

**TOWN OF ALTON PLANNING BOARD
MINUTES OF 2016
SEPTEMBER 20, 2016**

Members Present:

David Collier, Chairman
Roger Sample, Vice Chairman
Scott Williams, Member
Russell Wilder, Member
Virgil MacDonald, Selectmen Representative
Peter Bolster, Clerk
Thomas Hoopes, Alternate

Others Present:

Nic Strong, Town Planner

CALL TO ORDER

David Collier called the meeting to order at 6:00 p.m.

APPROVAL OF AGENDA

David Collier asked if there had been any changes in the agenda. Nic Strong stated there was a memo to go along with the Subdivision Regulations under Other Business, Old Business, 1. b) that was dated 9/20/16.

Russ Wilder moved to accept the Agenda as amended with the addition of the memo as noted in Other Business 1. b).

Roger Sample seconded the motion and it PASSED unanimously.

CONCEPTUAL CONSULTATION

| | | |
|------------------------------------|--|--|
| Case #P16-28 JOBAN, LLC | Map 26 Lot 10 & 10-2 Residential Commercial (RC) Zone | Conceptual Consultation Homestead Place |
|------------------------------------|--|--|

David Collier read the public hearing notice. Present was Dean Puzzo, Manager for JOBAN, LLC. David Collier asked Nic Strong for a report on the application. Nic Strong noted that the applicant was before the Board for a conceptual consultation to discuss being allowed to submit an expansion of an existing building that met the size requirements for major site plan as a minor site plan due to the nature of the work and engineering that had already been done for existing development on this site.

David Collier clarified that Nic Strong had provided details of what would be the criteria for a major site plan. Nic Strong confirmed that she had and noted that the size of the proposed expansion would generally be considered a major site plan. David Collier stated that on the plan before the Board the building was shown at 225 s.f. and the proposal was to expand to 3,300 s.f. Dean Puzzo stated that was the proposal and pointed out that it was going to be in existing parking lot area which was consistent with the original application for the larger entire development of this lot. He noted that the new 4,000 s.f. building in the back corner of the lot

**TOWN OF ALTON PLANNING BOARD
MINUTES OF 2016
SEPTEMBER 20, 2016**

towards Hannafords had moved into the parking area and he had not been required to redo studies or engineering for that move. Dean Puzzo stated that there would be no changes to parking lot flow with the proposed building expansion from what was currently in place.

Tom Hoopes was curious as to why an expansion of a building by 3,000 s.f. would not require an increase in parking spaces. Dean Puzzo stated that the use for the building was not defined beyond general retail which required 1 parking space for each 300 s.f. of area. He noted that his plan showed the spaces already designed for the property which was 85. He stated that with the change to the building he was proposing the total number required by the regulations would increase from 62 to 72. Dean Puzzo noted that Clear Choice MD was the urgent care facility that would be moving into the building at the back of the parking lot. He stated that their use of the building and septic was 10% of what had been allocated for that building during the approval process.

Dean Puzzo stated, in response to a question from Tom Hoopes, that the proposal was only for retail for this building, he did not want any more food service or large restaurants on this property. He also noted that whether this proposal had to be a major or a minor site plan he was stipulating that the use would be retail. He stated that use required the lowest septic loading numbers in the DES charts.

David Collier stated that one of his concerns was that the building was quite close to a wall that had been built up behind the building and adding a much larger building than was originally proposed was a major concern. He thought that with a minor site plan there would not be a lot of detail submitted with regarding the impact of the proposal on that wall. Dean Puzzo stated that he would be at least 15 feet from the wall in question. He noted that the wall had been built up with boulders and he would be purposely staying quite far from the wall with this proposal. Tom Hoopes pointed out that the wall at the Hannaford's site had required engineering and in contrast this wall had been constructed of boulders without approval and had not been shown on the site plan for the property at the time. Dean Puzzo stated that the building would be on original soil and would not be constructed in a fill area.

Peter Bolster stated that a building of the size proposed would need soil tests and engineering to determine whether or not it was appropriate in this location. Tom Hoopes asked if the building would be on a slab. Dean Puzzo confirmed that to be the case and pointed out that this was in the same parking lot in which the Board had granted approval for the urgent care building to be moved back and the whole lot had used the same fill. He noted that he had just signed the lease for the urgent care and the building would be framed in the next few weeks. Dean Puzzo pointed out the setback lines and the edge of pavement lines of the parking lot on the plan.

Nic Strong noted, in response to a question from Peter Bolster, that the parking requirements for retail were one space per 300 s.f. plus one space per five employees. Peter Bolster thought that the Fire Department would require access to the back of the proposed building. Dean Puzzo thought that the building was not far from the traffic circle and could be accessed from that area if necessary. Roger Sample stated that there must be an original conditions plan of this property that could assist. Nic Strong stated that there was a whole approved site plan for this property.

**TOWN OF ALTON PLANNING BOARD
MINUTES OF 2016
SEPTEMBER 20, 2016**

Tom Hoopes asked if additional parking spaces could be added on the site. Dean Puzzo stated that it was possible but pointed out that the current plan showed 85 spaces and the requirements for the different uses would actually only need 72 spaces. Roger Sample asked if the parking spaces had been designed around the septic system. Dean Puzzo stated that was the case and stated that he had an approval for a DES and Town approved new septic system that was drivable which would be a 3,000 gallon per day system. He noted that he had just had the D-box and leaching field inspected and the existing system was functioning well. He stated that the current system cannot be driven on and was blocked off with landscaping timbers and plant beds. Dean Puzzo stated that this year he had changed the last onsite septic tank to be H2O loading. He stated that he could, in theory, expand the parking towards the circle but that would involve taking out the grass and potentially a nice elm tree in that location.

Peter Bolster asked if Dean Puzzo had any idea what type of retail business would be in this proposed building. Dean Puzzo stated that it had taken four years to find someone interested in the back building that he felt was an appropriate use. He stated that he was looking for a higher end retail use reminiscent of Meredith or Wolfeboro in terms of aesthetics but he did not have anyone lined up right now. Peter Bolster asked if there would be access to the property from Hannaford's. Dean Puzzo stated that the gate would be opened in the next few months regardless of when this proposal he was discussing with the Board moved forward; there had been no need to open it before now although there was no reason that it could not have been. He stated that the traffic flow would work well to get people to the urgent care and the other buildings on the lot with that gate open. Dean Puzzo went on to say that he anticipated being told that the proposed building was not big enough, even at 3,000 s.f. He further noted that this would be a single story building with a hip roof in order to be as aesthetically pleasing as possible.

Peter Bolster stated that the original site plan for the property must have included a landscaping plan along with requirements for trees of certain sizes to be planted and so on. Dean Puzzo stated that the plan included language that required the landscaping on site to be consistent with the existing landscaping and there was no formal plan. He did not anticipate adding too much more to the site. Roger Sample stated that other applicants with site plans for businesses, Dunkin' Donuts, for example, had to prepare landscaping plans. He noted that if the Board was to help Dean Puzzo out by allowing him to come in with a minor site plan but the minor site plan avoided the requirement of submitting a landscaping plan that would be a sticking point for him. Dean Puzzo stated there had been a major site plan for the whole site, including the back building, and the language included in that plan was that landscaping would be consistent with what was already there. Roger Sample stated that there were criteria in the regulations for plantings and landscaping. He noted that it was to the business owner's advantage because it made the site look nicer. Dean Puzzo stated he would envision putting some lower bushes in front of the proposed building; he did not want it to be all cement and paving. Russ Wilder asked if that meant that if Dean Puzzo came in with a minor site plan he would have a landscaping plan. Dean Puzzo stated that he could have that added in very easily. He noted that the plan before the Board was taken from the approved plan and should be updated with the plantings that had already been done. Russ Wilder agreed that the landscaping plan should show the existing and what was proposed to be added. Peter Bolster stated that the regulation was an

**TOWN OF ALTON PLANNING BOARD
MINUTES OF 2016
SEPTEMBER 20, 2016**

objective requirement of so many trees of such size for a certain area, although the Board could grant waivers if deemed appropriate.

Tom Hoopes asked if the proposed building would require changes in snow storage on the site. Dean Puzzo stated that the plowing of the parking lot would be stepped up a notch and he had spoken to the contractor in charge of the Hannaford's parking lot who thought there was still room for snow storage on the site. He noted that the whole parking lot would be paved when the urgent care building was finished and then the big loader could be used to plow the lot.

Peter Bolster asked how far the existing septic system was from the corner of the proposed building. Dean Puzzo stated it was approximately 15 feet. He noted that there was currently a gravel driveway that he proposed leaving for access by utility trucks behind the building in order to also be able to get to the septic tank. He stated that, in theory, he could put a driveway around the entire leach field. Peter Bolster thought that there would need to be access to allow for unloading trucks for stocking the retail store in this location. Dean Puzzo stated that the plan showed a dumpster on the north side of the building which could be moved so that trucks could back in beside the building and not be seen too much from the circle.

Roger Sample asked if the building would be one unit for one retail use. Dean Puzzo stated that was the current plan although he could perhaps see two units of 1,500 s.f. +/- . He pointed out that the 3,000 gallon per day septic plan approved by the State would allow up to a 6,000 s.f. building from a loading perspective. He also noted that a recent voluntary lot merger would require him to change the setback lines for the lot.

