

**TOWN OF ALTON PLANNING BOARD
MINUTES 2019
OCTOBER 15, 2019**

APPROVED

Members Present:

Roger Sample, Chairman
Scott Williams, Vice-Chairman
Russ Wilder, Clerk
Drew Carter, Member
Tom Hoopes, Member
Bob Regan, Member

Others Present:

Jessica A. Call, Town Planner
John Dever, III, Code Official

CALL TO ORDER

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

APPOINTMENT OF ALTERNATES

APPROVAL OF AGENDA

Mr. Sample asked if there were any changes to the agenda. Ms. Call noted there were additions under “Correspondence for the Board’s information”.

**Mr. Williams MOVED to accept the October 15, 2019, agenda, as amended.
Drew Carter seconded the motion, and it PASSED unanimously.**

1. Public Hearing Continued from September 24, 2019

Case # P17-24 Green Oak Realty Development LLC, Andrew H. Sullivan, Attorney, Agent	398 Suncook Valley Road Map 5 Lot 72	Request for determination of abutter status of the Alton Conservation Commission
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Mr. Williams and Mr. Wilder recused themselves from this case and sat in the audience.

Mr. Sample stated that the Board received a Petition from Attorney Sullivan dated October 14, 2019, to reopen the public hearing portion of the September 24, 2019, meeting. Therefore, tonight’s decision to determine abutter status of the Alton Conservation Commission needed to be continued.

**Mr. Carter MOVED to continue the decision of the status of the Conservation Commission being an approving abutter to a date yet to be determined.
Mr. Regan seconded the motion, and it PASSED unanimously.**

Mr. Sample asked Keith Babb, who was in the audience, if that was what he was expecting. Mr. Babb thought that the Board was supposed to come to a decision at tonight’s meeting as to whether the Conservation Commission was an abutter or not. Mr. Sample stated, no, there was a request to reopen

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the hearing. Ms. Call informed Mr. Sample that tonight's meeting did not include public input. Mr. Sample confirmed.

2. Continued from September 17, 2019

Case #19-18 Scott R. Frankiewicz, LLS, of NH Land Consultants, Agent for Joseph Petrucci & Joyce Greenlaw, Owners	34 Clay Point Road Map 21 Lot 7-1	Final Minor Subdivision Lakeshore Residential (LR) Zone
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The Chairman read the case into the record.

Joseph Petrucci & Joyce Greenlaw, owners, came forward to present the case.

Ms. Call noted that she invited John Dever, III, Code Official, to tonight's meeting to help her clarify exactly what soils information was missing from the subdivision plan. Mr. Dever noted that the term "test pit" was referred to at the last meeting regarding soils, but a test pit did not determine soils. Mr. Wilder noted that there was no testing done for a site specific soils map of the entire property. Mr. Dever noted that the soils map had soils delineated in to three (3) different types of soil. Mr. Wilder thought that those delineations were only done from the County Soil Survey, and not done from any on site work. Mr. Dever stated that he talked to several soil scientists and the map was used to delineate soils, unless they had questions on the type of soil. Mr. Dever also noted that this piece of property had already been granted subdivision approval by the State based upon the information indicated on the plan. Mr. Wilder thought that at the previous meeting it was noted that there was a soil survey that was conducted, but there was no report to go along with it. He thought that maybe the way the plan was presented that was what the Board expected to see.

Mr. Hoopes asked if the lot that had the garage on it was going to continue to use the existing driveway that was on the adjacent lot. Mr. Petrucci stated that the Board noted that the right-of-way was not marked on the plan, but it did indicate "potential access easement", and thought that an easement was a right-of-way. Mr. Wilder thought that the information that had been presented was sufficient enough accept the soils information as presented. Ms. Williams asked if Ms. Call had a chance to see if the other lots in the subdivision had any restrictions for further subdivision requirements. She noted that she had not had a chance to research that information, but Mr. Dever shared that Mr. Petrucci's lot was not part of the association for the original subdivision.

**Mr. Carter MOVED to grant the waiver for the soils report based on the information provided in the application packet.
Mr. Hoopes seconded the motion.**

DISCUSSION:

Mr. Sample asked if the Board was to decide on the case at this meeting. Ms. Call stated yes, that they could because Mr. Petrucci provided the two pieces of information that the Board was looking for, which was the soils information and the easement to be indicated on the plan. Ms. Call provided Mr. Sample a copy of the Planner Review from last month's meeting. Mr. Williams thought that Mr. Petrucci had to provide draft easement for Town

Counsel to review. Mr. Dever noted that Mr. Petrucci did not have to create an easement until he transferred the property.

