

Members Physically Present:

Drew Carter, Chairman
Roger Sample, Member
Scott Williams, Member
Bill O'Neil, Alternate
Lee Hillsgrove, Alternate
Virgil MacDonald, Selectmen's Rep. (Arrived at 7:15 pm)

Members Attending Remotely:

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

Others Physically Present:

Jessica A. Call, Town Planner
Amelia Cate, Planning Secretary
Josh Monaco, IT
Tom Diveny, Alternate in training

Preamble

As Chair of the Alton Planning Board, due to COVID-19, and in accordance with Governor Sununu's Emergency Order #12, pursuant to Executive Order #2020-04, this Board is authorized to meet electronically. 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. **We strongly encourage everyone attend our meetings remotely, but should you have a need to attend in person, we will make a remote location available upon a reservation request by you to the Planning Department NO LATER THAN TWO (2) BUSINESS DAYS in advance of the meeting date.**

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.

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 Zoom Moderator during the meeting that a member of the public wishes to speak or be recognized during public input at a public hearing:

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

e) Providing a mechanism for the public to alert the Zoom Moderator 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, on a whole, is unable to access the meeting remotely, or there are difficulties with the town’s equipment, the meeting will be rescheduled to Tuesday, May 18, 2021, at 6:00 P.M. at the Alton Town Hall.

You may call the Planning Department at (603) 875-2162 between 8:00 A.M. - 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 taken during this meeting shall be done by Roll Call vote. Let’s start the meeting by taking Roll Call attendance. When each member states their presence, please state whether there is anyone in the room with you during this meeting, which is required under the Right-to-Know law.

Call to Order – by current Chairman

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

Appointment of Alternate

Approval of Agenda

Mr. Carter asked if there were any changes to the agenda. Ms. Call stated there some corrections that needed to be made to the headings. She stated Case #P21-06 was also supposed to include Bay Hill Road, and that it was not in the Rural Zone it was in the Lakeshore Residential Zone. Case #P21-07 included two (2) lots and Lot 4 was in the Residential Zone and Lot 5-1 was in the Residential Commercial Zone. Ms. Call also stated that the Conceptual Consultation for Case #P21-08 had been withdrawn because they had some pending permits.

**Mr. Williams MOVED to accept the April 20, 2021, agenda as amended.
 Mr. Sample seconded the motion.**

**Mr. Carter called for a roll call vote:
 Lee Hillsgrove, Aye; Scott Williams, Aye; Roger Sample, Aye; Bill O’Neil, Aye; Drew Carter, Aye; Bob Regan, Aye; Tom Hoopes, Aye; Russ Wilder, Aye.**

Ms. Call called for a point of order. She stated technically Mr. O’Neil and Mr. Hillsgrove should not be voting because they were alternates, unless they were appointed by the Chair to sit in, but they could still participate.

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

<p>Case #P21-06 James Rines, LLS, of White Mountain Survey & Engineering, Inc., Agent for George E. Freese, III, Rev. Trust/ George E. Freese, III, Ttee.; Capitola, Inc., c/o Greg Kneeland; Jessie & Jeffrey A. Goebel; and Constance Matheson & Dorothy Binswanger, Owners</p>	<p>Map 11 Lot 31 & Map 35 Lots 19, 22, 22A NH Route 28A & Bay Hill Road</p>	<p>Lot Line Adjustment Lakeshore Residential (LR) Zone</p>
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Mr. Carter read the case into the record.

Kevin Ashe, LLS, agent was attending via Zoom to present the case.

Waiver Requests received on February 23, 2021, were for the following:

- **Section VII., F.7.**, which requires a scale of 1"=100';
- **Section VII., F.7.e.**, which requires a complete boundary survey of Map 11 Lot 31;
- **Section VII., F.7.g.**, which requires to show jurisdictional wetlands and associated 25-foot wetland buffers;
- **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.

Mr. Hoopes stated that since the case had already been in front of the ZBA and nothing was changing except for slight improvements on all the lots, he would be willing to grant the waivers. Mr. Wilder stated that he thought the waivers to be reasonable as well.