Roger Sample returned to the idea of being able to get behind the building for stocking purposes. He noted that if the only way into the building was through the front that was really Dean Puzzo's problem not the Board's. Peter Bolster stated that it was possible to provide access to the back of the building. Tom Hoopes stated that brought up concerns with the stability of the wall in that location. David Collier agreed that was still a question because there was not much distance between the wall to the proposed large building. Peter Bolster was concerned that a minor site plan would not require any kind of structural analysis or subsurface investigation. Tom Hoopes stated that the wall had not been approved by the Planning Board and he thought a Professional Engineer should be required to say that the area was stable enough for the proposed activity. David Collier stated it was within the Board's rights to ask for any kind of study they deemed necessary to review the plan. He asked what kind of hardship the Board would be creating if they made Dean Puzzo proceed with a major site plan. Peter Bolster stated that there would be more work and cost to the applicant to have a major site plan prepared. David Collier stated that the proposal met the criteria for a major site plan since the proposed building was over 750 s.f. Dean Puzzo pointed out that as part of the work for what currently existed on site he had already done a major wetlands fill, installed pipes and so on and all that had been completed. David Collier stated that changing a use was not a big deal, but adding a huge section of building to what was already approved was different.

Russ Wilder stated that the waiver criteria included hardship language and the language regarding "the specific circumstances relative to the site plan, or conditions of the land in such

**TOWN OF ALTON PLANNING BOARD
MINUTES OF 2016
SEPTEMBER 20, 2016**

site plan, indicate the waiver will properly carry out the spirit and intent of the regulations". He thought that was what Dean Puzzo was asking. Peter Bolster thought that if the Board did decide to allow the minor site plan they should ask for some kind of engineering study on the wall. Russ Wilder stated the Board could ask for any number of things as part of the application but should be specific about what they would be. David Collier stated that he would like to see as part of the application the existing conditions plan prior to the wall going in because it was built up quite a distance. Russ Wilder stated that should include how much fill had been placed in that location. Dean Puzzo stated that there was an existing plan by Mark Sargent, LLS, in the files. There was also an interim or progress print that captured the wall. Dean Puzzo also noted that when the total site was completed he had to submit an as-built plan. David Collier asked if the septic system would meet the approval with the proposed addition. Dean Puzzo stated that it would.

Russ Wilder stated that what was driving the questions about the stability of the wall was the probability of people accessing the back of the building. Dean Puzzo stated that he did not want traffic around the back of the building, just along the side. Russ Wilder stated that the Fire Department may request access fully around the building. Peter Bolster stated that the Board was watching out for the public and the applicant by making sure that whatever had been built in this location would not create problems later on. Dean Puzzo stated that he had made sure that the extra boulders from the site had been used and that he had asked for good material to be used behind them. Peter Bolster stated that the Board needed an engineering study to show that. It was noted that the applicant's design engineer should produce a plan or report with their seal and signature and the Board could determine whether or not peer review by the Town's consulting engineer would be required. David Collier did not think that a traffic study would be needed. Tom Hoopes stated that the background of the wall was that the design was changed after the Planning Board's approval and the applicants and contractors had received the go ahead with the previous building inspector to be able to change the wall and use the boulders that Dean Puzzo described. But this had never been shown on any plan for review and approval by the Board.

David Collier stated that part of the requirement if the Board went with the minor site plan would be to have a study/report done of that wall. The landscaping plan should be taken care of and snow storage should be addressed. Dean Puzzo stated that snow storage was shown on the approved major site plan which would not be changing. Tom Hoopes stated the other item was the Fire Department's requirements. David Collier noted that there would be notice to abutters and any comments from the departments would have to be addressed. Tom Hoopes asked about land on the plan and whether it was for overflow parking. Dean Puzzo stated that was owned by Bob Bahre and if he ever need to exceed the 85 spaces shown on his plan he would stay on his own property on the other side of the leach field.

Peter Bolster asked to see the design elevations of the building from the back which would be seen from the highway and it was important for it to be attractive. Dean Puzzo stated that he had elevations but had not submitted them as part of this conceptual discussion. He was planning on using stone veneer on this building and on the urgent care building also to add some character to the architecture.

**TOWN OF ALTON PLANNING BOARD
MINUTES OF 2016
SEPTEMBER 20, 2016**

David Collier asked if the Board had given Dean Puzzo enough to work with. Dean Puzzo stated they had and noted that he did not have a hurried timeline for this project. Peter Bolster suggested that when the applicant was before the Board for the public hearing he bring the design engineer to the meeting to answer questions. Dean Puzzo thanked the Board for their time.

CONTINUATION OF PUBLIC HEARINGS

| | | |
|--|--|---|
| <p>Case #P16-25 Continued from August 16, 2016 Gregoire Family Trust & Society for the Protection of NH Forests</p> | <p>Map 16 Lot 3 Rural (RU) Zone</p> | <p>Final Major Site Plan Reed Road</p> |
|--|--|---|

David Collier read the public hearing notice. Present were Stephan Nix, Esq., Wendy Weisiger, Tom Howe, Bryan Bailey, LLS, Brad Woods, and Mike Amicangioli.

Russ Wilder recused himself from the application and left the table. David Collier appointed Tom Hoopes as a full voting member in Scott Williams' absence.

Nic Strong explained that this application had been before the Board at the previous month's meeting and was a major site plan for a proposed parking lot. She noted that there had been a site walk on August 22, 2016, and the minutes were in the Board's packets. She noted that waivers had been granted at the first meeting. No revised plans had been submitted to verify if the checklist items had been taken care of.

David Collier noted that there was an Agreement and Release with the Selectmen for the improvements to Reed Road. Nic Strong stated this document was recorded at the Belknap Count Registry of Deeds.

Stephan Nix, Esq., stated that at the last meeting several waivers had been granted and he would go over the technical review items, a lot of which had been addressed on the plans. He noted that at the end of the hearing the applicant would ask the Planning Board to approve the application with the conditions as drafted in the planner review on pages six and seven.

Stephan Nix, Esq., noted that the parking lot had been reduced to 19 spaces with the addition of a handicapped parking space which took away one regularly sized space. He noted that there were no real parking requirements for this use so there was no proposal to replace the "lost" space; the application would just continue on with 19 spaces. He noted that numerous technical issues would be taken care of on the revised plans, including adding the zoning district requirements, an additional plan sheet had been added for a total of three sheets in order to get all the abutters shown, the width of parking spaces and so on.

Stephan Nix, Esq., stated that at the previous meeting a boundary line adjustment had taken place to annex a parcel from the Gregoire Family Trust to the Society for the Protection of New Hampshire Forests land. The deeds for the lots had been submitted and the parcel would be

**TOWN OF ALTON PLANNING BOARD
MINUTES OF 2016
SEPTEMBER 20, 2016**

owned in fee by the Society once they were recorded. There would be no conservation easement on the parking lot parcel. Peter Bolster asked if the land was taxable if it was not in conservation. Wendy Weisiger explained that the land was all taxable anyway even with an easement and SPNHF paid current use taxes on this property. She noted that it would still be protected land by virtue of the Society's ownership. Stephan Nix, Esq., noted that the Society would be paying the same taxes as the previous owner. He noted that if SPNHF changed the classification from current use they would pay the penalty. The area of the parking lot was not currently in current use.

Stephan Nix, Esq., noted that the size, height and design of the sign had been added to the plans and that at the last meeting a picture of the typical sign had been submitted as well as the kiosk. He next noted that the opinion of construction costs for public improvements had been deferred at the last meeting. He stated that this was to do with the offsite road improvements proposed for Reed Road. Wendy Weisiger noted that at the site walk they had discussed installing two turnout areas to allow cars to pass on the narrow road; also adding a sign at the end of pavement to specify "no roadside parking"; installing a "gate ahead" sign at the parking lot entrance to discourage travel further up Reed Road; adding chevron directional signs at the deep culvert to alleviate safety concerns at the Road Agent's request; repairing the header on one side of the culvert which was crumbling a little. She noted that they could also shift the road over the culvert so the traveled way would be further from the inside of the corner. Some material would be added to Reed Road about 400' below the parking lot entrance to smooth things out for lower clearance cars and to shave the road for sheet flow drainage.

David Collier asked if the improvements discussed made the need for the cost opinion required by 4.02 (F) 47 moot. Stephan Nix, Esq., thought the improvements proposed would essentially be an improvement to the public but the improvements were minor and tied into the conditions of approval because if the project did not get done then the approval would be revoked.

Tom Hoopes moved to grant the waiver to Section 4.02 (F) 47, Cost of Public Improvements.

Peter Bolster seconded the motion and it PASSED unanimously.

Stephan Nix, Esq., next noted the comment that there was no specificity on the plans as to who would be responsible for the inspection of the erosion control. He noted that Wendy Weisiger proposed that a licensed forester be the inspector and would use the BMPs for forestry erosion control work. He noted that while this was more of a construction project it was tied into the forestry work that would be happening out there. Tom Hoopes thought this was reasonable. David Collier, Peter Bolster and Roger Sample agreed.

The next technical aspect that Stephan Nix, Esq., noted was reference to the staking requirements for jute matting if needed. Nic Strong stated that 15' between stakes seemed far and she thought she had seen measurements less than that. David Collier suggested referring to BMPs. Stephan Nix, Esq., thought the plan note could be amended to say "15' or according to BMPs" and David Collier agreed that would be fine. Stephan Nix, Esq., stated that previously it was mentioned that the application would require a Special Exception as the project had been described as an

**TOWN OF ALTON PLANNING BOARD
MINUTES OF 2016
SEPTEMBER 20, 2016**

Outdoor Recreational Use. This had been changed to Recreational Use - Not for Profit and there was no longer any need for the Special Exception.

Stephan Nix, Esq., stated in regard to the need for engineered plans and drainage that at the last meeting this was discussed and the Board voted to accept the plans because of the nature of the project and the fact that the abutting natural forest provided the area for runoff. David Collier thought the Board had discussed this. The parking lot was gravel construction with sheet flow drainage and the existing culverts, with the exception of a little maintenance that the Society would take care of, were open and in use.

