

**TOWN OF ALTON PLANNING BOARD
MINUTES OF 2022
TUESDAY, FEBRUARY 15, 2022**

APPROVED

Members Present:

Drew Carter, Chairman
Russ Wilder, Clerk
Roger Sample, Vice-Chair
Virgil MacDonald, Selectmen’s Rep
Tom Hoopes, Member
Bill O’Neil, Alternate

Others Present:

Jessica A. Call, Town Planner
Trisha DeRoche, Planning Secretary

Call to Order

Meeting was called to order at 6:00 P.M. +/-

Appointment of Alternates

Bill O’Neil was appointed as a full voting member for tonight’s meeting.

Approval of Agenda

Agenda changes: Ms. Call stated there were some administrative changes added to the Agenda after it was initially posted; In case #P22-06 the correct address is 21 Blueberry Lane, not 31; In case P22-07 it should state Jennifer, not Jeremy; under Old Business, she added (f) an update for the Alternative Housing Committee and (g) to have a discussion with the Board regarding the findings of the Town Engineer on Ridge Road. The other changes to the Agenda relate to case P22-02, P22-03, P22-04 and P22-05, abutter notices were sent out with the wrong meeting date, as such, these cases will not be heard tonight; Ms. Call stated she has reached out to all of the Agents and Applicants regarding this and has proposed to the Board that they hold a meeting on March 1, 2022 to hear cases P22-02, P22-03 and P22-04; case P22-05 will be heard at the March 15, 2022 meeting.

Mr. MacDonald MOVED to approve the Agenda as amended and continue cases P22-02, P22-03 and P22-04 to March 1, 2022, with case P22-05 being continued to the March 15, 2022 meeting. Mr. Hoopes seconded the motion and it PASSED unanimously.

**1. Completeness Review of Application and Public Hearing if Application is Accepted as Complete
(Continued to March 1, 2022 meeting)**

Case #P22-02 Jones & Beach, Agent for Dave Fuller/Route 28 Boat Storage, LLC, Applicant; and John Matarozzo, Owner	Map 9 Lot 6 436 Suncook Valley Road	Final Major Site Plan Rural (RU) Zone
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Proposal: To construct two (2) Boat Storage buildings, a small office building, and a gravel parking area.
(Continued to March 1, 2022 meeting)

Case #P22-03 Norway Plains Associates., Inc., Agent for Keith Dube of Piperdube, LLC, Owner	Map 2 Lot 12 800 Suncook Valley Road	Final Major Site Plan Rural (RU) Zone
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Proposal: To operate as a Contractor’s Yard for a landscaping business, and construct a Self-Storage Facility consisting of two (2) storage buildings.

(Continued to March 1, 2022 meeting)

Case #P22-04 Norway Plains Associates Inc., Agent for Jeffrey F. Hertel & Van E. Hertel, Sr., Owners	Map 15 Lot 9-3 Hogdon Road	Final Major Site Plan Residential Rural (RR) Zone
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Proposal: To construct a Self-Storage Facility consisting of two (2) storage buildings.

(Continued to March 1, 2022 meeting)

Case #P22-05 Changing Seasons Engineering, PLLC, Agent for Alton Bay Christian Conference Center (ABCACCC), Bradley Smith	Map 34 Lot 33 Beacon Avenue	Final Major Site Plan Residential (R) Zone
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Proposal: To construct three (3) cottages in the existing Conference Center, each proposed to be approximately 750 s.f.

2. Voluntary Merger of Pre-existing Lots

Case #P22-06 Marylou Banker & John W. Geleas, Owners	Map 10 Lots 28 & 28A 659 Alton Mountain Rd. & 2131 Blueberry Lane	Voluntary Lot Merger Rural (RU) Zone
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Proposal: To voluntarily merge two pre-existing lots of record.

The Chair read the case into the record.

Mr. Sample stated that he believes the wrong road is listed, it should be Alton Shores Road because 21 Blueberry Lane is off of Alton Shores Road; Ms. Call stated that the Building Inspector, John Dever would like to explain how the roads are set up; he directed the Board to the Tax Map and pointed out that the lot can only be accessed from Blueberry Lane; the Board agreed that Alton Mountain Road was correct. Mr. Wilder asked about any outstanding mortgages, Ms. Call stated there were no outstanding mortgages on the property and she did not list any Conditions Precedent.

