

**TOWN OF ALTON PLANNING BOARD  
MINUTES 2018  
OCTOBER 16, 2018**

**APPROVED**

**Members Present:**

Roger Sample, Chairman  
Scott Williams, Vice-Chairman  
Russ Wilder, Clerk  
Peter Bolster, Member  
Tom Hoopes, Member  
Dave Hussey, Member  
Virgil MacDonald, Selectmen's Rep. (arrived at 7:25 p.m.)

**Others Present:**

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

**CALL TO ORDER**

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

**APPROVAL OF AGENDA**

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

**Scott Williams MOVED to accept the October 16, 2018, agenda, as presented.  
Dave Hussey seconded the motion, and it PASSED unanimously.**

**APPOINTMENT OF ALTERNATES**

**Consultation with Town Counsel**

The Board recessed at 6:05 p.m. in order to consult with James J. Sessler, Esq., Town Counsel. The Board resumed the meeting at 6:23 p.m.

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

<b>Case # P18-23 Paul Monziona, Esq., Agent for Richard D'Angelo of Right Field Development, LLC, Owner</b>	<b>Map 8 Lot 45</b>	<b>Final Minor Site Plan Amendment Residential/Commercial (RC) Zone 166 Wolfeboro Hgwy./NH Route 28</b>
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The Chairman read the case into the record.

Present were Paul Monziona, Esq., agent, and Richard D'Angelo, owner.

Paul Monziona, Esq., provided an agency letter to the Board. He stated that this proposal was part of a full Site Plan Review that was already before the Board, which had been approved for retail units as well as the two-bay carwash. Russ Wilder noted that this was a Final Site Plan Amendment, so the Board had to determine if it was complete, and pointed out that there were no waivers.

**TOWN OF ALTON PLANNING BOARD  
MINUTES 2018  
OCTOBER 16, 2018**

**APPROVED**

**Russ Wilder MOVED to accept the application for Case # P18-23, as complete.  
Dave Hussey seconded the motion, and it PASSED unanimously.**

Paul Monziona, Esq., stated that one of the retail spaces was being used as a yoga studio. At the time that Mr. D'Angelo proposed setting up a yoga studio, a yoga studio was not listed as a use in the Zoning Ordinance, but after the 2018 Town vote, a warrant article was voted in by the townspeople and a yoga studio ordinance was adopted. This proposal was a change of use from retail to a yoga studio. He pointed out that 12 additional parking spaces were designated for this change of use. The class size was not likely to exceed 8 participants for the 800 s.f. unit. Paul Monziona, Esq., stated that an as-built was required under the original approval when the carwash was done, but the deadline for submittal was not until February of 2019, but it was in the works. Richard D'Angelo pointed out that he did receive DES approval for the septic system.

Roger Sample stated that originally the building was designated as retail space, but since it was for a yoga studio, Mr. D'Angelo had to come back before the Board for a change of use. Roger Sample asked if next week, the yoga instructor decided that she did not want to do yoga and wanted to do something retail instead, would Mr. D'Angelo have to come back for another site plan amendment. Paul Monziona, Esq., thought that since it was originally approved for retail space, he thought things would be fine. He thought that because the use was going from retail to a type of service related use, was what caused the need for Mr. D'Angelo to come in for a site plan amendment. Paul Monziona, Esq., noted the parking spaces were added in an overlay that was drawn to scale; there were ample spaces to accommodate the yoga studio.

Dave Hussey stated that when he sat on the Planning Board in years prior, he thought that on a previous case where an applicant kept coming in with changes, the Board decided at that time that if the changes were presented to the Planner and the Code Official, and they both agreed to those changes, the applicant would not have to come before the Board. Tom Hoopes stated that the problem with the yoga studio was that there was no use listed, but if it had been an approved use, then it would not have been a problem. Dave Hussey thought from now on going forward, why couldn't the Board do the same thing now, then the applicant would not have to go before the Board for a site plan amendment. Roger Sample thought that if the changes were small, it could be handled by the Planner. Nic Strong stated that the Site Plan Regulations had a section that specified what change of use required a minor site plan and what change of use did not require a site plan. She noted that when Mr. D'Angelo came before the Board the first time, the Board looked at that regulation and determined that what was happening in terms of the numbers for parking, required a minor site plan, so the regulations already specified whether a person needed to go before the Board or not. Paul Monziona, Esq., thought that since this application was already approved by the Board, in his opinion, there would be no need to come back to the Board for a retail use. He added that requirements for parking had been in the Zoning Ordinance for years and it was the Zoning Amendment Committee that changed who enforced this action; therefore, it was given to Planning Board in the Site Plan Review process to look and see what type of activity was proposed and see if the parking spaces made sense, rather than having a rigid number of spaces in an ordinance.

