

TOWN OF ALTON PLANNING BOARD
MINUTES OF 2020
TUESDAY, AUGUST 18, 2020

APPROVED

Members Physically Present:

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

Members Appearing Remotely:

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

Others Physically Present:

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

Others Appearing Remotely:

Amelia Cate, Planning Secretary

Call to Order

Mr. Carter called the meeting to order at 6:00 p.m.

Assignment of Alternates

Preamble

Mr. Carter read the preamble into the record:

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

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

a) Providing public access to the meeting by telephone:

Members of the public wishing to attend this meeting electronically may call the conference call number from home. Follow the instructions listed under "News and Announcements" on the town's website: www.alton.nh.gov.

b) Providing additional public access by video or other electronic means:

We are utilizing the Zoom platform for this electronic meeting. All members of the Board have the ability to communicate contemporaneously during this meeting, and the public has access to contemporaneously listen and, if necessary, participate in this meeting through the link that is listed under "News and Announcements" on the town's website: www.alton.nh.gov.

c) Providing public notice of the necessary information for accessing the meeting:

We previously gave notice to abutters and the public of how to access the meeting via telephone conference and by using Zoom.

d) Providing a mechanism for the public to alert the public body during the meeting that a member of the public wishes to speak or be recognized during public input at a public hearing:

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If you are calling in by conference call, press the “star” sign and then “9” to “raise your hand” to request to speak to the Board. If you are using a laptop computer, use the “raise hand button” to request to speak to the Board. Several members of the public may be conferenced in, and requests to speak will be handled sequentially, one at a time. The Zoom Moderator will allow you to speak when the Board opens public input.

e) Providing a mechanism for the public to alert the public body during the meeting if there are problems with access:

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

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

In the event the public is unable to access the meeting via conference call, or there are difficulties with the Town’s equipment, the meeting will be adjourned and rescheduled to Tuesday, September 15, 2020, at 6:00 pm at the Town Hall.

Please note that all votes that are taken during this meeting shall be done by Roll Call vote. Let’s start the meeting by taking a Roll Call attendance. When each member states their presence, also please state whether there is anyone in the room with you during this meeting, which is also required under the Right-to-Know law.

REMINDER: Any other business to come before the Board and public input on non-case specific planning issues have been put on hold until further notice as voted on at the May 12, 2020, meeting. If the public does have any input on non-case specific planning issues, they should contact the office to be scheduled at a future meeting.

Approval of Agenda

Mr. Carter asked if there were any changes to the agenda. Ms. Call stated, originally, the posted agenda did not include P20-07, but was brought to her attention and amended within the hour.

Mr. Wilder MOVED to accept the August 18, 2020 agenda as amended.

Mr. Hoopes seconded the motion.

Mr. Carter called for a roll call vote:

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

Discussion on Roads in town and their Regulations

Mr. Carter stated that there had been a discussion scheduled on Roads in town and their Regulations, however that had to be postponed because all parties could not be present. The Board scheduled a workshop for Tuesday, August 25, 2020, at 6:00 p.m.

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

<p>Case #P20-07 Paul Zuzgo, LLS, of Prospect Mountain Survey, Agent for James & Allison Brown, Applicants and William L. Moore, Thomas M. Moore, and Nancy C. Moore, Owners</p>	<p>Map 9 Lot 35</p>	<p>Minor Subdivision Residential Rural (RR) Zone 31 Moore Farm Lane</p>
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Proposal: To subdivide Map 9 Lot 35 into two (2) lots of record: Proposed Lot 35-4 will consist of 5 AC and Lot 35 will be reduced to 187+ AC.

The Chairman read the case into the record.

Mr. MacDonald noted that Mr. Carter read James Brown's name into record as Jaimie. Mr. Carter corrected himself. Mr. Sample stated that he did not have any paperwork for this case. Ms. Call noted that the information for this case was added to the Board's packets after she originally put them together. Mr. Williams stated that it was in the second packet. Ms. Call stated that she had an extra copy and noted that Mr. Sample probably did not have a chance to read it. Mr. Carter asked if Paul Zuzgo, LLS, was online. Mr. Williams stated that he saw him walking towards the museum. Ms. Call stated that what the Board needed to do was determine if the application was complete or not, according to the information that she shared to the Board with the chronology of this case, which was two and a half pages long. She stated that according to the Regulations and the discussions she had with Ken Roberts at the Highway Department, John Dever, III, Code Official, as well as discussions with James Sessler, Esq., Town Counsel, that all parties determined that the Minor Subdivision was not the proper application to submit for what the Browns were proposing. The proper application that should have been submitted was a Major Subdivision application, and before they came to Planning Department with a Major Subdivision application, they would have had to receive a Variance from the ZBA for frontage. According to the definition in the Zoning Ordinance, frontage was a requirement on a Class V road or better. Mr. Wilder stated, right. Ms. Call stated that frontage had to be on a Class V or better road in order to subdivide. She stated that she could go through the whole planner review, starting with when the Browns came in with a Conceptual back in November of 2019. She stated that the Planner Review listed all of the details, she quoted all of the Regulations, and listed how to proceed, and what the Browns were supposed to. She stated that her recommendation was that the..... Mr. Hoopes stopped Ms. Call and made a motion.

