

**Members Present**

Drew Carter, Chairman  
Roger Sample, Vice- Chair  
Scott Williams, Member  
Bill O’Neil, Member  
Brock Mitchell, Board of Selectmen’s Rep.  
Douglas Brown, Member  
Lee Hillsgrove, Alternate  
Tom Diveny, Alternate

**Others Present**

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

**Call to Order**

Meeting called to order at 6:00pm +/-

**Appointment of Alternates**

**Approval of Agenda**

Changes to the Agenda: Ms. Call stated the changes to the agenda are indicated in red and they are listed on page two (2) of the agenda. She stated the first addition is Case#P22-08, SACO-Alton 1, LLC, it was continued from the March 15, 2022 Planning Board meeting to allow the applicant to apply for a Variance with the Zoning Board and the applicant submitted a letter of withdrawal. Under Old Business, Ms. Call stated she moved the Alternative Housing Committee to (a) for the discussion of approving one application for the Citizen Member; Under Correspondence for the Boards Information, she added A Hard Road to Travel and stated the office has the most recent addition; she stated she attended the webinar related to this a few weeks ago.

**Mr. Williams MOVED to accept the Agenda as amended. Mr. Douglas seconded the motion and it PASSED unanimously.**

**1. Completeness Review of Application and Public Hearing if Application is Accepted as Complete  
(Continued by the applicants from April 19, 2022, meeting (does NOT require noticing))**

Case #P22-12 Northam Survey, LLC, Agent for John Helie Life Estate, Owner	Map 29 Lots 65 & 66 Old Wolfeboro Road	Lot Line Adjustment Residential Commercial (RC) Zone
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The Chair read the case into the record.

The Board read the application to consider completeness. Mr. Carter mentioned the sample deed waiver submitted by the applicant; Ms. Call interjected and stated Mr. Carter should address the waiver and decide if the Board wanted to act on the waiver or list it as a Conditions Precedent as it is a completeness item. Mr. Williams interjected and asked for clarification on whether the Board discusses waivers before determining completeness; Ms. Call responded and stated ordinarily if it an item that has to do with completeness, then the Board would discuss the waiver first; however, if it is just plan content or additional information to add, the Board would discuss the waiver after completeness. Mr. Hoopes asked if the requirement for a sample

deed was due to the ZBA; Ms. Call responded and stated this is a requirement in the regulations. Mr. Williams asked if the sample deed was given to the Town attorney to review, Ms. Call responded and stated if it is a complicated deed, but ordinarily, no. Ms. Call stated the Board can simply recommend to the applicant that the waiver is not needed.

**Mr. Williams MOVED to not act on the deed at this time. Mr. Sample seconded the motion and it PASSED unanimously.**

**Mr. Williams MOVED on Case #P22-12 to accept the application as complete. Mr. O’Neil seconded the motion and it PASSED unanimously.**

Eric Salovitch of Northam Survey, LLC and Agent for Mr. & Mrs. Helie approached the table to discuss the application. Mr. Salovitch stated they addressed the comments from the Planner Review regarding the title block name change. He stated the lot line adjustment involves two (2) parcels of land in Alton, Map 29, lot 65 & 66 on Old Wolfeboro Road at the intersection of Wolfeboro Highway; there are two (2) existing lots there now, one of which is conforming, one of which is non-conforming. The non-conforming lot is 12,576 square feet and does not meet minimum area requirements for zone RC; both lots meet the minimum frontage and there were some setback issues and they were granted an approval for an Equitable Waiver for all structures within the setbacks by the Zoning Board of Adjustment. He stated that both structures predate zoning as they were both built around the 1950s and when they widened Route 28, they actually moved one of the structures around 1957 or 1962. He stated Mr. Helie owns both lots, he is looking to sell one of the lots and the way the existing lot lines are configured does not work with the current use of the land which was never an issue because he owned both lots, however, now that he wants to sell a lot, he would like to make the adjustment to the lots. Mr. Salovitch stated the adjustment they are proposing is to abandon the current lot lines to create on lot line angling off almost perpendicular to Wolfeboro Highway; this would allow the 54 Old Wolfeboro Road property to no longer have the rear deck over the lot line. He stated they will be removing one of the sheds that encroaches the setback that is dilapidated; the property will be cleaned up as a result of this project.

The Board stated they did not have any issues with the proposed lot line adjustment. Mr. Carter asked if each lot had a separate septic; Mr. Salovitch stated that both structures are supported by Municipal water and both have separate septic systems. He stated the septic for 54 Old Wolfeboro Road is right where the lot 66 label is on the plan and the septic for 58 Old Wolfeboro Road is right out front in the open area between the ash and maple tree. Mr. Williams asked where and how wide the State ROW was located on Route 28; Mr. Salovitch stated they show on the plan the controlled access ROW along the rear portion of the property.

Open public input. No public input. Closed.

**After due hearing, Mr. Williams MOVED that the Alton Planning Board hereby approves Case #P22-12 for the John Helie Life Estate, c/o Richard & Lois Helie, for the above cited Lot Line Adjustment of Map 29 Lots 65 & 66, with frontage on 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 the plans:**

1. Submission of revised plans in the number required by the Subdivision Regulations and *that include all of the Checklist corrections listed under “PLAN REVIEW” in this Planner Review, any corrections as noted at this hearing, and any waivers granted by the Board.*
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 May 17, 2022, 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. Submission of 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. O’Neil seconded the motion and it PASSED unanimously.**

Mr. Salovitch interjected and stated he would like to request to not change the title of the plan to Life Estate of John Helie & Richard & Lois Helie; he has copies of Town records that show current owner of both properties being Richard & Lois Helie, and current copies of Warranty Deeds that list Mr. Richard E. Helie & Lois A. Helie as the owners, so he is not sure where the Life Estate of John Helie is or the ownership of the property. Ms. Call responded and stated that information came from the Assessing database; Mr. Williams interjected and stated the way the deed was presented to Mr. Salovitch doesn’t matter as it is a Life Estate property which constitutes Fee Simple ownership. Mr. Carter interjected and stated it is the responsibility of the applicant and his/her agent to make sure that the deed is correct. Mr. Williams stated the deed should reflect that it is a Life Estate, correct; the Board responded no, the deed would not. Mr. Salovitch responded and stated this is why he disagrees with changing the title of the plan. Mr. Carter interjected and stated the lot line adjustment is based on the existing records which are for Richard & Lois Helie. Mr. Salovitch responded and stated he did not title the application the Life Estate....that was added in, this is a lot line adjustment for Richard & Lois Helie. He stated he understands the Assessing records reflect the Life Estate but the Assessing records he pulled today read as Richard & Lois Helie, not Life Estate; they were discussing some of the issues with Avitar during this process and he does not want to change his plan right before the approval without further evidence. Mr. Carter interjected and agreed with Mr. Salovitch, he stated in his opinion, if the records indicate the applicants as the owners and not the Life Estate then it should be their names on the plan and the approval. Mr. Williams stated once this is recorded, the Assessing office will be able to correct the information in the database. Mr. Brown asked how the Life Estate came into play with this application, was it based on the Tax record? Mr. Carter responded and stated it was the Board’s understanding the information was on the Tax records so...Mr. Hoopes interjected and stated if the information has to be changed, the Board has to change their vote, correct the motion that was made. Ms. Call stated the database still lists the owners as Helie, Richard & Lois, Helie, John Life Estate; Ms. Call stated she thinks the public sees different information in Avitar. Mr. Salovitch responded and state that he agrees with that. Ms. Call requested that the applicants address this with the Assessing Department and update the information.

**2. Completeness Review of Application and Public Hearing if Application is Accepted as Complete  
 (Continued by the applicants from April 19, 2022, meeting (requires noticing))**

Case #P22-19 (P22-11) SFC Engineering Partnership, Inc., Agent for Meadow Lark Holdings, LLC, Owners	Map 19 Lot 8-2 NH Route 28/1439 Wolfeboro Hgwy.	Amended Final Major Site Plan Rural (RU) Zone
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The Chair read the case into the record.

The Board reviewed the application for completeness. Mr. Carter stated the applicant submitted a waiver Section 5.10, (C) (1) Lighting Plan; Ms. Call interjected and stated this was not part of the completeness, the Board can address the waiver after they have reviewed the application for completeness. Ms. Call interjected during the motion to comment, she stated in the completeness section, it requires permits from NHDES for water, subdivision and septic approval; she asked the Board to confirm if they would list this as a Conditions Precedent. Mr. Williams stated the entire list would be appropriate for Conditions Precedent.