Russ Wilder noted that page 2 of the Planner Review pointed out compliance for the approved site plan. Paul Monziona stated that the as-built plan was required under the original approval when the carwash was done, but his understanding was that the deadline was February 2019. Russ Wilder wanted to confirm the status of those conditions, which were the as-built for the detention pond and the septic system installation design. He noted that those items needed to be submitted for review by the Town

**TOWN OF ALTON PLANNING BOARD  
MINUTES 2018  
OCTOBER 16, 2018**

**APPROVED**

Engineer by those dates. Paul Monzione, Esq., stated that those conditions were on track. Richard D'Angelo stated that he had already received an approval by DES for the septic system. Peter Bolster mentioned that the main thing that Board was looking at was that the yoga studio was a different use and would potentially demand more parking.

Peter Bolster asked if the parking spaces would be paved. Paul Monzione did not think paving was required, and in fact, Mr. D'Angelo was not looking to pave it. Dave Hussey pointed out that would add more impervious surface area to the property.

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

**After due hearing, Russ Wilder MOVED that the Alton Planning Board hereby approves the above cited application for Right Field Development, LLC, for a Final Minor Site Plan Amendment to the previously approved site plan at Map 8 Lot 45, to show existing and overflow parking, with the following conditions:**

**SUBSEQUENT CONDITIONS**

**The following subsequent conditions 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, including replacement of the water line as noted in the Water Department's letter of June 21, 2016 (Phase I approval), and the requirements as listed in the Fire Department's letters of June 10, 2016, and February 10, 2017. The Notices of Decision dated July 19, 2016, and February 21, 2017, remain in full force and effect.**
- 2. Future building tenant occupation and use of future space may require Planning Board approval per the current Town of Alton Site Plan Review Regulations.**
- 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**

**TOWN OF ALTON PLANNING BOARD  
MINUTES 2018  
OCTOBER 16, 2018**

**APPROVED**

- 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.

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.

Dave Hussey seconded the motion, and it PASSED unanimously.

<p><b>Case # P18-24 Don E. Card, Jr. of Decard Enterprises, LLC, d/b/a Alton Bay Corner Store, Applicant and New State Realty Mgmt., LLC, Owner</b></p>	<p><b>Map 34 Lot 39</b></p>	<p><b>Final Minor Site Plan Residential/Commercial (RC) Zone 404 Main Street/NH Route 11</b></p>
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The Chairman read the case into the record.

No one was present for the application. The Board's consensus was to hear Case # P18-24 later on in the agenda because the applicant was not present. Roger Sample moved on to the next case.

**2. Conceptual Consultation**

<p><b>Case # P18-25 Raymond Bisson, LLS, of Stonewall Surveying, Agent for Roberts Cove, Inc. c/o Thomas Roberts, Owner</b></p>	<p><b>Map 48 Lots 5, 6, 12, 14, 14, 15, 16, 19, 21, 22, 23, 24, &amp; 25; Map 47 Lot 4; and Map 18 Lot 27</b></p>	<p><b>Conceptual Consultation Lakeshore Residential (LR) Zone Roberts Cove Road, Wolfeboro Hgwy., and Basin Road</b></p>
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The Chairman read the case into the record.

Present were Raymond Bisson, LLS, agent, and Barbara Roberts, owner.

**TOWN OF ALTON PLANNING BOARD  
MINUTES 2018  
OCTOBER 16, 2018**

***APPROVED***

Ray Bisson, LLS, stated that he performed a survey last year and adjusted some of the boundary lines. He then went and did some work on the waterfront, and was approached by Tom Roberts to do even more work.

Ray Bisson, LLS, stated that back in the 1960's, 30 lots were created off Basin Road, 20 of those lots were created by a subdivision in 1963. He noted that Roberts Cove, Inc., also owned several buildings around the marina, a cottage, office building, three boathouses, maintenance buildings, and more. Currently there was an 18' wide right-of-way from Roberts Cove Road to the premises across Map 18 Lot 26; otherwise, there were gravel roads throughout the property with no defined width on the rights-of-way. Roberts Cove, Inc., still owned 15 camp lots that were created in 1963.

Ray Bisson, LLS, stated Roberts Cove, Inc., was proposing some simple lot line adjustments. He shared that Roberts Cove, Inc., wanted to take the marina use and separate it from the rest of the lots. There were two family members from the Roberts' family that wanted to purchase lots to build houses on. Roberts Cove, Inc., wanted to separate the "green camp" to its own lot, and all three proposals would require subdivision approval. A 50' wide right-of-way would be constructed through the lots and a road association would be created. The last piece of property was the tiny stone lot, which Roberts Cove, Inc., wanted to merge with the other larger lot surrounding it. Scott Williams asked Ray Bisson, LLS, if there were any buildings on that lot currently; he stated, no.

Ray Bisson, LLS, stated that there was a gravel road that led down to the beach, and from there it was more or less like a woods road that was used for bicycling, ATVs, etc. Peter Bolster thought that road ended up connecting with Damon Drive. Ray Bisson, LLS, stated that it did not connect. Russ Wilder asked if there was a plan to connect the woods road to Damon Drive. Ray Bisson, LLS, stated that it was talked about, but Damon Drive was a private way and it would be up to multiple parties. Scott Williams thought it would be a good idea for safety reasons because if people encountered an emergency half way up the road, they would be stuck, unless they walked. Peter Bolster asked if the road could be a gated road. Ray Bisson, LLS, stated that he talked to Tom Roberts about it, and also suggested a breakaway. He stated that Roberts Cove, Inc., was reducing the number of lots in the area because of the consolidation they were doing. There were several tiny lots that could be built on, but the Roberts' wanted to make things more spaced apart.

