

**TOWN ALTON PLANNING BOARD
MINUTES OF 2020
TUESDAY, SEPTEMBER 15, 2020**

APPROVED

Members Physically Present:

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

Members Appearing Remotely:

Bob Regan, Vice-Chairman, Home-Along
Tom Hoopes, Member, Home-Along

Others Physically Present:

Jessica A. Call, Town Planner
Josh Monaco, IT Department
William O'Neill, Potential Alternate

Others Appearing Remotely:

Amelia Cate, Planning Secretary

Call to Order

Mr. Carter called the meeting to order at 6:02 p.m.

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:

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. Mr. Sample questioned if this had been Mr. O’Neil’s third meeting. Mr. Williams stated that the roads workshop would not being counted as one of the three (3) meetings, so tonight’s meeting would be the second of the three (3).

Ms. Call stated there were a few changes made since posting the agenda. Listed under “Other Business” number five (5) “Correspondence for the Board’s information”, which included, a. Memo from Mike Vignale, P.E., for the Ridgewood subdivision; b. Memo from Mike Vignale, P.E., for the Laura Lane site walk; c. Memo from Mike Vignale, P.E., regarding Jobean’s rock wall; and d. Fernhill Condominiums amended their condo site plan that needed to be signed by Roger Sample, who was the Chairman at the time of their initial approval. There was a clerical error on the plan so it needed to be amended, signed, and recorded again.

Ms. Call stated there was an item to add under “Other Business”, number six (6), which was to have a discussion on starting up a Master Plan Committee.

Mr. Wilder MOVED to accept the September 15, 2020, agenda as amended.

Mr. Williams 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.

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

<p>Case #P20-09 Paul Zuzgo, LLS, of Prospect Mountain Survey, Agent for Ronald & Dorene Charles, Owners</p>	<p>Map 71 Lots 170 & 171</p>	<p>Lot Line Adjustment Rural (RU) Zone 11 Southview Lane</p>
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Proposal: To adjust the lot lines for 2 lots of record, which would be an equal area swap to get the well included on lot 171.

The Chairman read the case into the record. Ms. Call stated that when she had been preparing the Planner Review it was found that the owners had sold one of the lots to another party, therefore, the lot line adjustment could not take place the way the application was written at this point. Paul Zuzgo, LLS, was asked to submit an official withdrawal for the file, but it has not been received yet. He would be resubmitting for the current owners at a later date. Mr. Carter reiterated that the applicants sold the property that would have been the other piece of property included in the lot line adjustment while the application was being processed in the Planning Department, and then never notified the department of this sale; that made the application null and void.

<p>Case # P20-10 Steve Oles, LLS, of Norway Plains Associates, Inc., Agent for Kempton Revocable Trust, Owner</p>	<p>Map 4 Lot 13</p>	<p>Final Minor Subdivision Rural (RU) Zone Frank C. Gilman Highway</p>
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Proposal: To subdivide a 40.67 acre parcel from Map 4 Lot 13, with 87+ acres remaining.

The Chairman read the case into the record.
Ms. Call and Mr. Carter stated there were waiver requests.

Steven Oles, LLS, agent, joined the meeting via Zoom from his home and his girlfriend, Beth, was in the room. Sam Hollo, applicant, and Bev Kempton, owner, also joined the meeting via Zoom, with Mr. Hollo's wife, Esther Hollo, also present.

Mr. Oles asked if he could make a brief presentation to clarify as to why the waivers had been requested. The Board stated that would be helpful. Mr. Oles stated the lot was 128 acres off Frank C. Gilman Highway (Route 140) and Tibbetts Road. Mr. & Mrs. Hollo were proposing a two (2) lot subdivision. One lot being 87+ acres and the other being 40.67 acres. Mr. Oles explained they had requested the waivers because there was only one lot being developed for a single family house. The other large 128 acre lot would not be developed.

WAIVER REQUESTS:

- **The waivers submitted are for the following:**
 - 1. Section VII, E.2.2.(a): All required full scale maps shall: be drawn at a scale of not more than 100 feet per inch.....**
 - 2. Section VII, D.1.(g): Show the minimum contiguous upland area required by the Zoning Ordinance for each lot excluding jurisdictional wetlands and areas with slopes in excess of 25%. Identify the minimum contiguous upland area in acres for each lot.**

- 3. Section VII, D.1.(j): Show all jurisdictional wetlands as defined by the Zoning Ordinance and the 25 foot wetland Buffers required by the Zoning Ordinance.**
- 4. Section VII, D.1.(n): Show all areas with slopes in excess of 25%.**
- 5. Section VII, D.1.(b): Show a complete boundary survey showing metes and bounds of the entire contiguous parcel owned by the applicant, whether or not all land therein is to be subdivided, referenced to a public street intersection or USGS Benchmark. A minimum of two (2) benchmarks shall be provided.**

Mr. Wilder asked about the Highway Department's comments that stated the driveway MUST come off Route 140, and the fact that the area included some wetlands and a waiver to the wetland buffer may be needed.

