

**TOWN OF ALTON PLANNING BOARD
MINUTES 2018
JULY 17, 2018**

APPROVED

Members Present:

Roger Sample, Chairman
Scott Williams, Vice-Chairman
Russ Wilder, Clerk
Peter Bolster, Member
Andrew Levasseur, Member
Dave Hussey, Alternate
Virgil MacDonald, Selectmen's Rep.

Others Present:

Nic Strong, Town Planner
Jessica A. Call, Recording Secretary

**Roughly 6 people in attendance for the Legion.

CALL TO ORDER

Roger Sample called the meeting to order at 6:01 p.m.

APPROVAL OF AGENDA

Scott Williams asked if there were any changes to the agenda since it was posted. Nic Strong stated that the non-public session for the American Legion discussion was added under #1. Conceptual discussion continued from June 19, 2018, re: American Legion Post 72; and under Other Business, 1.a. and 4.a. were added after the agenda was posted.

**Scott Williams MOVED to accept the July 17, 2018, agenda, as amended.
Russ Wilder seconded the motion, and it PASSED unanimously.**

APPOINTMENT OF ALTERNATES

Roger Sample appointed Dave Hussey as a full-voting member for tonight's meeting due to Tom Hoopes' absence.

1. Conceptual discussion continued from June 19, 2018, re: American Legion Post 72

Roger Sample stated that the Board received a letter from Shawn Tanguay, Esq., Town Counsel, dated July 15, 2018, in response to the need for a Site Plan Review for the American Legion. Roger Sample explained that the Board was going into a non-public session to discuss amongst themselves what was written in that letter before they proceeded with the conceptual discussion.

Dave Hussey recused himself from the American Legion discussion, and from the non-public session.

Peter Bolster MOVED to enter a non-public session pursuant to RSA 91-A:3, II, (I).

**TOWN OF ALTON PLANNING BOARD
MINUTES 2018
JULY 17, 2018**

APPROVED

Russ Wilder seconded the motion, and the motion PASSED with Virgil MacDonald, Andrew Levasseur, Peter Bolster, Scott Williams, Roger Sample, and Russ Wilder all voting yes.

The Board left the meeting at 6:05 pm and went downstairs to the Heidke Room for the non-public session. The Board returned upstairs at 6:15 pm.

Peter Bolster MOVED to exit the non-public session pursuant to RSA 91-A:3, II, (I). Scott Williams seconded, and the motion PASSED with Virgil MacDonald, Andrew Levasseur, Peter Bolster, Scott Williams, Roger Sample, and Russ Wilder all voting yes.

Russ Wilder MOVED to release the letter dated July 15, 2018, from Shawn Tanguay, Esq., Town Counsel, concerning the legal opinion regarding potential Site Plan Review issues with the American Legion, to the public.

Virgil MacDonald seconded, and the motion PASSED unanimously.

Dave Hussey, who was recused from the Board, came to the table. Russ Wilder noted that after some discussion, the Board would be willing to accept a request from the American Legion for a Minor Site Plan Review and that they would consider granting a waiver for a Major Site Plan Review. Scott Williams thought that the Board should discuss the occasional uses for the hall at the Legion that Shawn Tanguay, Esq., did not address in his July 15, 2018, meeting, which was what triggered the threshold that the accessory use was greater than the basic use. Dave Hussey stated that what he read was that Shawn Tanguay, Esq., stated that he was fine with everything but the parking. Peter Bolster stated that the letter indicated that if there were over 120 days a year that the hall was used for other events that were not Legion events, then it could trigger the Legion begin considered a "Commercial Function Facility". Scott Williams stated that the Legion was way under that threshold.

Dave Hussey wanted to know why the Board was focused on parking. Scott Williams stated that after last month's meeting, the Board had asked the Legion to indicate on paper what they could get for parking spaces. Dave Hussey stated that he had showed more than enough of overflow of parking. Scott Williams asked if the plan depicted space by space with painted lines. Dave Hussey stated that during the week, they had no issues with parking, and the reason why there was an issue with parking was that their overflow parking was taken away from them. He shared that DES stated that they had no problem with cars parking on the gravel area.

John Dever, III, pointed out that if the Legion was going to plan on expanding their parking to the gravel area that would require a site plan. Marty Chabot asked what a Minor Site Plan Review consisted of. Scott Williams stated that they would need a set of plans and they would not have to do any studies. Peter Bolster stated that all they had to do was draw something up. John Dever, III, stated that the Legion would have to submit an application with a plan and corresponding documents, it would be presented to the Board, they would review it and would determine if it was appropriate or not. Scott Williams stated that the Board wanted the Legion to draw out the parking in specific spots; what was currently there; and what was proposed.

Peter Bolster stated that the Board would entertain a waiver for the application to be considered as a Minor Site Plan. Dave Hussey mentioned that the Legion wanted to stay under the classification that they

**TOWN OF ALTON PLANNING BOARD
MINUTES 2018
JULY 17, 2018**

APPROVED

were currently under. Scott Williams stated that the Board was not going to change anything, and it was not part of the discussion at tonight's hearing.

Dave Hussey sat back in as a full-voting member.

Roger Sample stepped down as chairman for Case # P18-16, and Scott Williams sat in as chairman.

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

Case # P18-16 Bradford Jones of Jones & Beach Engineers, Inc., Agent for Roger Sample, Owner	Map 9 Lots 53 & 53-2	Final Major Site Plan Residential Rural (RR) 117 New Durham Road
---	---------------------------------	---

The Chairman read the case into the record.

Present were Brad Jones, agent, and Roger Sample, owner.

Russ Wilder stated that the plans and amended application had just come in this past Friday, July 13, 2018, and he was not sure if all of the Board members had a chance to read the Planner Review, because there were several items missing. Nic Strong stated that for completeness purposes, the things that were missing were the Drainage Review, but Brad Jones hand delivered it to her just before the hearing; and the other items that were missing were some departmental reports, but she had received the report back from the Fire Department that same day. She had not received a response back from the Building Department because they did not have enough time to review the changed plans before the meeting. Russ Wilder thought that the Board could accept the application as complete, but there were several other items still missing. He thought that maybe the Board could send Roger Sample to complete all of the missing items that he would have to do anyways, because it would take the Board a lot less time to make their decision.

**Russ Wilder MOVED to accept the application for Case # P18-16, as complete.
Virgil MacDonald seconded the motion, and it PASSED unanimously.**

Brad Jones and Roger Sample came to the table. Russ Wilder suggested that another Board member read from the Planner Review because he was tired of always reading his name in the minutes. Peter Bolster read from the Planner Review. The Planner Review indicated that there were no signatures or seals from wetland scientists or surveyors on the new plans. Roger Sample stated that after five (5) years, the plan would not have to be redone. The plan had a wetland signature, but it was over five (5) years old, so that signature was not any good, that was why it was not on the plan. Brad Jones stated that he submitted the old A1, A2, A3, and A4 pages of the plan and those were the wetlands that were delineated back when the project was first done. The wetlands had not changed and the plans were stamped by Jamie Long, CWS. The plan showed wetlands and a vernal pool out back of the property. He thought that nothing had changed so the plans that were submitted had a stamp from a wetlands scientist. Scott Williams stated that usually if the scientist could be located, they would update the plans with a new stamp. Brad Jones

**TOWN OF ALTON PLANNING BOARD
MINUTES 2018
JULY 17, 2018**

APPROVED

stated that if the Board required it, he could probably have Jamie Long, CWS, stamp the plan again. Roger Sample stated that he was not building in the wetland; he was building in the upland. Scott Williams stated that a soil scientist needed to stamp the plan indicating where the wetlands were located. Peter Bolster asked if they needed the stamp right away; Scott Williams stated it could be a condition of approval.

The Planner Review indicated that Jim Sessler, Esq., Town Counsel, was consulted regarding the need for a lot line adjustment plan. He indicated that from a land conveyance position, he thought that the surveyor was right in wanting to show the lot lines going away, which was exactly what the Board had intended in revoking the approved plan. Town Counsel thought that Roger Sample could record the plan without further Board action. Legally speaking, the lots did not currently exist because the revocation did away with the old subdivision; therefore, there were no lines for the Board to approve adjusting. Russ Wilder stated that the lot was a lot of record the way it stood as presented. Brad Jones stated that the property was still pretty much the same layout, except one lot was added to the apartments that were currently there now, it was only a slight change; the plan was recorded.