Mr. Hoopes MOVED to grant the waivers for Section VII., F.7.; Section VII., F.7.e.; Section VII., F.7.g.; Section VII., F.7.h.; Section VII., F.7.i..
Mr. Wilder seconded the motion.

Mr. Carter called for a roll call vote:

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

Mr. Sample asked who the adjustment was actually for. Ms. Call stated that there were four (4) parties to this Lot Line Adjustment. She went on to state that she only had one (1) issue with the plan. She explained that the abutter's names, addresses, and map and lot are usually listed on a plan, but this plan did not indicate as such. She stated there were 78 abutters and thought that there could either be a note added to the plan that referenced the abutter list being on file in the Planning Department, or have require a Sheet 2 to list the abutters because they would not fit on the first page. The Board agreed that a note be placed on the plan.

Mr. Wilder MOVED to accept the application for Case #P21-06 as complete, with the addition of a note on the plan that the abutter's list was located in the Planning Department at Town Hall.
Mr. Williams seconded the motion.

Mr. Carter called for a roll call vote:

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

Mr. Ashe introduced himself. He stated that the application involved four (4) lots with three (3) separate lot line adjustments. The first adjustment was between Freese Map 35 Lot 22 and Map 35 Lot 22A, which was the Matheson/Binswanger lot. The Freese lot would convey 198 sq. ft. to the Binswanger lot so that the shed was solely on the Biswanger lot. Mr. Ashe stated the second adjustment was between the Freese lot and the Goebel lot. It would be a small adjustment of 225 sq. ft. so that the Goebel driveway was solely on the Goebel's land. He stated the last adjustment was the largest and that would be .73 acres coming from the

Capitola lot and conveyed to the Freese lot. This transaction would make the Freese lot larger than the minimum lot size requirement; it would be 50,909 sq. ft.

Mr. Ashe stated the intention was to get the improvements on the lots that they were used on. The only issue was that the garage setback would be a little less than before, but the shed would totally be on the Binswanger/Matheson lot. Mr. Hoopes stated that this would make the lots more conforming than they were. Mr. Ashe stated that he thought it was pretty straight forward.

Ms. Call stated there was a comment from the Water Department with the Zoning Board application that stated to not cover the summer water line. Mr. Ashe stated he did not know where that was. Ms. Call stated it was for Lot 22. Mr. Williams stated if they scratched off the top of the leaves they would probably see the line. Mr. Ashe stated he was unaware of that and he would add it the plan. Mr. Williams stated that was a utility and needed to be marked on the plan.

Mr. Sample asked who the shed belonged to; he thought it was the Freese's shed just by looking at where the stone wall was indicated. Mr. Ashe stated it belonged to the Biswanger/Matheson lot and that was the whole purpose of the adjustment. Mr. Carter stated that all of the parties seemed to be in agreement. Ms. Call informed the Board that the ZBA approved the Variances for this proposal last month because they were making the lots less non-conforming.

Mr. Sample asked if there were any houses on Lot 22-A. Ms. Call and Mr. Ashe stated there were no houses on that property. Mr. Carter stated that he assumed the septic vents went to a home on Lot 22-A, but since there was not, he thought they must be from Mr. Freese's property. Mr. Ashe stated he was not aware if there was an easement. Ms. Call asked Mr. Ashe if he could check on that and she would do the same.

Mr. Sample clarified that one of the adjustments was so that the Goebel's would have their driveway on their lot. Ms. Call stated that was correct. Mr. Hoopes stated that by building a house on the property line they would have merged the lots. Mr. Ashe stated that for all intents and purposes, he thought they should probably go through the voluntary merger process. The Board agreed. Mr. Carter thought that the Board needed more information on the easement for the septic. Mr. Hoopes asked the Board if they wanted to make that a condition of approval. Mr. Carter and Mr. Wilder agreed to that. Mr. Ashe stated that would be ok with them as well. Mr. Williams stated that the Board had not seen a septic plan yet. The Board needed to know if there was an easement for the septic vents, and if not, they may have to pull back from the property line. Mr. Sample stated that also on "Area A" it showed two septic vents, which currently sat on the Capitola property.

