

**TOWN OF ALTON PLANNING BOARD
MINUTES 2018
SEPTEMBER 18, 2018**

APPROVED

Members Present:

Roger Sample, Chairman
Scott Williams, Vice-Chairman
Russ Wilder, Clerk
Peter Bolster, Member
Tom Hoopes, Member
Virgil MacDonald, Selectmen's Rep.

Others Present:

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

CALL TO ORDER

Roger Sample called the meeting to order at 6:00 p.m.

APPROVAL OF AGENDA

Scott Williams asked if there were any changes to the agenda since it was posted; Nic Strong stated, no.

**Scott Williams MOVED to accept the September 18, 2018, agenda, as presented.
Peter Bolster seconded the motion, and it PASSED unanimously.**

APPOINTMENT OF ALTERNATES

1. Continued from August 21, 2018

Case # P18-04 JOBEOAN, LLC/Dean Puzzo, Manager	Map 26 Lot 10	Final Minor Site Plan Review Residential Commercial (RC) Zone 19 Homestead Place, Suite 5
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The Chairman read the case into the record.

Present were Anthony Costello of A.C. Engineering & Consulting, and Theresa Puzzo.

Anthony Costello stated he was hired by JOBEOAN, LLC, to put together the engineering plans for the new building that were requested at the last Planning Board meeting in March of 2018. He added the parking, drainage, lighting, landscaping, and all the requirements that the Board required for a Site Plan Review. The proposed building was being placed where there was a gravel parking/storage area so the impervious area did not change much. There were areas where they would plant grass, other areas would have gravel. The net increase of impervious area was about 1,800 s.f. A dripedge line trench was added in the backside of the building that would collect water runoff, which would hold 100% of the water for a 100-year storm event. When deducting the amount of area being infiltrated, it brought the total impervious area of an increase of 54 s.f., which he noted was negligible in a 74-acre subcatchment area. Roger Sample stated that the Town Engineers would review the drainage. He noted that Anthony

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Costello was hired to work on the project just recently and it appeared that he merged his plan with an existing plan, but he was not the engineer who designed the retaining wall. Roger Sample noted that the parking spaces were not marked. Anthony Costello was not exactly sure what that meant and asked if that had to do with detailing how wide the lines would be. Anthony Costello shared that he submitted a plan and a letter that summarized the drainage calculations for different storm events showing how water would be infiltrated. He also submitted a colored plan that showed existing and proposed grassy and pavement areas.

Peter Bolster asked about parking and if it followed the regulations. Nic Strong stated that usually there was a detailed note on the plan that indicated the width of the stripes, and the contractor would have to add the striping. The handicapped symbol and signage were added to the plan. Russ Wilder noted that the Planner Review required that the landscape plan should indicate how the site complied with the parking lot and landscaping requirements. Anthony Costello was confused and wanted to know what exactly the 15% area was because that would be a lot of landscaping. Roger Sample thought it was the entire lot and asked if landscaping was already in place because that would be calculated into the figure. Anthony Costello asked if the entire property needed to be landscaped to meet the regulations, which included the other four (4) existing buildings. Russ Wilder mentioned that this project was done in pieces and this proposed project was the last piece of the entire project. At this time, the landscaping could be caught up for the entire parcel in order for it to comply with the regulations. There was already a percentage of landscaping done with the current grass and shrubbery. Anthony Costello stated he would add more landscaping to the plan to meet the regulation requirements. Peter Bolster asked about a point system in the regulations that noted what type and how big of a planting could be planted. Nic Strong stated that there were requirements for the size of trees in the parking lot landscaping section.

Russ Wilder noted that the Planner Review pointed out that an existing leach field was to be redesigned to provide H₂O loading, and asked if that had been completed. Anthony Costello did not think so, and shared that the original surveyor who did the work on the plans was going to be the designer. He noted that Mr. Puzzo was not interested in building right away. Roger Sample informed Anthony Costello that there was a time limit on building. Nic Strong stated that Mr. Puzzo asked for a different timeline of 24 months instead of 12 months. Russ Wilder pointed out some editorial changes that needed to be made to the plan.

Russ Wilder stated that there was a set of plans submitted for the retaining wall design that needed to be reviewed. Nic Strong stated that the plans were reviewed by Mike Vignale, P.E., of KV Partners and there was an issue according to his September 7, 2018, review letter. She sent the list of issues to Mr. Puzzo and Anthony Costello so George Fredette, P.E., from SFC Engineering could make the changes to the design. Russ Wilder then asked about construction observations and whether they needed to be conducted. He thought that the retaining wall was high and the Board should have the Town Engineer involved in checking it periodically. The retaining wall would be built in front of the existing rock wall. Anthony Costello stated the retaining wall was like redi-rock that consisted of 2' x 4' blocks with stone in between the old and new walls. Scott Williams stated that with the block walls, there was a geogrid material that was laid down on every tier that tied the wall and the ground together. Roger Sample mentioned that they were probably going to have to dismantle the existing rock wall in order to do that process correctly. Anthony Costello did not think that the redi-rock wall was going to be built with geogrid, because an email from the design engineer to Mr. Puzzo stated that the design of the proposed

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redi-rock did not depend upon any contribution from the existing boulder retaining wall; therefore, it would be freestanding. Scott Williams stated that the wall would need some tiebacks in order to keep it from pitching out. Nic Strong passed out some copies of the wall plan to the Board members to refer to. She noted that Mike Vignale, P.E.'s, review letter noted that the existing stone wall appeared to be in good condition and he was pointing out that there was no geogrid reinforcement, which would rely on the stability of the existing wall. Russ Wilder stated that the Town's Engineer confirmed that the proposed design would work. Nic Strong stated yes, and there were a couple of comments in his letter that needed to be taken care of.

Russ Wilder thought that construction observations should be performed for the wall from the Town Engineer. He then mentioned fire protection, but nothing appeared to be an issue. Traffic impact analysis and trip generation and maybe the need for off-site improvements should be discussed. Anthony Costello did not think a new traffic analysis was completed. Mrs. Puzzo shared that she did some sort of traffic analysis when Clear Choice opened up. Scott Williams did not think it was a traffic impact study and thought the last study was completed by Hannaford's. Mrs. Puzzo stated they did a traffic flow study. Anthony Costello stated that Mr. Puzzo submitted an overview plan that consisted of a chart with septic loading and traffic flow with calculations. Russ Wilder thought that the Board should be given proof that the study was performed. Peter Bolster noted that on the original plan, the building was a lot smaller, but now with the proposed building, which was much bigger, a traffic study may be required.

Roger Sample went back to the September 7, 2018, letter from Mike Vignale, P.E., which noted that there was no need for a geogrid, but the second bullet stated, "It is not clear from the plans how much clearance there is between the existing proposed wall. Based on the detail it appears that there may be some excavation below the bottom stone on the existing wall. If this is the case, undermining the bottom stone may lead to instability of the wall. If the wall is undermined and any movement occurs during construction, it will need to be removed and a new support system (geogrids) installed." Anthony Costello stated that he did not have a chance to talk to the wall engineer until today, and he forwarded him a copy of the Planner Review. Virgil MacDonald asked if there would be enough room for a fire truck to get around the building. Anthony Costello stated that they did not need to accommodate for that, because what Dean Puzzo told him was, the Fire Chief stated as long as he could get through the gravel parking area, they would be able to get around the back side.

Russ Wilder continued going through the Planner Review.

-The septic system was designed for 2,245 gallons per day capacity. For the proposed use and existing uses, it needed 1,650 gallons combined. NHDES should confirm that the existing system was adequate for the change of use and/or the new H2O system must be approved for the site.

-Parking spaces were shown and the number of spaces were correct, but the outline of the spacing with the size of the stripes need to be noted on a details plan.

-Parking lot landscaping needed to be 15% of the total area, including what was already existing on the lot. Site landscaping details needed to be indicated on the plan. Peter Bolster noted that beyond the 15%, the point system for the size of the trees needed to be taken into consideration.

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- Lighting plan was submitted including fixtures showing a zero spillover off the site.
- Stormwater drainage and erosion control was submitted, but will be reviewed by the Town Engineer.
- Fumes, dust, smoke, and odor was not an issue.
- Snow hazards and snow storage and removal were shown on the plan and the amendment sheets.
- Signs were located on the existing property, and proposed signs were shown on the building elevation plans, but there were no details, dimensions, heights, or designs shown.
- Days and hours of operation needed to be included in the executive summary and the final plan for each proposed use. Roger Sample suggested that 7:00 am – 11:00 pm would be good hours to put down because Mr. Puzzo was not sure at this point what type of business was going to be there. Russ Wilder pointed out that construction hours were 6:30 am – 9:00 pm.
- Russ Wilder asked if there would be any fill or excavation required for the project. Anthony Costello stated that there would be some excavation required for the foundation and there would be some fill required to be placed between the existing rock wall and the redi-rock wall. He stated that there would be no basement; there would only be footings.
- Existing utilities and potential impact of the proposal. Russ Wilder questioned if there was enough electricity supply running to the area; Mrs. Puzzo stated, yes. Russ Wilder stated that the design guidelines should be reviewed to determine the intent of the guidelines were met. He noted that there were gables and the rest of the building appeared to fit into the look that the Board required.