Mr. Oles stated that the intent was to work with the Selectmen to put in the driveway off Tibbetts Road, roughly 50 ft. down, and not use Route 140. The frontage requirement would be off Route 140 to comply with the Town's Regulations. There was already a driveway off Tibbetts Road for a lot abutting the proposed lot. Mr. Williams asked if any portion of the property abutted the town of Gilmanton, because if it had then Gilmanton would have to be involved. Mr. Oles stated none of the property abutted Gilmanton. Mr. Wilder stated that if the Hollo's did have success with the Selectmen by obtaining access off Tibbetts Road, then wetlands would also need to be shown. Mr. Oles stated that Note #9 on the plan indicated that the property had been reviewed by Dan Coons and that he had followed the Regulations having to prove that there were no wetlands or steep slopes. Mr. Oles stated that there was also a note on page 2 where Tibbetts and Dudley Road came together and you would see "4K area, test pit 1", and it stated it on the topo review and referenced in Note #9. Mr. Wilder asked if there was a document signed by Dan Coons. Mr. Oles stated that there was not but that he would get that and the plan stamped by Dan Coons. Mr. Oles stated that typically he did not get the plan stamped until the final plan was created.

Mr. Sample asked if the wetlands were delineated. Mr. Oles stated that, yes, they were and he could provide a stamp at the Board's request. Mr. Wilder stated that in order to request these waivers, the Board wanted to see the documentation. Mr. Sample stated that as long as the Board made it a condition at the end then they could indeed grant the waiver. Mr. Hoopes made the statement that if the Board approved this subdivision, would the Board be creating a driveway that they did not know would work. Mr. Wilder stated that if the Board looked at the contours around Route 140, there was a drainage area that could have wetlands, but the scientist did not map that area. Mr. Hoopes also stated that DES would want the least impact to wetlands for a subdivision. Mr. Oles stated the least impact would be working with the Selectmen to create the driveway off Tibbetts Road where there were no wetlands and no impact. Mr. Hoopes stated that ultimately down the road there may be an impairment with the access to the designated Class V road, but there was no way of knowing because there was no inspection of wetlands on that area of the property. Mr. Carter stated that if the Board were to move forward with approval, it would have to be conditional upon Selectmen approval, but there would have to be something in place to cover anything in the future. Mr. Hollo stated that they used the frontage from Route 140 thinking that would be the only way to get the variance to be able to put the driveway in off Tibbetts Road, but that they could always get it re-surveyed if the area off Tibbetts Road would not work. Mr. Carter stated that the Board understood the approach taken. Mr. Hollo stated that if the Selectmen did not approve the driveway access off Tibbetts Road, then they could go back to possibly using the old logging road as the access and have a new survey done. The Board was concerned about future subdividing. Mr. Wilder asked the applicants why they were not using the cul-de-sac for access at the end of Dudley Road. Mr. Oles stated they did not have frontage off the cul-de-sac. Mr. Wilder stated that the

Selectmen may also require Tibbetts Road to be brought up to Town Standards for the area in front of this new lot. Mr. Wilder stated that requiring wetland delineation and approval from the Board of Selectmen could be made a condition of approval.

Mr. Wilder MOVED to grant the waivers to Section VII, E.2.2.(a); Section VII, D.1.(g); Section VII, D.1.(j); Section VII, D.1.(n); and Section VII, D.1.(b).

Mr. MacDonald 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.

Mr. Wilder MOVED to accept the application for Case #P20-10 as complete.

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.

Ms. Call asked if Mr. Oles had looked through the Planner Review. He stated he just answered to most of the first page and that he could add Kempton Revocable Trust in the Title block but Sam and Esther Hollo were the ones paying for the plan so they needed to be included as well. He noted that the Trust owned the land not the Trustees and that was why the Trust was the only title listed on the plans. Mr. Oles went on with some items that needed to be included on the plan and stated that he would make sure those items were taken care of before a final set of plans were submitted.

Mr. Carter opened public input.

There were two (2) members from the public in queue. They were not able to connect through video or audio but then were able to write the questions on the Zoom Screen. Mercedes Warren also typed in a question on the Zoom meeting screen. Mr. Monaco, IT Specialist, read the statement to the Board. It stated that they lived across the street from the property and that they were concerned with drainage issues because there were wetlands on the property. Mr. MacDonald stated that would be addressed when the building permit was submitted. Ms. Call agreed that those concerns would be addressed throughout the rest of the process.