The Board determined to continue this application to the May 18, 2021, meeting due to questions regarding the septic vents.

Mr. Wilder MOVED to continue the application for Case #P21-06 to the next meeting on May 18, 2021.

Mr. Regan seconded the motion.

Mr. Carter called for a roll call vote:

Roger Sample, Aye; Scott Williams, Aye; Drew Carter, Aye; Russ Wilder, Aye; Bob Regan, Aye.

(It was noted that Tom Hoopes left the meeting due to technical difficulties, but signed back on right away).

Mr. Carter asked Mr. Ashe if he was clear on what the Board was asking him to submit. Mr. Ashe stated he would provide an answer to the issue with the septic system, he would locate the summer water line, and he would put a note on the plan referencing the abutter list was on file at the Town Hall.

2. Voluntary Lot Merger

Case #P21-07 Riverlake Property, LLC, c/o David M. Stilson & Laurie McGrath, Owners	Map 32 Lots 4 & 5-1 24 Riverlake Street	Voluntary Lot Merger Residential (R) Zone (Lot 4) Residential Commercial (RC) Zone (Lot 5-1)
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Mr. Carter read the case into the record.

Neither David Stilson nor Laurie McGrath were attending via Zoom. Ms. Call stated that it was not necessary for the applicants to appear for a voluntary lot merger and that the Board could go forward with the application. Mr. Williams asked what zone the lot would become after being merged. Ms. Call stated that Lot 5-1 had only a tiny sliver located in the Residential Commercial Zone, and after the lot merger the lot would become Residential because the frontage and the majority of the lot would be in that zone. Mr. Williams was not sure about that because at one point, lots such as this would have fallen under the least restrictive zone. Ms. Call agreed with Mr. Williams about an ordinance or regulation in place that mentioned something about this issue. Ms. Call stated that she would have to do some research. The Board decided to continue this until the next meeting.

**Mr. Williams MOVED to continue the application for Case #P21-07 to the May 18, 2021, meeting.
 Mr. Sample seconded the motion.**

Mr. Carter called for a roll call vote:

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

3. Conceptual Consultation

Case #P21-08 Jacqueline Zarzour, Agent for Charles M. Shields Revocable Trust, c/o Charles M. Shields, Owner	Map 29 Lot 62 150 Main Street	Conceptual Consultation-Site Plan Residential Commercial (RC) Zone
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An email was received by the applicant on April 20, 2021, requesting that this be withdrawn.

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

Case #P21-09 Frank P. Yerkes, LLS, of Yerkes Conveying Consultant, Agent for Owen E. Wilde, and Sidney R. Wilde & Seth Wilde, Owners	Map 51 Lots 10 & 11 137 & 139 NH Rte. 11D	Lot Line Adjustment Lakeshore Residential (LR) Zone
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Mr. Carter read the case into the record.

Ms. Call stated there were no waivers presented for this application. She noted the only thing missing was the submission of sample deeds. Mr. Williams thought that the Board should do away with that regulation because he thought it was odd to prepare a sample deed before the transaction took place. Ms. Call stated before the Subdivision Regulations were last updated, deeds were submitted to the office and the staff would record the deeds. She thought that by submitting a sample deed, it gave the town the opportunity to make sure the language matched.

Mr. Williams MOVED to accept the application for Case #P21-09 as complete.

Mr. Sample seconded the motion.

Mr. Carter called for a roll call vote:

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

Frank Yerkes, LLS, agent, was attending via Zoom to present the case. He shared that Lot 51-10, 0.16 acres, was an existing non-conforming lot of record. The proposal was to increase that lot to 0.27 acres, or 31,363 sq. ft., which would bring in into conformance with zoning. Existing frontage was 74.58' and would be increased to 129.65'. There was an existing house on the lot, it had an approved two (2) bedroom septic system, a drilled well, and the electric service was underground but was not shown on the plan because Mr. Yerkes was unsure where it was. Subject to approval, the lot corners would be set and noted on the mylar prior to submission. He would add notes #2 and #3 from the Planner Review to the plan.