Russ Wilder asked the other Board members if they agreed with him that Mr. Puzzo should update his plans with everything that had been discussed, and then come back for a final approval. Mrs. Puzzo went down her list of notes that she took throughout the meeting and wanted to confirm with the Board that she had all of the items they required. Scott Williams noted that the letter from Mike Vignale, P.E., stated that if the rock wall was moved, that would affect the whole wall. Virgil MacDonald stated that during construction of the wall, they would be digging up soil in order to place down some stone. Roger Sample thought that construction observations should be done when that stone was laid down, which would be done by Mike Vignale, P.E., from KV Partners. Nic Strong stated that back in March, Mike Vignale, P.E., submitted an estimate for the project that included a pre-construction meeting, check erosion controls, visit to inspect some base preparation, and observe installation backfill periodically, intermittent visits as necessary to monitor progress and complete a final inspection; this amounted to \$1,200. Scott Williams asked why the gravel utility lot was not being paved. Mrs. Puzzo stated that it was Mr. Puzzo's preference not to pave it. Tom Hoopes thought that if that area was paved, it would encourage more people to park there, or it could be designated as employee parking. Roger Sample asked if the spaces were necessary for the square footage requirement. Anthony Costello thought there had to be so many parking spaces per square foot per the regulations; he shared that the configuration included a maximum of 16 employees.

Roger Sample opened public input. No public input. Roger Sample closed public input.

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**Russ Wilder MOVED to continue Case #P18-04 to the Planning Board’s November 20, 2018, meeting, and to extend the deadline date for action on the application.
Tom Hoopes seconded the motion, and it PASSED unanimously.**

2. New Applications

<p>Case # P18-20 Raymond Bisson, LLS, of Stonewall Surveying, Agent for Mark V. Pearson, Owner</p>	<p>Map 1 Lot 17-1</p>	<p>Final Minor Subdivision Rural (RU) Zone Muchado Hill Rd./Meaderboro Rd.</p>
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The Chairman read the case into the record.

Present were Raymond Bisson, LLS, agent, and Mark V. Pearson, owner.

Roger Sample noted that there was an item missing from the application packet, which was the driveway sight distance analysis. Nic Strong stated that Ray Bisson, LLS, requested a waiver for that item. Russ Wilder mentioned that there was a letter dated August 20, 2018, that was submitted asking for five (5) items under Section VII. of the Subdivision Regulations to be waived, Full Boundary Survey, Full delineation of wetlands, All slopes in excess of 25%, Complete Topography, and Centerline profile of proposed driveway. He further read that, “For items 1-4 we are asking for a waiver for the remainder of the 95 acres of land. The complete boundary has been performed in the vicinity of this proposed parcel. Wetlands were delineated around this proposed parcel and only a small pocket, shown on the plan East of the existing well, was within the survey area. Ground topography and slopes in excess of 25% have also been shown for the proposed parcel. Performing these tasks for the entire 95 acre parcel where the proposed division is only on a 2.32 acre parcel of land is an unjust expense upon my client.”

Tom Hoopes did not have a problem waiving items 1-4; he was unsure of the centerline profile of the proposed driveway requirement. Russ Wilder stated that had to do with the slope of the property. Tom Hoopes pointed out that the proposed driveway was on page 2 of the plan. Ray Bisson, LLS, stated that it was a single-family residence with one proposed driveway. He showed an example of what a house and driveway location would look like on the plan. Russ Wilder noted that the slope dropped about 8’. Ray Bisson, LLS, stated it actually only dropped 2’.

**Russ Wilder MOVED to grant the waivers requested in the August 20, 2018, letter for Section VII. D.1 (b) – Full Boundary Survey; Section VII D.1.(g)1 – Full delineation of wetlands; Section VII D.1.(n) – All slopes in excess of 25%; Section VII, E.2.(h)2 – Complete Topography; Section VII E.2.(j) – Centerline profile of proposed driveway, of the Subdivision Regulations as the Board has determined that specific circumstances relative to the subdivision/site plan, or conditions of the land in such subdivision/site plan, namely that this was a conceptual location of a driveway, indicating that the waiver would properly carry out the spirit and intent of the Regulations.
Tom Hoopes seconded the motion, and it PASSED unanimously.**

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**Russ Wilder MOVED to accept the application for Case # P18-20, as complete.
Virgil MacDonald seconded the motion, and it PASSED unanimously.**

Ray Bisson, LLS, stated that Mr. Pearson wanted to subdivide his land to accommodate a house lot for his son and his daughter-in-law.

Ray Bisson, LLS, wanted to go over the comments from the Planner Review. He shared that he met with Ken Roberts, Road Agent, and he stated that the driveway entrance was at an existing farm entrance into the lot, and was in the best spot. Ray Bisson, LLS, noted that Ken Roberts wanted the driveway to be at least 10' from the property line in that corner; therefore, since it was an existing entrance, there was no sight distance analysis performed. Russ Wilder asked if the other Board members wanted any documentation on that; they did not. Scott Williams mentioned that if a culvert was required, that a 30' long culvert should be installed because 20' was just not long enough. Ray Bisson, LLS, stated that a driveway permit would come into play with the building permit.

Russ Wilder noted that it was indicated in the Planner Review that the classification of existing streets was missing. Ray Bisson, LLS, stated that he had already added that on the plan, which were both Class V town approved roads. He discussed the sight distance with Nic Strong, and the monuments would be set in place after conditional approval. Peter Bolster asked about the easement that cut through the back corner of the property. Ray Bisson, LLS, stated that was for a water line for a well that serviced a house on the larger lot. Russ Wilder asked if there was an easement going across a newly subdivided piece of property, and how was that recognized. Ray Bisson, LLS, stated it would be a deed restriction.

Roger Sample opened public input. No public input. Roger Sample closed public input.

Nic Strong pointed out that the Board needed to determine Active and Substantial Development. Ray Bisson, LLS, stated that monuments would be set this month, and Mr. Pearson would be breaking ground in the spring. Russ Wilder stated that within 24 months, the monuments had to be set.

After due hearing, Scott Williams MOVED that the Alton Planning Board hereby approves the above cited application for Mark V. Pearson, for a Final Minor Subdivision for a two lot subdivision of Map 1 Lot 17-1, 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.**
- 2. Addition of a note to the subdivision prior to plan signing by the Planning Board Chair: This subdivision plan contains a total of ___ sheets: [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: This subdivision plan is subject to the Conditions of Approval itemized in the September 18, 2018, 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 stating that Best Management Practices shall be utilized during any timber cutting on site.**
5. **Monuments shall 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.**

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: monumentation shall be set**
- 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: monumentation shall be set**

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.

Virgil MacDonald seconded the motion, and it PASSED unanimously.

Scott Williams recused himself for Case #P18-21, and sat at the other side of the table.

Case # P18-21 Paul Zuzgo, LLS, of Prospect Mountain Survey, and David Eckman, P.E., of Eckman Engineering, Agents for Scott & Penny Williams, Owners	Map 8 Lots 3-2 & 3-3	Excavation Application Rural (RU) Zone 332 Frank C. Gilman Hgwy.
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The Chairman read the case into the record.

Present were David Eckman, P.E., agent, and Scott Williams, owner.

Russ Wilder MOVED to accept the application for Case # P18-21, as complete. Peter Bolster seconded the motion, and it PASSED unanimously.

Russ Wilder noted that the Planner Review indicated that there were some items required for final approval, which were, bond and security proposal for reclamation, and traffic and/or environmental impact studies, if applicable. Scott Williams stated that his pit had been active since 1989. Russ Wilder noted that by looking at the plan, it did not appear that there were very many wetland areas, but there was a tributary leading to Coffin Brook that ran through the property; Scott Williams thought there were two tributaries on his property. Russ Wilder noted that the AoT permit was in place, and a State driveway permit was in place.

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Russ Wilder noted that the Planner Review listed some items that were not on the plan:

- Zoning district boundaries were missing;
- Zoning district of the subject property was listed on various sheet that it was in the Recreational Service (RS) Zone, but it should be Rural (RU);
- The area of total site in square feet (s.f.) was missing; and
- Duration of project and phasing was missing.

Scott Williams explained that there was a driveway permit that was located on an adjacent 6-acre lot, which gave him access to the 96 acre-lot; the State had granted him permission to move that driveway permit over to the other side of the 96-acre lot, which would give him direct access because that lot never had direct driveway access before.

Scott Williams thought that 50 years for the duration of the project would be reasonable. He stated that his pit was closed in the wintertime so he did not think he needed snow storage. Russ Wilder noted that the Planner Review indicated that the Board should be assured that the approval included reference of any back up documentation. David Eckman, P.E., stated that there were narratives in the submittal. Russ Wilder read that cross sections were prepared as part of the alteration of terrain permit application back in 1989 when the pit was opened, but the current plans did not show those cross sections. He stated that those cross sections would have been what the pit was going to be opened up to. David Eckman, P.E., stated that the 1989 plans he had were only partial copies. Russ Wilder asked if those cross sections could be provided to the Board. David Eckman, P.E., stated that he would indicate them on the plan. He noted on the plan the area that the AoT approved, which was the heavy dashed line indicated on the plan; there was roughly one phase left to excavate. Scott Williams stated that the trees in that area had already been cut. David Eckman, P.E., stated that he submitted a reclamation plan for the first two phases and he showed the phase for final excavation and reclamation. Scott Williams stated that two (2) areas of the pit were already reclaimed.

