

**TOWN OF ALTON PLANNING BOARD  
MINUTES OF 2021  
TUESDAY, MARCH 16, 2021**

**APPROVED**

**Members Physically Present:**

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

**Members Appearing Remotely:**

Bob Regan, Vice-Chairman, Home-Along  
Tom Hoopes, Member, Home-Along

**Others Physically Present:**

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

**Call to Order – by current Chairman**

Mr. Carter called the meeting to order at 6:00 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:***

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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 meeting will be adjourned and rescheduled to Tuesday, April 20, 2021.

*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.

**Appointment of Alternate**

It was noted that Mr. Hoopes had not had a chance to get sworn in yet for his current term, so he would not be able to vote until that took place. Bill O’Neil was appointed by the Chair as a full-voting member for tonight’s hearing.

**Application of Appointment**

Application of Appointment to become an alternate of the Planning Board submitted by Thomas Diveny dated February 4, 2021, for the Board’s consideration.

Mr. Carter asked if the Board had any questions. Mr. Sample asked Mr. Diveny if he was also a Trustee at this point; Mr. Diveny stated, yes. The Board introduced themselves. Mr. Williams stated that Mr. Diveny was in the fire service. Ms. Call informed the Board that this would be Mr. Diveny’s first meeting and after the next two (2) meetings would be when the Board would vote him in as an alternate.

**Approval of Agenda**

Mr. Carter asked if there had been any changes since the Agenda was posted. Ms. Call stated there had been an addition under “Other Business” “3.b. Approval of Minutes”, there was an additional set of minutes for the workshop held on February 9, 2021, which was the second workshop that took place to update the regulations. That set of minutes brought the Board up to date. The next addition was under “4.d. Correspondence for the Board’s review/discussion/action”, which was the 2021 Annual Town Election Results. The last addition was under “5.a. Correspondence for the Board’s Information”, which was to make sure that the Board received their 2021 updated copy of the Zoning Ordinance which included the zoning map at the end.

**Mr. Williams MOVED to approve the March 16, 2021, agenda as amended.  
Mr. Sample seconded the motion.**

**Mr. Carter called for a roll call vote:  
Scott Williams, Aye; Roger Sample, Aye; Virgil MacDonald, Aye; Bill O’Neil, Aye; Drew  
Carter, Aye; Bob Regan, Aye.**

Ms. Call informed the Board that the election of the officers for the Planning Board had been moved to the end of the Agenda, which would minimize the confusion for a new chairman to get thrown the role without being prepared. The Board agreed.

**1. Final Road Approval**

<b>Case # P03-07 Thomas W. Varney, P.E., Agent for Patricia Scribner, Owner</b>	<b>Map 16 Lot 19A Laura Lane</b>	<b>Final Road Approval Rural Zone (RU)</b>
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Proposal: To obtain final road approval for the subdivision located on Laura Lane.

Mr. Carter read the case into the record.

Mr. Sample asked if the hold up on this was because the developer had been waiting on the 50%. Ms. Call stated, yes. She also stated that there were only five (5) lots on this road anyway. Mr. Williams stated that maybe they did not want to get road approval because that was always an option.

Ms. Call stated that she invited Mike Vignale, P.E., Town Engineer, so that he could help explain some things because he had not quite signed off on the road yet due to some outstanding deficiencies.

Mr. Sample asked if they would start by letting Mr. Vignale present since he was in attendance. Mr. Carter stated that there was a memo included from CMA from 2007 that stated they had done a review and that the road at that point had been built to the requirements. Mr. Carter went on to state that from what he understood there had been a recent visit to the road on August 6, 2020, by the Town Engineer, Ken from Highway, and Ms. Call.

Tom Varney, P.E., agent, was attending via Zoom to present the case. Mr. Vignale was in attendance as well.

Mr. Carter asked Mr. Vignale to explain things to the Board. Mr. Vignale stated that there was a decent amount of cracking that would need to be cut out and replaced. He also stated that there were some areas that also needed to be sealed and filled. There was also a big dip in the road where it needed to be filled in, in one location. Roadside swales needed to be cleaned out and the drainage system needed to be cleaned out. Mr. Vignale stated he went back and forth with the as-built plans and those looked wonderful. Mr. Vignale stated that the deficiencies did not comply with the Board’s requirements because the road was not 100% complete. He stated that was where he thought he and Mr. Varney disagreed on what condition a road had to be in order to receive a recommendation to the Selectmen from the Planning Board. He stated the things that were noted that needed to be fixed were not what was in dispute, it was a matter of process and did the road have to be 100% complete in order to get the recommendation. Mr. Vignale stated that in his perspective, the road was not 100% complete and that was why he wrote the memo as he did.

