

**TOWN OF ALTON PLANNING BOARD**

***PUBLIC MEETING***

**Tuesday, April 15, 2025, at 6:00 PM**

**Alton Town Hall, 1 Monument Square, Alton, NH 03809**

**MEMBERS PRESENT**

William O'Neil, Chair  
Doug Brown, Vice Chair  
Tom Diveny, Clerk  
Mark Manning, Member  
Roger Sample, Member  
Tom Hoopes, Member  
Nick Buonopane, Board of Selectman's Representative

**OTHERS PRESENT**

Jessie MacArthur, Town Planner  
John Cronin, Esq.  
Cynthia Theriault, PE  
Paul Zuzgo, Prospect Mountain Survey  
Bruce Campagna  
Robert Miller, Esq.  
Jeremy Martin  
Russ Wilder, Conservation Commission  
Valerie Tarbell  
Richard Casale  
Rick Chellman  
Eileen Parsons  
Steve Parsons  
Jane King  
Eric Redbury, Esq.

**CALL TO ORDER**

Chair O'Neil called the meeting to order at 6:00 PM.

**APPOINTMENT OF ALTERNATES**

Chair O'Neil appointed Mr. Hoopes to sit on the Board in Mr. Hillsgrove's absence.

**INTRODUCTION OF BOARD MEMBERS**

Roll Call was taken for the Board members and individuals present at Town Hall.

**APPROVAL OF AGENDA**

Ms. MacArthur stated case P24-47 has been withdrawn by the applicant; case P25-06 has been continued to May 20, 2025; case P25-03 has been continued to June 17, 2025.

Ms. MacArthur added under New Business: Master Plan Implementation Committee; a letter of resignation from Lee Hillsgrove; a letter from NH DES regarding a second request for the Ingalls Wood Subdivision; NH DES approval for Scott William's most recent subdivision; an

email dated April 10, from the Chair, regarding the short term rental process.

**MOTION: To approve the agenda as amended. Motion by Mr. Buonopane. Second by Mr. Diveny. Motion passed unanimously.**

**1. Continued Application and Public Hearing**

<b>Case #P24-37</b> <b>Walter Barowski, Applicant for The</b> <b>Walter Barowski Living Trust</b>	<b>Map 6 Lot 1</b> <b>30 Eagles Way, Suncook</b> <b>Valley Road</b>	<b>Final Minor Subdivision</b> <b>Rural Zone (RU)</b>
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Proposal: To add additional area to locate a manufactured home and delineate an area to be used for a seasonal-only accessory RV.

WITHDRAWN BY APPLICANT

<b>Case #P25-01</b> <b>Wilcox &amp; Barton, Samyn-D'Elia</b> <b>Architects &amp; Cronin, Bisson &amp;</b> <b>Zalinsky, P.C., Agents for The Lakes</b> <b>Hospitality Group, Jeremy Martin,</b> <b>Signatory</b>	<b>Map 16 Lots 18 &amp; 20</b> <b>00 Cherry Valley Road</b>	<b>Final Major Subdivision</b> <b>Rural Zone (RU)</b>
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Proposal: To consolidate the two (2) parcels and then subdivide the parent lot into nineteen (19) residential lots.

Ms. MacArthur stated a letter dated April 12, 2025 was received from the Conservation Commission; a letter dated April 14, 2025 was received from the Lake Winnepesaukee Alliance; abutter letters dated April 13, from Alfred Bagley, and Christopher and Jennifer Burke, were also received. A letter from Sheehan and Fenney was received, dated April 15, 2025.

Chair O'Neil stated the Site Walk was completed and asked if any members of the Board had questions or input regarding the Site Walk. Mr. Diveny stated he looked up the NH Best Management Practices for logging work; he stated it seems that whoever did the timber operations on the lot, did not follow these practices and did not appear to be good stewards of the land.

Chair O'Neil opened the hearing to input from the public.

