

**TOWN OF ALTON PLANNING BOARD  
MINUTES 2017  
OCTOBER 17, 2017**

**APPROVED**

Members Present:

- Peter Bolster, Chairman
- Roger Sample, Vice-Chairman
- Russ Wilder, Clerk
- Dave Collier, Member
- Tom Hoopes, Member
- Scott Williams, Member
- Virgil MacDonald, Selectmen's Rep. (6:06 p.m.)

Others Present:

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

**CALL TO ORDER**

Peter Bolster called the meeting to order at 6:00 p.m.

**APPROVAL OF AGENDA**

Scott Williams asked if there had been any changes to the agenda. Nic Strong noted that the items in bold italics in numbers 4. & 5., were added to the agenda since it was first posted.

**Scott Williams moved to accept the agenda as amended.  
Tom Hoopes seconded the motion, and it PASSED unanimously.**

**Public Hearing on Capital Improvements Plan (CIP) of 2018-2023**

Peter Bolster stated that the CIP Hearing would be continued because there were some scheduling issues. He thought that the information was well put together, but there was still one more CIP meeting on October 24, 2017, to finalize everything before making recommendations to the Board of Selectmen. He noted that there were several items that were being proposed, so the CIP might take a couple of years to be fully developed. Peter Bolster thought it was a good process and it allowed the Department Heads the chance to look at what it was that their department needed.

**Time Extension Request**

|   |                      |   |
|---|----------------------|---|
| <b>Case # P10-12<br/>Alton Bay Christian Conference<br/>Center/Brad Smith</b> | <b>Map 34 Lot 33</b> | <b>Time Extension on Site Plan<br/>Residential (R)<br/>5 Broadway Blvd.</b> |
|---|----------------------|---|

Brad Smith, on behalf of the Alton Bay Christian Conference Center (ABCCC), was requesting a time extension of one year until August 18, 2018, for the Beacon Site Plan originally approved on September 14, 2010. After Brad Smith sent that request, he then sent a letter, dated October 17, 2017, to Nic Strong informing her that they did not wish to request an extension to the Beacon Site Plan at this time. Peter Bolster read the letter into the record:

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“In follow up to our conversation be advised that the Executive Board of the Alton Bay Christian Conference Center has instructed me that they do not wish to request an extension of the “Beacon Plan” at this time. The consensus is that the plan as approved will not happen. However, that does not preclude the possibility of ABCCC coming before the Planning Board at some point to request a plan approval for a different plan.

I would also like to clarify a point in reference to the “Maserian Cottage”. It would be my understanding that if the Beacon Plan lapses the cottage would no longer be a part of that plan and the site on which the cottage now sits would be a buildable lot based on current state and town codes and regulations.”

Nic Strong stated that there were a couple of things she wanted to point out. First was for the Board to make a motion for the overall site plan, since the Conditions Precedent had not been met. Scott Williams asked why the Board could not just let it go; Nic Strong stated that since it had been so long since the plan was first approved, and with all of the multiple extensions granted, it would be best to have it acknowledged in the minutes that the Board deemed this plan null and void. Nic Strong reminded the Board that the Maserian Cottage was taken out of the original site plan with the site plan amendment in 2015, so there was no need for the Board to address this.

Tom Hoopes asked at what point, when something ceased to exist, and time went by, did someone lose their rights to rebuild under the same site plan. Nic Strong stated that it depended upon the property and the individual case. She noted that if there was a nonconformity there might have been a time period if the plan was not reinstated the applicant could lose it. There were multiple variances and special exceptions that were granted in order for the ABCCC to get the site plan approval for the campground, and at that time, variances and special exceptions did not have any time limits imposed for a project to get started; therefore, the variances and special exceptions would be valid with the property forever. Nic Strong further mentioned that the density could possibly remain the same, because she was not clear about what they were going to propose in the future.

**Russ Wilder moved that since the conditions precedent on the existing site plan had not been met, the Board considered the site plan to be null and void.**

**Roger Sample seconded the motion, and it PASSED unanimously.**

**Other Business:**

**1. Old Business:**

- a.** Motion from the September 19, 2017, Planning Board meeting requiring final action:

Chestnut Cove Subdivision/Ridge Road issue needed a second on Dave Collier’s rescinded motion and a vote.