More comments from the Planner Review.

-There were notes on the plan that referred to maintaining 4' to the seasonal high water table. There was one reference in the checklist back up document that referred to 2'. Excavation Regulations required maximum excavation limits to be 6' above seasonal high water table unless an exception was granted by the Regulator based upon information provided by the applicant. David Eckman, P.E., stated that the original plan showed 2'; he indicated 4'. He pointed out that the State of Maine required 2' from an effluent disposal system to the seasonal high; they felt that was enough to clean up effluent. Scott Williams clarified that in New Hampshire, it was 4' for a pipe and stone system, and 3' for an enviro-septic system, and 2' for an advanced enviro-septic system. David Eckman, P.E., thought that the 6' was a bit overzealous, because if effluent could be treated in 2', then stormwater should not have a problem being treated in 2'. Scott Williams wanted to hold to the 2' because that was what he was approved for in the beginning. Russ Wilder wanted to be consistent throughout all of these applications. Scott Williams stated that there was no consistency because there were only two (2) gravel pits licensed in the Town of Alton; one was his, and the other pit was a bedrock pit. Russ Wilder wanted 4'. David Eckman, P.E., stated that AoT would allow someone to build a pond; they had no restrictions on high water table. Tom Hoopes was concerned about the potential future use. Virgil MacDonald thought that whoever owned the property in the future would perform test pits and start all over again. Russ Wilder thought that if it stayed at 2' that area could potentially turn into a wetland and that might not be good for future owners.

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Peter Bolster asked what the loss would be if it was 4'. Scott Williams stated that he would have a loss of material and he was currently permitted at 2'. Virgil MacDonald stated that the other gravel pit in town, Green Oaks, was down within a couple of feet to the water, or almost below it; Scott Williams agreed. Peter Bolster asked where it was written that Scott Williams was allowed to go down to 2'. David Eckman, P.E., stated that it was indicated on the existing plan. Peter Bolster noted that the Board would have to increase the requirement by 2'. Scott Williams asked why the Board would have to increase it. Peter Bolster stated that if the pit was approved for 2' above high water table, and the Board wanted to make it more, then there would be more of a hardship upon the applicant. Virgil MacDonald stated that ordinance should be changed. Scott Williams stated there was already a hardship because this application process had cost him almost \$10,000, which he felt was unfair for a small pit that was licensed, had been in operation, and all of his paperwork had been done timely year after year. Virgil MacDonald thought that if the Board was going to change what they wanted, then they would have to put in an ordinance and change things the right way and not change things at a meeting. Russ Wilder stated that the ordinance called for 6'. Scott Williams stated that the ordinance changed after he was licensed. Virgil MacDonald stated that if the ordinance called for 6', he did not know what happened to the rest of the pits and he thought someone should go start measuring. Russ Wilder stated that the Board could discuss the issue and they could allow Mr. Williams to go down to 2', but he would have to state why that was reasonable. Scott Williams stated he was licensed for the 2'. Tom Hoopes and Peter Bolster thought he was preexisting. Nic Strong informed the Board that all of the information in the Planner Review indicated that Mr. Williams' pit was not called "grandfathered" and it was not an "existing excavation". She pointed out that she shared with the Board all of the laws, the way the timeline worked, when the permits expired, when the new permits had to be done, so Mr. Williams' pit was not considered an existing pit. Mr. Williams' pit was permitted once and then it stopped being permitted, and now he was asking for a permit from the Town today under the current Regulations. Peter Bolster asked if the Board could allow Mr. Williams the 2', or were they breaking their ordinance. Nic Strong stated that the ordinance permitted an exception if the applicant demonstrated to the Regulator's satisfaction that the excavation below this height would not adversely affect water quality and quantity, and then the Board had to record that exception at the Registry of Deeds and send a copy to DES. Virgil MacDonald stated that the back part of the excavation pit, phase 3, was not in the runoff. David Eckman, P.E., pointed out where the two (2) tributaries were. Peter Bolster wanted to clarify that the ordinance allowed the Board to approve the 2' as long as Mr. Williams followed the requirement that was stated in that ordinance. Russ Wilder had never been out to Mr. Williams' property and wanted the chance to get to see the layout before the Board made a final decision. David Eckman, P.E., wanted the Board to take into consideration the road culverts because 2' of crushed gravel allowed water to flow through and he did not think the 2' would turn into a wetland. Roger Sample asked if it was the Board's issue to worry if that area turned into a wetland. Russ Wilder just wanted to point out that was likely to happen with only 2' for many reasons. Roger Sample thought that was Mr. Williams' problem.

Virgil MacDonald MOVED to allow the excavation for Scott & Penny Williams to have a final excavation grade two feet above the seasonal high water table.

DISCUSSION:

Tom Hoopes stated that at the moment, there was no existing pit. Scott Williams thought differently because according to the State of New Hampshire, there was a pit because there was an

Intent to Excavate and a Report of Excavated Materials was done annually. Virgil MacDonald stated that when the Board went to Green Oaks, not once did this issue come up and they were down even with the water. Tom Hoopes stated that the Board was not discussing Green Oaks. Nic Strong stated that was discussed and if he wanted to know what happened, he could read Green Oaks' Planner Review. Roger Sample thought that the only reason that Mr. Williams' pit was not legally permitted was because all of a sudden the Board decided that he needed a permit and had to abide by the new Regulations; six (6) months ago it was not an issue because Mr. Williams had a permit with the State. Scott Williams stated that he was already approved to operate and had been for about 40 years. Roger Sample thought that maybe if some new person came into town and wanted an excavation permit then the Board could enforce that 6' regulation on them then. He stated that Mr. Williams was not "grandfathered" for some reason and there was a motion from Virgil MacDonald on the table and seconded by Peter Bolster. Roger Sample asked if there was any further discussion. Peter Bolster asked if there were any other requirements in the ordinance that Mr. Williams would have to produce if the Board allowed the high water table to be at 2'. Nic Strong stated that the motion on the table was only about the high water table. Peter Bolster stated that it had to be shown that the 2' was not going to cause any problems. Nic Strong stated that the regulation stated, "to the Board's satisfaction will not adversely affect water quality and quantity." Peter Bolster stated that the Board did not have any data on that. Roger Sample stated that the State must have received something because they granted the permit. Russ Wilder stated that was why he strongly urged the Board not to vote for the 2' because they did not have the information to make the decision. David Eckman, P.E., stated that he was an engineer and there was no regulation on this issue and it was up to the Town to regulate this. He referred back to the conversation he had earlier about the different types of systems and depths that were allowed.

Roger Sample asked for a vote. Virgil MacDonald, Roger Sample, and Peter Bolster all voted YES. Russ Wilder and Tom Hoopes voted NAY. The motion PASSED.

Russ Wilder referred to page 5 of the Planner Review that indicated that the plans did not show any of the usual details like basin bottom, heights of berm, and there were details for a plunge pool, but the use of them was not found on the plan sheets. David Eckman, P.E., stated that was a temporary sedimentation basin that was used as needed; he would indicate those on the plan. He stated that if water started to concentrate, a hole could be dug and water would still out in the hole. Russ Wilder asked if a basin was needed, would David Eckman, P.E., indicate it on the plan. David Eckman, P.E., stated that he had the detail, but it was not shown where the basins would be located. He stated that as the area was excavated, there would be temporary diversions of water. Russ Wilder thought that since they could not predict where the water would build up, then the details of how they would be built should be indicated on the plan. Scott Williams pointed out that throughout the past 40 years, there have been no complaints about water discharge. Peter Bolster noted that the area where the original road came into the property would be reclaimed with seed and mulch. Scott Williams stated that was a woods road on the property that was there way before he purchased the property. David Eckman, P.E., noted that Mr. Williams needed to stabilize the area before he excavated more because the State only allowed so much excavating to be done at a time in a specific area.

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Russ Wilder addressed the waiver requests:

-Section 14.A.10, estimated volumes of material to be removed in total, each year and during the permit period. This waiver was not necessary because the information had been provided.

-Section 14.A.17, location of existing subdivisions, buildings, structures, septic systems and wells, onsite and within 200' of the property boundary. This waiver was not necessary because there were none of these features within 200' of the excavation.

-Section 14.A.23, test pits that extend to either the seasonal high water table, ledge, or a minimum of six feet below the maximum proposed excavation depth, including location and soils data. The waiver letter stated that test pits for the gravel pit were previously completed and included in the AoT application plans, but the plans that were submitted did not include those details and they were not in any files in the Town Hall. Russ Wilder asked for documentation for the test pits to be provided. David Eckman, P.E., stated that they were from 1989 and was not sure if he could locate them. Nic Strong stated that the regulations required test pits to be performed and submitted with the application. Russ Wilder thought that if they performed test pits, it would be a way to determine the current high water table. Roger Sample stated doing the test pits was not a big deal.