Robert Miller, Esq., representative for the Casales', stated there are issues with the site walk that need to be resolved before the hearing continues. He suggested the Board needs to resolve the issue of who gave the improper instruction that no video or photographs could be taking during the site walk as it is contrary to RSA 91:A as it violates right to access; he argued that denial of this constitutes immediate dismissal of the subdivision application as a site walk is considered a public meeting. He argued that per RSA 91:A, any type of recording can be used and his clients need to be able to provide evidence of their claims. They expected to be able to take pictures as it is Mr. Casale's opportunity to do so as its private property. Mr. Miller suggested that a site walk be rescheduled immediately and allow video and photos to be taken, to be in compliance with the subdivision regulations. It was noted the waiver form was used on Town of Alton letterhead but was managed by the applicant's attorney on-site. Mr. Miller requested that if the action for the

84 waiver was an error by the Town, it can be corrected but if it was done by the applicant or  
85 applicant's representative, the case must be dismissed as it violates the regulations. He cited  
86 federal court case in the State of Washington which supported the issue of fairness of access by  
87 interested parties and being able to document what is on site, and a second site walk was again  
88 suggested. Mr. Miller stated if this case goes before a court, photographic evidence will be  
89 needed.

90

91 John Cronin, Esq., argued there is nothing wrong with the waiver used for the site walk, noting it  
92 is not the same as being in a public place; it is private property; he stated they believe the access  
93 provided was more than reasonable. He stated there have been a lot of social media use regarding  
94 this case, which is difficult for his client; the terrain of the property is difficult and the weather  
95 on the day of the site walk was challenging, they felt an obligation to inform people of the  
96 conditions of the site. Mr. Cronin stated Mr. Casale's engineer has been on the site, taking  
97 photographs but this site walk was for the opportunity for the Board and Town to see the  
98 property. He stated if another site walk is held, the same rules would apply. Mr. Cronin noted that  
99 he was not made aware of these concerns until five minutes before this meeting and doesn't  
100 believe the site walk was inappropriate. He stated this project has become a great expense to his  
101 client and would like to move forward with the case.

102

103 Russ Wilder, a representative from the Town of Alton Conservation Commission pointed out  
104 some concerns observed by the Chair of the Commission, including erosion on the main road,  
105 coming from the brook on the property; and the erosion control and storm water devices that will  
106 need to be installed on the property before, during and after the construction process, as well as  
107 control of those if the property is sold in the future. The Commission is concerned about affects  
108 on the Lake and the area brooks; no results have been obtained yet from UNH regarding the  
109 conditions of the Lake last year.

110

111 Mr. Cronin stated much of the effects being seen on the Lake are likely from existing conditions  
112 and other homes in the area; he stated in terms of erosion control, the property owner is  
113 responsible; best practices will be followed utilizing water management and erosion control  
114 measures. He noted most older homes have none of the these types of erosion and water  
115 management controls.

116

117 Mr. Miller reiterated the issue of access not being reasonable with the site walk that occurred; he  
118 stated per the regulations, it is necessary and there needs to be acknowledgment by the Board. He  
119 stated if the private property owner made the request that no photos be taken on the site walk,  
120 that is a problem. He stated there are situations such as a site walk taking place indoors and  
121 privacy issues but this is undeveloped land and there is no privacy interest. Mr. Miller stated it  
122 was a public proceeding under RSA 91:A, reiterating any recording device can be used. He asked  
123 the Board to answer the question of who put the exclusion in the waiver that no photography  
124 could be done on the site walk, in order to afford Mr. Casale his due process. He asked again that  
125 another site walk be done and photography be permitted.

126

127 Mr. Cronin stated there are privacy concerns in this case, particularly with the social media  
128 aspect of this case; he stated there is no way to control the context with videos or photos that  
129 could be shared; he stated everyone that attended the site walk could see the evidence with their

130 own eyes, in context. He stated he has never heard of a case in New Hampshire where public on  
131 a site walk could do whatever they wanted to do, on private property, a site walk being held for  
132 the benefit of the Board.

133

134 Eileen Parsons, abutter, stated she has watched this project go along, noting she has lived here 35  
135 years and the brook runs through her property; she wants to see the Lake kept clean and available  
136 to tourists and local residents. She stated she isn't necessarily against the project and agrees  
137 things can be done to keep the brook cleaner but wants to see the Town do their job to fight for  
138 the community and preservation of the Lake, in line with the Master Plan.

139

140 Rick Chellman, licensed engineer, stated he attended the site walk, with the intention of taking  
141 photos and videos; he stated it was a public meeting and he had the right to do so and to  
142 document things he believes were relevant. Mr. Chellman pointed out there has been cutting for  
143 roadways done, without Board approval and the clearing was not part of logging operations. He  
144 stated as soon as he was told to stop photographing, he did so, but doesn't agree. Mr. Chellman  
145 stated no erosion controls or sediment plans have been followed for the cutting.