Ray Bisson, LLS, brought up the fact that Roberts Cove Road was a Class V road, and Basin Way was a private way. Town road requirement standards required a 50' right-of-way, paved travel surfaces shall be a minimum of 20', a minimum width of 2' for graveled shoulders on each side, and there should be a cul-de-sac or hammerhead at the end of the road. He had a conversation with Ken Roberts, Road Agent, and he thought it was reasonable that Basin Road did not have to be constructed up to the town standards because the owners had no plans to make it a Class V road. Ken Roberts wanted to make sure the right-of-way was suitable for a fire truck to traverse on. Ken Roberts thought 16' wide with shoulders or 18' wide gravel road would suffice. Ray Bisson, LLS, stated that if the Roberts wanted to do a subdivision, he would get that in writing from Ken Roberts. Ray Bisson, LLS, stated that after reviewing some of the road policies, he noted that under Section 4.29 of the Highway Policy, for a minimum road standard it stated that, "Nothing in these Policies and Regulations shall be construed to limit the ability of the Planning Board to allow construction of a road which does not meet the minimum road standards for small-scale subdivisions....." He noted that the Planning Board had the ability to say a road did not have to be a 20' paved road with 2' shoulders on each side. Peter Bolster thought that if it was going to be a dead end road, they usually had a hammerhead or cul-de-sac because if it remained a dead end road, it

**TOWN OF ALTON PLANNING BOARD  
MINUTES 2018  
OCTOBER 16, 2018**

***APPROVED***

would be almost impossible for fire trucks to turn around. Roger Sample stated there was a current situation where the Board was not giving an approval on a subdivision because the road was not up to town standards, and now Ray Bisson, LLS, was pointing out that the Board had the right to waive that policy. Scott Williams stated that the Board needed to look at the whole scope, for example, was this scenario making things better than what was currently there; he thought that the answer was yes and that could be the basis on why the Board could make changes. He recommended some type of maintenance agreement be drawn up. Ray Bisson, LLS, stated that Tom Roberts was in the process of doing that. Peter Bolster stated if it was a gated road, it would not be a dead end road. Scott Williams thought that there could be a Knox lock on the gate and that could be the “straw” that gave the Board authority to waive the policy because Roberts Cove, Inc., was making a good faith effort to improve the situation. Ray Bisson, LLS, stated there were challenges because the proposed area was very steep sloped.

Nic Strong clarified some of the regulations and policies because the Board was conflating some of the issues. She explained that one of the issues she talked to Ray Bisson, LLS, about was that the frontage requirement was to be on a Class V or better road; otherwise, the applicant would need a Variance. If during the approval process the Road Agent and the Selectmen determined that standards could be reduced that would be one thing, but an applicant could not use a plan that was already approved to town standards and go back and want something less. The Subdivision Regulations clearly stated that the road had to be up to the standards in the Alton Highway Policies. If there were some changes proposed during the approval process, it really should not be the Planning Board determining them because, ultimately, it was a town situation that should include the Road Agent and the Selectmen.

Peter Bolster shared that the Board had a consumer advocacy role so that anybody that purchased lots and sold them over time would be protected by the road being built to the standards, and would not be stuck with a substandard road at some point. Ray Bisson, LLS, stated that under the definition of frontage, it stated that, “The distance along the front line or right-of-way line of a Class V highway or better lawfully existing in the Town of Alton, or as approved by the Planning Board measured in feet.” Nic Strong wanted to clarify if that meant it was a Class V existing road or road approved by the Planning Board. She noted that if a road was shown on a subdivision plan, then it was a road that was approved by the Planning Board, or it was already a Class V road that existed in Town. Dave Hussey pointed out that the road was currently not a town approved road. Ray Bisson, LLS, stated that the road was currently a private road. He mentioned the road was going to remain a private road, which was where Highway Policy Section 4.29 stated that, “However, it must be expressly understood that such roads shall not be eligible to become Town owned or Town maintained until such time as the road does not meet the minimum road standards.....” Ray Bisson, LLS, stated that the exception in the Highway Policies pertained to what the Roberts were doing because it was a private way. Russ Wilder stated that there were several of these private ways all over town. He thought that Roberts Cove, Inc., was looking to improve the private road, but it would stay a private road. Ray Bisson, LLS, stated that Mr. Roberts did not want to pave that road. Russ Wilder stated if at some point, Roberts Cove, LLC, wanted the Town to take it over, the road would have to build it to Town standards. Russ Wilder pointed out that what was being built was not a subdivision road, it was a road that already existed. Ray Bisson, LLS, stated that the road existed and went up to the beach. Roger Sample asked Nic Strong if it was an existing road and Ray Bisson, LLS, just walked into the meeting and provided a plan, the Board would not allow what he was proposing and it would have to be built to Town standards. Nic Strong stated that the frontage requirement was what was tying this up because the Zoning Ordinance required a Class V road or better, and what was being proposed was a private road. Roger Sample stated that was why the Board could