-Section 14.A.24, a plan for comprehensive site safety of authorized and unauthorized persons. Scott Williams stated that there was a locked gate at the entrance to the pit. Russ Wilder asked about people walking the perimeter, and would they fall into the pit. Scott Williams stated that everything was well sloped; there were no huge drop offs. Scott Williams gave Russ Wilder permission to go out to his pit if he wanted to take a look around.

-Section 16.10, cross sectional views showing existing, excavated and reclaimed topographical configuration. The waiver letter stated that cross sections were included, as part of the original AoT application, but the plans submitted did not include such cross sections. David Eckman, P.E., stated that he would add the cross sections.

-Section 13.B.3, any and all other approvals... The waiver letter stated that a NHDES AoT Permit was obtained for this project, however, no physical copy of the permit was available for inclusion in this application, but the application packet included a copy of the AoT permit; therefore, this waiver was not necessary.

Russ Wilder addressed the bond estimate. He explained that according to the regulations, this bond would be put in place just in case the pit was not reclaimed as planned. Scott Williams stated that he had been reclaiming each area before he moved onto the next area. He did not want to spend \$18,000. Russ Wilder thought it was like a road bond. Scott Williams thought it was different and stated that his property was private property and was going to remain his property and it was subject to his own problems. Virgil MacDonald shared that it was a private pit and he usually only used it for himself. Scott Williams stated he did not sell to the public, and if he did sell to the public, he would transport the gravel to them, he did not have people coming in to load their trucks. Although, he did state that it had happened before, but not often. Russ Wilder stated that there was a bond estimate of \$18,000. David Eckman, P.E., stated that was an engineer's estimate. Peter Bolster asked how much it would cost to purchase the bond.

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David Eckman, P.E., stated Mr. Williams would have to check with the bonding company. Peter Bolster asked if there was a requirement if the pit was terminated at some point, and it had to be reclaimed. Virgil MacDonald thought it was private property and trees would naturally take it over. Russ Wilder stated as part of RSA 155-E:4-a, a reclamation bond or other security was required prior to removal of topsoil or other overburden. He also noted that Section 11.B. of the Excavation Regulations required security in the form of a performance bond, irrevocable letter of credit, cash, certified check, bank check, or any other form approved by the Regulator. Virgil MacDonald thought that since the Town had trusted Mr. Williams since 1989 without a bond, it did not seem right. Russ Wilder pointed out that it was State law. He noted that the surety must be phased to coincide with the phasing of work, in an amount sufficient to guarantee reclamation of the applicable section, to be released as sections were completed. Prior to a new section being opened, new securities shall be posted. Town Counsel shall review the suitability and enforceability of the performance guarantee if it was in the form of a bond, irrevocable letter of credit or similar. The cost of said review shall be at the Applicant's expense. Scott Williams offered to provide a \$1,000.00 cash bond.

Virgil MacDonald MOVED to accept Scott Williams' offer of a \$1,000.00 cash bond.

DISCUSSION:

Roger Sample thought that a provision should be added to the motion that included something about maintaining a certain level of loam. Scott Williams pointed out that reclamation was covered under his AoT permit because he could not have more than 100,000 s.f. open at one time, so he would have to close an area in order to proceed; more topsoil would be created because of that. David Eckman, P.E., wanted to clarify that Mr. Williams had an AoT permit and he could go over 100,000 s.f.; he could not exceed the limit of 5 acres. Roger Sample thought that Mr. Williams should maintain enough loam to cover the reclamation area. Russ Wilder noted that if Mr. Williams did not perform for any reason, the Town would have \$1,000.00 plus the loam available to reclaim what was excavated. Virgil MacDonald wanted to know who would give permission to the Town to enter onto private property. Russ Wilder stated that he wanted to go by what the regulations required and he could not just make stuff up.

Virgil MacDonald MOVED to accept \$1,000.00 cash for a bond and enough loam readily available on site to cover the excavated area with at least four inches of loam.

DISCUSSION:

Scott Williams shared that the State no longer required topsoil to reclaim an area. Nic Strong stated that Mr. Williams' plans indicated four inches of loam.

Russ Wilder seconded the motion, and it PASSED unanimously.

Excavation and Reclamation Standards

-Prior to the withdrawal of material at a new excavation site, topsoil material shall be stripped and stored for subsequent site restoration. This should be undertaken in a phased manner to minimize erosion

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potential. Topsoil shall be protected during the period of storage by seeding, covering, or some other acceptable method. Scott Williams stated that he had already done that. David Eckman, P.E., stated that the plan for the new areas had details on seeding within a certain amount of time.

-No topsoil shall be removed from the site without specific approval from the Regulator. No material shall be stockpiled or located outside the permit area. It was not clear how much more area was still available for clearing. Scott Williams stated that clearing had been done and referred to the plan. Russ Wilder asked what the total s.f. was for the final phase. David Eckman, P.E., stated that it was 1.932 acres, 84,175 s.f., for the final AoT permitted excavation area.

-Vehicular Barrier. Russ Wilder pointed out that Mr. Williams mentioned earlier that he had a locked gate at the entrance.

-Hours of operation. Scott Williams stated that the hours were 7:00 am – 4:00 pm. Russ Wilder noted that the plans showed a different set of hours of operation. He asked that the hours were consistent with what was in the narrative.

-Materials processing. Russ Wilder asked if Mr. Williams would be crushing gravel. Scott Williams stated that he has had a crusher in his pit twice in the last 30 years. He noted that he had a screening plant where he screened loam.

Administration and Enforcement Requirements

-Following the initial approval of the excavation permit by the Regulator, the Applicant shall be required to be inspected every seven (7) years (unless a different schedule was determined.....) to determine whether continued compliance with the conditions of approval and any other applicable standards was being maintained. Russ Wilder thought that the Code Enforcement Officer would be the one to do the inspections.

-The Regulator or its designee may conduct site inspections of all excavation sites, both permitted and exempt, to verify permit compliance on an annual basis unless a more frequent site visitation was necessary due to the special characteristics of the excavation/reclamation plans. Russ Wilder did not see that would be necessary. Peter Bolster noted that the Town Assessor was responsible to track how much material was being taken out of the pit. Scott Williams stated that once he excavated an area, it had to come out of current use and he had to pay the penalty.

Roger Sample opened public input. No public input. Roger Sample closed public input.

After due hearing, Peter Bolster MOVED that the Alton Planning Board hereby approves the above cited application for Scott and Penny Williams for an excavation at Map 8 Lots 3-2 & 3-3, 332 Frank C. Gilman Highway, 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 Excavation Regulations and that include all of the checklist corrections, any corrections as noted at this hearing, including but not limited to, adding cross sections and test pit details to the plans, and any waivers granted.**
- 2. Addition of a note to the excavation plan prior to plan signing by the Planning Board Chair: This excavation plan contains a total of X sheets: [to be listed and dated by the applicant on the excavation plan itself]. In combination, these plans constitute in their entirety the excavation plan as approved by the Town of Alton Planning Board. All sheets are on file at the Town of Alton Planning Department.**
- 3. Addition of a note to the excavation plan prior to plan signing by the Planning Board Chair: This excavation plan is subject to the Conditions of Approval itemized in the September 18, 2018, Notice of Decision on file at the Town of Alton Planning Department.**
- 4. Submission of the surety for reclamation in the amount of \$1,000.00 cash and the agreement to reserve enough loam onsite to reclaim cleared areas to a 4" depth.**

SUBSEQUENT CONDITIONS

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

- 1. The applicant shall comply with all of the Town of Alton's Excavation Regulations.**
- 2. Enough loam shall be stockpiled onsite to reclaim cleared areas to a depth of 4".**
- 3. The approval is based upon the application form, plans, specifications, documents and testimony submitted to the Planning Board. Any alterations, additions or changes to the plans or other information are not authorized and require additional Planning Board approval.**
- 4. Prior to the granting of any permit, or to the removal of any topsoil or other overburden material from a new area within an existing excavation site, the Applicant shall submit to the Regulator a bond with sufficient surety as determined by the Regulator. The purposes of the bond are to guarantee reclamation of the area and compliance with the permit. The security may be in the form of a performance bond, irrevocable letter of credit, cash, certified check, bank check, or any other form approved by the Regulator. The surety must be phased to coincide with the phasing of work, in an amount sufficient to guarantee reclamation of the applicable section, to be released as sections are completed. Prior to a new section being opened, new**

securities shall be posted. Town Counsel shall review the suitability and enforceability of the performance guarantee if it is in the form of a bond, irrevocable letter of credit or similar. The cost of said review shall be at the Applicant's expense. The security shall be recalculated every five years. The surety shall not be released until the Regulator is satisfied that all conditions of the site reclamation plan have been complied with. This shall be determined at a final site walk by the Regulator and/or its designee.

