

**TOWN OF ALTON PLANNING BOARD
MINUTES 2020
TUESDAY, JUNE 16, 2020**

APPROVED

Members Physically Present:

Drew Carter, Chairman
Virgil MacDonald, Selectmen's Rep.
Roger Sample, Member

Members Appearing Remotely:

Russ Wilder, Clerk
Bob Regan, Vice-Chairman
Scott Williams, Member
Tom Hoopes, Member

Others Physically Present:

Jessica A. Call, Town Planner
Josh Monaco, IT Department

Others Remotely Present:

Amelia Cate, Planning Secretary

Call to Order

Mr. Carter called the meeting to order at 6:15 p.m.

Mr. Carter read the declaration for electronic meetings into the record.

As Chair of the Alton Planning Board, due to the COVID-19/Coronavirus crisis, and in accordance with Governor Sununu's Emergency Order #12, pursuant to Executive Order 2020-04, this Board is authorized to meet electronically, and these reasons shall be reflected in the minutes.

Please note that there is no physical location to observe and listen contemporaneously to this meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, this is to confirm that we are:

- a) Providing public access to the meeting by telephone:
- b) Additional public access by video or other electronic means will be available as follows:
- c) Providing public notice of the necessary information for accessing the meeting:
- d) Providing a mechanism for the public to alert the public body during the meeting that a member of the public wishes to speak or be recognized during public input at a public hearing:
- e) Providing a mechanism for the public to alert the public body during the meeting if there are problems with access:

If anybody has a problem, please call (603) 507-1002.

- f) Adjourning the meeting if the public is unable to access the meeting:

In the event the public is unable to access the meeting via conference call, or there are difficulties with the Town's equipment, the meeting will be adjourned and rescheduled to Tuesday, May 19, 2020, at 6:00 pm.

Please note that all votes that are taken during this meeting shall be done by Roll Call vote.

Let's start the meeting by taking a Roll Call attendance. When each member states their presence, also please state whether there is anyone in the room with you during this meeting, which is also required under the Right-to-Know law.

ROLL CALL

Drew Carter, Chairman, Town Hall with Josh Monaco, Jessica A. Call, Roger Sample, and Virgil MacDonald.

Russ Wilder, Home, Alone

Bob Regan, Home, Alone

Tom Hoopes, Home, Alone

Scott Williams, Home, Alone

Mr. Carter read into the record:

***UNTIL FURTHER NOTICE:** To keep our members and staff safe, and to comply with RSA 91-A, the COVID-19 State of Emergency, and the Governor's Orders on restrictions at public gatherings, the Town of Alton is moving from "in-person" meetings to "remote audio participation meetings". To remotely attend the meeting (audio only) visit our website: www.alton.nh.gov for telephone access and remote access instructions listed under News and Announcements on the home page (you can access an audio/video livestream there as well), or telephone the Planning Department's Office at (603) 875-2162 between 8:00 AM to 4:30 PM for more information, and for the Dial-in Code and Meeting ID for each Planning Board meeting.*

Approval of Agenda

Mr. Carter asked if there were any changes to the agenda. Ms. Call stated that since posting the agenda the following additions were made;

Under Other Business, Old Business A. Letter from Brad Jones regarding the release on his surety and a memo from Ms. Call to the Board; Under 4: d. a letter from Kevin Leonard and an email regarding W&W Ralph Trust LLC; Under 5: a. information letting the Board know subdivision approval came in for W&W Ralph Trust Map 8 Lot 3-10; 5: b. House Bill 1129; 6: a. Discussion with Board Members regarding outside discussions with applicants and recusal from cases; and 6. b. Discussion being put on July Agenda on Roads and Subdivisions.

Mr. Hoopes MOVED to accept the June 16, 2020 agenda as amended.

Mr. Williams seconded the motion.

Mr. Carter called for a roll call vote:

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

1. Continued from February 18, 2020

Case #P20-04 Brad Jones of Jones & Beach Engineers, Inc., Agent for Rand Hill Realty, Owners	NH Rte. 11 & Rand Hill Road Map 49 Lots 4, 5 & 5-1	Conceptual Consultation for Major Site Plan Rural (R) Zone
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The Chairman read the case into the record.

Amanda & Gary Connelly along with Brad Jones, attended the meeting electronically via zoom at the Connelly's home and could be viewed by all on the screen.

There was a brief issue with sound and video however it was resolved quickly.