The Planner Review indicated that the height of the proposed buildings were missing. It also showed that the elevations of the proposed buildings were missing. Nic Strong stated that the height and elevations of the buildings were delivered today; she passed them out to the Board. Peter Bolster asked if the Board was going to talk about the appearance of the buildings. Scott Williams thought that they looked good and they would fit into the neighborhood. Brad Jones stated that the proposal was for three (3) duplexes, for a total of six (6) units, which would be separated by 30'. Dave Hussey asked about square footage. Brad Jones stated the buildings were about 1,000 s.f. each, 38' x 16'.

The Planner Review indicated that the floor plan of the proposed buildings were missing; Russ Wilder stated it was indicated on the plan they just received. The well radius was missing. Brad Jones stated it was on the Utility Plan on page C.5; it was 125 feet, which was based on the lot loading. Peter Bolster noted that the detention pond was located within that radius; Brad Jones stated it was not a problem. The landscaping was not clearly indicated. Brad Jones stated on page L.1 (page 13 of 18), Lighting and Landscaping plan, he indicated that there would be trees in the islands. Peter Bolster noted that there was a little bit of landscaping shown on the plan, but there were certain guidelines that needed to be followed. Roger Sample stated that part of the landscaping were the trees that buffered it from the street. Peter Bolster referred to the landscaping around the buildings and parking lot. Roger Sample stated that the woods were part of the landscaping. He had four (4) silver maples out front, the grass was considered landscaping, all the natural woods were part of the landscaping, he would plant bushes and/or shrubs around the buildings, and he stated he would plant a flower garden. Scott Williams stated that a lighting plan should be completed to include photometrics. Scott Williams asked what the circle meant in front of the units. Brad Jones stated that was the illumination of the lighting. Peter Bolster noted that the entrances were on either side of the grassy terrace. Scott Williams thought that would be a good area to plant some flowers. Peter Bolster asked if they were rentals or sellable units; Roger Sample stated, rentals. The height of the light pole was not on the plan. Brad Jones stated the height was indicated on page D.1 (page 16 of 18). He stated it was a 15' pole. Nic Strong stated that the Board did not have a copy of page D.1 because most of the pages were duplicates of what the Board received at the last meeting.

**TOWN OF ALTON PLANNING BOARD
MINUTES 2018
JULY 17, 2018**

APPROVED

Peter Bolster asked if there were any proposed stump dumps from the clearing. Roger Sample stated that he was not going to clear many trees. The Planner Review indicated that phasing was not described. Peter Bolster stated that originally, Roger Sample was going to build one building with five (5) units; therefore, he would have to build the whole building at the same time. Peter Bolster asked what kind of phasing would Roger Sample be anticipating with the new plans involving duplexes. Roger Sample stated he would build one building right after another. Russ Wilder noted that he saw it was indicated on the plan that there would be a phase 1 and 2. Brad Jones stated that in the executive summary, he explained what would be proposed in the future; he had not designed any phases as of yet. Russ Wilder stated that it looked like there was really no phasing because he was just going to build it; and if Roger Sample were to build additional duplexes, then he would just go ahead and submit an additional application for an amended site plan.

Peter Bolster noted that the Planner Review indicated that the plans still included various notes on various sheets about the road being accepted by the town. These should be changed and notes added that the road would be private and maintained by whoever was going to maintain it. Roger Sample stated that he saw some paperwork that indicated his road would be "Sample Way", but he actually wanted it to be "Sample Terrace". Peter Bolster started to state the requirement for how wide the road should be when Roger Sample stated that it was totally up to him and he built it to good standards. Peter Bolster suggested that it was better to build it to town standards now. Russ Wilder noted that the Planner Review indicated that whether the road was public or private, it had to be built to town standards. Nic Strong and Peter Bolster stated yes, Virgil MacDonald stated, no. Peter Bolster stated there was only one standard whether it was private or not. Virgil MacDonald stated that as long as the applicant built it to town standards then it was okay. Scott Williams stated that he drove by it today and it looked good. Peter Bolster thought in this particular situation, this road would not even have to be paved if it was a private road and would not be turned over to the town. Scott Williams stated that the Board could require a road to be paved. Nic Strong stated that the town standard included pavement. Peter Bolster stated then the Board needed to require pavement. Brad Jones stated that the notes on pages A.1 through A.4, were part of the old subdivision plans, and he had submitted them to show the layout, the wetlands, and all other existing conditions. Peter Bolster stated that the bottom line was, there was only one standard for private or private roads; therefore, Roger Sample had to build it according to that standard. Brad Jones stated that the road was up to town standards, but there might be a change in the side slopes. The slope had always been a 3:1 coming off a road, but he wanted to make sure if it was a 3:1 or 4:1 slope. He stated that he could change the slope if he needed to. He shared that everything else, like the width, pavement, gravels, and shoulder should meet the town standards. Peter Bolster stated that at some point, if Roger Sample wanted to extend the road and add several more dwellings, and then wanted the town to take over the road, it was a good idea to have the road built to town standards to begin with.

In the Planner Review, it indicated that there could be a need for legal documents to be submitted regarding a homeowner's association or by-laws regarding maintenance and inspection of the drainage infrastructure that was being constructed for the site, but since Peter Bolster pointed out that these were rental apartments, there was not going to be a homeowner's association. Nic Strong shared that if there was going to be long term maintenance for the detention ponds and swales, then there was usually a maintenance and inspection document that would go along with the plan. In some cases, the Board had discussed putting it into a deed to the property so future owners would be aware of it. Peter Bolster asked if this project would be utilizing town water; Roger Sample stated, no. He wanted to know what was

**TOWN OF ALTON PLANNING BOARD
MINUTES 2018
JULY 17, 2018**

APPROVED

being put in place for fire protection. Russ Wilder stated that there was a note from the Fire Department and they would get to that issue soon.

The Planner Review indicated that if there was going to be any easements put in place, they should be submitted for review; Roger Sample stated there was none. Note 1. on the site plan included zoning district requirements referring to the five (5) unit building plan; those should be changed. The calculation of acreage required per unit also should take into account slopes, and it was not clear currently that it did. The places on the plans that talked about buildable area referred to upland only. Brad Jones did not think steep slope came into play at all. He stated that there was some steep slope, but it was down by the apartment building that currently existed. He informed the Board that he would go through the contours again, but he did not think there were any steep slopes. Russ Wilder stated that the regulations required 6 acres of buildable area for the six units, excluding wetlands, steep slopes, and roadways/driveways. Peter Bolster read more of the Planner Review. The number of units referred to in notes 9. and 11. on the utility plan appeared to be referring to the five (5) unit building and should be changed.

The Planner Review indicated that the septic system was not designed yet; Brad Jones stated, that was correct. Peter Bolster asked what they would need. Russ Wilder stated that Roger Sample needed an approved State septic plan. Scott Williams thought that could be a condition of approval. Peter Bolster asked if any state permits were required for construction; Roger Sample stated, no. Russ Wilder asked what triggered an AoT permit. Scott Williams stated 100,000 s.f. Peter Bolster asked if any of the provisions in the aquifer protection overlay district needed to be noted on the plan. Brad Jones stated that on page C.3, note 6, showed that the property was in the aquifer protection zone. Nic Strong stated that the issue was not whether the note was there or not; the issue was that the in the district itself, in regards to restrictions, was that “onsite disposal of liquid or leachable wastes by a septic system other than that typical of single-family domestic wastes are prohibited unless a Special Exception is approved....” Scott Williams asked if separate septic systems were going in per building. Roger Sample stated, no, there would be one central septic system for the six (6) apartments. Scott Williams stated that Roger Sample should look into it because he thought that he would lose his size reduction if it was a commercial application, and if he went residential, he could get the size reduction. Once he went with a commercial system, Roger Sample’s ability to take the reduction was gone. Brad Jones agreed. Russ Wilder thought that the soil consisted of glacial till and was not a sand deposit. Scott Williams suggested to Roger Sample that he should consider installing individual septic systems. Roger Sample stated he was still undecided.