5. Amendments and Renewals

Permit renewal. The applicant may renew the excavation permit and continue excavation operations by making application to the Regulator following the same procedures as those required for the original excavation permit. The excavation permit application for renewal need only describe those information items, which have changed in content from the previous application submission. Fees and bonding will be established by the Regulator for the renewal period.

Permit amendment. If adherence to the permit conditions (including the excavation/reclamation plans) cannot be maintained, or if the owner wishes to alter the size or location of the excavation or the rate of removal, the owner shall apply to the Regulator for a permit amendment following the same procedures as those required for the original excavation permit.

6. The Earth Removal permit is not transferable without the prior written consent of the Regulator.

7. A copy of the Earth Removal permit shall be prominently displayed at the site or the principal access to the site.

8. Regulation and Permit Administration

Following the initial approval of the excavation permit by the Regulator, the Applicant shall be required to be inspected every seven (7) years (unless a different schedule is determined by the Regulator during the approval process) to determine whether continued compliance with the conditions of approval and any other applicable standards is being maintained.

9. Inspections

The Regulator or its designee may conduct site inspections of all excavation sites, both permitted and exempt, to verify permit compliance on an annual basis unless a more frequent site visitation is necessary due to special characteristics of the excavation/reclamation plans.

10. Hours of Operation. Hours of operation associated with an Excavation Operation shall be seven days a week, normal business hours and in accordance with the Town of Alton Noise Ordinance.

- 11. Maximum Excavation Limit**
Final excavation grade shall be not less than two feet above documented seasonal high water table. Pursuant to RSA 155-E:11, II, an exception was granted by the Planning Board on September 18, 2018, because the applicant demonstrated to the Regulator's satisfaction that excavation below the regulation six feet will not adversely affect water quality and quantity. Written notice of this exception shall be recorded in the Belknap County Registry of Deeds at the Applicant's expense, and one copy shall be filed with the New Hampshire Department of Environmental Services.
- 12. Waste Disposal**
No disposal of any waste material, including solid and/or hazardous waste, septage, dredge spoils, or refuse shall be undertaken on the site without appropriate State approval under RSA 149:M, or other appropriate State regulations.
- 13. Timber removal**
The applicable New Hampshire statutes and regulations pertaining to forest practice and timber harvesting shall apply to the removal of vegetative cover at excavation sites.
- 14. Stopping of Removal/Excavation Operations**
If removal/excavation operations stop for more than one year with no notice thereof provided to the Regulator and said stoppage is not in accordance with the approved excavation plan or due to bad weather, the excavation permit may be revoked and the performance bond forfeited with its proceeds used for reclaiming the land in accordance with the approved reclamation plan.
- 15. Applicant shall submit one copy of any plans or reports that are approved by the NH DES Alteration of Terrain Bureau within 30 days of said approval.**
- 16. The Earth Removal Permit is valid for a period of fifty (50) years;**
or, until such time as the Regulator determines the Earth Removal Operation is no longer in compliance with the Town of Alton Excavation Regulations;
or, until such time as the operation shall be deemed to be abandoned as defined in the Excavation Regulations;
or, until such time as the owner informs the Regulator that they will no longer be running the Excavation Operation;
or, until such time as the operation is depleted;
or, until the completion date as determined by the Regulator in the regulatory process, in accordance with RSA 155-E:8, whichever first occurs;
in this case 9/18/2068.

Virgil MacDonald seconded the motion, and it PASSED unanimously.

Scott Williams rejoined the Board and sat back at his seat.

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<p>Case # P18-22 Nicholas Loring, P.E. of Benchmark Engineering, Inc., Agent for Brian Fortier (1/3), Allyson Shea (1/3), and Deirdre Tibbetts (1/3) of West Alton Marina, Owners</p>	<p>Map 61 Lot 1 and Map 17 Lots 9, 11, 27, 29, & 30</p>	<p>Design Review/Major Site Plan Lakeshore Residential (LR) Recreational Service (RS) Zones West Alton Marina Road/ Mauhaut Shores Road</p>
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The Chairman read the case into the record.

Present were Nicholas Loring, P.E., Robert Dietel, Esq., Sheldon Pennoyer, architect, agents; and Brian Fortier (1/3 owner) and Deirdre Tibbetts (1/3 owner).

Brian Fortier came to the table. He stated that his grandparents, Harold and Ruth Clough, opened the marina back in 1962. Mr. Clough was contracted to build some camps on Rattlesnake and Sleeper’s Island, and then those people came to him in order to get access to the lake. Brian Fortier and his two sisters owned the marina and adjacent parcels. After their parents passed away, they decided to continue their grandparents’ legacy. A relative of theirs, Col. John Rollins, was buried in the West Alton Cemetery, which was located on their property. Improvements needed to take place to the infrastructure. Currently, there was no running water during the wintertime, so before they shut the water off in the fall, they would fill a 55-gallon drum with water and they would use a garden hose and a bucket to wash their hands and they used a portable bathroom for their bathroom accommodations. The marina currently had two (2) service bays and four (4) technicians. The store was up on pilings; therefore, over time, the floor had settled in numerous areas, as well as rot. In order to get to the counter in the back, people needed to walk up an incline. Brian Fortier referred to an article in the newspaper that talked about a big boom in boat storage and boat sales. The cost of boats had increased, leaving boaters to expect that their boats were to be stored indoors; currently the marina could not offer that service.

Brian Fortier stated that the plans for the changes in their infrastructure had been 12 years in the making. He had met with Environmental Protection Agency (EPA), Army Corps of Engineer, Wetlands Board, AoT, DOT, and was installing above ground storage tanks for their gasoline. He also met on site with the Alton Conservation Commission, and they had met with the ZBA to get the Variances that were required to put this plan forward. His team consisted of Robert Dietel, Esq., his attorney, Nicholas Loring, P.E., his engineer, and Sheldon Pennoyer, architect. He had also worked with a wetland scientist and an archeologist.

Robert Dietel, Esq., referred to the Conceptual Consultation that Brian Fortier had with the Board where they touched upon what changes were proposed to take place. Robert Dietel, Esq., stated that a wetlands permit had been obtained from DES, but was subject to executive council and governor review and was on their agenda for approval on Thursday, September 20, 2018; he did not expect any issues for approval. There was an AoT application pending because additional information from the initial submission was needed for an approval; he did not expect any issues for approval. Robert Dietel, Esq., mentioned the various Variance applications that had been granted over the last three to four years. Scott Williams mentioned that Brian Fortier had been before the Board a few times over the last several years to discuss the project.

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Sheldon Pennoyer had worked with Brian Fortier and West Alton Marina for about 4-5 years. The process was looked at numerous times to make sure that what was proposed would fit in the area. Sheldon Pennoyer mentioned that just recently, an approval was granted by the ZBA to build a storage building near the water's edge, and the ZBA gave them permission to go slightly over the height requirement. The plan being presented at the meeting showed that the storage buildings and the mechanic's shop were away from the lake's edge in order to preserve the quality of the space at the marina and the water.

Sheldon Pennoyer showed the three (3) main areas of development, which were the two (2) storage buildings and a mechanic's shop that was inland; an entrance building that was called the clubhouse with a security apartment above; and there was an area for the store, gas docks, and bathrooms. Peter Bolster asked if the entrance was new. Scott Williams stated that Brian Fortier mentioned before that it would be a 4-way intersection off NH Route 11A. The storage buildings were insulated and made out of steel, they also had a sprinkler system; boats would be wrapped and stored on racks. The buildings were built into the hill and existing contours so they would be under the 35' limit. Each building held around 200 boats, depending upon the size of the boat. As part of that, there was a smaller storage building that was referred to as the valet building, which would allow their customers' boats to be housed on a daily basis. The fourth building was the mechanic's shop that would be utilized in the wintertime. This building was also made out of steel; it had four (4) bays allowing the staff to work on multiple boats at the same time.

Sheldon Pennoyer referred to the clubhouse and the security apartment. This clubhouse consisted of a pool area, a seating area inside with some bathrooms, and the second floor had a security apartment, which would be occupied year round and allow for some security on the property. The outside appearance would consist of a New England vernacular style; the security apartment was 900 s.f., and about 1,000 s.f. on the ground floor. Robert Dietel, Esq., stated that when entering the property, the barn would be located off to the left, and the clubhouse would be the first main building people would see when they entered the marina. Virgil MacDonald asked if the existing road was staying. Scott Williams mentioned that they were abandoning the road that was west of the barn. Russ Wilder noted that road would become a parking lot. Sheldon Pennoyer stated that the road was there to control traffic for people with boat trailers versus people with just their car. Virgil MacDonald thought that the intersection would be much safer. Peter Bolster stated that there was another access point that came in off Mauhaut Shores Road. Sheldon Pennoyer stated that the access would be for the storage of boats only; some boats would come by water to the storage building and some could come in on a trailer. Robert Dietel, Esq., clarified that the boat storage buildings that Sheldon Pennoyer was referring to were part of the "commercial component" of this project. The storage buildings had been designed so they sat into the hill, with vegetative buffers around the property; they should not be able to be seen by the driving public on Mauhaut Shores Road. In the day-to-day operation and in the off-season, that access would be limited primarily to the marina's employees. The clubhouse/security apartment was the first Variance that was granted by the ZBA.