**Mr. Hoopes MOVED that the application was incomplete.
Mr. Wilder seconded the motion.**

Mr. Williams stated that now it was time for discussion.

Discussion:

Mr. Carter opened the floor for discussion.

Mr. Sample stated that he would start because he was a little confused, and that was because normally there would be a checklist of stuff that would make an application complete and this didn't have any of that. Ms. Call asked the Chairman if she could respond to that and stated that the reason why there was no checklist as to all of the items that were not complete was because this was the wrong application. From the get go, it was the wrong application, so to sit down and go through the application that was wrong and list all the things that were missing did not make any sense. Mr. Sample asked who had been advising the Browns. Mr. MacDonald laughed and responded that it was the office. Ms. Call asked Mr. MacDonald, the office as in who? Mr. MacDonald stated that the Browns had been in the planning office since last winter and they were not getting any answers to emails. Ms. Call stated, no, it was clearly written in the planner review, and then stated that she did not want to sit there and argue with him, but if the planner review had been read prior to the meeting, it clearly stated when the Browns had come in, the times that it had taken her to consult, so that she could come into this meeting tonight and know what she was talking about and be confident that she took the time to talk to

the proper people, and to be able to quote the proper Regulations. She stated she was more than happy to talk to the Board about the things they were concerned with.

Mr. MacDonald clarified with Ms. Call that what she stated was, what the Browns had submitted was no good and that they had to get approval first by the ZBA for frontage, but the ZBA did not have the authority to approve the road. Ms. Call stated that the Browns would be going in front of the ZBA to waive the frontage requirement. Mr. MacDonald stated the Planning Board would have to approve the road first, and second of all, the Board could waive the road under Section 4.29 in the Town Ordinance. Ms. Call informed Mr. MacDonald that you would have to start at number one, and the number one was, which application would they be submitting. She stated in order to get to 4.29 in the Highway Regs, the process would have to start with a Major Subdivision application. Mr. MacDonald stated, that was fine. Ms. Call then stated that a precursor to that was to get permission from the Town to waive the frontage requirement. Mr. MacDonald stated that if it was supposed to be a Major, the application had been in the office all winter, and a couple of weeks ago, or a month ago, the Browns came down to put waivers in and Ms. Call refused to accept them, and instead of saying that they had to change applications, or even calling them, it made it a nightmare to deal with the office, and it should not be hard to deal with the planning office.

Mr. Sample stated it sounded like Ms. Call spoke to everybody but the Browns. Ms. Call responded by informing Mr. Sample that she had spoken to the applicant numerous times, and if the Board would have just read the planner review from the inception of the Browns coming in and had read all of the things that had occurred since, plus, the Board did not have meetings for three (3) months due to Covid. Ms. Call stated the applicant was on the agenda for February and she asked for..... Mr. MacDonald interrupted and stated the applicants had been in touch with Ms. Call right along. Ms. Call stated, yes, that she had been having conversations with the applicants and Paul Zuzgo, LLS, and if the Board members just took the time read what was written in the planner review, or she would go down through the whole thing she would gladly do that. Mr. MacDonald stated that what Ms. Call wrote in the planner review never got conveyed to the applicant. Ms. Call informed Mr. MacDonald that it most surely did, it absolutely did. She noted that she had discussed things with Mrs. Brown in the office a few times. Ms. Call stated she started emailing the applicant because things were not getting across properly or it was misunderstood, which would allow her to go back and refer to a conversation that took place.

Mr. MacDonald stated that the Planning Board did have the right to put waivers on roads and an applicant did not have built a road to town standards if they got waivers. Ms. Call stated the waivers that the applicants would be submitting would be waivers to Road Standards, which fell under the Highway Department's Regulations and not the Planning Board's Regulations, so those waivers would have to be submitted to the Board of Selectmen to waive or not waive. These particular waivers did not fall under the purview of the Planning Board. Mr. MacDonald asked why it did not say it in the policies that it was the Selectmen to decide on these waivers. Ms. Call stated that was part of the problem and that that would be brought up during the Roads discussion. Ms. Call stated she wanted to create a list of items that needed to be updated and clarified because the Subdivision Regulations were not clear, and they took you down a rabbit hole to get from which application would submitted all the way down to 4.29. There were many avenues, there were many Regulations, and there were many steps in between, and that made it confusing.

Mr. Sample read a paragraph from the planner review:

"At this meeting, both Town Counsel and I determined that waivers to the town road standards should be submitted along with a Major Subdivision application. I then sent Mrs. Brown an email outlining what Town Counsel and I had just talked about that needed to take place if she wanted to subdivide."

