

**TOWN OF ALTON PLANNING BOARD
MINUTES 2019
JUNE 18, 2019**

APPROVED

Members Present:

Roger Sample, Chairman
Scott Williams, Vice-Chairman
Virgil MacDonald, Selectmen's Rep.
Drew Carter, Member
Tom Hoopes, Member
Bob Regan, Alternate

Others Present:

Jessica A. Call, Recording Secretary
John Dever, III, Code Official

CALL TO ORDER

Roger Sample called the meeting at 5:02 P.M.

**Roger Sample MOVED to enter non-public session at 5:02 P.M.
Russ Wilder seconded the motion, and a roll call vote was taken:
Roger Sample – Yes Scott Williams – Yes
Russ Wilder – Yes Virgil MacDonald – Yes
Drew Carter – Yes Tom Hoopes – Yes
Roll call vote carried.**

**Roger Sample MOVED to leave non-public session at 5:30 P.M.
Virgil MacDonald seconded the motion, and a roll call vote was taken:
Roger Sample – Yes Scott Williams – Yes
Russ Wilder – Yes Virgil MacDonald – Yes
Drew Carter – Yes Tom Hoopes – Yes
Roll call vote carried.**

**Roger Sample MOVED to seal the minutes because it was determined that divulgence of this information likely would render a proposed action ineffective.
Virgil MacDonald seconded the motion, and a roll call vote was taken.**

**Roger Sample – Yes Scott Williams – Yes
Russ Wilder – Yes Virgil MacDonald – Yes
Drew Carter – Yes Tom Hoopes – Yes
Roll call vote carried.**

**Roger Sample MOVED to recess the meeting until 6:00 P.M.
Scott Williams seconded the motion, and it PASSED unanimously.**

Roger Sample reconvened the meeting at 6:00 P.M.

APPROVAL OF AGENDA

**TOWN OF ALTON PLANNING BOARD
MINUTES 2019
JUNE 18, 2019**

APPROVED

Scott Williams asked if there were any changes to the agenda since it was posted. Jessica A. Call stated that the items in italics under “Other Business”, 2. c.; June 5, 2019, minutes; 4. c., d., e.; and 5. c., d., e., and f., were added after the agenda was posted.

**Russ Wilder MOVED to accept the June 18, 2019, agenda, as amended.
Scott Williams seconded the motion, and it PASSED unanimously.**

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

<p>Case #P19-12 Kevin M. Ashe, LLS, of White Mountain Survey & Engineering, Inc., Agent for Hopkins Irrev. Trust of 2016, Kristin E. Hopkins & Steven M. Burke, Trustees, and W&K Hopkins Family Rev. Trust of 2004, W.B. Pete Hopkins & Kristin E. Hopkins, Trustees</p>	<p>Map 18 Lots 38 & 38-2</p>	<p>Lot Line Adjustment Lakeshore Residential (LR) Zone 24 & 22 Tranquility Lane</p>
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The Chairman read the case into the record.

Kevin M. Ashe, LLS, agent, came forward to present the case.

**Russ Wilder MOVED to accept application #P19-12 as complete.
Tom Hoopes seconded the motion, and it PASSED unanimously.**

Kevin M. Ashe, LLS, shared that he surveyed Lots 38 and Lot 38-2 for a previous subdivision plan back in the early 2,000’s. There are new owners of these lots and they were proposing to adjust their lot lines to accommodate for a patio area off the side of their house and they wanted to make sure they kept it within the side setbacks from their property line. The area of adjustment was 1,600 s.f. He noted that he highlighted the areas with slopes greater than 25%, deducted the wetland, and added a note about the minimum lot sizes.

Tom Hoopes shared that he had no problems with the proposal. Russ Wilder noted that there were a few items on the Planner Review that needed to be completed, and wanted to know if those were addressed either in the plans or on the application itself. Kevin M. Ashe, LLS, stated that the mylar matched up with the items that were missing. Roger Sample noted that there were checkmarks on the checklist that indicated the property was in current use, but it was under 10 acres. Kevin M. Ashe, LLS, confirmed that he amended the checklist. He noted that he brought with him the items that were listed as missing in the Planner Review, which were: an application signature page with a signature for Steven M. Burke, Trustee; five sets of updated full sized plans; ten sets of 11” x 17” sized plans; corrected abutter’s list; and revised checklist. He confirmed some of the items that were listed in the Planner Review, which were: there were no waivers; there was no mortgage; bounds were indicated on the final plan; “Road” was added to the plan for Gaskell, Map 18 Lot 39-3; the property was not in current use; the minimum contiguous upland area was indicated on the plan; and a sample deed was provided.

Russ Wilder noted that the original line ran straight close by the building, and the proposal had a jog in it that would give the Hopkins the setback that they needed for the patio. The two lots basically stayed the same size, one was 1.4 acres and one was 1.8 acres. Drew Carter asked Jessica A. Call if all of the items were submitted. Roger Sample asked if it was the same family that owned both lots. Kevin M. Ashe, LLS, stated yes, but they

**TOWN OF ALTON PLANNING BOARD
MINUTES 2019
JUNE 18, 2019**

APPROVED

had two different trusts. Jessica A. Call stated that all of the items were submitted that were indicated under the "Plan Review" section of the Planner Review.

Roger Sample opened public input. No public input. Roger Sample closed public input.