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Mr. Sample asked if the road was 100% complete at some point and now was it failing. Mr. Vignale stated he did not think that the surface course had ever been put on way back when, but thought that the road was pretty much complete back then. Mr. Vignale stated that the road had deteriorated over the last 13-14 years, it was not a ton of work, and it was very typical of a road that was old and had not been topped. Mr. Williams asked if the compaction was the reason for the dips that Mr. Vignale had mentioned. Mr. Vignale stated that he thought the dips were because of the pipes under the road, and as far as he knew, the compaction tests were all correct. Mr. Vignale stated that in those areas it would need to be dug up, re-compacted, then a patch put on and then the overlay was the last step. Mr. MacDonald asked if the town would end up having a problem with this patch work in the future, and end up having to repave the road. Mr. MacDonald stated that it would not be fair to the tax payers to have to pay for that a second time. Mr. Vignale stated that he was talking about the base coat and not the top coat. Mr. Vignale stated that the way this is done would be to cut out the places that were deficient, grind the other area down so there would not be a vertical joint through the surface and once that was done, then overlay the whole thing and it would end up with a great finished product. Mr. MacDonald thought the top coat was already laid. Mr. Carter noted that the 2007 letter stated that the top coat was completed. Mr. Vignale stated if that was the case, then it needed to be redone because there were a lot of patches and would be unacceptable. Mr. Vignale noted that in November, he suggested that some pavement cores be performed to verify the pavement thickness was proper. He noted that the Board went through the same process recently with Hopewell Road.

Mr. Varney introduced himself and asked if he could explain what they were trying to do. He went on to state that he was applying for an as-built for this subdivision, which was owned by Pat Scribner. She started this in 2004 and the subdivision was completed in 2007. He stated the road was inspected by CMA and they signed off and stated the final wearing course of one (1") inch of pavement was done. Mr. Varney stated that the as built was not required at that time. Mr. Varney stated that in 2020 Ms. Scribner asked him to petition the Selectmen to take over the road because she had the required amount of houses with occupancy permits.

Mr. Varney stated he submitted plans in June. He stated that his approach was to get an as-built plan to be able to check that off the Select Board's requirements. Mr. Varney stated that Mr. Vignale had been on site and that he reviewed his plans twice. Mr. Varney stated that there was also a site walk where Ken Roberts, Road Agent, was there. Mr. Varney stated that he thought the road looked good to him but now that the issues were pointed out, he them as well. He also stated that he understood that work would probably have to be done. He called Ms. Scribner to let her know but he also told her to let him get in contact with the Town. He did not want her to pay for the paving all over again before getting an answer from the Town. She intended to pay for it either way. Mr. Varney stated if he could just get the as-built done then he would deal with all those issues with the Selectmen. Mr. MacDonald stated that part of the Planning Board's process was to make a recommendation to the Selectmen, and that the Selectmen took that recommendation very highly. The Planning Board could not recommend a road that had deficiencies. Mr. Varney he did not think it was the Planning Board's jurisdiction to get into the condition of the road and fixing it, that came from the Road Agent. Mr. Carter stated he thought the Road Agent did not even enter the picture until the Town had assumed the road. Mr. MacDonald stated that the Selectmen took the Board's recommendation along with the Road Agent's recommendation and the Town Engineer as well.

Mr. Sample thought some of the problem was this whole time lapse, and that was where the difference lied. Back then the conditions were probably met, but now they were not meeting. Mr. Sample went on to state that when something like this came in front of the Board at its origin, the Planning Board would give the applicant the conditions, they would meet the conditions, the engineer inspected and then signed off if the road was

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complete, but now after all this time, the road did not meet those original conditions. Mr. Sample explained to Mr. Varney that to the Planning Board now looked at the road as if it had never been completed and that was why things were where they were. Mr. MacDonald asked if the Planning Board could approve the as-built in a way that required a condition of Selectboard approval as well.