**Mr. Williams MOVED on Case #P22-19 (P22-11) to accept the application as complete. Mr. Brown seconded the motion and it PASSED unanimously.**

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***APPROVED***

Dan Flores, P.E., of SFC Engineering Partnership, Inc., and Kirk Coulter, owner of Roberts Knoll Campground approached the table to discuss the application. Ms. Call addressed the Chairman and requested to clarify the case number for the record; she stated at the last meeting the case was continued to this month and it was Case#P22-11, it now shows in parenthesis because a new final plan was submitted which was given the new case number of P22-19 to avoid confusion.

Mr. Flores addressed the Board and gave a brief update of the plans; He stated they were before the Board on March 15, 2022 for Design Review in which they depicted 12 campsites, a bathhouse and a pavilion; this was submitted at the end of March 2022 for the April Planning Board meeting but the decision was made to remove the pavilion and the bathhouse and instead add 3 additional campsites. The plan given to the Board for tonight's meeting depicts 15 proposed campsites and no bathhouse or pavilion. He stated the Master Plan for the development discussed at the last meeting is unchanged, they will still have the bathhouse, it will be known as a bathhouse/pavilion as a future phase as well as the remaining 49 campsites with 10 cabins.

Mr. Flores stated the current application is for 15 campsites, the three (3) additional campsites will be located in the same spot of the bathhouse that they previously proposed. He stated they have approval from the Town Engineer, Dana Huff, for the drainage design. He stated they have addressed the comments from the Code Official, John Dever, via email; regarding the additional approvals required, they have submitted to DES a request for water supply approval in early March and they just received the approval a week ago. He stated they are in the process of subdivision approval from the State; he also has final comments from DES confirming subdivision approval within the next week and with that approval he can submit the septic design. Mr. Hoopes interjected and asked is the septic design was for the future projects; Mr. Flores responded and stated no, it is for the current project but they have made it bigger for the future sites. Mr. Brown interjected and asked if there were any comments from DES with respect to the septic system; Mr. Flores responded and stated no, DES has not seen the septic system yet but they did have some questions regarding the subdivision, but that was it. Mr. Williams interjected and addressed Ms. Call, he stated that when the application for Robert Knolls first came in, they were using a phased approach and more sites were approved but not built, is that correct? Ms. Call responded and stated when they first applied through the ZBA they were approved for 210 campsites. Mr. Carter asked about the storm water management report, Ms. Call interjected and stated the Board reviewed that report at the last meeting and there were some changes and they were presented to the Dana Huff, the Town Engineer and he submitted his findings in a letter dated May 16, 2022, his recommendation was to approve the application. Mr. Hoopes interjected and stated that it seems everything is in order but for the approval from the State, he recommended that the Board conditionally approve the application while they wait for the approvals from the State. Ms. Call interjected and stated the Board needed to address the waiver before moving on to the conditional approval.

Mr. Carter stated the Board needed to address the waiver for the lighting plan, Section 5.10 (C) (1); Mr. Flores asked if he needed to read the waiver into the record and Mr. Carter sated that was not necessary. Mr. Williams interjected and stated they should be given the lighting requirements which is dark sky lighting, nothing over 3000K color, warm white. Mr. Carter addressed Mr. Flores and stated he understands the request for the waiver and recited the language in the waiver request..." the intent of the campground development is to have limited artificial outdoor lighting, in keeping with the camping experience"... Mr. Flores responded and stated it would have been a blank lighting plan which is why he requested a waiver. Mr. Coulter interjected and stated there would be a lot of lighting around the bathhouse as well as motion lights that are currently in place with the existing campground.

Mr. Carter **MOVED** to grant the waiver to the lighting plan regarding site plan review regulations Section 5.10 (C) (1). Mr. Williams seconded the motion and it **PASSED** unanimously.

Mr. Carter asked the Board for any further comments; Ms. Call interjected and stated she had some comments. Ms. Call stated the Board should decide if there needs to be a pre-construction meeting and the need for commission of funds for construction observations. Mr. Carter responded and stated he would recommend the Board require a pre-construction meeting. Ms. Call stated the Board should also devise thresholds for active and substantial development and substantial completion of improvements.

Open Public Input. No Public Input. Closed.

Mr. Carter stated that oversight of the construction of the stormwater drainage and review of the roads to make sure there is room for a fire truck to enter; Mr. Williams interjected and asked about the roadway; Mr. Carter stated there is an extension of the roadway and Mr. Coulter responded and stated that was correct, the road will extend from its previous use of plan access to the main sites on that area and the road will be extended further to support the additions.

Ms. Call stated the active and substantial development automatically gives 24 months to get a project completed. Ms. Call asked about substantial improvements; Mr. Carter asked the applicant if two (2) years was agreeable to complete the project and Mr. Coulter responded yes, two (2) years was enough time. Ms. Call asked the Board what the applicant needed to complete; Mr. Carter stated they would need to have all of the approvals, the infrastructure which means the septic is installed, water and such... Ms. Call interjected and referred to conditions precedent #8 and stated they could cross that one off because the escrow funds were submitted to the office.

After due hearing, Mr. Carter **MOVED** that the Alton Planning Board hereby approves Case#P22-19 formerly known as Case#P22-11 for the above cited application for Meadow Lark Holdings, LLC, Kirk Coulter, for a Final Major Site Plan Review for Roberts Knoll Campground for an additional 15 seasonal RV campsites, within the subject parcel located on Map 19 Lot 8-2, 1439 Wolfboro HGWY/NH Route 28, Alton, New Hampshire 03809, 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 Site Plan Review Regulations that include: *all of the checklist corrections, any corrections as noted at this hearing or that are listed under "PLAN REVIEW", any changes that are required by the Town Engineer after completing their second review of the AMENDED Stormwater/Drainage Report and PLAN, and any waivers granted.*
2. 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."

3. 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 May 17, 2022, Notice of Decision 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 stating that:  
“Best Management Practices shall be utilized during any timber cutting on site.”
5. Obtain and submit copy of NHDES Subdivision approval.
6. Obtain and submit copy of NHDES Drinking Water & Groundwater Bureau approval.
7. Obtain and submit copy of NHDES Subsurface Bureau approval.
8. Prior to work beginning onsite, a preconstruction meeting shall be held in accordance with the Construction Observation Guidelines. This also includes the submission of funds for construction observations, as determined by the Town Engineer, to be placed into an escrow account with the town as escrow agent.

**SUBSEQUENT CONDITIONS**

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

1. All prior approvals, unless amended, for Roberts Knoll Campground are still valid and shall stay in effect along with this approval.
2. Hours of operation are from Mother’s Day weekend in May through Columbus Day weekend in October. Seasonal campers have gated access to the campground during the camping season.
3. All site improvements are to be completed as per the approved site plans.
4. The applicant shall comply with all of the Town of Alton’s Site Plan Review Regulations, the Zoning Ordinance, and other applicable Regulations and permitting, to be in conformance with construction standards and specifications.
5. 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.
6. A site 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.
7. Once any and all conditions of approval have been met and the Chairman of the Planning Board or his designee signs a site 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 twenty-four (24) months.

8. Site plan approvals that have not started construction within twelve (12) months shall automatically expire, at which time no building permits shall be issued, 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.
9. No site may be occupied or used until a Conditional or Permanent Certificate of Occupancy Permit has been issued by the Code Official in accordance with Section 1.22 of the Site Plan Review Regulations.

**ACTIVE AND SUBSTANTIAL DEVELOPMENT OR BUILDING AND SUBSTANTIAL COMPLETION OF IMPROVEMENTS**

1. Within 24 months after the date of approval, the following items must be completed in order to constitute "active and substantial development or building" pursuant to RSA 674:39, I, relative to the 5-year exemption to regulation/ordinance changes:  
Installation of stormwater management
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:  
Completion of project as outlined and presented

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 that are required prior to signing the site plan. 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 1.14 of the Town of Alton Site Plan Review Regulations.

Mr. Brown seconded the motion and it PASSED unanimously.

**3. Cases deemed Complete, continued from April 19, 2022, meeting**

Case #P22-14 Varney Engineering, LLC, Agent for Green Oak Realty Development, LLC, Owner	Map 5 Lot 72 NH Route 28/ 398 Suncook Valley Road	Excavation Permit Application Rural (RU) Zone
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The Chair read the case into the record.

Ms. Call interjected and stated she needed to have Mr. Babb sign the Agent letter for Attorney Sullivan. Mr. Carter addressed the Board and stated that he would like to keep the conversation organized by going through the Planner Review item by item; he also made reference to the site walk that took place on April 28, 2022 and the questions that were raised during the walk regarding whether or not it was considered a "meeting" and if so should the public be speaking. Ms. Call stated the Board scheduled a site walk, and it was posted as a site walk and a Planning Board meeting on the off chance that four (4) or more members attended because that would constitute a quorum. Technically it was a meeting, but the public hearing



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***APPROVED***

portion of the application was continued to tonight's meeting; as such, although the public was present during the site walk, they did not have to speak, but were allowed to do so.