After due hearing, Drew Carter MOVED that the Alton Planning Board hereby approves Case #P19-12 for the Hopkins Irrevocable Trust of 2016, and the W&K Hopkins Family Revocable Trust of 2004, for the above cited Lot Line Adjustment of Map 18 Lots 38 & 38-2, with frontage on Tranquility Lane, 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, any corrections as noted at this hearing and any waivers granted.**
- 2. Addition of a note to the lot line adjustment plan prior to plan signing "This subdivision plan is subject to the Conditions of Approval itemized in the June 18, 2019, 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 subdivision prior to plan signing by the Planning Board Chair: This lot line adjustment plan contains a total of ___ sheets: [to be listed and dated by the applicant on the plan itself]. 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.**
- 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.**

**TOWN OF ALTON PLANNING BOARD
MINUTES 2019
JUNE 18, 2019**

APPROVED

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.

Russ Wilder seconded the motion, and it PASSED unanimously.

Appointing Alternates

Roger Sample appointed Bob Regan as a full voting member due to Dave Hussey’s absence.

2. Conceptual Consultation

<p>Case #P19-13 Nicholas Golan, P.E., of TFMoran, Inc., Agent for Queens City Holdings, LLC, Applicant, and The T&M Fitzgerald Family Rev. Trust, Owner</p>	<p>Map 9 Lot 57</p>	<p>Conceptual Consultation Residential Rural (RR) Zone New Durham Road</p>
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The Chairman read the case into the record.

Nick Golan, P.E., agent, and Alden Moore came forward to present the case.

Nick Golan, P.E., stated that the proposed project was located on New Durham Road at the corner of NH Route 11, which was across the street from McDonald’s Restaurant. He shared with the Board that there had been some prior attempts to develop that lot, but they were unsuccessful. The biggest hurdle was that there were a fair amount of wetlands on the site, which would entail working with the Wetlands Bureau to dredge and fill. Access to the site was predicated by the access driveway across the street from McDonald’s; he realized that the driveways would have to be aligned with each other. Scott Williams noted that a prior applicant had to place their driveway back 250’ from the intersection, which brought it up around the corner and that was a problem. John Dever, III, was not aware that any DOT regulations had changed and thought it was still 250’. Scott Williams stated that McDonald’s tried to move to Lot 57, and they could not because of the location of access to the site.

**TOWN OF ALTON PLANNING BOARD
MINUTES 2019
JUNE 18, 2019**

APPROVED

Nick Golan, P.E., stated that he talked to the DOT's Bureau of Right-of-Ways, and in coordination with the District 3 Engineer, they realized no formal curb cut had been approved, and they assisted Nick Golan, P.E., with how to go about purchasing one. When McDonald's tried to purchase Lot 57, the DOT approved the sale of the lot and established an appraisal, but they never went to the Governor and Executive Council for authorization for whatever reason and did not purchase the curb cut. The Wetlands Bureau was going to evaluate the site for potential rare endangered species, and the Historic Bureau was involved in this process also. He thought that wetlands and the process with DOT was a hardship to develop this lot. Another component was the septic system. McDonald's was unsuccessful with their septic plan.

Nick Golan, P.E., thought that this proposal could include a variety of uses like retail, a bank, an office building, a liquor store, an apparel store, or a real estate agency. His goal tonight was to get an answer from the Board as to whether this could be a buildable site and if they were interested in having that lot developed. He thought that the septic system for this lot could hold up to 1,000 gallons per day, but it would most likely be more like 500-600 gallons per day; there was a spot in the front of the lot where the septic system could be located. The plan showed a footprint of a proposed building that fit in with the geometry of the lot, which was a 10,000 s.f. building with about five (5) to ten (10) employees.

Nick Golan, P.E., realized that this lot was in the Residential Rural Zone, but in all reality, it was not the most ideal setting for a residential home because it was right off the traffic circle. Scott Williams pointed out that in most towns throughout the State there were commercial businesses around their traffic circles. Tom Hoopes thought that part of the lot was still considered commercial. The definition of the Commercial Zone was a 250' circle from the original cross of NH Route 11 and NH Route 28, and then the circle was built; therefore, a lot of things had changed. His concern was that when people were driving around the circle, they almost had to stop where the oncoming traffic came on right before New Durham Road; it was a terrible corner. His advice was to not put the driveway where it was proposed, and suggested to push it back further because there was no line of sight, but then the driveway would be closer to the wetland. Roger Sample thought that would take DOT out of the equation; Scott Williams was not sure if that was the case, and thought that the DOT would want the impact to be less than 10,000 s.f. Nick Golan, P.E., noted that not only did he sight the driveway off DOT's input, he also looked into other alternatives like moving it back further, but then it started to diminish line of sight. Scott Williams noted that when the State talked about reconfiguring the traffic circle, one of their options was to bring an access road right up the property line between Lot 57 and Lot 57-1 up to New Durham Road.