Mr. Hoopes MOVED to approve the application for Merger of #P22-06, Map 10 Lot 28 & 28-A. Mr. MacDonald seconded the motion and it PASSED unanimously.

3. Class VI Road Building Permit Permission Request

Case #P22-07 John & Jeremy Jennifer Irons, Owners	Map 15 Lot 30-1 Leighton Mills Road / Gilmans Corner Road	Class VI Road Building Permit Request Rural (RU) Zone
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Proposal: The applicant has applied for a building permit on the above named Class VI Road, Leighton Mills Road. RSA 674:41 requires that the request be reviewed by the Planning Board, and then forwarded to the Board of Selectmen for action.

The Chair read the case into the record.

Ms. Call stated the Fire Department did not see any issues but they did request plans that depicted the length of the driveway and they may want to review the information before making any additional comments. Mr. Hoopes stated he knows the area and stated Leighton Mills Road used to be part of Chestnut Cove, when Route 28 was built, it cut it off, so it would be good to have the road upgraded with a much safer access point

to the road. He stated the next step would be to go before the Board of Selectmen to review for the Class VI approval.

Brad Hunter, Contractor and Mr. Irons approached the table to discuss... Mr. Carter addressed the request to waive the liability but stated they are also proposing to make the improvements to the road up to Town standards and he would like clarification. Mr. Hunter stated he spoke to the Road Agent, Scott Kinmond, about the road improvements and Mr. Kinmond stated that as he understood it, it is not improvements up to Town standards, but improvements such as the road would be built up to allow emergency vehicles access if needed. Mr. Carter thanked Mr. Hunter for the explanation regarding the waiver. Mr. MacDonald interjected and stated the road should be brought up to Town standards; Mr. Hoopes interjected and stated no, it meets classifications for the Selectmen's Class XI Road which he believes is about 14 feet. Ms. Call interjected and stated it is a maximum of 14 feet off of the main road. Mr. Hunter stated there are a good amount of delineated wetlands that take up some of the road frontage which makes it difficult to build around. Ms. Call interjected and addressed Mr. Hunter and Mr. Irons regarding the outstanding item of speaking to Scott Dunn at the Highway Department to get the exact measurements for the driveway access; she stated if they have the information on hand it would be helpful. Mr. Hunter stated the driveway is 475-485 feet from the edge of the pavement. Ms. Call stated the motion from the Board should include a note that they provide the driveway access information to the Fire Department.

Mr. Hoopes MOVED that the Planning Board forward a recommendation to the Board of Selectmen to approve the application for case P22-07, Map 15 Lot 30-1 with the condition that the applicant forward the information for the driveway access to the Fire Department and the Road Agent. Mr. Wilder seconded the motion and it PASSED unanimously.

Other Business:

1. Old Business:

a. Review and adoption of amended Construction Observation Guidelines

Ms. Call stated she went through the document and made the changes recommend from the January 18, 2022 Planning Board meeting, but also noticed some inconsistencies regarding the change from "Construction Inspector" to "Construction Observer"; Ms. Call stated she made the changes from Inspected to Observed throughout the document. The Board stated they have no objections. Ms. Call directed the Board to page 10 to the highlighted changes she made in green regarding the last discussion of having the Town /Engineer include their methodology of the construction estimate, the change includes having to provide their sources of data used to calculate the estimate. The Board stated they have no objections. Ms. Call directed the Board to page 11 under 4.2 Construction Observations Organization and stated she added a change at the end of the first paragraph that starts with "and if conflicts arise"; she added that should any conflicts arise, they are to proceed directly to the Planning Department; The Board stated they had no objections. Ms. Call stated she made the change from Town Planner to Planning Board with the exception of site walks and pre-construction meetings, which the Town Planner attends; The Board stated they had no objections. Mr. Hoopes interjected and asked a question about the varied ways in which proposed roads were paid for; in some cases a Bond was put in place, in other cases they stated they would take care of the road but would not finish the road until it was approved and he is not sure where they stand on that subject. Ms. Call stated that what Mr. Hoopes is referring to is listed in Subdivision Regulations,

and does not live in this document; the only thing listed in the Construction Observation Guidelines pertains to types of security, i.e. a bond or a credit.