The Planner Review indicated that Map 9 Lot 53 and 53-1 were merged in 2009 and should be shown as Map 9 as Lot 53. The location and approximate size of open space was not indicated, but was checked on the checklist. Nic Strong stated that if Roger Sample was designating open space on the property, then they needed to identify it. Russ Wilder mentioned that at the last meeting, Roger Sample did say that he was going to leave some open space out back of the dwellings. Roger Sample stated he was not planning on turning over any land to the Conservation Commission. He stated that he would inform his tenants that the unbuilt land was theirs to access. Peter Bolster pointed out that on the plan that refers to Phase 1, there was plenty of land out back of the buildings, but there was very little available open land in front of them. Russ Wilder stated that since there was no homeowner’s association, he did not see that this issue applied, and he should uncheck the box on the checklist.

**TOWN OF ALTON PLANNING BOARD
MINUTES 2018
JULY 17, 2018**

APPROVED

The Planner Review indicated that drainage calculations for the various detention structures and road improvements, etc., were not submitted and would require review by the Town Engineer. Brad Jones stated he dropped the drainage calculations off tonight with Nic Strong. The calculations included the watershed plans, grading, detention ponds, etc. Peter Bolster noted that the parking space striping did not appear to be included on the detail sheets; they were on page C.3, but not on page C.5. Nic Strong stated that on the detail sheets, it usually showed measurements and gave details of how the contractors needed to paint them. Brad Jones stated he would add the notes to the plan.

No waiver requests were made.

Peter Bolster brought up the issue of fire protection. Russ Wilder read the email, dated July 17, 2018, from Evan Turcotte, "1. All construction for proposed duplex units are required to follow NFPA 101 (2015 edition) Chapter 24 with the exception of section 24.3.5 (Life safety code for new construction of 1-2 family dwellings), NFPA 1 (2009 edition) Section 20.11 (Fire code for new construction of 1-2 family dwellings), and NH RSA 153:10s (Automatic fire warning devices and carbon monoxide detection devices in dwellings). 2. If the buildings are required by the building department or the applicants insurance carrier to have automatic fire alarm systems, a Knox box for each building would be required. The Fire Department strongly recommends that the applicant install a Knox box on each building regardless for ease of fire department entrance into the building in case of an emergency." Scott Williams stated that the Board could also require the installation of a Knox box, and he suggested that one be installed. "3. Site is required to have fire department access no more than 50' from the front door. This means that from the front door to where the fire apparatus can park (parking lanes are deemed off limits because they all could be in use) can be no longer than 50'. That distance increases to 150' with a sprinkler system." Peter Bolster stated that a sprinkler system was not needed because there were only two (2) units. Scott Williams noted that sometimes building inspectors required an interconnect on each unit for the smoke detectors; if he wanted to do an interconnect, he suggested to use a rate of rise heat detector in each side that were interconnected and install a smoke/carbon monoxide detector in each unit. If a tenant burnt toast at 2:00 am, their neighbor did not need to know about it. Peter Bolster asked if there was going to be a Knox box on each unit. Roger Sample stated, no, he had a master key system and that master key would go in the Knox box.

The Planner Review indicated that a traffic impact analysis should be discussed for things like projected trips per day, the location, the proposed parking and driveway to see if there was a need for a more formal study. Scott Williams thought that since there was a 50-lot subdivision there before, if it was good for that, then it was good for this. He suggested putting a limit on 50 units to trigger an updated traffic study.

The Planner Review indicated that prior to final approval of the road, plans would require review by the Town Engineer, but the plans should be as close as possible to meeting the town requirements before they were sent for review. Virgil MacDonald stated that the embankments should be 4:1 instead of them being a 3:1 slope. He asked what the difference was if it was a private road. Peter Bolster thought there was not any difference, but if it became a public road, it would. Scott Williams stated that it was going to be voted on that this road would never be a public road and would stay privately held. Virgil MacDonald stated that if it was going to be privately held, why did the Town's engineer have to go out when there was a stamp on the plans. He stated that the Board was costing Roger Sample money by sending the engineers out to get a second stamp on something that already had a stamp on. Roger Sample stated that

**TOWN OF ALTON PLANNING BOARD
MINUTES 2018
JULY 17, 2018**

APPROVED

if it ever was sold, then the Board could require the road to be built to town standards. Scott Williams asked if a site plan was recorded; Nic Strong stated, no. Scott Williams wondered how could the Board alert potential future owners that this road would be subject to a private road status. Nic Strong stated that the reasons that the Board's Regulations require that all roads, public or private, sidewalks, pedestrian ways and bikeways shall conform to the requirements and standards of the Town of Alton Highway Policies and Regulations was that an owner could never guarantee that a road would stay private. Scott Williams asked how the Board was going to confirm that the road was built to town standards. Virgil MacDonald thought that Brad Jones' stamp should be good enough. Peter Bolster thought that the bigger issue was the 4:1 and 3:1 slope because the quality of the pavement could be repaved, but the change of angle off the road would be very expensive if it had to be changed to make it acceptable as a public road. Virgil MacDonald asked why the 4:1 slope would have to change to a 3:1 slope. Peter Bolster stated that the town may require a different sloping. Virgil MacDonald stated that there were several roads in town that were 2:1, 3:1, and 1:1 slope. Nic Strong stated that the issue was that Brad Jones resubmitted what had been approved for the subdivision. The cross sections and certain other things that were shown on the plans came from that old subdivision and did not meet the Town of Alton's Highway Policies and Regulations; somehow, that was not caught the last time. When she looked at the plans and cross sections, and compared them to the rules, they did not match. Brad Jones thought that the regulations had changed because they were 3:1 slope. Nic Strong stated that they had not been changed since the 1990's. Brad Jones stated that 4:1 could be done; it would kick the ditch out a bit, besides, the road was already built. Both Virgil MacDonald and Scott Williams noted that nothing about the road appeared to have a large slope. Peter Bolster stated that all roads, whether private or public needed to be built to town standard; therefore, whatever the standard was for the angle off the highway needed to be followed. Virgil MacDonald asked if the town was also going to follow that regulation. Peter Bolster stated that would be followed for new roads. Virgil MacDonald thought that someone should check them because the Town was not following that regulation. Scott Williams stated that compaction, subgrade, and all of the other things that needed to be inspected were not happening. Peter Bolster asked if the Board was thinking about granting a waiver for the town standards; he then mentioned that he did not think the Board could do that. Dave Hussey thought that he saw something written in the Planner Review that stated "as close to town specification as possible". Nic Strong clarified that what that meant was that if the Board sent the plans to the Town Engineer for review, they probably would not want to send them out now because the plans did not meet the requirements. She was pointing out that the plans should be as close to meeting the Town's specification as possible before they were reviewed by the engineer. Nic Strong said she was by no means telling anyone that the road be built as close as possible to Town requirements but that the plans should not be sent out for review if the design issues had not been taken care of first. Russ Wilder thought that final approval of the plans would require review by the Town Engineer. Peter Bolster thought that if the Board waived inspections for this project, then they would have to waive it for others. Dave Hussey asked Brad Jones what pitch of slope they would be putting in. Brad Jones stated that he would be putting in the 4:1 slope. Virgil MacDonald and Scott Williams thought that the 3:1 was close enough. Scott Williams stated that the Board could waive the requirement of the 4:1 slope. Roger Sample stated that he would request a waiver because the road was already put in. Nic Strong stated that the Board could not waive the slope requirement because they were the Highway Department's standards. If Roger Sample wanted to change anything with the road construction, then he would have to get an approval from Ken Roberts, Road Agent, and the Selectmen.

**TOWN OF ALTON PLANNING BOARD
MINUTES 2018
JULY 17, 2018**

APPROVED

The Board moved onto the next item in the Planner Review. Russ Wilder stated that the Selectmen's approval was required for all new street names. Roger Sample stated that this issue was addressed with the Building Department. Scott Williams asked if this went before the Selectmen. Roger Sample stated he talked to the Building Department for his 911 address. Scott Williams stated that the Selectmen needed to approve it still. Virgil MacDonald stated that a proposed road name needed to go through 911 first, then it went to the Selectmen. Roger Sample stated that the Building Department had handled everything.

The Planner Review indicated that it shall be incumbent upon the applicant and his agent to adequately demonstrate that the site would meet all current State and local septic system disposal standards. No site plan of land would be approved, which cannot meet the standards. Peter Bolster noted that Brad Jones was working on getting the system State approved. The application form noted that the property would be served with an onsite septic system; approval would be required as part of the final approval. Peter Bolster thought it would be best to install three (3) separate septic systems instead of one, but it was up to Roger Sample to decide.