Alden Moore inquired if there were trees that could be cut down to increase line of sight. Russ Wilder thought that was a good suggestion, and through the landscape criteria in the Site Plan Regulations, it could become a landscaped area instead. He was more inclined to see roads across from each other than staggered. He noted that the Board would like to see that property developed and wondered if a disposal easement could be obtained on an adjacent piece of property, because it happened often here in Town mostly around the lake. Nick Golan, P.E., stated that he was considering that. Alden Moore noted that it appeared that Huggins used the front portion of their lot for their septic and parking, and it looked like it would be a difficult situation to utilize the property out back of their building for a proposed leach field. He wondered if there was any upland on his lot because when he went to go look at it there was extreme overgrowth and numerous mosquitos. Russ Wilder did not want Mr. Moore to be limited just by what the property could do, because the Board would like to see that lot developed. He suggested to really look into obtaining an easement on one of the surrounding pieces of property for his disposal system. Alden Moore noted that there was some potential land located at the DOT by NH Route 11. Nick Golan, P.E., was happy to hear that if there was a more intense proposed development, that there were some options to expand. He noted that the biggest hurdles would be that the design was safe, traffic studies would have to be done for how many trips coming in and out, and especially the

**TOWN OF ALTON PLANNING BOARD
MINUTES 2019
JUNE 18, 2019**

APPROVED

sight lines. Scott Williams noted that if some of the trees were taken down and other landscaping was put in its place that was acceptable by the Board because that was actually part of the planning process. Tom Hoopes noted that there were very little commercial properties left in town to develop.

Scott Williams pointed out that the Bahre property had two (2) pads approved for the Hannaford's plaza, one being 5,000 to 6,000 s.f. with restaurant approval and the other pad, which was located on the northerly side of the entrance road, was roughly 2,200 s.f. Roger Sample shared that if Mr. Moore developed across the street where the Huggins property was located, Hannaford's had a large graveled area that would eventually need to get dug up anyways. Alden Moore noted that the Huggins curb cut went way up on New Durham Road, and thought that maybe he could work something out with the owner of the property next to Huggins. Virgil MacDonald thought that land was owned by Mr. Paige. Scott Williams noted that the current owners of Map 9 Lot 57 also owned the adjacent lot, Map 9 Lot 57-1, and they might possibly have some room out back of that lot for sewage disposal. Alden Moore asked if he could run sewage through a wetland. Scott Williams thought that was possible, as long as it was put back after development. Nick Golan, P.E., stated that a forced main and a pump system would have to be installed, and nitrates would have to be monitored. Scott Williams noted that if the system was under 1,000 gallons, he would not have to worry about nitrates. Alden Moore thought that the land looked more buildable as you ventured down New Durham Road towards the farm that had black and white cows. Russ Wilder thought that a restaurant that served breakfast would be a welcomed business or a business that could be open later on at night. Alden Moore thought that an Italian restaurant would be great because he'd like to see a business located on that lot that did not already exist in Town. Russ Wilder was curious about what the wetland type was on the lot. Nick Golan, P.E., was not sure off hand, but he noted that it would be poorly drained vs. very poorly drained. He noted that he was going to take a look at the property after the meeting was over.

Russ Wilder wanted to make it a point that the biggest thing that the Board was interested in was the functionality of the wetlands and their water quality. The habitat was not an issue because of the surrounding roads. He did know that the area did not have sand and gravel; therefore, there was no aquifer. Scott Williams thought that the area could possibly be part of the aquifer protection area. He shared that he had done test pits for another proposal in the past and there was no sand or gravel on that lot. Nick Golan, P.E., stated that he did not see this lot located in the aquifer protection area, but he was going to double check that. Scott Williams stated that the aquifer protection area ran down the Main Street/NH Route 11 corridor. Russ Wilder shared that if the function and value of that lot could be replaced, it would be beneficial to the Town for water quality. Nick Golan, P.E., thought that for any impervious that was added, he would provide a stormwater management plan. Russ Wilder pointed out that the Heritage Bureau would have to be consulted. Nick Golan, P.E., noticed that there was some water retention on the lot because that was where all of the water from the road was being discharged.

Scott Williams inquired what type of stormwater recharge was being proposed. Nick Golan, P.E., thought that low impact development areas would benefit by utilizing a bio retention area like rain gardens that could be used for plantings; 18" of soil was needed to provide the treatment media. Scott Williams noted that if a StormTech Subsurface Stormwater Management Chamber was utilized, it would function something like a septic system. Nick Golan, P.E., noted that if a StormTech system was installed below the parking lot, then there would have to be 3' of separation from the bottom of that, the chambers would have to be at least 30" in height depending upon what the width of the pipes were, and would have to be 6'-10' in the ground. He estimated that the groundwater currently on the lot was not more than 2'-3' deep. Scott Williams thought the groundwater only went down an average of 2' or less. Nick Golan, P.E., stated that some fill would have to be brought in to bring the site up to an appropriate pad elevation and to also facilitate the drainage. He thought that this lot would be better using open drainage instead of closed drainage because it was going to be a fairly

**TOWN OF ALTON PLANNING BOARD
MINUTES 2019
JUNE 18, 2019**

APPROVED

small development with the vast majority of the pervious surface being the building; an opportunity for a downspout could be off the back of the building and if a high point was built, water could sheet off in each direction into a shallow swale, and then run into a detention area.

Scott Williams asked what Nick Golan, P.E.’s, opinion was on porous asphalt. He noted that areas with high groundwater were not a great fit, especially if the ground did not consist of sand and gravel. Tom Hoopes asked about snow storage. Nick Golan, P.E., stated that he would note some off site storage areas after reviewing the site and the Site Plan Regulations. He thought that since the back area of the lot was high and dry, it would be a good location for a water well. Scott Williams asked why they did not consider using municipal water because there were pipes that ran across the street, and there was a hydrant located there also. Tom Hoopes stated that Hannaford’s was using municipal water. Nick Golan, P.E., thought that using municipal water would be a better option.