Roger Sample asked about expanding the road at the deep culvert area. He had been interested in seeing guardrail in that location when he viewed the site on the site walk but if the road was widened there would be less need for a guardrail. Wendy Weisiger stated that discussion had also taken place that the road was wide enough but the traveled way had shifted over as cars had continued to cut the corner. She noted that the traveled way could be shifted back within the existing road bed area to create a more appropriate edge. A brief discussion took place regarding placement of the chevron signs. Wendy Weisiger noted that they would be installed where reasonable so as to be out of the way of winter plowing but close enough to the road to keep people driving where they should. David Collier suggested adding a note to the plan so that if there were issues at the culvert the area would be readdressed and some other kind of protection like posts or guardrail would be installed instead of the chevron signs. Roger Sample agreed with the idea of starting off with the chevron signs and readdressing the matter if problems occurred.

Stephan Nix, Esq., went on with the list of technical issues, noting that there would be no sewer or septic. With regard to lighting, he noted that the Police Chief had mentioned that he would like some lighting in the parking lot but noted that none of the other SPNHF trailhead areas had lighting and they would prefer not to install any. The hours of the area were from dawn to dusk and in winter there would be no plowing of the parking lot. He asked that no lighting be required. Stephen Nix, Esq., noted that the hours of operation and the low key use were such that there would not be issues with noise. He stated that a note had been added to the plans regarding the amount of cutting and filling needed for the parking lot construction and that there was a note regarding the sign which would be a standard SPNHF trailhead sign.

Stephen Nix, Esq., noted that active and substantial development and building would be the whole project which had to be completed to be used. Nic Strong noted that the addition of the thresholds for active and substantial development and substantial completion of improvements protected the applicant from changes in regulations and the town from projects being under construction for such a long time that they should come into compliance with new regulations. She noted that the Board could specify that both thresholds were the same and that could be completion of the site improvements and the offsite road improvements.

Stephan Nix, Esq., asked that construction observations not be required, noting that the conditions of approval would specify that if the project was not done within a certain timeframe the plan could be revoked. He noted that the road improvements could be reviewed by the Road

**TOWN OF ALTON PLANNING BOARD
MINUTES OF 2016
SEPTEMBER 20, 2016**

Agent as they were relatively minor. He stated that they were asking for a waiver of formal third party inspections of the project.

David Collier asked how the Board felt about the waiver request for the inspections. Tom Hoopes had no problem with the request. Roger Sample stated that the applicant was making a parking lot, would dump gravel and spread it out. David Collier stated the Board had already agreed to having a forester inspect the erosion controls and BMPs. He did not see an issue with the request.

Tom Hoopes moved to grant the waiver to not require third party inspections of the construction of the parking lot.

Roger Sample seconded the motion and it PASSED unanimously.

Stephan Nix, Esq., stated that the time of construction and timeframe for compliance with the conditions as noted in the regulations were not a problem. He stated that the applicants would ask for approval using the conditions from the planner review with the minor adjustments from the meeting: three plan sheets; 19 parking spaces; inspections by a licensed forester; the road upgrades.

David Collier asked with regard to the threshold mentioned at the end of the site walk minutes. He asked if the comment was in regard to the road issues. Nic Strong noted that was to do with parking on the road and so on. David Collier stated that the only major issue was that if there was parking on the road the Board should require possible additional signage. The other matter was if anything happened on a regular basis with the culvert then the Board would have to look at the possibility of requiring additional posts. Wendy Weisiger agreed. David Collier asked for a note to be added to the plan to the effect that additional protection would be added if there were continued accidents as well as signage if there was continued problems.

David Collier opened the hearing for public input.

Brad Woods, 125 Reed Road, noted that he understood about the turnouts and the "gate ahead" sign. He had also heard people saying they assumed there would be low traffic to the site. He asked what would happen if it was not low traffic and if by word of mouth or internet publicity the trail became popular. He noted that was the whole reason for the parking lot. Brad Woods went on to say that one end of the culvert that concerned the Board was on his property and he had been unable to get insurance on the property until he builds a primary residence because of the release of liability that he signed to the town. He noted that the Board had spoken of repeated accidents in this area and the need for greater protection. He wondered what would happen if the first accident at this culvert was on his property. Brad Woods suggested that the 48" culvert where the wall was breaking down was breaking down because the culvert was set inside the bank slightly. He thought that an additional three feet of pipe and then stabilizing the headwall was what was required and would maintain the traffic driving where it was which was further away from his land. He would also prefer to see guardrail installed in this area. Brad Woods noted that he had been required to increase the width of the first 700' of Reed Road from 12' to 14' with 2' shoulders per the driveway regulations when he had applied to build his barn.

**TOWN OF ALTON PLANNING BOARD
MINUTES OF 2016
SEPTEMBER 20, 2016**

He also had to construct a turnaround for a 40' fire vehicle at the entrance to his property. He stated that he had not seen the parking lot plan but wondered if there was a similar requirement for SPNHF. Wendy Weisiger stated that the parking lot was a 20 car parking lot area which could provide fire truck access. Brad Woods wondered what would happen when cars were parked in it.

David Collier asked about the gate that would be installed at the end of Reed Road and asked if there would be a Knox box acceptable to the Fire Department. Wendy Weisiger said she had left that out of her presentation but that had been discussed at the site walk and with the Road Agent in the past.

Peter Bolster asked who would be liable if someone did go off the road. Tom Hoopes stated it was a Class VI road which was a former road bed and the public traveled at their own risk. Peter Bolster asked if SPNHF was maintaining the road would they be liable. Tom Hoopes stated they were maintaining the road to gain access and comply with other abutters which did not mean that they owned the rights and the dangers. Peter Bolster stated that Brad Woods' concern was that if someone went off the road at the culvert onto his property he would be liable. Bryan Bailey, LLS, stated the road was a Class VI. David Collier stated that permission for improvements was granted by the Selectmen to SPNHF regarding the Class VI town highway. He stated that the Board had asked for the note to be added to the plan regarding the need for further protection if there were any accidents then it would be addressed by requiring additional protection. He stated that the Planning Board could not answer the liability question.

Brad Woods asked what would trigger the Board revisiting the issue of the culvert area. David Collier stated that a note on the plan stating that if there were continued accidents in that area it would have to be addressed. He stated that would become part of the condition of approvals. Tom Hoopes suggested Brad Woods talk to Wendy Weisiger if there was a problem. Brad Woods asked what he would need to do to tow someone if they parked in his driveway because it was so nice and wide. He noted that he has had an issue with that without the SPNHF parking lot being up the road. Peter Bolster stated that in winter time the trails could be used for skiing or snowshoeing but the parking lot would not be open and people would be looking for places to park. Wendy Weisiger stated that information on the website and the kiosk says that the parking lots are not maintained for winter access. Brad Woods stated that he had in the past allowed people to park in his driveway if they asked but he probably would not do so any longer. Wendy Weisiger stated if that became an issue SPNHF could add signage to the parking area to ask people to be considerate of the neighbors which they had done in other locations. She stated that SPNHF had about 100 parking lots all over New Hampshire and did not have the resources to maintain them in the winter. She noted that there were through trails on the property that people could access from elsewhere so she wanted the signs and information to prohibit winter parking in the lot, not to ban use of the trails. Stephan Nix, Esq., stated that SPNHF already owns the Quarry Forest and there were already trails there. It was a relatively new forest added to SPNHF's resources. He noted that people would find out that there was access. David Collier thought that most people doing these winter activities would find a way to get in to the trail. He did not think it would be an issue. He did not see the need for a sign that said "no winter parking"; if it was open and someone could get in there and snowshoe that was up to them.

**TOWN OF ALTON PLANNING BOARD
MINUTES OF 2016
SEPTEMBER 20, 2016**

Roger Sample didn't see the problem with putting a sign on the kiosk. David Collier stated that the land would be open to hunting which was a winter sport so there would be people parking there.

Wendy Weisiger stated SPNHF owned 185 properties and 55,000 acres statewide and she was responsible for managing those properties with around 100 different parking lots. She got very few phone calls from abutters about those kinds of issues; people, when trying to park cars in the winter were very worried about being towed and being in the way of a plow truck. She stated that she would address it if it happened.

Brad Woods stated that when he and Mike Amicangioli had applied for permits on Reed Road they were assigned the winter maintenance to comply with the waiver. Mike Amicangioli was coming down the grade with a snow plow past the entrance to the parking lot and if anyone was there it could pose a problem. David Collier stated that if "no parking on the road" signs were there they park at their own expense.

Mike Amicangioli, 181 Reed Road, stated that he had heard that a lot of waivers had been granted but he had not seen the plans so he did not know how SPNHF planned to improve the road. He stated he had lived there for 40 years. He was concerned about the road condition and a lot of extra traffic accessing the road and causing a lot of extra maintenance worries for him. Mike Amicangioli stated he did not want to be saddled with even more problems than he already had getting up and down the road. He stated that for logging in the past there was a requirement for a bond to be posted so the logging trucks did not destroy the road. David Collier stated the Selectmen were allowing SPNHF to make improvements. Peter Bolster stated that the agreement did not require them to keep the road to any level of condition. It was noted that they would have to do some kind of maintenance to keep the road in shape if they wanted people to come to use the parking lot and trails. Peter Bolster stated that SPNHF might end up doing some of the work that Mike Amicangioli took care of now.

