

**TOWN OF ALTON PLANNING BOARD  
MINUTES 2019  
AUGUST 20, 2019**

**APPROVED**

**Members Present:**

Roger Sample, Chairman  
Russ Wilder, Clerk  
Virgil MacDonald, Selectmen's Rep.  
Drew Carter, Member  
Bob Regan, Alternate

**Others Present:**

Jessica A. Call, Planning Secretary/Interim Planner  
John Dever, III, Code Official

**CALL TO ORDER**

Mr. Sample called the meeting to order at 6:00 P.M.

**APPOINTMENT OF ALTERNATES**

Mr. Sample appointed Mr. Regan as a full voting member, due to Dave Hussey's resignation.

**APPROVAL OF AGENDA**

Mr. Sample asked if there were any changes to the agenda since it was posted. Ms. Call stated that the items in bold italics under "Other Business", 4.c., d., e., were added after the agenda was posted.

**Mr. Wilder MOVED to accept the August 20, 2019, agenda, as amended.  
Mr. Carter seconded the motion, and it PASSED unanimously.**

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

<b>Case #P19-16 Steven M. Oles, LLS, of Norway Plains Assoc., Inc., Agent for John P. &amp; Kelly L. Tibbs and Andre B. &amp; Shannon E. Chasse, Owners</b>	<b>22 &amp; 30 Southview Lane Map 14 Lots 19-5 &amp; 19-6</b>	<b>Lot Line Adjustment Lakeshore Residential (LR) Zone</b>
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The Chairman read the case into the record.

Mr. Oles, agent, and came forward to present the case, and Mr. & Mrs. Tibbs, owners, were in the audience.

**Mr. Wilder MOVED to grant the waiver listed in the letter received on July 29, 2019, for Section VII.F.7.i. showing Minimum Contiguous Upland, because it was just a simple lot line adjustment and no wetlands were located on the lot.  
Mr. MacDonald seconded the motion, and it PASSED unanimously.**

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**Mr. Wilder MOVED to accept the application for Case #P19-16 as complete.  
Mr. MacDonald seconded the motion.**

**DISCUSSION:**

**Mr. Carter inquired about the mortgage holder letters and the sample deeds. Mr. Oles, noted that he was waiting to receive approval from the Board before he went any further.**

**Mr. Sample asked the Board for a vote, and the motion PASSED unanimously.**

Mr. Oles, noted that this was an equal land swap of 1,245 s.f., in order to get the pool on Lot 19-5 to be within the 10 foot side setback, which was inadvertently built last year on the property line. Mr. Oles was representing both property owners and they both agreed to this lot line adjustment. Mr. & Mrs. Tibbs owned Lot 19-5 and Mr. & Mrs. Chasse owned Lot 19-6.

**After due hearing, Mr. MacDonald MOVED that the Alton Planning Board hereby approves Case #P19-16 for John P. & Kelly L. Tibbs and Andre B. & Shannon E. Chasse, for the above cited Lot Line Adjustment of Map 14 Lots 19-5 & 19-6, with frontage on Southview Lane, with the following conditions:**

**CONDITIONS PRECEDENT:**

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

- 1. Submission of revised plans in the number required by the Subdivision Regulations and that include all of the checklist corrections, any corrections as noted at this hearing and any waivers granted.**
- 2. Addition of a note to the subdivision prior to plan signing by the Planning Board Chair: This lot line adjustment plan contains a total of \_\_\_ sheets: [to be listed and dated by the applicant on the plan itself]. In combination, these plans constitute in their entirety the lot line adjustment plan as approved by the Town of Alton Planning Board. All sheets are on file at the Town of Alton Planning Department.**
- 3. 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.**
- 4. Submission of sample deeds.**
- 5. Submission of mortgage holder letters.**

**SUBSEQUENT CONDITIONS**

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

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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.

Drew Carter seconded the motion.

Mr. Sample opened public input. Since there were no comments, Mr. Sample closed public input.

Mr. Sample asked the Board for a vote, and the motion PASSED unanimously.