Nick Golan, P.E., touched upon the proposed construction schedule. There was the curb cut approval process that could take anywhere from six (6) months to a year. Currently, he was preparing an existing conditions plan as long as he continued to receive positive feedback back from DOT, he would move along with the process. Russ Wilder noted that he should check on the deadlines for submittal of the Design Review application; Nick Golan, P.E., stated that he already checked with Jessica A. Call on the dates. Nick Golan, P.E., thought that he would not have the ZBA application prepared until the August meeting. He thought that since DOT was willing to grant a curb cut for a previous business venture in the past for a more intense use, he might not have any issues receiving one for what is currently proposed.

John Dever, III, asked if Nick Golan, P.E., looked at the “Table of Uses” in the Zoning Ordinance to see if they were allowed in the RR Zone. Nick Golan, P.E., stated yes, he thought that most of the business proposals fell under “Retail” use. He mentioned that when he had prospective business owners, he would contact Jessica A. Call to bounce some ideas off of. Scott Williams thought that anything to do with “Entertainment” would bump up the septic usage. Nick Golan, P.E., was pleased to hear that the Board was interested in having that lot developed.

Roger Sample opened up public input.

From the audience, Monique Currie, Real Estate Agent, noted that she thought it was a good idea.

Roger Sample closed public input.

3. Rehearing

<p>Case # P17-24 Thomas W. Varney, P.E., of Varney Engineering, LLC, Agent for Keith Babb of Green Oak Realty Development, LLC, Owner</p>	<p>Map 5 Lot 72</p>	<p>Rural (RU) Zone Suncook Valley Road</p>
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Roger Sample noted that this case was going to be continued, due to a request from Keith Babb’s attorney, Andrew H. Sullivan, Esq. The request was for July 17, 2019, at 6:00 P.M. Tom Hoopes asked if that was the same date as a regular Board meeting. Jessica A. Call stated it was scheduled for the day after the regular Board meeting. Scott Williams asked why this case was not scheduled on the same day as a regular Board meeting. John Dever, III, noted that it had to do with the availability of all three (3) attorneys and all of the other parties. Scott Williams wanted to know if Jessica A. Call asked the attorneys if they could make the July

**TOWN OF ALTON PLANNING BOARD
MINUTES 2019
JUNE 18, 2019**

APPROVED

16, 2019, Board meeting. She stated that between Jim Sessler, Esq., Jason Reimers, Esq., and Andrew H. Sullivan, Esq.,..... Virgil MacDonald asked what about the Board members. Drew Carter stated that Wednesday did not work for him. Virgil MacDonald thought that the Board should have been asked first. Jessica A. Call stated that she had consulted with Roger Sample several times on the phone with multiple dates. Roger Sample thought that the Board was consulted throughout this process. Roger Sample stated that he had determined that July 17, 2019, was the best date for this rehearing. Russ Wilder asked what time the rehearing was scheduled for. Jessica A. Call stated, 6:00 P.M.

**Russ Wilder MOVED to propose to reschedule the Planning Board meeting to hear the matter of the Green Oak Gravel Pit to July 17, 2019, at Town Hall at 6:00 P.M.
Tom Hoopes seconded the motion.**

DISCUSSION:

Virgil MacDonald stated that he would have liked the opportunity to be involved in the decision making process with the rescheduling of the rehearing. He thought that some dates should have been given to the Board, and not what was best for everyone else. Tom Hoopes thought that the three (3) different attorneys decided on it. Virgil MacDonald stated that it was not up to them, it was up to the Board. Scott Williams asked who the three (3) attorneys were. Tom Hoopes stated that the attorneys were the Conservation Commission's, the Applicant's attorney, and the Board's Attorney.

Jessica A. Call addressed Virgil MacDonald's comment. She stated that the day after the Board had the hearing to determine whether they were going to decide to accept the Conservation Commission Attorney's appeal on the Board's decision, Andrew H. Sullivan, Esq., Keith Babb's attorney, called to inform her that he was going on vacation during the week of the scheduled rehearing on June 18, 2019; therefore, between all three (3) attorneys and Roger Sample, and numerous phone calls back and forth, the date of July 17, 2019, was determined to be the best date. Virgil MacDonald stated that there were more people than just Roger Sample on the Board. Roger Sample stated that by the time every single person involved was contacted..... John Dever, III, confirmed that it took over two and a half hours of Jessica A. Call being on the phone to get where we were tonight.

Scott Williams wanted to know if the Board was going to have the opportunity to consult with their own attorney prior to the July 17th rehearing. He wanted the chance to address the appeal letter that the Board received from the Conservation Commission. Russ Wilder thought that the Board could meet with their attorney, Jim Sessler, Esq., the day before the meeting. Virgil MacDonald thought that the Board could meet with him right before the meeting on July 17th. Tom Hoopes thought that the Board should meet even earlier, like the week before. Scott Williams was not sure if Russ Wilder could sit in on the rehearing because he was also a member of the Conservation Commission. Russ Wilder noted that he had recused himself from the Conservation Commission for this case. Drew Carter pointed out that there was an RSA that required the Board to conduct the rehearing within 30 days of the decision to rehear the case, and wondered if that gone thrown out if all of the parties agreed. John Dever, III, stated that if the rehearing was rescheduled or continued at the request of, and with the consent of everyone involved, then the rehearing could go out further than the 30 days. Roger Sample thought that since the rehearing was scheduled for tonight, the Board was actually acting upon it by continuing it until July 17, 2019.