Mr. Sample then stated, so she did not do a Major Subdivision application. Ms. Call stated, correct, she submitted a Minor Subdivision application instead. Mr. MacDonald then stated that Mrs. Brown went in to change the application and got refused. Ms. Call stated, right, because what she explained to Mrs. Brown was that the presentation of the Minor Subdivision needed to occur tonight, and to get an answer from the Board as to whether or not they would accept it as complete and deem it a Minor Subdivision application, or the Board deem it incomplete and deny the application, and then say, the Browns would have to do a Major application. Ms. Call stated that when the Major Subdivision application with a waiver to a Minor Subdivision application, which was not the proper application. Mr. MacDonald stated it was only a one (1) lot subdivision and it was going to cost \$800 for a one lot subdivision. Mr. Williams stated that technically it was a two (2) lot subdivision. Ms. Call stated, right. She stated that if you looked at the definitions between Major and Minor, this would fall under a Major Subdivision application submittal.

Mr. MacDonald stated he would ask the Board to accept it. Mr. Sample stated it sounded like there was no choice because that was what was given to them, to see if the Board would accept it. Mr. MacDonald stated that the Browns did go the office to try and put in a Major Subdivision, but it was refused. The Browns tried to give waivers for it and they got refused at the office downstairs.

Mr. Hoopes asked if Mr. MacDonald had been meeting privately with the Browns, because it sounded like he had information that the other Board members were not privy to. Mr. MacDonald stated that they were family. Ms. Call stated, right, that Mr. MacDonald should have recused himself before the Board had this discussion. Mr. MacDonald stated he did. Mr. Carter stated, oh, I did not hear that. Mr. Hoopes stated that he never heard that. Mr. Williams stated that he heard Mr. MacDonald. Mr. Hoopes again stated that he did not hear that. Mr. MacDonald apologized and stated that he had recused himself before he started speaking and he recused himself as a Board member, and that it was wife's family. Mr. Hoopes stated we're not supposed to...(inaudible) and that was part of the problem. Ms. Call stated that unfortunately the Roads discussion was supposed to take place tonight, which would have led right into this application would have been much clearer for the Board to understand. She asked the Board if there were any other questions that she could answer to make things clearer.

Mr. Williams was not sure that Attorney Sessler's opinion was correct. Mr. Williams stated Attorney Sessler had many wrong opinions before, and that there was another planner that came in one time and stated that something was not true and rattled off the RSA out of his head, and Attorney Sessler did not know. Mr. Williams stated he was not criticizing Attorney Sessler by any stretch of the imagination, but what would the Board do to ensure they were getting proper information. Mr. Williams stated he believed that to be a real problem. Mr. Hoopes stated that the Board needed to rely on the Town Attorney. Mr. Carter and Mr. MacDonald both stated they relied on Attorney Sessler. Ms. Call stated she was not sure what else the Board wanted her to do about it. She was not sure what other avenue the Board wanted her to take.

Mr. Sample asked what the big deal was as to why this could not be looked at as a Minor Subdivision application. Mr. Regan wanted to share an opinion to the other Board members if they had not read the planner review. He had read the planner review, and noted that it appeared unambiguous as to the definition of a Minor Subdivision and a Major Subdivision, and according to what was written in the planner review, it was clearly a Major Subdivision because it included the building of a road. He asked if there was anything incorrect in what he had just stated. Mr. Wilder agreed with Mr. Regan. Mr. Williams noted that he knew of the property and asked what road they were going to build off of. Mr. MacDonald stated it was right in front of Kim's and up, about 2,000 something feet straight up in, Moore Farm Lane. He noted that it had been a right-of-way for about 100 years. Mr. Sample stated that they would build beyond Kim's. Mr. MacDonald stated, yes, but that was right next to Kim's house. Mr. Wilder stated that it would have actually helped if the other members would have read the material.

Mr. Carter called for a roll call vote:

Roger Sample stated, begrudgingly, not complete; Scott Williams, he agreed with Mr. Sample that it was not complete; Tom Hoopes, incomplete; Russ Wilder, incomplete; Bob Regan, incomplete; Drew Carter, agreed, incomplete.

Mr. Williams stated he would like to try to see if we could get the Browns on the right track and fast. Mr. MacDonald agreed, especially since she was a Town employee. Mr. Williams..... (inaudible) the gory details of the whole thing, so he was not going to take sides, but it was six (6) months that he was sure of, and that was just not acceptable. Mr. Wilder stated that Ms. Call had been doing a good job and the Board had been handicapped with the way that meetings had to be run and the Browns were not the only ones that have been delayed, and he agreed with Mr. Williams that if they could possibly help the Browns to get their application submitted properly so they could move ahead with their project, that would be the right thing. Mr. MacDonald stated the Browns could submit a Major with waivers and Ms. Call would get them on the next agenda. Ms. Call stated the next agenda was full and that she was booking applications into October already. Mr. Williams stated he thought staff should try to slide them in. Ms. Call stated she already had five (5) applications in September. Mr. Sample stated that Ms. Call should slide one of those applications out to October and put the Browns in. Mr. Williams stated that this had gone on a long time and that they should be moved in. Mr. MacDonald stated that Ms. Call was not going to do what the Board..... Mr. Williams stated, oh, she better had, and if the Board told her to do something that was what should happen.