Ms. Call stated she would go through the Planner Review quickly and point out a few things. She clarified that the conceptual consultation was just a basic review with the applicant. Abutters were not notified in this process, however, if any abutters called in we would allow public input, being that this was a hot topic in town and many phone calls and emails were coming in, not only for this meeting but also for the ZBA meeting on July 2, 2020, where the applicants have a case on the agenda for special exceptions.

The Board briefly discussed the abutter notification for this meeting and Ms. Call reiterated that a conceptual consultation does not legally require abutter notification, but that in the event the public called in to participate the Board should allow them to speak during public input. Mr. Williams stated that during the discussion anything talked about is non-binding or enforceable. It was only a discussion for the record.

Ms. Call pointed out on page 2 of the planner review, under Design Review, the Board had 65 days to deem an application as complete, but Emergency Order number 23 waived all of these deadlines. Ms. Call stated she wanted to point that out so everyone was aware.

Ms. Call stated the items listed on the Planner Review were for the Board to keep in mind while the applicant and agent presented their project.

Brad Jones, from Jones and Beach Engineers, stated he was representing the Connelly's for their commercial project which was located on Route 11 and Rand Hill Rd. The property is 9.84 acres comprised of three (3) different parcels, two (2) of which had been acquired from the State of NH surplus. The property has 1,500 ft of road frontage on Rand Hill Rd. and 1,450 ft of frontage on Route 11.

Brief audio difficulty. It was resolved with IT specialist, Josh Monaco, and The Connelly's resumed their presentation.

Mr. Jones stated the property had seasonal water at this moment, it also had the old railroad bed that use to run through the property. The name of the project was Loon Cove Landing. He stated they have met with DOT and talked with them about the access points and noted that there were three (3) points listed on the plan.

Mr. Sample asked if there were existing driveway cuts. Mr. Jones informed him that there were driveway cuts on the property. Mrs. Connelly stated that one was like a cul-de-sac that is currently used as a turn around and the other had been blocked off by a large pile of sand. She also stated that she did not know whether or not they had been used when the railroad station was on that property but that the State mentioned there probably wouldn't be any issues. Mr. Sample asked if the State recognized there were three (3) driveway cuts. Mrs. Connelly stated that DOT were the ones that informed them they could most likely get three (3) driveways. She further stated that they have not submitted an application yet, but based on the conversation with DOT that was the information they were given.

Mr. Jones stated that when they get down the road a little farther with this project they will submit a full highway access plan with DOT and go through the exact location of the entrances. He also stated that based on that conversation there were no issues with sight distance or anything like that. A final plan meeting the requirements of DOT will need to be done.

Mr. Jones pointed out that on the plan, to the far left, is a proposed gas station. He stated approximately 3,000 square feet will be the gas station, which was on the smaller side compared to most gas stations. He stated there would be a canopy and two (2) pump islands, similar to the gas station in Gilford, but on a smaller scale. That site will also have access to the other parcels on the property. Page 2 of the plan showed the back side of the property, the two (2) buildings shown were for boat storage. The building was approximately 2,500 square feet. To the right of that was a building for boat repair, a single building about 7,200 sq. feet. The two (2) other building closer to Route 11 would be for retail. To the far right were another two (2) buildings for retail. Mr. Jones stated all the buildings will have onsite septic and a community well that will service the entire site. With the radius big enough to deal with the size of the property and the gallons per day. Mr. Jones also stated they were aware they would have to go in front of the Zoning Board for some special exceptions for the proposed uses. He stated the property is a great location for this use and the town really needed something to create jobs in the area.

Mrs. Connelly stated the front four (4) buildings, building 3, 4, 6, and 7 are all going to be retail type buildings. There has been some interest in the buildings already. Each of the buildings could potentially have up to five (5) tenants each, most likely not, but that is a potential. Each building would have internal walls that could be separated to accommodate what the tenant would need for space. Mrs. Connelly stated they have been working with an architect and that she had those plans on her computer but were not yet submitted for the conceptual. With that said she stated because the old Loon Cove Landing Station was there at one point they've asked the architect to incorporate some of the original features and carry those features forward to the other buildings as well. She also stated that they do live in the neighborhood and they wouldn't be doing anything that would devalue the surrounding property. She stated it was very important to her and Mr. Connelly that the property be aesthetically pleasing. The gas station building was designed very similar to the original train station. She stated they will not look like big ugly commercial buildings. The back two (2) buildings, which are for storage, building 1 and 2 were purposefully put in the back behind the other building because they would be lowering the grade so that it was more of a one level lot, and that would buffer the amount of impact it would have on Rand Hill. With that done, the visibility from Rand Hill would not be compromised. The back two (2) buildings would be darker in color so that they'll blend into the background more. The front buildings would be lighter in color with the darker color used for the trim.