**TOWN OF ALTON PLANNING BOARD
MINUTES 2019
JUNE 18, 2019**

APPROVED

Roger Sample asked the Board for a vote, and the motion PASSED with Virgil MacDonald and Drew Carter opposing.

Russ Wilder thought that the Board should meet on the night of July 16, 2019, with Jim Sessler, Esq. Scott Williams thought that if the Board could not conduct a meeting with Jim Sessler, Esq., prior to the rehearing, then they should not conduct the rehearing on July 17, 2019. He did want to partake in the meeting, and he thought that every other Board member should not if they did not have the right to talk to their counsel ahead of time. Roger Sample thought since Jim Sessler, Esq., was their attorney, the Board's role at the rehearing was to just review everything and come up with a determination. He asked whether the Board really needed to consult him. Scott Williams, Virgil MacDonald, and John Dever, III, stated, that the Board absolutely should. Bob Regan thought that since it was a legal issue, Jim Sessler, Esq., should be able to give the Board some guidance. Tom Hoopes thought that the Board should meet with their attorney well ahead of the meeting in order to allow some time for everyone to get prepared for the rehearing.

John Dever, III, stated that the fourth of July week was probably not a good week; the week after was probably best. Some dates were discussed, and after John Dever, III, called Jim Sessler, Esq., to get his availability, it was determined that the Board would meet with him on July 11, 2019, at 5:00 P.M.

Other Business:

1. Old Business:

- a. Continued discussion regarding Construction Observation Guidelines.

Scott Williams thought that the discussion of amending the Construction Observation Guidelines should be continued until the Town hired a new Planner. Russ Wilder noted that at the last Board meeting, it was suggested that the members who had a construction background provide their own suggestions. Drew Carter shared that he had several notes that he came up with and he wanted to share them. Scott Williams thought that Drew Carter should hold off on his notes right now until the Board was ready to discuss amending the Guidelines. Russ Wilder thought it would be good to get these updated as soon as possible and thought that Scott Williams and Drew Carter had the most experience with construction. Drew Carter noted that he would send Jessica A. Call his comments in bullet form.

2. New Business:

- a. Discussion regarding updating the Site Plan Regulations, Draft dated May 29, 2019.

Roger Sample asked if the Site Plan Regulations had just been updated. Jessica A. Call stated that it was the Subdivision Regulations that had just been updated. Tom Hoopes noted that there were a lot of cross outs on the definitions and wondered if they had been changed and moved somewhere else, or if they were not applicable to the Regulations. Jessica A. Call stated that those words were not defined anywhere in the Regulations; therefore; they were proposed to be taken out. Scott Williams thought that there had been definitions in one place that stated one thing and then that same definition said something a

**TOWN OF ALTON PLANNING BOARD
MINUTES 2019
JUNE 18, 2019**

APPROVED

little different in another place. Russ Wilder thought that at one point in the past a standard set of definitions were placed into every set of Regulations.

Virgil MacDonald asked if the Board could change any of the suggested updates. Jessica A. Call stated, yes, they were the Board's Regulations. Virgil MacDonald brought up "Conditional Approval". He thought that was an issue because the Town would give businesses their Certificate of Occupancy and let them open up, but they were not done with all of their conditions. John Dever, III, stated that was a procedural issue that was being corrected. He noted that it took a tremendous amount of coordination between a few departments to keep things in check and on track.

Scott Williams noted that for many years now, he had been saying that when a subdivision was created, in his opinion, a Building file should be created right away so that Restrictive Covenants, or whatever else pertained to that specific subdivision went into that file. When owners came in to apply for building permits, John Dever, III, was not always aware that the particular lot belonged to a subdivision, and it could be something easy to overlook. He gave the example of a subdivision up on Hollows Hill where he owned a house. Across the street from him, the owners were restricted to building down the hill too far because it would restrict other neighbor's views. Someone was not aware of that and after they put in a foundation, one of the neighbors brought that to their attention and they had to take the foundation out. Scott Williams gave another example of First Alton Realty Trust, which was Trask Road Subdivision. There was a conservation lot that ended up being deeded to the Town, and one of the previous Town Administrators wanted to put that lot up for sale. He stated that he came in and told the Town Administrator that he could not sell that lot. Evidently, the Town sold the lot and when the new owner came in to get a permit from the Building Department, he was denied. In the end, the owner just wanted his money back. Scott Williams brought up one more issue and that had to do with a couple of the roads in town. He shared that Roger Street and Legal Lane, by court order, were winter maintenance roads only, they were not Town roads. He noted that Russ Bailey, Previous Town Administrator, had Ken Roberts, Road Agent, working on drainage. Scott Williams informed Russ Bailey that was not allowed. Virgil MacDonald thought that the Town made a deal with the owners of those roads when the Town work on the drainage. Drew Carter called for a point of order. Scott Williams stated that he was just trying to get his point across as to how important it was to put some of the subdivision documents into Building files.

John Dever, III, shared that an owner came in to get a permit to build a garage on Hopewell Road. Evidently, there were Covenants on that road that there had to be a 50' setback from the road instead of the Town's regular 25' setback, and he was informed of this by an attorney who called him the day after he issued the permit. He stated that he could not enforce the Covenants, but he could make owners aware that they existed and the potential problems that could arise if they went forward with their permit. Russ Wilder thought that something could be added to the Site Plan Regulations when they were amended. The discussion on amending the Site Plan Regulations was suggested by the Board to be continued until the Town hired a new Planner.