**TOWN OF ALTON PLANNING BOARD  
MINUTES 2018  
OCTOBER 16, 2018**

***APPROVED***

allow the road to stay private and not enforce the road to be up to Town standards, but if he came in with a subdivision application on a raw piece of land they would have to abide by the regulations. Ray Bisson, LLS, was trying to understand the wording about what was required for road frontage because the definition was saying different things. When he read it, frontage was the distance along the front line or right-of-way line of a Class V or better road lawfully existing in the Town of Alton, or as approved by the Planning Board measured in feet. When he read that, he was under the impression that if the Planning Board approved something, it did not have to be on a Class V or better road. Nic Strong stated, no. She indicated that what that said was that frontage had to be on an existing road or a road approved by the Planning Board. She stated that a road that would be approved by the Planning Board would be shown on a subdivision plan. Ray Bisson, LLS, stated that if there was an 18' wide gravel driveway that was proposed to be upgraded to a 50' right-of-way..... Nic Strong stated it was still not a Class V road approved by the Planning Board. Russ Wilder stated it would still be a private road, it would have just been an upgrade to an old dirt road. Ray Bisson, LLS, noted the definition again that stated, "or approved by the Planning Board". Nic Strong reiterated, "Class V highway or better either existing in the Town or as approved by the Planning Board". Dave Hussey stated that if it was just a path going to the houses, it was similar to someone regrading their driveway. Roger Sample thought that the problem was frontage.

Ray Bisson, LLS, shared that Lot 4 had a right-of-way leading to it, which was in the deed. The reason for expanding that lot was because it was real steep and the lot that it was being merged into was flatter. Russ Wilder stated that there were several lots of record that were expanding, and another proposal was to improve the private road in order to get to the lots. He thought that the condition was being made better because the tiny lots were becoming bigger lots. Peter Bolster did not think it was a new subdivision. Tom Hoopes did not have a problem with what was being proposed, but the issue was when things changed, they had to abide by the new regulations. Russ Wilder wondered if new lots were not being created, then a lot line adjustment could take place. Ray Bisson, LLS, stated that the lots were not abutting each other. Russ Wilder noted that he was talking about Lot 4. Peter Bolster stated that lot 27 was creating a new subdivision in a sense. Ray Bisson, LLS, stated that he wanted to do a lot line adjustment to put all the green-forested land into Lot 25, which was the marina. He stated that he did not want to do each change individually; he wanted to get this done in one meeting. He thought that the lot line adjustments and the consolidations were not an issue. He pointed out that he needed to work out the frontage and what was the Planning Board's requirement of the road. He noted again that the Road Agent stated it was acceptable to have a road 18' wide and the Planning Board had the authority to agree to that. Dave Hussey pointed out that frontage was changing on a road that was not up to Town standards and he did not see how the Board could do that. Ray Bisson, LLS, thought that the Board was not going to stray from the regulations that stated a road had to be 24' wide. Scott Williams stated that the Board could waive that, but what they could not waive was the private part of the road. Dave Hussey stated that what was happening was that they were changing the lot sizes and the frontage on the road and that pulled the applicant in to today's regulations. Tom Hoopes did not think that anything new was being created. Peter Bolster stated that lots were not being combined and in fact, Lot 27 was being subdivided to make three new lots.

Scott Williams confirmed that Lot 14 was currently a lot of record and it was going to be made part of Lot 27. Roger Sample thought the issue was whether the Board was going to allow the lots to be added with the road the way it was today. Scott Williams thought that the Board should talk to Town Counsel about private roads. Roger Sample stated that at last month's Selectmen's meeting, he met with the Selectmen

**TOWN OF ALTON PLANNING BOARD  
MINUTES 2018  
OCTOBER 16, 2018**

***APPROVED***

as the Planning Board's Representative and he spoke to them about getting the Board and the Selectmen together to sit down and hammer out this issue that has arisen with private roads.

Ray Bisson, LLS, thought that he could go before the ZBA for a Variance to waive the frontage requirement. Roger Sample did not think that was something the ZBA could do. Nic Strong pointed out that frontage was in the Zoning Ordinance, so Ray Bisson, LLS, could go before the ZBA for a Variance. Ray Bisson, LLS, stated that if he got approval for the frontage to be on a private way, then he could go to the Planning Board and present to them that it was approved to have access and frontage on a private road. Russ Wilder thought the problem was that Ray Bisson, LLS, was creating a subdivision with the three new lots, and the road that would access the new lots had to be built to town standards, even if it was a private road. Russ Wilder pointed out that if those lots were not proposed as a subdivision, then the road would not have to be upgraded.