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

- b.** Discussion re: Chestnut Cove Subdivision/Ridge Road, and the outcome of Ken Roberts’ and Michael Vignale, P.E.’s, inspection of the integrity of Ridge Road.

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Nic Strong stated that she met with Ken Roberts, Road Agent, and Michael Vignale, P.E., on-site. Michael Vignale, P.E., provided the Board an estimate of what needed to be taken care of with the road, which was in bad condition. Nic Strong noted that the subtotal for the construction of the road and an as-built was \$1,300 more than what was currently in escrow. She stated there were some possible options. The first option would be that the Town could come up with the difference if the Highway Department did some of the work. Scott Williams wanted to know why the Highway Department would do any of the work if it was not a Town road; Nic Strong stated that was just an option to get the road completed. She noted that in the estimate, it indicated that there was a whole section of road that half of the road needed to be taken out and started again, because there was cracking that was unacceptable. She stated that there was nothing in the reports that showed the road was not built to code. She shared that it appeared that something very heavy sat on the side of the road for quite a while, because there was a lot of edge cracking. Scott Williams stated that the edge cracking developed because the Regulations did not require the asphalt to go out far enough.

Russ Wilder asked how much was currently in escrow; Nic Strong stated \$55,199 and the estimate was \$64,000. Russ Wilder then asked how the Town could fill the gap, because it was not a Town road. Tom Hoopes mentioned that there was a check for \$31,000 that was returned to Ken Chase because he did not want to put it in an escrow account. Nic Strong stated that Ken Chase was under the impression that the Town would use his escrow money and pay the contractor, because that was what had happened mistakenly in the past. Once Ken Chase found out that the Town was not going to pay his contractor with that money, he was not willing to sign the paperwork to have the Town take the \$31,000 and put it in the escrow account; therefore, it was returned to him. Nic Strong stated that the latest conversation that she had with Ken Chase was he was going to do the work without the escrow being completely satisfied, because that was allowed, but that had dragged on since May of this year. She thought that she should talk to Jim Sessler, Esq., to see if there was any legal action the Town needed to take next; Russ Wilder and Scott Williams agreed. Peter Bolster stated that there was a similar instance on Roger Street, where the residents kicked in a fairly good amount of money to get their road fixed. He suggested the current homeowners come up with the difference just to get it done.

Peter Bolster opened public input.

Pat Torriero came to the table to address the Board. She asked if the town would take over the road after it was paved. Scott Williams stated that the Board of Selectmen handled road acceptance. Tom Hoopes asked if 50% of the lots were built; Pat Torriero stated, no, that there were ten (10) lots but only four (4) homes were built. Peter Bolster stated that the problem was that the fifth house needed to be built. Pat Torriero stated that she had been trying to locate Ken Chase, but to no avail. She shared that the rest of the subdivision was so overgrown, it had become a hazard. She also shared that over the weekend she ripped out a ton of weeds by the subdivision entrance because it looked terrible. Scott Williams asked if there was a Homeowners' Association, because that was required according to the subdivision approval; Pat Torriero stated that she had all the paperwork, but it was never instituted. Scott Williams asked Nic Strong to research to see if there were any Covenants recorded and in effect. Pat Torriero stated that Covenants had been recorded. Scott Williams informed Pat Torriero that it was up to

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the current homeowners to start up the Association. She stated that she looked into it, and what she found was that if an Association died out, that it was not in effect anymore. Scott Williams pointed out that it had not even started up, and it was required to be in place according to the subdivision approval. Pat Torriero shared with the Board that she tried to talk to one of the homeowners who owned four (4) of the lots, who had a controlling vote, but was unsuccessful because his Real Estate Agent told her that he did not want a Homeowners' Association.

Scott Williams asked Pat Torriero if she had talked to an attorney about this; she stated, no. Scott Williams thought that if she went in front of the Board of Selectmen, they were going to tell her that the subdivision did not have 50% of the houses completed and send her on her way. Peter Bolster thought that some homeowners' insurance policies might cover attorney fees, and suggested she look at her coverage. Virgil MacDonald thought that Pat Torriero should address this with an attorney of her own; Peter Bolster agreed.