- b. Discussion regarding Planning Board members for the 2019-2020 ZAC Committee.

**TOWN OF ALTON PLANNING BOARD
MINUTES 2019
JUNE 18, 2019**

APPROVED

John Dever, III, noted that the issue with the current members was the fact that there were three (3) members from the Planning Board that wanted to sit on ZAC, and since Virgil MacDonald was the Selectmen's Representative for the Planning Board and the Selectmen's Alternate Representative for ZAC, if all of the members showed up, it would be considered a quorum of the Planning Board. Virgil MacDonald thought that there were two (2) Selectmen Representatives that were to sit on ZAC, which this year it was Phil Wittmann and himself. Virgil MacDonald thought that Scott Williams and Dave Hussey were the two (2) Planning Board members that were voted in to sit on ZAC. Tom Hoopes noted that he was asked when he came back from his vacation if he wanted to sit on ZAC, and said he would. John Dever, III, stated that originally, the members of ZAC consisted of two (2) ZBA members, two (2) Selectmen, and three (3) Planning Board members. He noted that Nic Strong, Town Planner, had worked up a draft for some By-Laws. Scott Williams thought that Virgil MacDonald would not be considered as a Planning Board member and instead would be considered as a Selectmen's Representative if he sat on ZAC. Jessica A. Call stated that did not make a difference. Scott Williams explained to Virgil MacDonald that if Tom Hoopes, Dave Hussey, and he were at the meeting and Virgil MacDonald showed up, there would be a quorum of the Planning Board.

John Dever, III, explained that if Virgil MacDonald was only a Selectmen's Representative on the Planning Board and was not a voting member, like Reuben Wentworth was with the ZBA, it would not be a problem, but since he was a voting member, having four (4) Planning Board members in the same room at the same time, made it a quorum of the Planning Board whether he was sitting on ZAC as a Selectmen's Representative or not. Virgil MacDonald and Drew Carter thought asking Town Counsel was the best route to go. Virgil MacDonald suggested having Paul LaRochelle sit in as the Selectmen's Representative Alternate. The Committee questioned what the old By-Laws stated for what made up a quorum. ZAC currently did not have By-Laws, but Nic Strong created a proposed set for the Committee to adopt, which included two (2) Planning Board members, two (2) ZBA members, and one (1) Selectmen's Representative.

Scott Williams noted that it was Loring Carr and Davey Hussey who were the ones to start the ZAC Committee. Tom Hoopes shared that there had been an unofficial ZAC Committee long before Loring Carr and Dave Hussey started an official one. Tom Hoopes noted that there were always additions to the Zoning Ordinance, but meetings would start much later in the year, about a month or two (2) before everything had to be included into the annual Town Report. He represented the Conservation Commission for many years in the 1980's and 1990's, and there was a group that would get together and talk about the most important changes that needed to happen. The Board thought it was best to continue this conversation at the first ZAC meeting on June 19, 2019.

- c. Discussion regarding consulting with the Board of Selectmen on their expectations for proposed projects for this year's CIP.

Bob Regan noted that there had been a CIP Committee in place for the last two years and he was wondering what the Board of Selectmen expected from the Board. Russ Wilder thought that what Bob Regan was referring to was that if the Department Heads and the

**TOWN OF ALTON PLANNING BOARD
MINUTES 2019
JUNE 18, 2019**

APPROVED

Committee were going to put a lot of work into doing another CIP, were the Selectmen going to use it. Virgil MacDonald stated that the Selectmen used the Board's recommendations the past couple of years. Tom Hoopes noted that last year it was mentioned that the Selectmen received the CIP information too late, and this year the information needed to be submitted earlier. Scott Williams stated that the first three to five or even eight years were extremely expensive. Bob Regan stated that the objective was to get the budget evened out over a span of time. Virgil MacDonald stated that some of the figures were not computed correctly last year. John Dever, III, asked what the Selectmen's deadline was. Scott Williams stated that the expenses were all capital items, which would end up being warrant articles. Virgil MacDonald thought that last year's CIP had items in it that should not have been in there because they were under the \$20,000 threshold. Bob Regan asked if CIP was going to happen again this year. Scott Williams and Bob Regan mentioned that they were not interested in being on the Committee again this year.

Tom Hoopes shared that he had attended a Law Lecture Series and learned that if the Town did not have a CIP, then certain things were not open to the Town. The Board all agreed that preparing a CIP entailed a lot of work from Department Heads and from the Planning Board and their staff. Virgil MacDonald thought that it was important to get things across thoroughly at the Deliberative Session. Scott Williams thought that an Excel spreadsheet was an ideal way to present the CIP.

Bob Regan mentioned that since Nic Strong, Town Planner, was resigning, it was going to create some problems because she was very thorough. Scott Williams thought that a facilitator could prepare the CIP this year. Tom Hoopes thought that the facilitator part should include them going to all of the committees well in advance to fully explain to them why the CIP is critical. He also noted that the report should be submitted to the Planning Board in time so the Board could submit it to the Board of Selectmen in time for them to use it as a budgetary planning device. Russ Wilder wondered if there were consultants that could be hired. Scott Williams did not recommend a consultant because he thought it would be a waste of money. Russ Wilder stated that the Board would have to know what the Selectmen's schedule was for budget season, and the proposal that was presented before the Board of Selectmen would be the same one being presented at the Deliberative Session. Scott Williams noted that he always used a 3% increase when he worked up his plan when he was Fire Chief. He did not think that the Town should be leasing consumable items, like pick-up trucks and fire trucks because it was a huge expense just on the interest alone.