Wendy Weisiger stated that the improvements would be to their property just past Mike Amicangioli's house. She stated they needed the agreement to improve and maintain the road because in the future when there may be logging from the property they would need to be able to improve the road to do so. Mike Amicangioli thought SPNHF should be required to improve the road all the way up to their gate because traffic would be going up and down. Wendy Weisiger stated that the proposal was to make some improvements for passenger vehicles up to the parking lot entrance. David Collier stated the agreement stated that neither the Town nor SPNHF assumed responsibility for maintenance, including snowplowing, nor liability for any damages resulting from the use of the highway. The permission in the agreement went from the end of the pavement to the boundary of the applicant's property, Map 16 Lot 1. David Collier thought the neighbors should work with SPNHF. Wendy Weisiger stated the plan was to make improvements up to the parking lot and they did not intend to make improvements beyond that at this point. Mike Amicangioli stated that people would drive to the end of the road. Wendy Weisiger stated that they already do. She hoped that by installing a gate and a sign people would learn that there was no need to go beyond and no place would be left to park beyond the parking lot. Mike Amicangioli asked where people would turn around when they got to the gate and

**TOWN OF ALTON PLANNING BOARD
MINUTES OF 2016
SEPTEMBER 20, 2016**

could not go any further. Roger Sample thought a wooden sign saying "No parking beyond this point" could be put at the parking lot entrance. Wendy Weisiger stated that a sign would be put at the end of pavement saying "no roadside parking" and then a sign at the parking lot saying "gate ahead" which should indicate that there was nowhere to go. She stated the language could be changed if the Board wanted. Mike Amicangioli said that they had talked before about putting a turnaround at the gate. Wendy Weisiger stated that was not part of this plan and would be accomplished separately at a different time. She stated the gate would be installed to stop problems with dumping and 4-wheel drive vehicles and so on.

Mike Amicangioli summed up his concerns, saying that more people were being invited onto the road and they would go all the way to the gate adding wear and tear on the hill by his house. He stated that people already know about the trail, he had already seen them and the traffic would increase and the road would get worse and worse because SPNHF did not have to sign waivers or maintain the road. Wendy Weisiger stated that it was not the intention to do that. She stated that if it became an issue that people were constantly driving past the parking lot, Mike Amicangioli should contact her so they could figure out what was happening. She stated that they did not want to make it hard for Mr. Amicangioli to get to his house.

David Collier closed the public input.

Peter Bolster moved that after due hearing, the Alton Planning Board hereby approves Case #P16-25 for the above cited application for the Gregoire Family Trust and the Society for the Protection of NH Forests for a Final Major Site Plan Review for a recreational use - not for profit, with a 19 car gravel parking lot on Map 16 Lot 1, with the following conditions:

CONDITIONS PRECEDENT

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

- 1. Submission of revised plans in the number required by the Site Plan Review Regulations and that include all of the checklist corrections, any corrections as noted at this hearing and any waivers granted by the Planning Board. Specifically to include addition of a note regarding use of forestry BMPs for the installation of erosion controls and construction of the parking lot and inspection of erosion controls by a licensed forester; addition of a note regarding increasing the protection measures at the location of the culvert on Reed Road that will be marked initially with chevron signs should there be continued accidents in that location (additional measures could include posts or guardrail); addition of a note regarding the agreed upon road improvements to include turnouts and signage at the beginning of the Class VI portion of Reed Road regarding "no roadside parking", placing chevron signs at the culvert location, placed a "gate ahead" sign at the parking lot entrance to discourage travel further down Reed Road, repair of the header**

**TOWN OF ALTON PLANNING BOARD
MINUTES OF 2016
SEPTEMBER 20, 2016**

and replacing/adding material at the culvert location, adding material to the road and smoothing and shaving the road for vehicle safety and sheet flow drainage; addition of a note regarding adding signage if parking on Reed Road becomes a problem; adding all waivers granted to the plan.

2. Addition of a note to the site plan prior to plan signing by the Planning Board Chair stating that Best Management Practices shall be utilized during any timber cutting on site.
3. Addition of a note to the site plan prior to plan signing by the Planning Board Chair: This site plan contains a total of 2 sheets: [to be listed and dated by the applicant on the site plan itself]. In combination these plans constitute in their entirety the site plan as approved by the Town of Alton Planning Board. All sheets are on file at the Town of Alton Planning Department.
4. Addition of a note to the site plan prior to plan signing by the Planning Board Chair: This site plan is subject to the Conditions of Approval itemized in the September 20, 2016, Notice of Decision on file at the Town of Alton Planning Department.
5. Receipt of copy of recorded deed conveying the parcel in question to SPNHF from Gregoire.

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

1. All site improvements are to be completed as per the approved site plans.
2. The hours of operation for the parking lot shall be: open from dawn to dusk.
3. The applicant shall comply with all of the Town of Alton's Site Plan Review Regulations.
4. The approval is based upon the plans, specifications and testimony submitted to the Planning Board. Any alterations, additions or changes to the plans are not authorized and require additional Planning Board approval.
5. A site plan which has been approved, conditionally or otherwise, may be revoked, in whole or in part, by the Planning Board when an applicant or successor in interest to the applicant has performed work, erected a structure or structures, or established a use of land, which fails to conform to the statements, plans, or specifications upon which the approval was based, or has materially violated any requirements or conditions of such approval.

**TOWN OF ALTON PLANNING BOARD
MINUTES OF 2016
SEPTEMBER 20, 2016**

- 6. Once any and all conditions of approval have been met and the Chairman of the Planning Board or his designee signs a site 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 twenty-four (24) months.**
- 7. Site plan approvals that have not started construction within twelve (12) months shall automatically expire, at which time no building permits shall be issued, 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.**
- 8. No site may be occupied or used until a Conditional or Permanent Certificate of Occupancy Permit has been issued by the Code Official in accordance with Section 1.22 of the Site Plan Review Regulations.**

**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:
completion of the site improvements in accordance with the approved plans and completion of the offsite road improvements as specified**
- 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:
completion of the site improvements in accordance with the approved plans and completion of the offsite road improvements as specified**

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 that are required prior to signing the site plan. 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 1.14 of the Town of Alton Site Plan Review Regulations.

Tom Hoopes seconded the motion and it PASSED unanimously.

**COMPLETENESS REVIEW OF APPLICATION AND PUBLIC HEARING IF THE
APPLICATION IS ACCEPTED AS COMPLETE**

**TOWN OF ALTON PLANNING BOARD
MINUTES OF 2016
SEPTEMBER 20, 2016**

| | | |
|--------------------------------------|---|---|
| Case #P16-27 Randall & Sarah Cail | Map 21 Lots 5, 6 & 6-1 Lakeshore Residential (LR) Zone | Lot Line Adjustment Hopewell and Brickyard Cove Roads |
|--------------------------------------|---|---|

Russ Wilder rejoined the Board.

David Collier read the public hearing notice. Present were Bryan Bailey, LLS, and abutters Tom Roberts and George Stone.

Nic Strong noted that the application was for a lot line adjustment involving three lots. She stated that the planner review listed the items that had been submitted as part of the application and those items that the Subdivision Regulations require for a completed application. There were no waiver requests.

**Russ Wilder moved to accept Case #P16-27, Lot Line Adjustment for Randall & Sarah Cail, Map 21 Lots 5, 6 & 6-1, as complete.
Peter Bolster seconded the motion and it PASSED unanimously.**

Bryan Bailey, LLS, noted that this was a complicated Boundary Line Adjustment involving three lots in which the lines between the lots were being adjusted to enhance the two lots that were already developed. He noted that the plan was divided into three sheets to make it a little easier to understand: the first sheet showed existing conditions; the second sheet showed the lines and parcels being adjusted; and the third sheet showed the lots as they would look following approval. Bryan Bailey, LLS, noted that because the undeveloped land resulted in an acreage below five acres, State Subdivision Approval was required and had been received. He went on to say that Map 21 Lot 6-1 was currently very small and would be made bigger by the adjustment.

Bryan Bailey, LLS, explained the Lot Line Adjustment, stating that Map 21 Lot 6 would be reduced from 5.4 acres to 2.38 acres and that it complied with the Zoning Ordinance and as previously noted had State Subdivision Approval. Parcel A was being deducted from Map 21 Lot 6 and added to Map 21 Lot 5 for a total lot size of 4.76 acres. Parcel C, a rectangle of land 30' x 75', was being deducted from Map 21 Lot 5 and added to Map 21 Lot 6-1 which increased the lake frontage on Lot 6-1 and decreased the lake frontage on Lot 5. The final parcel of land to be adjusted was Parcel B which was being deducted from Map 21 Lot 6 and added to Map 21 Lot 6-1.

Bryan Bailey, LLS, stated that Hopewell Road and Brickyard Cove Road were both private roads, not maintained by the Town. He stated that the lots on Brickyard Cove Road could be found on survey plans dating back to the 1930s. David Collier noted that all the lots were being made more conforming by this lot line adjustment. He asked about the electric service shown on Lot 6-1 and whether there was a recorded easement. Bryan Bailey, LLS, stated that he could not find such an easement but noted that the lines were clearly there. He noted there was a similar circumstance with service on Lot 6-2. The only easement Bryan Bailey, LLS, had noted on the plan was the 28 foot wide right-of-way to the lake that was at present on Lot 6 and across Lot 5,

**TOWN OF ALTON PLANNING BOARD
MINUTES OF 2016
SEPTEMBER 20, 2016**

abutting Lot 6-1. After the lot line adjustment he noted that this easement would be solely on Lot 6-1. David Collier confirmed that the easement ran with the land and Bryan Bailey, LLS, stated that was the case. Bryan Bailey, LLS, stated that the record clearly identified this easement since the early 1970s. David Collier stated that when the deeds for the newly configured lots were submitted this would be included and that the deed for Lot 6-1 should be sure to include the reservation and reference to this easement.

