

TOWN OF ALTON PLANNING BOARD  
MINUTES OF 2022  
TUESDAY, AUGUST 16, 2022

APPROVED

**Members Present**

Drew Carter, Chairman  
Bill O’Neil, Clerk  
Scott Williams, Member  
Brock Mitchell, Member  
Doug Brown, Member  
Lee Hillsgrove, Alternate  
Tom Diveny, Alternate

**Others Present**

Jessica A. Call, Town Planner  
Trisha DeRoche, Planning Assistant  
Mark Manning, ZBA

**Call to Order**

Meeting called to order at 6:01pm +/-

**Appointment of Alternates**

**Approval of Agenda**

Changes to the Agenda: Ms. Call stated under Appointment of Alternates she wanted to add the application for Mark Manning who is interested in becoming an alternate for the Planning Board, he is currently a member of the ZBA and was recently appointed as a full term member. The next change is under New Business 2(a), Case #P22-22 for a Voluntary Lot Merger and being they do not require a public hearing, she has placed it under New Business to discuss; Ms. Call stated she also added under 3(c) a discussion regarding House Bill 1661 and under 4, she added (a) which list the legal dates for deadlines.

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

**1. Public Hearing Continued from July 19, 2022**

Case #P22-14 Varney Engineering, LLC, Agent for Green Oak Realty Development, LLC, Owner	Map 5 Lot 72 NH Route 28/ 398 Suncook Valley Road	Excavation Permit Application Rural (RU) Zone
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Proposal: To continue the existing excavation pit operation.

The Chair read the case into the record.

Mr. Williams and Mr. Diveny recused themselves from the discussion. The Board appointed Mr. Hillsgrove as a voting member for purposes of the application discussion.

Agent for Mr. Babb, Joshua Tibow of Varney Engineering, came to the table and stated that Mr. Babb and Mr. Varney are not present. Mr. Carter stated the items discussed at the last Planning Board meeting have not been completed and he is not sure it is the best use of the Board’s time to revisit the discussion but he

will highlight three (3) items; there is the additional escrow funds which have not been submitted, Mr. Varney was supposed to prepare a reclamation bond estimate for the excavated area which the Board has not received and the third item, the Cease and Desist Order to cease operation of the Contractor’s Yard which required an application submission to the ZBA, the time period to submit an appeal has expired. Mr. Carter stated these items are important and the Board cannot move forward without these completed items; therefore, the Board recommends continuing the case to the next Planning Board meeting, September 20, 2022.

**Mr. O’Neil MOVED to continue the case to next month’s September 20, 2022 Planning Board meeting. Mr. Hillsgrove seconded the motion and it PASSED unanimously.**

Mr. Brown asked what caused the lack of momentum on completing the items discussed at the last meeting; Mr. Tibow stated he would rather not comment; however, he did have two (2) updates, the Driveway Permit was submitted as well as the AOT renewal; the State just asked for an updated groundwater sampling plan. He stated as for the bonds, that is for Mr. Babb to address and the issues with the waivers will be addressed by Mr. Babb’s attorney, hopefully by the next meeting. Mr. Carter asked if Mr. Varney was working on preparing a reclamation estimate; Mr. Tibow stated Mr. Varney updated the plans with the slopes so that should also be in the works as well.

Mr. Carter stated there were some comments in the Planner Review that he thinks they should review and he strongly recommended contacting Ms. Call to discuss. Mr. Carter stated the statement regarding the amount of blasting and crushing is not consistent and that needs to reflect what was agreed upon at the last meeting, no more than five (5) times per year; Mr. Tibow responded and stated he did see that in the Noise Impact Study as well but every document will eventually have the statement “no more than five (5) times per year”. Ms. Call interjected and asked if he could mention to Mr. Varney if he could take into account review time for the Town’s Engineer when he submits the reclamation bond estimate.

Mr. Babb walked into the meeting and stated he was late because he had to drive from Gloucester, MA; Mr. Carter stated they have already continued his case to the next meeting on September 20, 2022.

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

Case #P22-24 Cynthia M. Balcius, Applicant for Rhodora Properties, LLC, Owner	Map 3 Lot 13 8 Kiana Road	Final Minor Site Plan Rural (RU) Zone
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Proposal: To run a Professional Office for Stoney Ridge Environmental, LLC, as a Home Business.

Mr. Williams and Mr. Diveny returned to the table.

The Chair read the case into the record.

Ms. Call interjected and stated that the case number on the Planner Review is incorrect, it should read #22-24, not 22-14.

Mr. Carter stated that on page two (2) of the Planner Review, there were items that needed to be added to the application. Ms. Call interjected and stated those items do not have anything to do with completeness, they can just be added to the plan. Ms. Call stated she feels the application is complete and there are just a few things missing on the plan.

