RS	Notes
4.	Multi-Family Structure	N	N	Y	Y	E	N	Not more than 6 dwelling units per structure

A.	Residential Uses	R	LR	RC	RR	RU	RS	Notes
5.	Townhouse	N	N	Y	Y	E	N	Not more than 5 dwelling units per group

Article 400, Section 440, Residential Commercial Zone: Amend subsection 443 to add “Townhouse” as a permitted use; and clarify the required lot area calculations for “Townhouse” groups and “Multi-Family Structure”.

SECTION 443 RESTRICTIONS GOVERNING USE

(As amended 9 March 1971, 11 March 1999, 13 March 2007)

The following shall govern permitted and all other uses. **Only one (1) of the following residential uses shall be permitted per lot:**

- A. The minimum **required** lot areas, **excluding steep slopes, wetlands, and roadways**, shall be as follows:
 1. Single-Family **Dwelling: serviced by municipal water**, fifteen thousand (15,000) square feet (**0.344ac**); **not serviced by municipal water**, thirty thousand (30,000) square feet (**0.69ac**).
 2. Duplex: **serviced by municipal water**, thirty thousand (30,000) square feet **per structure**; **not serviced by municipal water**, one (1) acre **per structure**.
 3. **Townhouse/Multi-Family Structure: Serviced by municipal water, one (1) dwelling unit (DU) per fifteen thousand (15,000) square feet; Not serviced by municipal water; one (1) dwelling unit per thirty thousand (30,000) square feet.**

Examples: Lot serviced by municipal water: 5 DU x 15,000sf = 75,000sf (1.72ac) lot size.
Lot not serviced by municipal water: 5 DU x 30,000sf = 150,000sf (3.44ac) lot size.

Article 400, Section 450, Rural Zone: Amend subsection 452 to add “Multi-Family Structure” and “Townhouse” as a permitted use; establish the required lot area calculations for those uses; and give lot density calculations.

SECTION 452 RESTRICTIONS GOVERNING USE

(As amended 8 March 1983, 13 March 1984, 12 March 2002, 9 March 2004, 14 March 2006, 13, March 2007, 14 March 2017)

The following shall govern permitted and all other uses. **Only one (1) of the following residential uses shall be permitted per lot:**

- A. The minimum **required** lot area, **excluding steep slopes, wetlands, and roadways**, shall be as follows;
- 1. Single-Family Dwelling: two (2) acres, with a limit of one per lot. ***
 - 2. Multi-Family Structures and Townhouse groups: two (2) acres per dwelling unit.**

Examples:

One (1) Townhouse group with 5 dwelling units = 10-acre minimum lot area.

One (1) Multi-Family Structure with 6 dwelling units = 12-acre minimum lot area.

Ten (10) Multi-Family Structures with 6 dwelling units = 60 dwelling units = 120-acre minimum lot area.

* On a lot with more than 45 acres, two (2) separate Single-Family Dwellings may be constructed as long as the second home is situated on the lot so in the future it can be subdivided if need be.

Article 400, Section 460, Rural Residential Zone: Amend subsection 463 to clarify that only one Single-Family Dwelling is allowed per lot; add “Townhouses” as a permitted use; and clarify the required lot area calculations for Duplex, Townhouse, and Multi-Family Structure.

SECTION 463 RESTRICTIONS GOVERNING USE

(As amended 13 March 1983, 13 March 1984, 13 March 1991, 9 March 2004, 14 March 2006, 13 March 2007, 10 March 2009, March 9, 2010)

The following shall govern permitted and all other uses:

- A. The minimum **required** lot areas, **excluding steep slopes, wetlands, and roadways**, shall be as follows:
- 1. Single-Family Dwelling: one (1) acre, with a limit of one per lot.**
 - 2. Duplexes, Townhouse groups, and Multi-Family Structures: one (1) acre per dwelling unit**

Examples: **One (1) Duplex = two (2) dwelling units = 2-acre minimum lot area.**

One (1) Townhouse group with 5 dwelling units = 5-acre minimum lot area.

One (1) Multi-Family Structure with 6 dwelling units = 6-acre minimum lot area.

Ten (10) Multi-Family Structures with 6 dwelling units = 60 dwelling units = 60-acre minimum lot area.

Rationale: Presently, Townhouses are not allowed in the Zoning Ordinance; the intent of this amendment is to offer another option for multi-family type housing in Alton. They will be limited to five (5) units per group. A common example of a Multi-Family Structure is an apartment house where all the units are contained in a single building. Townhouses are separate living units constructed side by side in groups, with a firewall between each unit. They generally have two (2) floors and a basement area, and can be accessed from both the front and the back of the building.

Mr. Dever informed the Board that Attorney Sessler had initially suggested some changes to the wording of the amendment that was discussed at the first public hearing, and that the Board wanted to add the uses

“Townhouse” and “Multi-Family Structure” to the Rural Zone, in addition to the Residential Commercial and the Rural Residential as a Special Exception.

Mr. Sample opened public input. No input from public. Mr. Sample closed public input.

Mr. Carter MOVED to approve the changes to Proposed Zoning Amendment #1, which would add the uses “Townhouse” and “Multi-Family Structure” to the Rural Zone, and to recommend moving this amendment to the ballot.