Tom Hoopes asked if the land being added to Lot 6-1 would still mean that the lot met the Town's requirements for dry upland area. Bryan Bailey, LLS, pointed out that Note #6 on the last sheet of the plans included the details for the upland area on each lot and on Lot 6-1 this was 1.01 acres.

David Collier opened the hearing for public input.

George Stone, Brickyard Cove Road, and Thomas Roberts, Roberts Cove Road, introduced themselves. Thomas Roberts noted that he was the Vice President of Roberts Cove Inc. He stated that Hopewell Road was private and plowed by the Bahre family. He stated that Brickyard Cove Road was a public road although not maintained by the Town. He further stated that the easement was old and had always been in its current location. He thought it may have been for cattle access to the lake and was now reserved for lake access by the Corporation members. Tom Hoopes suggested looking at the town road records to determine the status of the roads. Bryan Bailey, LLS, stated that Brickyard Cove Road could be public, at best it was a Class VI road. Thomas Roberts stated that his main interest in this lot line adjustment was the easement to the lake and he was happy to hear that it was remaining unchanged in its current position. Bryan Bailey, LLS, stated he had recreated the easement as shown on the 1974 Calloway plan. George Stone stated that it might make sense to move the easement closer to the edge of the lot but Bryan Bailey, LLS, stated that it ran along the edge of wet and was currently in the best location.

David Collier closed the public input. There were no further questions from the Board.

Russ Wilder moved that after due hearing, the Alton Planning Board hereby approves Case #P16-27 for Randall and Sarah Cail for the above cited Boundary Line Adjustment/Annexation of Map 21 Lots 5, 6 & 6-1, with the following conditions:

CONDITIONS PRECEDENT

Conditions Precedent: The following conditions must be satisfied prior to the Planning Board Chair signing the plans.

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

**TOWN OF ALTON PLANNING BOARD
MINUTES OF 2016
SEPTEMBER 20, 2016**

- 2. Addition of a note to the lot line adjustment/annexation plan prior to plan signing by the Planning Board Chair stating that Best Management Practices shall be utilized during any timber cutting on site.**
- 3. Addition of a note to the lot line adjustment/annexation plan prior to plan signing by the Planning Board Chair: This lot line adjustment/annexation plan is subject to the Conditions of Approval itemized in the September 20, 2016, Notice of Decision recorded in the Belknap County Registry of Deeds and on file at the Town of Alton Planning Department.**
- 4. Submission of signed deeds to record with the Lot Line Adjustment/Annexation Plan and Notice of Decision within 60 days of conditional approval of the lot line adjustment by the Planning Board, unless extended by the Planning Board. Deeds to all three lots are required that indicate the parcels of land being annexed from and to Map 21 Lots 5, 6 & 6-1 and that reference the existing right-of-way/easement.**

SUBSEQUENT CONDITIONS:

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

- 1. The applicants shall comply with all of the Town of Alton's Subdivision Regulations.**
- 2. 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.**
- 3. A lot line adjustment which has been approved, conditionally or otherwise, may be revoked, in whole or in part, by the Planning Board when an applicant or successor in interest to the applicant has performed work, erected a structure or structures, or established a use of land, which fails to conform to the statements, plans, or specifications upon which the approval was based, or has materially violated any requirements or conditions of such approval.**

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

**TOWN OF ALTON PLANNING BOARD
MINUTES OF 2016
SEPTEMBER 20, 2016**

Peter Bolster seconded the motion and it PASSED unanimously.

| | | |
|---|---|--|
| Case #P16-29 Apostolos Papaioannou | Map 5 Lot 74-4 Rural (RU) Zone | Minor Site Plan 532 Suncook Valley Road |
|---|---|--|

David Collier read the public hearing notice. Present were Thomas Varney, PE, and the applicant Apostolos Papaioannou.

Nic Strong noted that the application was for a minor site plan as an Automotive and Truck Used Motor Vehicle Dealer and a Special Exception for that use had been granted by the ZBA. She noted that the planner review contained the list of submission items and those required by the regulations for a completed application. There were no waiver requests.

**Roger Sample moved to accept Case #P16-29, Minor Site Plan for Apostolos Papaioannou, Map 5 Lot 74-4, 532 Suncook Valley Road, as complete.
Russ Wilder seconded the motion and it PASSED unanimously.**

Tom Varney, PE, stated that the property was on Route 28S right before Stockbridge Corner Road. He read the project narrative for the record:

"Apostolos Papaioannou has lived here for over ten (10) years and would like to sell more than the four (4) vehicles a year allowed by NH law, from this property. The cars would be displayed, for sale, on the driveway or lawn area. It is not the intent to make this a used car lot, but to sell only a small number of vehicles.

No mechanical or inspection work is to be done. There will be no employees. Mrs. Papaioannou will be in charge of the vehicle sales. Apostolos has a full time job.

A sign for used car sales will be placed on the property."

Tom Varney, PE, went on to note that the ZBA had granted a Special Exception to sell vehicles from this location. He noted that the minor site plan showed the property and that there would be a sign for used vehicles. He also noted that there was room to sell cars, with a wide driveway and there were several cars there now. Tom Varney, PE, stated that the ZBA wanted the application to be considered similar to a Home Business in terms of scale, but noted that it could not be a Home Business because it would be taking place outside the house. He noted that the application was for a minor site plan. He stated that Mr. Papaioannou could park four cars on the right of the driveway and his own cars in the garage or in front of the garage or in the turnout area.

Tom Hoopes thought that there should be a specific number of cars and a specific place to put them indicated on the plan. He did not want the cars for sale to spread out from the designated locations. Apostolos Papaioannou stated that he was doing this to be able to sell more than four cars a year. He noted that he had always sold cars from this house and would have one or two on each side of the driveway. He further noted that his wife would run this business as she stayed at

**TOWN OF ALTON PLANNING BOARD
MINUTES OF 2016
SEPTEMBER 20, 2016**

home. Tom Varney, PE, stated he did not want to specify parking spaces and asked the Board for guidance. He thought that this would be okay in order to be similar to the scope of a Home Business. Peter Bolster thought that the Board should specify no more than five or six vehicles at a time. David Collier asked what the maximum number of cars for sale Mr. Papaioannou had had at one time. Apostolos Papaioannou stated he had had up to three at one time before. He noted that with the expense involved in going through the site plan process he would like to be able to have more for sale. He said he would never exceed six at one time and did not want to look like a dealership. David Collier asked if he could live with five at one time. Apostolos Papaioannou stated he could.

Tom Hoopes asked if it would be possible to keep some vehicles behind the house so they weren't all visible from the road. He noted that he did not want to invade private property but he was thinking about the impact to the town of a new car lot on Suncook Valley Road. Apostolos Papaioannou stated that he would be okay with being allowed to have five cars on display at one time.

Peter Bolster asked what condition the cars would be in and if they would be registered with license plates. Apostolos Papaioannou stated that as a dealer the cars did not have to have plates. Peter Bolster stated he did not want problems with three or four junk cars sitting on the property. Apostolos Papaioannou stated that the license from the State would classify him as a dealership. Peter Bolster noted that there were other businesses on this road not far from this one, notably Bed and Biscuit and Outside In Construction. He thought this car business would be less intensive than those businesses.

Tom Hoopes asked if there was space enough to get off the road. Apostolos Papaioannou stated that the cars for sale would be parked on the lawn not on the driveway. Roger Sample noted this was a State right-of-way. Tom Hoopes wondered if there should be a sign "do not park in the road". Apostolos Papaioannou noted that a lot of the time he sold cars over the internet and they were gone quickly from his property. Tom Varney, PE, pointed out that the roadside ditch in this location would make it inconvenient to try to pull off the side of the road. Roger Sample did not think that there would be two or three cars at a time trying to park and look at the vehicles for sale.

Russ Wilder asked about the onsite lighting and whether or not the business would operate at night. David Collier asked whether the storage of vehicles should be limited. Russ Wilder thought that requiring no more than five vehicles on display would cover it. Peter Bolster thought that if five cars were allowed on display and there were a couple of others being stored it would be fine. Apostolos Papaioannou stated that would not happen.

Russ Wilder asked about the hours. Apostolos Papaioannou stated they could be flexible through the State and thought that 9 - 5 would be appropriate. Peter Bolster asked what would happen if someone wanted to stop in after work. David Collier asked where the paperwork would take place and if there would be a place in the house to conduct the business. Apostolos Papaioannou stated that there would be an office because he had to maintain files to meet the State's requirements. David Collier stated that the office area should be identified on the site

**TOWN OF ALTON PLANNING BOARD
MINUTES OF 2016
SEPTEMBER 20, 2016**

plan and there may be requirements from the Building Inspector. Tom Varney, PE, stated that would be added to the plan when he took care of the rest of the checklist items. David Collier confirmed that the applicant would be selling cars and trucks. Apostolos Papaioannou stated he would. David Collier asked if there would just be one sign. Apostolos Papaioannou stated there would. David Collier noted that Code Enforcement had noted that the applicant had told the ZBA he wanted to be able to sell more than four cars annually and that he had no more than two cars at a time for sale and that all vehicles would be in ready to drive condition. David Collier stated he did not have a problem with five. Apostolos Papaioannou stated that he had mentioned the number five because he was going through the expense of this site plan process. He stated that realistically he had never had that many cars at once and this was just in case. David Collier clarified that the area would remain grass. Apostolos Papaioannou stated the display area would remain grass. He also noted that there would probably be no cars for sale because he did not plow the lawn in the winter.

David Collier open the hearing for public input. Seeing none he closed the public input.

Nic Strong asked if the applicant had applied for an amended State driveway permit. Tom Varney, PE, stated they had not yet but would be doing so shortly.