Mr. Hoopes stated that Mrs. Brown needed to go to the ZBA first. Mr. Wilder agreed. Mr. Carter stated that it seemed as though the Board needed to make sure the application was complete and to make sure it had all of the proper documents that were needed. Mr. Sample stated that did not mean the Board had to wait until November. Mr. MacDonald stated, no, because the Planning Board could put a rider on it saying with ZBA's approval. Mr. Williams agreed. Mr. Carter stated that the general consensus seemed to be that maybe if there was something on an upcoming agenda where there may be a bunch of short quick cases, then the Browns could be slid in. Ms. Call stated that she would do her best. Mr. Sample stated to just bump them up. Mr. Williams stated to bump everybody back. Mr. Sample stated that obviously the agenda was not made yet because the Board was just doing this meeting. Mr. Regan stated that during the Roads discussion next week with Attorney Sessler present, he thought that there would be some true clarification as to the definitions of a Minor or a Major. He thought that was where a lot of the confusion and difference of opinions. He stated that the Board did not have all of the information they needed. Mr. Carter agreed that it may get clarified.

The Board moved onto the next case.

<p>Case # P20-05 Randolph R. Tetreault, LLS, of Norway Plains Associates, Inc., Agent for Eric Gordon, Owner</p>	<p>Map 21 Lots 1-3, 1-5</p>	<p>Lot Line Adjustment Lakeshore Residential (LR) Zone 131 Clay Point Rd.</p>
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The Chairman read the case into the record. Randy Tetreault, LLS, agent for owner, Randy Walker, Esq., and Eric Gordon, owner were attending remotely to present the case.

Mr. Carter noted that the following waivers had been submitted:

- **Section VII.F.7.g**, which requires a showing of all jurisdictional wetlands;
- **Section VII.F.7.h**, which requires a showing of all areas with slopes in excess of 25%; and
- **Section VII.F.7.i**, which requires a showing of minimum contiguous upland area.

Mr. Hoopes MOVED to grant the waivers.
Mr. Williams seconded the motion.

Mr. Carter called for a roll call vote:
Roger Sample, Aye; Scott William, Aye; Virgil MacDonald, Aye; Bob Regan, Aye; Russ Wilder, Aye;
Tom Hoopes, Aye; Drew Carter, Aye.

Mr. Carter stated the next step would be to determine if the application was complete. Ms. Call stated the only thing that had been outstanding were the sample deeds and they had been submitted. Mr. Williams asked if Town Council had reviewed the sample deeds prior to the hearing. Ms. Call stated that no, Town Council did not review sample deeds prior to meetings. Mr. Williams stated he did not understand why the Board had applicants write up sample deeds if they were not necessary and no one reviewed them prior to the meeting. Mr. Carter stated that it gave the opportunity for the person writing the sample deed to address any red flags that might pop up.

Mr. Wilder MOVED to accept the application for Case #P20-05 as complete.
Mr. Hoopes seconded the motion.

Mr. Carter called for a roll call vote:
Roger Sample, Aye; Scott William, Aye; Virgil MacDonald, Aye; Bob Regan, Aye; Russ Wilder, Aye;
Tom Hoopes, Aye; Drew Carter, Aye.

Ms. Call requested Mr. Tetreault to begin the discussion by explaining the proposal to the Board. Mr. Tetreault mentioned that this application was on the March agenda where the previous applicant had been scheduled prior to Covid-19 and not being heard until tonight's meeting also.

Mr. Tetreault began by stating that this application was a lot line adjustment between two (2) parcels that were owned by the same landowner and that was why sample deeds might have not been required, addressing Mr. Williams' question to the sample deeds. This application, being as unique as it were, they wanted to supply sample deeds anyways. Mr. Tetreault explained that the property was owned by Eric Gordon and was located at the end of Clay Point Road. The original subdivision had been approved by the Alton Planning Board in 1997 in which the private roadway was created. That was where both parcels had their access points and that would not change with regard to this application. Mr. Gordon owned about an acre and a half right on the lake and also owned a vacant parcel that was about 13 acres on the opposite side of the private roadway easement. Mr. Gordon's septic system for the parcel on the lake was located on the parcel across the street, the opposite side of the private roadway easement. Mr. Gordon wanted to be able to have the septic system that serviced his other lot be one fee lot of record explained. Mr. Tetreault stated that the lake lot would be 4.2 acres and the vacant parcel was 13 acres; after the adjustment it would end up being 10.6 acres. The end result would be the 4.2 acre lot that would include the home as well as the septic system, leaving a 10 acre undeveloped lot. He explained that the septic system was designed and approved back in 2007 for a five (5)-bedroom home.