Mr. Carter stated that what he was hearing from Mr. Vignale was that the as-built looked good to him; Mr. Vignale stated, that was correct. Mr. Carter went on to state that he thought the Planning Board could accept the as-built but he did not think that the Board was ready to accept the road, even with conditions. Mr. Carter thought that the repairs should be completed first, and then have the engineer sign off on the road with the actual asphalt thickness, and some spot compaction, before recommending the road for approval. Mr. Varney stated that the purpose of an as-built plan was to show that the road was built to specifications. Mr. Williams stated that the as-built did not show the underlying materials. It was noted that CMA Engineering would have signed off on that. Mr. Williams stated that the Board did not have that information in front of them. Mr. Vignale stated CMA had all those reports and signed off and that this was really a matter of the surface pavement at this time. He stated it was never a thought that they would have to go back and dig up the road and start over again because the line and the grade of the road was in pretty good shape. Mr. Sample stated that he thought Mr. Varney was just here to get the as-built approved because the applicant expected they would have to do repairs and they planned on repairing the deficiencies, but he was just looking to get the as-built approved first.

The Board had some discussion but decided that this was not the “normal” process, but they could recommend acceptance of the as-builts. Mr. Williams stated yes that was acceptable. Ms. Call clarified that when an as-built was submitted, at that time the applicant was scheduled for a final road approval hearing in front of the Planning Board. She stated that Mr. Vignale was stating that the as-built was correct but the deficiencies were the issue. Mr. MacDonald asked if the Board were to approve the as-built would that mean the road is final. Ms. Call stated that in her opinion that would be part of the final road approval. She stated this was not two separate processes. The Board agreed this should be tabled until all the deficiencies have been completed. Mr. Williams stated that they would also need all the inspection information and reports from the engineer when filing the as-built. Ms. Call clarified that Mr. Vignale was stating he agreed with the as-built and that it was the Planning Board that wanted to be able to look at all the inspection reports and documents so that they made an informed recommendation, which meant Mr. Vignale did not need to review this again. The Board agreed.

**Mr. Williams MOVED to table this request for final road approval.**

**Mr. MacDonald seconded the motion.**

Ms. Call stated she would copy all the reports from the file and give copies to all the members. Mr. Hoopes needed clarification on what the Board meant by tabling. Mr. Williams stated that it meant that the Board would not have any opinion on this matter either way until they were able to view the reports and all the road deficiencies were complete. Ms. Call asked the Board if she could include all the items from Mr. Vignale’s November 12, 2020, report that needed to be done. The Board stated, yes, when the issues that Mr. Vignale listed were completed, then the Board will revisit this matter.

Mr. MacDonald stated that the Board could not start setting precedent now by changing the way they were doing things and accepting the as-built at a different time apart from final road approval. Ms. Call reiterated that after the deficiencies were fixed and Mr. Vignale went out for a final walk through then Mr. Varney could

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come back for final road approval at that point. Mr. Varney stated he will also have to deal with whatever the Selectboard decided to put on for conditions after he had met the Planning Board conditions. Mr. MacDonald stated that the Selectboard either approved a road or they did not. The Selectboard did not give conditional approval. Mr. MacDonald stated that if the Planning Board recommended the road for approval then 9 out of 10 times the Selectboard accepted it. Mr. Varney stated that was not how he thought it worked but if that was so then he was ok with that. Mr. Carter reiterated that there was a motion along with a second on the table, to table this matter until such items have been completed.

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

**Scott Williams, Aye; Roger Sample, Aye; Virgil MacDonald, Aye; Bill O’Neil, Aye; Drew Carter, Aye; Bob Regan, Aye.**

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

<b>Case #P21-03 Steve Oles, LLS, Agent for Anthony &amp; Deanna Eldridge, Owner</b>	<b>Map 15 Lot 13 NH Route 28 and Old Wolfeboro Rd.</b>	<b>Final Minor Subdivision Residential Rural (RR) Zone</b>
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Mr. Carter read the case into the record.

Steve Oles, LLS, agent, was attending via Zoom to present the case.

Mr. Oles stated that they were presenting a two (2) lot subdivision on a 5.529 acre lot at the intersection of Route 28 and Old Wolfeboro Rd. Frontage and access was off Old Wolfeboro Road. Two lots would be created, one 2.68 acres and the other being 2.84 acres. Mr. Oles stated yesterday they received NHDES subdivision approval. He stated that he could answer the right-of-way questions that Ms. Call had asked. He stated that Route 28 was a controlled access right of way and it was a Class II in that section.

Mr. Carter apologized for interrupting Mr. Oles but the Board needed to do a completeness review first.

Ms. Call informed the Board that the soils map was missing but that was because surveyors usually just included it on the Topo map. She also stated that there was a wetlands scientist report that was forthcoming. The sample deeds had been submitted.