Mr. Hoopes MOVED to adopt the Town of Alton's Construction Observation Guidelines Draft dated 2/10/2022. Mr. O'Neil seconded the motion and it PASSED unanimously.

- b. Further review of application from Belinda McLin, re: Planning Board Alternate

Mr. Sample asked about her application and if it was still active and Ms. Call stated that her application is still active because she has not met the Conditions Precedent. Mr. Sample also asked about her claim against the Board because it was one of the criteria listed regarding what the Board should consider when determining the acceptance of an alternate's application; Ms. Call interjected and stated that was just a generalization, it may or may not apply to her, it is a general statement of if someone has a claim against the Board or with Board members. Mr. MacDonald interjected and stated that is what they are asking about; Ms. Call stated if the Board considered her letter a claim against the Board, it would be their decision on how they would classify the letter when considering their decision. Mr. O'Neil interjected and stated they spoke to Ms. McLin about the letter and she had the opportunity to withdraw the letter but did not; he further stated that the letter had nothing to do with her alternate application, but he stated it is related and in his opinion her application should not be accepted. Mr. Hoopes stated he believed anyone should be able to apply to become an alternate, but she applied at the wrong time. Mr. Wilder stated at this point, it would be wise to decline her application and allow her to apply at a later date, once she has completed all of the outstanding items related to her application. Mr. Wilder stated that one of the criteria is that the applicant be knowledgeable as that is important to have people who are knowledgeable on the Board. Mr. O'Neil interjected and stated another criteria is that the applicant attend at least three (3) meetings, she has not and she is not present tonight.

Mr. Wilder MOVED to wait to consider the application for alternate until the Design Review application is complete and the claim is resolved. Mr. O'Neil seconded the motion and it PASSED with Mr. Hoopes abstaining.

- c. Board to determine the appropriateness of making a Motion to *Rescind* ~~Reconsider~~, re: Motion made on the discussion regarding Covenant Restricting Lot Sales for Ingalls Woods Subdivision, Alton, NH

Ms. Call addressed the Board and stated they simply needed to make a motion as listed on page three (3) of the Planner Review; she stated her recommendations are listed in the Planner Review but the Board does not have to follow them as they are only recommendations. Mr. MacDonald interjected and stated he does not feel there is a conflict of interest as he does not have any monetary interest in this subdivision and he did not get paid for any of the work that he did on the subdivision. Mr. Carter interjected and stated that is not the only factor regarding this situation. Ms. Call interjected and stated that Mr. MacDonald's brother is working on this project which is a conflict of interest as he is a family member and Mr. Williams is his business associate. Mr. MacDonald stated he does

work for his brother and he does not get paid, nor does he charge his brother for the work he does on the subdivision. Mr. Sample interjected and stated that Mr. MacDonald has worked on the buildings and Mr. Williams's situation concerns roads, not buildings. Ms. Call interjected and stated the motion included allowing Mr. Williams to move forward with construction. Mr. MacDonald interjected and stated the Town had already issued permits but they were going to withdraw the permits for construction. Ms. Call interjected and stated she is going to let the Board decide on how they would like to move forward regarding this motion. Mr. MacDonald stated he will not withdraw his motion from the January 18, 2022 Planning Board meeting that was voted on by the Board. The Board asked what they should do legally regarding this matter; Mr. Carter stated they Board needed to read the entire Planner Review from Ms. Call because it explains how they should move forward in either rescinding their motion or amending their former motion from the January 18, 2022 meeting. Mr. Carter stated there were covenants in place that stated Mr. Williams could not build there until the road was finished and approved and technically speaking, what the Board did by voting on this, they reversed an approval that took place several years ago. Mr. MacDonald interjected and stated the Board didn't reverse the approval, permits were issued for the construction. Mr. Carter stated this issue came before the Board because the road construction was not observed by a Town Engineer which was a requirement.