146

147 Mr. Sample noted the cutting of the paths for logging were done such to look like roads and have  
148 created the problems with the drainage. It was noted by Mr. Cronin that the logging was done  
149 with proper permits. Mr. Chellman stated proper permission was not obtain from the Town to  
150 clear the areas for the roadways.

151

152 Mr. Manning stated Mr. Cronin argued that the report from the Regional Commission doesn't  
153 apply anymore because it wasn't this case. Mr. Cronin confirmed it was for a different case, The  
154 Glass Barn project. Mr. Manning suggested an assessment of runoff and sediment is needed from  
155 the Regional Commission, as that is the ultimate impact; he stated they need to know what the  
156 impact is now, on the lake. Mr. Buonopane stated the case was sent to the Regional Commission  
157 and no concerns were indicated. Mr. Manning noted that was for The Glass Barn and reiterated  
158 the need for an assessment on this project. Mr. Cronin stated the storm water management plans  
159 have been reviewed and confirmed to be appropriate; he stated any of the previous logging work  
160 is moot at this point. Mr. Chellman argued that measures need to be taken to ensure best  
161 management practices are followed.

162

163 Mr. Cronin stated drone footage was done and shown at a previous meeting; he stated they  
164 recognize the concerns about erosion, noting these have been reviewed by NH DES. Ms.  
165 MacArthur confirmed a letter was received from NH DES and distributed to the Board, in  
166 response to a complaint about the site.

167

168 Steve Parsons, resident, stated he agrees with Mr. Sample, what is done is done but was done  
169 without permission and they should have concerns about rules being followed going forward. He  
170 stated the work done by loggers, was still under the supervision of the owners.

171

172 Ms. MacArthur stated there have been three instances since she has been Town Planner, where  
173 owners have done logging, prior to coming in for an application; it was discussed and pointed  
174 out that the applicants should have followed the regulations but the Planning Board didn't take  
175 any enforcement action, and have move forward with the applications because there was

176 oversight by the Town Engineer. She stated it wasn't proper according to the regulations but the  
177 only way forward is with oversight by the Town Engineer.

178

179 Jeremy Martin, representative for the applicant, stated some work has to be done on a site in  
180 order to determine what is needed to put in roadways; this information is used by Ms. Theriault  
181 to develop future plans. He stated planning makes it safe for the environment; he stated silt  
182 fences, hay bales and fences have been in place for a long time.

183

184 Valerie Tarbell, abutter, stated she attended the site walk; she noted that drone footage was  
185 previously submitted by the applicant and questioned why opposed abutters can't submit their  
186 own footage. Mr. Buonopane confirmed there was drone footage was viewed by the Board. Ms.  
187 Tarbell restated that it wasn't the footage provided by abutters. Mr. Buonopane explained that  
188 Town Engineers will be watching this project closely, ensuring all the rules and regulations are  
189 followed; Town Engineers will be on site throughout the project. Mr. Miller stated when a  
190 regulation is violated, its the responsibility of the Code Enforcement Officer to go to the property  
191 and find the violations and issue notice of violation; he stated there are severe penalties for  
192 violations. He stated it did not work that way and they are asking the Town to address the  
193 violations; he stated they are trying to document the violations but they can't because of an RSA  
194 91:A violation. Mr. Miller stated Mr. Chellman did not have a fair opportunity to obtain  
195 photographs; the public and abutters who are opposed to the project are allowed to take photos  
196 per state statute. He again requested the source of the restriction from anyone taking photos or  
197 video at the site walk.

198

199 Eric Redbury, Esq., resident, stated he was unable to attend the site walk but his wife did. He  
200 stated he has worked with law enforcement and explained the process for ensuring photographs  
201 are not altered for evidence; he stated if there is an appeal, there will need to be photographic  
202 documentation and advised the Board conduct another site walk and permit photographs be  
203 taken.

204

205 Chair O'Neil closed the hearing to public input.

206

207 Mr. Cronin stated a site plan was submitted in accordance with the regulations; he stated its the  
208 prerogative of the Board to forward the plans to Code Enforcement; Mr. Chellman already had  
209 photos and drone footage and asked the Board to make a decision on the application.

210

211 Mr. Hoopes asked if Town Counsel has been consulted with this case or regarding a second site  
212 walk. Chair O'Neil explained the letter requesting a second site walk was received today and  
213 Town Counsel has not been consulted on it yet, but it will be forwarded to them.