Sheldon Pennoyer noted that the third area would provide a gas dock facility, a store, an office, bathroom facilities, and a pumping facility, which were very important services to provide at the marina. Scott Williams noted that the gas dock was located on the water's edge. Sheldon Pennoyer noted that the store was 1,430 s.f., and the bathrooms were 500 s.f. People would not have to go in further to the marina to get gas, now they could get gas at the water's edge. Russ Wilder asked about the small building that

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covered the pumps. Sheldon Pennoyer stated that those two structures were made out of steel and were used as rain shelters over the gas pumps, which were not self-serve; an employee operated them.

Russ Wilder noted that many phases were proposed. Robert Dietel, Esq., stated that it was really construction sequencing. He was not requesting a phased approval; they were requesting an approval on the plan set as a whole. The detail was to show the balancing that had to occur because the project was so immense; there were roadways that had to be initially built. One of the big challenges was that development had to occur while the business was still up and running. The existing boat storage, store, and gas pumps were all in the location where the new boat slips were going to go. The construction would be done in chunks; the original storage would be taken out and placed on the adjacent lot, Map 61 Lot 1, along with the marine construction; this would open up space for the new boat slips; along with having to build new supporting roadways. Once that portion of the project was completed, all the rest of the accessory structures would be put in place.

Nicholas Loring, P.E., went over waiver requests:

-Section 4.02 (F) 7. Boundary. All of the properties pertaining to this application had been surveyed by David Dolan, LLS, and the majority of them had been recorded at the Belknap County Registry of Deeds back in 2013 and one previously in the late 1990's. No boundaries have changed since.

-Section 5.08 (B) 2. Interior Parking Lot Landscaping. The parking lots were smaller and were broken out throughout the whole site. There were aisles in between the parking spaces that had some landscaping, but they were trying to get the parking lots as small as they could. They did not meet the 10% landscaping requirement. Scott Williams asked if the parking lots would be paved. Nicholas Loring, P.E., stated that they would mostly have gravel. He did note that the drainage calculations included the possibility of the parking lots being paved at some point.

-Section 5.14 (A) / (M) Stormwater Drainage. The site was unique because all of the drainage was going to the West Alton Brook, Grant's Brook, and eventually running into Lake Winnepesaukee. A lot of work was done for DES and the Wetlands Bureau. There could be a need for a drainage easement from any downstream abutters. Russ Wilder asked if the details of what the drainage and stormwater management plan was going to be was still being worked out for their AoT permit. Nicholas Loring, P.E., stated that the first round of review was done and DES had some questions; the questions had been answered and they were now waiting for their 30-day review period. Russ Wilder asked when the final AoT permit was received, would the details for drainage and stormwater management be incorporated into the plan. Robert Dietel, Esq., stated that he would provide those details to the Board. Russ Wilder noted that the plans already showed drainage details and asked if those were changing. Robert Dietel, Esq., stated that drainage details would not be changed, but minor details might, like the size of some of the culverts.

Peter Bolster noted that the Planner Review indicated that the Board should act upon the waivers. The Board needed to hear the rationale and some of the details of the plan in order for them to act on the waivers. He thought that addressing the waivers now would save time during the final application phase. Russ Wilder addressed the boundary waiver. He noted that all the survey plans were on file at the BCRD and they were recent surveys. Nicholas Loring, P.E., stated that all of the surveys were recorded in 2013 except for one that was recorded in 1998 or 1999.

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Russ Wilder addressed the interior parking lot landscaping. He asked if there would be any trees or shrubbery planted. Nicholas Loring, P.E., stated that there was landscaping there already. Tom Hoopes wanted some clarification on why they were not putting in any additional landscaping. Nicholas Loring, P.E., stated that in order to meet the landscaping requirement, the parking areas would need to be expanded. Robert Dietel, Esq., stated that there were several parking areas throughout the marina because the site had a lot of ledge and flat space. The marina needed more parking because they were providing more boat slips, and they did not want to have any obstructions in the way because people were driving through with boat trailers and they did not want it to affect their navigability. He stated that some of the requirements related to the visual impact of the features to the public, but a lot of the parking areas were on the interior of the property owned by Brian Fortier and his sisters. Russ Wilder noted that the parking off Mt. Major Highway at the entrance road there was a tree, some bushes, and loam and seed. Other interior areas had space to put in some landscaping, but were not indicated. Peter Bolster referred back to the point system for the parking lot because the Board had to go by that system or grant a waiver. He stated that there was no figure to go by, so he did not think they could waive it because they were not sure what they were waiving. Scott Williams pointed out that there were already several trees on the property and those trees would go into the percentage for landscaping coverage. Tom Hoopes stated it was a percentage of the entire property. Scott Williams noted that there was screening for the parking lot and there were some trees in the parking lots. Russ Wilder noted that the plans indicated loam, seed, and landscaped trees on the interior and he was not sure if they even needed the waiver. Scott Williams agreed with Russ Wilder. Robert Dietel, Esq., had the Board look at page 19L, which showed the details on deciduous and coniferous trees. The Board did not think a waiver was required. Tom Hoopes stated that he did not have any issues with the boundary either. Scott Williams agreed with Tom Hoopes.

Peter Bolster asked about the stormwater/drainage waiver. Russ Wilder thought that even with DES doing their part, the town's engineer would still review the report. Tom Hoopes asked if swales or retaining ponds were being used at the final entrances into the brooks. Robert Dietel, Esq., stated that it was a combination of basins, retention, and a conscious effort to have it percolate naturally. Nicholas Loring, P.E., stated the two main things used were grass treatment swales and a surface sand filter; it was a filtration device where water would come in and seep down through a foot and a half of sand, then it would drain down to a stone layer that had underdrains; therefore, clean water would be carried out.

Russ Wilder thought that the waivers for the boundary and the landscaping parking lot could be granted.

Russ Wilder MOVED to grant the waivers for Section 4.02 (F) 7. Boundary and for Section 5.08 (B) 2. Interior Parking Lot Landscaping.

Tom Hoopes seconded the motion, and it PASSED unanimously.

Scott Williams asked if the main access road would be paved; Robert Dietel, Esq., stated, yes. Robert Dietel, Esq., stated that Mr. Fortier recently received approval from DOT. Scott Williams asked Attorney Dietel if he could let the Board know how far in Mr. Fortier was going to pave.

Russ Wilder referred to the Planner Review regarding phasing of the site plan and asked if it was described anywhere. Robert Dietel, Esq., stated that there were two areas in the plans where phasing could be found. He referred the Board to Sheet 3B. He noted that the boat storage needed to be moved to another lot, Map 61 Lot 1, the initial area for the new boat slips needed to be carved out, and the store

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needed to be built; that was the first phase. All the other accessory things came in later throughout the construction sequencing. He referred the Board to Sheet 2A. There was a very detailed list of construction sequencing. Russ Wilder asked Sheldon Pennoyer to color code the construction sequence. Robert Dietel, Esq., was not looking to do a phased development, because they needed a comprehensive approval to get all of this to work. Russ Wilder thought there should be an overall phasing of how construction was going to happen and when it might be done. Scott Williams thought an outline form would be satisfactory. Robert Dietel, Esq., stated that he could provide more details and an estimated timeline of what they envisioned. Russ Wilder noted that the Board was not sure at this time whether they would require confirmation of each phase being completed. Robert Dietel, Esq., stated there was a lot for the Board to review. He thought that the natural point of review would be in broader chunks. Russ Wilder thought it could be when all the interior roads were done, or when the drainage was complete.

Russ Wilder confirmed that this area was not in an Aquifer Protection District.

Russ Wilder noted that the issue of fire protection would be coordinated with the Fire Department.

Russ Wilder brought up the topic of traffic impact analysis. Scott Williams stated it was a state road and the state road would require a traffic impact analysis before they would issue a permit. Robert Dietel, Esq., stated that the State did not require one. Scott Williams thought that the Town did not have jurisdiction because it was a state road. Virgil MacDonald agreed with Scott Williams. Tom Hoopes stated that the Board had Dunkin Donuts perform a traffic study and all the other businesses. He did not see a problem with this because they were relocating the road.

Russ Wilder read more from the Planner Review that indicated no site plan of land would be approved without non-sewered areas system siting requirements. Scott Williams asked if the off pumping would consist of holding tanks or would they have a septic system for it. Brian Fortier stated he was adding a new septic system. He shared that there was one there now that serviced the whole marina; it pumped up.

Russ Wilder addressed lighting. Scott Williams stated that the lights needed to be 2500K light color, nothing to exceed 3,000K.

Russ Wilder addressed flood protection. Nicholas Loring, P.E., stated that the FEMA floor maps were very large scale and putting them on the plan would be difficult. What was on the plan though was exactly where the FEMA flood lines were. He stated that there was about a 3-acre area that was being dug out for the dock area. This would provide any compensatory flood storage. Russ Wilder stated that flooding took place up where the campground was, and he thought that the West Alton Brook could fill up quick and create a flash flood. Scott Williams asked where the overburden was going to go. Nicholas Loring, P.E., stated it would be utilized on site, especially on the commercial side. He noted that the material being dug up for the boat slips would be taken off site. He shared that all the slabs for the buildings were above flood elevation and the parking areas were being lifted. Brian Fortier stated that during all the high water that had occurred his entire life, his docks were never under water. Russ Wilder stated that new drainage structures were being built, and there could be some damage by the brook overflowing its banks.