<p><b>Case #19-17 Bradford Jones, LLS, of Jones &amp; Beach Engineers, Inc., Agent for Leonard C. Gardner Living Trust, Leonard C. &amp; Jill N. Gardner, Trustees; The Jill N. Gardner Living Trust, Leonard C. &amp; Jill N. Gardner, Trustees; and George &amp; Carol Stevens, Jr. &amp; Michael Stevens, Owners</b></p>	<p><b>Sawmill Brook Road &amp; Trask Side Road Map 41 Lots 33, 59, 35, &amp; 36</b></p>	<p><b>Lot Line Adjustment Lakeshore Residential (LR) Zone</b></p>
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The Chairman read the case into the record.

Bradford Jones, LLS, agent, came forward to present the case.

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**Mr. Wilder MOVED to accept the application for Case #P19-17 as complete.  
Mr. MacDonald seconded the motion.**

**DISCUSSION:**

**Mr. Carter questioned if the mortgage holders were notified. Mr. Jones stated that he was waiting for confirmation to come back from the bank stating that they did not have any issues with this proposal; usually banks did not have issues with parcels increasing in size.**

**Mr. Sample asked the Board for a vote, and the motion PASSED unanimously.**

Mr. Jones noted that Mr. Gardner owned quite a bit of property in this proposed subdivision, which was located on a right-of-way access road, Sawmill Brook Road with Frontage on Trask Side Road. Mr. Cavallo, who owned Lot 34, was not part of this proposal, but his lot just happened to be in the center of the proposed subdivision. Lots 59, 32, 35 and 36 were made larger by encompassing land from lot 33, which would no longer exist. A proposed driveway was shown on Sheet C2 coming off of Trask Side Road onto Lot 59. Test pits were performed for a well on Lot 59. A sample deed was submitted with the application for one lot, but they will be submitted for all lots before final signing of the plans.

Mr. Sample opened public input.

Roy Tilsley, Esq., who represented Ronald Cavallo, the property owner on Lot 34 who was located in the middle of this proposed subdivision, came to the table. He noted that Mr. Cavallo had a cottage that overlooked the lake and was concerned about the effect of this subdivision on his property. He informed the Board that there was current litigation regarding Mr. Cavallo's ability to access beach rights on a 10' wide right-of-way located on Sand Peep Lane, and whether he could walk through a wooded area located on proposed Lot 35 as he had been doing for quite some time, or whether he had to walk down Sawmill Brook Road, and then down Sand Peep Road to access the beach. He was hoping to get some resolution in the next few weeks. Any immediate development would become problematic due to the pending litigation. The Board noted this was not under their jurisdiction and moved on to the matter at hand.

Attorney Tilsley shared that another concern of Mr. Cavallo's was the potential of future development on Lot 59. Attorney Tilsley wanted to know where the buildable area was on Lot 59. Mr. MacDonald noted that Mr. Gardner, owner of Lot 59, could build where he wanted to on his lot. Mr. Jones pointed out that the whole lot, except for where the two sections of wetlands were, was buildable. Mr. Wilder asked if the 10' access way to the lake coincided with the 10' setback. Mr. Jones noted that the deed gave access to the beach from the road. Mr. Wilder noted that historically, it appeared that Mr. Cavallo walked through the proposed Lot 35 to access the beach.

No additional public input. Mr. Sample closed public input.

After due hearing, Mr. MacDonald MOVED that the Alton Planning Board hereby approves Case #P19-17 for Leonard C. Gardner Living Trust, Leonard C. & Jill N. Gardner, Trustees; The Jill N. Gardner Living Trust, Leonard C. & Jill N. Gardner, Trustees; and George & Carol Stevens, Jr., and Michael Stevens, for the above cited Lot Line Adjustment of Map 41 Lots 32, 33, 35, 36, & 59, with frontage on Sawmill Brook Road and Trask Side Road, 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 subdivision prior to plan signing by the Planning Board Chair: This lot line adjustment plan contains a total of \_\_\_ sheets: [to be listed and dated by the applicant on the plan itself]. In combination, these plans constitute in their entirety the lot line adjustment plan as approved by the Town of Alton Planning Board. All sheets are on file at the Town of Alton Planning Department.
3. 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.
4. Submission of sample deeds.
5. Submission of mortgage holder letters.