Mr. Williams stated that buildings over 10,000 sq. ft. are subject to sprinkler systems and they need to check on that ahead of time. Mrs. Connelly stated that she had a conversation with the Fire Department and they were told it was for buildings bigger than 12,000 sq. ft. She stated that if it were the 10,000 sq. ft. then they will just adjust the size to be less than that. Mrs. Connelly stated that they've had many discussions with the Fire Department and John Dever, III, Code Official and they will accommodate accordingly.

Mr. Wilder asked about Lot 5-2 and if it were part of the development. Mr. Jones stated it will be included. It was property owned by Mr. & Mrs. Connelly and they would do a lot line adjustment to have it included with the development. Mr. Sample asked if it would be a lot line or a subdivision. Mr. Jones stated a lot line adjustment and Mr. Williams stated a lot merger would be the correct term. Mr. Jones agreed.

Mr. Wilder asked if the property was in the aquifer district. Mr. Jones stated it was not. Mr. Wilder asked if the property was all sand and stone. Mrs. Connelly stated it was.

Mr. MacDonald asked if the mound left from where the State did the road with the gravestones on it was at the end of the property they were currently discussing. Mr. Williams stated that was located over where the boat

storage building were going to be built. Mrs. Connelly stated that was not located on their property. She stated she believed the gravestones were located on the State property that was next to their property.

Mr. Sample asked if anyone knew the size of the storage buildings that were located down the road further on Route 11. Mrs. Connelly stated she thought she had those dimensions but could not locate them at this moment.

Mr. Regan asked if there was going to be vehicle access between the properties so that you wouldn't have to go back out onto Route 11 to access the other buildings. Mr. Jones stated there would be access through the lots. Mrs. Connelly stated that when they purchased the property from the state they had to do an archeological survey because there had been a cemetery located on the lot next to their property. Mr. Hoopes stated with Route 11 being heavy traffic flow and the amount of traffic and with boats in and out of that location that there will probably have to be a turning lane installed. Mr. Jones stated they purposely didn't show any modification to the roadway because they have to get a little further into the project and meet with DOT again and will probably end up having to put in something like a turning lane. Mr. Hoopes stated the reason he brought that up was because of the ongoing issue we have in town with the Dunkin Donuts and they don't want that to happen in this location as well.

Mr. Hoopes also stated the height of the storage buildings might hinder the view from the back side of Rand Hill. Mrs. Connelly stated they left the tree line on the back boundary line of the property so that the property owners living up there, and that included the Connelly's, didn't have to see buildings from their windows. She also stated the building are going to be built significantly lower than the rest of the buildings so that there is no obstruction to the view. She stated the grade is going to be significantly lower than the rest of the property. Mr. Williams stated Loon Cove Rd. is labelled wrong on the plan and is actually Butler Rd.

Mr. Carter asked about outdoor boat storage and where the boats will be parked up until they are put into the storage building because he didn't see much space for that. Mr. Jones stated that on the plan it showed access into the property from Rand Hill Rd. and that would help with traffic flow and to have the space for a trailer carrying a boat onto the lot to be able to maneuver. He also stated there is 40 ft of space between the building and the parking stalls and that is pretty significant space. Mr. Carter asked if a boat is being staged where and how long would that be. Mrs. Connelly stated that's one reason they put those buildings in the back so that there would be a buffer from the road if boats had to be left out for any amount of time. She stated she doesn't want to take away from the small town feel. Mr. Sample asked if it were single level storage. Mrs. Connelly stated it will most likely be rack storage. Mrs. Connelly stated there is a ton of ground space in those buildings so that the boats could be staged and prepped inside the building before being stored. She also stated that building #6, the boat repair building, will also serve as an auxiliary building to accommodate that as well.

Mr. Hoopes asked about special drainage for the gas station as well as the boat repair and storage building. Mr. Jones stated he has designed quite a few gas stations and there will be special concrete drains under the canopy to absorb any fluids that may spill. He stated they will make sure it's isolated and not cause any contamination.