Peter Bolster thought a new subdivision was being created; the areas consisted of Lot 4, the marina, the green cottage, and there were two other lots that were being subdivided out of Lot 27. Ray Bisson, LLS, stated that Lot 4 was not being subdivided. Peter Bolster clarified that Lot 4 was being expanded. Scott Williams asked what the number of lots was today compared with what this proposal would end up creating. Ray Bisson, LLS, stated that there were thirteen (13) current lots, and he was going to end up with seven (7). Dave Hussey thought a discussion needed to happen about private roads. Tom Hoopes pointed out that the existing subdivision was created prior to the Town adopting Subdivision Regulations. If three new lots were not being proposed, then the upgrading of the road would not be required, but once the three new lots were created, Roberts Cove, Inc., would have to abide by the current Regulations. Roger Sample asked if there was enough room to upgrade the road. Ray Bisson, LLS, stated that Roberts Cove, Inc., did not want the road paved. Peter Bolster and Dave Hussey stated that the road did not have to be paved. Ray Bisson, LLS, asked what would it take to make a road up to the Town's standards. He stated that the issue was the frontage being allowed on a Class VI road. Russ Wilder stated that it was not a Class VI road, it was considered a private road. Dave Hussey stated that if the road was brought up to Town standards, then he would not have a problem with frontage. Peter Bolster stated that a new subdivision was being created, so if that was the case, then the current Regulations would kick in. Russ Wilder stated that the present Regulations required that the road would have to be built to Town standards whether it was a private or public road. Tom Hoopes asked if the Board had the right to decrease the width; Scott Williams thought that the Board did. Russ Wilder clarified that the Board could allow a decrease in the width of a road, but the construction profile needed to be up to Town standards.

Ray Bisson, LLS, stated that upgrading the graveled surface of the road was not his main concern and if the Board required the road to be 16' or 18' wide, then that was okay with him. He noted that Section 4.29 of the Highway Policies stated that the Planning Board could waive the requirement on the width of the road. Peter Bolster stated that if Roberts Cove, Inc., was willing to upgrade the road, that would solve the problem. Ray Bisson, LLS, wanted to know if the Board was willing to go with whatever the Road Agent and the Fire Chief would agree to on the width of the road. Scott Williams stated that some type of turn-around needed to be built into the end of the road. Ray Bisson, LLS, stated the area where there was a beach/parking area, could be the area that people could turn around. He stated that the Regulations required a 60' turn around, which would take up a lot of land. He wanted to know if the Road Agent and the Fire Chief agreed to a certain width of the road, and they okayed the turn-around area, would that meet the Board's criteria for the drivable road surface. Davey Hussey stated it would need to be brought up to Town standards.



**TOWN OF ALTON PLANNING BOARD  
MINUTES 2018  
OCTOBER 16, 2018**

***APPROVED***

Scott Williams stated that the Town standards for the road would have to start at the beginning of Roberts Cove Road, and that was a lot of work. Ray Bisson, LLS, stated that an area of the road was already paved and they could not make it any wider because the right-of-way was only 18' wide. He noted that Roberts Cove, Inc.'s neighbor would not allow the right-of-way to be any larger. Russ Wilder asked that in order to bring a road up to town standards, did it need to be paved. Nic Strong stated, yes, that was her understanding that the Town standard required paving. She stated that she did not know the answer to this question, but legally speaking, if the Board waived requirements in the Highway Policy, could it still be called a Class V road in order to meet the frontage. Scott Williams thought there should be a work session with Ken Roberts, Road Agent, Jim Sessler, Esq., Town Counsel, and the Selectmen. Dave Hussey stated that ZAC was talking about coming up with some standards with private roads. Scott Williams stated that when ZAC started, the Committee talked about promoting private roads because the Town did not usually take them over. Russ Wilder talked about what would happen in the future was that the Town would take the private roads over, and they would end up needing a lot of work. Scott Williams stated that if the Board came up with a regulation that private roads were allowed that there be some sort of maintenance agreement be drawn up. Russ Wilder did not want the Board to get into a situation where in the future, a tax problem was being created for the Town.

Roger Sample thought that the Board would come away from the workshop with being able to allow a 20' road with pavement, but not with just allowing a pathway. Ray Bisson, LLS, asked Nic Strong if he read Highway Policy 4.29 correctly, because his interpretation of it was different. Nic Strong stated that the problem was that it did not jive with the frontage requirements. When it got to the point where a Class V road had to be of a certain standard, once the Board waived any standard, they have then created a less than Class V road and that affected the frontage because it was a requirement. Ray Bisson, LLS, stated that the regulation listed under the Street Design Road Standards stated that all new roads within any proposed subdivision shall meet the standards and specifications of the Town of Alton Highway Policies and Regulations. Dave Hussey stated that needed to be straightened out.

Peter Bolster shared that the extension of Stonewall Road was a private road up until about 12 years ago, and when it was turned over to the town after the developer widened the road, dug the ditches, and created a cul-de-sac at the end, it still remained a gravel road. The residents on another road in town, Haze Road, did not want it paved because of drainage and other issues, so ledge pack and calcium was laid down, which happened to still be a quality road today. These two roads were examples of gravel roads and how well they have held up over time. Nic Strong stated that perhaps the Road Agent and the Selectmen could affirm that with the modifications that the road could be considered a Class V road, but she was not sure of the answer. She noted that when Ray Bisson, LLS, talked to the Road Agent, he did not want to get into that discussion. Russ Wilder again stated that there should be a workshop to discuss private roads. Virgil MacDonald stated that if the road was brought up to Class V status, then it would become a town maintained road. Scott Williams stated that Roberts Cove, Inc., wanted to keep it private, and maybe it could be classified as a Class V private road.