Russ Wilder thought that the Board of Selectmen could give the Planning Board some directive as to what they would like to see. Bob Regan noted that the CIP Committee discussed more about the source of funding than anything else, whether funds came out of the operating budget or if a bond would be issued. Scott Williams pointed out that bonds were usually obtained for schools, fire stations, and other larger capital items. Bob Regan stated that was the type of capital planning he was used to doing. Russ Wilder asked if the Board wanted to propose that to the Selectmen. Bob Regan thought that the CIP should be weighed against the Master Plan, which was not focused on enough. Russ Wilder noted that the Board should find out from the Selectmen exactly what they wanted to see in the

CIP report, how it should be received, and how it should be implemented. Tom Hoopes wanted to know when the deadline was to submit it to the Selectmen in order for them to use it in the budgeting process. Bob Regan wanted clarification on whether the Board would be presenting a report to the Selectmen with pick-ups and trucks that really could be considered part of the operating budget, or did the Selectmen want to see larger items like schools and other municipal buildings.

Virgil MacDonald noted that last year, the Fire and Police Departments submitted a warrant article to see if they could raise the \$75,000 for a safety building, but it only received a few votes. Scott Williams shared that a while back, Russ Bailey, former Town Planner, had an architect from Concord draw up some potential plans to rebuild both the fire and police stations. He noted that the Police Department had updated their building, but the fire station had not been updated. The drawings unfortunately did not include a sprinkler system; therefore, when a system was added on the drawing, the costs went up to \$1M to renovate just the fire station. Scott Williams suggested that the Selectmen quantify what they meant by “capital expenses”. Virgil MacDonald thought that the Board should be the ones who set up the criteria. Scott Williams noted that it was the Selectmen that had to work with the report, and thought that the Selectmen should state how they wanted to receive it. John Dever, III, thought it would be a good idea for Bob Regan to attend the Selectmen’s meeting with Roger Sample so they could both discuss the CIP process.

3. Approval of Minutes: May 21, 2019 and June 5, 2019

Scott Williams asked when the minutes from a meeting were released to the public. Jessica A. Call stated that the minutes were available in draft form five business days out from the meeting. Scott Williams was concerned because he thought that if the minutes were all wrong, they would have been available to the public. John Dever, III, stated that it was per RSA that the minutes be available to the public in draft form and if they needed to be corrected, that would happen at the meeting where they were put on the agenda to be approved. Virgil MacDonald noted that the motion on the minutes for the Green Oak Development case approved Roger Sample to sign the Excavation Permit.

Tom Hoopes MOVED to approve the minutes of May 21, 2019, as presented. Drew Carter seconded the motion, and it PASSED with Russ Wilder abstaining and Virgil MacDonald and Scott Williams voting NO.

Russ Wilder MOVED to approve the minutes of June 5, 2019, as presented. Scott Williams seconded the motion, and it PASSED with Tom Hoopes abstaining.

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

- a. Pre-Construction Meeting Minutes dated May 24, 2019, re: Ridgewood Estates Subdivision/Phase II/MacDuffy Road and Brynn Lane, Tax Map 15 Lots 56-3, 56-4, 56-21, 56-23, 57 and 60-5 through 60-20.

Russ Wilder noted that this was the MacDuffy-Ridgewood. Scott Williams agreed and noted that this was located at the intersection of Old Wolfeboro Road and NH Route 28.

**TOWN OF ALTON PLANNING BOARD
MINUTES 2019
JUNE 18, 2019**

APPROVED

Scott Williams thought that the section of road that changed names at the intersection on MacDuffy Road was an odd way to name the street and thought that the main road should go through the whole way and only the little side road should have a different name. Tom Hoopes thought that John Jeddrey wanted to complete 600 feet of road, but only 300 feet at a time on Brynn Lane. John Jeddrey would get a sign off from the Town Engineer after the first 300 feet, and then he could do the remainder. Scott Williams noted that another bridge had to be constructed in that area of the road. John Dever, III, noted that the bridge was already installed.

- b. Pre-Construction Meeting Minutes dated May 24, 2019, re: Dobbins Brook Subdivision/Phase II/Dobbins Way, Tax Map 6 Lots 36 & 37.

Jessica A. Call stated that Mike Vignale, P.E., Town Engineer, was preparing an escrow amount for the construction observations and the restoration/stabilization bond. Scott Williams wanted to know what the escrow amount was going to be so they could keep an eye on the expenses.

- c. Letter dated May 31, 2019, from Nic Strong to Brad Smith, Alton Bay Campmeeting Assoc., re: Site Plan Approval dated May 17, 2016, for Tax Map 34 Lot 33.

Tom Hoopes questioned the content of the letter. John Dever, III, explained that some of the conditions precedent were not completed; therefore, without the submission of the completed plans, subdivision approval expired. He noted that the work had been completed, but the paperwork needed to be caught up. Scott Williams shared that he would have appreciated that a letter went out prior to the deadline instead of sending out a letter after the fact. John Dever, III, noted that according to the timetable and the fact that none of the conditions had been met on paper, by virtue of the Site Plan Regulations, the approval had expired. He asked the Board if the paperwork was all caught up, would they be okay with keeping the approval. John Dever, III, stated that the only other option would be was to have Mr. Smith start the process all over again. Russ Wilder suggested that the office staff try to keep up with the deadlines. Drew Carter thought that the Board should allow Mr. Smith to satisfy the requirements. The Board agreed to allow Mr. Smith to submit the outstanding paperwork to complete his conditions and then allow Roger Sample to sign the site plan.