Mr. Monaco stated that the caller just spoke to him and his microphone volume was all the way down and was now able to speak. Jessie Pauley was now on audio on the Zoom meeting. He stated he was the abutter on Map 4 Lot 12 on the Route 140 line. He stated that from his survey there were wetlands that ran down Route 140 and special permits needed to be applied for and he was concerned with another driveway right next to his with the wetlands issues. Mr. Wilder stated that their driveway was not going to be off the Route 140 side, but that they were using that to get the frontage requirement satisfied to be able to subdivide. The driveway would actually be off Tibbetts Road. Mr. Pauley asked if the Hollo's would be able to use the access from Route 140 if they wanted to log or clear their property. Mr. Williams stated that they could get a special permit to be able to that but that there were guidelines that would need to be followed. Mr. Hoopes also stated that when logging there were many rules to follow and that would also be addressed during that process. Mr. Pauley explained that he was worried that if the applicant did not get approval from the Board

of Selectmen then they would just end up putting the driveway off the Route 140 side, next to his. Mr. Wilder stated that it would not be like that, and that they would have to come back in front of the Planning Board to propose another option. Mr. Wilder stated that was a good point and it also made him wonder about the frontage and not putting a driveway in on the same road you used the frontage from.

Mr. MacDonald read the first question again to the Board to make sure that they covered all concerns. The Board discussed the drainage issues that Ms. Warren questioned and stated all of these issues would be addressed when the building permit was filed and there would have to be proper steps taken to determine that extra drainage may need to be put in when the Hollo's started building the driveway and bringing the road up to town standards.

Mr. Williams asked what the distance from the property line was to the area where the driveway would be located. Mr. Oles stated it was about 53 feet +/- . Mr. Williams asked if the old wood road was where the Hollo's were looking to put the driveway in, and Mr. Oles stated that was correct. Mr. Oles also explained the topographic maps and that across the street from the proposed lot was all upland and dryland, but then once it crossed Tibbetts Road, it dropped at a very rapid rate across the neighboring property. Mr. Wilder asked about Map 4 Lot 18-2, Steven Warren, and if this house was off the cul-de-sac. Mr. Oles stated that was correct. Mr. Wilder went on to state that what may be happening currently was that the drainage from Tibbetts Road was running onto the Warren's property already from the contours on the topo plan. The Board agreed that all of these issues would be addressed through the rest of the process for building on the lot. Mr. Williams stated he did not believe Mr. Hollo would have to upgrade all 200 ft. of Tibbetts Road. Mr. MacDonald stated he would because he needed the frontage for the subdivision. Mr. Williams stated, no, because they were pulling the frontage from Route 140, and just accessing the lot on Tibbetts Road. The Board stated that the Hollo's would only have to extend Tibbetts about 60 ft. from where the blacktop ended, and that would also include addressing any drainage and runoff occurring from that construction. Mr. Wilder suggested that a note be made about the drainage issues and that it be forwarded to the Selectmen to review when the Hollo's had their appointment with them for the driveway access application.

Mr. Carter asked if there was another caller waiting to speak on this case. Mr. Monaco stated that there was but they had not raised the Zoom hand to speak

Mr. Carter closed public input.

Mr. Wilder stated the Board had discussed all the waiver requests and the conditions the Board made for the approval of this application. Mr. Williams suggested that Mr. Hollo change the plan to include his full given name (Samuel) not just Sam. Mr. Hollo agreed. Mr. Wilder stated the Board also needed to recommend this to the Board of Selectmen. Ms. Call stated that the applicants already had an appointment to see the Selectmen for this driveway/road in question and after that the Planning Board would receive the decision that the Selectmen made. So it would come back to the Board for review at the end of the whole process.

After due hearing, Mr. Wilder MOVED that the Alton Planning Board hereby approves the above cited application for Kempton Revocable Trust/Beverly A. Kempton, Trustee, for a Final Minor Subdivision for a two (2) lot subdivision of Map 4 Lot 13, Tibbetts Road/Dudley Road/Frank C. Gilman Highway (NH Route 140) 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 Subdivision Regulations and that include all of the checklist corrections, any corrections as noted at this hearing and any waivers granted by the Board.**
- 2. Addition of a note to the subdivision plan prior to plan signing by the Planning Board Chair to state the following:
“This subdivision plan contains a total of ___ sheets: [this is to be listed and dated by the applicant on the subdivision plan itself]. In combination, these plans constitute in their entirety the subdivision 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 subdivision plan prior to plan signing by the Planning Board Chair to state the following:
“This subdivision plan is subject to the Conditions of Approval itemized in the September 15, 2020, Notice of Decision on file at the Town of Alton Planning Department.”**
- 4. Addition of a note to the subdivision plan prior to plan signing by the Planning Board Chair to state the following:
“Best Management Practices shall be utilized during any timber cutting on site.”**
- 5. Addition of a note to the subdivision plan prior to plan signing by the Planning Board Chair to state the following:
“This property is not located in the Aquifer Protection District.”**
- 6. Submission of sample deeds.**
- 7. Submission of updated Project Narrative per Page one (1) of the Planner Review.**
- 8. Indicate on the topographic plan that the soil types were taken from “NRCS”.**
- 9. Addition of the following items on the plan: title block should reflect property owners, and change “Sam” to “Samuel” on both Sheets 1 and 2; addition of “Beverly A. Kempton, Trustee” listed under “Kempton Revocable Trust” to the “Owner of Record”; indicate lot sizes in square feet; indicate classification of Frank C. Gilman Highway (NH Route 140) and Tibbetts Road; show soil types within the 450’ X 450’ buildable area; remove second cul-de-sac off Dudley Road; and Note #14 should indicate the Topographic Plan is dated July, 2020.**
- 10. Provision on granting the waiver for Section VII, D.1.(g) was to show documentation from Daniel Coons, CWS, certifying that there were no wetlands observed on or near the proposed building site by either submitting a separate report or by stamping the plan.**