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

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

Case #P20-01 Paul F. Zuzgo, LLS, of Prospect Mountain Survey, Agent for W&W Ralph Trust, LLC, Owner	Ingalls Terrace Way Map 8 Lot 3-10	Final Minor Subdivision Rural (RU) Zone
--	---	--

The chairman read the case into the record.

Paul Zuzgo, LLS, agent for Mr. Williams, came to the table to present the case.

Ms. Call informed the Board that on Monday she had received a revised set of plans for the above cited subdivision, and that all the issues under “Plan Review” in the Planner Review had been satisfied, except for obtaining a driveway permit for Lot 3-10-1.

Mr. Wilder questioned the location of the utilities map on the topographic map, and asked Mr. Zuzgo to show him. Mr. Zuzgo informed Mr. Wilder that the utilities were presumed to be on the plan from the original 2004 subdivision plan. Mr. Zuzgo stated there were no new poles on Ingalls Terrace Way yet. Mr. Zuzgo also stated he was not sure where they would be put and that it was not usually done until lots were sold. He noted that the utilities would be buried underground.

Ms. Call thought that under the section where the notice of decision from tonight’s hearing is referenced, that there should also be a reference to the original notice of decision as well as the amendment to the initial subdivision for Map 8 Lot 3. Mr. Wilder thought it should be listed as a note under “Reference Plan” located on the actual plan. Mr. Zuzgo agreed.

Mr. Wilder questioned the pending approval from NHDES. Mr. Zuzgo informed him that he tried to submit it for approval but that their websites had been down for about a week, so he would do it the old fashioned way. Mr. Sample questioned the missing sample deeds. Ms. Call and Mr. Wilder noted that it could be included in conditions precedent. Mr. Zuzgo stated he usually did not produce deeds until the lots were sold but he could draw up a sample deed or deed description for the lots.

Mr. Carter noted on the Planner Review that no waivers had been filed, but the Board had waivers included in their packets. Mr. Zuzgo informed him that they were submitted the day before and Ms. Call stated the Planner Review had been done prior to the waivers being submitted. Mr. Zuzgo went on to state that the waiver for was for “Lot Standards” because the lots were at the end of the road and the road frontage was weird. In reference to the “Monumentation” waiver, Mr. Zuzgo stated that it was because in the original

subdivision there were no granite bounds; they were all iron rods. He was not sure if in the original conditions of approval from 2004, granite bounds were required. Mr. Wilder stated that the monumentation of granite bounds was made after 2004. Mr. Wilder felt that since the granite monumentation regulation was in place now, that the front monuments should be granite, but that iron rods were fine in the back.

Mr. Regan questioned the Conservation Commission's review about there being any impact on the wetlands. Mr. Zuzgo stated there was no impact.

Mr. Sample opened public input. No input from public. Mr. Sample closed public input.

Mr. Wilder MOVED to deny the waiver from Section VIII M.2. Monuments, and grant the waiver from Section VIII F.2. Lot Standards.

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

Mr. Wilder MOVED to accept the application for Case #P20-01 as complete.

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

Mr. Wilder went through the Planner Review and questioned the driveway permit. Mr. Zuzgo stated that he did not believe Mr. Williams had gotten together with Ken Roberts, Highway Manager, for that yet. Mr. Wilder asked about Lot 2 in regards to the well radius and driveway, and if the house would fit in the area indicated. Mr. Zuzgo stated that everything would fit on the lot.

Ms. Call stated that when she was doing her research on the original application (2004) that there were conditions and amendments listed on the Notice of Decision and that her thought was that that needed to be included on the new Notice of Decision in order to tie this proposal into the original subdivision. Mr. Wilder clarified the Conditions being, the notes on the plan referencing the waiver, driveway permit, the sample deed description, and monument placement.

Mr. Wilder noted that "Active and Substantial Development or Building and Substantial Completion of Improvements" would be satisfied upon the completion of the monumentation.

Mr. Sample opened public input. Not public input. Mr. Sample closed public input.

After due hearing, Mr. Wilder MOVED that the Alton Planning Board hereby approves the above cited application Case #P20-01 for W&W Ralph Trust, LLC, of P.O. Box 314, Alton, NH, for a Final Minor Subdivision for a two lot subdivision of Map 8 Lot 3-10, Ingalls Terrace Way, with the following conditions:

CONDITIONS PRECEDENT

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

- 1. Submission of revised plans in the number required by the Subdivision Regulations and that include all of the checklist corrections, any corrections as noted at this hearing and any waivers granted.**

- 2. Addition of a note to the subdivision plan prior to plan signing by the Planning Board Chair: This subdivision plan is subject to the Conditions of Approval itemized in the January 21, 2020, Notice of Decision on file at the Town of Alton Planning Department.**
- 3. All monuments shall 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.**
- 4. The Board denied the Waiver request from Section VIII M., 2. Monuments, and required the installation of granite monuments at the street, in accordance with the current Subdivision Regulations.**
- 5. Submission of NHDES Subdivision approval.**
- 6. Submission of sample deeds.**
- 7. Obtain a driveway permit from the Highway Department.**
- 8. Add a note to the plan that ties in this subdivision to the original subdivision approval, and amended approval, listed under "REFERENCE PLANS" on the plan.**