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Robert Dietel, Esq., stated that Brian Fortier had an archeological study done of the entire property, both Stage 1 and Stage 2, which was a voluntary study. There was a grave marker near the road and the barn. Nicholas Loring, P.E., indicated that on Sheet 7E., it was in the front parking lot on the right hand side. A 25' boundary would be marked off on the plan. In the existing fields to the left, a review had been done and they found a clay pipe, some old broken bottles, two chips were found that had to do with stone making, no habitation, no structures, and there was an old well near the road, but they did not find a foundation.

Russ Wilder addressed hazardous materials, fumes, smoke, dust, and odor issues. He questioned the type of work being done at the repair shop or construction yard. Brian Fortier stated it was all consistent with what was already there now. Russ Wilder mentioned hazardous and toxic materials. Where the current marine construction yard was located had been used for many years and that was going to be altered and excavated. He thought that throughout this excavation, it was possible to encounter materials that were different from just ordinary fill. Brian Fortier mentioned there was a 1,000-gallon diesel tank that sat on the Winnepesaukee Marine site; soil samples needed to be taken when the tank closures were submitted to DES.

Russ Wilder addressed noise. The construction activities were to be taking place between the hours of 6:30 am – 9:00 pm.

Russ Wilder addressed screening, particularly from Mauhaut Shores. He noted that the buildings had been moved further away from the original plans. Robert Dietel, Esq., stated that the Variance for Map 61 Lot 1 required the marina to maintain the vegetative buffers that were depicted around the buildings as a condition of approval. Brian Fortier stated that he also shortened the footprint of the building by 75'.

Russ Wilder addressed filling and excavation. No narrative was provided with the application for filling and excavation. He noted that some areas would need some blasting.

Russ Wilder addressed signage. Sheldon Pennoyer stated he would submit that next month.

Russ Wilder addressed engineering review. At the design review stage, there was no requirement for drainage calculations to be submitted; however, the Board might want to have periodic inspections. Russ Wilder thought that the drainage should be observed. Peter Bolster asked if there were any comments from the Conservation Commission. Russ Wilder stated that there were many comments from Conservation Commission. He noted that the comments had been provided to DES along with the marina's wetlands permit.

Russ Wilder thought there was enough information for them to go forward with a final application. Robert Dietel, Esq., talked about conserving some of the land through the ARM Fund process with DES. Russ Wilder stated that the Conservation Commission was interested along with the Lakes Region Conservation Trust to potentially conserve some of the land that Brian Fortier had proposed that could be conserved. He understood from Lori Summer at the State that the ARM Fund payment of \$245,000 had not been made at this time. Robert Dietel, Esq., stated it had had not been. He stated that the wetland impacts that were proposed had to be mitigated. The proposed mitigation, which DES had accepted, was an ARM Fund payment, which was roughly a quarter of a million dollars to the State. The money goes

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into this fund and municipalities could collaborate with other entities to hold conservation easements on lands to protect the watershed. There was a preference in the program that the funds be kept within the watershed where the impacts arose. Robert Dietel, Esq., and Brian Fortier met with the Conservation Commission about two years ago, and at the time, no projects were taking place in town. Once funds were paid, then the Town could make an application. The timing of the payment was a condition in the DES approval that it had to be made within 120 days of the permit being issued. He stated that he intended to ask for a waiver for that timing in order to extend it to the end of all of the permitting. It did not make sense to start paying money for a program if the whole project did not come together. He thought that the funds could be available at some point, and the Town could act on that. Scott Williams asked how and who determined the amount of money. Robert Dietel, Esq., stated it was DES because they administered the program. He stated that there were deadlines that applications had to be made, there were grants once a year, and municipalities had to be on top of making sure the application was submitted on time. Scott Williams asked how the level of the dollar amount was determined. Robert Dietel, Esq., stated that DES had a formula; they would look at what wetlands were impacted, then they would assign a dollar value to the different types of wetlands, they would add that up and come up with the number. He pointed out that part of the process was proving that the project was a good project, for example, like what was the value and functions of the wetlands that would be conserved in the process.

Roger Sample opened public input.

Cindy Caron, Mauhaut Shores Road, abutter, came to the table. She lived close to the new entrance. She wanted to know what the changes were in regards to the boat storage/repair and the wash facilities moving into the upland areas. She wanted to see where the boat storage was in relation to Mauhaut Shores because she could not see that during their presentation. Sheldon Pennoyer pointed out where the storage buildings, the contractor's building, the valet storage, and the repair shop were proposed to be on the plan. Cindy Caron thought those buildings were in a different location than previously noted. Brian Fortier stated that they were in the same location as they were when he went before the ZBA for his Variance. Cindy Caron wanted to know in regards to Mauhaut Shores, would the marina be using that road to pull boats into the storage area because boats were usually wide and that road was just wide enough for two cars to pass each other. She did not think the road could be widened, but she just wanted to express her concern especially during the spring thaw months. Brian Fortier stated that part of the condition of approval from the ZBA was to pave the road just past where the marina's entrance was going in. Scott Williams noted that there would be an improvement to the road at the entrance of Mauhaut Shores Road. Cindy Caron thought if there were 200 boats in a storage facility that was a lot of traffic coming onto the road. Robert Dietel, Esq., stated that the vision for the business was that the storage customers were long-term customers so they would not be coming in and out every day, and the majority of them would be coming out of the water and up to the storage facility, through the marina's property, not onto the public road.

Cindy Finethy, Legend Road, abutter, came to the table. Her biggest concern was the road. She was concerned because she had heard testimony that there would be no study done to the new intersection, and she thought that a traffic study needed to be done because it was a narrow road and there were blind spots when coming onto the highway from Mauhaut Shores Road. Peter Bolster stated it was up to the State to have a traffic impact study performed. She stated that Mauhaut Shores was a town road and that many accidents occurred at that intersection. Peter Bolster stated that most of the traffic coming and going from

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the marina on that road would mostly be marina employees. Cindy Finethy wanted to know who policed that. She thought that Brian Fortier could say anything he wanted to say, but who would oversee that. She wanted to know why they could not just use the one main entrance if it was just going to be for a few employees. Virgil MacDonald stated that Brian Fortier abutted that property and he had a right to the town road. Scott Williams stated that Cindy Finethy's question was the impact to the town road. Cindy Finethy stated that the Town was always on that road because there were thick ruts. Roger Sample thought that the Town addressed that issue. Scott Williams thought that once the portion of road was paved, many of the issues would be alleviated. Cindy Finethy stated if a car was trying to take a left onto Mauhaut Shores Road, there was a dip on the other side of the road which it made it difficult to see oncoming traffic; that was why there were many accidents at that location; that was a big concern for her.

Cindy Finethy wanted to know why the winter storage buildings were being insulated and asked about fire protection. Scott Williams thought it had to do with alleviating condensation and rapid temperature changes. Cindy Finethy asked if the sprinkler systems were approved. Scott Williams stated that the Fire Department would inspect them. Cindy Finethy stated that the concept of the marina was nice, but if it was in their yard or neighborhood, it might not be so great because some of the houses were close to the proposed storage building. Brian Fortier stated he first talked with the ZBA and the Fire Department, it was discussed that he was going to provide fire protection by installing a fire hydrant from a 100,000-gallon cistern to service the residents of Mauhaut Shores. Cindy Finethy's other concerns were about noise, lighting, past EPA inspections and what their record looked like, wells, gas leaks in the storage building and potentially leaking into the neighbor's wells. Scott Williams stated the marina was putting in a new containment system for the gas tanks and they would be required to monitor them. Cindy Finethy was talking about spills from the stored boats. Virgil MacDonald stated that boats had been stored in that area since the 1950's. Cindy Finethy stated not where the new buildings were proposed. Cindy Finethy stated that people had homes there with wells so if there was a lot of spillage, what happened then. Scott Williams stated that if a well were properly installed, there would not be a problem. Cindy Finethy was concerned because the marina was getting closer to the neighborhood. She wanted to know that if something leaked onto a concrete floor, how would the liquid be prevented from leaking out into the neighbor's wells. Virgil MacDonald was a very firm believer that since Brian Fortier was making the tax payments on his property, then he should be able to do what he wanted with his property. Cindy Finethy then mentioned that she would be allowed to do anything on her property that she owned in Alton because she wanted to do it. Virgil MacDonald stated if it was up to him, people could do anything they wanted on their property. Peter Bolster stated that was not the way the law worked. Scott Williams noted that the boats would probably be full of fuel when they were stored because they were less volatile at that point; an empty gas tank was much more dangerous than a full gas tank. Roger Sample stated that was for explosions, he did not think that all the boats would be leaking gas. Cindy Finethy stated that in 2018, a boat storage unit in Texas went off, and she had a list of additional accidents. Roger Sample stated that the good thing about an explosion would be that the gas that Cindy Finethy was concerned about would burn off. Cindy Finethy was more worried about the every day liquids that would spill. Russ Wilder stated that Cindy Finethy was trying to express her concerns and he thought that the Board should be listening to her concerns because the Board should not be arguing with her whether she was right or wrong. Cindy Finethy stated that the intent of meetings like this always tended to fall when most people were not around for the season anymore and could not make it to the meeting. Scott Williams stated that the Board could not control that. Cindy Finethy understood that. Tom Hoopes wanted to know what the material of the floor was in the storage buildings. Brian Fortier stated the floors were made up of

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concrete. Tom Hoopes asked if there was a lip on the edge. Brian Fortier stated that the building was enclosed. Tom Hoopes noted that if liquid was on the concrete floor, it would be known, and the liquid would not be able to get out. Cindy Finethy stated that the liquid would be able to get out; it was a liquid and would find a way out. Scott Williams stated that most boats had 50-gallon tanks and with a building of that size, the gas would not go very far. Russ Wilder noted that the Fire Department was reviewing the buildings and they would have requirements about fire suppression. Cindy Finethy still wanted to see some type of well protection for the neighbors that had wells in that area.