- 11. Obtain approval from the Town of Alton Board of Selectmen to obtain a building permit on Tibbetts Road, a Class VI road, in accordance with the requirements of the Operating Procedures for Class VI Building Permit Requests.**

SUBSEQUENT CONDITIONS

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

- 1. All subdivision improvements are to be completed as per the approved subdivision plat.**
- 2. The applicant shall comply with all of the Town of Alton's Subdivision Regulations.**
- 3. The approval is based upon the plans, specifications and testimony submitted to the Planning Board. Any alterations, additions or changes to the plans are not authorized and require additional Planning Board approval.**
- 4. A subdivision plan which has been approved, conditionally or otherwise, may be revoked, in whole or in part, by the Planning Board when an applicant or successor in interest to the applicant has performed work, erected a structure or structures, or established a use of land, which fails to conform to the statements, plans, or specifications upon which the approval was based, or has materially violated any requirements or conditions of such approval.**
- 5. Once any and all conditions of approval have been met and the Chairman of the Planning Board or his designee signs a subdivision plan, the applicant has twelve (12) months from the date of signing to start construction and, unless a different schedule is approved by the Board, must complete construction within thirty-six (36) months unless an extension has been formally requested and granted by the Board. Normally the Board shall not grant more than one extension per project, shall only grant an extension for reasonable cause, and shall normally not grant an extension for more than six months.**

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:
Set monument markers**
- 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:
Set monument markers**

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 XI, C. 2. of the Town of Alton Subdivision Regulations.

Mr. Williams 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.

Case #P20-12 Paul Zuzgo, LLS, of Prospect Mountain Survey, Agent for Lois F. Hillsgrove Irrevocable Trust, Owner	Map 2 Lot 13	Final Minor Subdivision Rural (RU) Zone 32 Dudley Road
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Proposal: To subdivide an 8.33 acre parcel from Map 2 Lot 13, with 258 acres remaining.

The Chairman read the case into the record.

Paul Zuzgo, LLS, agent, and Lee Hillsgrove, owner, attended the meeting via Zoom from the Gilman Museum.

Mr. Carter stated there were waiver requests. The Board took a minute to review the following waivers:

WAIVER REQUESTS:

- The waivers submitted are for the following:
 1. Section VII, D.1.(b): Show a complete boundary survey showing metes and bounds of the entire contiguous parcel owned by the applicant, whether or not all land therein is to be subdivided, referenced to a public street intersection or USGS Benchmark. A minimum of two (2) benchmarks shall be provided.
 2. Section VII, D.1.(c)1): Show existing and proposed lot lines, with all bearings and distances.
 3. VII, D.1.(c)4): Show the location and type of all proposed and existing survey monuments.
 4. Section VII, D.1.(g): Show the minimum contiguous upland area required by the Zoning Ordinance for each lot excluding jurisdictional wetlands and areas with slopes in excess of 25%. Identify the minimum contiguous upland area in acres for each lot.
 5. Section VII, D.1.(q): Show subdivisions, lot lines, existing buildings, and intersecting streets and driveways within 200 feet of the parcel to be subdivided.

Mr. Carter asked if the Board if they had any comments or questions. Mr. Wilder stated he thought the waivers asked for were appropriate given the size of the lot. The Board asked Mr. Zuzgo about the waiver for the monuments, and whether they had already been set. Mr. Zuzgo stated that the monuments had been set for the new proposed lot not the 258 acre lot. The Board informed Mr. Zuzgo that there was no key on the

plan to show what the red hash marks reflected. Mr. Zuzgo stated that indicated were the steep slopes were located on the property. The Board that Mr. Zuzgo needed include a symbol in the legend on the plan. Mr. Williams asked if the proposed lot already had a structure on it. Mr. Zuzgo stated that there was and that this subdivision was only to separate the piece of land with the home off the larger lot.