**Mr. Sample MOVED to accept the application for Case #P21-03 as complete, with items forthcoming.**

**Mr. Williams seconded the motion.**

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

**Scott Williams, Aye; Roger Sample, Aye; Virgil MacDonald, Aye; Bill O’Neil, Aye; Drew Carter, Aye; Bob Regan, Aye.**

Mr. Oles stated that Old Wolfeboro Road was a Class V right-of-way with a variable width. Frontage was off Old Wolfeboro Road. He also stated they had subsurface DES approval. Mr. MacDonald stated that Old Wolfeboro Road would not take too many trucks running through. Mr. Carter asked if there were any other comments or input. Mr. Williams pointed out that over the years during a heavy rain event, half of the water from the road ended up on that lot. Ms. Call stated there were no comments from Department Heads either.

Mr. Hoopes asked Mr. Oles if that area was still very wet and if there were one or two culverts. Mr. Oles stated, yes, it could be very wet, and there were two culverts that cut across Old Wolfeboro Road onto the property and then cut under Route 28, one was 18” and the other was 15” or 18”. Mr. Carter asked if the culverts drained onto the property. Mr. Oles stated that Old Wolfeboro Road was higher than the actual site, but the water drained off towards the lake. Mr. Carter asked if proposed Lot 13-1 would have enough high and dry land. Mr. Oles stated, yes, the high and dry land was on the left side of the property and it would meet all set back requirements. Mr. Williams stated this was pretty straight forward. He wanted to advise the owners that at some points in time he stress that there was a lot of water on that lot.

Mr. Carter opened public input.

Mr. and Mrs. Covati of 718 Old Wolfeboro Road joined the meeting via zoom. They wanted to comment that yes this was extremely wet and was ponding down by Route 28. He noted that he lived there for years and never thought that property would be subdivided because of the water build up. Mr. Carter stated that the Board was not really there to decide if this was a buildable lot, this was just to subdivide the land. The Board agreed. Mr. Williams stated that it was more to inform the owner to be aware of this and use caution with the design to make sure water could be diverted from the structure. Mrs. Covati asked the Board what the minimum lot size was. It was two (2) acres for that zone. Mrs. Covati wondered why the lot was not made public for sale. Mr. Williams stated that it did not have to be. The Board thanked the Covatis.

Mr. Oles stated the Zone was Rural Residential and it was a one (1) acre lot minimum. He also stated the upland area that was high and dry was 1.59 acres. It was noted that the wetlands scientist would gladly sign the plans when they were ready for submittal.

**Mr. MacDonald MOVED that the Alton Planning Board hereby approves Case #P21-03, Anthony & Deanna Eldridge, for a Final Minor Subdivision for a two (2) lot subdivision of Map 15 Lot 13, NH Route 28 and Old Wolfeboro Road, Alton, NH, 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 by the Board.**
- 2. Addition of a note to the subdivision prior to plan signing by the Planning Board Chair to state the following:  
“This subdivision plan contains a total of \_\_\_ sheets: [this is to be listed and dated by the applicant on the subdivision plan itself]. In combination, these plans constitute in their entirety the subdivision as approved by the Town of Alton Planning Board. All sheets are on file at the Town of Alton Planning Department.”**
- 3. Addition of a note to the subdivision plan prior to plan signing by the Planning Board Chair to state the following:**

**“This subdivision plan is subject to the Conditions of Approval itemized in the March 16, 2021, Notice of Decision on file at the Town of Alton Planning Department.”**

- 4. Addition of a note to the subdivision plan prior to plan signing by the Planning Board Chair to state the following:  
“Best Management Practices shall be utilized during any timber cutting on site.”**
- 5. Indicate the road classification for NH Route 28 & Old Wolfeboro Road.**
- 6. Submit wetlands report; David Allain, CWS, to stamp the final plan.**
- 7. Indicate 25’ wetland buffer.**
- 8. Submit copy of NHDES Subdivision approval.**

**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:  
Place boundary markers.
  
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:  
Place boundary markers.

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. Williams seconded.

Mr. Carter called for a roll call vote:

Scott Williams, Aye; Roger Sample, Aye; Virgil MacDonald, Aye; Bill O’Neil, Aye; Drew Carter, Aye; Bob Regan, Aye.