SUBSEQUENT CONDITIONS

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

- 1. All subdivision improvements are to be completed as per the approved subdivision plat.**
- 2. The applicant shall comply with all of the Town of Alton's Subdivision Regulations.**
- 3. The approval is based upon the plans, specifications and testimony submitted to the Planning Board. Any alterations, additions or changes to the plans are not authorized and require additional Planning Board approval.**
- 4. A subdivision plan which has been approved, conditionally or otherwise, may be revoked, in whole or in part, by the Planning Board when an applicant or successor in interest to the applicant has performed work, erected a structure or structures, or established a use of land, which fails to conform to the statements, plans, or specifications upon which the approval was based, or has materially violated any requirements or conditions of such approval.**
- 5. Once any and all conditions of approval have been met and the Chairman of the Planning Board or his designee signs a subdivision plan, the applicant has twelve (12) months from the date of signing to start construction and, unless a different schedule is approved by the Board, must complete construction within thirty-six (36) months unless an extension has been formally requested and granted by the Board. Normally the Board shall not grant more than one extension per project, shall only grant an extension for reasonable cause, and shall normally not grant an extension for more than six months.**

ACTIVE AND SUBSTANTIAL DEVELOPMENT OR BUILDING AND SUBSTANTIAL COMPLETION OF IMPROVEMENTS

1. Within 24 months after the date of approval, the following items must be completed in order to constitute "active and substantial development or building" pursuant to RSA 674:39,I, relative to the 5-year exemption to regulation/ordinance changes:
Installation of monuments, in accordance with Section VIII M., 2. Monuments.
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:
Installation of monuments, in accordance with Section VIII M., 2. Monuments.

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

Mr. Carter seconded the motion, and it passed unanimously.

Case #P20-02 Paul F. Zuzgo, LLS, of Prospect Mountain Survey, Agent for W&W Ralph Trust, LLC, Owner	Fallon Way Map 8 Lot 3-12	Final Minor Subdivision Rural (RU) Zone
--	------------------------------	--

The Chairman read the case into record.

Mr. Carter **MOVED** to deny the waiver from Section VIII M.2. Monuments, and grant the waiver from Section VIII F.2. Lot Standards.

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

Mr. Wilder indicated that the utilities plan for this application appeared to be the same as the previous plan for Case #P20-01. Mr. Zuzgo stated that this plan should be identical to Ingalls Terrace Way plan.

Mr. Carter asked Mr. Zuzgo about Fallon Way, and had it already received NH subdivision approval. Mr. Zuzgo stated that the original subdivision did and he had to apply to the state to take that lot and cut it in half. Mr. Carter asked if that was the number on the plan with the year listed as 2005. Ms. Call asked if he was referring to #4; Mr. Carter stated, yes. Ms. Call informed him to just ignore that note because that was the original subdivision reference, and that a new subdivision approval would be provided when it was received.

Mr. Carter **MOVED** to accept the application for Case #P20-02 as complete, matching all previous comments from the last review on Case #P20-01.

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

Mr. Sample opened public input. No input from public. Mr. Sample closed public input.

After due hearing, Mr. Carter **MOVED** that the Alton Planning Board hereby approves the above cited application Case #P20-02 for W&W Ralph Trust, LLC, of P.O. Box 314, Alton, NH, for a Final Minor Subdivision for a two lot subdivision of Map 8 Lot 3-12, Fallon Way, with the following conditions:

CONDITIONS PRECEDENT

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

1. Submission of revised plans in the number required by the Subdivision Regulations and that include all of the checklist corrections, any corrections as noted at this hearing and any waivers granted.
2. Addition of a note to the subdivision plan prior to plan signing by the Planning Board Chair: This subdivision plan is subject to the Conditions of Approval itemized in the January 21, 2020, Notice of Decision on file at the Town of Alton Planning Department.
3. All monuments shall 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.
4. The Board denied the Waiver request from Section VIII M., 2. Monuments, and required the installation of granite monuments at the street, in accordance with the current Subdivision Regulations.
5. Submission of NHDES Subdivision approval.
6. Submission of sample deeds.
7. Obtain a driveway permit from the Highway Department.
8. Add a note to the plan that ties in this subdivision to the original subdivision approval, and amended approval, listed under "REFERENCE PLANS" on the plan.

SUBSEQUENT CONDITIONS

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

1. All subdivision improvements are to be completed as per the approved subdivision plat.
2. The applicant shall comply with all of the Town of Alton's Subdivision Regulations.
3. The approval is based upon the plans, specifications and testimony submitted to the Planning Board. Any alterations, additions or changes to the plans are not authorized and require additional Planning Board approval.
4. A subdivision plan which has been approved, conditionally or otherwise, may be revoked, in whole or in part, by the Planning Board when an applicant or successor in

interest to the applicant has performed work, erected a structure or structures, or established a use of land, which fails to conform to the statements, plans, or specifications upon which the approval was based, or has materially violated any requirements or conditions of such approval.