Mr. Williams thought that the electrical came onto the property by the pole. Mr. Carter noted that there was an electric meter. Mr. Yerkes noted that Owen Wilde owned Lot 51-10 and his father and his brother owned Lot 51-11.

Mr. Carter asked if there were any further questions.

After due hearing, Mr. Williams MOVED that the Alton Planning Board hereby approves Case #P21-09, for Sidney R. & Seth Wilde and Owen Wilde, for the above cited Lot Line Adjustment of Map 51 Lots 11 and 10, NH Route 11D, Alton Bay, 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 April 20, 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.**

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. Wilder seconded the motion.

Mr. Carter called for a roll call vote:

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

Case #P21-10 Frank P. Yerkes, LLS, of Yerkes Conveying Consultant, Agent for Sidney R. Wilde & Seth Wilde, Owners	Map 51 Lot 11 139 NH Rte. 11D	Final Minor Subdivision Lakeshore Residential (LR) Zone
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Mr. Carter read the case into the record.

Ms. Call stated that when subdivision plans were submitted, the topography and soils would be submitted on a separate Topography Map. She indicated that sample deeds were missing, and she was awaiting the submission of NH DES subdivision approval.

Mr. Williams MOVED to accept the application for Case #P21-10 as complete.
Mr. Regan seconded the motion.

Mr. Carter called for a roll call vote:
Roger Sample, Aye; Scott Williams, Aye; Drew Carter, Aye; Tom Hoopes, Aye; Russ Wilder,
Aye; Bob Regan, Aye.

Mr. Williams noted that the driveway was located on the proposed Lot 11-1 and thought there should be an easement. Mr. Wilder stated that a note regarding the driveway easement was indicated on the plan.

Frank Yerkes, LLS, agent, was attending via Zoom to present the case. He noted that this was a proposed two (2) lot subdivision. The wetlands were show on the plan, the steep slopes were delineated, and the topo had two (2') foot contours. Mr. Yerkes noted that he was used to putting all of the information on one sheet, but was willing to add a Sheet 2. Test pits and perc. tests were performed; test pit log was submitted, and test pits were noted on the plan. Route 11D was a Class V maintained by the Town and was given to the town by the state years ago (1970). The width of the road was an 1802 layout and was 4.5 rods wide (74.5'). There was an existing four (4) bedroom septic system and a drilled well on Lot 11. A proposed well was shown on Lot 11-1.

Ms. Call pointed out that ordinarily, a topo map would contain test pit data, soils, contiguous buildable area, etc., listed on the plan and she was concerned that that information was listed on a separate sheets. She thought that a Sheet 2 should be submitted. The Board agreed.

There was a discussion about the lot ratio. Mr. Yerkes admitted it was an odd shape, but he did perform the calculations according to the length to width ratio. He offered to submit his calculations to the Board. It was noted that there was no living space in the barn on Lot 11-1.

After due hearing, Mr. Wilder MOVED that the Alton Planning Board hereby approves the above cited application for Case #P21-10, Sidney R. & Seth Wilde, for a Final Minor Subdivision for a two (2) lot subdivision of Map 51 Lot 11, NH Route 11D, Alton Bay, 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 April 20, 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. **Submission of sample deeds.**
6. **Submission of NH DES Subdivision Approval.**
7. **Indicate on the plan the classification of NH Route 11D.**
8. **Indicate on the plan the width of NH Route 11D.**
9. **Submission of a “Sheet 2”, “Topographic Plan”, to include the topography, test pit data, and contiguous buildable areas.**

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 per Section XI, C. 2. of the Town of Alton Subdivision Regulations.

Mr. Sample seconded the motion.

Mr. Carter called for a roll call vote:

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

(It was noted that Virgil MacDonald was skipped over for a vote because he had arrived late during the discussion.)

<p>Case #P21-11 Steve Oles, LLS, of Norway Plains Assoc., Inc., Agent for The Young/Rollins Family Rev. Trust of 2015, c/o Edmund Eugene Young & Carolyn H Rollins, Trustees., Owners</p>	<p>Map 1 Lot 29 100 Meaderboro Road</p>	<p>Final Minor Subdivision Rural (RU) Zone</p>
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Mr. Carter read the case into the record. Mr. Wilder recused himself because he and Gene Young were on the Conservation Commission and they had a conversation about this.