Mr. Carter stated they received the application for the excavation permit on March 29, 2022, then a letter dated April 4, 2022 from Attorney Sullivan requesting to withdraw the original excavation permit; Ms. Call interjected and stated that at the last meeting, the Board did not officially address the withdrawal letter so she would request that the Board address the withdrawal before moving forward. Ms. Call stated the letter to withdraw was submitted which is how Mr. Babb was able to submit a new application. Mr. Carter continued with the timeline and stated on April 19, 2022, the Board deemed the new application as complete, continued the application to May 17<sup>th</sup> and conducted the site walk on April 28, 2022; he stated the submittal of the new application resets the process. Mr. Babb interjected and stated the reason he had to resubmit the new application was a result of not being able to discuss his situation with the Conservation Commission, Board of Selectmen or the Planning Board previously. Ms. Call interjected and stated the problem was Mr. Babb could not present an amendment to what was already presented because the regulations did not allow for an amendment to an application, it only allowed for an amendment to a permit. Mr. Babb stated that was correct. Mr. Carter stated with the latest review of the excavation plan, there were a few outstanding items on page two (2) that the Board should address; he stated part of the property is located on the aquifer protection overlay district but it is not reflected in the plans. Mr. Varney stated he has copies of the flood plan map that he can distribute to the Board; the map shows the excavation area, the conservation easement location and the wetland location. The Board took a moment to review the map. Mr. Carter continued with the next item on the list, an estimated volume of materials to be removed during the permit period should be added to the plan; Mr. Babb asked for the length of the permit period and Mr. Carter stated that the Board would need to determine that. Mr. Williams stated this was determined not too long ago for a different permit, a period of 50 years.

Mr. Carter continued with the next item, for consistency the storage site should be labeled the same on each sheet of the plan and the checklist indicated not applicable for easements on site but there is a large conservation easement indicated on the plan; Ms. Call interjected and stated that was just a clarification. Mr. Carter continued, number and type of trucks is indicated on the application as 20 dump trucks should be added to the plan; Mr. Sullivan interjected and stated to his knowledge, there is no limit for the amount of trucks and Mr. Babb stated he will have at least 40 trucks on site. Mr. Williams interjected and stated that should be regulated by the State because they enter a State highway and if the State doesn't have an issue with it, neither should the Board.

Mr. Carter continued with the next item, noise impact study; Mr. Sullivan responded and stated given the location of the site which is isolated, they ask that the Board waive the study; Mr. Sullivan stated they would submit a formal waiver. Mr. Carter then addressed the 100-year flood elevation line and asked if it was on the plan, Mr. Varney stated it was on the plan he handed out earlier. Mr. Varney stated the elevation would have to be determined by an engineer. Mr. Carter then addressed the ground water sampling plan, location of ground water test pits; Mr. Varney responded and stated there is no ground water sampling plan, they introduced one at a previous hearing and it is in the regulations that you have a little sample hole in the pit, they can do that. Mr. Carter responded and stated that monitoring wells are often done but if you have decided against that, you can request a waiver. Mr. Sullivan responded and stated they will request a waiver for the sampling.

Next item addressed, comprehensive site safety plan, Mr. Carter stated the Board reviewed this previously and waived that requirement but a waiver does need to be submitted. Next addressed, snow removal and

storage plan; Mr. Sullivan stated they would request a waiver, however they do not operate in the winter time. Mr. Carter recommend they submit a waiver for that as well; he then addressed the brush/slash disposal locations; Mr. Sullivan stated they can locate a brush/slash disposal site. Mr. Carter continued with the next item, number of blasting occurrences on the application is one or two per year; Mr. Sullivan stated they will modify that to two (2) to three (3) and will add that to the plans.

Mr. Carter next addressed the stump dump that should be indicated on the reclamation plan if it is to be in existence at that time; Attorney Sullivan responded and stated it is not anticipated to be in existence at that time. Mr. Carter continued with the reclamation plan and stated it should also include seed mixtures, vegetation, fertilizer types and application rates; Mr. Babb stated he believes these items are indicated on the plan. Ms. Call stated she saw this listed on the erosion control plan but it also should be indicated on the reclamation plan according to the regulations; she suggested Mr. Babb add that section to the reclamation plan. Mr. Carter continued with phasing of reclamation; Mr. Babb responded and stated it would coincide with their updated AOT once they receive that permit. Ms. Call inquired as to what types of sheets are submitted with the AOT permit; Mr. Babb responded and stated all of the sheets (6 total) will be included. Mr. Varney interjected and stated the AOT permit is not a new approval, it is writing a letter; approval was done and it expired last July of 2021 and they will submit a letter requesting that the AOT renew the approval. Mr. Carter interjected and asked if things have changes since the last AOT approval; Mr. Varney responded and stated not really, it covers the entire permit. Ms. Call interjected and stated she believes a new plan is to be submitted every five (5) years to the AOT; Mr. Varney responded and stated the AOT requested a letter, he will send a plan along with the letter.

Mr. Carter continued and addressed plant materials for reclamation and noted that on sheet 6 under reclamation notes, the note regarding ledge cuts should also include after “2.1 slope” and “with 12’ shelf”; Mr. Babb responded and stated they will include that but he believes it is already on the plan. Mr. Carter responded and stated it is on the drawing but it is not within the notes on the plan. Ms. Call interjected and stated she was referring to the note that did not include that language.

Mr. Carter continued and addressed plan corrections regarding the 10’ setback at the northern property line as it appears to be too close to the property line; Ms. Call interjected and stated she measured it because it seems like the northern setback line is really close to the property line as compared to the rest of the 10’ setback on the remaining property. Mr. Varney responded and stated that is a large scale so what Ms. Call was looking at was correct. Mr. Carter addressed the next item, the abutter Tax Map 6 Lot 7 was listed incorrectly on the plan, and it should state Alton Bay; Ms. Call interjected and stated there is one more correction she noticed on Sheet 1 of the plan, at the bottom where it states excavation setbacks, abutter is spelled “abuttor” and it should read “abutter”.

Mr. Carter continued and addressed the recording information listed on Sheet 1 for “Bk 548” should state “Pg 218”, not “Pg 21B”; Mr. Carter continued and addressed Sheet 3 regarding the 10’ setback at the northern property line, it is too close to the property line which they agree was a printing error; next, he addressed that under explosive selection (b), “shll” should read as “shall” and under muck pile management, “(b)” should read as “(a)”; on Sheet 5 under winter notes, “schall” should read as “shall”; and lastly on Sheet 6 under reclamation notes, the first note is a duplicate and should be removed.

Mr. Carter moved on to the next item on the Planner Review, the Geotechnical Engineering Report; he noted the discussion the Board had at the last meeting and stated he recalls not seeing a map of all the test pits, he was of the understanding the applicant was going to provide a map for the Board and the Town

Engineer but neither party has received a map. Mr. Babb responded and stated he will request the map from Mr. Miller. Mr. Carter stated the engineer's report was based on their review of drawings that were not provided to the Board nor the Town Engineer and the Town Engineer needed to review the drawings in order to complete his review. Ms. Call interjected to clarify Mr. Carter's statement about requesting the applicant to submit the plan entitled Excavation Permit Renewal, Mr. Carter responded and confirmed that is what he is requesting from the applicant. Mr. Carter asked about the As-Built Plan and Ms. Call responded and stated that was the Board has that plan and it was also discussed at the April 28, 2022 site walk and provided to the Town Engineer. Mr. Babb interjected to confirm the Town Engineer has the plan; Ms. Call responded and confirmed but stated the Town Engineer does not have the other, Excavation Permit Renewal. Mr. Carter stated the Town Engineer started his review and provided a quote of \$3,000 to complete the reviewing of the report and documents. Ms. Call interjected and asked the applicant if he had a chance to review the quote and if so, is he in agreement with the amount; if yes, she will move forward with it. Mr. Babb responded and stated he has reviewed the quote and he has no objection with the amount.

Mr. Carter addressed a prior discussion from the December 19, 2017, Planning Board meeting where a former Board member, Russ Wilder stated "that there were wetlands adjacent to the pit that had been drained because of the excavation of the gravel pit down below the water table"... Mr. Carter stated the Board felt this statement needed to be on the record. Mr. Varney interjected and stated during the site walk he went to that area and looked at where the wetlands were to determine if it was holding water and he determined it was not holding water. He commented to the Town Engineer, Dana Huff, that there would be more work to be done and Mr. Babb agreed with that statement, the area of the slope is not complete, it is in transition and more fill needs to be placed in that area to finish the slope which should hold the water on the soil that is located in the woods so the water will pool and not drain.