**Mr. Williams MOVED to accept the application for Case#P22-24 as complete. Mr. O’Neil seconded the motion and it PASSED unanimously.**

Ms. Balcius came to the table to discuss the application; she stated she is trying to downsize her business, she started a ranch last year on the corner of Kiana road and Chamberlin road and it was recently completed and she decided to move her business there. Ms. Balcius stated she put the barn where her existing business up for sale and it sold quickly so she is proposing a 26 x 40 ranch style home to run her business out of until she retires; she state it is a little bigger than her previous home. She stated she has put in a new septic system last year and there is an existing well and garage. She does not feel there will be an increase in traffic and she is always out in the field working, so the business is strictly for work, not really for the public. She stated she will have about 5 parking spaces for her employees. She stated the utilities were already there and she did receive a new utility pole in the process. She stated when she built the ranch, she met the current set-backs of 25 feet; there are no wetlands on the lot with the exception of the boundary for the brook that is shown in the subsection and she will stamp that as the wetlands on the plan. She stated her sign will be on the corner of the house, an old fashioned sign and she has one outside safety spot light outside the front patio doors and she has an LED light over the entrance way for the front door. She stated the house has just been wired so it will meet current code which includes the CO2 detector and the smoke detectors; she will also purchase a 10-pound fire extinguisher.

Mr. Carter stated he wanted to address some of the comments on the planner review; the handicap parking and access; Ms. Balcius stated she had a question about that because it is not going to be an open office that the public can go to and the kind of work that she does would not allow her to hire a handicapped individual; Mr. Williams interjected and stated that she is below the ADA requirements because she will have very few employees. Mr. Carter stated the height and stories of all structures is missing from the plan; Ms. Balcius stated she can provide that; Next, the protective radius of the well; she stated she will add that as well. Next, location of the proposed sign; Next, location and type of light fixtures; she stated she will add a spotlight on the corner of her garage. Next, seal and signature of the professional assisting with the preparation; Ms. Balcius stated that is her and she will add her seal and signature.

Mr. Brown interjected and asked how many employees she would have in the office; she stated three (3) to four (4). Mr. Carter asked about the hours of operation; she stated they would be 8am-5pm.

Open Public Input.... closed.

**After due hearing, Mr. Williams MOVED that the Alton Planning Board hereby approves Case #P22-24 for Rhodora Properties, LLC, Cynthia M. Balcius & Jill A. Royer, for a Professional Office to operate an environmental consulting business located at Map 3 Lot 13, 8 Kiana Road, Alton, NH, with the following conditions:**

**CONDITIONS PRECEDENT**

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

1. Submission of revised plans in the number required by the Site Plan Review Regulations that include **all of the checklist corrections listed under “PLAN REVIEW”, any corrections as noted at this hearing, and any waivers granted.**

2. Addition of a note to the site plan prior to plan signing by the Planning Board Chair:  
“This site plan contains a total of \_\_\_ sheet(s): [to be listed and dated by the applicant on the site plan itself]. In combination these plans constitute in their entirety the site plan as approved by the Town of Alton Planning Board. All sheets are on file at the Town of Alton Planning Department.”
3. Addition of a note to the site plan prior to plan signing by the Planning Board Chair:  
“This site plan is subject to the Conditions of Approval itemized in the August 16, 2022, Notice of Decision on file at the Town of Alton Planning Department.”
4. Indicate in a note on the plan the square feet of gross floor space.
5. Indicate in a note on the plan the approved days and hours of operation shall be Monday – Friday, 8:00 A.M. – 5:00 P.M.
6. Indicate on the plan where the lighting will be located.
7. Indicate on the plan where the snow storage areas will be located.
8. Indicate on the plan the handicapped facilities including parking and handicapped access to the building.
9. Indicate on the plan the height in stories of all structures on the site.
10. Indicate on the plan the location of any well protective radius.
11. Indicate on the plan the location of the proposed sign.
12. The signature and seal of the professional assisting with the plan should be on the plan.

**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. 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.
2. The approved days and hours of operation shall be Monday – Friday, 8:00 A.M. – 5:00 P.M.
3. The applicant shall comply with all of the Town of Alton’s Site Plan Review Regulations to be in conformance with construction standards and specifications, and the Zoning Ordinance.
4. 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.

5. 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.