Mr. Carter appointed Mr. O'Neil as a full voting member for this Case #P21-11.

Waivers were requested for the following:

- **Section VII., D.1.(b)**, which requires a complete boundary survey of Map 1 Lot 29;
- **Section VII., D.1.(g)**, which requires a showing of minimum contiguous upland area excluding jurisdictional wetlands and areas with slopes in excess of 25%, and to identify the contiguous area in acres for each lot;
- **Section VII., D.1.(j)**, which requires a showing of jurisdictional wetlands and the 25-foot wetland buffer; and,
- **Section VII., D.1.(n)**, which requires a showing of areas with slopes in excess of 25%.

Mr. Hoopes recommended that the Board grant all of the waivers because a small piece of land was being taken out of a dry section of a lot and he did not think it would impact anything.

Mr. Call stated that the soils were indicated on the topo map. According to the certified wetlands report, there were not wetlands observed on the property. She also noted that she did not see the septic system, well, or a proposed driveway. NH DES Subdivision approval was not indicated as to whether it had been applied for yet or not.

Mr. Hoopes MOVED to grant the waivers for Section VII., D.1.(b); Section VII., D.1.(g); Section VII., D.1.(j); and Section VII., D.1.(n).

Mr. Williams seconded the motion.

Mr. Carter called for a roll call vote:

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

Mr. Hillsgrove asked if any of this property abutted the Town of New Durham.

Steve Oles, LLS, agent, was in attendance via Zoom to present this case. Mr. Oles' fiancé was also present doing her own work. Mr. Oles stated, no, Map 1 Lot 32 abutted the Town of New Durham. He indicated that the well radius and 4K area was indicated on Sheet 2, and he would label the Bar Way as the driveway entrance. The Board noted that "Bar Way" was not listed. Mr. Oles stated the driveway was a break in the stone wall where the property line was at the very top left hand corner of the lot.

Mr. Williams MOVED to accept the application for Case #P21-11 as complete.

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; Tom Hoopes, Aye; Bob Regan, Aye.

Mr. Oles stated that there was currently 132 acres, and 2.08 acres were proposed to create a separate lot. After taking out steep slopes, 80,000 sq. ft. of uplands were left.

Mr. Carter asked the Board if they had any questions. Mr. Hillsgrove thought that since this property abutted up against Danny Carter's property, he thought that the Town of New Durham needed to be notified. Mr. Carter stated it was only the immediate abutter that touched the property that received notice. Mr. Hoopes thought that this proposal looked pretty straight forward.

Mr. Williams asked if there was a conservation easement on this lot. Mr. Oles stated, yes, that he was working with the conservation easement group and they were reviewing the files and plans. Mr. Oles asked Mr. Wilder who the conservation easement group was. Mr. Wilder stated that it was the Society for the Protection of New Hampshire Forests, and this easement allowed for one (1) lot to be subdivided, which was what Mr. Young was doing. Mr. Hoopes noted that this subdivision appeared to already be allowed under the easement. Mr. Oles stated, that was correct.

After due hearing, Mr. Williams MOVED that the Alton Planning Board hereby approves the above cited application for Case #P21-11, The Young/Rollins Family Revocable Trust of 2015, for a Final Minor Subdivision for a two (2) lot subdivision of Map 1 Lot 29, 100 Meaderboro 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 April 20, 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 on the plan the location of the proposed driveways and receive approval from the Highway Department.**

6. **Submit NH DES 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 per Section XI, C. 2. of the Town of Alton Subdivision Regulations.

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; Tom Hoopes, Aye; Bob Regan, Aye.

Mr. Wilder joined the Board again, and Mr. O’Neil went back to sitting as an alternate.

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

Ms. Call stated that this application was before the Board last month for a Design Review. She stated that NH DES Subdivision approval was pending, driveway permits needed to be obtained, add the Certified Wetlands Scientist’s stamp on the final plan, sample deeds were missing, and there were some comments from the Fire Department. Mr. Carter noted that the test pit data was on a separate sheet. Ms. Call stated that the information was also indicated on Sheet 1. Mr. Carter stated that he did not see the test pits. No waivers were requested. The ZBA granted the Variance for the garage.