**Mr. Williams MOVED to grant the waivers to Section VII, D.1.(b); Section VII, D.1.(c)1); Section VII, D.1.(c)4); Section VII, D.1.(g); and Section VII, D.1.(q).
Mr. MacDonald 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.

Mr. Wilder MOVED to accept the application for Case #P20-12 as complete.

Mr. Williams seconded the motion.

Ms. Call stated that before they voted there were a couple of items listed under completeness, including a document giving Lee Hillsgrove authorization to speak on behalf of the Trust, and the outstanding \$18, which had been satisfied by providing a copy of Lois Hillsgrove's Last Will and Testament and Death Certificate and a check in the amount of \$18. Ms. Call also stated sample deeds were not submitted but could be put as a condition of approval.

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.

Ms. Call asked Mr. Zuzgo if he had a chance to look over the Planner Review. Mr. Zuzgo stated he did not bring the list with him. Ms. Call stated they were mostly clerical errors. She went over the items on the plan that needed to be fixed. Ms. Call also went over the items missing from the abutter list. Some of the Plan listed the abutters as Map and Page not Map and Lot. The road classification and the width was missing. Ms. Call and Mr. Zuzgo discussed the errors and Mr. Zuzgo stated he saw them and would fix them. Ms. Call listed some standard notes that needed to be included on the plan:

- "Not located in a Special Flood Hazard Area.";
- a note should be added to the plan to state the following, "Not located within the Aquifer Protection Overlay District.";
- a note should be added to the plan to state the following, "Not located within the Shoreland Protection Overlay District.";
- there is no note or mention of future development and Lot 13 remains large with potential for future subdivision;

Mr. Carter also included that Mr. Zuzgo needed to add a key to the plan showing what the different colors and shadings meant. Mr. Zuzgo stated he would put that in the legend. Mr. Wilder asked who the owner of Lot 13 would be. Mr. Zuzgo stated that this was an estate issue and the house had to be separated from the rest of the property that was to be sold and put into the trust for the estate. Lee Hillsgrove was going to be the owner of all the remaining land and the house will be sold.

Mr. Carter asked if anyone else had any questions or comments.

Mr. Carter opened public input. No public. Public Input closed.

Ms. Call asked what active and substantial development would be. Mr. Williams stated setting monument markers would be sufficient.

After due hearing, Mr. MacDonald MOVED that the Alton Planning Board hereby approves the above cited application for The Lois F. Hillsgrove Irrevocable Trust, for a Final Minor Subdivision for a two (2) lot subdivision of Map 2 Lot 13, Dudley Road, 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 Subdivision Regulations and that include all of the checklist corrections, any corrections as noted at this hearing and any waivers granted by the Board.**
- 2. Addition of a note to the subdivision prior to plan signing by the Planning Board Chair to state the following:
“This subdivision plan contains a total of ___ sheets: [this is to be listed and dated by the applicant on the subdivision plan itself]. In combination, these plans constitute in their entirety the subdivision 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 subdivision plan prior to plan signing by the Planning Board Chair to state the following:
“This subdivision plan is subject to the Conditions of Approval itemized in the September 15, 2020, Notice of Decision on file at the Town of Alton Planning Department.”**
- 4. Addition of a note to the subdivision plan prior to plan signing by the Planning Board Chair to state the following:
“Not located in a Special Flood Hazard Area.”**
- 5. Addition of a note to the subdivision plan prior to plan signing by the Planning Board Chair to state the following:
“Not located within the Aquifer Protection Overlay District.”**
- 6. Addition of a note to the subdivision plan prior to plan signing by the Planning Board Chair to state the following:
“Not located within the Shoreland Protection Overlay District.”**

7. Submission of sample deeds.
8. Addition of the following items on the plan: in the title block, the subdivision plan should indicate it is for "LOIS" on Sheets 1, 2, & 3 of 3; Note #1, the "Owner of Record" should indicate it is for "The Lois F. Hillsgrove..." on Sheets 2 & 3 of 3; Note #2 should state "SUBDIVISION"; Sheets 2 & 3 of 3 should state "CONCRETE" and "CONCRETE PAD"; an estimated lot size in square feet and acres should be indicated for Lot 13 on Sheets 2 & 3 of 3; Sheet 1 of 3 should include abutter for Map 5 Lot 5, Mountain View Drive Realty Trust, Mark Stevens, Trustee, 70 Kimball Pond Road, Canterbury, NH 03224, B.C.R.D. Book 1789 Page 278; update abutter's B.C.R.D. Book and Page numbers to indicate "PAGE", and not "LOT" on Sheet 1 of 3; and indicate the classification of Dudley road.