Mr. Dever came to the table to discuss the circumstances of the issued permits; he stated the permits were issued before he realized the roads were never observed by the Town Engineer, which was a requirement. He addressed the issue that the Mr. Williams did not follow the proper requirements of the subdivision approval process or the covenants that he asked to be put in place so he could move forward with building the road. Mr. Dever stated the covenants stated Mr. Williams could not sell any lots before the road was finished and observed by the Town Engineer; he stated at the time he issued the permits, he was not aware of the observation requirement by the Town Engineer, nor was he aware there were covenants in place restricting lot sales, if he had been aware of this, he never would have issued the permits and he would not have been involved with the other three (3) houses that Mr. MacDonald worked on in that subdivision. Mr. Dever stated technically he could have revoked the Certificate of Occupancy on the homes because the covenants have been broken but he will not do that because he does not want to take people out of their homes. Mr. MacDonald interjected and stated that is why he made the motion at the January 18, 2022 meeting. Mr. Dever stated he issued the Cease and Desist Order for construction because Mr. Williams was in violation of the covenants; he stated he had allowed the construction to continue on the home that currently has a family with a disabled son scheduled to move in soon, that is the only exception he has made regarding the construction. Mr. MacDonald stated he understood what happened and thanked Mr. Dever for the explanation. Ms. Call interjected and stated that the information provided at the January 18, 2022 meeting explained that Mr. William's engineer was on site, not the Town Engineer which was an issue. Mr. Carter interjected and stated that is why they have requested the current Town Engineer review the reports to make sure there is adequate data to make a determination, if not, he would provide recommendations. Ms. Call stated Mr. Williams has provided the reports, she has met with the Town Engineer and he is awaiting a response from Mr. Williams as to whether the construction observation escrow estimate is appropriate; Mr. Williams does have money in an escrow

account to cover that work, however, Mr. Williams needs to sign off on that task order before the Town Engineer conducts his review. Ms. Call stated she has informed Mr. Williams of this and is awaiting his response so she can relay the information to the Town Engineer. Ms. Call stated that she and Mr. Dever have been working on this since the January 18, 2022 meeting which resulted in her recommendation to put a stop to the construction in order to involve the Town Code Official before moving forward. Mr. Dever interjected and stated that the Alteration of Terrain Permit expired two (2) years ago and Mr. Williams needs to obtain a new one, which his engineer was supposed to have been working on obtaining, and to his knowledge the application has not been submitted. Mr. Dever stated he has discussed this with Mr. Williams and he is working on obtaining the permit. Mr. Hoopes interjected and asked what the current process is regarding this Motion as he was not present at the January 18, 2022 meeting. Ms. Call explained the two different types of Motions that could be made by the Board, one to rescind if they feel Mr. MacDonald is in violation, if not they can make a Motion to amend. Mr. Wilder interjected and stated that one of the criteria listed under the Motion stated that if there are any family members involved; Mr. MacDonald's brother is involved in the construction of the subdivision so that is a potential conflict of interest and as such the Board should rescind the previous Motion made at the January 18, 2022 meeting.

Mr. Carter MOVED to rescind the motion related to the W&W Ralph Trust, LLC discussion at the January 18, 2022 Planning Board meeting. Mr. O'Neil seconded the motion and it PASSED unanimously with Mr. Hoopes and Mr. MacDonald abstaining.

Mr. Carter MOVED to have the applicant provide all documentation from SW Cole & Eckman Engineering to the new Town Engineer, Dana Huff, P.E. for review to perform a site walk and submit the findings. Mr. Wilder seconded the motion and it PASSED unanimously with Mr. MacDonald abstaining.