Mr. MacDonald asked if there will be a storage area for the boat gas and such. He stated they would have to put pervious pavement down if there will be fluids coming from the boats being in the aquifer zone. Mrs. Connelly stated they will have safeguards in place and store the fluids in an appropriate manner and follow any guidelines for this type of business.

Mr. Williams stated he had some concerns about the traffic that'll be on Rand Hill Rd. with that being residential he would like to see that looked at. Mrs. Connelly stated that would be more of a service entrance and not a through way. Mr. Williams stated he was worried about the neighbors. Mr. Jones stated the buildings would be sloped down to about a 7% grade so that they were tucked away and wouldn't obstruct the owners on Rand Hill. Mr. Jones also stated they have retaining walls designed behind the storage buildings as well. Mr. Williams asked about the 25 ft in the back of the retail buildings and if that area would be accessible to the back of the buildings or a grassy area. Mrs. Connelly stated it was only a buffer from the road. Mrs. Connelly stated that on the plan where the biggest buffer zone was shown, is where the closest neighbor was located to the property and have the largest impact on and that was why they have a larger buffer zone shown on the plans. She also stated they have spoken to the owner and all are on the same page.

Mr. Hoopes asked about the roofing on the structures and stated that a peaked roof would be more aesthetically pleasing than the flat roof. Mrs. Connelly brought up on the screen a design of the buildings for the board to see. Mr. Hoopes stated it pleased him to see that they aren't box buildings. Mrs. Connelly went on to show that they designed it just like the old Loon Cove Landing station. Mrs. Connelly went through what they are thinking for the design of the buildings. She stated that they want to look like the gas station when you drive into Meredith. The nice cute, home town feeling. Mrs. Connelly stated they were really looking forward to receiving input from the Boards and residents in the area.

Mr. Carter asked if anyone else on the board had questions. Mrs. Connelly stated they were looking for the Boards input and thoughts on this project. Mr. MacDonald stated it looked like a great project. Mr. Sample asked about the abandoned easement and whose easement was it. Ms. Connelly stated that it was the power company's easement when they use to supply the power to Rand Hill, but now they don't. Mr. Williams stated that they probably still have an easement because they tend not to let go of their easement once they have one. Mrs. Connelly stated that they do and that is on their list to discuss whether it can put up in another spot or if they can move it to another lot. Mr. Williams stated that would be an uphill battle.

Mr. Hoopes stated his only concern for this project is the turning lane being put in. Mr. Jones stated that also is a huge concern and they have that on the top of their list. Mr. Sample asked where they would be able to put the turning lane in, and was there enough room on Route 11 to put it in or would they have to alter the plan layout. Mr. Jones stated that the right-of-way is at least 66 ft so there was plenty of room to add a turning or deceleration lane. He stated once again, this is all based on the plan they have now but they have to go in front of the Zoning Board to get a Special Exceptions granted for the gas station use but if that were out of the mix the traffic pattern would be different. Mr. Carter asked if they have had any kind of traffic study done. Mrs. Connelly stated they did try but DOT told them to hold tight until they had a solid plan. DOT stated the traffic study would be different depending on the use of the property. The Board agreed that made sense.

Mr. Wilder stated that this property is in the aquifer protection district. Mr. Jones said that they will look into that. Mr. Sample asked what that meant. Mr. Wilder stated that it is all sand and gravel, and will affect how they have the drainage and infiltration designed. Mr. Wilder stated he thought the consideration to that is if that affects the amount of pavement and roof and how the infiltration and drainage would have to be designed to protect the ground water quality. Mr. Williams stated they should look into roof water and getting those into some dry wells or something because it's clean and you can get that right back into the ground. Mr. Jones stated that the infiltration would work great on this site.

Mr. Jones stated they do know that a lot would have to be done in regards to designs for drainage and traffic studies etc. but they wanted to come in front of the PB first and then the ZBA and get that figured out.

Mrs. Connelly stated they want to put in some kind of memorial area on the property for the Town and show what this property looked like when the train station was there along with an old train or tracks of some sort. Mr. Jones stated that they have a topo map that showed the entire railroad bed. Mrs. Connelly also stated that they did register the property as Loon Cove Landing to pay homage to what use to be.

Mr. Carter asked about landscaping designs. Mrs. Connelly stated they haven't really at this point but because they want input from the boards. Mr. Sample stated that they want to look into the landscaping because we do have regulations and lists of what types of trees, etc.