Tom Hoopes moved that after due hearing, the Alton Planning Board hereby approves Case #P16-29 for Apostolos Papaioannou for a Final Minor Site Plan Review for an Automotive and Truck Used Motor Vehicle Dealer at 532 Suncook Valley Road, Map 5 Lot 74-4, with the following conditions:

CONDITIONS PRECEDENT

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

- 1. Submission of revised plans in the number required by the Site Plan Review Regulations and that include all of the checklist corrections and any corrections as noted at this hearing, specifically including the addition of an office area designation.**
- 2. Addition of a note to the site plan prior to plan signing by the Planning Board Chair: This site plan is subject to the Conditions of Approval itemized in the September 20, 2016, Notice of Decision on file at the Town of Alton Planning Department.**
- 3. Receipt of amended Driveway Permit from NH DOT.**
- 4. Addition of a note to the plan that there shall be no on-street, roadside parking for viewing of cars.**

**TOWN OF ALTON PLANNING BOARD
MINUTES OF 2016
SEPTEMBER 20, 2016**

5. **Addition of a note to the plan that there shall be no more than five cars/trucks on display at any one time in the areas designated on the approved site plan.**

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

1. **All site improvements are to be completed as per the approved site plans, prior to the issuance of any Certificate of Occupancy per this Notice of Decision and Section 1.22 of the Site Plan Review Regulations.**
2. **The approved hours of operation are 9:00 a.m. to 5:00 p.m. or by appointment.**
3. **The applicant shall comply with all of the Town of Alton's Site Plan Review Regulations.**
4. **The approval is based upon the plans, specifications and testimony submitted to the Planning Board. Any alterations, additions or changes to the plans are not authorized and require additional Planning Board approval.**
5. **A site plan which has been approved, conditionally or otherwise, may be revoked, in whole or in part, by the Planning Board when an applicant or successor in interest to the applicant has performed work, erected a structure or structures, or established a use of land, which fails to conform to the statements, plans, or specifications upon which the approval was based, or has materially violated any requirements or conditions of such approval.**
6. **Once any and all conditions of approval have been met and the Chairman of the Planning Board or his designee signs a site 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 twenty-four (24) months.**
7. **Site plan approvals that have not started construction within twelve (12) months shall automatically expire, at which time no building permits shall be issued, 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.**
8. **No site may be occupied or used until a Conditional or Permanent Certificate of Occupancy Permit has been issued by the Code Official in accordance with Section 1.22 of the Site Plan Review Regulations.**

**TOWN OF ALTON PLANNING BOARD
MINUTES OF 2016
SEPTEMBER 20, 2016**

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 that are required prior to signing the site plan. 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 1.14 of the Town of Alton Site Plan Review Regulations.

Peter Bolster seconded the motion and it PASSED unanimously.

| | | |
|--|---|--|
| Case #P16-30 Newton Porter Foundation | Map 18 Lot 4 Lakeshore Residential (LR) Zone | Final Major Site Plan 43 Kabeyun Road |
|--|---|--|

David Collier read the public hearing notice. Present were Tom Varney, PE, Ken Robbins and William Cox.

Nic Strong noted that this was a proposal to add on to an existing infirmary building for nurses' quarters at an existing boys' camp. She noted that the size of the addition required a major site plan which would ordinarily require a design review application, followed by a final hearing. She noted that the first waiver was to be allowed to go straight to final hearing instead of having to submit for design review first. She also noted that the planner review detailed the submission items and what was required for a completed application.

Tom Varney, PE, stated that the activity at the infirmary had increased over the years to the point that the building needed to be bigger. Ken Robbins, Director, Camp Kabeyun, stated that the infirmary was being used more as times had changed and it was no longer just used by kids who had been injured or got sick, now it was visited on a daily basis by kids needing medications or for preventative health needs.

David Collier asked if everything that had been submitted met the requirements for a final application. Nic Strong stated that the request was to be allowed to move ahead with the final application without doing a design review first.

**Russ Wilder moved to grant the waiver request to Section 2.02, Design Review, to allow Case #P16-30, Newton Porter Foundation, Map 18 Lot 4, to proceed to Final Major Site Plan and not have to submit a Design Review application.
Tom Hoopes seconded the motion and it PASSED unanimously.**

Russ Wilder noted that there were other waiver requests and read them for the record:

Section 4.01 (F) 23, Location of driveways, roads, wells, septic systems on abutting properties. Reason - the proposed addition is approximately 1,100 feet to the nearest abutter.

**TOWN OF ALTON PLANNING BOARD
MINUTES OF 2016
SEPTEMBER 20, 2016**

Section 4.01 (F) 24, Approximate location of buildings or abutting properties within 200 feet of site. Reason - the proposed addition is approximately 1,100 feet to the nearest abutter's property.

Section 4.01 (F) 27, Surveyed locations of jurisdictional wetlands. Reason - nearest wetland area (stream) is four hundred eight (480) feet from the proposed addition.

Section 4.01 (F) 35, Grades of all paved areas, direction of flow or run-off. Reason - proposed building addition is a small area of the total site.

Section 4.01 (F) 42, Typical cross sections and grades of roads, driveways, parking areas, and sidewalks. Reason - no roads, driveways, parking areas, or sidewalks are proposed.

**Russ Wilder moved to grant the waiver requests as listed above for Case #P16-30, Newton Porter Foundation, Map 18 Lot 4, for the reasons stated.
Peter Bolster seconded the motion and it PASSED unanimously.**

**Peter Bolster moved to accept Case # P16-30, Newton Porter Foundation, Map 18 Lot 4, 43 Kabeyun Road, as complete.
Roger Sample seconded the motion and it PASSED unanimously.**

Tom Varney, PE, explained the camp's location at the end of Trask Side Road and Chestnut Cove. He stated that lot was 89 acres with 4,000 feet of lake frontage, 43+ buildings and had remained almost unchanged as a boys' camp since the 30s and 40s. He also noted that the camp was the second largest taxpayer in Alton. Sheet 1 of the plan showed the site in general and Sheet 2 was specifically showing the infirmary and the addition details. Tom Varney, PE, noted that architectural elevations were included and that the building was to remain rustic looking with no real foundation or insulation.

Ken Robbins stated that the camp nurses also used the infirmary building as their living quarters for the duration of camp and that they saw 30 - 40 kids a day for daily medications, supplements or preventative care of some kind. He noted that as the camp's most trained certified personnel they were currently living and working in the smallest, most minimal quarters on the property. He said the plan before the Board would turn the building into a health center and provide more reasonable living quarters. Russ Wilder asked if the service area of the health center was being expanded. Ken Robbins explained that the bedrooms currently used by the nurses would be turned into health center space and the addition would house the bedrooms and associated living areas.

Russ Wilder asked if trees had to be cut for the proposed addition. Tom Varney, PE, stated that the trees were not shown on the plan but there were some to be taken down. Russ Wilder asked if this activity was in the shoreland and Tom Varney, PE, stated it was and that a Shoreland Permit had been issued. Tom Hoopes asked that as many trees as possible be left. Ken Robbins stated that they would do so. David Collier asked that that be added as a note on the plan regarding tree cutting. He asked if the building would be one story. Ken Robbins stated it would. Roger Sample asked if it would be heated. Ken Robbins said it would not. Roger Sample stated that one of the Fire Department's comments was the need for a carbon monoxide detector. David Collier stated that the building had to be built to code and the Building Inspector

**TOWN OF ALTON PLANNING BOARD
MINUTES OF 2016
SEPTEMBER 20, 2016**

would be taking care of those details. Ken Robbins stated that there was an annual walk through with the Fire Department and that they were complying with everything that was required.

David Collier asked about the timeframe for construction. Ken Robbins stated they wanted to be using the building next summer and would like to have it closed in and be working inside before snow flew this year. Discussion took place regarding the thresholds for active and substantial development and substantial completion of improvements with the first being determined as being the framing of the addition and the second the completion of the addition.

Some discussion took place regarding signage and Nic Strong noted that the size requirements listed on the plan were incorrect for the district. It was noted that if there was the need for signage that should be discussed with the Building Inspector.

David Collier opened the hearing for public input. There being none, David Collier closed the public input.

Tom Hoopes moved that after due hearing, the Alton Planning Board hereby approves Case #P16-30 for the above cited application for the Newton Porter Foundation, Camp Kabeyun, for a Final Major Site Plan Review for the construction of a 1,534 s.f. addition to the existing 1,231 s.f. infirmary building to provide new nurses' quarters at Camp Kabeyun, a summer boys' camp at 43 Kabeyun Road, Map 18 Lot 4, with the following conditions:

CONDITIONS PRECEDENT

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

- 1. Submission of revised plans in the number required by the Site Plan Review Regulations and that include all of the checklist corrections, any corrections as noted at this hearing and any waivers granted by the Planning Board.**
- 2. Addition of a note to the site plan prior to plan signing by the Planning Board Chair stating that Best Management Practices shall be utilized during any timber cutting on site.**
- 3. Addition of a note to the site plan prior to plan signing by the Planning Board Chair: This site plan contains a total of 2 sheets: [to be listed and dated by the applicant on the site plan itself]. In combination these plans constitute in their entirety the site plan as approved by the Town of Alton Planning Board. All sheets are on file at the Town of Alton Planning Department.**

**TOWN OF ALTON PLANNING BOARD
MINUTES OF 2016
SEPTEMBER 20, 2016**

- 4. Addition of a note to the site plan prior to plan signing by the Planning Board Chair: This site plan is subject to the Conditions of Approval itemized in the September 20, 2016, Notice of Decision on file at the Town of Alton Planning Department.**

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

- 1. All site improvements are to be completed as per the approved site plans.**
- 2. The hours of operation for the infirmary building are 24 hours during camping season.**
- 3. The applicant shall comply with all of the Town of Alton's Site Plan Review Regulations.**
- 4. The approval is based upon the plans, specifications and testimony submitted to the Planning Board. Any alterations, additions or changes to the plans are not authorized and require additional Planning Board approval.**
- 5. A site plan which has been approved, conditionally or otherwise, may be revoked, in whole or in part, by the Planning Board when an applicant or successor in interest to the applicant has performed work, erected a structure or structures, or established a use of land, which fails to conform to the statements, plans, or specifications upon which the approval was based, or has materially violated any requirements or conditions of such approval.**
- 6. Once any and all conditions of approval have been met and the Chairman of the Planning Board or his designee signs a site 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 twenty-four (24) months.**
- 7. Site plan approvals that have not started construction within twelve (12) months shall automatically expire, at which time no building permits shall be issued, 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.**
- 8. No site may be occupied or used until a Conditional or Permanent Certificate of Occupancy Permit has been issued by the Code Official in accordance with Section 1.22 of the Site Plan Review Regulations.**

**TOWN OF ALTON PLANNING BOARD
MINUTES OF 2016
SEPTEMBER 20, 2016**

**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:
framing of the addition**

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:
completion of the addition**

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 that are required prior to signing the site plan. 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 1.14 of the Town of Alton Site Plan Review Regulations.