Mr. Carter MOVED to continue the discussion of releasing the covenants restricting lot sales to the March 15, 2022 meeting. Mr. Hoopes seconded the motion and it PASSED unanimously with Mr. MacDonald abstaining.

d. CIP Committee Update:

Ms. Call stated the CIP Committee met at the end of January 2022 and they discussed the possibility of creating a separate Facilities Committee to address the building needs. She stated the Board of Selectmen decided it would be appropriate to create a Facilities Committee and placed Ms. Call in charge of the Committee. The Committee will consist of a Board of Selectmen representative, the Code Official, Citizen Members, Highway Director, and the Fire Department Chief. Ms. Call stated she is waiting on the Board of Selectmen to create the Committee list before the Committee meets to discuss next steps.

e. Master Plan Update:

Mr. Wilder stated that they are continuing to work on the individual chapters; he met with Marty to discuss the possibility of losing the old graveyards in Alton and how to protect them. He stated that he spoke to the Master Plan Consultant, Tara Bamford about having recommendations at the end of each chapter, who should be in charge of the

recommendations and the status. Mr. Wilder stated a standing Master Plan Committee would be a good idea to utilize and track the recommendations. Ms. Call stated she and Amelia are handling the chapters that Mr. LaRoche was assigned because he was not going to run for the Board, however, he has decided to run. She stated they will meet with the Highway and Water Department to obtain that information. Ms. Call discussed the results from the Town's Deliberative Session and stated the results were favorable for the Warrant Article for the Master Plan Consultant. The Master Plan Committee will meet again on March 2, 2022.

f. *Alternative Housing Committee Update*

Ms. Call updated the Board on the progress of the Committee; she stated the Warrant Article for the Planning & Zoning Consultant would need to pass before they move forward with drafting a potential Short-Term Rental Ordinance.

g. *Discussion re: report dated December 14, 2021, from Mike Vignale, P.E., re: Ridge Road-Field Review Prior to Acceptance for Chestnut Cove Subdivision*

Ms. Call stated they did not have time to address the memo at the December 18, 2021 which is why it is on tonight's agenda. She stated the issue is with the depth of the slope. Mr. MacDonald brought up the fact that this is a private road and stated the Board should not be addressing this; Ms. Call stated a site walk was conducted and they discovered that one section of the road had very steep slopes that were at a 3 to 1 which is not within the approval. She stated she needed to research how/why this was overlooked, why and what the next steps would be. Mr. MacDonald interjected and stated this was the project that was abandoned by the contractor; however it is still a private road and they have to repair it before the Planning Board can approve the road. Ms. Call stated they requested to come in for Final Road approval; a final walk through was conducted with the Town Engineer and the Highway Department and that was when they noticed the steep slopes. Ms. Call stated there is \$8,000 left in the escrow fund and per Town council's advice, the property owners were told to use that escrow money to finish the work before Final Road Approval. Ms. Call stated she sent the report to the property owner's agent, Tammy Miso for review. Ms. Call stated she wanted to bring this to the attention of the Board because the property owners have requested Final Road Approval and in order for that to happen, they needed to fix this issue.

2. **New Business:**

- a. **Approval of Minutes:** Planning Board Meeting minutes of January 18, 2022-

Mr. Wilder MOVED to approve the January 18, 2022 minutes. Mr. O'Neil seconded and it PASSED unanimously with Mr. Hoopes abstaining.

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

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

Any Other Business to Come Before the Board

Public Input on Non-Case Specific Planning Issues

Mr. Raymond, the State Representative for Alton, came to the table to discuss the Senate Bill 400 proposed a few years back which wasn't signed into law. He stated it has resurfaced recently and it deals with zoning regarding workforce and affordable housing and he wanted to make sure the Board is aware of the proposed Bill. He stated it has passed through the Senate but has not gone through the House. Ms. Call stated the Town has inclusionary zoning in place. He stated they are trying to establish an Advisory Board under the Office of Planning & Development and what troubles him is the membership which would consist of the special interest groups. He stated he feels this is the Governments attempt to take away local control of Housing. Mr. Hoopes stated New Hampshire has a housing shortage right now. Mr. Cater agreed and stated the communities are struggling to respond to that need and as a result the Government is trying to force action. He stated he wanted to bring this to the Board's attention. He stated he will leave a copy for the Board.

Public Input closed.

Adjournment:

Drew Carter, Planning Board Chairman

Mr. Wilder MOVED to adjourn the meeting. Mr. Hoopes seconded the motion and it PASSED unanimously.

Meeting adjourned at 7:30pm.

Respectfully Submitted by:

Trisha DeRoche
Planning Secretary