<p>Case #P21-04                  Paul Zuzgo, LLS, of Prospect Mountain Survey, Agent for Alan J. Baumann Jr. 2013 Trust, c/o Alan Joseph Baumann Jr., Ttee; Jacqueline D. Gough; Gateway Trust, c/o A.J. Baumann Jr., Ttee; and W&amp;W Ralph Trust, LLC, c/o Scott Williams, Owners</p>	<p>Map 7 Lot 2                  Map 4 Lot 7                  Map 8 Lots 1-4 &amp; 3-14                  Halls Hill Rd. and                  Fallon Way</p>	<p>Lot Line Adjustment                  Rural (RU) Zone</p>
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Mr. Carter read the case into the record.

Mr. Williams recused himself and left the table to site in the audience. Ms. Call stated the only item missing were the sample deeds, and there were waivers to address.

Mr. Carter read the waiver requests into the record.

- Section VII.F.7., which requires a scale of 1”=100’;
- Section VII.F.7.e., which requires a complete boundary survey;
- Section VII.F.7.g., which requires to show jurisdictional wetlands;
- Section VII.F.7.h., which requires a showing of all areas with slopes in excess of 25%; and,
- Section VII.F.7.i., which requires a showing of minimum contiguous upland area.

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The Board voted that each plan had a different scale and due to the size of the project, it helped to not require the plans to be at 1"=100'.

**Mr. MacDonald MOVED to grant the waiver for Section VII.F.7.**

**Mr. Sample seconded the motion.**

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

**Roger Sample, Aye; Virgil MacDonald, Aye; Bill O'Neil, Aye; Drew Carter, Aye; Bob Regan, Aye.**

The Board voted that there was no reason to survey the remaining 800+ acres.

**Mr. MacDonald MOVED to grant the waiver for Section VII.F.7.e..**

**Mr. Sample seconded the motion.**

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

**Roger Sample, Aye; Virgil MacDonald, Aye; Bill O'Neil, Aye; Drew Carter, Aye; Bob Regan, Aye.**

The Board voted that two (2) of the lots were already built on and the other two (2) lots had hundreds of acres.

**Mr. MacDonald MOVED to grant the waiver for Section VII.F.7.g..**

**Mr. Sample seconded the motion.**

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

**Roger Sample, Aye; Virgil MacDonald, Aye; Bill O'Neil, Aye; Drew Carter, Aye; Bob Regan, Aye.**

**Mr. MacDonald MOVED to grant the waivers for Sections VII.F.7.h. and VII.F.7.i..**

**Mr. O'Neil seconded the motion.**

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

**Roger Sample, Aye; Virgil MacDonald, Aye; Bill O'Neil, Aye; Drew Carter, Aye; Bob Regan, Aye.**

Mr. Carter asked the Board if they had any further comments for completeness. He noted that sample deeds needed to be submitted.

**Mr. Sample MOVED to accept the application for Case #P21-04 as complete.**

**Mr. MacDonald seconded the motion.**

**Mr. Sample rescinded his motion.**

**Mr. MacDonald MOVED that the Board approve Case #P21-04 as complete with the precedent of sample deeds on approval.**

**Mr. O'Neil seconded the motion.**

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

**Roger Sample, Aye; Virgil MacDonald, Aye; Bill O'Neil, Aye; Drew Carter, Aye; Bob Regan, Aye.**

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Paul Zuzgo, LLS, agent, was attending via Zoom to present the case. Alan J. Baumann, owner of one of the lots was also present. Mr. Zuzgo noted that the lots were fairly large. Mr. Baumann would acquire land from Jacqueline Gough, which would be added to Lot 7-2 and make it 895-acres in size. Mr. Baumann was also acquiring a small amount of land from Scott Williams on the other side of his lot. Mr. Zuzgo referred the Board to Sheet 2, Map 8 Lot 1-4 was eight (8) -acres, which was a lot that Mr. Baumann and his brother were building a house. Since the passing of his brother, Mr. Baumann wants to sell that lot, but retain as much of it as he can, making it into a five (5) -acre lot to retain the right-of-way out to the bigger section of the lot, which was why he wanted to adjust property lines with Mr. Williams so the larger lot could be accessed. The five (5) -acre lot and the 895-acre lot would be contiguous.

The Conservation Commission asked if any of these changes taking place cause a wetlands impact or crossing. Mr. Zuzgo stated, no.

Mr. Carter opened public input.

Earl Bagley, an abutter was attending via telephone. He wondered what happened to the woods road that came off Halls Hill because he used that road to access some of his land. Mr. Zuzgo stated, nothing was changing.

Mr. Carter closed public input.