Mr. Regan asked if they have a target date for completion. Mrs. Connelly stated they were looking to break ground this fall however with everything happening it may not be logical until spring of next year. They will do construction in sections.

Mr. Carter opened public input, and stated to anyone calling in to please limit their input to 5 minutes.

Julie Brown called in. She introduced herself and stated she had been an Alton resident for three (3) years and was seventh generation on the lake. She stated she had some concerns about the plan and the property being located in the watershed. Specifically the amount of impervious surface that's proposed in a very important watershed area especially with the grading there. She was very concerned about environmental factors as well as the infiltration and the chemicals that would be brought into the area with these proposed uses. She stated she was a Conservation Biologist and she did all the watershed management in Wolfeboro. She also stated that the Master Plan Zoning didn't have this intention for the area and that we have a downtown area that could use revitalization and more shops. This plan is not in line with the Master Plan and since the town requested funds through the warrant articles to update the current Master Plan, being that it didn't reflect the current community, she urged the Board to look into the environmental impact and re-evaluate what's happening with the Master Plan process before the whole corridor is turned into a boat storage facility and gas station.

Mr. Carter stated this is all something that will be looked at in detail when the time comes. Mr. Jones stated that they do have all of this in their plans they just haven't moved forward because they don't have the ok for this use. Mr. Wilder stated that the project will have additional work that will be required by the ZBA under the Aquifer Protection section of the Zoning Ordinance. Mr. Carter stated the environmental concerns that Julie Brown brought up will be very common regarding the project. Mr. Williams stated lot coverage is in the Zoning Ordinance as well. Mr. Hoopes stated that the reason he brought up the earlier concern about the gas station and boat repair was that extra attention to those two areas are going to be necessary.

Since there was no other public input, Mr. Carter closed public input.

Mr. Carter stated that the applicant will be required to submit an application for design review for a major site plan for this project as well as go before the ZBA and ask for Special Exceptions for all the proposed uses. Once the application is submitted it will be scheduled for public hearing and all abutters will be notified. Mr. Carter stated the Planning Board may schedule a site walk at some point after the application was submitted.

Other Business:

1. Old Business:

- a.** Received estimate for road maintenance surety dated January 31, 2020, from Mike Vignale, P.E., re: High Point Road/Brad Jones; Board to determine an expiration date for the bond.

Letter dated May 13, 2020, from Brad Jones, re: Release on cash surety; memo dated June 12, 2020, from Jessica A. Call

Ms. Call stated the memo included information from the discussion at the meeting in January for road approval and addressed all the concerns. She sent the memo out early hoping that the Board would have had a chance to review. The Board had requested this be researched and the memo included a letter that Brad Jones provided Ms. Call from Sharon Penney, former Town Planner, that stated the final pavement only needed to sit over one winter. Ms. Call stated she could not find that information in the Regulations. She researched further and found the Regulation for Warranty Surety at that time stated: 8.2.2 'Upon substantial completion of the secured construction, the Town shall retain 10% of the cost of the construction as warranty. The warranty period shall be 18 months from the time of substantial completion.'

The research stated that 10% needed to be put in place upon request of final road approval. Mr. Williams asked why we could not leave the road approval alone for 18 months before it goes in front of The Board of Selectmen for approval because that is a big chunk of change for some and we haven't done this before. Ms. Call stated that lies the question. If Regulations are put in place why aren't we following these Regulations to protect the Town. Mr. Hoopes asked when were the Regulations regarding the 18 months put in place. Ms. Call stated it was put in place in 2002 and Mr. Jones received his approval after that point in time, 2007, was when approval was given. Mr. MacDonald asked how long it had been approved for, 7-8 months. Ms. Call stated since January 2020.

Ms. Call stated part of her recommendation consists of 4 options. Mr. MacDonald clarified that as of right now Mr. Jones had no bond in place. Ms. Call stated that was correct, but that he has \$18,000 left in a cash surety escrow account from building the road. Ms. Call went on to explain the 4 options to choose from.

1. Allow Mr. Jones to not have to submit warranty security in accordance with the information that he received from Ms. Penney in her letter back in 2008;
2. Hold Mr. Jones responsible for the Regulations that were in place when he received conditional approval for his subdivision on June 19, 2007;
3. Hold Mr. Jones responsible for the Regulations that are currently in place, which are the same requirements that were put in place in 2002, which requires that 10% of the original cost of construction be retained for a period of 18 months; or
4. Not hold Mr. Jones responsible for submitting warranty security since it has been over a year that the top coat was completed on May 28, 2019.