The Planner Review indicated that site plan regulations included suggested minimum parking space numbers, and if any uses were not listed, then the number of spaces would be determined using a reasonable similar use. Site Plan Review Regulations suggested a minimum of two (2) spaces per dwelling unit; the plan showed 14 marked parking spaces with one handicapped space. Peter Bolster wondered if there was a regulation on how many handicapped parking spaces were required. Brad Jones affirmed that he had enough spaces to meet the regulations.

The Planner Review indicated that each site plan should have attractive and well maintained landscaping; minimum landscaping would be 40% lot coverage for the Rural zone, which included the whole parcel, not just the area around the duplexes.

The Planner Review indicated that the site plan regulation on lighting was intended to minimize or eliminate problems associated with light trespass. All outdoor lighting installed in the Town of Alton shall be in conformance with the requirements established by the regulations. A lighting plan shall be prepared indicating light fixtures, it shall show the location of the external lighting, and a detail of the type of lighting being installed. Scott Williams stated that the lighting was shown on the plan, which was a down lit wall mount. Brad Jones stated that there were two (2) lights on poles in the parking lot. Russ Wilder stated that the number of lumens needed to be on the plan. Scott Williams stated that the number could be placed in the notes.

The Planner Review indicated that stormwater drainage and erosion control, and adequate surface stormwater drainage system for the entire area should be provided, if required. No increase in peak stormwater volume or velocity between pre and post development conditions as measured at the subject property line was permitted unless a certified written stormwater agreement or easement was provided. Peter Bolster stated that drainage infrastructure details were included. Drainage calculations were required to be submitted for review by the Town Engineer.

Peter Bolster stated that the Board had already discussed screening. The snow storage and removal was located on the plan. The Planner Review indicated that in regards to filling and excavation, the plan must

**TOWN OF ALTON PLANNING BOARD
MINUTES 2018
JULY 17, 2018**

APPROVED

include a narrative with the amount, if any, of fill or excavation that would be required for the project. There were no details provided as to how much dirt work was required. Virgil MacDonald asked if Roger Sample did a lot of dirt work. Roger Sample stated that he built a road. Virgil MacDonald asked if the road was town approved; Roger Sample stated, not yet, but it was built to be. Virgil MacDonald asked if the Town Engineer came out to inspect the road after every load. Peter Bolster asked if the units had basements. Roger Sample stated that the units had a 4' crawl space. Russ Wilder asked about sedimentation and erosion during construction. He asked if there was a plan for that. Brad Jones stated that this issue was addressed in the drainage report and on the grading plan.

The Planner Review indicated that the Board could require detailed analysis of existing utilities and the potential impact of the proposal. Peter Bolster noted that the utilities were shown on a utility plan. He also noted that the Planner Review indicated that a site plan for a multi-family dwelling shall make adequate provisions for on-site recreational uses for residents of the proposed development. This would minimize the likelihood that public safety would be endangered by the extensive use of interior roads and parking areas for recreation. Roger Sample stated that he was not building a multi-family home. He mentioned that they could confirm with Nic Strong that this whole application might be null and void because now he was building duplexes and duplexes did not require a site plan. Scott Williams stated that if Roger Sample was going to build more than one on the site, it might be required. He suggested that if Roger Sample made his property into a subdivision with separate lots, then he could put a duplex on each of those lots. Peter Bolster stated that Roger Sample was building a development. Nic Strong stated that this issue came up right before the meeting. She mentioned to Roger Sample that the site plan regulations were for multi-family only, which did not just consist of two (2) units, but common sense would tell you that multiple duplexes on a single lot would make this situation rise to the level of a multi-family development; she needed to check out what exactly the difference was with multi-family and duplexes and if a site plan was needed with Jim Sessler, Esq., Town Counsel. Russ Wilder did not see the need for a recreational playground because the kids in the neighborhood could go out into the woods and play. He thought that if Roger Sample was building a large apartment building, then a playground might be required, but he was not. Peter Bolster asked if there would be an area that would be mowed. Roger stated, yes, out back of the buildings.

The Planner Review indicated that no signs were shown on the plan. Roger Sample stated that he had not decided yet, and if he did decide to have a sign, all he had to do was go to the Building Department and apply for a sign permit.

Russ Wilder stated that the Board had to come up with the active and substantial development and building improvement thresholds. Nic Strong stated that the Board had to set two (2) thresholds; within 24 months, Roger Sample had to do whatever was determined to be considered that he had done active and substantial development. Then within five (5) years, Roger Sample had to do whatever the Board decided what the threshold was to vest completely in the project. This protected the Town and the Applicant against changes to the regulations. Virgil MacDonald stated that he was only working on one lot. Nic Strong stated that it did not matter. Peter Bolster thought that active and substantial development should be that Roger Sample needed to have the site cleared within 2 years and to have the road completed. Peter Bolster thought having the access road completed should be one of the criteria. Scott Williams stated that it was already done. Russ Wilder thought that the installation of utilities should be one of the criteria. Scott Williams stated that if the road was not paved, Roger Sample would not get a

**TOWN OF ALTON PLANNING BOARD
MINUTES 2018
JULY 17, 2018**

APPROVED

certificate of occupancy. Russ Wilder stated that the road should be paved and the utilities should be in. Roger Sample asked why the road had to be paved. Peter Bolster stated that was a town standard. Roger Sample stated that there were dirt roads throughout the town now. Scott Williams stated that those roads were non-conforming, and if someone was to build a road now, they had to pave it. Russ Wilder stated that for substantial development, the road needed to be completed, drainage work needed to be completed, and the utilities needed to be in. He then thought that substantial completion could be that the foundation was installed, this way the building would have at least been started. Russ Wilder stated that for active and substantial development, the Board required that construction of the road, drainage, and the installation of utilities would be completed within 24 months. For substantial completion, the foundation would be installed.

The Planner Review indicated that construction observations and an escrow needed to be discussed. Russ Wilder thought that construction observations were usually done for a subdivision. Peter Bolster did not think this was necessary. Scott Williams stated it was a moot point, because the road was already in, and if there was a construction observation required, it would have been for the road construction. Peter Bolster asked if this project needed an escrow if it was going to be a private road. Russ Wilder stated at some point, it could become a town road. Scott Williams liked the designation to be determined on the plans, whether it was going to stay a private road or become a public road. Virgil MacDonald thought the road would be no good in twenty (20) years. Roger Sample thought that if in ten years, he decided to make it a public road, that he may be able to prove to the Town that it was built to town standards in order for the Town to accept it as a public road. Scott Williams stated that if someone was going to ask for their road to be taken over by the town, they had to have an inspection on the road prior to placing down the subgrade to make sure it was pitched properly. Roger Sample thought it was a simple answer, the town could just say no. Dave Hussey stated that when the engineer would go to inspect the road, he would have to bore holes to see if there was any kind of compaction. Peter Bolster thought that Roger Sample should have done the road right to begin with. Virgil MacDonald thought that if someone had a private road, the Board should not stipulate them and say they needed to put up \$15,000 to have an engineer come in to inspect for 20 minutes and charge \$4,000. Scott Williams stated that if the Board was going to allow this road to stay private, then there should be a note in the case file stating that the road was not compaction tested or had any observations on it that way a future owner would be well aware. Virgil MacDonald thought it could go into the deed. Scott Williams stated that Nic Strong should contact Jim Sessler, Esq., to write something up in order to place it in the file indicating that the road was completed and it was not done to town standards. Russ Wilder stated that there needed to be a time frame to the start and completion of construction. Scott Williams stated that Roger Sample installed the road two (2) months ago. Russ Wilder stated that Roger Sample would have 12 months to get started. Roger Sample asked when the 12 months started. Scott Williams stated that the 12 months began after the last action of the Planning Board; therefore, the 12 months would begin as of tonight. Nic Strong stated that the 12 months began as of the date the plans were signed.

Russ Wilder asked the Board if they wanted to perform a site walk. The Board stated, no.

Peter Bolster asked if there was a list of conditions precedent. Nic Strong stated that conditions precedent 6 and 7, which were listed on the planner review, would be deleted when she prepared the notice of decision.

Scott Williams opened public input. No public input. Scott Williams closed public input.