- d. Emails dated June 16 & 17, 2019, to Brad Smith from Jessica A. Call, re: conditions have been met.
- e. Memo with accompanying documents dated June 7, 2019, from Liz Dionne, Town Administrator, re: Tax-deeded properties going up for auction. Board to give their recommendations.

Russ Wilder noted that the Conservation Commission wanted to see property #'s 14, 16, & 17 put into conservation. He shared that the Commission wanted to do a site walk on #14 to see what the access to the Merrymeeting River looked like. Property #'s 16 & 17 abutted up to Coffin Brook and it contained a large amount of wetlands. Tom Hoopes

asked if Peter Farrell had cutting rights on one of those lots. Virgil MacDonald wanted to know what type of cutting rights he would have if the Town took the lot for deeded property. Tom Hoopes noted that one person could own a lot and another person could have tree cutting rights. Virgil MacDonald did not think that was possible if the Town took it for non-payment of taxes. John Dever, III, noted that the Town had owned the lot for several years. Russ Wilder recommended that the Board go with the Conservation Commission's recommendations to conserve property #'s 14, 16, & 17. Drew Carter thought that he had to abstain because he was an abutter to the Coffin Brook property. Russ Wilder shared that property #'s 16 & 17 would be great for wildlife and it could be logged in the future, which could be part of the management plan. John Dever, III, noted that there was a snowmobile trail through those two (2) lots. Tom Hoopes noted that there were two (2) cemeteries located on the same two (2) lots. The Board did not have any recommendations on the remainder of the properties.

**Russ Wilder MOVED that the Planning Board recommend property #'s 14, 16, & 17, to be placed into conservation.
Scott Williams seconded the motion, and it PASSED unanimously.**

- f. Memo dated June 14, 2019, from Jessica A. Call, re: recommendations from the Alton Conservation Commission on the tax-deeded properties.
- g. Letter dated June 6, 2019, from Walter Thomas re: Release of Covenant Restricting a Building Permit for a Dwelling Unit on Map 16 Lot 10-1.

John Dever, III, stated that Mr. Thomas was originally going to use the woods road as his initial driveway entrance, but now he was going to use the hammerhead, which was originally put in as a temporary turn around easement. Mr. Thomas needed to come back to the Board for a minor subdivision amendment. Part of the conditions were that Mr. Thomas was to improve part of the road up to his property line, which he had completed. Mr. Thomas went to the Board of Selectmen, and they accepted that portion of the road to be complete. The Board needed to release the Covenant that was put in place constricting construction of dwelling units on the lot. Whenever Mr. Thomas appears in front of the Board with his amendment, at that time, the Board could release the covenant. Russ Wilder wanted to confirm that what Mr. Thomas was currently building was not a habitable structure. John Dever, III, stated that Mr. Thomas was constructing a barn/storage building, which he just recently received ZBA approval for.

5. Correspondence for the Board's information:

- a. Letter dated May 24, 2019, from Nic Strong to Elizabeth Dionne and the Board of Selectmen, re: resigning from her position as Alton Town Planner.
- b. Letter dated May 29, 2019, from Jessica A. Call to Keith & Melissa Watson re: invalidated site plan.
- c. Email dated June 10, 2019, from John Dever, III, Code Official, re: discussion with Keith Watson about withdrawing from their site plan approval.
- d. Letter dated June 4, 2019, from Mike Vignale, P.E., re: Hilltop Estates-Boulder Drive escrow estimate.

**TOWN OF ALTON PLANNING BOARD
MINUTES 2019
JUNE 18, 2019**

APPROVED

- e. Letter dated June 4, 2019, to Paul Beckett and Gail MacDonald re: Hilltop Estates escrow estimate.
- f. Letter dated June 10, 2019, from DES to Patrick Attwater, re: request for more information for One80 Solar Group's/Dave Hussey's AoT permit application.

5. Any Other Business that may come before the Board:

Scott Williams brought up the subject of how five (5) copies of large sized plans needed to be submitted with an application. He used his gravel pit for instance, which had 10 pages in each copy. He wondered where all those copies were being sent to. He pointed out that it had cost him over \$200 and he wanted to know why the Board could not do things digitally. He thought providing one large sized plan was reasonable for the file, but thought that having it in something like a cloud based program would be beneficial. Tom Hoopes asked where the requirement was written. Jessica A. Call stated that the requirement was in the Board's Regulations. Scott Williams shared that Strafford County would scan in a plan and then send it back because they did not keep hard copies. John Dever, III, mentioned that Josh Monaco, IT Department, was looking into getting a full sized scanner/copier, because currently, the only way to scan plans was to scan them 1/4 of a sheet at a time. Scott Williams noted that if there was a central location where the public could access plans digitally, that Josh Monaco would know a way to keep the documents safe so they could not be tampered with.

Public Input on Non-Case Specific Local Planning Issues

ADJOURNMENT

At 8:08 P.M., Scott Williams MOVED to adjourn.
Tom Hoopes seconded the motion, and it PASSED unanimously.

The meeting adjourned at 8:08 P.M.

Respectfully submitted,

Jessica A. Call
Recording Secretary

Minutes approved as submitted: July 16, 2019