Virgil MacDonald thought that the ZAC Committee should be involved with this workshop too. Roger Sample did not think that the Board needed the ZAC Committee present at the meeting because that would be too many people involved. He thought that the Board could present their findings to the ZAC Committee after the Board had their workshop. Nic Strong stated that the Highway Regulations and Subdivision Regulations did not have anything to do with the Zoning Ordinance. Virgil MacDonald thought that there should be an ordinance created so private roads could exist in Town. Roger Sample

**TOWN OF ALTON PLANNING BOARD  
MINUTES 2018  
OCTOBER 16, 2018**

**APPROVED**

wanted to know exactly what the issues were. Nic Strong stated that the issue was that the frontage was required on a Class V road, and if the road was allowed to be constructed to a lesser standard than the current Highway Policies, would the road still qualify as a Class V road to provide the frontage. Virgil MacDonald stated that there could not be a Class V road and consider it private. He mentioned that the Town had previously gone to court about a Class V road and the Town lost. Nic Strong stated that what the Board was talking about was building the road to the Town Standards and the frontage requirement; those were two separate issues and they both needed to be figured out. Virgil MacDonald stated again that if the road was called a Class V road, that was a Town road. Nic Strong stated that the Zoning Ordinance definition did not allow a subdivision on anything less than a Class V road.

Ray Bisson, LLS, thought that the definition for frontage in the Subdivision Regulations should state that the distance along the front line or right-of-way line of a Class V highway or better lawfully existing in the Town of Alton should say “and” as approved by the Planning Board measured in feet. . . ., but it doesn’t, it stated “or”. Nic Strong stated that was because the Board did not approve existing roads. The “or” was a clause for a road that was approved by the Planning Board. Ray Bisson, LLS, stated that the definition of frontage did not include any wording about a road being proposed; he wanted to know what ordinance had “proposed” in it. Nic Strong stated that when a subdivision plan was submitted to the Board, a dedication and acceptance process would take place, so by showing a newly proposed road on a subdivision plan, the road would be dedicated to the Town and maybe at some point in the future, the Selectmen would take the road over under their set of regulations. Ray Bisson, LLS, stated that right now in the Town of Alton, any subdivision road had to be approved and then became a Town road. Scott Williams stated that the road did not have to become a Town road, but it had to be built to Class V Standards.

Roger Sample opened public input.

Loring Carr came to the table. He asked what the frontage would be on the new lots. Ray Bisson, LLS, stated the frontage was approximately 350 feet.

Peter Bolster pointed out that on Roberts Cove Road there were small private roads that ran towards the water that were built up to Town Standards. He wanted to know if those roads were Class V roads, and could there could be a Class V road and consider it private.

<p><b>Case # P18-24</b>  <b>Don E. Card, Jr. of Decard Enterprises, LLC, d/b/a Alton Bay Corner Store, Applicant and New State Realty Mgmt., LLC, Owner</b></p>	<p><b>Map 34 Lot 39</b></p>	<p><b>Final Minor Site Plan Residential/Commercial (RC) Zone 404 Main Street/NH Route 11</b></p>
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**Due to the absence of the applicant or anyone in relation to this case, Russ Wilder MOVED to continue Case # P18-24 to the next scheduled meeting on November 20, 2018. Dave Hussey seconded the motion, and it PASSED unanimously.**

**Other Business:**

1. **Old Business:**

**TOWN OF ALTON PLANNING BOARD  
MINUTES 2018  
OCTOBER 16, 2018**

**APPROVED**

**2. New Business:**

**3. Approval of Minutes:** September 18, Planning Board Meeting

**Russ Wilder MOVED to approve the minutes of September 18, 2018, as presented. Scott Williams seconded the motion, and it PASSED unanimously.**

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

- a. Application dated September 20, 2018, from Robert B. Regan, requesting to be an alternate on the Alton Planning Board.

Bob Regan came to the table. Russ Wilder noted that Mr. Regan was a former Planning Manager with Massachusetts Water Resources. Mr. Regan stated that he worked in their IT department and as part of that, he performed contingency planning for the entire agency. He shared that part of the reason why he wanted to join the Planning Board was to bring some of his expertise in the area of planning, and the other part was because he wanted to perform some public service. Peter Bolster shared that Mr. Regan was on the CIP Committee for a second year.

**Peter Bolster MOVED to appoint Robert B. Regan as an alternate on the Alton Planning Board for the duration of the current term, expiring on the 2019 town vote.**

**DISCUSSION:**

**Tom Hoopes noted that in the By-Laws, there was a description of the requirements. Roger Sample thought that Bob Regan would have to attend three (3) Planning Board meetings before he could sit on the Board. Nic Strong pointed out that the by-law stated, "may" be requested to attend three (3) meetings. Peter Bolster noted that he attended tonight's meeting, and he had attended several CIP meetings. Virgil MacDonald stated that Bob Regan should attend three (3) Planning Board meetings.**

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

Scott Williams invited Bob Regan to stay at the table. Peter Bolster noted that the only time Bob Regan could not vote was when there was a full Board. Tom Hoopes stated that Bob Regan could sit at the table with the Board and participate in the discussion, but could not vote if there was a full Board. If there was a Board member absent, the Chairman would appoint him to be a full voting member for that meeting. Scott Williams stated that Bob Regan could also contribute in the deliberations, but just could not vote unless someone was absent.