**After due hearing, Mr. MacDonald MOVED that the Alton Planning Board hereby approves Case #P21-04, for Alan J. Baumann, Jr., 2013 Trust, Jacqueline D. Gough, Gateway Trust, and W& W Ralph Trust, LLC, for the above cited Lot Line Adjustment of Map 7 Lot 2, Map 4 Lot 7, Map 8 Lot 1-4, and Map 8 Lot 3-14, Halls Hill Road and Fallon Way, 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 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 March 16, 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. Correct the items listed under “Plan Review” on the Planner Review.**

**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. O’Neil seconded the motion.**

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

**Roger Sample, Aye; Virgil MacDonald, Aye; Bill O’Neil, Aye; Drew Carter, Aye; Bob Regan, Aye.**

**Mr. Williams returned to the Board’s table as a member.**

**TOWN OF ALTON PLANNING BOARD  
MINUTES OF 2021  
TUESDAY, MARCH 16, 2021**

**APPROVED**

<b>Case P21-05 Paul Zuzgo, LLS, of Prospect Mountain Survey, Agent for Gregory A. Ward, Owner</b>	<b>Map 12 Lot 61 122 Powder Mill Road</b>	<b>Design Review for Major Subdivision Rural (RU) Zone</b>
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Mr. Carter read the case into the record.

Paul Zuzgo, LLS, agent, was attending via Zoom to present the case.

Ms. Call shared that Mr. Zuzgo was before the Board at their December 2020 or January 2021 meeting. It was determined that this proposal needed to go before the ZBA to receive relief for the garage being the principal building on a lot, the approval was granted. According to the Subdivision Regulations, a Design Review application was required to be submitted before a final. Ms. Call noted there was no completeness for a Design Review.

Mr. Carter asked about the lack of the utilities plan map. Ms. Call stated that some of the items that were listed on the Planner Review may or may not pertain to this project because no road was being built. The utilities map was deemed non-applicable. Mr. Call noted other items that may not apply like, fire protection plan map, drainage plan, erosion control plan, and a stormwater management plan.

Mr. Williams spoke to the Conservation Commission's comment about the driveway being within the wetland buffer, but it was clearly indicated on the map that the driveway was not within the buffer. Ms. Call thought that maybe the Commission was looking at the 75' buffer.

Mr. Carter noted that there were several grammatical errors to be fixed on the plan. Mr. Sample asked if all of the lots needed State subdivision approval. Mr. Williams stated that only three (3) of the lots needed State approval. It was noted that the Certified Wetlands Scientist's stamp would be placed on the final plan.

There were no further comments from the Board. Mr. Carter informed Mr. Zuzgo that there were grammatical errors to be fixed, and that there were items to clarify that were non-applicable. Ms. Call stated that the Board was to guide the agent to submit a Final Major Subdivision application at this point.

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

Mr. Zuzgo pointed out that this project was basically a minor subdivision, but because it had four (4) lots, it was a Major Subdivision. He thought that during this phase the Board had a chance to look at everything and thought that at the next meeting this proposal should be approved. The Board could not promise that, but it appeared that way. Mr. Zuzgo thought that the reason that the Board had a Design Review process for subdivisions was to review road issues. He thought that the Board should think about amending their Regulations for major subdivisions that are proposed on an existing road, or maybe being able to submit a waiver if there were no road issues. The Board thought that was a good idea. Mr. Zuzgo was concerned because this process was going to take another month, and more money that his client had to pay for five (5) minutes with the Board.

**TOWN OF ALTON PLANNING BOARD  
MINUTES OF 2021  
TUESDAY, MARCH 16, 2021**

**APPROVED**

<p><b>Case P21-06 James Rines, LLS, of White Mountain Survey &amp; Engineering, Inc., Agent for George E. Freese, III, Rev. Trust/ George E. Freese, III, Ttee.; Capitola, Inc., c/o Greg Kneeland; Jessie &amp; Jeffrey A. Goebel; and Constance Matheson &amp; Dorothy Binswanger, Owners</b></p>	<p><b>Map 11 Lot 31 &amp; Map 35 Lots 19, 22, 22A NH Route 28A</b></p>	<p><b>Lot Line Adjustment Rural (RU) Zone</b></p>
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This case was on the agenda because the application had been submitted, but the agent requested this be continued to the April 20, 2021, Planning Board meeting because there were potential Variances needed for these lots for lot size, setbacks, and other things.