**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:  
Hang business sign
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:  
Hang business sign

**Unless otherwise approved by the Board, the applicant shall have one (1) year from the date of the meeting at which the application is approved with conditions to complete any conditions precedent that are required prior to signing and recording the subdivision plat. Failure to complete any conditions within the one (1) year timeframe shall invalidate the Board's approval, unless an extension is approved by the Board per Section IX, A., 1., of the Town of Alton Subdivision Regulations.**

Mr. Mitchell seconded the motion and it **PASSED** unanimously.

**Other Business:**

**1. Old Business:**

- a. **Alternative Housing Committee Update-** Mr. Williams gave an update; he stated they had a hard time getting on the same page at the last meeting. The Board of Selectmen are going to issue annual permits for short-term rentals. Ms. Call stated they are going to go over the proposed ordinances and then pass it off to the ZAC committee to review. Mr. Carter asked if the public's participation was positive; Mr. Williams stated they have people from the public on the committee and that is the extent of the public's participation. Mr. O'Neil interjected and stated they have had great discussions in the meetings and Mr. Williams stated they are trying to keep the discussions as simple as possible as it will be an ordinance that will be given to the Board of Selectmen.
- b. **CIP Committee Update-** Ms. Call stated they have met twice; she stated they recently met with Kelly Trundle from Park & Rec and with the Public Works Director, Scott Kinmond and they have another meeting on August 25, 2022; they will be meeting with Tim Broderick, School Superintendent and hopefully he will bring the School Board Chair and his Facilities Director. She stated the main discussion this year is about facilities.
- c. **Master Plan Update-** The Master Plan Chair, Kelly Sullivan came to the table to give an update; she stated they are meeting again on August 17<sup>th</sup> at 4pm and they will be reviewing

the final draft of Chapter 3 Natural Resources and Chapter 5 Land Use and the Action Plan; then they will review Chapter 6 infrastructure and that Action Plan as well. Mr. Williams asked what type of infrastructure they were contemplating; Ms. Sullivan stated they are gathering information right now about what currently exists and they have not made any decisions yet.

- d. **ZAC Committee Update-** Mr. Williams stated the ZAC committee will be meeting next week for the first time.

**2. New Business:**

- a. **Case #P22-22, Voluntary Merger of Pre-existing Lots, Jill Ann & Peter William Miltner, Sr., Owners of Map 71 Lots 36 & 108, Alton Shores Road & Scott Drive, located in the Rural (RU) Zone.** Proposal: To merge together two (2) contiguous lots to become one lot of record.

The Chair read the case into the record.

Mr. Miltner came to the table; Ms. Call stated they just need the letter from the mortgage company and the \$20 check for the BCRD. Mr. Miltner stated they received the letter from the mortgage company this morning; he stated they also have another mortgage letter. Ms. Call stated one letter would be sufficient for the file and stated other than the two items she mentioned, they are all set; she stated they did get ZBA approval for an Equitable Waiver on August 4, 2022.

**Mr. Brown MOVED to approve the application. Mr. Mitchell seconded the motion and it PASSED unanimously.**

- b. **Approval of Minutes:** Planning Board Meeting minutes of July 19, 2022

The Board stated they did not have time to review the minutes and decided to continue to the next meeting. Ms. Call stated they are done but she did not have enough time to proofread.

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

- a. Board to motion to release the remaining Stormwater Drainage Review escrow funds in the amount of \$257.50 for Jeffrey Hertel & Van E. Hertel, Sr., Map 15 Lot 9-3.

**Mr. Carter MOVED to approve the release of the escrow funds. Mr. Williams seconded the motion and it PASSED unanimously.**

- b. Memo dated August 3, 2022, from Jessica A. Call, Town Planner, regarding Contractor's Yard approvals for Alfred Greymont and John Jeddrey.

Mr. Williams stated it was good to confirm the process with other examples; Mr. Brown stated it did not seem that Mr. Jeddrey completed the process. Ms. Call stated she noticed from her research that Mr. Jeddrey had not received Planning Board approval, so she will have to reach out to him regarding this.

- c. House Bill 1661 discussion- Ms. Call asked the Board if they had a chance to review the materials she sent out regarding the Bill and/or the NHMA webinar; Ms. Call reviewed each section starting with Section 70-Training- she stated this doesn't really effect the Board, it was for the Office of Planning & Development to develop training materials; she will send the Board a link for a test they can take to determine how much they know, they have the option to either print a certificate or not, they have to get at least 65% correct in order to receive a passing grade; she stated they do not keep track of the testing or the scores, it is simply for the Board to test their knowledge. Next, Section 71- deals with the office so it does not apply to the Board. Mr. Carter interjected and stated the wording on Section 70 stated it does not require the Board to take the test, he wanted to make that clear to the Board. Next, Section 72- Incentives- she stated this means if there is a Municipality that has both ordinances for Elderly Housing and Workforce Housing, which Alton has with the Inclusionary Zoning; she stated if the Town does not change the language to offer the same incentives, as of July 1, 2023, whatever applies to Elderly Housing will automatically apply to Workforce Housing; so it would be a good idea to review the Town's ordinances now so it can be sent to the ZAC Committee and get it on the ballot for March of 2023.