Ms. Call stated because this project has been a very long process and it hasn't been the typical process it was up to the Board to decide how to proceed. Mr. MacDonald stated in his opinion it should have been done and the Planning Board let it slip by so now it needs to be fixed. Ms. Call stated she informed the Board at the January meeting for final road approval about the bond information. Mr. Hoopes believes that the Board needs to make good on the information provided to Mr. Jones in the letter from Sharon Penney, although it may have been wrong it was still a commitment from the Town and Mr. Jones should not be held responsible for that.

Mr. Williams stated that usually these things are set forth by the conditions precedent. Mr. MacDonald agreed. Mr. Williams asked what if final approval was held off for the 18 months, to ensure the road stays intact, and then applicant applies for Final Approval? Mr. MacDonald asked what if the road falls apart in the 18 months and there is no bond to repair it, and that's the whole reason for the bond in place those 18 months. Mr. Sample stated we need to stick to the Regulations. Mr. Jones stated the reason they received that letter from Ms. Penney was because they had asked for clarification and that was when Ms. Penney stated it was a bond in place for 1 year or 1 winter. Mr. Jones stated its been through a winter and a year.

Mr. Regan asked if the Board is to move forward with approval based on Ms. Penney's letter would they be setting some kind of precedent. Mr. Hoopes stated that the Board needed to honor what Ms. Penny stated and therefore would not be setting precedent.

Mr. MacDonald stated the Board needed to get this bond situation figured out before we move forward on anything like this again.

Mr. MacDonald MOVED to allow Mr. Jones to not require the submittal of a maintenance bond and to honor the letter from Sharon Penney, former Town Planner.

Mr. Williams seconded the motion.

Mr. Carter called for a roll call vote:

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

Mr. Wilder MOVED to release surety in the amount of \$18,244.42 to Mr. Jones.

Mr. Williams seconded the motion.

Mr. Carter called for a roll call vote:

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

- b. Discussion on scheduling the update of the Town of Alton Construction Observation Guidelines and the Town of Alton Site Plan Regulations.

Ms. Call stated she would like to leave this discussion on the Agenda for the next meeting because these documents will have to be addressed sometime in the near future.

2. **New Business:**

3. **Approval of Minutes:** Planning Board minutes of May 12, 2020.

Ms. Call stated that the draft is done however she has about ¼ left to proof and that will be done for the July meeting.

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

- a. Discussion on which Board members will sit on the ZAC, CIP, and Master Plan Committees.

Mr. Carter stated ZAC needs 3 Planning Board members. Tom Hoopes, Scott Williams, and Drew Carter would like to sit on the ZAC Committee.

Mr. Carter asked about CIP members. CIP needs 1 Planning Board Member. Virgil MacDonald will sit on CIP.

Mr. Carter asked about the Master Plan Committee. Tom Hoopes, Bob Regan, and Russ Wilder will sit on the Master Plan Committee.

Mr. Williams stated that we should have a large diverse group of people sitting on the Master Plan Committee. Mr. MacDonald asked if Ms. Call should put out a memo asking members from other Boards to sit on the Master Plan Committee. Mr. Regan stated that the consultant being hired for this will help us also gets subcommittees which would include a diverse group of community members. The Board agreed that a meeting with the Consultant should be first before we start asking for outside involvement on the subcommittees.

b. Discussion on the results of Town Meeting decisions, re: Planning Board's Warrant Articles.

Ms. Call stated this was something she would like to have addressed months ago. Ms. Call read a few warrant articles that didn't pass the Town vote. Mr. Hoopes stated that must have been because people didn't understand them. Ms. Call said that was exactly the reason that fueled starting the Planning Department's Facebook page. The Planning Department received many phone calls from the community that had a misconception of what the proposed warrant article actually meant. Ms. Call stated her and Mr. Dever went through every warrant article a typed up an explanation for each in hopes that it would be clearer.

c. Discussion on RFP, re: Master Plan Consultant.

Ms. Call stated she reached out and received examples of other Town RFP's for a consultant, however, she needs to go through all that information and compile a spreadsheet of some sort.

d. Letter dated May 12, 2020, and email correspondence dated June 5, 2020, from Kevin Leonard, P.E., re: W&W Ralph Trust, LLC.