**Other Business:**

**1. Old Business:**

- a. Memo dated February 9, 2021, from Jessica A. Call, Town Planner, to the Planning Board re: Follow up on Mark & Megan Farrell’s Voluntary Lot Merger

Ms. Call stated this case had been on many agendas and there were many discussions on this and she wanted to put this to bed, and asked the Board that after tonight if they were still confused on anything to please just contact her in the office. She noted that there were will questions asked at the January 2021 meeting as to what was supposed to take place, and what the Board had approved. She recalled that the Farrell’s submitted a letter to the Town waiving any potential issues if ground contamination was found at some point. There was an easement deed for the cistern on Lot 15-15 and it indicated it was the responsibility of the Fire Department to maintain the cistern. The last issue was, what happened to the remaining funds in the construction observation account for Evans Hill? After consulting with Town Counsel, which was Condition Precedent #1, it was determined that the funds be added to the existing funds for Ridge Road, which would allow the property owners on that road to expend those funds to complete the process of receiving final road approval from the Board, like getting an as-built and other things that go along with receiving that approval. At the end of everything, she needed to check with Town Counsel one last time if there are any remaining funds to see who was reimbursed, and she felt that it should go to the property owner that submitted the \$30,000 out of his own pocket to assist in the paving of the road; she stressed that he was a property owner and not the developer that walked away. Mr. MacDonald asked why the funds did not go to Evans Hill. Ms. Call stated that Town Counsel did not think it was appropriate to give the remaining funds to the new owners of Evans Hill. Mr. MacDonald stated that was not what was voted on at the meeting. Ms. Call stated, yes. She informed Mr. MacDonald that he should look at the minutes of October 20, 2020, which included the conversation on what was to take place, and what was what was decided on.

- b. Letter dated January 21, 2021, from the Alton Conservation Commission to NHDOT, re: NHDOT West Alton Brook Bridge Maintenance, Project #43075

**2. New Business:**

**a. Update from the Master Plan Committee; Q&A**

Mr. Regan shared that the Master Plan Committee had a meeting tomorrow night and that the Committee had received four (4) proposals for prospective consultants. The Committee would be drafting up questions that they wanted to ask each of the vendors during their interviews. A final decision on who to hire would be within the next three-four weeks. The first order of business would be getting the community involved and to get subcommittees established.

**b. Town Engineer contracts for 2021; Review draft RFP**

Ms. Call stated that at last year's contract renewal, the Board mentioned that they might want to send out an RFP this year for Town Engineers. Ms. Call presented a draft RFP to the Board for comments. The Board agreed with sending out an RFP and were okay with how the draft was written.

**3. Approval of Minutes:**

**a. Planning Board meeting minutes of October 20, 2020; November 17, 2020; December 15, 2020; and January 19, 2021**

Ms. Call stated that Mr. Wilder sent her an email with corrections on the sets of minutes.

October 20, 2020, changes were as follows: Page 14, last sentence should state, "...he did not see the problem..."

**Mr. Williams MOVED to approve the October 20, 2020, meeting minutes as amended.**

**Mr. Sample seconded the motion.**

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

**Roger Sample, Aye; Scott Williams, Aye; Virgil MacDonald, Aye; Bob Regan, Aye. Bill O'Neil and Drew Carter abstained.**

November 17, 2020, no changes proposed.

**Mr. Williams MOVED to approve the November 17, 2020, meeting minutes as presented.**

**Mr. Regan seconded the motion.**

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

**Roger Sample, Aye; Scott Williams, Aye; Virgil MacDonald, Aye; Bill O'Neil, Aye; Drew Carter, Aye; Bob Regan, Aye.**

December 15, 2020, changes were as follows: Page 11, last sentence should state, "Mr. Williams and Mr. Wilder agreed that this project was just a large house and that the Board did not need the Town Engineer to look at the drainage."

**Mr. Sample MOVED to approve the December 15, 2020, meeting minutes as amended.**

**Mr. Williams seconded the motion.**

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

**Roger Sample, Aye; Scott Williams, Aye; Virgil MacDonald, Aye; Bill O’Neil, Aye; Drew Carter, Aye; Bob Regan, Aye.**

January 19, 2020, no changes were proposed.