214

215 Mr. Brown noted there is supposed to be an easement for the Fire Department access to the  
216 cisterns. Mr. Cronin confirmed Ms. Theriault has identified locations for those and would be a  
217 condition of approval.

218

219 The Board reviewed and discussed the phasing plan for the project. Chair O'Neil noted no more  
220 than 2 acres would be disturbed at a time; soils would be stabilized prior to moving to the next  
221 phase; phase one would be the hill top home and a home on a lower lot. It was noted phase one

also includes installation of the road. There are a total of three phases and to be completed. Ms. MacArthur suggested discussing a completion timeline with the applicant. Mr. Cronin stated with a project this size, the statute guidelines are reasonable. The Board reviewed the thresholds for substantial development: storm water management and roads must be completed within 24 months. The Board reviewed the conditions precedent and subsequent. Mr. Hoopes stated he still wants confirmation from Town Counsel regarding the issue of allowing photographs at the site walk. Mr. Buonopane stated the waiver letter was reviewed and approved by Town Counsel prior to use at the site walk.

**MOTION: To approve the final major 18 lot subdivision application for Case 25-01, submitted by the Lakes Hospitality Group, entitled, The Residence at Sugar Hill, Map 16 Lots 18 & 20, 00 Cherry Valley Road, Alton, NH, including the conditions as laid out in the Planner Review, subject to conditions precedent and subsequent. Motion by Mr. Brown. Second by Mr. Sample. Motion passed 6-1-0. Mr. Diveny opposed.**

Mr. Casale called for a point of order. Chair O'Neil stated public input has been closed.

<b>Case #P25-06</b> TF Moran, Inc., Agent for Treasure Coast SPE, LLC, Owner	<b>Map 4 Lot 13</b> <b>Frank C Gilman</b> <b>Highway</b>	<b>Major Site Plan/Design Review</b> <b>Rural Zone (RU)</b>
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Proposal: To construct a 39 unit Manufactured Home Park to include 1 site area for a Single Family Dwelling.

CASE #P25-06 CONTINUED BY APPLICANT UNTIL MAY 20, 2025

<b>Case #P25-07</b> <b>Prospect Mountain Survey, Paul Zuzgo,</b> <b>Agent for Bruce Campagna and Nancy</b> <b>Bell, Owners</b>	<b>Map 49 Lots 32 &amp; 32-1</b> <b>20 Boat Cove Road and</b> <b>21 Bell Road</b>	<b>Lot Line Adjustment</b> <b>Lakeshore Residential</b> <b>Zone (LR)</b>
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Proposal: To adjust lot lines for two (2) lots of record, with Map 49 Lot 32 adjusted from .27AC to .46AC, and Lot 32-1 adjusted from 1.29AC to 1.09AC.

Chair O'Neil read the public notice into the record. The Board reviewed the application for completeness. No waivers were requested. Ms. MacArthur confirmed approval was received from the Zoning Board of Adjustment on April 3.

**MOTION: To accept the application as complete. Motion by Mr. Diveny. Second by Mr. Buonopane. Motion passed unanimously.**

Chair O'Neil opened the public hearing.

Paul Zuzgo, representative for the applicants, stated they want to do a lot line adjustment; the larger lot will remain conforming and the smaller lot will be made less nonconforming; variances and special exceptions were received for the house being in the shoreline setback, no road frontage, and not meeting the minimum lot size. Chair O'Neil noted a letter was received from an abutter regarding the right-of-way. Mr. Zuzgo stated the right-of-way is not being affected.

Mr. Campagana explained the right-of-way is on his property for abutters to access their property and it will remain a deeded right-of-way.

Chair O'Neil opened the hearing to input from the public. None was indicated.

**MOTION: To approve the lot line adjustment for Case 25-07, Map 49 Lots 32 & 32, with frontage on 120 Boat Cove Road and 21 Bell Road, with conditions precedent and subsequent. Motion by Mr. Diveny. Second by Mr. Brown. Motion passed unanimously.**

**2. Design Review**

<b>Case #P25-03</b> Changing Seasons Engineering, Stephanie Richard, Agent for Richard Lundy, Owner	<b>Map 15 Lot 9-3-1</b> <b>Miramichie Hill Road</b>	<b>Major Site Plan/Design Review</b> <b>Residential Rural Zone (RR)</b>
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Proposal: To construct a contractor yard including garage, parking/storage areas and associated utilities.