5. Once any and all conditions of approval have been met and the Chairman of the Planning Board or his designee signs a subdivision plan, the applicant has twelve (12) months from the date of signing to start construction and, unless a different schedule is approved by the Board, must complete construction within thirty-six (36) months unless an extension has been formally requested and granted by the Board. Normally the Board shall not grant more than one extension per project, shall only grant an extension for reasonable cause, and shall normally not grant an extension for more than six months.

ACTIVE AND SUBSTANTIAL DEVELOPMENT OR BUILDING AND SUBSTANTIAL COMPLETION OF IMPROVEMENTS

1. Within 24 months after the date of approval, the following items must be completed in order to constitute "active and substantial development or building" pursuant to RSA 674:39,I, relative to the 5-year exemption to regulation/ordinance changes:
Installation of monuments, in accordance with Section VIII M., 2. Monuments.
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:
Installation of monuments, in accordance with Section VIII M., 2. Monuments.

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

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

<p>Case #P20-03 Thomas W. Varney, P.E., of Varney Engineering LLC, Agent for Diane Loudon, Owner</p>	<p>74 Davis Road Map 7 Lot 14</p>	<p>Final Minor Site Plan Rural (RU) Zone</p>
---	--	---

The Chairman read the case into the record.

Both Mr. Varney, agent, and Ms. Loudon, owner, came to table to present the case.

Mr. Wilder indicated that there was a waiver request and before acting upon the completeness of the application, the Board should entertain the waiver that the site plan be accepted as a minor versus a major, even though the project exceeded the 750 sq. ft. threshold. Ms. Call stated she received the waiver right before the meeting.

Mr. Wilder MOVED to accept the waiver to require a Major Site Plan in the letter dated January 21, 2020.

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

Mr. Sample asked Ms. Call if the waiver was the only item that was missing, and she said that was correct. Mr. Wilder clarified that this was a proposal to operate a Commercial Function Facility and that a Special Exception was granted by the ZBA on December 5, 2019. He asked about the notes on the Planner Review about snow storage, lighting on the pathway, and signage for the parking lot. Ms. Call stated those were the three (3) items that needed to be addressed, plus a few other items that needed to be discussed, but could be done as we move forward through the hearing.

Mr. Sample asked Ms. Loudon if she had read the Fire Department's review; she indicated she had and that it had been addressed or was in the process of being addressed.

Mr. Wilder asked if Ms. Loudon had seen the letter from her abutter and she stated she had and that she encouraged feedback. Ms. Loudon also indicated that the abutter owned the 500 acres across from Ms. Loudon's farm and that it was undeveloped and believed it to be in current use with no plans of development. Mr. MacDonald informed the Board that the abutter was a long time resident of Alton, and her family used to own Sunflower Gardens.

Mr. Wilder MOVED to accept the application for Case #P20-03, as complete.

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

Mr. Varney stated this site plan was for a Commercial Function Facility located on 280 acre farm, which had recently been developed. It was located at the end of Davis Road, off Avery Hill Road, which was off Alton Mountain Road. The barn was originally built for her horses, but ended up being used for a banquet room that can accommodate up to 100 people for various different functions. The outside grounds provided space and scenic views for other activities. Mr. Varney also stated that Ms. Loudon proposal was to do this as a part time business, and that she had a PowerPoint presentation to go along with the presentation.

Ms. Loudon introduced herself to the Board and the public audience. Ms. Loudon wanted the Board to understand the project better so she created a PowerPoint presentation. She introduced her daughter who came to help her with the business. Ms. Loudon's background consisted of engineering, finance, and marketing degrees. She shared that she understood that her constituents were the most important part of this project and that she understood what it took to run a business.

Ms. Loudon stated that her and her husband started this project back in 2010. She invited anyone to come to the property and see it for themselves. Her reasoning for this project was because she wanted to share the tranquility and beauty of the area. She wanted to generate interest in the outdoors and how to care for it. She wanted to enhance commerce in the Town without doing something like a manufacturing plant. She also would like to generate some income to be able to keep this going for many generations.

Ms. Loudon was looking at this as a small venue site, with no more than a maximum of 100 people. She did not expect to host more than six (6) wedding events a year. She was very aware of the traffic this would bring to the surrounding abutters and had no interest in making people unhappy. Ms. Loudon lived on the property and did not want huge events with lots of people tromping all over her property. There was an attached two (2) bedroom apartment over the garage that she was using as an Air BnB and had been for the

past two (2) years. She informed the Board that she would love to host an event once a month for the community to come see some live music, but limit it to a maximum of 75 people. Also, it would be inside and end at 10:00 pm. She was very concerned about the neighbors. She would like to provide a farm to table event knowing that the area has many farmers and gardeners and wanted to open this to public. She also wanted to provide yoga retreats, quilting groups, and business retreats. A large pumpkin patch was located on the property, and she would like to offer some seasonal events. It would be a place for families to come bring their kids and do some hiking. She also wanted to open an art studio eventually for various activities for the community. She did not want it to be just a wedding venue; it was a place where a variety of events could take place to promote local businesses, and for the community to come get involved and have something to do outside.