Mr. Tetreault explained to the Board that the roadway was a private roadway easement created by the original developer 20+ years ago. The roadway was an easement and not a fee strip of land. Back when this was created they did not need an easement to get across that because the fee ownership went to the center line of the road and the same owner owned both parcels of land. Mr. Tetreault stated that Town Counsel questioned the plan and there had been conversations between Mr. Tetreault and Mr. Walker, who was Mr. Gordon's attorney,

and it had been vetted that they had been correct in establishing the plan in question. Abutters had questioned the ownership of the road and Mr. Tetreault would speak to that if needed. He also stated that there were two (2) lots of record now and it would stay two (2) lots record in the future, if approved, and would still be the same owner.

Mr. Tetreault opened it up to any questions from the Board. Mr. Hoopes asked the same question as one of the abutters and that was, will the other owners on Clay Point Road still be able to use the road? Mr. Tetreault explained that the rights of the road would not change. Mr. Hoopes asked if that was a private road, how Mr. Gordon could get development rights to all of it. Mr. Tetreault stated Mr. Gordon had the same rights that he always had since he had purchased the lot. Mr. Hoopes stated the road was a private road and a subdivision could only be gotten off a Class V road. Mr. Tetreault stated that the subdivision had already been approved many years prior to now. Mr. Hoopes referred to the abutter letter that stated their deed restricted any construction in that area. Mr. Tetreault stated that it was not restricted to residential development and that was proposed by another application that had never been completed, which was discussed with Town Counsel and Ms. Call. Mr. Hoopes asked if there would ever be access way through to the Roberts Cove property. Mr. Tetreault stated that the same rights that were in effect now, to pass and repass, would not change. The other owner's rights would not change. Mr. Hoopes stated that this would be creating a new lot in an old subdivision that would not have access to a Class V road. Mr. Tetreault explained they were not making a separate lot, there would still be two (2) lots after the lot line adjustment. The purpose was to get the two (2) acres that surround the septic onto the same lot.

Ms. Call noted that the right-of-way would not be affected because it was existing. Ms. Call stated she spoke with Mr. Gordon's attorney about some of the abutter's concerns and that he explained that Mr. Gordon's lot line adjustment would not affect any of those concerns. Mr. Sample asked if the abutter's questions had been answered. Mr. Carter stated that there was a supplement with the planner review detailing the doctrine that Mr. Tetreault referred to. Mr. Tetreault explained that he understood all the issues that the Board referred to and the confusion that this proposal created. He also stated that the Board had already decided on a case of this nature about five (5) years ago up on Minge Cove Road. Mr. Tetreault stated that he was required to place a note on the plan.

The note would read as follows:

"The property conveyed as a result of this annexation shall not be deemed or considered a separate lot of record but shall be regarded as merged into and made an integral part of the contiguous lot of the land previously owned by the grantee so that the same shall be hereinafter one confirmed single lot of record."

Mr. Hoopes agreed that it would be a good idea to note that on the plan so that it would give someone else a heads up. Ms. Call wanted to clarify that she should add that that note should be added as condition precedent #5. The Board agreed.

Mr. Carter opened public input.

Mr. Carter asked Mr. Monaco if there was anyone on Zoom that had any comments; Mr. Monaco stated there was not.

Mr. Carter closed public input.

No further discussion.

After due hearing Mr. MacDonald MOVED that the Alton Planning Board hereby approve Case #P20-05 for Eric Gordon, Lot Line Adjustment, Located at 131 Clay Point Rd. with the following conditions:

CONDITIONS PRECEDENT:

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

1. Submission of revised plans in the number required by the Subdivision Regulations and that include all of the checklist corrections, any corrections as noted at this hearing and any waivers granted.
2. Addition of a note to the lot line adjustment plan prior to plan signing as follows:
"This subdivision plan is subject to the Conditions of Approval itemized in the August 18, 2020, Notice of Decision recorded in the Belknap County Registry of Deeds and on file at the Town of Alton Planning Department."
3. Addition of a note to the lot line adjustment plan prior to plan signing by the Planning Board Chair as follows:
"This lot line adjustment plan contains a total of ___ sheets. (List number of sheets included with the plan). In combination, these plans constitute in their entirety the lot line adjustment plan as approved by the Town of Alton Planning Board. All sheets are on file at the Town of Alton Planning Department."
4. Bounds should be set on the final plat or a separate certification of bounds set will be required to be recorded at the Belknap County Registry of Deeds at the applicant's expense.
5. Addition of a note to the lot line adjustment plan prior to plan signing by the Planning Board Chair as follows:
"The property conveyed as a result of this annexation shall not be deemed or considered a separate lot of record, but shall be regarded as merged into and made an integral part of the contiguous lot of land previously owned by the grantee so that the same shall hereafter be one confirmed single lot of record."