SUBSEQUENT CONDITIONS

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

1. All subdivision improvements are to be completed as per the approved subdivision plat.
2. The applicant shall comply with all of the Town of Alton's Subdivision Regulations.
3. The approval is based upon the plans, specifications and testimony submitted to the Planning Board. Any alterations, additions or changes to the plans are not authorized and require additional Planning Board approval.
4. A subdivision plan which has been approved, conditionally or otherwise, may be revoked, in whole or in part, by the Planning Board when an applicant or successor in interest to the applicant has performed work, erected a structure or structures, or established a use of land, which fails to conform to the statements, plans, or specifications upon which the approval was based, or has materially violated any requirements or conditions of such approval.
5. Once any and all conditions of approval have been met and the Chairman of the Planning Board or his designee signs a subdivision plan, the applicant has twelve (12) months from the date of signing to start construction and, unless a different schedule is approved by the Board, must complete construction within thirty-six (36) months unless an extension has been formally requested and granted by the Board. Normally the Board shall not grant more than one extension per project, shall only grant an extension for reasonable cause, and shall normally not grant an extension for more than six months.

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:

Set monument markers

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:
Set monument markers

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 XI, C. 2. of the Town of Alton Subdivision Regulations.

Mr. Williams 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.

Other Business:

1. **Old Business:**
 - a. Updating the Alton Construction Observation Guidelines and Site Plan Regulations. The Board tabled this for another meeting.
2. **New Business:**
 - a. Road Approval for Case #96-26, Hopewell Road/Bahre, Map 21 Lot 5.

Mr. Carter opened discussion.

Mark Sargent, agent, joined the meeting via Zoom. Mr. Sargent stated this was the first time he had ever done a road approval like this and he had been doing road approvals for many years. Mr. Sargent went on to say that this road ran from Roberts's Cove Road to Clay Point. In 1994 was when this subdivision was brought to the Planning Board, and in 1997, the subdivision was completed. Road construction started in 1998 and completed in 1999. The original road, Brickyard Cove Road, ran from Robert's Cove down to the lake. Hopewell Road ran off to the right. After Hopewell Road had been improved they renamed the whole road, from Robert's Cove Road to Clay Point Road, as Hopewell Road. Brickyard Cove Road had been a Class VI road; improvements were made in 1999. The Bahre's had maintained Hopewell Road from 1999 until the present. Mr. Sargent stated the Bahre's had since moved away and they would like to relinquish that responsibility. The other owners on Hopewell Road had been sharing the maintenance responsibilities, but that had only been going on for about a year. Mr. Sargent stated that talk about this started happening about a year prior and conversations were had with Elizabeth Dionne, Town Administrator, Jessica Call, Town Planner, Ken Roberts, Road Agent, and Jim Sessler, Esq., Town Counsel, to determine what needed to be done and how. During a site walk with Mr. Roberts he told Mr. Sargent that he would like to see the trees at the end of the road cut back and some crack sealing done. Testing to determine if

the pavement was where it needed to be had been completed and it passed in every spot that was tested. What they were looking for was to have Hopewell Road approved by the Town. Mr. Sargent stated he understood that would happen in two (2) phases. The first being that the original section of the road that the Bahre's had owned needed to be accepted by the Town as a new road and then the portion that ran from Roberts Cove Road to what used to be the intersection of Brickyard Cove Road and Hopewell Road was classified as a Class VI. Mr. Sargent asked if anyone had any questions.

Mr. Williams asked about the roadway maintenance bond estimate from KV Partners, LLC, and if that was what the Board was going to ask the owners to provide. Ms. Call stated, yes, that was what the Regulations stated to be done at this point in time. Mr. Williams commented that the road had been there for 20 years and what on earth was the sense of that. Ms. Call stated it was the process. Mr. Williams and Mr. MacDonald stated they did not think it was right. Ms. Call stated the same discussion was had at another meetings and that the Board stated they did not want to start a precedence by waiving road maintenance bonds. Mr. MacDonald stated that the Board should have done it 20 years ago. Ms. Call went over the subdivision regulation again by stating that when someone came in for final road approval, a maintenance bond was requested for 18 months at the time the request was made, that was stated right in the subdivision regulation, under Section J. Security. Mr. Williams stated that the Board could just waive it. Ms. Call reiterated to the Board that if they were going to waive the maintenance bond then the Board needed to give good cause stating why they were waiving it so that in the future it was clear to people wondering why they did not get their maintenance bond waived. Mr. Williams stated that Brad Jones' subdivision road had been there for at least 10 years and that was the reason was why the Board waived Mr. Jones' bond. Mr. Williams suggested postponing the acceptance request for 18 months and just let it go so that a bond would not be needed because the 18 months had gone by and they could save \$43000. Mr. Carter stated that it was not really \$43000, that was a surety, and a surety was a percentage of the total amount requested. Mr. Williams stated there were a lot of hoops to jump to get the surety.