Scott Williams suggested having Pat Torriero and her neighbors come up with the \$9,000 difference, which could be added to the escrow that the Town currently possesses. Virgil MacDonald thought that the escrow money needed to stay in place until the Town took over the road; Scott Williams stated that only 10% stayed in place. Nic Strong stated that what the Town would be doing was calling in the escrow to finish what had not been done according to the approval by the developer. Virgil MacDonald asked if the Town was not taking over the road, why would the escrow be released. Nic Strong stated that the subdivision approval had no deadlines for construction; therefore, houses had been allowed to be constructed, and the developer had not been doing what he said he was going to do.

Russ Wilder stated if one more house was built, and the developer had not done what he was supposed to do, then the Town could use the escrow money to finish the road to Town Standards, but that could not happen until that fifth house was built. Peter Bolster once again informed Pat Torriero that she needed to talk to an attorney. Pat Torriero asked why, since Ken Chase owed money to the Town, why was the Town not going after him. Scott Williams stated that the Town had done their job by saying that no more building permits would be issued until the road was paved. Nic Strong stated that was why the restriction was put in place, because the Town had been trying to get the additional funds into the escrow account since 2015. Peter Bolster stated that the Town could not make Ken Chase build the road. Pat Torriero agreed, but stated that the Town could make Ken Chase put the money in escrow that had been owed the Town. Peter Bolster stated that the Town had tried to get the money from him. Pat Torriero stated, if the Town was unable to get Ken Chase to pay the money that was due in escrow that he agreed to pay two years ago, what was the Association going to do. Scott Williams stated that the Association or the homeowners could attach a lien to his lots, and again suggested legal counsel. Peter Bolster stated that Pat Torriero should come back to the Board after she had met with an attorney and if the attorney needed to get the information, they could get it from the Planning Office. Pat Torriero did not understand why the Town was not going after Ken Chase for the money. Scott Williams stated that the Town had done everything they could.

The Board moved onto the next agenda item.

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- c. Letter dated October 3, 2017, from Liz Dionne, Town Administrator, re: the Planning Board's letter addressed to the Board of Selectmen asking for the 2018 Lakes Region Planning Commission (LRPC) dues to be placed into a warrant article.

Peter Bolster addressed the letter, which stated that the issue of the Lakes Region Planning Commission dues was discussed amongst the Board of Selectmen and no action had been taken at this time. Virgil MacDonald mentioned that a number of times, residents had attended the Board of Selectmen meetings and had shown a dislike to the rumble strips, and since the LRPC did not disagree with them being installed, that upset many people; therefore, they did not want the Town to spend the money for the dues. Peter Bolster stated it was important to be a part of the LRPC, and noted all of the new road construction on Route 28 that had to do with the 10-year plan. Peter Bolster stated that LRPC was working on many things for the Town, and without them, how would Alton be involved with towns in the area to deal with various kinds of issues. Virgil MacDonald noted that he was the only Selectmen standing up for the Town to be a member of the LRPC. Peter Bolster suggested the Board go before the Board of Selectmen or to encourage someone to create a petitioned warrant article and let the people decide. Virgil asked Nic Strong to find out how much money they would need as an estimate if they paid LRPC per project. Nic Strong was worried about putting an estimated amount in the budget this year for LRPC, because she wanted the \$2,500 for the assistance from UNH Coop Extension to be passed for the Master Plan. Russ Wilder suggested taking a tally of how many times we could have used LRPC this year, but did not because it was not in this year's budget. Virgil MacDonald suggested having a separate petitioned warrant article for this. Peter Bolster asked as a Board, should they be the ones to instigate a petitioned warrant article or should it be another party. Tom Hoopes thought it would not be a problem as a Board to submit a petitioned warrant article.

**Tom Hoopes moved to have the Board create a petitioned article to have the Board of Selectmen pay for the Lakes Region Planning Commission dues.  
Virgil MacDonald seconded the motion, and it PASSED unanimously.**

2. **New Business:** None.
3. **Approval of Minutes:** September 19, 2017, Planning Board Meeting

**Tom Hoopes moved to approve the minutes of September 19, 2017, as presented.  
Virgil MacDonald seconded the motion, and it PASSED unanimously.**

4. **Correspondence for the Board's review/discussion/action:**
  - a. Email dated September 26 & 28, 2017, between Ryan Heath and Nic Strong re: active and substantial development for Stone Meadow Commons.
  - b. Email dated October 3, 2017, from Ryan Heath re: the status of Stone Meadow Commons.