Mr. Sample questioned the hours and season of operation. Ms. Loudon believed it to be a year round venue. Mr. Sample stated that the Board's main concern were the wedding and music events, and that there had to be guidelines put in place that coincided with the Town's ordinances. Ms. Loudon was very aware of this and stated that she wanted nothing more than this to be successful for the Town as well as herself. Mr. Regan believed Ms. Loudon's proposal to be similar to the NH Farm Museum. Ms. Loudon did not have a full blown business plan yet because she wanted to go through the process to see what the community thought about it, and if she received her approval, she would put one together.

Mr. Wilder asked about how many bathrooms were available in the facility. Ms. Loudon stated there were three (3) outhouses located throughout the property, along with two bathrooms in the barn, which one being handicapped accessible. Ms. Loudon also noted that the barn had no kitchen, however, there was a refrigerator, sink, and some warming drawers. There was no food storage, and all events would have to be catered. The parking lot was located about 300 feet from the facility, however, there was a drop off area in front of the barn, as well as some handicapped parking right out front.

Mr. MacDonald referred to the minutes from the ZBA hearing that noted the letter regarding the issues of capacity at the facility from Ms. Meinelt (abutter) would be addressed with the Planning Board. Ms. Loudon stated she would not host anything with a capacity over 100 occupants. She did not want that for her property. She proceeded with addressing the comments from the Fire Department, and that she had a front and back entrance that had huge sliding barn doors as well as an entrance/exit on the 2nd floor, which had stairs to the ground level.

Ms. Loudon noted that she had an organic garden, a large pumpkin patch, many perennial and annual gardens, chickens, and horses. She donated a lot of vegetables to the local food pantry. There was a large pond on the property, but it was not accessible to the public. She was trying to figure out how to incorporate a play area for kids that would coincide with the natural landscape of the property. She provided pictures to show the amount of land around the structures on the property, and not that she was not in a typical neighborhood per say. There was extensive land between her and her neighbors. The property was bare when her and her husband purchased it. Mr. Sample questioned if her property was visible from Davis Road. Ms. Loudon stated unless it was in the dead of winter, you could not see her home from the street.

The Fire Department gave her a 166 person occupancy, however, that was far from the amount she was willing to host. The current parking lot held 51 vehicles. Mr. Varney stated there was no chart stating the amount of parking for this type of venue but there was a chart for the seating capacity of a commercial facility, and if need be, she would enlarge the parking lot. She already brought in ledge pack on the entire road up until the Town's portion of the road and she would also do that in her parking area if need be.

Ms. Loudon informed the Board that there was one ADA compliant bathroom in the barn. Ms. Loudon stated she was committed to the Town and community and reiterated the fact that she wanted this facility to be somewhere that grew with the Town.

Mr. MacDonald believed this was something the community needed. Mr. Regan agreed and it coincided with the Master Plan. He thought it would be a great addition to the community to make Alton less of a drive thru town. Mr. Wilder questioned the music events, and that only acoustic music would be played outside and would end by 10:00 pm. Ms. Loudon stated, yes, and noted that she had no intentions on setting off fireworks or anything of that nature, especially considering they were illegal in Alton.

Mr. Wilder referenced the letter from Ms. Meinault and the headlight issue with the increased traffic on Davis Road. Ms. Loudon stated she was very sensitive to that but did not know what she could do to avoid it. Mr. Regan stated that it did not necessarily mean it would be concentrated to just Davis Road, either. Ms. Loudon brought an example of the signs she would be installing on the property, which included parking, directional, and handicapped signs. Ms. Loudon was also installing some walkways from the parking lot to the barn. She stated she would also have someone directing parking during events to ensure everyone's safety. Ms. Loudon also stated if she needed to put in more porta-potties or move the outhouses, she was more than happy to do so. Mr. Wilder and Mr. Sample questioned the septic system loading. Ms. Loudon stated she had a very large capacity septic system that could sustain the amount that was required for the function facility. Mr. Varney stated that the numbers worked with the size of the current septic system.

Mr. Wilder stated that he would like to see the septic approval from the State. The Board wanted to see that the system was adequate. Mr. Varney stated he would provide updated septic design in case the current system failed. Ms. Loudon agreed that was a reasonable request.

Mr. Wilder referred to the traffic analysis and the letter Bob Finucchio (abutter) wrote about the increase in traffic and that there were no speed limit signs posted. Mr. MacDonald stated that the Town was responsible for the signage and he could go in front of the Selectmen to request speed limit signs be put up. Ms. Loudon stated she really felt for Mr. Finucchio considering his house was only 15 feet from the road, but that he was not always there, he also had a residence in Massachusetts. Ms. Loudon stated she would post signage on the road if that was asked of her.

Mr. Wilder and Mr. Carter agreed that it was a very well landscaped piece of property. Mr. Varney informed the Board that Ms. Loudon had plenty of lighting around the barn, and that solar lights would be placed along the walkways and on other parts of the property. The Board talked about the installation of a swale with stone added to the length of the parking area and have it indicated on the plan. Also, identify on the plan where the snow storage and signs would be located. Mr. Wilder saw no issues with the utilities. He stated he would like to see the issues discussed tonight, be added to the plan and continue this case to the next meeting to allow time for the changes to be made.

Mr. Carter clarified that it indicated in the executive plan, that the maximum occupancy rate was 100 occupants, there was no food storage available and only cater food would be offered. He also agreed that this case should be continued until the next meeting so that the site plan could be updated. All members agreed that this proposal was something that would help the Town and that it was a good thing.