Next, Mr. Carter addressed minimum and express reclamation and excavation standards from the Planner Review; he stated on Sheet 1 of the plan under the note entitled Operation there is some confusing phrases that also refer to Sheet 6 as well, "Loam and till are to be saved for final reclamation of the pit", then "Disposal of the stumps and brush is in and will be in the stump dump area and the slope area"; then under the note "Phasing" it states the pit is to be reclaimed, the ledge cut along the northern property is to be incrementally restored as described above; however, when you go above, it talks about the onsite overburden availability of fill is to be used for the back filling and sloping, which is in contradiction to the reclamation statement on Sheet 1 of the plan. Mr. Carter stated there is not consistency throughout the plans of what is going to be done and when and where which is what the Board is trying to clarify. Mr. Babb responded and stated they can clarify all of that and referred to Mr. Varney to confirm. Mr. Varney responded and stated the slope would be reclaimed from beginning to end, that is a 2:1 slope, one for 900 feet and the plans show that the material in the pit which is glacial till; it is not part of a stump dump, there are woody materials in there and an occasional stump which is identified in the Miller Engineering Report, but all the stumps in the lot go into the stump dump so there should not be confusion about that. He further stated that there are stumps at the end of the pit which he believes will be removed or those could be buried if approved by the engineer; he stated all the plans state consistent soil from one end to the other. Mr. Carter responded and stated the issue is the notes are not consistent throughout each of the drawings, that one makes a reference to loam and till and the other makes reference to onsite overburden and/or available fill. Mr. Varney responded and stated he can clarify those inconsistencies for the Board. Mr. Carter responded and requested that Mr. Varney go through the notes to make sure they line up with each other and are consistent with the regulations and the State's requirements. Mr. Hillsgrove interjected and stated that during the site walk, they viewed certain sections where the wood was visible and he thought this had already been discussed by the Board that what they viewed was okay. Mr. Carter responded and stated he was not qualified to decide if that

is okay, that is the job of the engineer, but the point is that the record is inconsistent which is what they are trying to correct. He further stated because the applicant is using the stumps as part of the reclamation that should be clearly stated as well on the plan. Mr. Brown interjected and stated if the applicant decided to not use the stumps in the slope but instead dispose of them that too should be reflected on the plan. Mr. Carter stated that was correct but 500 feet or more of the slope has already been completed; Mr. Babb responded and stated more than 600 feet of the slope has been completed but they will make sure to clarify that on the plan. Mr. Carter responded and stated that the details of how they plan to fill the unfinished slope should be documented. Mr. Babb interjected and stated that decision would be determinate of what they are supposed to do with the last part of the slope as far as the back filling, is the rest of the slope to be free of wood or can they continue as they have been, they need clarification on those details. Mr. Williams responded and stated they should follow regulation 155 E. as it shows how the embankments be done. Mr. Brown interjected and stated that should be from the Town Engineer's recommendation. Mr. Carter interjected and stated he thought the AOT permit would have something to do with this; Mr. Williams responded and stated the AOT permit will reflect the 155 E. regulation on the correct process.

Mr. Carter continued with the reclamation and excavation standards, he stated that off-site wood cannot be buried within 25 feet of a property line and must be at least 4 feet above the seasonal high groundwater table; he stated that when he reviewed the drawings, it looks like that tow of slope is well within the 4 feet of the groundwater. Mr. Carter continued with Section 15.K of the Excavation Regulations that state stumps and slash generated during the site preparation shall either be chipped and used onsite for erosion control or removed from site unless a site is approved by the State to allow the stumps and slash to be landfilled; He stated he thinks the Board has to refer to the AOT regarding this.

Mr. Carter moved on to the next section regarding prohibited projects and discussed excavations within 50' of the boundary of a disapproving abutter or within 10' of an approving abutter unless the approval is requested by the abutter... he stated the Town counsel advised that the abutters need to request approval from the Board but was not clear on the exact language and asked Ms. Call to elaborate. Ms. Call stated she consulted with the Town attorney and they discussed the definition of an excavation and found some case law that referred to this as well as some RSAs which basically stated excavation included not only the removal of product, but it also included the reclamation portion of it and she believes a copy of the case law was provided. Attorney Sullivan interjected and stated he disagrees with that finding; Ms. Call responded and stated there are some disagreements with the definition of excavation, however, that was the determination of the Town attorney that in order for the applicant to work within the 10' feet that the Conservation Commission and the Manks would had to have requested an approval from the Planning Board to work within the 10' feet. Ms. Call stated the Conservation Commission and the Manks both felt that was something they could not determine, so they did not submit an official request for approval but they are both willing to be limited approving abutters to allow Mr. Babb to go forward with the work. Mr. Babb responded and stated he agreed with that as this was the goal in the first place, to finish the reclamation. Ms. Call stated the abutters disagree with the Town counsel's determination of having to submit that request to the Board so she will leave it to the Board to decide how they would like to go forward. Mr. Williams interjected and stated the Manks came into this situation after the fact as they were not the original owners when the excavation pit was first done so he is not sure how that works. Ms. Call responded and stated because of the withdrawal of the first application, which rendered the approval from the previous owners no longer valid. Mr. Williams interjected and stated that approval should still be valid, it seems odd that an approval can be reversed with a new application. Ms. Call stated it's the submission of a new application; Mr. Williams interjected and stated he understands that but it was existing approval process, how can the Board hold the applicant accountable for something that was allowed in the first plan and may not be now due to new owners? Mr. Carter

interjected and stated he doesn't think the excavation within 10' feet was ever officially allowed, it only came to light with this new application; he stated that with the previous application, yes it was but that application has been withdrawn so the process must start over. Mr. Williams stated it was excavated under previous approval; Mr. Sample interjected and stated the former owner, Mr. Steele was an approving abutter and it wasn't until after it was already built that the Conservation Commission became an abutter too. Mr. Carter responded and stated that the approval from the Steele's was after the fact, "that was not a notice that they were within 50' feet of your property line and I'd like to come a little closer, can I have your approval", it was already too close and this came to light and at that time the Board determined that the Steele's were not the only ones who had rights to that land, the Conservation Commission also had rights so the Steele's couldn't grant the unconditional approval. Mr. Carter stated he understood what Mr. Williams was saying in the sense that the damage was done, but what they are now trying to figure out is the best way to move forward. Ms. Call interjected and stated her recommendations will always follow the Town counsel's advice and at this point in time, perhaps the Board should discuss whether they want to give an official approval allowing the applicant to work within those 10' feet, to have it on record. Mr. Sample stated he was confused; Mr. Carter interjected and stated the Town counsel stated the Board cannot grant that approval without the requests from the abutters; however, the abutters do not interpret that regulation in the same way. Mr. Carter stated his recommendation would be that the Board grant conditional approval to work within that area as long as the abutters also approve of that operation within that area. Mr. Sample stated his confusion stems from the fact that the applicant doesn't want to work within the 10' foot area, he just wants to restore the slope. Mr. Hoopes responded and stated the applicant wants to repair the slope but had to get within that 10' foot area to make the repairs, so this is why he needs the permission.

Attorney Sullivan interjected and stated the letters from the Manks and the Conservation Commission are in essence giving their approval, is that not correct? Ms. Call stated yes, they are not requesting the Board for approval but they are saying they are a limited approving abutter. Attorney Sullivan responded and stated he vehemently disagrees with the interpretation of that court case; he stated if the applicant is restoring the slope that is different than the excavation, that case was the result of the pit operator who just scraped down the slope and left the 45 degree slope, he excavated to create the slope, Mr. Babb is restoring the slope, he is filling the hole to create the slope which is completely different and it recognizes in the RSA that restoration is something that you do to an excavation and the word slope in your definition of excavation is another example that a slope left of earth is part of excavation, but that's not filling the hole which is why we have two different sections in this; it is a different concept, a different activity so with due respect to your Town counsel, they are wrong, it doesn't make sense, it is illogical and he feels there is no jurisdiction of the Conservation Commission over this. Mr. Carter responded and stated he is not sure whose interpretation is correct but he thinks as a Board to operate within Town counsel's recommendation, they should grant conditional approval as long as the abutters approve the operation. Mr. Babb responded and pointed out that the Manks were present if the Board needed to speak to them regarding the approval. Mr. Carter responded and stated they were talking about interpretations of an RSA at the moment; Mr. Babb stated he suggested this to assist the Board in fulfilling their requirement. Attorney Sullivan stated that this is not an excavation, it is a restoration and the Conservation Commission does not have jurisdiction. Mr. Carter responded and stated although he respects attorney Sullivan's interpretation, he does not agree with it.