Mr. Williams MOVED to accept the application for Case #P21-12 as complete.

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; Tom Hoopes, Aye; Bob Regan, Aye; Russ Wilder, Aye.

Paul Zuzgo, LLS, agent was attending via Zoom to present the case. Mr. Zuzgo stated that he had already gone over this project three (3) times in three (3) different meetings and did not have much more to add. Although, Mr. Zuzgo commented about the Fire Department’s comment having to put in a cistern. Mr. Zuzgo stated the only thing that kicked this project into a Major was the one lot with the garage. He asked if the Board knew where the service area was. Mr. Williams interjected and stated about 10-15 years ago, the Fire Chief of the town at the time decided that cisterns would be a good asset and started requiring them for subdivisions, but they were never approved by the Town. Mr. Williams stated that in about 2002, the Town purchased a tanker truck because there were areas in town that were relatively dry. Mr. Williams asked Mr. Diveny if firefighters showed up with water on wheels and they did not put out a fire with that, then they probably would not be able to totally put it out; Mr. Diveny agreed. Mr. Williams thought that the cisterns were a waste of about \$30,000 to the applicant. He stated that he had the town map the water sources. There were people that donated money to the dry hydrant program. Mr. Williams felt that the dry hydrant program would be much better because it would be a bigger water source than a 10,000 gallon cistern. Mr. Williams stated that installing cisterns were never approved by the Selectmen, and if they were required in the Subdivision Regulations, then they were erroneously put in there. Ms. Call stated that would be another discussion when they amended the Subdivision Regulations. Mr. Hillsgrove stated a there were a lot of fire ponds built throughout the town by the Army Corps of Engineers.

**Mr. MacDonald MOVED that the installation of the cistern be waived.
Mr. Sample seconded the motion.**

Mr. Wilder asked if Merrymeeting Lake could be used for firefighting. Mr. Williams thought it could because in the case of a fire, the Fire Chief had martial law to get water from anywhere he/she could. Mr. Wilder thought that the Board could reference that water could be obtained from Merrymeeting Lake. Mr. Williams stated that the lake was within the service area. Mr. Hillsgrove stated that there was a boat launch and the truck could back right up on it.

Mr. Carter called for a roll call vote:

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

Mr. Wilder wanted to make sure that the record clearly showed there was a water source available inside the service area for these houses.

Mr. Carter opened public input.

Peter and Kirsten Gilligan, abutters, were present via Zoom to give his testimony. Mr. Gilligan stated that they owned property in the back of all four (4) lots. He wanted the Board to know that they supported Mr. Ward and that they appreciated him as a neighbor. There was a closer water source located on Old Wolfeboro Road, which was less than a mile away from the property, and that water actually drained from the Gilligan's and the Ward's property.

Mr. Zuzgo thought that the town should have a map indicating all of the water sources in town. Mr. Williams stated that they did, it was located at the fire station.

Mr. Carter closed public input.

After due hearing, Mr. the Alton Planning Board hereby approves the above cited application for Case #P21-12 for Gregory A. Ward for a Final Major Subdivision Review for a four (4) lot subdivision of Map 12 Lot 61, Powder Mill 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 and any corrections as noted at this hearing.**
- 2. Addition of a note to the subdivision plan prior to plan signing by the Planning Board Chair stating that:
"Best Management Practices shall be utilized during any timber cutting on site."**
- 3. Addition of a note to the site plan prior to plan signing by the Planning Board Chair:**

“This site plan contains a total of ___ sheets: [to be listed and dated by the applicant on the site plan itself]. In combination these plans constitute in their entirety the site plan as approved by the Town of Alton Planning Board. All sheets are on file at the Town of Alton Planning Department.”