SUBSEQUENT CONDITIONS:

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

1. The applicants shall comply with all of the Town of Alton's Subdivision Regulations.
2. Approval of the lot line adjustment by the Planning Board constitutes recognition that the lot configurations are in conformance with local land use regulations. To complete the lot line adjustment, deeds must be transferred and recorded and this is the applicant's responsibility.
3. The approval is based upon the plans, specifications and testimony submitted to the Planning Board. Any alterations, additions, or changes to the plans are not authorized and require additional Planning Board approval.

4. A lot line adjustment which has been approved, conditionally or otherwise, may be revoked, in whole or in part, by the Planning Board when an applicant or successor in interest to the applicant has performed work, erected a structure or structures, or established a use of land, which fails to conform to the statements, plans, or specifications upon which the approval was based, or has materially violated any requirements or conditions of such approval.

Unless otherwise approved by the Board, the applicant shall have one (1) year from the date of the meeting at which the application is approved with conditions to complete any conditions precedent that are required prior to signing and recording the subdivision plat. Failure to complete any conditions within the one (1) year timeframe shall invalidate the Board's approval, unless an extension is approved by the Board under Section IX, A. 2. of the Town of Alton Subdivision Regulations.

Mr. Wilder seconded the motion.

Mr. Carter called for a roll call vote:

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

Case #P20-06 Jonathan M. Flagg, Esq., of Flagg Law, PLLC, Agent for Arthur O. & Kirsten Q. Tzianabos and Jerome P. & Kendra W. Bergeron, Owners	Map 65 Lots 86, 62, & 63	Lot Line Adjustment Lakeshore Residential (LR) Zone Olive St., 20 Olive St., & 12 Park St.
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The Chairman read the case into the record. Jonathan Flagg, Esq., agent for owner, David Dolan, LLS, and Arthur Tzianabos, owner were attending remotely to present the case.

Mr. Carter noted that the following waivers had been submitted:

- Section VII.F.7.g. showing of all jurisdictional wetlands;
- Section VII.F.7.h. showing all areas of slopes in excess of 25%; and
- Section VII.F.7.i. showing of minimum contiguous upland area.

Mr. Wilder **MOVED** to grant the waivers.

Mr. Williams seconded the motion.

Mr. Carter called for a roll call vote:

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

Mr. Hoopes stated that according to NHDES they preferred to continue with the existing lot line shape the way in which the lot line met the water. Mr. Williams stated they were not talking about docks like he thought Mr. Hoopes was referring to. Mr. Carter reminded everyone that they were still on determining the completeness of the application.

Mr. Wilder **MOVED** to accept the application for Case #P20-06 as complete.

Mr. Hoopes seconded the motion.

Mr. Carter called a roll call vote:

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

Mr. Wilder stated that the property lines on the outside of the two (2) lots were not the lines that were changing, but that it was the dividing lot line. Mr. Hoopes was just stating what the NHDES requirements were. Mr. Carter asked if Ms. Call had anything she would like to say. She stated that the surveyor may have comments, and noted that this was a pretty straight forward case. Mr. Carter asked who would be acting as the agent.

Mr. Dolan stated that Attorney Flagg may want to address any questions relating to how they had gotten to this point. Mr. Dolan stated that there were three (3) parcels involved. The shoreline property was about 11,000 sq. feet. The back lot, Lot 62, was about 2,400 sq. ft., which was owned by the Tzianabos' currently. The Bergeron property had no waterfront. That lot was about 3,600 sq. ft. This reason for this proposal was to try and resolve the question of ownership, which Attorney Flagg was more knowledgeable with. The agreement was to extend the common boundary line to the shoreline at the lake at a point that had been monumented. They would be eliminating the lakefront lot by transferring Parcel A that was 5,600 sq. ft., which would be merged with Tzianabos' property. Parcel B that was 6,000 sq. ft. would be merged with Bergeron's property. The Bergeron lot would now have 180 feet along the shoreline. The Tzianabos lot would have 170 feet along the shoreline. This adjustment would enable both owners to have direct access to the waterfront structures through their own property. The lots had been monumented.

Mr. Wilder asked about an area on the plan that stated there was a landscaped area encroachment and if that had been settled. Mr. Dolan stated that it had not been but that it was his responsibility to disclose anything that he observed onsite as far as any encroachments. Mr. Williams asked if this was part of the Railroad Avenue subdivision that had been built in 1890. Mr. Dolan responded, yes, that was the same one. Mr. Williams stated that there were a lot of unique situations with that subdivision and it had been giving the building inspector trouble for a very long time. Mr. Dolan stated he could understand why.

Mr. Carter asked if there was any other discussion. No further discussion.

Mr. Carter opened public input. Mr. Monaco was asked if anyone had raised their hand remotely; he stated, no. Mr. Carter closed public input.