Mr. Sample opened public input.

Wendy Everson who lived on Avery Hill Road addressed the Board from the audience. She stated that her family had owned the property for four (4) generations and asked the Board to imagine this type of facility located in their backyard. She stated this was just the beginning and referred to the Meadowbrook venue and what it had done to the community in Gilford. She did not think it was fair that some people just expected the townspeople to just “put up” with it. She would just like to have the concerns of the land owners on record. She was concerned about the already increased traffic from the development on Alton Shores. She stated her road was becoming more of through way and did not want to see it worse than it was now. She stated that she felt every landowner had the right to do what they wanted with their land, within the law, but that this was going to impact the surrounding landowners. She believed this venue was going to grow bigger than what Ms. Loudon was expecting. Ms. Everson stated that a few years ago there was music coming off Ms. Loudon’s property and it became very obtrusive to them.

Sam Hollow, Pastor, addressed the Board from the audience. He stated that the concerns were very real, but also that everyone should visit the property and see how remote it was. He asked the Board to think more of Woodstock VT, than Woodstock NY, and that this facility was at least 300 yards from any neighbor. He was a pastor and Ms. Loudon was a parishioner at his church. He believed this was going to be a very classy venue, like Ms. Loudon.

Ritchie Lane addressed the Board from the audience. He believed that the Town should have to pay for any repairs for the road that may result from excessive traffic to and from Ms. Loudon’s property.

Mr. Sample closed public input.

Mr. Wilder asked if a site walk would be something the Board would be interested in doing. The Board agreed that a site walk should be scheduled. They decided on Friday, January 31, 2020, at 3:00 pm.

Mr. Wilder MOVED to continue the application for Case #P20-03 to the next regularly scheduled Planning Board meeting.

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

Other Business:

1. Old Business:

- a. Board to discuss if sufficient funding has been provided to release the hold on building permits, re: Ridge Road/Chestnut Cove Subdivision.

Ms. Call stated this was from last month’s agenda. She provided a spreadsheet, as requested, to the Board that broke down all the funds that were available, including the costs for paving the road. Ms. Call informed the Board that the \$10,000 from the legal fund was no longer available as of January 1, 2020, therefore, it was not included on the spreadsheet.

Mr. Macdonald noted that the spreadsheet showed that about \$6000 would be left over after all expenses. He also stated that there was a hold on building permits and there would be until Evans Road was brought up to town standards. Ms. Call stated she spoke with Attorney Sessler and he stated to keep the hold on Evans Hill Road for now, but the

Board could release the hold on Ridge Road. Mr. MacDonald did not agree with leaving the other half of the development to pay for it all themselves. He did not believe any hold should be lifted until the entire development was fixed. Mr. Wilder informed the Board that there were no houses built on Evans Road yet. Ms. Call stated that as of right now there would be approximately \$11,000 left for Evans Road after Ridge Road was done. She also stated she realized that was not nearly enough.

Mr. Wilder stated that the developer walked away without finishing the work and the big problem was that there was no longer a developer. The Board tried to make the best of a bad situation, so they approved the split to the subdivision. Mr. Carter stated that the Board had to move forward with this, and figured that the Board should do what they could to get the owners on Ridge Road what they needed. Mr. Wilder stated that this was the decision the Planning Board made and now they needed to do something.

Mr. Regan asked with his observation that there was not enough money in the bonds after the developer walked away was correct. Ms. Call stated, that was a correct observation. Mr. Regan stated that the least the Board could do was to get the owners on Ridge Road what they needed. The property on Evans Hill Road had no structures and three (3) of those lots were owned by a mortgage company.

Mr. Sample was informed that the Town bought a lot on Ridge Road and he thought the town could sell it, and put the money into the work that needed to be done on Evans Hill Road; that would be the fair thing to do. Mr. MacDonald stated that was not how it would work. If the Town sold the lot, the money from the lot would go into the general fund per RSA.

The board agreed that something had to be done to help the owners on Ridge Road. They also agreed the most benefit the Town could get from any decision was if they released the hold on Ridge Road, and then they could take the remainder of the money and put it towards Evans Hill Road.

Mr. Wilder MOVED to release the hold on building permits on Ridge Road, but keep the hold in place on Evans Hill Road.

Mr. Carter seconded the motion, and it PASSED with Mr. MacDonald voting NAY.

Mr. MacDonald MOVED to take funds left over in the bond after Ridge Road was complete, and put it together with the existing construction observation escrow account for Evans Hill Road.

Mr. Regan seconded, and it PASSED unanimously.

b. Discussion on private roads.

Mr. MacDonald had some information for the Board on private roads and subdivisions. Mr. MacDonald informed the Board that the information provided included court cases that had addressed these same issues, as well as an excerpt from the Highway Road Regulations. Mr. MacDonald read regulation 4.29 that stated:

4.29 Nothing in these Policies and Regulations shall be constructed to limit the ability of the Planning Board to allow construction of a road which does not meet the minimum road standards for small-scale subdivisions, accordance with Planning Board regulations. However, it must be expressly understood that such roads shall not be eligible to become Town owned roads or Town maintained until such time as the road does meet the minimum road standards which are in effect at the time a highway layout or street acceptance is applied for. The Selectmen strongly recommend that the Planning Board have this condition noted and stamped on approved plans whenever such allowance is granted.