Ryan Heath came to the table to address the Board. He wanted to know if the Board would approve substantial completion for his project, because when the 45-unit senior housing complex

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was approved, there were no stipulations, thresholds, or anything else established to signify getting to any vested point. He explained that the road went back in about 750 feet, which had been brought to subgrade, and the DOT permit was satisfied. He noted an area with an extreme slope on the side of the road, which had a lot of cut and fill, now had vegetation and was stabilized. He showed a picture of a culvert that went across Route 140, which had to be tied in with the wetlands crossing that came out to a vegetative swale, covered with a rock bed. He noted there was a wetland impact area that needed stabilization, which was now covered in grass. He showed a picture of where the subgrade stopped; there was 1,000 feet of road that had been grubbed and stumped, but had some undergrowth. He stated that the road was all laid out and the first preparations had begun, but he came across numerous large rocks that ended up holding up that portion of the project. There were also pictures of the water crossing and slopes with vegetation growing. Ryan Heath talked about the roadway, the “Y” split was a one-way that went around the loop, and the other part of the roadway had two-way traffic. He noted to the left of the roadway was where the bank of mailboxes would be installed and there was room for snow storage. To the right of the street was where the dumpster enclosure would be located. He noted there were three (3) piles of stock-piled rocks. What he wanted to be able to do was bring in a rock crusher and crush up some of the existing materials to use on-site.

The last picture that Ryan Heath showed the Board was of the existing home. He stated when he bought the property that building used to be a garage with a single room apartment over the top. He shared with the Board that he added a bathroom, moved structural walls, insulated it, made foundation repairs, and constructed a patio off the front side. He thought that changing the whole orientation of the house, because the garage used to face Route 140, could be considered substantial development.

Ryan Heath stated that he was a victim of a Ponzi scheme. He stated that he had an AoT permit from DES, which noted that based on his request, they amended the permit that consisted of an unprecedented two-year extension because of a \$30M Ponzi scheme. He shared that many developments across the U.S. were involved due to corruption in the higher levels of banking. All of the investment money was tied up in Bankruptcy with an FRM, not with the owners, the builders, and the investors. Ryan Heath stated that he missed two (2) years of developing because of this, and what had been completed came out of his pocket because he could not get any financing. He stated that there was no definition of substantial completion in any statute, zoning regulation, or anywhere else. He stated that the only thing he could find that was close, was the definition of “Substantial Improvement” in the Zoning Ordinance. He shared the definition from the Zoning Ordinance for “Substantial Improvement”, “.....For the purposes of this definition, “Substantial Improvement” is considered to occur when the first alteration of any walls, ceiling, floor, or any other structural part of a building commences.....”. He thought he reached that level due to the renovations/alterations to the house, and the groundwork leading to the first buildings ready to be constructed.

Scott Williams thought it was a legitimate concern and construction should move forward. Russ Wilder asked about the AoT Permit from DES, which was extended to April 2018, and wanted to know if it had to be completed by the extension date, or just started; Ryan Heath stated it had to

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be started by that date. Peter Bolster thought it was a project that would benefit the elderly in the Town of Alton.

**Scott Williams moved that based on the information provided by Ryan Heath that this project could move forward, and that Substantial Completion of the Improvements as shown on the site plan, had been met.  
Virgil MacDonald seconded the motion.**

Peter Bolster opened public input. No public input. Peter Bolster closed public input.

No further discussion.

**Peter Bolster asked the Board for a vote; the motion PASSED unanimously.**

- c. Letter dated October 6, 2017, from Randy & Arianna Benn, Tom Atwood, Rick Daye, and Aidyl & Linda Randall, re: Debbie Glazier, owner of the Alton Bed & Biscuit.
- d. Letter from John Dever, III, Code Official, dated 16 Oct 2017, re: the complaint package submitted in care of Alton Bed and Biscuit by Arianna Benn.

Nic Strong noted that John Dever, III, Code Official, was working on this issue, and noted in his letter that at the time the Planning Board should be involved, he would let them know.

- e. Memo with attachments dated October 12, 2017, from Nic Strong, re: Richard Ollari, co-owner of Sedlari Construction, LLC, re: requesting the Planning Board to conduct a final site walk and to provide final approval for acceptance of Sedlari Way.