Russ Wilder seconded the motion and it PASSED unanimously.

| | | |
|--|---|---|
| Case #P06-102 & P14-02 Joseph H. Spain, JH Spain Commercial Services, LLC | Map 9 Lots 53-2 through 20 Residential Rural (RR) Zone | Revocation of Subdivision Plan New Durham Road |
|--|---|---|

David Collier read the public hearing notice.

Nic Strong noted that the applicant had failed to fulfill the conditions of the approval and based on that and a letter sent by the applicant August 3, 2016, and additionally an email dated this date, in which the applicant stated that he had decided not to pursue the project any longer, the Board needed to discuss revoking the subdivision plan. Nic Strong went on to say that the statute specified that the Board had to act on the revocation and then notify the applicant and abutters of the revocation at which time if they wished to they could request a public hearing within 30 days of the notice, or the Planning Board could decide to hold a public hearing if they wanted to. If no hearing was requested, then notice of the revocation would be filed at the registry of deeds and a copy of that revocation notice would be sent to the applicant and abutters.

Russ Wilder stated that no one else had been to speak to the Board about this subdivision. Nic Strong asked that, for the record, the Board enter the planner review with the history and background of the applications and process.

David Collier noted that his firm, Jones and Beach, had performed some of the survey/engineering work for this subdivision but he personally had not worked on it. The Board did not think that should affect David Collier sitting on this hearing. Roger Sample pointed out that he

**TOWN OF ALTON PLANNING BOARD
MINUTES OF 2016
SEPTEMBER 20, 2016**

was an abutter to the subdivision. Due to the nature of the matter before the Board, the Board did not think that should affect Roger Sample sitting on this hearing.

OVERVIEW & BACKGROUND:

- The original subdivision was owned by Alton Bay Camp Meeting Association and was conditionally approved March 20, 2007, and recorded at the Belknap County Registry of Deeds on November 19, 2007, with Prospect Mountain Builders listed as the client. The four recorded sheets depict the subdivision of 21 lots, including an area set aside for a fire cistern next to lot 53-4 and no phasing of the project.

No specific requirements were established for what would be required to meet active and substantial development or building or substantial completion of improvements. Therefore, the plan would have received a four-year exemption from changes in the regulations because that's what RSA 674:39 included in 2007. This means that after March 20, 2011, the subdivision should have been subject to changes in the Town's regulations.

- (In 2008 a site plan was submitted for four units on Lot #9/53-20. I can find no evidence that the conditions to this approval were fulfilled and think, therefore, that the approval expired.)
- On September 3, 2009, the Planning Board approved an extension to the subdivision approval from 2007 for 36 months to expire October 16, 2010. The Notice of Decision lists the extension as being "through November 16, 2010". The minutes of the discussion refer to changes in RSA 674:39 which changed the period for achieving active and substantial development or building to 36 months for plans approved between January 1, 2007 and July 1, 2009.
- In 2011, the Board was approached to extend the time frame for the subdivision, amend certain conditions and to accept a covenant restricting lot sales. The Notice of Decision from August 16, 2011, changed the wetland buffer flagging and the construction observation escrow conditions to be subsequent conditions versus precedent, accepted a Covenant Restricting Lot Sales and provided an additional 365 days to August 16, 2012, before all conditions precedent were satisfied and construction must commence. The NOD notes that the other conditions from the March 20, 2007, approval remained in effect. The owner at the time was Alton Bay Campmeeting Association with Joseph Spain as the applicant. As noted above, the four-year exemption for the subdivision would have expired on March 20, 2011, so the extension granted on August 16, 2011, must have been to the conditions of approval not the active and substantial aspect.
- On August 21, 2012, the Board was asked to extend the time frame once more. The owner and applicant were both listed as J.H. Spain Commercial Services. The Notice of Decision from August 21, 2012, indicates an extension to August 16, 2013, before all conditions precedent are satisfied and construction must commence. The conditions of March 20, 2007, were once more noted as remaining in effect.

**TOWN OF ALTON PLANNING BOARD
MINUTES OF 2016
SEPTEMBER 20, 2016**

- An eight-month extension was requested by Joseph Spain in 2013, with a note in the minutes that this was to give him time to prepare a phasing plan, replace the cistern with a fire pond and submit a utility plan. The extension was granted to April 16, 2014, this time noting the March 20, 2007, and August 16, 2011, NODs as being in effect.
- In 2014 an **amended subdivision plan** was submitted. The plan proposed three phases, a fire pond instead of a cistern and underground utilities or overhead power to the first part of Marie Drive. Various conditions were attached to this approval by the Board made on March 18, 2014, and the decision notes that it **replaces** the March 20, 2007, and August 16, 2011, NODs. In addition, the decision from March 18, 2014, establishes specific thresholds to meet to fulfill the requirements of RSA 674:39, the five-year exemption statute.

The first threshold of active and substantial development or building was determined to be submission of the security for the Phase I subdivision improvements. This was listed in the NOD as \$402,400.00. The deadline was 12 months from approval, i.e. the security should have been submitted by March 18, 2015. If this threshold had been met the application would be exempt from subsequent changes to the subdivision regulations, site plan regulations, impact fee and zoning ordinances for five years from the date of approval which would be March 18, 2019, **BUT ONLY IF THE SUBDIVISION PLAT IS PROPERLY RECORDED**. This amended subdivision plan was never signed by the Board and never recorded. Nor was the NOD from March 18, 2014.

The second threshold of the exemption statute, substantial completion of improvements, was specified to be construction of the road in Phase I with base course of asphalt and completion of other Phase I improvements including the fire pond and dry hydrant and the drainage ponds. If this threshold is met within the timeframe of the five years' protection afforded by the first part of the exemption the application would become vested forever from changes to the Town's regulations and ordinances. The conditions of the approval remain in effect, requiring wetland buffer flagging for each phase, escrow accounts for observations for each phase, precon prior to each phase, as-builts for each phase and submission of security for each phase, etc.

- On April 21, 2015, the Board changed the deadline for the completion of active and substantial development or building to 24 months based on the change to RSA 674:39 to that effect. That meant that \$402,400.00 should have been submitted to the Town by March 18, 2016, in order to fulfill this requirement and guarantee the five-year exemption. Since the plan was not recorded, however, this timeframe may not be valid.
- On March 1, 2016, the Planning Secretary sent a letter to Joseph Spain reminding him that in order to meet the condition of approval with regard to active and substantial development or building he would have to submit the Phase I security in the amount of \$402,400 on or before March 18, 2016.

**TOWN OF ALTON PLANNING BOARD
MINUTES OF 2016
SEPTEMBER 20, 2016**

- On March 22, 2016, having received no response from Mr. Spain, the Planning Secretary again wrote to him to inform him that the Planning Board would be discussing the matter at their April 19, 2016, meeting.
- Eugene Sullivan, III, Esq., requested by letter of April 17, 2016, an extension of one year. The Planning Board discussed the matter at their April 19, 2016, meeting. Due to confusion with the prior approvals and many extensions and amendments to the project the Planning Board continued their discussion to the May 17, 2016, meeting.
- At the May 17, 2016, meeting, the Planning Board met with Joseph Spain who indicated that he wanted to submit the required bond for the project so that he could be vested in the project. The Town Planner questioned the status of the subdivision and the five-year exemption timeframes. The Planning Board determined to consult with Town Counsel and discuss the matter again at the next meeting.
- Town Counsel responded to the Board's questions on June 17, 2016, and the Planning Board reviewed the matter at their meeting of June 21, 2016, at which meeting Joseph Spain was in attendance. It was noted that the applicant should provide copies of all required permits and should submit the plans approved in 2014 in the numbers and formats specified by the Subdivision Regulations for signing and recording at the Belknap County Registry of Deeds at the applicant's expense. Additionally, the applicant should provide two full size copies of the 2007 subdivision plan for the Town's records. The Notices of Decision noted above, along with any future NODs for this subdivision, should be recorded at the Belknap County Registry of Deeds at the applicant's expense. The Board could consider an extension request if the applicant made one for good cause. It was noted that the good cause would be a circumstance beyond the control of the applicant such as weather, the economy, regulatory delays by other jurisdictions, litigation by others, etc., and that such a request would require a hearing with notice at the applicant's expense. The Board indicated that they would be willing to entertain such an extension request. Joseph Spain stated that he was prepared to submit the bond in the amount of \$402,400.
- By email of June 22, 2016, the Town Planner forwarded to Joseph Spain the information the Planning Board had reviewed at their meeting the previous evening and asked him to submit an extension request by June 28, 2016, along with a list of abutters and the fees for the notice letters. Joseph Spain responded by email of June 22, 2016, thanking the Town Planner for the information and noting that he would be back in touch by the beginning of the following week.
- On July 13, 2016, the Town Planner forwarded Joseph Spain her June 22, 2016, email and noted that the deadline had been missed for the July meeting. The Town Planner noted the deadline for submission of an extension request for the August meeting and pointed out that failure to meet that deadline could jeopardize the status of the subdivision which was out of compliance with the terms of the approval.