**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

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**in interest to the applicant has performed work, erected a structure or structures, or established a use of land, which fails to conform to the statements, plans, or specifications upon which the approval was based, or has materially violated any requirements or conditions of such approval.**

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

**Russ Wilder seconded the motion, and it PASSED unanimously.**

<p><b>Case #19-18 Scott R. Frankiewicz, LLS, of NH Land Consultants, Agent for Joseph Petrucci &amp; Joyce Greenlaw, Owners</b></p>	<p><b>34 Clay Point Road Map 21 Lot 7-1</b></p>	<p><b>Final Minor Subdivision Lakeshore Residential (LR) Zone</b></p>
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Ms. Call informed the Board that she received an email from Mr. Frankiewicz requesting a continuance due to the fact that even though the applicant’s property was not part of the Clay Point Association, the road that they used to access their property was part of the Association, and they were not noticed as an abutter. With Town Counsel’s advice, a letter to the Association should be sent. The Board agreed to continue the application to the next regularly scheduled meeting on September 17, 2019.

**OTHER BUSINESS**

**1. Old Business:**

- a. Discussion with Paul George/Alton Bay Self Storage re: email dated August 14, 2019, regarding final inspections.

Ms. Call stated that Mr. George felt that he was being forced to have the two additional inspections. She noted that she explained to Mr. George that the Board approved the Town Engineer to perform the final two inspections at the last Board meeting. After several conversations back and forth between Ms. Call and Mr. George, he finally gave the go ahead to have the Town Engineer move forward with the inspections. Mr. Sample noted that these two inspections were part of the process and would have to be done after the asphalt was laid down, and were not necessarily being required because the asphalt was laid down too early. Mr. Wilder pointed out that this property sat on top of an aquifer and it was really important that this asphalt work properly; it was not a frivolous decision. The Board was following the specifications from UNH that were included in Mr. George’s conditional approval.

- b. Continued discussion regarding Construction Observation Guidelines, Draft dated March 26, 2019.
- c. Continued discussion regarding Site Plan Regulations, Draft dated May 29, 2019.

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Mr. Carter wanted Ms. Call to send his comments on the Guidelines and the Regulations that he sent in to her, to the rest of the Board. Mr. Wilder thought that maybe the Board should come up with a date for a workshop to start going over the Site Plan Regulations because they were lengthy and there were many suggested updates.

- d. Mr. Wilder handed Ms. Call his comments that he made for the Sales and Solicitation Ordinance that the Board of Selectmen were working on. Ms. Call would give them to the Town Administrator.
- e. Ms. Call shared that a date needed to be scheduled for the next hearing for the Keith Babb/Green Oak Development, LLC, for his Excavation Permit. She was originally going to schedule the hearing for the next regularly scheduled Planning Board meeting on September 17, 2019, but since Mr. Babb's attorney was looking to have Mr. Wilder recuse himself that would only leave four sitting members, and Mr. Regan just informed her that he was not going to be available on September 17, 2019, meeting. Ms. Call informed Mr. Sample, Mr. Carter, and Mr. Regan that she would discuss some dates with the attorneys and get back to them and to Mr. Hoopes, who was absent.

**2. New Business:**

- a. Discussion on suggested amendment to the Capital Improvement Program (CIP) Handbook to increase the threshold of items to \$40,000.

Mr. Regan noted at the last CIP Committee meeting, there was discussion on what the threshold should be for a capital item, and if it should be increased. He noted that Mr. Sample, Ms. Call, and he attended a Board of Selectmen meeting and the Selectmen proposed to increase the threshold to \$50,000. The CIP Committee discussed this and then decided it should be \$40,000. Mr. Regan noted that Ms. Call did some research with the surrounding towns to see what their thresholds were and it varied widely. Mr. MacDonald thought that the CIP plan that was submitted in 2017 was fairly simple and the townspeople were able to understand it, but then in 2018, it appeared to be very lengthy. Mr. Regan noted that Tom Lee, Citizen member, resigned.

**Mr. MacDonald MOVED to accept the proposal to raise the threshold for CIP submission items to \$40,000.**

**Mr. Carter seconded the motion, and it PASSED unanimously.**

- 3. **Approval of Minutes:** Planning Board meeting of July 16, 2019; and  
Special Meeting minutes of July 17, 2019.

Mr. Wilder noted one correction, his name was missing from the list of members present at the July 16, 2019, meeting.