Mr. Hoopes stated that the question was, had the road been built to town standards? Mr. Sargent stated, yes, when the road was completed back in the day it was in fact up to town standards, and even today, when Mr. Roberts inspected it, it was stated that it met town standards. Everything that Mr. Roberts and the Planning Department requested had been completed. Mr. Williams asked about the wear course being put down yet and Mr. Sargent stated that it was installed 20 years ago. Mr. Wilder stated that unless the Board changed the rule, then a surety had to be in place for the specified amount of time.

Ms. Call pointed out that the reason Mr. Jones received the waiver of the road maintenance bond was because there had been a letter supplied from the Town Planner at the time, Sharon Penny, stating different requirements than what were indicated in the Regulations, and that was what the Board's motion to waive the bond requirement was based upon. Ms. Call just wanted to clarify that they did not waive Mr. Jones' road maintenance bond requirement because the road was old or for any other reason than the letter that the Town Planner provided to him listed the requirements he had to follow to get approval. Mr. Wilder stated that in this case, to comply with our rules, Mr. Sargent

would need to supply the maintenance bond. Mr. Wilder stated that if the Board does not agree, then they need to change their Regulations.

Mr. MacDonald asked if there had been a bond in place when building the road. Ms. Call stated that as far as she could tell there had been a bond for the duration of the road construction. The Board stated that the bond would have been released about a year after the completion of the road. Mr. MacDonald asked if the Town had to put up the bond if they decided to take over the road. Mr. Williams stated that was like double jeopardy in his eyes. Mr. Carter stated that those were the rules and the Board needed to abide by their own set of rules. Mr. Wilder stated that if the Board was managing the process of these projects better, then the Board would not have something like this situation by having a road out there for 20+ years before being approved for the Town to take over. Mr. Hoopes stated that the problem was also that from the beginning of this road, it had been built as a private road and was going to stay private but, unfortunately, the father passed and the children sold it off. Mr. MacDonald stated that the rules need to be followed the same for every applicant. What was good for one and not good for the other could not happen and that was the way this Board had been working, stated Mr. MacDonald. Mr. Wilder stated that would not happen anymore. Mr. Williams stated that he would not make a motion for this case.

Mr. Hoopes MOVED to request a maintenance surety bond for \$43,800 in accordance with current subdivision regulations for Hopewell Road.

Mr. Wilder seconded the motion.

Mr. Carter opened discussion.

Ms. Call was asked the Board if they wanted the following for conditions precedent: #1 Mr. Sargent would submit updated full-size as-builts; #2 Payment of an invoice from KV partners; #3 Submission of a road maintenance security bond in the amount of \$43,800. A deadline needed to be determined by the Board. The Board asked Mr. Sargent how long he would need to satisfy the conditions. Mr. Sargent stated that 30 days would be sufficient but because he would be working with multiple property owners for the bond, that maybe 60 days would be safer. The Board agreed.

Mr. Williams asked about who would be paying for the work KV Partners, LLC, did by getting the information from Mr. Sargent because the Town did not have any contents in the file on this road build. Ms. Call stated that Mr. Vignale did not charge for this to be done. Mr. MacDonald questioned the length of the road because it was a dead end road and the Regulations stated that a dead end road could not exceed 2,500 feet. This road was about 3,200 feet, stated Mr. Williams. Mr. Hoopes stated the road predated the Regulation's requirement. Mr. Sargent stated that if that had been the requirement back then, the road never would have been approved. Mr. Carter stated that the Board was working from the date of the original approval and right now. The Board was only deciding on the surety for the approval of the road. Mr. Hoopes stated that the original approval was back in 1996 and that would be the regulation date this subdivision would go by.

Ms. Call and Mr. Carter asked for clarification on what Mr. MacDonald was asking for. He stated he would like Ms. Call to research the Regulations that were in place when the original approval was granted to see if the 2,500 foot dead end road regulation was in effect, as well as if the subdivision minimum standards were applied to during this time. Mr. Wilder stated that was not what the Board was being asked to do tonight. Mr. MacDonald stated they would not be doing their due diligence if the road was not built to the minimum standards, and it was being asked of the Selectmen to approve this as a town road. Mr. Williams asked Mr. Sargent how wide Hopewell Road was. Mr. Sargent stated it was 24 feet wide and met all the town standards at the time it was inspected and approved in 1995 and there should not be any issues as far as the prior approval they received. He stated he was a little confused about the 2,500 foot dead end road issue because if it was determined the road exceeded the regulation what would they do, tear down the original homes that were constructed during the original approval? Ms. Call asked for clarification on what she was being asked to do. Would the Board be continuing the case until she performed the research being asked on something that was approved in 1995 by the Planning Board? Mr. Williams stated that he believed that it was approved in 1995 and regardless of the current discussion that was the end of the story. Mr. Wilder agreed that it was legitimately approved, and the Board's job today was to recommend the road to the Selectmen based on the documentation that the road was built correctly. Mr. MacDonald asked the motion to be reread. Ms. Call reread the motion.