**Mr. Williams MOVED to approve the January 19, 2021, meeting minutes as presented.**

**Mr. Sample seconded the motion.**

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

**Roger Sample, Aye; Scott Williams, Aye; Bill O’Neil, Aye; Drew Carter, Aye; Bob Regan, Aye. Virgil MacDonald, voted, No, and commented that they were not written right. Mr. Carter asked if he wanted to hold off so corrections could be made, or.... Mr. MacDonald stated, no, just vote. He noted that at that meeting they said that “Ken” had worked on that road.**

- b. Planning Board workshop minutes of January 12, 2021; and February 9, 2021

January 12, 2021, changes were as follows: Page 5, Section 5.21 Filling and Excavation, in the middle of that paragraph, it should state, “Mr. Wilder thought that having a certificate would prevent any possible groundwater problems and invasive species problems such as bittersweet and Japanese knotweed.”

**Mr. Sample MOVED to approve the January 12, 2021, workshop minutes as amended.**

**Mr. Regan seconded the motion.**

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

**Roger Sample, Aye; Scott Williams, Aye; Virgil MacDonald, Aye; Bill O’Neil, Aye; Drew Carter, Aye; Bob Regan, Aye.**

February 9, 2021. Ms. Call mentioned that Mr. Wilder may not have had a chance to look at these because he did not comment on them. She noted that she had just finished these on Sunday night, so the Board may not have had a chance to even look at them. Ms. Call was not worried if they approved them tonight, but she did want them to have the chance to review these minutes because this meeting was the second meeting on amending the regulations and she wanted them to know what was talked about before they met next Tuesday at their next workshop. These minutes were continued for approval to the April 20, 2021, meeting.

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

- a. Board to release remaining escrow funds in the amount of \$361.64 for JOBEAN, LLC, for construction observations on the Redi-Rock wall design at 5 Homestead Place



Ms. Call noted that it was self-explanatory, and asked the Board to vote on releasing the funds.

**Mr. Williams MOVED to return \$361.64 to JOBEAN, LLC, for the remaining money on the observation of the Redi-Rock wall.  
Mr. MacDonald seconded the motion.**

**Mr. Carter called for a roll call vote:  
Roger Sample, Aye; Scott Williams, Aye; Virgil MacDonald, Aye; Bill O’Neil, Aye; Drew Carter, Aye; Bob Regan, Aye.**

- b. Memo received February 24, 2021, from the Board of Selectmen re: Tax-deeded properties up for auction in 2021

Mr. MacDonald noted that the Selectmen were not entertaining these lots to be put up for auction at this time.

- c. NH OSI 27<sup>th</sup> Annual Spring Planning and Zoning Conference to be held on Saturday, May 15, 2021. The Department’s budget allows for two (2) members to attend

Ms. Call noted that the offer to attend this Conference was usually extended to new or alternate members. Registration opened March 29, 2021, and she mentioned that she would reach out to Mr. O’Neil, Mr. Hillsgrove, and Mr. Diveny to attend.

- d. 2021 Annual Town Election Results

It was noted that there was a recount for one of the Selectmen’s seats. All of items on the CIP passed, and all of the zoning amendments passed except for “Lumber Yard”. Mr. Regan asked if “Lumber Yard” was going back before the ZAC Committee again. Ms. Call stated, no, that was the second year that was presented.

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

- a. 2021 Zoning Ordinance with Zoning map

**Election of Officers for 2021 – 2022**

The Board agreed to continue elections until the April 20, 2021, meeting in order to allow for a full Board to be in attendance.

**Appointment of Alternate**

William O’Neil, 2-year term

Lee Hillsgrove, 3-year term

Ms. Call stated that Mr. O’Neil had been an alternate for a while and should be appointed for a 2-year term. As of tonight, Lee Hillsgrove would have attended his third meeting, but he was absent. Ms.

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**APPROVED**

Call noted that the Board could appoint him tonight or they could have him sit for the three (3) meetings.

**Mr. Williams MOVED to appoint William O’Neil for a 2-year term as an alternate, as well as Lee Hillsgrove for a 3-year term as an alternate.  
Mr. MacDonald seconded the motion.**

**Mr. Carter called for a roll call vote:  
Roger Sample, Aye; Scott Williams, Aye; Virgil MacDonald, Aye; Drew Carter, Aye;  
Bob Regan, Aye.**

**Adjournment**

**Mr. Williams MOVED to adjourn.  
Mr. Sample seconded the motion.**

**Mr. Carter called for a roll call vote:  
Roger Sample, Aye; Scott Williams, Aye; Virgil MacDonald, Aye; Bill O’Neil, Aye; Drew Carter, Aye; Bob Regan, Aye.**

The meeting adjourned at 8:15 P.M. +/-

Respectfully submitted,

Jessica A. Call, Town Planner; and,  
Amelia Cate, Recording Secretary

Minutes approved as presented: May 18, 2021