After due hearing, Russ Wilder MOVED that the Alton Planning Board hereby approves Case P18-16 for Roger Sample, Map 9 Lots 53 & 53-2, for a Final Major Site Plan Review to construct three (3) two-unit buildings with a total of two (2), two-bedroom units in each building, with the following conditions:

CONDITIONS PRECEDENT

The following conditions precedent must be satisfied prior to the Planning Board Chair signing of plans:

- 1. Submission of revised plans in the number required by the Site Plan Review Regulations and that include all of the checklist corrections, and any corrections as noted at this hearing.**
- 2. Addition of a note to the site plan prior to plan signing by the Planning Board Chair stating that Best Management Practices shall be utilized during any timber cutting on site.**
- 3. Addition of a note to the site plan prior to plan signing by the Planning Board Chair: This site plan contains a total of X sheets: [to be listed and dated by the applicant on the site plan itself]. In combination these plans constitute in their entirety the site plan as approved by the Town of Alton Planning Board. All sheets are on file at the Town of Alton Planning Department.**
- 4. Addition of a note to the site plan prior to plan signing by the Planning Board Chair: This site plan is subject to the Conditions of Approval itemized in the July 17, 2018, Notice of Decision on file at the Town of Alton Planning Department.**
- 5. Receipt of an estimate from the Town Engineer for the cost of the review of the drainage calculations and road construction plans (if needed), submission of the amount of the escrow for the review, and receipt of the Town Engineer's approval of the drainage plans and construction plans (if needed).**
- 6. Receipt of approval for construction and operation of the septic system from NH DES.**

SUBSEQUENT CONDITIONS

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

- 1. All site improvements are to be completed as per the approved site plans and an as-built plan shall be submitted to the Planning Department for review prior to the**

issuance of any Certificate of Occupancy per this Notice of Decision and Section 1.22 of the Site Plan Review Regulations.

2. The applicant shall comply with all of the Town of Alton's Site Plan Review Regulations.
3. The approval is based upon the plans, specifications and testimony submitted to the Planning Board. Any alterations, additions or changes to the plans are not authorized and require additional Planning Board approval.
4. A site plan which has been approved, conditionally or otherwise, may be revoked, in whole or in part, by the Planning Board when an applicant or successor in interest to the applicant has performed work, erected a structure or structures, or established a use of land, which fails to conform to the statements, plans, or specifications upon which the approval was based, or has materially violated any requirements or conditions of such approval.
5. Once any and all conditions of approval have been met and the Chairman of the Planning Board or his designee signs a site plan, the applicant has twelve (12) months from the date of signing to start construction and, unless a different schedule is approved by the Board, must complete construction within twenty-four (24) months.
6. Site plan approvals that have not started construction within twelve (12) months shall automatically expire, at which time no building permits shall be issued, unless an extension has been formally requested and granted by the Board. Normally the Board shall not grant more than one extension per project, shall only grant an extension for reasonable cause, and shall normally not grant an extension for more than six months.
7. No site may be occupied or used until a Conditional or Permanent Certificate of Occupancy Permit has been issued by the Code Official in accordance with Section 1.22 of the Site Plan Review Regulations.

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

1. Within 24 months after the date of approval, the following items must be completed in order to constitute "active and substantial development or building" pursuant to RSA 674:39,I, relative to the 5-year exemption to regulation/ordinance changes: the road shall be built to Certificate of Occupancy standards; the utilities shall be installed; and the drainage infrastructure constructed.
2. The following items must be completed in order to constitute "substantial completion of the improvements" pursuant to RSA 674:39,II, relative to final vesting: the foundations shall be installed and all the drainage completed.

Unless otherwise approved by the Board, the applicant shall have one (1) year from the date of the meeting at which the application is approved with conditions to complete any conditions that are required prior to signing the site plan. Failure to complete any conditions within the one (1) year timeframe shall invalidate the Board's approval, unless an extension is approved by the Board per Section 1.14 of the Town of Alton Site Plan Review Regulations.

Virgil MacDonald seconded the motion and it PASSED with Dave Hussey being absent from the vote.

Scott Williams stepped down as chairman, and Roger Sample resumed his seat as chairman.

Other Business:

1. Old Business:

- a. Discussion regarding Town Engineer inspections for Alton Bay Self Storage.

Paul George from Alton Bay Self Storage and Kevin Leonard, P.E., Northpoint Engineering, came to the table. Kevin Leonard, P.E., stated that there was a conversation that took place at last month's meeting regarding the observation fees and he was invited by Nic Strong to come to tonight's meeting.

Paul George expressed that he was upset because during Roger Sample's Final Major Site Plan presentation, he heard that the Board did not require any inspections for his private road. Paul George stated that he talked to Richard D'Angelo, who owned the car wash, and he told him that he did the plan review and there were no inspections required for his site. Paul George noted that if everybody was going to be treated fairly, why was he told that he would need his pavement inspected. Roger Sample stated it was because he was using porous pavement. Paul George stated that according to Steve Smith, Northpoint Engineering was not familiar with porous pavement. Kevin Leonard, .E., stated that porous pavement had a comprehensive specification, and if Paul George talked to the UNH Stormwater Center, they would tell him that porous pavement was an excellent product if it was done correctly and had proper oversight and engineering. He mentioned that there were several porous pavement installations all throughout the state that were not working well because they were not properly installed. He stated that Paul George's plans were approved with the idea that this specification was going to be upheld.

Kevin Leonard, .E., stated that when he read the Construction Observation Guidelines, adopted on May 5, 2015, he found a section on adoption, which stated that both site plans and subdivisions should go through this process. He also noted that there was a waiver for a site plan or subdivision to qualify for whatever reason was requested not to have to comply with the guidelines. Paul George stated that was his point, the Board had not been requesting construction observations for other applicants that he had been sitting before at several meetings that he had attended.

Scott Williams stated that the porous pavement was what triggered a need for observations. He stated that a while back the Board voted not to allow porous pavement in town, and there was another member of the Board, Dave Hussey, present at tonight's meeting that could concur with that statement. Scott Williams was appalled at what supervising engineers charged for observations. Dave Hussey asked Paul George what the square footage of his property was. Paul George stated 36, 600 s.f., which was not all pavement, some of this area was made up of the storage buildings. He stated that Nic Strong called Wendy at the Town of Hollis to inquire about a 55,000-s.f. self-storage project he was doing in that town. He shared that the engineer on that project, Reggie Ouellette, had estimated \$4,500 and after the onsite pre-construction meeting, he estimated between \$2,500 and \$3,500. He pointed out that Northpoint Engineering was going to charge \$9,600 for testing. He was upset about this because it was a private sector development. He stated he did not have an issue with putting up the \$22,712, which he had done, and now he was waiting for a copy of his signed plans. Nic Strong stated that there was one requirement left on the conditions precedent, and that was to set up a pre-construction meeting. Paul George stated that he was waiting for the building inspector to issue him a building permit.

Dave Hussey asked what happened to the Board's decision that they decided not to use porous pavement. Nic Strong stated that their decision did not get incorporated into any regulations. Dave Hussey wondered if the Board could waive small projects. Virgil MacDonald stated that the state had been pushing the installation of porous pavement. Peter Bolster pointed out that the Town had no ordinance on porous pavement. Scott Williams stated that the Board had voted, back when Ken McWilliams was the Town Planner that they would not allow porous pavement because at that time there was not enough staff to maintain or make sure the applicants maintained the pavement properly. Virgil MacDonald stated that the State would come and inspect the logbooks even on private property to see if the pavement was being maintained properly; it was not the Town. Scott Williams stated that Paul George should be treated like everyone else; Paul George stated that he was not.

Kevin Leonard, P.E., stated that he had consulted with Nic Strong, he was involved with the peer review of the plans, what the specification of the plans were, reviewed the reference to the UNH Stormwater specifications, and he used the Construction Observation Guidelines, which had its own checklist, in order to come up with his estimate. He stated he put together his estimate and sent it to Nic Strong. She in turn sent it to Bill Stack, who upon receipt of the estimate, marked it up, and it appeared that Bill Stack agreed with it. Paul George stated that he disagreed with the Board's policy because he had been sitting there watching the Board not enforce construction observations on other applicants. Dave Hussey stated that if the State was going to be the one inspecting the porous pavement, then why did they not inspect it as it was being installed. Virgil MacDonald stated that he did not think that Paul George needed to hire an additional engineer, the Town Engineer, when he already had an engineer.