Mr. Carter asked what a small scale subdivision definition was. Ms. Call informed him that there was nothing in the Subdivision Regulations that defined a small scale subdivision. She stated researched back to the 1991 Planning Board Regulations because that was all she had access to at the time.

Mr. MacDonald stated the members should educate themselves on the Regulations he passed out because they would be seeing proposals like these more often and they needed to have answers for them.

Mr. MacDonald used the Brown Farm as an example because the land was on a private road and the Regulations stated that a subdivision could not take place on a private road that was not built to town standards. Ms. Call noted that the discussion should stay in general terms because it was starting to reference a case that had come before the Board. Mr. Carter and Mr. Wilder stated that the Planning Board's Regulations would supersede any Highway Regulation. Ms. Call stated she had already reached out to Town Counsel to see what information he may have in reference to this matter.

2. New Business:

- 3. Approval of Minutes:** Planning Board meeting minutes of October 15, 2019; November 19, 2019; December 12, 2019-Special Meeting; December 17, 2019; and January 7, 2020-Special Meeting.

Ms. Call suggested that since Mr. Hoopes was away until April, that the Board hold off approving the two (2) Special Meeting minutes until he returned. The Board agreed. Mr. Regan stated there was one small correction to the January 7, 2020, Special Meeting minutes on page 2 at the top, where it stated, "responsibility, duty, and the public trust", it should read, "responsibility and duty in the public trust".

Mr. Wilder MOVED to approve the minutes of October 15, 2019, and November 19, 2019, as presented.

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

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

- a. Road approval for High Point Drive/Brad Jones.

Brad Jones came to table for discussion. High Point Drive had been completed, the final coating of pavement was down, the stop sign was installed, and all monumentation was

done, as well as the shoulders being installed. The subdivision had 17 original lots, however, one owner bought two (2) lots and merged them so it was now 16 lot subdivision. Most of the lots were a little over an acre with 150 feet of frontage. There was a 32 acre lot that surrounded the subdivision. There were nine (9) homes built and occupied. There was a 20,000 gallon concrete fire cistern that the Fire Department maintained and held the keys to. They have had no issue with drainage and Mr. Jones stated he went out and did a thorough inspection every year. Mr. Jones had gone through all the milestones and has had all the inspections. Next step was coming in front of the Planning Board to request that they approve Highpoint Road was built to standards according to subdivision approval. He also requested that the letter of credit be released (\$18,000).

Mr. Wilder had questions about the reasoning for using 1 ½ inches of pavement vs. the normal 1 inch, and was it due to cracks forming in the pavement. Mr. Jones informed the Board that he had done crack sealing at least once a year because of the frost heaves. Doing continuous crack sealing was important to make sure they did not open up again. Mr. Jones also used the thicker pavement at the entrance as a shim because that was the area that showed most of the cracking. Mr. Jones was very confident in the engineering of the road.

Ms. Call stated that she had reached out to Mr. Vignale about releasing the money from escrow but had not heard back from him as of the meeting. Ms. Call asked the Board members if they would feel more comfortable waiting until they got the word from Mr. Vignale. The Board agreed that would be a smart decision. Mr. Sample stated they could make it a condition to release the money when or if Mr. Vignale gave the okay.

Mr. Wilder MOVED to release the road surety funds after Mr. Vignale, in writing, stated he had no more outstanding requirements for road completion. Mr. Regan seconded the motion.

Mr. Carter thought Mr. Wilder should amend his motion to state that Mr. Vignale could also authorize releasing a portion of the funds or all the funds. Mr. Regan seconded, and it PASSED unanimously.

After due hearing, Mr. Wilder MOVED that the Alton Planning Board hereby confirms compliance with the approved subdivision plan and grants final Planning Board approval of the road construction for Bradford A. Jones, High Point Drive, Map 11 Lots 13, 13A and 14.

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

Ms. Call stated that the Board would have to come up with a date certain for the expiration of the bond, if Mr. Vignale decided to hold all or some of the funds. Mr. Wilder thought it was best to wait until the Board heard back from Mr. Vignale.

- b. Release of funds for old escrow accounts. See excel sheet provided.

Ms. Call stated that some of the Planning Board's escrow funds seemed to never have been returned to applicants in a timely manner. She noted that she was working with Jean Stone, Town Treasurer, to clean up the accounts. Ms. Call asked the Board how they wanted this handled. She stated that some of the accounts were very old, but wanted the opportunity to send the money back instead of requesting the Finance Department send the funds to the State as unclaimed funds. She was going to make sure that checks did not just get sent back to an address that did not exist anymore.

Mr. Wilder MOVED to Ms. Call to process the release of the escrow funds back to the account holders.

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

- c. Town Engineer contracts are up in March. Board to discuss further action.

Ms. Call asked the Board what their thoughts were before the contracts ended. Mr. Carter stated that the Board needed to have the two (2) current Town Engineers update their RFPs no matter what they decided. Mr. Regan wondered how long the contracts were valid. Ms. Call stated they were valid for a year, but the Board had the authority to extend the contract yearly. Mr. Wilder suggested that Ms. Call reach out to the current engineers to see what their rates were for the coming year before the Board advertised because they just went through the RFP process last year.