CASE #25-03 CONTINUED UNTIL JUNE 17, 2025

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

<b>Case #P25-12</b> Prospect Mountain Survey, Paul Zuzgo, Agent for Patricia Taylor Rogers, Owner	<b>Map 3 Lot 15</b> <b>305 Prospect Mountain</b> <b>Road</b>	<b>Final Minor Subdivision</b> <b>Rural Zone (RU)</b>
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Proposal: To subdivide a lot of 35.7AC into three (3) total lots, parent lot of 23.6AC and two (2) lots of 6AC each.

Chair O'Neil read the public notice into the record. The Board reviewed the application for completeness as well as the waivers were requested. Ms. MacArthur noted there was a typo for the waivers and should be section J and not K.

**MOTION: To accept the waivers for jurisdictional wetlands and for steep slopes as it pertains to the two small slopes. Motion by Mr. Brown. Second by Mr. Buonopane. Motion passed unanimously.**

**MOTION: To accept the application as complete. Motion by Mr. Manning. Second by Mr. Buonopane. Motion passed unanimously.**

Chair O'Neil opened the public hearing.

Mr. Sample noted the lower lot references a cemetery but its not described in the plans; he wants to be ensure legal access is maintained to the cemetery.

Paul Zuzgo, representative for the applicant, explained the plans depict proposed house and well locations to show the lots are buildable. He stated the lots meet all regulations; no State approval is needed for the subdivision.

Chair O'Neil opened the hearing to input from the public. None was indicated.

**MOTION: To approve the final minor subdivision for Case 25-12, Map 3 Lot 15 305 Prospect Mountain Road with conditions as laid out in the Planner Review, and conditions precedent and subsequent. Motion by Chair O'Neil. Second by Mr. Buonopane. Motion passed unanimously.**

**OLD BUSINESS**

- a. *Discuss letter sent March 25, 2025 to Steven Boccelli regarding status report on Site Plan for Map 34, Lot 39*

Ms. MacArthur stated Mr. Boccelli contacted the Planning Office on the morning of the site walk; she advised he reference the meeting minutes to see what is needed to bring back to the Board.

**NEW BUSINESS**

**Approval of Minutes:** Planning Board meeting minutes of Tuesday, March 18, 2025:

Edits were made:

Line 103: change Brown to Diveny.

**MOTION: To approve the minutes as amended. Motion by Mr. Buonopane. Second by Mr. Brown. Motion passed unanimously.** Mr. Hoopes abstained.

**Approval of Site Walk minutes:** Planning Board site walk minutes of Thursday, April 3, 2025:

**Postponed.**

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

Ms. MacArthur stated the Master Plan Implementation Committee is meeting tomorrow night, April 16, 6:00 PM.

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

Chair O'Neil stated he has been contacted by a few residents regarding the short-term rental permit process; he stated there seems to be a lot of confusion with the process and suggested there be a permit exclusively for this purpose and be available online. He stated the intention was so they have contact information on record for a short term rental property, and wants to make the process easier so more people do it; he doesn't believe these need to come before this Board. The Board discussed the waivers required, including road and liability waivers. Ms. MacArthur stated the Town is in the process of digitizing more applications and collecting fees online;

however, the road waiver has to be notarized. She stated the permits are good for two years, with inspections yearly. The Board agreed to discuss this further at a future meeting.

**Correspondence for the Board's information on State Permit Applications:**

The Board reviewed letters received from NH DES regarding prior cases.

**OTHER**

The Board reviewed the letter of resignation

**MOTION: To appoint Christine O'Brien to sit as a full member of the Board to finish Lee Hillsgrove's term. Motion by Chair O'Neil. Second by Mr. Buonopane. Motion passed unanimously.**

Mr. Buonopane thanked the members of the Board for their work over recent months, particularly regarding the first case heard tonight; he stated he believes the Board did what was in the best interests of the Town, based on the information provided; the Board has an obligation to follow the rules based on information presented and he stated he believes they did what they had to.

**MOTION: To adjourn the meeting. Motion by Mr. Buonopane. Second by Mr. Brown. Motion passed unanimously.**

The meeting was adjourned at 8:30 PM.

Respectfully Submitted,

Jennifer Riel, Recording Secretary