**Mr. Wilder MOVED to approve the meeting minutes of July 16, 2019, as amended.  
Mr. Carter seconded the motion, and it PASSED unanimously.**

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**Mr. Carter MOVED to approve the Special Meeting minutes of July 17, 2019, as presented.**

**Mr. Regan seconded the motion, and it PASSED unanimously.**

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

- a. Letter dated August 2, 2019, from Mike Vignale, P.E., KV Partners, LLC, re: Recommendation to release the Revegetation Site Restoration Bond for Dobbins Brook Phase I in the amount of \$14,585. Received Restoration Bond for Dobbins Brook Phase II in the amount of \$20,922.00.

**Mr. Wilder MOVED to release the Revegetation Site Restoration Bond for Dobbins Brook Phase I in the amount of \$14,585.**

**Mr. Regan seconded the motion, and it PASSED unanimously.**

- b. West Alton Marina:

- Letter dated March 13, 2019, received on July 22, 2019, from US Army Corps of Engineers, re: West Alton Marina's approval of the discharge of dredged or fill material into waters or wetlands, and in-lieu-fee payment information due to the State of NH Aquatic Resource Mitigation (ARM) fund.

Mr. Wilder noted that the permit was received by the Army Corps of Engineers, and the State noted that the payment of \$245,000 was to be paid to the ARM fund. No construction could begin until that payment was made. Mr. MacDonald asked if the Town had any ARMs projects in Town. Mr. Wilder noted that the Conservation Commission had a meeting with Mr. Fortier, owner, and he was interested in the ARMs project. Mr. Wilder noted that the Commission also met with Laurie Summer at DES and she was in favor of the project. The Commission still needed to meet with NH Fish & Game. The Commission was going to be working on an application during the wintertime. NH Fish & Game had been on the property and they thought that the brook that ran along Route 11 was worth keeping.

- c. Updated Proposal from GMI dated 8-15-19, re: paving of Ridge Road.

Ms. Call noted that the original estimate was for a patch job and did not include grinding down the road or the shoulder work. Mr. MacDonald shared that if the road was just patched, the road would end up cracking again. It made sense to fix the road properly instead of spending all of that money on a patch job. Mr. Carter wondered who was going to do the grade elevations and the layout once the road was reclaimed. Mr. MacDonald noted that Ken Roberts, Highway Manager, would go out and mark the road.

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

- a. West Alton Marina:
- Letter dated June 27, 2019, from NHDES, re: West Alton Marina's Final Approval for their well water system.



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- Final site plans were received July 22, 2019, and are awaiting three (3) septic design approvals from DES. Once that is complete, the plans can be signed, and a Pre-Construction meeting will be scheduled.
- b. As-Built plans dated July 8, 2019, from Tracy True/Barndoor Development, LLC/True Harvest were signed by the Chairman on August 1, 2019.
- c. Letter July 25, 2019, from NHDES, re: Subdivision approval granted for David & Tammy Roberts, 198 Old Wolfeboro Road.
- d. Restoration Bond for Green Oak Realty Development, LLC, is due to expire on September 6, 2019, awaiting Continuation Certificate as of the date of posting this revised agenda.
- e. Letter dated August 12, 2019, from Kevin Leonard, P.E., re: stormwater drainage review results for David Hussey's solar project.
- f. Reminder re: September 4, 2019, NHMA webinar.

**6. Any Other Business that may come before the Board:**

Mr. Regan shared with the Board that the Town of Wolfeboro was conducting a public hearing on August 27, 2019, from 7:00 – 9:00 pm on their Master Plan update. He invited the rest of the Board members to attend. He noted that he was going to attend, Mr. Wilder thought that he could make it, and Ms. Call also noted that she was attending.

Ms. Call also wanted to inform the Board that All in for Alton was starting up again. Their meeting was on August 22, 2019, at 6:30 pm.

**Public Input on Non-Case Specific Local Planning Issues**

**ADJOURNMENT**

At 7:10 P.M., Mr. Regan MOVED to adjourn.

Mr. MacDonald seconded the motion, and it PASSED unanimously.

The meeting adjourned at 7:10 P.M.

Respectfully submitted,

Jessica A. Call  
Recording Secretary

Minutes approved as presented on: October 15, 2019