After due hearing, Mr. MacDonald MOVED that the Alton Planning Board hereby approves Case #P20-06 for Arthur O. & Kirsten Q. Tzianabos and Jerome P. & Kendra W. Bergeron, for the above cited Lot Line Adjustment of Map 65 Lots 86, 62 & 63, with frontage on Olive Street and Park Street, with the following conditions:

CONDITIONS PRECEDENT:

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

1. Submission of revised plans in the number required by the Subdivision Regulations and that include all of the checklist corrections, any corrections as noted at this hearing, and any waivers granted.

2. Addition of a note to the lot line adjustment plan prior to plan signing by the Planning Board Chair stating that:
"This lot line adjustment plan is subject to the Conditions of Approval itemized in the August 18, 2020, Notice of Decision recorded in the Belknap County Registry of Deeds and on file at the Town of Alton Planning Department."
3. Addition of a note to the lot line adjustment plan prior to plan signing by the Planning Board Chair stating that:
"Best Management Practices shall be utilized during any timber cutting on site."
4. Bounds should be indicated as set on the final plat, or a separate Monumentation Certification of bounds set will be required to be submitted and recorded at the Belknap County Registry of Deeds at the applicant's expense.
5. Addition to the lot line adjustment plan to include the addresses, and map and lot numbers as indicated on the abutters list, for each abutter.
6. Update lot line adjustment approval date indicated on the draft deed.

SUBSEQUENT CONDITIONS:

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

1. The applicants shall comply with all of the Town of Alton's Subdivision Regulations.
2. Approval of the lot line adjustment by the Planning Board constitutes recognition that the lot configurations are in conformance with local land use regulations. To complete the lot line adjustment, deeds must be transferred and recorded and this is the applicant's responsibility.
3. The approval is based upon the plans, specifications and testimony submitted to the Planning Board. Any alterations, additions, or changes to the plans are not authorized and require additional Planning Board approval.
4. A lot line adjustment which has been approved, conditionally or otherwise, may be revoked, in whole or in part, by the Planning Board when an applicant or successor in interest to the applicant has performed work, erected a structure or structures, or established a use of land, which fails to conform to the statements, plans, or specifications upon which the approval was based, or has materially violated any requirements or conditions of such approval.

Unless otherwise approved by the Board, the applicant shall have one (1) year from the date of the meeting at which the application is approved with conditions to complete any conditions precedent that are required prior to signing and recording the subdivision plat. Failure to complete any conditions within the one (1) year timeframe shall invalidate the Board's approval, unless an extension is approved by the Board under Section IX, A. 2. of the Town of Alton Subdivision Regulations.

Mr. Williams seconded the motion.

Mr. Carter called for a roll call vote:

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

Case #P20-08 Piper Dube, LLC/Keith Dube, Owner	Map 2 Lot 21	Conceptual Consultation/Major Site Plan Rural (RU) Zone 800 Suncook Valley Road
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Mr. Chairman read the case into the record. Keith Dube, owner, was attending remotely to present the case.

Mr. Carter asked Mr. Dube to explain his proposed project.

Mr. Dube stated he had purchased the property last fall. He owned a landscaping company in Alton and wanted to move to the new property after his last child finished school. He explained he wanted to be able to have some other form of income for retirement. He stated he had been throwing this idea around for some time now and many people he had spoken to that owned self storage units stated that they have been booked solid and there needed to be another storage area available in town. He stated he had started looking into this idea and there was pretty much zero impact to the Town and agreed that it was needed with the growth of the town.

Mr. Williams asked where exactly was the property was located. Mr. Dube explained that it was south of Hamwoods Road, heading towards Barnstead between Hamwoods and Dudley Road. Mr. Dube stated that some of the lot had already been cleared because he had built a garage on the property. Mr. Wilder asked if the plan he had been looking at, showed only one building of storage units. Mr. Dube stated that was what they would start with and see how it went from that point. Mr. Wilder stated he would need to go through the State to get a driveway permit and Mr. Dube stated he already had a driveway that had already been permitted years ago. Mr. Dube needed to discuss with the State any impact adding the storage unit would cause, if any, to the driveway. Mr. Wilder asked if the snowmobile trail on that lot was still being used. Mr. Dube stated that the trail had been moved to the side of the property but that he planned on keeping it active as he and his family were snowmobilers as well. Mr. Wilder stated that if the trail was not going to be used Mr. Dube could move the storage unit area back further to make more screening of trees. Mr. Dube stated he still had a large amount of screening from where they had already cleared the lot for the garage. He had planned to have the unit back about 50+ feet and there was plenty of buffer. Mr. Williams stated that if Mr. Dube planned on making this larger in the future, then he should put the whole plan together now and build it in phases so that he could just keep building without having any hold ups.

Mr. Dube stated the right-of-way was 25 feet from the centerline. Mr. Williams stated he might want to see if that was actually a four (4)-rod road. Mr. Wilder stated he believed the State was building that road out more and that Mr. Dube should check into that. Mr. Wilder agreed that Mr. Dube should put an entire plan together with all future additional units. Mr. Wilder stated he saw no problem with the plan and although storage units weren't very attractive, they would be screened from the road and very utilitarian. The Board did not see any reason for this project to be denied.