**TOWN OF ALTON PLANNING BOARD
MINUTES 2018
JULY 17, 2018**

APPROVED

Paul George stated that the Town of Derry had their own town engineer, and when he was building a project in Derry, the engineer would come out and do periodic inspections and they were charged at a reasonable price. He mentioned that the Town of Hollis was not observing everything and if Hiltz was installing the pavement properly, the engineer would come out periodically along the process. He thought that there was such big difference in what other towns required and the fact that the Board was not making other applicants have inspections was very unreasonable. Scott Williams agreed.

Roger Sample asked for some opinions on this issue. Kevin Leonard, P.E., shared that he was trying to provide the level of inspection the Town wanted, which could vary a lot from one town to the next. Roger Sample asked Kevin Leonard, P.E., if he had an opinion on whether he could oversee Paul George's project at the \$2,500 level. Nic Strong stated that before the Board got too hung up on the \$2,500 dollar amount, they needed to realize that the Town of Hollis would ask an applicant to put an amount of money into escrow account, which was not based on an estimate of what the project would actually cost for inspections. The escrow account would get topped up when it dropped to \$500; therefore, there was no way to know, according to her discussion with the town's employees, what a project would cost because they did not have a breakdown like Kevin Leonard, P.E.,'s estimate beforehand.

Scott Williams asked what the Board did that other Board's do not do that prompted a \$22,000 estimate. Kevin Leonard, P.E., stated that the Board had a very detailed outline and a very specific list of criteria. Scott Williams stated that the Board needed to fix that. Russ Wilder asked what Kevin Leonard, P.E., should not be inspecting. Paul George stated the testing. Scott Williams asked Paul George to get a copy of the inspection requirements from the Town of Derry and the Town of Hollis and submit it to the Board.

Russ Wilder confirmed that the estimate that Paul George was referring to was from Northpoint Engineering, received in the office on May 29, 2018; Paul George stated he did not have it with him, but that sounded right. Russ Wilder gave Paul George a copy. Russ Wilder asked Paul George to give the Board a specific line item that he thought was unnecessary. Paul George stated that the engineer should go out to the site to check the gravels and just walk out there saying, "Yes, they are using the proper gravel here, etc.". Russ Wilder asked again what line item Paul George wanted removed and why. Paul George stated that he wanted the soils and asphalt testing removed, which came to \$7,500. He also wanted the engineer to go out to the site to periodically check what was going on to make sure Hiltz was installing the pavement properly. Paul George then noted that the labor costs were \$11,000 from Northpoint Engineering, and Bill Stack's costs were only \$6,000. Kevin Leonard, P.E., stated that there seemed to be some confusion because his fees never changed.

Paul George mentioned again that he did not think it was fair that he was being made to have these inspections done when the Board was not enforcing inspections on other applicants. Scott Williams stated that there was only one other project in town that was going to install porous pavement, but it had not been built yet. Paul George asked the

Board if they had approved that project to include testing. Scott Williams thought the Board did.

Paul George asked Kevin Leonard, P.E., if his company had ever inspected porous pavement before; Kevin Leonard, P.E., stated, no. Paul George then asked the Board why they would hire an engineering company that had never inspected porous pavement. He pointed out that if he was building a building and he hired someone who did not have a construction license, why would he hire them. Kevin Leonard, P.E., stated that there were technical specifications during the testing period that would be done by a geotechnical engineering firm, which was not his firm; it was an outsourced firm. Paul George stated that Northpoint Engineering was using an outsourced firm, their labor costs were \$11,000 for something they had never done before. He was upset that the Board hired a company that was not familiar with porous pavement and thought they were charging high rates. Roger Sample asked if the Town of Hollis required testing; Paul George stated, no. Kevin Leonard, P.E., asked if Paul George was using porous pavement in Hollis; he stated, yes. Kevin Leonard, P.E., asked if Hollis had their own engineer; Paul George stated, no, he was using a third party engineer, Reggie Ouellette. Russ Wilder noted that what Paul George relayed was that testing did not need to be done because the material supplier was supplying him with documentation that the materials were properly made. Kevin Leonard, P.E., asked Paul George if he had worked with porous pavement before; Paul George stated, no. Kevin Leonard, P.E., wanted to point out that Paul George was criticizing him for not working with porous pavement before, even though Paul George himself had never worked with it either. Roger Sample pointed out what Kevin Leonard, P.E., said was that UNH stated that the material had to be tested before and after it left the plant. Kevin Leonard, P.E., stated, yes, if it was to perform right. Kevin Leonard, P.E., stated that Jamie Houle, CPSWQ, who was part author of the porous pavement regulation book, stated that there needed to be oversight and testing during the process of installation in order to ensure the porous pavement would work as designed. Russ Wilder stated that this process was a big issue because this property was located near Lake Winnepesaukee. Paul George stated that Bill Stack did not refer to the porous pavement regulation book when he drew up his estimate.

Roger Sample stated that the installation of porous pavement had certain standards that needed to be followed and all Kevin Leonard, P.E., had to be able to do was read standards, and when the porous pavement materials were being installed they needed to be done in a proper order; therefore, all Kevin Leonard, P.E., had to do was read proper order. Roger Sample pointed out that Kevin Leonard, P.E., was qualified to read standards; he was not qualified to lay the pavement. Roger Sample could not see how the Town of Hollis did not require testing.

Virgil MacDonald asked why the Town of Hollis only estimated \$3,500 to observe the project. Roger Sample stated that they were obviously skipping steps. Kevin Leonard, P.E., agreed. Roger Sample asked Kevin Leonard, P.E., if he had figures that would justify his testing. Kevin Leonard, P.E., stated that the testing that he would perform was priced at \$7,500, when Bill Stack was charging \$8,000 in his first estimate, and then he charged

**TOWN OF ALTON PLANNING BOARD
MINUTES 2018
JULY 17, 2018**

APPROVED

\$9,600 in his second estimate. The reason why Kevin Leonard, P.E.,'s estimate was higher was because he was told by Bill Stack that the storage buildings were going to be built one at a time; Paul George stated that was incorrect, they were being built all at the same time. Russ Wilder suggested that Kevin Leonard, P.E., and Paul George work together to get the scope of the project narrowed down to what actually needed to take place. Paul George asked Kevin Leonard, P.E., exactly what he would be inspecting. Kevin Leonard, P.E., stated that he would be inspecting the depth of pavement, compaction of the asphalt, and other steps. Paul George asked Kevin Leonard, P.E., if he was going to be present the whole time the pavement was being installed; Kevin Leonard, P.E., stated, yes. Paul George stated that he had done many projects in the past and he had never seen an engineer present the whole time. Kevin Leonard, P.E., stated that was standard practice. Scott Williams stated that he had built roads in the past and noted that the engineer would come by and stick the metal rod in the pavement, ask for the weigh slips, and was all done.

Roger Sample stated that in all fairness to Kevin Leonard, P.E., the Board asked him to do a job and he did his job the way the standards were laid out. Kevin Leonard, P.E., asked the Board what they expected of him. Russ Wilder stated that the Board should adhere to what UNH had prepared at the Stormwater Center because that was what DES was predicating all the porous pavement on, but it seemed like there might be some misunderstandings about how the job would be done. He asked Kevin Leonard, P.E., and Paul George to work together in hopes that Kevin Leonard, P.E., would give Paul George a better estimate. Scott Williams stated that if there were Board procedures that Paul George felt that were "cruel and unusual" that other towns did not do, he wanted him to let them know. Peter Bolster stated that the Board had not had a project like this before them in the past. Russ Wilder mentioned that he had worked for the soils lab for the NH Highway Department, and he would deal with asphalt samples periodically. He thought that something less than full time to inspect the installation of the porous pavement would be reasonable.

Paul George thought that his plans had been signed by the chairman. He asked Nic Strong for a copy of them. Nic Strong stated that the pre-construction meeting was a condition precedent. When she forwarded Paul George the Notice of Decision, all the things that were conditions precedent had to be done before the plans were signed. She noted that the plans had already been signed but were being held up in the office until all of the conditions were finalized. Paul George asked who needed to be in attendance at that meeting. Nic Strong stated that it was listed in the regulations, and when Paul George was ready for the meeting, she would set it up. Paul George stated that he was ready to schedule a meeting. Nic Strong stated she would set it up and would contact Paul George with a date and time.

Scott Williams asked Kevin Leonard, P.E., when he charged for engineers, did he send EITs or PEs. Kevin Leonard, P.E., stated that he was a P.E. and he had an EIT with 15 years of experience who would be doing some of the inspections. Scott Williams asked if the EIT was billed at a PE rate or an EIT rate. Kevin Leonard, P.E., stated that his contract with the Town had two (2) different rates depending upon who did the inspecting.