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

**TOWN OF ALTON PLANNING BOARD  
MINUTES 2018  
OCTOBER 16, 2018**

**APPROVED**

- a. Letter dated September 20, 2018, from Nic Strong to the American Legion Post 72, re: missing items from the revised parking site plan and there was no documentation provided on the septic system that it is an H2O system.

Dave Hussey recused himself and left his seat to sit on the other side of the table.

Dave Hussey stated that he met with John Dever, III, yesterday. He stated that there were no tanks on top of the field, all that area consisted of was one huge leach field and a D box. There were four (4) grease traps down by the building. There was a 1,100-gallon septic tank by the building, and there was a 2,200-gallon septic tank down by the building that pumped up into the septic system. There was no H2O loading; it was perforated piping. Russ Wilder pointed out if someone drove on top of the D box, they could break it, but asked with pipe and stone, was that suitable to drive on. Scott Williams stated, negative. Virgil MacDonald thought that the pipes could crack. Russ Wilder did not think that the pipes were deep enough. Scott Williams stated that the perforated pipe was a 2,000 crush. Russ Wilder wanted to know that even though the septic tanks and grease traps were not up on the field, no one should be driving on the pipe and stone construction either. Dave Hussey did not think so either. Virgil MacDonald asked if there was enough parking spaces without parking on top of the field. Dave Hussey stated that he and John Dever, III, marked up the area. Scott Williams noted that there was a fence around that area already. Virgil MacDonald asked Nic Strong if the Legion was all set with parking now. She noted that things would be all set once the plans were submitted with everything on them. Dave Hussey stated that John Dever, III, told him to come back and see him when they thought the plan had everything on it that the Board required, before he submitted it.

Roger Sample wanted to clarify that the leach field was not safe to park on because at the last meeting, he was told that there was an H2O system and cars could park on it, but that was not the case. He also wanted to clarify that there was enough parking. Dave Hussey agreed, and noted that cars were not going to be parking in that area. Peter Bolster pointed out that there should still be enough parking because there appeared to be enough room to get at least 30 cars out back. Dave Hussey stated there was more than 30 spaces. Virgil MacDonald wanted to know how the leach field was performing after allowing cars to park on it. Dave Hussey was surprised that there was never a problem with parking there.

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

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

Loring Carr came to the table. He noted that he received a post card in the mail and he wanted to know what that Board's goals were regarding "All in for Alton". Peter Bolster stated that the Planning Board was getting ready to update the Master Plan. He explained that Nic Strong contacted the UNH Cooperative Extension and what Loring Carr was referring to was the first listening conference that would be opened up for everyone in the community to come and voice their opinion on what they would like to see happen in Alton over the next 20 years or so. Scott Williams stated that nothing would be decided

**TOWN OF ALTON PLANNING BOARD  
MINUTES 2018  
OCTOBER 16, 2018**

***APPROVED***

after this event. Peter Bolster stated that out of that experience, there may be some things that residents might want to do on their own, or there may be things that the Town would have to do. He noted that all the material would be available to the Planning Board to review. There may be some committees set up with different areas of what would be included into the Master Plan. After that event, all of the materials would be available to the Board from the different committees. It was a charette, what would the townspeople like to see. He thought that if people wanted a certain project done in town that maybe a warrant article might be submitted because of this opportunity. The main issue was getting ideas from people of what they wanted to see the town become, and it was required to update the Master Plan every 10 years.

Tom Hoopes mentioned that the Master Plan, the Town's Vision Statement, and the Zoning Ordinances were vital to have in place in order for the Town to be defendable in court. Virgil MacDonald wanted to know if a commercial zone was going to be created or was the commercial zone going to be scattered all over town because creating a commercial zone had been discussed for the past 25 years. Tom Hoopes mentioned that over time, the Board had talked about a concept of a commercial zone, but had not come up with any concrete plans to add one because there were a lot of things to deal with like the setback from Merrymeeting Lake, and the constraints of the hills of Alton Bay. Virgil MacDonald thought that before too many years had passed, Route 11 was going to end up looking like Route 1. He mentioned that places like Kentucky Fried Chicken, Taco Bell, and big chain store pharmacies like CVS and Rite Aid have been inquiring about space in town. Dave Hussey stated that a big issue was there were limited access highways. He stated that the Selectmen had to petition the State to open up the limited access highways.