Mr. Sample opened public input. No public input. Mr. Sample closed public input.

Mr. Sample asked the Board for a vote on the waiver, and it PASSED unanimously.

After due hearing, Mr. Hoopes MOVED that the Alton Planning Board hereby approves the above cited application Case #P19-18 for Joseph M. Petrucci & Joyce Greenlaw, for a Final Minor Subdivision for a two lot subdivision of Map 21 Lot 7-1, with the following conditions:

CONDITIONS PRECEDENT

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

- 1. Submission of revised plans in the number required by the Subdivision Regulations and that include all of the checklist corrections, any corrections as noted at this hearing and any waivers granted.**
- 2. Addition of a note to the subdivision prior to plan signing by the Planning Board Chair: This subdivision plan contains a total of ___ sheets: [to be listed and dated by the applicant on the subdivision plan itself]. In combination, these plans constitute in their entirety the subdivision as approved by the Town of Alton Planning Board. All sheets are on file at the Town of Alton Planning Department.**
- 3. Addition of a note to the subdivision plan prior to plan signing by the Planning Board Chair: This subdivision plan is subject to the Conditions of Approval itemized in the October 16, 2019, Notice of Decision on file at the Town of Alton Planning Department.**
- 4. Addition of a note to the subdivision plan prior to plan signing by the Planning Board Chair stating that Best Management Practices shall be utilized during any timber cutting on site.**
- 5. All monuments shall be set on the final plat or a separate certification of bounds set will be required to be recorded at the Belknap County Registry of Deeds at the applicant's expense.**

SUBSEQUENT CONDITIONS

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

- 1. All subdivision improvements are to be completed as per the approved subdivision plat.**
- 2. The applicant shall comply with all of the Town of Alton's Subdivision Regulations.**

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

ACTIVE AND SUBSTANTIAL DEVELOPMENT OR BUILDING AND SUBSTANTIAL COMPLETION OF IMPROVEMENTS

1. Within 24 months after the date of approval, the following items must be completed in order to constitute "active and substantial development or building" pursuant to RSA 674:39,I, relative to the 5-year exemption to regulation/ordinance changes:
Monuments are to be put in place
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:
Monuments are to be put in place

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

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

<p>Case # P19-19 Jonathan & Sharon Bainbridge, Owners</p>	<p>125 Route 11D Map 51 Lot 9-2</p>	<p>Final Minor Subdivision Lakeshore Residential (LR) Zone</p>
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The Chairman read the case into the record.

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Jonathan & Sharon Bainbridge, owners, came forward to present the case.

Mr. Bainbridge noted that at the last meeting, the Board asked them to come back with a topographic and soils map, along with a letter from the soils scientist. Metes and bounds were indicated on the driveway easement, and a potential location for the house.

Mr. Williams asked if Mr. Bainbridge found out how many gallons per day the current septic system held. Mr. Bainbridge was not sure of that information, but he did have it inspected. Mr. Williams noted that a 2-bedroom house needed to have a tank that could hold 300 gallons per day and he wanted to make sure that his proposal could meet that load. Mr. Bainbridge noted that there was two (2) 500 gallon tanks on the property, but the new house was going to have its own septic system. Mr. Williams stated that is the Board did not know what the loading was, and if it was pre-1972, the system could just be a couple of buckets in the ground. Mr. Bainbridge noted that there was a test pit performed for a new 4,000 s.f. system in the event that the current system failed. Mr. Williams noted that he did not see the 4,000 s.f. area depicted on the plan. Mr. Bainbridge noted it was on the original plan and was not sure why it was not indicated on the updated version.

Mr. Sample opened public input. No public input. Mr. Sample closed public input.

After due hearing, Mr. Hoopes MOVED that the Alton Planning Board hereby approves the above cited application Case #P19-19 for Jonathan & Sharon Bainbridge, for a Final Minor Subdivision for a two lot subdivision of Map 51 Lot 9-2, with the following conditions:

CONDITIONS PRECEDENT

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

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

5. All monuments shall be set on the final plat or a separate certification of bounds set will be required to be recorded at the Belknap County Registry of Deeds at the applicant's expense.
6. Submission of NHDES Subdivision approval.
7. Submission of sample deeds.
8. Addition of the 4,000 s.f. area for the septic system on the Utilities Plan.

SUBSEQUENT CONDITIONS

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

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

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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:
Boundary markers to be set

2. **The following items must be completed in order to constitute "substantial completion of the improvements" pursuant to RSA 674:39,II, relative to final vesting:
Boundary markers to be set**

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

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

Other Business:

1. Old Business:

2. New Business:

3. **Approval of Minutes:** Planning Board meeting minutes of August 20 and September 17, 2019; and Special Meeting minutes from September 24, 2019.