**Mr. Hoopes MOVED to request a maintenance surety bond for \$43,800 in accordance with current subdivision regulations for Hopewell Road.
Mr. Wilder seconded the motion.**

Mr. MacDonald asked if there was an original plan of the road design so that he could compare it to the as-built and make sure it was built to the same design and specifications that were originally approved. Ms. Call stated that she supplied the as-built to the Town Engineer, and he was the one who reviewed the plans and determined that everything had been done according to what was stated on the plan and the Regulations at the time of approval. Mr. Carter stated that if there were a large deviation from the plan then the Engineer would have noted that and requested the proper steps be taken for an amendment, and since that was not noted, that meant that the Town Engineer found no significant deviation from the original plan. Mr. Carter stated that with the above motion they also included some conditions, one being the 60 day deadline for the applicants.

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

- b. Voluntary Lot Merger for Case #P20-11, Lee & Tamara Monks, Owners, Map 43 Lots 44 & 45.

Mr. Carter read the Lot Merger into the record.

Mr. & Mrs. Monks joined via Zoom from home.

Ms. Call informed the Board that this case was not included in the cases above because it was not required to be noticed for a public hearing. Brian Bailey also joined via Zoom. Mr. Bailey was the Monks' agent and the Monks verbally gave permission for Mr. Bailey to speak on their behalf, and in the meantime, sent Ms. Call and email with written approval for Mr. Bailey to represent them as their agent.

Mrs. Monks explained to the Board where the road was located and that they were an abutter to Camp Kabeyun. Mr. Bailey explained that there was no ROW on any deed anywhere stating that the Camp had access from Acadia Lane. Mr. Bailey stated the deed from Mr. Melanson originally gave fee title to Lot #1, and even today in the deed, it included Lot #1 and the back lot along with the 50 ft. wide ROW between the 2 lots. Mr. Bailey stated again that Mr. Melanson's deed conveyed it out in fee.

Mr. Wilder stated his only concern was the Camp and whether they had a ROW through Acadia Lane, and since Mr. Bailey addressed that, he had no more concerns. Mr. Wilder asked if Mr. Bailey, just for the record, would write what he just stated so that there was no confusion. Mr. Wilder asked about the google map he viewed that showed what looked like a small road connecting Acadia Lane to the back side of Camp Kabeyun. Mrs. Monks stated she could explain that. She stated her and her husband had that graded so that they could access their barn on the back property. She stated they had a washout and had it rebuilt to be able to access their back property again. Ms. Call stated she reached out to Mrs. Monks and Mr. Bailey and he emailed the confirmation that they owned that in fee.

**Mr. MacDonald MOVED to approve Case #P20-11, Voluntary Lot Merger for Lee & Tamara Monks, Map 43 Lots 44 & 45, Acadia Lane, Alton NH.
Mr. Williams 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.**

3. **Approval of Minutes:** Planning Board meeting minutes of August 18, 2020.

**Mr. Hoopes MOVED to approve minutes from the August 18, 2020, Planning Board meeting as presented.
Mr. Williams 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.**

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

5. Correspondence for the Board's information:

- a. Memo dated August 8, 2020, from Mike Vignale, P.E., re: Ridgewood Subdivision/John Jeddrey.
- b. Memo dated August 14, 2020, from Mike Vignale, P.E., re: Laura Lane site walk for roadway acceptance.
- c. Memo dated September 9, 2020, from Mike Vignale, P.E., re: Jobean, LLC/Dean Puzzo, Homestead Place rock wall.
- d. Fernhill Condominiums submitted an amended Condominium Site Plan, latest revision date November 11, 2019, due to clerical error and relocated septic system. To be handled administratively. Chairman to sign plan.

6. Master Plan Committee:

Ms. Call stated the office had been extremely busy and finding the time to get the RFP drafted for the Master Plan Consultant had been difficult, and she asked for help of the members that signed up for the Master Plan Committee. She stated she would like this to happen sooner than later. She stated that after the RFP was written it would go in front of the Town Administrator for review and any changes she may have. Ms. Call stated she would reach out the following day to the members that signed up for the Master Plan Committee, which were Tom Hoopes, Russ Wilder, and Bob Regan, and get a meeting scheduled.

Adjournment

Mr. Williams MOVED to adjourn.

Mr. MacDonald seconded.

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.

The meeting adjourned at 8:45 p.m.

Respectfully submitted,

Amelia Cate, Recording Secretary

Minutes approved as amended: November 17, 2020