Ms. Call stated she spoke with both engineers and they were interested in staying on board. Mr. Wilder stated the Board only had the engineers for a year and it was quite the process to get new ones. Ms. Call stated that there were some cons to keeping the current engineers, such as the projects that were already being worked on would stay with the same engineers instead of having a completely new engineer start halfway through a project. It put a burden on the applicant having to pay for a new engineer to review the project. Mr. Carter thought that was a moot point because this was an ongoing process.

Mr. Wilder would like to see a three (3) year contract with the Town having the ability to terminate at any point. Mr. Regan stated he would like to see something that stated we would open the contracts to new bidders next year. Ms. Call stated she would contact both of the current Town Engineers, KV Partners, LLC, and Northpoint Engineering, to submit their rates for the coming year. She would provide this information at the next meeting.

5. Correspondence for the Board's information:

Ms. Call presented three (3) Bills currently being presented to the Legislature. One being a letter sent to the Planning Board from various Boards in North Hampton, informing people that there was a proposal to create a Housing Appeals Board. It appears that this would take away the right of an applicant to appeal their applications at the town level. The Board agreed that it would be taking the power away from the Town.

Ms. Call introduced the second Bill, HB 1629. The proposal was to mandate training requirements for Planning and Zoning Board members. The third Bill was HB 1632. Ms. Call stated she was not as familiar with this Bill but that in general it was going to mandate some

things with affordable housing developments and she thought that they should look it over. The Board thought that this was just another Bill that would take away the local Boards' decision making rights. The Board wanted Ms. Call to draft a letter to Alton's Representatives and the Senator indicating they were not in support of these Bills and forward it to them and they would include their thoughts.

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

Public Input on Non-Case Specific Local Planning Issues

Mr. Chairman opened non case specific public input.

A gentleman from the public inquired about when minutes were posted. Ms. Call stated they were available in DRAFT form in the Planning Department five (5) business days after a meeting.

Ritchie Lane came to table for discussion. Mr. Lane stated he installed septic systems and did dirt work. He stated he installed Presby Septic Systems and he had an issue that the approved septic sand had become a problem to obtain in Town. It was an issue because people would have to travel all the way to Ossipee to get the approved sand for this septic system. He stated there was a local entity in town that was supplying it at a very reasonable price. He stated he was not looking to get into the politics and did not care what kind of influence this Board had on the issue. He stated to the Board that "as fathers of the Town they have a responsibility to the tax payers in the town to make sure this stuff is available affordably. When it was available in this Town I could deliver a load of approved sand for less than \$250. I just did a job on Traskside Road and had to deliver a load of sand and that was over \$300 per load. And it takes more than one load to do the septic." He stated again he did not know how much influence the Board had on this whole matter but "we" need to be able to obtain this stuff reasonably because there were some people in this town that could not afford to pay that kind of extra money to have 10 loads delivered. The sand had to be approved for Presby systems, and he stated that Mr. Sample could agree to that. He stated he was just trying to make the Board aware of the problems that will be upcoming this summer and he saw that where people could not afford to do their septic systems they would just let it run over. He stated "this is not a responsible answer to what they have going on here, we need to try and work this out. This problem that we've got going on with this person."

Mr. Sample informed him that unfortunately, "we are done with it". Ms. Call informed the Board that this was case specific discussion and that the Board should not be discussing it. Mr. Lane spoke over Ms. Call stating that he is just here discussing the septic sand.

The Board continued the discussion even though they were informed not to. Mr. Carter asked Mr. Lane if there was an alternative to the Presby system. Mr. Lane stated there was but even the Elgen's fall into the same category that you had to get specific sand to do it. Mr. Carter stated that Presby changes their sand requirement about every five (5) years. Mr. Lane stated they had made it stronger and more stringent. He also stated stone pipes that were getting backed up required more sand for their systems. He also said that trying to find clean stone was becoming an issue. Mr. Lane said this was becoming a problem that was going to face the whole town, and when someone asked him, he was going to tell them to go talk to the fathers of the Town because that was where the problem seemed to lie. He said he was just trying to inform the Board of what was going to end up happening. Mr. Lane ended the discussion.

The Board thanked him for letting them know. Mr. Sample stated he had no comment on that. Mr. MacDonald asked if that was done.

Mr. Wilder MOVED to adjourn the meeting.

Mr. Regan seconded the motion.

Mr. Sample answered Mr. MacDonald's previous question stating that since he had to recuse himself, that was why he was not invited to the meetings. Mr. MacDonald stated he had to attend other meetings and that why he recused himself. Mr. Sample stated that as far the Planning Board was concerned, that case was over. Mr. Carter stated that the Board did not need to talk about that particular issue.

Mr. Wilder stated that there is a motion to adjourn on the floor.

Mr. Sampled called for a vote, and the motion PASSED unanimously.

The meeting adjourned at 9:21 p.m.

Adjournment

Roger Sample, Planning Board Chairman

Respectfully submitted by,

Amelia Cate
Recording Secretary