**Mr. Wilder MOVED to accept the meeting minutes of August 20, 2019, as presented.
Mr. Regan seconded the motion, and it PASSED with Mr. Williams abstaining.**

**Mr. Williams MOVED to accept the meeting minutes of September 17, 2019, as presented.
Mr. Hoopes seconded the motion, and it PASSED with Mr. Regan abstaining.**

Ms. Call noted that the minutes of the September 24, 2019, Special Meeting minutes would be forthcoming. Mr. Sample noted same.

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

- a. Letter dated September 24, 2019, from Kevin Leonard, P.E., Town Engineer, re: Suncook Valley Road Solar project – Review of Design Materials.

Ms. Call noted that there were a few things that needed to be updated in the stormwater report and on the plan. Mr. Williams asked if the AoT permit had been approved. Ms. Call stated, no, not yet. She noted that Mr. Hussey contacted her earlier to inquiring about the permit.

- b. Memo dated September 30, 2019, from Mike Vignale, P.E., Town Engineer, re: Dobbins Brook Subdivision – Construction Site Visits.

Mr. Williams noted that he would like to see the types of equipment that were on site during an inspection. Mr. Carter noted that the developer was in charge of paying for his own testing, materials, and compactions, and thought that was being taken care of by KV Partners, Town Engineer.

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- c. Memo dated September 30, 2019, from Mike Vignale, P.E., Town Engineer, re: Ridgewood Subdivision, Phase II - Construction Site Visits.

Mr. Williams noted that the road was pushed out pretty far.

- d. Email dated October 4, 2019, from Kevin Leonard, P.E.; and Permeable Asphalt Observation Report dated October 4, 2019, (Revision 2) from Terracon, re: Alton Bay Self Storage/Paul George.

Mr. Wilder noted that three (3) tests were performed on the pavement, and they all passed. Mr. Carter noted that the importance of the maintenance of the permeable pavement was critical. Mr. Wilder pointed out that the project was situated over an aquifer and the water was allowed to be recharged instead of being run off the property. Mr. Hoopes noted that there was a little stream out back of the property that ran into Lake Winnepesaukee.

- e. Memo dated October 8, 2019, from Mike Vignale, P.E., Town Engineer, re: Final sign off on High Point Drive Roadway Construction/Alton Mountain Estates Subdivision.

Ms. Call noted that she had to do some research on the regulations on how to process a road approval. She suggested that she was going to look at the Sedlari Way file, and Mr. Hoopes suggested her to look at Mallard Drive instead.

- f. Cyanobacteria Mitigation Steering Committee joint meeting on Monday, October 28, 2019, re: workshop on the watershed management plan.

Mr. Hoopes thought he would be able to attend. Ms. Call noted that she had information that she could forward to the Board instead of printing it out because it was quite lengthy. She noted she would email to the Board members.

5. Correspondence for the Board's information:

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

Public Input on Non-Case Specific Local Planning Issues

Mr. Wilder wanted to know if the Green Oak Development, LLC, case had a new meeting date. Mr. Regan noted that the Board had to consult with Jim Sessler, Esq., Town Counsel, with a date, but he was currently on vacation. Mr. Sample was surprised that Mr. Babb did not know what was going on. Mr. Sample stated that Mr. Babb probably thought that tonight's hearing was going to be a dual thing that he would get an answer that might go in his favor, and if it did not, then he had to petition to reopen the hearing. Ms. Call stated that she talked to Mr. Babb and informed him that there would be no public input at tonight's hearing for his case, and informed him everything that the Board was supposed to be doing tonight, therefore, she was not sure why he showed up tonight and expected to be able to speak, which was why she interrupted him earlier in the meeting. Mr. Sample stated that Mr. Babb thought that the Board was going to come up with a ruling. Mr. Williams thought that the Board was going to decide the abutter status. Ms. Call noted that Mr. Babb's attorney, Attorney Sullivan, submitted a petition to reopen

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the public hearing portion of the prior hearing, therefore, the Board could not go through with making a decision tonight and another public noticed hearing needed to take place.

ADJOURNMENT

At 6:50 P.M., Mr. Hoopes MOVED to adjourn.
Mr. Williams seconded the motion, and it PASSED unanimously.

The meeting adjourned at 6:50 P.M.

Respectfully submitted,

Jessica A. Call
Recording Secretary

Minutes Approved as Written; January 21,2020