**Mr. Carter MOVED that the Board grant conditional approval to work within the 10' foot setback for purposes of reclamation of the slope, the 12' foot flattop and maintenance as long as the abutters also have the approval in place.**

Attorney Sullivan interjected and stated he was confused as to whether or not they had the abutter's approval; Mr. Carter responded and stated that he merely stated that the Conservation Commission stated they did not need to seek the Board's approval. Attorney Sullivan responded and stated the letter from the Conservation Commission was confusing; Mr. Carter interjected and stated they would address the letter in a few minutes, but to get through this issue of conditional approval, a Board vote would be helpful and then they will address the letters from the abutters. Attorney Sullivan asked what was the condition; Mr. Carter responded and stated the condition is that the abutters also approve the operation to restore the slope within the 10' foot setback. Mr. Williams interjected and stated he feels the Board should discuss the letters as a group; Ms. Call stated the letters from the abutters are in the Board's packets and recommended discussing the Conservation Commission's abutter letter first. Mr. Hoopes interjected and read from the Conservation Commission's letter *"the ConCom is not an approving abutter for any purposes related to the applicant's commercial excavation"*, he stated they are saying they are in favor of the reclamation. Attorney Sullivan responded and stated the last go around, the Conservation Commission wrote a letter after the fact and the Board changed their position and that created a slew of problems, so he would like whatever decision is made is confirmed and finalized so the Conservation Commission cannot go back on the decision. Mr. Hoopes responded and stated he does not think that is correct; Mr. Carter agreed and stated he did not recall the Conservation Commission changing their position. Mr. Hoopes interjected and stated that their position was always as an abutter. Attorney Sullivan responded and stated yes, but they did not show up at the meeting but wrote a letter afterwards and that is when the Board changed their approval. Mr. Hoopes responded and stated that at the time he believes Mr. Wilder was present and spoke on behalf of the Conservation Commission expressing their position as an abutter. Mr. Carter interjected and stated that was in the past and he doesn't recall the Conservation Commission changing their position. Attorney Sullivan responded and stated he is not saying the Conservation Commission's position changed, but the Board's decision did after they received the letter. Mr. Sample interjected and stated the Board had to change their decision; Mr. Hoopes responded and stated they would have violated a law had they not changed the decision. Mr. Carter interjected and stated they have the letter from the Conservation Commission and he does not anticipate they will change their position on this and the Board is about to make a decision based on the letter, so with item #4 he wants to make sure the Board is clear on their position. Mr. Sample interjected and stated he does not see that the Manks have a position on repairing the slopes; Ms. Call interjected and stated they do and it is located on the second page of their abutter letter in the addendum and starts with *"in agreement with the Conservation Commission, we also do not think it is necessary for us to be an approving abutter for Green Oaks to construct the berm/slash slope"*... so they are in agreeance with the Conservation Commission and do not feel they need to submit that particular request to obtain an approval. Ms. Call stated it is quite clear that both abutters are in agreeance that the applicant can work within the 10' feet. Mr. Brown stated this gives the applicant the green light based on the conditional approval from the Board; Ms. Call responded and stated that is correct. Mr. Hoopes interjected and asked if there was any restriction as to when the work can be done? Ms. Call stated that has not been discussed yet, there are hours of operation but the Board needs to focus on either approve or not approve for the applicant to work within the 10' foot setback, that is what the Board needs to vote on. Mr. Carter stated the motion has been made but they need a second on the motion.

**Mr. O'Neil seconded the motion and it PASSED with Mr. Hoopes abstaining.**

Mr. Carter stated the Board needed to now address the Bond for the reclamation as part of the RSA 155-E; 4-a, reclamation bond or other security. He stated there was a \$10,000 bond in place with the previous withdrawn application, is that correct? Ms. Call stated that was correct and it is an existing \$10,000; she stated throughout the withdrawn application that \$10,000 went into place. Mr. Sample asked if we still had the

bond; Ms. Call stated that is something else the Board needs to address, a bond that is put in place on a withdrawn application. Mr. Babb stated that the \$10,000 bond would have to be extinguished and then the new bond put in place. Mr. Carter continued with the items regarding the bond and discussed the updating of the Certificate of Continuation yearly, the requirement of security that shall be recalculated every five (5) years and removal of the existing restoration bond that was submitted on September 6, 2018. Mr. Williams interjected and asked if they were referring to the \$32,000 bond; Mr. Carter responded and stated no they were referring to the \$10,000 bond. Mr. Carter stated he is confused on the section of the Conservation Commission letter that list a dollar amount of \$16,000 to be renewed every five (5) years; Mr. Brown interjected and stated it list \$32,000 every 10 years. Ms. Call stated that she had distributed an earlier version of the letter from the Conservation Commission that listed an amount of \$15,000 but the correct letter list the amount of \$16,000. Mr. Brown stated the Town engineer came back with the \$16,000 amount for five (5) years and it looks like the Conservation Commission doubled the amount for 10 years; Mr. Williams and Mr. Carter stated that looked correct. Ms. Call stated the regulations require the bond be recalculated every five (5) years which is where the five (5) years comes from on the letter. Mr. Williams asked why it was recommended to recalculate every ten (10) years if the regulations state every five (5) year; Ms. Call stated that was the request of the Conservation Commission. Mr. Williams interjected and stated that it will grow in eventually and it will evolve and stabilize itself and that is what you want, a good root system to hold it together so he is not in favor of going out ten (10) years. Mr. Hoopes interjected and stated there was some mention of maintaining a fourteen (14) foot wide level area for equipment; Mr. Babb stated that was not correct, the top section of the slope is actually tipped back towards the Mank property to shed the rain water in that direction to help regenerate, it is not for equipment and they are asking for permission to access small equipment in order to assist with maintaining the area as needed in case of any depressions within. Ms. Call interjected and stated this was discussed at the site walk; Mr. Babb stated that was correct. Mr. Carter stated this was his understanding as well. Ms. Call stated these items that have been laid out are what the disapproving abutters are requiring in order to become an approving abutter, so they cannot change what the Conservation Commission is requesting. Mr. Brown stated that he believes the Conservation Commission is stating they will not become an approving abutter if the applicant does not agree to the ten (10) year bond at \$32,000. Attorney Sullivan stated there are two (2) paragraphs in the Conservation Commission letter and the first states, *"ConCom requires applicant to post a bond"*, the second sentence states, *"ConCom requests a bond of \$32,000"*...he feels this is a request, not a requirement. He stated they made the point of using two (2) different words, one is a mandate (requiring) and the other is a suggestion. Mr. Babb stated he feels the bond running concurrent with the five (5) year bond for the pit would be the best approach. Mr. Carter responded and asked if Mr. Babb was suggesting that he would be agreeable to the \$32,000 bond and then request a reduction within the five (5) years? Mr. Babb responded and stated when they come back in after five (5) years to discuss the bond for the both the pit and the slope, they can either determine they are going to continue with another \$16,000 bond or release the bond based on the stabilization and growth of the slope; Attorney Sullivan clarified that Mr. Babb was referring to the five (5) year period. Mr. Babb stated that was correct because he was coming in for the pit bond itself which apparently will be a security bond altogether or they can post the bond as one once we determine what the amount will be. Mr. Williams stated the bonds should be kept separate in case something goes wrong with one, you don't want that to be tied to the other bond. Mr. Williams with revisiting this in five (5) years, he feels they are protecting the neighbors and in five (5) years if it doesn't look right they can either call the bond and fix it or add to the bond. Mr. Carter responded and stated he thinks that Ms. Call's recommendation that the Board should ask the Conservation Commission to clarify what they are asking for in the letter because they provide backup for \$16,000 but ask for \$32,000. Mr. Williams stated that the Town engineer proposed a \$16,000 bond so the Board should follow that proposal and revisit this in five (5) years. Mr. Carter stated to wrap things up, he would like to ask Ms. Call to approach the Conservation Commission to get clarification on their letter. Mr.

Williams interjected and stated someone from the Conservation Commission should be at tonight's meeting; Mr. Sample interjected and agreed, he stated they have not come to any of the meetings regarding this application. Mr. Carter stated he is hoping there was a misunderstanding by the Conservation Commission with how the bonding is calculated. Mr. O'Neil interjected and agreed that they should get clarification from the Conservation Commission. Mr. Williams agreed and stated they may not know that the regulations only require a five (5) year renewal for a bond. Mr. Carter agreed and stated in the interest of moving forward, he does not feel the Board should make a decision tonight as there are too many outstanding issues. Mr. Brown added that perhaps the Board should include a directive to the Conservation Commission about what the Board recommends regarding this discussion, instead of leaving this issue wide open; Ms. Call agreed and asked the Board for some specifics to approach the Conservation Commission with, she will do so after the meeting.