Ms. Call stated this letter is regarding Scott Williams's subdivision and some questions the Town Engineer, Kevin Leonard, had. Ms. Call stated Mr. Leonard was gathering some information to get better background on the subdivision. Ms. Call asked Mr. Williams if he'd like to address this.

Mr. Williams addressed the Planning Board as an applicant and not a Board member. He stated the first problem was that he is just now seeing the letter date June 5th. He stated the previous inspector was Farmhouse Land Development. He noted Farmhouse Development was out at the road the day the final coat of asphalt was laid and they said the road was beautiful. Mr. Williams stated there is grass on the sides of the road, 20-30 ft shoulders to ensure the road stay clear. He stated he did have a few cracks filled with tar this last spring. Mr. Williams stated this is the 3rd engineer that has reviewed this plan.

Mr. Williams stated his wetlands had been done now for ages and they have been all stabilized and working well. Mr. Williams stated he called his own engineer as they started working on the last end of the road and his engineer stated he absolutely did not need an AOT permit to continue. Mr. Williams stated he does not intend on applying to the town for road approval until the road is complete and then he was going to wait 18 months.

Mr. Williams stated in other communities he's done this kind of project in, he gave the Town the payment for the 1 inch wear course to be put down and then the Town has it done when they feel the road is ready. He stated he'd do it himself if the Town preferred. Mr. Williams stated he called early on for an inspection and when Northpoint came out they didn't even get out of the truck and were only there for a couple minutes. Mr. Williams stated he knew he needed to have the road inspected at subgrade, the drainage in, then the next level of 1 foot road comes in, get it inspected again, then the final 6 inches of road is laid then the engineer comes while the placement of the 2 ½ inches of asphalt to check the temperature.

Mr. Williams stated he always provides the weigh slips so the engineer can make sure the proper amount of asphalt has been used on that job. Mr. Williams stated if the engineer had gotten out of his vehicle on item #3 & 4, he would have seen the wetlands buffers and the 25 foot disc it on. Cindy Balcius installed those before we even started the road. Mr. Williams said on one of the approvals he received, it stated he needed to install silt fence before tree removal and it didn't make any sense at all because when cutting trees, they may drop across the silt fence and then when they drag it out there goes the silt fence. During that meeting everyone agreed the Best management Practices were once the trees are gone, before stumping that's when you disturb the earth that's when it done.

Mr. Williams stated the erosion control is there but he didn't do it going up hill because last he knew water does not run up hill unless it backs up and that is not an issue. Mr. Williams stated all the erosion control is there and the engineer may come look if he so pleases. Mr. Williams stated the engineer is applying the new observation guidelines. The observation guidelines Mr. Williams used are the ones that were in place when his approval was given by the Planning Board. We don't change the rules after the fact. Mr. Williams asked if anyone had questions.

Mr. Hoopes asked how many inspectors were on this project. Mr. Williams stated the first was Rueben Hull that did the drainage, then CMA reviewed everything as the consulting Engineer for the town. Farmhouse was the next company that reviewed the project during construction and they provided inspections which should be in the file. Mr. Williams stated he was unsure what to do and that he doesn't intend to wait around.

Mr. MacDonald asked why there were not copies of the inspections that have been completed. Ms. Call asked Mr. Williams what inspection reports was he referring to that should be in the file. Mr. Williams stated it would have been from Farmhouse and started back in 2005 when the original application was filed. Since then the road has been complete and Mr. Williams has built 9 houses in the subdivision with approval throughout different points in this project.

Mr. Williams stated he isn't going to provide a bond, he is going to build not bond like he did the last time. Mr. Sample stated he was a little confused. Ms. Call informed him that they are discussing some of the issues the Town Engineer has come across in review of the subdivision. Mr. Williams stated no he did not list issues with what they are doing. Ms. Call stated that Mr. Williams had given clarification to some of the questions listed in the letter and that would get back to Mr. Leonard with that information.

Mr. Williams stated he would be engaging his personal engineer to review what was being done and he won't tolerate being jerked around by Mr. Leonard. Mr. Wilder asked was this last inspection Mr. Leonard did a scheduled inspection and why isn't there an inspection report. Ms. Williams stated that all the engineer was asked to do was perform this inspection for this part of the project, not dig in and run wild on background information since this is only the 2nd phase in a 3 phase project and has been happening for years.

Mr. Carter understood what Mr. Williams was saying and that the engineer has valid concerns. He stated that if Mr. Williams walked the engineer through what he just said to the Board it would make sense and he may just want to be informed on the construction of the road from the beginning of the project because it had been so many years.