Next, Section 73- Written Findings- Ms. Call stated the reason the legislature put this in place was to streamline the facts that are discussed at a meeting in order to have them included in the Notice of Decision, so if for some reason the case goes to Court, they only have to review one document; Mr. Williams interjected and asked how a Board could do this during a meeting on the cuff, it would be difficult. Ms. Call agreed and stated there will have to be some changes at the very end on the Planner Review, a section that state the specific findings from the Board that they agree upon to approve or disapprove the application and a quorum needs to agree with the findings. She stated the ZBA has a system where they use a worksheet that goes through each criteria for the application and each Board member picks one criteria and states whether they feel the application was applicable to that criteria or not, so they could essentially attach the worksheet to the Notice of Decision. She stated the Planning Board does not do that so they may want to think about perhaps revising their approach. She stated that Town counsel knows it will probably take a few meetings before the Board will get comfortable with the process.

Ms. Call stated she is going to look into Section 73 and touch base with the Board once she has more information. Mr. Williams stated the Board should use forms as a tickler system to make sure they are asking the correct questions and making good decisions based off of that information. Ms. Call stated to further that comment, the Office of Planning & Development is supposed to come up with a formatted worksheet for the Board to go by, but it will change with each application; she stated they should have the forms ready by November of 2022.

Next, Section 75- Planning Board Timeline- Ms. Call stated when an application is deemed complete, they have 65 days from that date to approve the application and the old language in the RSA allowed the applicant to apply to the Selectmen to obtain an extension if needed, so some language has changed; now, the Planning Board needs to make their decision within the 65 day timeframe- however, if the Board needs more time they can request that the applicant submit a waiver for the 65 days and if the applicant

does not agree, the Board can deny the application without prejudice and allow the applicant to start over and come before the Board with a new application. Ms. Call stated now the language of the regulations will have to change to make everyone aware of the new process. Ms. Call stated the RSA language that was changed is now in the next section, Section 76; there was a 90-day extension that was allowed but that has been changed to 65 days or continue, approve or deny the application.

Next, Section 77- She stated that Section 77 pertains to when appeals reach the Superior Court which does not really pertain to the Planning Board.

Next, Sections 78 & 79- these sections deal with TIF (Tax Increment Finance) Districts which Alton does not have.

Next, Ms. Call referred to the changes in Housing Bill 1021- she stated now this restricts Municipalities from regulating Churches or places of worship; so the only regulations that can apply to a site plan for religious entities are items that are regulated by the State, for example, height, lot size, set-backs, building envelope... Mr. Carter interjected and stated the following are items the Planning Board cannot enforce; lighting, signs, noise, on-site and off-site drainage, erosion, sediment control, layout of streets and sidewalks, utility design and installation, open space-pervious or impervious area, landscaping, parking, access management, etc.... Ms. Call stated she will be adding this item to the ZAC Committee list because currently there are some restrictions on zones for Churches and now they need to be allowed in all zones; she stated this could be problematic in the future- for example, say someone wants to build a Church in a residential zone, so you will now have a commercial building in a residential zone and if for some reason the Church moves, now the residents are left with a commercial building in a residential zone that no one can utilize as a residence unless they went before the ZBA for a Change in Use, a Special Exception; Ms. Call agreed and stated it would be forcing the ZBA to address it in a roundabout way.

Mr. Carter stated that one of the key phrases in the language is that the Church is used for religious purposes. Ms. Call interjected and stated the religious services has to be at least 51% of the time. Ms. Call recommended that the Board really read through all of the new changes to become more familiar.

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

**-Legal Deadline Dates-** Ms. Call stated the Board is always ahead of those deadline dates.

**-Review of Mark Manning's application for Planning Board Alternate-** Mark Manning came to the table and gave a brief summary of his background. Ms. Call stated that Mark has also signed up for the Alternative Housing Committee and the ZAC Committee. Mr. Carter stated that Mr. Manning must attend three (3) meetings so by announcing him at the start of tonight's meeting, that counts as one (1) meeting and at the end of the third meeting night, the Board can vote on his application.

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



Public Input on Non-Case Specific Planning Issues

Adjournment:

Drew Carter, Planning Board Chairman

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

Meeting adjourned at 7:07pm

Respectfully Submitted,

Trisha DeRoche

Minutes approved as amended: September 20, 2022