Mr. Hoopes stated that they have to by law conduct an inspection every year, this is mandated by the State because they handle all of the Conservation easements, so they would have to submit their reviews to the State for a response. Mr. Babb stated that the Conservation Commission has walked the site every year to inspect. Mr. Carter stated he thinks the recommendation of the Board is a \$16,000 bond for a five (5) year period, and request a new \$10,000 bond as well, right? Ms. Call responded and stated that was correct and asked the Board to provide permission to contact the bonding company to release the existing \$10,000 bond; at that point the Board could then decide on a new \$10,000 bond is sufficient or if the bond should be a different amount. Mr. Babb asked for clarification on what the \$10,000 bond will cover versus the \$16,000 bond; Mr. Carter stated the \$10,000 bond is for compliance with the excavation regulations and the \$16,000 bond is for the reclamation. Mr. Williams interjected and stated he thought the \$10,000 was part of the reclamation, planning loam and seed on the flat part when he is done because you want the site naturalized once the operation is complete; the \$16,000 bond is only for the slope, isn't that correct? Ms. Call stated that was correct, the \$10,000 bond was for reclamation. Mr. Babb stated that is why he has requested that both bonds run concurrent so that they can assess and review and possibly eliminate one with the slope stabilization is satisfactory because they are running two (2) separate bonds. Ms. Call interjected and asked for clarification as to which bond the Board was going to decide upon; Mr. Carter stated that the \$16,000 bond will be their recommendation but they want to have the Conservation Commission on board with that before going forward.

Mr. Carter continued with excavation standards; he discussed the maximum excavation limit and stated the documented seasonal high groundwater level is indicated on the plan as being 531.0 at the pit floor. He referred to Section 15. J. of the Excavation Regulations which state..." Final excavation grade shall be not less than six feet above the documented seasonal high water table which would be 537 but he thinks the applicant is well below that; it goes on to say that an exception could be granted as long as the applicant can prove it is not affecting water quality or quantity. Mr. Varney interjected and stated the regulations came out five (5) years ago, he reviewed them and thought the six (6) feet above ledge was an outlier not a wag but after the last meeting, he discussed this with Mr. Babb RSA 155-E and how they allow vertical walls and he realized that he no longer had a gravel pit but a quarry; he stated they have been restoring the vertical side with a slope because they need to replace the dirt, but other than that, it's not the same. He stated he never really realized this until a month ago, so this six foot to the water table doesn't apply. Mr. Carter responded and asked Mr. Varney if he was changing the classification to become a quarry and that the excavation regulation doesn't apply. Mr. Varney responded and stated that they could move on from this and go to the next item but it's not that it doesn't apply but if you have a gravel pit and you want to reclaim it, you want to have two (2) feet above the water table so it is still usable land; If you go closer to the water table, you would ruin the land. Mr. Varney stated it is becoming a quarry and it is a quarry. Mr. Carter responded and stated he was not sure this



**TOWN OF ALTON PLANNING BOARD  
MINUTES OF 2022  
TUESDAY, MAY 17, 2022**

***APPROVED***

was not specifically to gravel but perhaps it may be; on that note, some of this work is occurring over the aquifer. Mr. Varney stated the aquifer is where the sand and gravel are located so he is not in the aquifer zone, he's in the very outside of that zone. Mr. Babb interjected to clarify what Mr. Varney had stated, he asked if the excavation below the site will not adversely affect the water quality and quantity; Mr. Varney responded and stated he was pointing out that the six (6) feet doesn't apply, they are outside the aquifer according to the map. Mr. Carter agreed that area was glacial till and ledge, but they also have the veins that run through that and contamination could easily seep into the aquifer. He stated the Board is looking at the site as a gravel pit and now they are saying it is a quarry; Mr. Carter stated they will need to submit a waiver for this classification change.

Mr. Carter continued with material processing; he stated according to the application, rock crushing is usually done 3 to 4 times a year with mobile crushing equipment; Mr. Babb responded and stated that is correct. Mr. Babb stated they also needed to discuss the transfer yard because he is bringing in septic sand from Ossipee, NH. Mr. Carter responded and stated in the interest of staying on track, that discussion should be tabled for another time. Ms. Call interjected and stated to make things a little clearer that would or would not fall under the need for a Contractor's use which she believes was discussed with the withdrawn application and the Board deemed it was not necessary. Mr. Carter interjected and asked if the Board needed to address this being there is a new application? Ms. Call responded and stated the Board should discuss it.

Mr. Carter continued with items required for Final Approval; he stated they discussed the restoration bond; traffic and/or environmental impact studies- Mr. Williams stated that is a State road and Mr. Hoopes stated it hasn't changed in 15 years so that can be crossed off.

Mr. Carter recommended that the case be continued to the next Planning Board meeting on June 21, 2022 in order to give everyone the opportunity to address all that was discussed tonight. Mr. Williams stated the Board should decide on a due date for the response letter from the Conservation Commission; Mr. Carter recommended May 31, 2022 and the Board agreed. Mr. Babb asked if this will be a fifty (50) year application; Mr. Williams responded and stated it is automatically a fifty (50) year application. Mr. Babb stated they will submit a letter to renew the AOT permit now that they know the application is moving forward. Mr. Hoopes asked if the applicant can conduct the repair work without the AOT permit; Mr. Carter stated he does not believe they can without the permit.

Open Public Input... Mr. Carr came to the table and stated the public would be happy if this pit opens up again because it is costing a lot of money for people, it's a plus for the community and he is glad everyone is working together; however, he has some concerns about the Conservation Committee, especially because they stated they would not give their approval unless he gave a bond for a certain amount.

Public Input closed...

The Board took a 5-minute recess...

Meeting called to order at 8:42pm.

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

Case #P22-16 Norway Plains Associates, Inc., Agent for Kemper Land Holdings, LLC, Owner	Map 19 Lot 32 67 Drew Hill Road	Final Major Site Plan Rural (RU) Zone
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The Chair read the case into the record.

Ms. Call stated she would like to address an item under completeness which was regarding engineering plans and reports, it stated a waiver would be submitted, the report has been submitted in place of the waiver.

**Mr. Hoopes MOVED to accept Case #P22-16 as complete. Mr. Mitchell seconded the motion and it PASSED unanimously.**

Mr. Carter addressed the request for a waiver under Section 4.02 (F) 37 which requires a landscaping plan; Mr. Hoopes stated he believed the Board discussed this at the last meeting, the applicant is so far off the road he does not think much landscaping is necessary. Ms. Call interjected and stated that Design Review is the time to talk about the waiver but the Board cannot act on it until the Final Application which is why it is being discussed at tonight's meeting.

**Mr. Williams MOVED to approve the waiver request of Section 4.02 (F) 37 requiring a landscaping plan. Mr. O'Neil seconded the motion and it PASSED unanimously.**

Mr. Lawler of Norway Plains Associates, Agent for Kemper Land Holdings, LLC approached the table to discuss the Final Major Site Plan application for a Contractor's Yard. He stated the property is located at 67 Drew Hill Road in Alton, NH in the rural zone, it is a large track of land, 33.48 acres. He stated it is not located in the aquifer protection overlay, nor is it located in the shoreline protection districts. The Kemper Land Holdings received a variance from the Zoning Board of Adjustment on February 3, 2022 for a Special Exception to allow for a Contractor's Storage Yard; they are proposing a gravel driveway that comes in off of Drew Hill Road and it travels approximately 450 feet up to a proposed 40' by 60' (2400 square foot) building, the building will be used as the main facility for an existing landscaping company which currently has five (5) employees. The building will have office space, bathrooms and general areas for vehicle and equipment storage. He stated the Kemper's have already received a driveway permit for the location; the Contractor Storage Yard will contain one ton pick-up trucks, other small dump trucks, skid steers and mini excavators associated with the company. He stated there will not be any stock piling on site or general large landscaping materials, they will have storage inside the building or underneath. The facility will rely on an on-site septic and an on-site well for the employees use; there will not be any retail business conducted at the site. Mr. Lawler stated they have a complete stormwater management report and analysis, they are taking the stormwater that is generated from the proposed parking areas and driveway and directing it to a sediment forebay and into an infiltration basin which will promote groundwater recharge and treatment of the stormwater; there is an overflow spillway device that discharges the stormwater so that the water leaving the property under the proposed conditions meets or exceeds the Town's requirements for achieving the predevelopment rates. He stated the proposed development will not increase the amount of stormwater leaving the property, both rate of discharge and of total volume; As part of the stormwater management system they have prepared a stormwater management maintenance and inspection manual that was part of the application packet submitted to the Town, it outlines the proper maintenances and inspections of the stormwater management system and the applicant is aware he needs to follow this and provide the Town with yearly reports indicating that he's done the inspections and preformed any necessary maintenances as

required and outlined in the manual. He stated that notes have been added to the site plan to put on notice that the maintenance manual is located at the Town of Alton's Planning Department.