Vance Sedlar came to the table to address the Board. Nic Strong stated that Vance Sedlar and Richard Ollari of Sedlari Construction, LLC, were requesting that the Planning Board conduct a final site walk of Sedlari Way, and to provide final approval before they were able to apply to the Board of Selectmen for acceptance of the road. Nic Strong stated that she had received the as-builts and was waiting for the final sign off letter. She noted that in order to approve the road according to the subdivision approval and the Subdivision Regulations, the Board should schedule a site walk. Nic Strong stated that one of the people that should be present was Ken Roberts, Highway Manager, who was unavailable until November 1, 2017, and from November 15 through November 20, 2017.

The Board agreed to conduct the site walk on Thursday, November 2, 2017, at 4:30 p.m. Board members and the applicants would meet at the site, Sedlari Road, which was off Alton Mountain Road, first road on the right hand side. Vance Sedlari asked about the security; Nic Strong stated that would be addressed at the hearing.

- f. Memo with attachments dated October 12, 2017, from Nic Strong, re: Excavation Operations and the missed deadline for application submittals.

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Nic Strong stated that none of the gravel pit owners had come in to apply under the newly adopted Excavation Operations regulations. She stated that if the gravel pit owners had not applied by the September 18, 2017, deadline set by the Board, they would not be in compliance. Russ Wilder suggested that the Board send a letter to the gravel pit owners stating that the deadline had passed, that they were no longer in compliance with the regulations, and they were required to submit their application by December 1, 2017. Nic Strong noted that there were three (3) pits in Alton, in which one belonged to Scott & Penny Williams, another one belonged to Green Oak Realty Development, LLC, and the third one belonged to the David E. Countway Revocable Trust of 2011. John Jeddrey's pit was depleted and he wanted to use the property for something else.

**Russ Wilder moved to have the Board send a letter to the gravel pit owners stating that the deadline had passed, that they were no longer in compliance with the regulations, and they were required to submit their application by December 1, 2017.**

**Virgil MacDonald seconded the motion, and it PASSED with Scott Williams abstaining.**

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

- a. Memo from Michael Vignale, P.E., dated October 16, 2017, re: Dobbins Brook-Construction Site Visit.

Nic Strong stated that the wetlands permit was about to expire, so Dave Fuller was going to go put in the wetland crossings; one of them was a box culvert under the roadway. Michael Vignale, P.E. would be inspecting the installation of the box culvert. Nic Strong noted that Michael Vignale, P.E., indicated that the excavator operator was excavating fill material from what would eventually be the roadway subgrade and backfilling it with gravel that was excavated elsewhere. He stated that an improper impaction technique was being used on this unconsolidated material and would need to be excavated and compacted prior to roadway construction. Nic Strong stated that the construction company was informed of that issue and would be flagged in the file so when the completion of the road began, that would be the first thing Michael Vignale, P.E., would be inspecting.

Russ Wilder asked if Michael Vignale, P.E., could identify exactly where that occurred; Nic Strong stated she would ask him.

- b. Distribution of Town Engineer RFP submittals for the Board's discussion at the November 21, 2017, Planning Board meeting.

Nic Strong asked the Board to take the time to review all seven (7) RFP submittals and be prepared at the next Planning Board meeting on November 21, 2017, to recommend more than two (2) engineers to be interviewed.



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

Scott Williams asked Nic Strong to get the Board up to date on what the Zoning Amendment Committee had proposed for zoning amendments for 2018. Nic Strong stated that ZAC would be meeting tomorrow night and would be reviewing the 4<sup>th</sup> draft of the amendments. She stated what was being amended were some housekeeping definitions, updates to the Accessory Dwelling Units that came out of the 2017 Legislative Session, adding a proposal to include Personal Agriculture in districts that currently do not allow agriculture at all (specifically chickens and bees in the Lakeshore Residential zone), to include an Obnoxious Use provision, and changing the frontage requirements in the Lakeshore district to bring it more into compliance with lot sizes compared to other districts.

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

Peter Bolster opened public input. No public input. Peter Bolster closed public input.

**ADJOURNMENT**

**At 7:35 p.m., Tom Hoopes moved to adjourn.  
Scott Williams seconded the motion, and it PASSED unanimously.**

The meeting adjourned at 7:35 p.m.

Respectfully submitted,

Jessica A. Call  
Recording Secretary

Minutes approved as presented: November 21, 2017