Mr. Carter stated that he didn't think this Board could give Mr. Williams the go ahead to bring in his personal engineer to oversee his own work. Mr. Williams stated he was misunderstood and what he meant was he was going to bring in his own engineer to record what is happening so that when the Town engineer comes up with all these questions, Mr. Williams will have something to fight him with.

Mr. MacDonald's question was why is the engineer asking some of the questions if all he was called for was an inspection for the current part of the project. He stated that this has been the problem with the Town engineers and continuing to add all these concerns that in the end are billable to the applicant when all they were there to do was perform this particular inspection.

Ms. Call stated that the engineers are following the guidelines for construction observations. Mr. Williams asked what guidelines were they following? Ms. Call stated the engineer simply asked for a little background on this subdivision. Mr. Williams stated he didn't understand why he needed any background. Mr. MacDonald stated that the engineer is not getting paid to get the history on the project but merely to inspect the road and write a report and say either yes the base is good or no it isn't. Ms. Call stated all the information Mr. Williams has provided will be helpful to Mr. Leonard.

Mr. Hoopes stated that we need to remember that Mr. Leonard is coming in at the middle of this project and has no history and should be privy to some background information. Ms. Call stated he believed that is exactly what he is doing. Mr. Carter stated that there should be a file the engineer is able to look through with all the documents pertaining to this project from the very beginning even if he wasn't the original engineer. Mr. Carter stated that it seems like what needs to be done is refocus the engineer to the inspection at hand and not go crazy on the billing end.

Mr. Williams stated he will now hire his own engineer so that he has some idea what a reasonable rate for all this work is that he is getting billed for. Mr. Carter asked if there were any other comments. No further discussion.

Mr. Williams asked Mr. Carter, as the applicant, where does he stand in the meantime as far as moving forward. Mr. Carter stated that he believed Ms. Call was going to reach out and get this information back to the engineer and redirect to be able to move forward with the inspection. Mr. Wilder stated that if the engineer does need some background information for what is currently being built, not what's already been finished we should be able to [provide the files to him. Mr. Williams stated the files should be provided and they are at Town Hall and should be complete however there has been a lot of stuff lost through the years at Town Hall. Ms. Call apologized for the letter not getting to Mr. Williams in a timely fashion due to the Town offices being closed as well as working remotely during the past few months.

Mr. Williams returned to the meeting as a Board member.

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

- a. NHDES Subdivision Approval for W&W Ralph Trust, LLC, Map 8 Lot 3-10.
- b. House Bill 1129

Ms. Call stated that this Bill proposes that towns would not to notice applicant's cases in the newspaper anymore. Mr. MacDonald stated that it has to be noticed in 3 public places, the Town Hall, the Post Office, and the Town website. Ms. Call stated that is correct, we post on the front of the building, Town website and the Post Office and it is posted on the Planning Department's Facebook page. This Bill passed the House and is now in the Senate. Ms. Call was unaware if it passed the Senate during today's session, but it seemed like it was very favorable.

6. a. Discussion with Board members regarding outside conversations with applicants and recusal from cases.

Ms. Call stated she just wanted to remind the Board about some key components that pertain to being a Board Member. She reiterated that if an applicant is to approach a Member and discuss their project, and then subsequent members talk amongst themselves, the Board is potentially holding an illegal meeting.

Mr. MacDonald stated that as a Board member you can do that as long as you don't have a quorum. Mr. Hoopes stated that is not allowed. Ms. Call stated she was just reminding them, because it can cause litigation issues as well as problems for the members. It causes a conflict of interest being that they now have privileged information. Mr. MacDonald stated that in some cases he has had conversations with applicants because they stated they have waited a lengthy period of time and haven't heard back from the Planning Department. Ms. Call asked if Mr. MacDonald could share that information with her because she wanted to make sure that was taken care of.

Mr. Wilder stated that regardless a Board member should be directing applicants to call the Planning Department with any questions. Ms. Call reviewed a few instances where a member should recuse themselves.

b. Discussion being put on July Agenda on Roads and Subdivisions.

Ms. Call stated she is adding to the July agenda a discussion on roads and subdivisions.

Adjournment

Mr. Carter MOVED to adjourn.

Mr. Regan seconded the motion.

Mr. Carter called a roll call vote.

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

The meeting adjourned at 8:45 p.m.

Respectfully submitted,

Amelia Cate, Recording Secretary