**TOWN OF ALTON PLANNING BOARD
MINUTES OF 2016
SEPTEMBER 20, 2016**

- Joseph Spain sent the Town Planner an email on July 13, 2016, requesting a meeting to discuss and evaluate the options. The Planner responded with a list of available days for such a meeting. No such meeting was scheduled.
- On August 3, 2016, Joseph Spain sent a letter to the Planning Board in which he stated that he had decided not to pursue the project any further.

REVOCATIONS OF APPROVALS:

- See attached RSA 676:4-a, Revocation of Recorded Approval.
- The first part of the statute describes the circumstances in which the Board is able to revoke a plan. The second part goes on to describe the process by which the recording of the revocation should take place and the opportunities that should be offered for affected parties to request and attend a hearing **after being notified of the revocation**. There is actually no requirement in the statute for the Planning Board to hold a hearing or notify anyone of their intention to act on revoking a plan.
- There is only one court case regarding this statute, Brewster v. Town of Amherst, from 1999. Note that since that time no changes have been made to the statute and there is still a lack of description as to how to revoke a plan.
- The Subdivision Regulations contain the following section regarding revocation:

SECTION III - ADMINISTRATION AND ENFORCEMENT

P. REVOCATION OF RECORDED APPROVAL

1. A subdivision plat, street plat, site plan or other approval which has been filed with the appropriate recording official under RSA 674:37 may not be revoked, in whole or in part, by the Planning Board, except pursuant to this section, and only under the following circumstances:
 - a. At the request of, or by agreement with, the applicant or the applicant's successor in interest.
 - b. When the 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 requirement or condition of such approval.
 - c. When the applicant or successor in interest to the applicant has failed to perform any condition of the approval within a reasonable time specified in the approval, or, if no such time is specified, within the time periods specified in RSA 674:39.
 - d. When the time periods specified in RSA 674:39 have elapsed without any vesting of rights as set forth therein, and the plat, plan or other approval no longer conforms to applicable ordinances or regulations.
 - e. When the applicant or successor in interest to the applicant has failed to provide for the continuation of adequate security as provided by RSA 674:36, III (b) and 674:44, III (d) until such time as the work secured thereby has been completed.

**TOWN OF ALTON PLANNING BOARD
MINUTES OF 2016
SEPTEMBER 20, 2016**

2. Prior to recording any revocation under this section, the Planning Board shall give notice, as provided by RSA 676:4, I(d), to the public, the applicant or the applicant's successor in interest, and all abutters and holders of conservation, preservation, or agricultural preservation restrictions. The notice shall include the Planning Board's reasons for the revocation. A hearing with notice as provided in RSA 676:4, I (d) shall be held at the request of any party receiving such notice, submitted within 30 days of receiving such notice, or if the Planning Board determines to hold a hearing.
3. A declaration of revocation, dated and endorsed in writing by the Planning Board, and containing reference to the recording information for the plat, plan or other approval being revoked, shall be filed for recording with the Registry of Deeds, no sooner than 30 days after written notification of the revocation is served on the applicant or the applicant's successor in interest, in person or by certified mail, or 30 days after any public hearing, whichever is later. If only part of an approval is revoked, that portion of land subject to revocation shall be clearly identified in the declaration. The declaration shall be recorded under the same name or names as was the original approval, as well as the names of subsequent owners, if any, of the land or part thereof subject to revocation, as identified by the municipality.
4. A revocation under this section may be appealed pursuant to RSA 677:15. Nothing in this section shall affect the municipality's ability, either before or after such a revocation, to pursue other remedies or penalties as set forth in RSA 676:15-17.

David Collier opened the hearing for public input. There being none, David Collier closed the public input.

Russ Wilder moved to revoke the plan entitled Phasing Plan Woodlands Subdivision Tax Map 9, Lot 53, 117 New Durham Road, Alton, NH J.H. Spain Commercial Services, LLC 210 North State Street, Concord, N.H. 03301, dated 1/11/06, most recently revised 1/27/14, approved by the Alton Planning Board by Notice of Decision dated 3/18/14, and not recorded at the Belknap County Registry of Deeds AND the plan entitled Subdivision Plan Woodlands Subdivision Tax Map 9, Lot 53, 117 New Durham Road, Alton, NH Prospect Mountain Builders, LLC PO Box 501, Stratham, NH 03885, dated 1/11/06, most recently revised 11/9/07, approved by the Alton Planning Board by Notice of Decision dated March 20, 2007, and recorded at the Belknap County Registry of Deeds as Plan Drawer L62 # 37, 38, 39 & 40, for the following reasons:

- **the applicant has stated in his letter of August 3, 2016, that he has decided not to pursue this project any further; and,**
- **the applicant has failed to fulfill the conditions of the 3/18/14 approval within the time period specified by the Board, including multiple extension dates.**

and to enter the notes and overview and background prepared by the Town Planner so that it is clear as to how the Board arrived at this action.

**TOWN OF ALTON PLANNING BOARD
MINUTES OF 2016
SEPTEMBER 20, 2016**

Tom Hoopes seconded the motion and it PASSED unanimously.

OTHER BUSINESS

1. Old Business-

- a) Discussion on the Town of Alton Excavation Regulations, Working Draft 6.17.16, distribution of revisions made at the August 16, 2016, Planning Board Meeting.
- b) Discussion on the Town of Alton Subdivision Regulations, Working Draft 4.19.16, distributed at April 19, 2016, Planning Board Meeting and memo dated 9/20/16, re: Planning Board Procedures.

Due to the lateness of the hour, Tom Hoopes moved to table discussion on the Excavation Regulations, the Subdivision Regulations and the 9/20/16 memo until the October 18, 2016, Planning Board Meeting.

Russ Wilder seconded the motion and it PASSED unanimously.

2. New Business: Letter of resignation from Traci Cameron, Planning Board Secretary.

The Board expressed their regret at Traci Cameron's resignation, thanked her for her service to the Board and wished her well in her new job.

3. Approval of Minutes: August 16, 2016, Planning Board Meeting; August 22, 2016, site walk for Gregoire/SPNHF parking lot site plan

Tom Hoopes moved to approve the Planning Board minutes of August 16, 2016, as written.

Russ Wilder seconded the motion and it PASSED unanimously.

Tom Hoopes moved to approve the site walk minutes of August 22, 2016, as written. Peter Bolster seconded the motion and it PASSED, with Russ Wilder abstaining.

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

- a. Letter dated September 12, 2016, from Peter Julia, PE, re: Phase I Security Establishment Recommendation, Dobbins Brook, Tax Map 6, Lots 36 & 37, with attached Opinion of Probable Construction Costs - Worksheet, and email dated September 13, 2016.

Peter Bolster moved to accept Peter Julia, PE, Town Engineer's recommendation for the bond amount for Dobbins Brook, Tax Map 6, Lots 36 & 37, for Phase I completion, in the amount of \$28,220.00.

Tom Hoopes seconded the motion and it PASSED unanimously.

5. Correspondence for the Board's information:

**TOWN OF ALTON PLANNING BOARD
MINUTES OF 2016
SEPTEMBER 20, 2016**

- a. Letters to the owners of property in the Chestnut Cove Subdivision/Map 15 Lot 15/Ridge and Evans Hill Road, re: hold on the issuance of further building permits in the Chestnut Cove Subdivision due to lack of security pursuant to RSA 674:36, III and 676:12, V and the Town of Alton Subdivision Regulations Section III, J. and receipt of recording at the Belknap County Registry of Deeds.
- b. Letter from US Department of Homeland Security-FEMA, re: Risk Mapping, Assessment, and Planning (Risk Map) Discovery Meeting for Winnepesaukee Watershed in east-central New Hampshire. A single Discovery Meeting is scheduled for the Winnepesaukee Watershed on Tuesday, September 27, 2016, at 10:30 am, Gilford Town Hall, 47 Cherry Valley Road, Gilford, NH
- c. Letter from Community Action Program Belknap-Merrimack Counties, Inc., inviting Planning Board members to attend "Find Balance at your Senior Center", for National Senior Center Week on September 22, 2016, at the Alton Senior Center, 7 Pearson Road, Alton, NH, from 10 am to 2:30 pm.
- d. Flyer from Belknap County Conservation District, inviting Planning Board members to attend Public Information Meetings on Protecting Our Ground Water and Aquifers, September 28, 2016, at 6:30 pm at the Pines Community Center, 61 Summer Street, Northfield, NH and October 5, 2016, at 6:30 pm at the Gilman Library, 100 Main Street, Alton, NH.

The above four miscellaneous items were distributed for the Board's information with no action required.

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

There was no other business.

PUBLIC INPUT ON NON-CASE SPECIFIC LOCAL PLANNING ISSUES:

David Collier opened the meeting for public input on non-case specific local planning issues. There was no one present in the audience. David Collier closed the public input session.

ADJOURNMENT

**At 9:15 p.m. Tom Hoopes moved to adjourn.
Russ Wilder seconded the motion and it PASSED unanimously.**

The meeting adjourned at 9:15 p.m.

Respectfully submitted,

Nic Strong
Town Planner
Minutes approved as written: October 18, 2016