Wayne Caron, Mauhaut Shores Road, abutter, came to the table. He asked if there would be access to the boat storage facilities from the new marine loading area. He wanted to know if boats would be able to be brought from the storage area without going onto Mauhaut Shores. Brian Fortier stated they would be hauling boats out of the water with a fork truck and backing the boat up the hill to the repair shop, the boat wash, then into the storage building. Wayne Caron confirmed that access to the boat storage would not be accessed from Mauhaut Shores, which would lessen the traffic; therefore, there would be less boats coming out onto Route 11. Russ Wilder asked if the forklift had a back-up beeper. Brian Fortier stated that the beeper could be turned down.

Roger Sample closed public input.

Russ Wilder asked what their plans were for submitting a final application. Robert Dietel, Esq., asked if the Board wanted to see them come back with the changes that happened at tonight's meeting, or did they feel that they could go forward with the final application. Peter Bolster stated that the waivers were taken care of. Russ Wilder stated that the plans were well thought out, and if they could include what was talked about tonight, they could come back with a final application. He thought that the AoT permit should be wrapped up before they come back because that would be part of the stormwater design. Scott Williams stated the next meeting was October 16, 2018. Russ Wilder stated the application had to be submitted three (3) weeks before the meeting date for a new application. Roger Sample mentioned the stormwater report had to be reviewed by the Town Engineer. Russ Wilder stated that would be provided with their final application. Roger Sample thought that could be handled ahead of time. Tom Hoopes asked when Brian Fortier thought he would start work. Brian Fortier thought probably in January if it was warm, but thought some dredging could start in mid-February. Robert Dietel, Esq., stated that the timing of this project was working out well and if they could go through the process during the fall and winter, then that would enable Brian Fortier to get his bids for the actual work.

Other Business:

1. Old Business:

2. New Business:

- a. Letter dated August 29, 2018, from Victor Perin requesting an extension to the deadline for completion of storage building site plan Phase I, Case #P16-31, 241 Suncook Valley Road, Map 9 Lot 1.

Russ Wilder MOVED to grant a six (6) month extension from October 18,

2018, to April 18, 2019, for Case #P16-31, 241 Suncook Valley Road, Map 9 Lot 1, as requested in a letter from Victor Perin dated August 29, 2018. Scott Williams seconded the motion, and it PASSED unanimously.

- b. Letter dated September 5, 2018, from Brad Jones, Jones & Beach Engineers, Inc., requesting the Board's acceptance of the maintenance bond amount and as built plans as fulfilling conditions of approval of Jilyan Byrne Estates Subdivision, Map 15, Lots 17, 17-4 and 17-5, so that the subdivision plans and mylar can be signed and recorded. With attached background information.

Brad Jones came to the table. He was looking to get the mylars signed. He mentioned that when the Board approved the project, there was a stabilization bond in place, but they had not recorded the plans. He stated the road was paved with binder pavement, and the shoulders and drainage utilities were installed. The Town was provided with an as-built, and he had a monumentation certificate along with a cost estimate for the remaining work on the project. One of the things that had to happen was to release the stabilization bond and put a bond in place for the remaining work. Scott Williams stated that at some point, problems existed with some organic material under the road and wanted to know if that was resolved. Brad Jones stated, yes, the underground power was dug up at a cross section of the road; there was a lack of test pits showing how much organic material there was under the road. All he found was a small layer about eight feet down and it was probably mud that developed when the filling process was occurring. He also did a deep test pit on the other side of the road where the power was. The Town was provided with a report. He was confident that the road was in good shape.

Russ Wilder noted that the request was for the subdivision to be approved and recorded. He stated that Brown Engineering & Surveying had a compliance report for approved plans and regulations. He noted that monumentation was set. The construction cost estimate bond, mylars, and as-builts were all submitted. Virgil MacDonald noted that the Board usually got all the reports for the road construction. Nic Strong stated this was not a request for final approval of the road, and as the reports came in, copies had been given to the Board. All that needed to happen tonight was to see that the requirements from the Notice of Decision were completed. Virgil MacDonald stated that there was a question about how the road was built. Nic Strong stated that she provided the Board with a report about that. Scott Williams read from the report, "Test pits were done by Jones & Beach Engineers. Test pits clearly indicate that the subsurface fill area at station 3+00 of the new road was stable and not unstable as once suspected." Scott Williams mentioned that was the only deficiency that he heard about that was a problem. Nic Strong stated that the bond for the remaining work needed to be submitted before the plans were sent out to be recorded. Scott Williams noted that the funds were going to be transferred from one surety account to another. Nic Strong was not sure how the security was being held, so if it was a bond, it would have to be released and a new one provided. If it was an account, it was possible that the funds could be transferred with the Treasurer to a different name. She noted that the value of work remaining was \$22,696.58, and whatever was left over would be refunded. The amount of the stabilization bond was \$26,134.00 cash.

**Tom Hoopes MOVED to have Roger Sample, Chairman, sign the mylars, and then mail them to the Belknap Registry of Deeds to be recorded after the second bond amount was provided to the Town.
Scott Williams seconded the motion, and it PASSED unanimously.**

- c. Email copy dated September 5, 2018, from Andrew Levasseur to Lisa Noyes, Town Clerk, submitting his resignation from the Planning Board and ZBA, effective immediately.

Roger Sample appointed Dave Hussey as a full voting member of the Alton Planning Board for the remainder of Andrew Levasseur's term, which would be up at the next regular municipal election in March of 2019.

3. Approval of Minutes: August 21, 2018, Planning Board Meeting

Tom Hoopes pointed out that on Page 15, sixth line down, "they when" should be "then when".

**Virgil MacDonald MOVED to approve the minutes of August 21, 2018, as amended.
Russ Wilder seconded the motion, and it PASSED unanimously.**

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

5. Correspondence for the Board's information:

- a. 2018 Municipal Law Lecture Series. Nic Strong stated that there was enough money for two (2) Board members to attend if they were interested.

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

Public Input on Non-Case Specific Local Planning Issues

Peter Bolster shared that there was another meeting on the Master Plan before the All in for Alton charrette. He shared that the process had been going on well and the two co-chairpersons had been doing a good job. He encouraged Virgil MacDonald to talk to the Selectmen to be involved. The charrette was an envisioning session that was being held on Friday, October 19, 2018, and Saturday, October 20, 2018. It was being facilitated by UNH Cooperative Extension with the approval of the Planning Board. The material would be coming from as many people as possible that attend. People would be divided up into groups. Friday night there was a free spaghetti supper and about 2 hours of getting together about different subjects that had to do with the Master Plan. The purpose of this was to get data from the townspeople for the Master Plan update. The other part of this was to get ideas from residents about what they would like to see in the town for the future. There was also a Facebook page for this event, "All in for Alton." He thought it was important to have the Board members attend. Peter Bolster mentioned that the information would be compiled by UNH. Scott Williams was worried about that. Peter Bolster stated

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that UNH was not going to go in any direction with any of this information; they were just compiling the information. Scott Williams stated that UNH was going to compile the raw data and then present it back to the Board with the different topics; he worried about the accuracy because they proved themselves the last time they sent out a questionnaire that it was so stacked, it was hideous. Peter Bolster stated that this process was different this time. Nic Strong stated it was not a questionnaire. Tom Hoopes stated that one of the requirements by law was that the Board needed to update the Master Plan. Peter Bolster stated that he was able to get a \$50 donation from Dollar General for cups, plates, napkins, and utensils. He noted that the two chairpersons were going out to different groups in town to talk about this event.

ADJOURNMENT

**At 10:15 p.m., Scott Williams MOVED to adjourn.
Virgil MacDonald seconded the motion, and it PASSED unanimously.**

The meeting adjourned at 10:15 p.m.

Respectfully submitted,

Jessica A. Call
Recording Secretary

Minutes approved as presented: October 17, 2018