Mr. Lawler stated they are proposing a couple of wall mounted down shielded lights and they will have color of less than 3000k; there is no proposed dumpster on-site as all trash will be removed by the owners. The applicant is not proposing any signage other than the E911 street address sign. He stated after discussions with the Fire Department, they concluded that given the size of the building, there will be no proposed fire protection required, however, minor details will be worked out with the Fire Department for the building permit process regarding the egress doors and smoke detectors. As noted in the Planner's Review, the project only requires one State permit, the NHDES Subsurface Disposal System which will be submitted once they have approval from the Planning Board. He stated the project also triggers a Federal permit for a Construction General Permit from the EPA due to the size of the disturbance exceeding one (1) acre in size; he stated the applicant will be required to notify the EPA through the NOI and create a stormwater pollution prevention plan and perform required inspections.

Mr. Lawler stated there were comments from the Planning Board during the Design Review process, the Board asked the applicant to show the relocation of the conex on the plan and they have shown the location of the conex to be installed on the eastside of the building which is outside of any areas of visibility nor is it located near any jurisdictional wetlands. He stated they have also noted on the existing features plan a pond that is located on-site and they have corrected the hours of operation so they are consistent with both the narrative and the site plan.

Mr. Sample asked if the septic tank was inside the building; Mr. Lawler responded and stated it was located under the gravel. He stated they like to locate the septic tank as close to the building because of the slope, from the bathrooms to the tank it has to be a quarter inch per foot once you leave that it can go to eighth inch per foot; He stated they will work this out with DES approval. Mr. Hillsgrove asked if the leaching system will have chambers by the square; Mr. Lawler stated yes.

Open Public Input...closed.

Ms. Call stated the Board needed to address whether or not a pre-construction meeting will be required and funds submitted for an escrow account for observations. Mr. Carter stated the Scope of Observations would be the construction of the stormwater management system. Mr. Williams stated the observations should be limited to the stormwater management system and the Board agreed. Mr. Carter stated the engineer may also need to observe the construction of the pond to make sure the process and materials are correct. Mr. Kemper interjected and asked what the turnaround time was for the observations; Mr. Williams responded and stated a day or two (2). Mr. Williams asked Mr. Lawler what was the design; Mr. Lawler responded and stated basically they are constructing the berm as the bottom of the basin is generally at grade in this case they are making sure they have the separation, so essentially the contractor will have to construct a berm around the perimeter of the infiltration basin and install the outward structure and do some riprap between the two (2) sediment forebay.

Ms. Call stated there was one addition to the Subsequent Conditions, it was to include an additional note that the Notice of Decision shall be recorded by the Planning Department at the Belknap County Registry of Deeds at the applicant's expense.

After due hearing, Mr. Williams **MOVED** that the Alton Planning Board hereby approves the above cited application for Kemper Land Holdings, LLC, for a Final Major Site Plan Review for Kemper Land Holdings, LLC, for a Contractor's Yard, within the subject parcel located on Map 19 Lot 32, 67 Drew Hill Road, Alton, New Hampshire 03809, 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 Site Plan Review Regulations that include: ***all of the checklist corrections, any corrections as noted at this hearing or that are listed under "PLAN REVIEW", and any waivers granted.***
2. 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."
3. 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 May 17, 2022, Notice of Decision 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 stating that:  
"Best Management Practices shall be utilized during any timber cutting on site."
5. Obtain and submit a copy of the NHDES Subsurface Bureau approval.
6. Obtain a Construction General Permit (CGP) from the EPA.
7. Prior to work beginning onsite, a preconstruction meeting shall be held in accordance with the Construction Observation Guidelines. This also includes the submission of funds for construction observations, as determined by the Town Engineer, to be placed into an escrow account with the town as escrow agent.

**SUBSEQUENT CONDITIONS**

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

1. The Notice of Decision shall be recorded by the Planning Department at the Belknap County Registry of Deeds at the applicant's expense.
2. Hours of operation are from 7:00 am – 5:00 pm, Monday through Friday with an occasional Saturday, from Mid/Late Spring and closes the week of Thanksgiving; no operations to take place during the winter season.

3. All site improvements are to be completed as per the approved site plans.
4. The applicant shall comply with all of the Town of Alton's Site Plan Review Regulations, the Zoning Ordinance, the EPA's Construction General Permit, and other applicable Regulations and permitting, to be in conformance with construction standards and specifications.
5. 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.
6. A site 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.
7. Once any and all conditions of approval have been met and the Chairman of the Planning Board or his designee signs a site 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 twenty-four (24) months.
8. Site plan approvals that have not started construction within twelve (12) months shall automatically expire, at which time no building permits shall be issued, 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.
9. No site may be occupied or used until a Conditional or Permanent Certificate of Occupancy Permit has been issued by the Code Official in accordance with Section 1.22 of the Site Plan Review Regulations.

**ACTIVE AND SUBSTANTIAL DEVELOPMENT OR BUILDING AND SUBSTANTIAL COMPLETION OF IMPROVEMENTS**

1. Within 24 months after the date of approval, the following items must be completed in order to constitute "active and substantial development or building" pursuant to RSA 674:39, I, relative to the 5-year exemption to regulation/ordinance changes:  
Installation of stormwater management
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:  
Completion of project as outlined and presented

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 that are required prior to signing the site plan. 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 1.14 of the Town of Alton Site Plan Review Regulations.

Mr. Hoopes seconded the motion and it PASSED unanimously.

Case #P22-17 Norway Plains Associates, Inc., Agent for LCW Family Trust & Chelind Realty Trust, c/o Scott Werner, Owners	Map 16 Lots 12 & 26 45 & 47 Lindsay Road	Lot Line Adjustment Rural (RU) Zone
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The Chair read the case into the record.

The Board reviewed the application for completeness; Mr. Carter asked the applicant if there was a mortgage holder; applicant responded and stated there is no mortgage holder as he owns it outright. Mr. Williams interjected and stated the Board needed to address the waivers before completeness; Ms. Call responded and stated the waivers do not have anything to do with completeness.

**Mr. Williams MOVED on Case #P22-17 to deem the application complete. Mr. Brown seconded the motion and it PASSED unanimously.**

Mr. Carter continued with the waivers submitted by the applicant;

- Section VII, F.7 (g) - Show all jurisdictional wetlands and the 25' wetland buffer;
- Section VII, F.7 (h) - Show all areas with slopes in excess of 25%;
- Section VII, F.7 (i) - Show the minimum contiguous upland area required by the Zoning; and, Ordinance for each lot excluding jurisdictional wetlands and areas with slopes in excess of 25%. Identify the minimum contiguous upland area in acres for each lot.

Mr. Hoopes interjected and asked if there were any wetlands located near the property because they have nothing to go by; the applicant responded and stated there are no wetlands. Mr. Hoopes asked about the original lot where the water pump was located and wanted to know what are the discontinuing lines coming from County Road, was there a road there? Mr. Young responded and stated the discontinuing lines coming from County Road there were lots there; the applicant interjected and stated those lots were the ones in Phase II and he never completed Phase II. Mr. Young stated Lindsay Road continues up through the pump station across the entirety of the proposed lot Tax Map 16 Lot 26; it is already a constructed road and a private ROW. Mr. Hoopes asked if it was an access road to the lot; Mr. Young responded and stated yes, it will be the access to that lot. Mr. Hoopes stated that it is basically a driveway; Mr. Young responded and stated yes, he was able to drive it during the spring time with no problem. Mr. Carter interjected and stated that lot does not have frontage; Mr. Young stated the road already does not have frontage, it has a private ROW that passes through the original Tax Map 16 Lot 26 and it has a deeded ROW through there; they will deed out a continuance of the ROW to access the remainder of the lot.

Ms. Call interjected to note that she spoke to the Code Official about the fact that there is no road frontage, she stated she also spoke to Steve Oles, P.E. and ordinarily the applicant would have to have the minimum road frontage, but the Code Official was in agreeance that a variance was not needed because it was already existing and a variance would not have resolved anything. Ms. Call also stated the Board should finish

addressing the waivers before going any further.

Mr. Carter stated they have read through the waivers and he would entertain a motion on the waivers.