**TOWN OF ALTON PLANNING BOARD
MINUTES 2018
JULY 17, 2018**

APPROVED

2. **New Business:**
3. **Approval of Minutes:** June 19, 2018, Planning Board Meeting

Virgil MacDonald MOVED to approve the minutes of June 19, 2018, as presented. Scott Williams seconded the motion, and it PASSED with Peter Bolster abstaining.

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

- a. Letter dated June 28, 2018, from John W. Jeddrey, re: paving of Ridgewood Subdivision. **(Postponed until the August meeting.)**

*Roger Sample decided to address the memos for the ZAC and CIP membership before hearing from Paul Beckett.

- b. Memo dated July 3, 2018, from Nic Strong, re: ZAC Membership for 2018/2019.

The Zoning Amendment Committee (ZAC) needed two (2) Planning Board members to sit on the Committee. Scott Williams nominated himself to sit as a member. Tom Hoopes was nominated as the second person, but he was not in attendance. At the next meeting, this would be presented to Tom Hoopes for a confirmation.

Memo dated July 10, 2018, from Nic Strong, re: CIP Committee for the 2019-2024 Capital Improvement Plan. Peter Bolster nominated himself to sit as a member on the CIP committee. The Board agreed.

- c. Letter dated June 28, 2018, from Paul Beckett, re: final approval of Hilltop Estates Subdivision.

Paul Beckett came to the table. Virgil MacDonald asked if this was a private road; Paul Beckett stated, yes, it was in his plans. Virgil MacDonald stated that if it was a private road, why did the road need to be engineered now instead of later since the engineers had already used up the money in the escrow account. Scott Williams stated that the Board needed to establish what Nic Strong stated earlier that these private roads could potentially become a town road in the future. He felt that a note about the road staying a private road should be attached to a deed, that way when a title search was performed, it would be noted. Virgil MacDonald stated that there could be a disclaimer that stated there was no testing done on the road. Paul Beckett stated that the road was done to town standards, it had been inspected, and the few things that were wrong, were taken care of. He stated that before he put the asphalt down he called Peter Julia, P.E., to come out. He was informed that Peter Julia, P.E., no longer worked for the town so he had Brown Engineering & Surveying, LLC, inspect the road and he told him everything was all set and he could lay the asphalt.

**TOWN OF ALTON PLANNING BOARD
MINUTES 2018
JULY 17, 2018**

APPROVED

Paul Beckett stated that the original agreement was as long as a fire truck could get down the road safely he could sell lots, he could build, but he could not get an occupancy permit until it was paved; the road was now paved. He asked what the problem was with the Board approving the final plan. He pointed out that he had buyers for his lots, but when those prospective buyers inquired in the Planning Department about purchasing a lot to build on, they were told that he could not sell a lot; therefore, he said that he lost out on \$340,000. Dave Hussey asked why Paul Beckett had not received an approval from the Board. Paul Beckett stated that the Board said he needed his road inspected. Dave Hussey asked if Paul Beckett had done everything that was asked of him. Paul Beckett stated that he had done everything except to give the Town another \$4,500 to have the inspections done again, and he was not going to.

Russ Wilder stated that Nic Strong wrote up a memo regarding the ongoing issues and they had a copy of it to read for themselves. Peter Bolster asked Nic Strong what the Board was waiting for. Nic Strong stated that nothing was different from the outcome of the December 2017 meeting. She noted that the as-built plan needed to be reviewed and there needed to be a final approval hearing by the Planning Board. In order to have the as-built plans approved and the road finally signed off by an engineer, inspections had to be done and money needed to be deposited into the escrow account to do that review. Virgil MacDonald thought the inspections already took place. Nic Strong stated that as given to the Board back in December and copied again for this meeting; the file only included four (4) inspection reports for the entire duration of construction. The paving was done without inspections because no one knew it was happening, and none of the sign offs on the inspection reports said it was okay to move to the next phase; the boxes that were checked noted that the road did not comply with the plans and regulations. Paul Beckett stated that he was told each time that it was okay to move on by Peter Julia, P.E., and whatever he noted on the inspection reports, he never saw until the meeting in December of 2017.

Paul Beckett stated that he gave the town \$4,500 for inspections and another \$6,500 to put into an escrow account to stabilize the land. Dave Hussey noted that an email from Nic Strong dated April 4, 2018, to Tom Varney, P.E., stated, "Ultimately this does not change anything that I've been telling you and Mr. Beckett for the past few months. The process remains the same. Mr. Beckett needs to deposit the funds for the Town Engineer's inspections. A final sign off by the engineer on the road and the as-built plans is required. A final approval hearing is required by the Planning Board. In order to record the plans and to be able to sell lots Mr. Beckett needs to either complete the improvements to the Town Engineer's satisfaction and have the Planning Board approve the final construction OR deposit security for the amount of work remaining. With a bond in place the lots could be sold and building permits issued but no certificates of occupancy would be issued until the improvements were complete and approved." Virgil MacDonald stated, no, the Board needed to treat people evenly because that was a private road. He stated that if it was a private road, the Board should not enforce inspections until the applicant applied to the town to take it over. He noted that the Board just approved Roger Sample's road without requiring inspections. Roger Sample agreed, but he pointed out that Nic Strong prepared the Planner Reviews according to the Town's regulations. Virgil MacDonald stated that

**TOWN OF ALTON PLANNING BOARD
MINUTES 2018
JULY 17, 2018**

APPROVED

the town engineers had been taking advantage of applicants for quite some time now with people in this town. Scott Williams agreed. Virgil MacDonald stated that the road was paved and it was a private road.

Paul Beckett stated that he had paperwork drawn up to start an association. Scott Williams stated that paperwork was usually approved by Town Counsel. Paul Beckett stated that was one of the first things he had to do and the town attorney did the paperwork.

Scott Williams stated that the issue was how to lock down the private road status. Dave Hussey thought it should be added to a deed. He read more of Nic Strong's email, "Confusion was created by the discussion at the Planning Board meeting about potentially having a document prepared that would allow the sale of lots prior to the recording of the plan because the road would be private. This is not a valid course of action and cannot be pursued. When we get at the point of recording plans I will need the correct number of paper copies and a mylar. If no changes are proposed from that which was approved in 2009 (except the addition of the AoT and an EPA details) then you would need to remove the notes you recently added regarding the private road those plans can be recorded. However, if you do desire to make the change to stipulate the road will be private there will be further changes required to the plans and a hearing will have to be held."

Scott Williams asked if the as-builts were submitted. Nic Strong stated, yes. Scott Williams asked if they had been reviewed to make sure everything was the way it was supposed to be. Dave Hussey suggested sending someone over to check and see if the road was in the right place. Scott Williams stated that the as-built should state that. Russ Wilder stated that there was a memo in the file from Nic Strong to Peter Bolster, who was chairman at the time, and it stated, "There was nothing in the file except two brief mentions and some correspondence from the lawyer in 2010 about the road being a private road. In fact, the legal documents reviewed by Town Counsel in 2010 contemplated that the town would be accepting the road at some point. If there were changes to be made, the Board should consider the need for revised legal documents and plan notes, if necessary." Scott Williams stated that at one time, the Town drew up a document that a person could build on a Class VI road, and the person would have to sign that document and it got recorded. He asked what the difference was between that case and this case.

Roger Sample thought that the Board was rewriting their regulations, and were they allowed to do that. Nic Strong stated that she was not sure what they were changing. Paul Beckett stated that the Board was trying to do the same thing that they did for Roger Sample earlier in the meeting. Roger Sample stated that the Board was trying to look into the private road issue. He noted that when Nic Strong wrote the Planner Review and memos, they did not just come out of the blue, she had to read standards, and the standards stated "all roads" had to be built to town standards. He wondered how private roads could be isolated out of that regulation, and maybe that was a change through the ZAC Committee, but someone had to change the regulation so that Nic Strong did not have to write that the private road had to be the same as a town road. Roger Sample asked if the Board had the capability to make this decision at this meeting. Paul Beckett stated that

**TOWN OF ALTON PLANNING BOARD
MINUTES 2018
JULY 17, 2018**

APPROVED

Roger Sample did not ask that same question when he was sitting on the other side of the table when his case was being heard.