Loring Carr asked, for example, if it was a majority opinion that residents wanted a commercial district, but the minority did not want one, how did that get incorporated into the Master Plan. Peter Bolster stated that a Master Plan Committee, which would be made up of individuals from the community, would take into consideration what the opinion was from the charrette. Each chapter of the master plan could have a committee and those people would talk about the opinions of the residents and then those opinions would be presented to the Planning Board and then the Selectmen. Loring Carr asked if the Board could override what the residents wanted. Peter Bolster stated yes, they could. Tom Hoopes stated that was not a very smart move because if the majority of people in town did not want to see any changes, why would the Board propose a lot of changes. Peter Bolster stated that the All in for Alton event would give all residents who attend a chance to be heard, there would be no votes taking place, and that information could be used by the individual committees to come up with things that should be included in the Master Plan. He thought it created a sense of community. He mentioned that residents have already contributed some thoughts via a Facebook page that was created, and through the small slips of paper that have been shared throughout town. He pointed out that this should be a positive experience to gather valuable information, and if people came with the thought that they were going to argue with someone regarding their ideas, that destroyed the whole process. Virgil MacDonald stated that this was an opportunity to gather information. Scott Williams had no faith in how the information was going to be tallied and put together. Virgil MacDonald wanted to know if the Board was going to get a copy of the information that was provided; Peter Bolster stated, yes.

Loring Carr stated that currently there were two points of view from the Board, one wanted change, and another one did not. He asked how would UNH get the information to the Board.

**TOWN OF ALTON PLANNING BOARD  
MINUTES 2018  
OCTOBER 16, 2018**

***APPROVED***

Nic Strong explained that residents would be split up on the first evening into assigned groups and could talk about topics like government, health, education, environment, etc. On the second day, the residents could pick what group they wanted to go to so they could discuss their issues in more detail. At every one of those groups there was a flip chart and everything was written down by a scribe exactly as it was said by the person saying it and that flip chart came back to the Town. The document that was produced at the end got created from what was written on the flip chart; UNH did not parse through it, or change words, they simply typed it.

Bob Regan shared that he was on the steering committee for All in for Alton. He stated that the objective of UNH and the community profile process was to make sure that everyone that wanted to speak got heard and their ideas got captured; it was a good starting point for the Master Plan. Peter Bolster stated that ultimately, this would become a political process way down the line when things were decided upon, whether something was presented to the Selectmen, or a warrant article was submitted. He mentioned that this event was just the beginning, and would continue with some other events until decisions were made and the Town figured out what they could afford to do. Bob Regan stated part of the profile would consist of a number of objectives or goals for the town. Tom Hoopes stated that one of the difficult things to accomplish was to write a one or two page vision summary that included what the majority of people want to see for the future of Alton. Loring Carr wanted to know how that was fair because it would be based on the majority, but one of the other members stated that everyone was going to be heard. He was not sure that process would work. Tom Hoopes stated that once the information was narrowed down, how could someone write something if there were no decisions made by some method, and usually that method was by the majority. Nic Strong stated that this weekend event was the first step in a very long term process to update the Master Plan. Currently the Master Plan had two (2) chapters, but the Board may decide after working with a subcommittee that they might want to add a chapter. In every step, this information would be presented in the steering committee and at public hearings, so none of this would come from just the weekend event and get put into a document. This process will take years before the Master Plan was updated. Tom Hoopes thought that there should be a Master Plan Committee that met periodically and would update a chapter at a time, instead of tackling this all at once. Russ Wilder asked who would be at this weekend's event. Tom Hoopes was going, and Scott Williams was going to try to make it. Peter Bolster thought it was part of civil discourse that the residents of Alton needed to talk to the Board so they may hear what they wanted.

Dave Hussey stated that most Planning Boards met across the state on a Tuesday night and if somebody had 45 projects going on in several different towns at the same time, could there be a special meeting scheduled so they could attend a meeting. He shared that every Planning Board met on a Tuesday night. Peter Bolster asked if they met on the same Tuesday each month; Dave Hussey, stated, yes. Scott Williams thought as long as the meeting was properly noticed, the Board could schedule a meeting when they wanted to. Peter Bolster stated that the Board should not bounce meetings around because people had lives and commitments that could be impacted. Scott Williams stated that he did not mind adding another meeting to accommodate an applicant. Russ Wilder pointed out that the Town of Gilford had their Planning Board meetings on Mondays; therefore, he was just trying to point out that all Planning Boards did not meet on the same Tuesday each month. Dave Hussey stated that the towns that he had projects in, their Planning Boards met on the same night. Peter Bolster stated that the problem was there were deadlines to follow and that could get confusing. Tom Hoopes pointed out that would not only affect the Board members, but would affect the staffs' schedules as well.

**TOWN OF ALTON PLANNING BOARD  
MINUTES 2018  
OCTOBER 16, 2018**

***APPROVED***

Loring Carr asked the Board if it had been decided that the American Legion was a private club, or commercial. Scott Williams stated it was a private club.

**ADJOURNMENT**

**At 8:11 p.m., Scott Williams MOVED to adjourn.  
Russ Wilder seconded the motion, and it PASSED unanimously.**

The meeting adjourned at 8:11 p.m.

Respectfully submitted,

Jessica A. Call  
Recording Secretary

Minutes approved as presented: November 20, 2018