**Mr. Williams MOVED to approve the waivers Section VII, F.7 (g), Section VII, F.7 (h) and Section VII, F.7 (i). Mr. O'Neil seconded the motion and it PASSED unanimously.**

Mr. Carter asked the Board for any additional comments or questions; Mr. Sample asked about a line on the plan. Mr. Young stated that line will be the actual boundary line of the property, the other is the line that will be going away and both lots will be 40 acres when the adjustment is complete. Mr. Williams stated the access to the larger lot is the tote road depicted on the plan; Mr. Young stated that was correct, the road to access the original lot has been deeded out as a private ROW and they are going to extend that private ROW over the existing road as it exists today to allow access to the new proposed lot (12). Mr. Hillsgrove interjected and asked if the Board should suggest the applicant make the section of road on the plan as part of the deeded ROW not just to the boundary line; Mr. Williams interjected and stated the applicant just needs to bring it to the boundary line. Mr. Werner responded and stated the reason they are doing this for his estate plan is that there is never a subdivision. Mr. Hoopes asked if the applicant has designated the ROW for width; Mr. Young responded and stated it is 25 feet. Mr. Brown stated the lot line adjustments are different from what is depicted in the letter in terms of acreage, Lot 26 on the print is 48.71 and it's 47.29 in the letter and 26.7 on the print versus 25.2 in the letter. Mr. Young stated he does see that and will correct that. Ms. Call asked that Mr. Young submit an amended letter with the corrections.

Open Public Input...closed.

Ms. Call interjected and stated she checked the assessing database for Map 16 Lot 26 and the assessing database states that the existing acreage for that lot is the same as listed on the letter, not on the plan. Mr. Young stated he will make sure the acreage is correct on both documents.

**After due hearing, Mr. Hoopes MOVED that the Alton Planning Board hereby approves Case #P22-17 for the Chelind Family Trust & LCW Family Trust, c/o Scott Werner, for the above cited Lot Line Adjustment of Map 16 Lots 12 & 26, with frontage on Lindsay Road, 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 and *that include all of the Checklist corrections listed under "PLAN REVIEW" in this Planner Review, any corrections as noted at this hearing, and any waivers granted by the Board.*
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 May 17, 2022, 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.

**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 and Zoning Ordinance.
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. Brown seconded the motion and it **PASSED** unanimously.

Case #P22-18 DMC Surveyors, Agent for Andrew & Shannon Kenney, Owners	Map 56 Lot 38 200 Woodlands Road	Final Minor Subdivision Lakeshore Residential (LR) Zone
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The Chair read the case into the record.



Mr. Carter stated the applicant submitted a letter requesting the case be continued to the June 21, 2022 meeting.

Case #P22-08 Varney Engineering, LLC, Agent for SACO-Alton 1, LLC, Owners	Map 32 Lot 50 370 Main Street	Final Minor Site Plan Residential Commercial (RC) Zone
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The Chair read the case into the record.

Mr. Carter stated the application has been withdrawn.

**OTHER BUSINESS:**

Mr. Carter stated being it was 20 minutes after 9:00pm, and wanted to make a recommendation that all of the committee updates be tabled to the next meeting. Ms. Call interjected and stated she would like to discuss the Alternative Housing Committee update because they have applicants in the audience waiting for possible appointment for a Citizen member for the committee. She stated there is a memo dated May 10, 2022 in the Board's packets, there was an individual who contacted her regarding filling in for Sue Elithorpe as she left due to selling her property; as a result, she contacted all the other applicants to see who would be interested and she received three (3) responses from Vincent Bober, Mary Ann McCulley and Cherie Dennard. Ms. Call stated she would like to make a recommendation that the Board approve Vincent Bober's application as he was a big motivator for the committee to undertake the Short-Term Rental discussion.

**Mr. Williams MOVED to approve Mr. Bober for the Alternative Housing Committee. Mr. Carter seconded the motion and it PASSED unanimously.**

Other Business:

1. **Old Business: other than a, all other items were tabled to the next meeting.**
  - a. *Alternative Housing Committee Update*
    - i. *Review and approve one application for a non-year-round Citizen Member to sit on the Alternative Housing Committee, due to Sue Elithorpe's resignation.*
  - b. **Facilities Committee Update**
  - c. **Master Plan Update**
    - i. Review drafts of Chapters 3, 4, and 5
    - ii. Invoice #2022-133

Mr. Hoopes interjected to briefly address the Master Plan update and stated if someone gets a chance to start working through some of the draft chapters of the Master Plan, he recommends that the Board reviews the information. Ms. Call interjected to elaborate more on what Mr. Hoopes stated and requested that the Board review the updates in the meantime in case there are changes they may want to propose or things they do not agree with so they can discuss at the next meeting.

2. **New Business:**
  - ~~a. **Alternative Housing Committee Update**~~
  - a. **CIP Committee Update**
  - b. **ZAC Committee Update**
  - c. **Approval of Minutes:** Planning Board Meeting minutes of April 19, 2022, and Site Walk minutes of April 28, 2022

Mr. Carter stated he had one correction to the April 19, 2022 meeting minutes on page 7, the statement regarding the mapping of the test pits; he stated his statement was that he had never seen a report on test pits or borings without a map identifying where the pits were located. He stated he was clarifying that in that meeting.

Mr. Brown stated there was a question on the site walk minutes as to who was in attendance, it was Mike Currier.

Mr. Hoopes stated he had a question about what he stated on page 8, bottom paragraph where it says that he stated *...it is necessary for the applicant and the Conservation Commission to work together on this to resolve it because he doesn't understand how they could have a fill that was not approved...* Mr. Hoopes stated he does not know what the fill is; Mr. Sample stated a fill is a type of material; Mr. Hoopes was not sure what actually occurred during that discussion. Mr. Carter stated that apparently he agreed with Mr. Hoopes because he stated right after his comment that it would definitely come down to some type of compromise.

**Mr. Hoopes MOVED to accept the minutes for April 19, 2022 as written. Mr. Williams seconded the motion and it PASSED unanimously.**

**Mr. Carter MOVED to accept the Site Walk minutes of April 28, 2022 as amended. Mr. Williams seconded the motion and it PASSED unanimously.**

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

~~a. Review and approve one application for a non-year-round Citizen Member to sit on the Alternative Housing Committee, due to Sue Elithorpe's resignation.~~

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

*a. A Hard Road to Travel, 2022 Edition*

**Any Other Business to Come Before the Board**

**Public Input on Non-Case Specific Planning Issues**

Loring Carr came to the table to discuss the CIP, he stated that during the deliberative session individuals stood up and stated they were on the CIP and the Town should support certain items related to the CIP; he stated he has an issue with that because they are not on the CIP; the Planning Board develops the CIP. He stated the second issue is the warrant articles from 2022 have had language written that stated recommended by the CIP and it seems as though the CIP is recommending warrant articles; he stated that two (2) of the warrant articles had that the Planning Board had recommended money articles. He stated he does not see where they voted to recommend a money article. Mr. Williams responded and stated that he does not agree with putting "recommended by..." on a ballot, however he was challenged by that and he was told that language needed to be on the ballot. Ms. Call interjected and addressed Mr. Carr, she stated that was addressed with Town counsel. Mr. Carr stated he is aware of that but he does not believe the Planning Board voted to recommend that warrant article. Mr. Hoopes and Mr. Carter stated the Board did vote on that; Ms. Call interjected explained that the Board votes to recommend the warrant article to the Selectmen and the Budget Committee. Mr. Carr stated the attorney stated that is not legal and the Planning Board has

**TOWN OF ALTON PLANNING BOARD  
MINUTES OF 2022  
TUESDAY, MAY 17, 2022**

***APPROVED***

no authority to recommend money articles, so how can you have the CIP recommendations on all of the other articles? Mr. Carr stated he spoke to the Attorney General and was informed there was a letter sent to the Selectmen and wondered if the Board had seen the letter; the Board stated they have not seen the letter.

Mr. Carr then stated that RSA 675.4 is the authorization, the Town's people voted a while ago that the Planning Board would be in charge of setting up the CIP; he stated there is another way, going back to the voters and ask that it is set up with a group that includes members of the Planning Board, the Budget Committee and other individuals within the Town, but that is not what was set up, it's still the Planning Board. He stated he cannot find anything that stated this was changed over to the CIP to run things and even that group is elected officials, so he does not feel they are following the spirit of the law, let alone the law at all and he is requesting that the Board review the RSAs and exactly how the CIP is supposed to work.

**Adjournment:**

**Mr. Williams MOVED to adjourn. Mr. Brown seconded the motion and it PASSED unanimously.**

Meeting adjourned at 9:48pm.

Respectfully Submitted,

Trisha DeRoche  
Planning Assistant