Other Business:

1. **Old Business:**

- a. Motion from the May 12, 2020, Planning Board meeting requiring final action: motion to approve the agenda needed a second.

Ms. Call explained that the May 12, 2020, meeting was missing a second to approve the agenda.

Mr. Williams seconded the motion to approve the May 12, 2020, agenda.

- b. Updating the Alton Construction Observation Guidelines and Site Plan Regulations.

Mr. Carter stated that would be discussed further down the road.

- c. Discussion on which Board member will sit on the CIP Committee.

Ms. Call stated that the CIP Committee needed a member from the Planning Board to sit on the Committee because Mr. MacDonald could not sit as two (2) seats; it would leave the Committee with an even number and it needed to be an odd number of members just in case of a tie vote. Mr. Williams volunteered. Later on in the meeting, Mr. Williams noted that he could not sit on the Committee, and Mr. Sample volunteered instead.

- d. House Bill 1129, an act relative to notice requirements for certain municipal public hearings.

Ms. Call explained that the implementation of HB 1129 waived the requirement for having to post a newspaper notice. This Bill specified that instead of the newspaper, the notice would have to be posted on the front page of the Town's website, and this would also save applicants \$75 on the application fees. Mr. Hoopes wondered about the impact on newspapers with the passing of this Bill. Ms. Call stated that if the Board decided to change the newspaper notification then all the regulations would have to be updated to reflect this change along with the application forms. If the Board approved this change then it would have to be presented at two (2) public hearings. Mr. Williams asked if the current meeting would count and he thought the answer was, yes. Mr. Hoopes proposed the Board adopt this tonight. The Board agreed. Ms. Call stated she would have the updated regulations to present at the next meeting.

2. New Business:

- a. Discussion and vote on Citizen Member applications for the 2021-2016 CIP Committee.

Ms. Call stated Frank Rich submitted an application to sit on the CIP Committee again this year. Aimee Terravechia also applied to sit on the CIP Committee for the first time. Mr. Regan stated Ms. Terravechia was an up and coming Rotary member and that she sat on the Alton Business Association.

Mr. Regan MOVED to accept the applications for Frank Rich and Aimee Terravechia to sit on the CIP Committee.

Mr. Williams seconded the motion.

Mr. Carter called for a roll call vote:

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

- b. Discussion and vote on application dated June 24, 2020, from William O'Neil, who was interested in sitting on the Planning Board as an Alternate.

Mr. Carter and Ms. Call went back to the CIP committee discussion, they asked if anyone had been willing to volunteer. Mr. Sample stated he would be willing to sit on the committee although he was not sure he would be able to make every single meeting.

**Mr. MacDonald MOVED to interview Mr. O'Neil.
Mr. Williams seconded the motion.**

Ms. Call informed the Board that Mr. O'Neil was attending remotely and asked the Board if they would like to interview him now. Mr. Wilder noted that Mr. O'Neil had been a State Representative. Mr. O'Neill stated he was a Representative from 2013-2018 in Manchester, and since then he moved to Alton but that this had always been a summer home for he and his family. He stated he had no background with the Planning Board but he wanted to get involved with the community. He stated he had been on other boards and that he found this very interesting, and had heard the Board needed alternates.

Mr. Carter asked if Mr. O'Neil had been listening in on the whole meeting. Mr. O'Neil stated he had been and he was still interested. He noted that he was also on the Transportation Committee. Mr. Wilder asked if he had been involved in the 10-Year highway plan. Mr. O'Neil stated that he had been, along with other areas regarding the 10-year plan and that it had been very interesting. Mr. Wilder stated that was good knowledge to have. Mr. Wilder stated the Board should invite him to another couple of meetings. The Board agreed, and Mr. O'Neil was invited to next month's meeting on September 15, 2020. Mr. Carter also invited Mr. O'Neil to the Roads discussion next Tuesday, August 25, 2020. Mr. Carter stated that Mr. O'Neil would be very insightful.

Mr. MacDonald and Mr. Williams stated the ZBA should be invited to the Roads discussion as well. Ms. Call stated that only 10 people were allowed in the conference room so everyone would not be able to attend.

3. **Approval of Minutes:** Planning Board meeting minutes of May 12, 2020, and June 16, 2020.

**Mr. Hoopes MOVED to approve the minutes of May 12, 2020.
Mr. Williams seconded the motion.**

Mr. Chairman called for a roll call vote:

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

**Mr. Hoopes MOVED to approve the minutes of June 16, 2020.
Mr. Wilder seconded the motion.**

Mr. Chairman called for a roll call vote:

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

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

Adjournment

Mr. Williams MOVED to adjourn.

Mr. MacDonald seconded the motion.

Mr. Carter called for a roll call vote:

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

The meeting adjourned at 8:10 p.m. +/-

Respectfully submitted,

Amelia Cate, Recording Secretary