- 4. Addition of a note to the site plan prior to plan signing by the Planning Board Chair:
“This site plan is subject to the Conditions of Approval itemized in the April 20, 2021, Notice of Decision on file at the Town of Alton Planning Department.”**
- 5. A copy of any necessary Federal, State, and/or local permits shall be received by the Planning Department and the permit numbers shall be added in a note on the plat prior to plan signing. This includes Subdivision Approval by NH Department of Environmental Services.**
- 6. Certified Wetlands Scientist should sign the final plan.**
- 7. Submission of sample deeds.**
- 8. Receive and submit copies of approved driveway permits.**

SUBSEQUENT CONDITIONS

The following subsequent conditions subsequent 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 per Section XI, C. 2. of the Town of Alton Subdivision Regulations.

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; Tom Hoopes, Aye; Bob Regan, Aye; Russ Wilder, Aye.

5. Discussion with the Board

Case #P04-09 Wentworth Cove Realty, LLC, c/o Brad Hunter	Map 12 Lot 2 Pearson Road & NH Rte. 28	Existing Baywinds 19- Lot Subdivision Residential Rural (RU) Zone
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Ms. Call stated that this was an opportunity for Mr. Hunter to discuss things with the Board regarding the Baywinds Subdivision. She noted that this subdivision was actually the one that was discussed to be revoked. Ms. Call stated that the subdivision plan was prematurely recorded, there were covenants in place, but physically was not built out; it only existed on paper.

Brad Hunter was attending via Zoom to present the case. Mr. Hunter shared that he had a partner back in 2002 and they purchased the property with the intent to subdivide it and to build a road. The lots would have access to town water. The subdivision process was started in 2003 and went on for several years. It was approved by the State, Army Corps of Engineers, and the town in August of 2008, but due to the recession, the road construction never began. Mr. Williams noted that each house would have to have a booster pump because the water pressure was not satisfactory due to being at the same elevation of the reservoir. Permits were extended, but since then they have all expired. Mr. Hunter thought that the project would be more suitable to complete now compared to during the recession. He wanted to see what the Board thought and what he needed to do to moving things forward.

Mr. Williams thought that the Town's approval was still valid, but the AoT and other permits needed to be applied for again. He thought that if this subdivision was not recorded, then there would have to have been some substantial improvement done to the project to keep the approval valid, and he did not think that there was any with this project. Mr. Carter thought that the original approval needed to be reviewed for any conditions and to see if they were all met.

Mr. Wilder stated there were two (2) parts to a subdivision to keep the approval active. One (1) was to record it properly, and the other was to complete the items listed for substantial completion that was required by the Board, and with this case, he asked if these two (2) things were done. Mr. Williams stated that Mr. Hunter was receiving individual tax bills for each lot.

Mr. Carter thought that Town Counsel needed to be consulted. A discussion was had about current use, and it was noted that the property was still in current use, and the penalty would be paid once a building permit was pulled. Mr. Williams shared that the penalty was \$9,000. Mr. Carter thought that Mr. Hunter's intent was to continue on with the 19 unit subdivision. Mr. Hunter stated that his partner and he were not partners in business anymore and it was his partner that owned the property. Mr. Hunter moved away for some years and just recently moved back. When he was away, his business partner try to start up a new business idea, but it appears that would not be taking place.

Mr. Hunter wanted to know if he could take three of the lots and turn them into another type of business use, or elderly or assisted housing. Mr. Williams asked if there was an access point off Route 28; Mr. Hunter stated, yes. Mr. Williams asked if it was an entrance or strictly an emergency access; Mr. Hunter stated, an entrance. Mr. Williams informed Mr. Hunter to look through the Table of Uses to see what was allowed in the Residential Rural Zone, especially since there was a driveway cut off Route 28. Pearson Road was a residential road and there may be a problem with accessing a business off that road.

Mr. Wilder stated that there was a distinct shortage of affordable/moderate priced housing. Mr. Hoopes stated that there was a market for elderly housing and that location would be good for that. Mr. Regan thought that this topic was on the radar for the Master Plan update. Mr. Hunter asked if there was still a density bonus for elderly housing. Mr. Hoopes stated there was a special category for that. Mr. Williams guided Mr. Hunter to the town's website to download the Zoning Ordinance and Subdivision Regulations. Mr. Sample asked if the question that still remained was, was it still a subdivision? Mr. Carter stated that the Board needed to consult with Town Counsel. It was noted that the lots were deeded and the town had made a mistake throughout the process and maybe the town had to hold to the approval.