Nic Strong stated that the final approval needed to be granted by the Planning Board, the as-builts had been submitted, but there was not enough money in the escrow account to have it reviewed. She noted that any waivers that the Board was potentially going to grant needed to be heard at a public hearing. She shared that those waivers could be heard at the same meeting to approve the road, because that was the final step in this process. Nic Strong stated that the Board could not just go ahead and approve the road at a meeting; they had to have a hearing to approve the road and the Board would sign off stating that it was built according to the plans and the town standards. She could not give them any more information because she did not have a review from the town engineer on the as-built plans. Scott Williams clarified that this process was only for approving the road was built to town standards, not actually accepting the road as a town road, which went through the Selectmen.

Virgil MacDonald asked if the four (4) inspection reports that were in the file, specified if the road was up to town standards. Nic Strong stated that all four (4) of them indicated that the road did not comply with the approved plans and regulations. Paul Beckett stated that was not what he was told when Peter Julia, P.E., was on site, and he had three (3) witnesses that could prove that. Russ Wilder stated that the Board had to go by what was given to them. Roger Sample stated that this was a private road. Russ Wilder stated that was not what the regulations stated, and unless the rules were changed, they needed to go by the town's standards. Virgil MacDonald thought that since it was a private road, Paul Beckett could do whatever he wanted to do on that road and the Board should have nothing to say about it. He stated that if the road stayed private and it was not built to town standards, when it came time to having the town take it over, the Board could enforce testing at that time. Roger Sample agreed. Scott Williams stated that if the Board approved this road as a private road, the Board would have to stipulate that the project did not meet town standards and to include a "Buyer beware" disclosure. Virgil MacDonald thought that in 10-20 years down the road if Paul Beckett sold his property, the Board could have the right to say, no, they were not going to approve it until the testing was complete.

Russ Wilder stated that the Board would be approving this road as a private road, but knowing that it had not met the standards of a private road. Scott Williams stated that immediately upon this road being approved, a property file should be created and a copy of that document should be placed in that file. Roger Sample stated that the Board still needed to change the regulations so this type of situation could be allowed. Dave Hussey stated that was why the Zoning Amendment Committee was created. Scott Williams wondered how they could lock down a private status. He mentioned that paperwork for an association needed to be drawn up. Paul Beckett stated that he already did draw up the paperwork. Scott Williams stated that the Board had to make sure that the people who would buy property within the subdivision were protected and the stormwater was not

**TOWN OF ALTON PLANNING BOARD
MINUTES 2018
JULY 17, 2018**

APPROVED

going to be running across their yard because maintenance had not been done. Virgil MacDonald thought that would be up to the association.

Peter Bolster stated that if there was a private road, it belonged to the owner and not the town. He compared a private road to a driveway. Dave Hussey stated that after this hearing, the Board, going forward, needed to ensure that the private road status was included in a deed. Virgil MacDonald stated that when people bought out of a subdivision, when there was 50% of the houses built, the town would take over the road. He noted that when it was a private road, a disclaimer should be added to the deed that it was an association or private road.

Scott Williams stated that the Board could not conclude that the road was built to town standards when they had inspection reports that stated otherwise. Paul Beckett stated that it was not going to be a town road, and stated that his road was built to town standards. Scott Williams thought differently. Paul Beckett got upset because the inspections up to date had cost him \$4,100. Scott Williams suggested that Paul Beckett bring Peter Julia, P.E., to court. Paul Beckett stated that he had no prior knowledge of the comments about his road not being up to town standards, until the December 2017 meeting.

Roger Sample stated that the Board had to follow what the inspections were telling them; he could not go on hearsay. Paul Beckett stated that when Peter Julia, P.E., came out to do some inspections, the only two things he told him that were wrong was there was a hill with rocks on the edge that needed to be pushed back, and at the beginning of the road one of the catch basin pipes got crushed. He stated that he fixed both issues. Roger Sample asked if there were any notes from the inspections; other Board members pointed out the comments in the inspection reports. Paul Beckett stated that after he fixed the pipe, Peter Julia, P.E., did not come out to inspect, but Brown Engineering was sent out instead. Scott Williams pointed out that no one inspected the asphalt when it was laid down. Nic Strong stated that the "Does not comply" box in Recommendation section on the inspection reports was checked off on all four (4) reports, and the comments were, "Security was not posted, construction sequence, erosion control measures"; "Construction sequence and erosion control measures contracted to remobilize and address unstable areas"; "Drainage from station 0+50 to 3+50"; and "Not constructed per approved plan alignment, however, roadway and drainage remains within right-of-way." She mentioned that the last inspection had been done November 28, 2016.

Nic Strong stated that she received a partial as-built plan and from there a meeting was held. Dave Hussey read a portion of the minutes from the December 2017 meeting, "Paul Beckett asked what was needed in order for this to move forward. Scott Williams stated the Board needed an as-built, a letter from an attorney stating the road would stay private, a mylar and paper copies of the plan sets that needed to be recorded, but first needed to be amended stating that it was going to be a private road. Scott Williams and Dave Collier thought it was best for Paul Beckett to try to sell off the first two lots because it was the easiest route to go. Tom Hoopes asked what needed to be done about inspecting the road because Ken Roberts, Road Agent, could not do the inspections. Paul Beckett stated that

he talked to George Fredette, P.E., earlier and he told him that all he needed were the weigh slips from the asphalt company. Scott Williams stated that he would not be able to conclude compaction and quality of the aggregate materials with just the weight slips. Paul Beckett stated that he did not have any problem with paying for compaction or quality, he did not want to have to pay again for the inspections.....” Nic Strong stated that at the December 2017 meeting, there was a discussion on drawing up a document about a private road and having Jim Sessler, Esq., Town Counsel, review it. When she talked to Jim Sessler, Esq., he stated that there was no such regulation and it did not matter if it was a private or public road, it needed to be built to town standards, which would end up being confirmed by the Board. Scott Williams thought that maybe the Board should get an opinion from Shawn Tanguay, Esq. because he did not trust Jim Sessler, Esq.’s, opinion all the time.

Virgil MacDonald wanted to know why Paul Beckett had to have a public hearing to approve his road, when Roger Sample did not need one. Nic Strong stated that the Board had to confirm that the road was built according to the approved plans and the town standards. Virgil MacDonald stated that the Board wanted to approve the road as a private road. Nic Strong stated that there was no such thing as a private road. Virgil MacDonald stated that there was now. Scott Williams stated that at the public hearing, the Board could not really say that everything was in order because there were inspection reports that stated otherwise. Nic Strong stated that the as-built plans had not been reviewed yet, and there was not enough money in the escrow for a review. Roger Sample asked Paul Beckett if he had a problem with the as-builts being reviewed. Paul Beckett stated not for another \$4,500. Nic Strong stated that the \$4,500 was an estimate from George Fredette, who filled in for Peter Julia, P.E., which included testing to prove to the satisfaction of the town that the road had been built according to the specifications, and an as-built review.

Dave Hussey moved that a public meeting should be scheduled, but Paul Beckett would have to provide all of the documentation needed in order to call that public meeting.

Paul Beckett did not want to pay a large amount for any more inspections, and noted that he still had at least \$400 in an escrow for construction observations. He thought that he could use the money that was in escrow for the stabilization of the road, which was about \$6,000 and add some of that money to the construction observation escrow. Nic Strong stated that was not how things worked. Peter Bolster asked if that money could be transferred. Nic Strong stated that money was in an escrow for stabilization. Peter Bolster pointed out that if that stabilization was taken care of, what would the Board need to do to release the stabilization escrow funds. Nic Strong stated that maybe the Board would need to sign a statement relaying that the stabilization of the road was complete. Virgil MacDonald thought that since it was private property, the town should be able to transfer the funds. Roger Sample stated that if Paul Beckett did not use the money from the stabilization escrow and he paid out of pocket the \$400 to have someone review the as-built, he would eventually get the \$6,000 back after the road was approved.

**TOWN OF ALTON PLANNING BOARD
MINUTES 2018
JULY 17, 2018**

APPROVED

Virgil MacDonald left the meeting at 9:30 pm.
Russ Wilder, Scott Williams, and Dave Hussey left at 9:35 pm, which left the meeting without a quorum.

The meeting ended at 9:35 pm.

Respectfully submitted,

Jessica A. Call
Recording Secretary

Minutes approved as presented: August 21, 2018