Mr. Hillsgrove asked if that property had received approval for a driving range. Mr. Hunter did not think it got approved, but there was a plan that was presented. Mr. Williams thought that the Army Corps of Engineers was involved because there was water running through the property. Mr. Hillsgrove stated that he and Paul Whitehouse logged that property at one time. Mr. Hunter stated that he could take care of that by creating an easement on an offsite piece of property that was about 11 acres located near Gilman's Pond. Mr. Williams thought that was substantial work by improving the wetland. He wanted Ms. Call to know that Mr. Hunter created an offsite improvement for this project and he thought that he was vested, along with the deeds being recorded. Ms. Call stated that the covenants were recorded as well.

Other Business:

1. Old Business:

- a. Update on Town Engineer contracts for 2021

Ms. Call stated that she had not had a chance to sit with Administration on this yet. She had to quarantine for about a month due to being around people who tested positive for Covid and today was her first day back.

2. New Business:

a. Update from the Master Plan Committee

Mr. Regan stated that two (2) consultant firms were interviewed by the Committee on April 9th, and that the Committee approved to hire Tara Bamford contingent upon positive references. Ms. Call stated that she received very positive references from Lisbon and Gorham, which were two (2) of the towns that Ms. Bamford had helped with their Master Plan updates; Ms. Call had not heard back from the Town of Easton as of today. The Committee's next meeting was next Thursday, and Ms. Bamford was scheduled to appear.

3. Approval of Minutes:

a. Planning Board Workshop minutes of February 9, 2021

Ms. Call stated that this set of minutes were the ones she provided the Board last month right before the meeting and the Board stated that they would look at them and approve them at this meeting. The Board wanted Ms. Call to distribute those again and decided to continue the approval of this set at the May 18th meeting.

b. Planning Board Meeting minutes of March 16, 2021

Ms. Call stated that staff had not been in the office over the last month, therefore, these would be provided at the May 18th meeting. Ms. Call stated that she felt bad because the staff finally got caught up with minutes at the last meeting.

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

a. Discussion and action, re: HB 111.

HB 111 was not discussed because this was tabled by the State until next year.

b. Discussion on which Board members will sit on the ZAC and CIP Committees.

Mr. Williams, Mr. Carter, and Mr. Hoopes volunteered to sit on ZAC. Mr. Hillsgrove asked what ZAC was. Mr. Williams stated that it was the Zoning Amendment Committee and that this was an opportunity for the members to look at zoning ordinances that John Dever, III, Code Official, and Ms. Call would give the members input on problems that arose throughout the year. The Committee also looked at possible new ordinances. Mr. Williams stated that tiny home and cabin colonies were being looked at right now. He pointed out that the Committee also looked at ordinances that no longer applied.

Mr. Sample volunteered to sit on CIP. Ms. Call asked for another member. Mr. Regan volunteered. Mr. Hillsgrove asked how often the Committee met. Ms. Call stated it was

seasonal between June through December and sometimes they met twice a month. Mr. MacDonald stated that he was the Selectmen's Rep. Mr. Hillsgrove was interested in sitting on the Committee. Mr. MacDonald was going to see if Brock Mitchell could sit in his place so Mr. Hillsgrove could attend. Ms. Call asked Mr. MacDonald to get back to her.

5. Correspondence for the Board's information:

- a. NHDOT Application for Driveway Permit Renewal, re: John Jeddrey's 16-Lot Subdivision on NH Rte. 28.

Election of Officers for 2021 – 2022

Mr. Regan MOVED to nominate Drew Carter to carry on as Chair.

Mr. Sample MOVED carry on with all current officers.

Mr. Williams seconded the motion.

Mr. MacDonald called for a roll call vote:

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

Adjournment

Mr. Sample MOVED to adjourn.

Mr. Williams seconded the motion.

Mr. Carter called for a roll call vote:

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

The meeting adjourned at 8:30 P.M. +/-

Respectfully submitted,

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

Minutes approved as presented: May 18, 2021