

**Members Present:**

- Roger Sample, Chairman
- Scott Williams, Vice Chairman
- Virgil MacDonald, Selectmen’s Representative
- Drew Carter, Member
- Tom Hoopes, Member
- Bob Regan, Member

**Others Present:**

- Jessica A. Call, Town Planner
- Amelia Cate, Planning Secretary
- Phil Wittman, Board of Selectmen & ZAC Representative
- 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. Williams asked if there were any changes to the agenda since it was posted. Ms. Call stated there were additions to the agenda listed in bold italics: 4.b. Update on Ridge Road and discussion on releasing the hold on building permits; 4.c. Update on Dobbins Brook and discussion on releasing Phase II surety and replace it with a bond for both Phase I & II; 4.d. Recommendation on building permits for Reed Road; 4.e. Discussion on site walk for High Point Road; and 6.c. Discussion on releasing escrow and surety accounts.

**Mr. Williams MOVED to approve the December 17, 2019, agenda, as amended.**

**Mr. MacDonald seconded the motion, and it PASSED unanimously.**

Mr. Hoopes asked if there was going to be one more change to the agenda, to move the Public Hearing on the Zoning Amendments until after the two (2) cases were heard.

**Mr. Sample MOVED to amend the agenda so the Public Hearing for the Zoning Amendments would be heard after Case #'s P19-25 and P19-26.**

**Mr. Sample MOVED to approve all the changes to the agenda.**

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

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

<b>Case #P19-25 Michelle Lang, Owner</b>	<b>232 Jesus Valley Road Map 14 Lot 1-2</b>	<b>Final Minor Site Plan Rural (RU) Zone</b>
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The Chairman read the case into the record.

Ms. Lang, owner, came to the table to present the case.

Mr. Land passed photos of the project around the table to the Board. Mr. Sample asked about application completeness. Ms. Call stated that all the items had been submitted according to the Site Plan Regulations, except for a few items that were not included on the plan, which were: 1) Delineated parking spaces; 2) Unclear whether there was well/municipal water; and 3) Hours of operation. These items needed to be listed on the Executive Summary as well.

**Mr. Hoopes MOVED to accept the application for Case #P19-25, as complete.  
Mr. Williams seconded the motion, and it PASSED unanimously.**

Ms. Lang stated that her daughter just received her barbering license and would like to work out of the enclosed four (4) season porch that was located off their house. She noted that this was the first step to get approval from the Town, and then they would have to go to the State to get a license to operate.

Mr. Williams questioned the Fire Department's NFPA 101 chapter 7.2.1.4.2(a), Life Safety Code requirement, and stated that he did not believe it had to be an outward swinging door for a low occupancy business. Mr. Regan asked Mr. Dever, Code Official, if he had any input on that requirement. Mr. Dever believed it was 50 people or more that would trigger the outward swinging door requirement. Mr. Hoopes did not see traffic, or parking, or anything of that nature being an issue on Jesus Valley Road, being as remote as it was.

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

**After due hearing, Mr. MacDonald MOVED that the Alton Planning Board hereby approve the above cited application for Case #P19-25 for Michelle Lang for a Minor Site Plan Review for a "Barber Shop" as a "Home Business" located in the existing all season porch at 232 Jesus Valley Road, Alton, NH, Map 14 Lot 1-2, 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 Site Plan Review 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 site plan prior to plan signing by the Planning Board Chair: This site plan contains a total of \_\_\_ sheet(s): [to be listed and dated by the applicant on the site plan itself]. In combination these plans constitute in their entirety the site plan as approved by the Town of Alton Planning Board. All sheets are on file at the Town of Alton Planning Department.**
- 3. Addition of a note to the site plan prior to plan signing by the Planning Board Chair: This site plan is subject to the Conditions of Approval itemized in the December 17, 2019, Notice of Decision on file at the Town of Alton Planning Department.**
- 4. Dimensions of parking spaces should be indicated on the plan, and spaces should be delineated with striping.**

5. **Addition of hours of operation listed in the Executive Summary.**
6. **Indicate on the plan if there is a well or municipal water.**
7. **Compliance with the Fire Department comments dated December 16, 2019, from Deputy Chief Evan Turcotte, with the exception of #2) a.**

**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, prior to the issuance of any Certificate of Occupancy per this Notice of Decision and Section 1.22 of the Site Plan Review Regulations.**
2. **The approved hours of operation for the proposed office and showroom shall be from 8:00 a.m. to 5:00 p.m. from Monday through Friday, and closed on holidays.**
3. **The applicant shall comply with all of the Town of Alton's Site Plan Review Regulations and the criteria for a Professional Office from the Zoning Ordinance.**
4. **The approval is based upon the plans, specifications and testimony submitted to the Planning Board. Any alterations, additions or changes to the plans are not authorized and require additional Planning Board approval.**
5. **A site plan which has been approved, conditionally or otherwise, may be revoked, in whole or in part, by the Planning Board when an applicant or successor in interest to the applicant has performed work, erected a structure or structures, or established a use of land, which fails to conform to the statements, plans, or specifications upon which the approval was based, or has materially violated any requirements or conditions of such approval.**
6. **Once any and all conditions of approval have been met and the Chairman of the Planning Board or his designee signs a site plan, the applicant has twelve (12) months from the date of signing to start construction and, unless a different schedule is approved by the Board, must complete construction within twenty-four (24) months.**
7. **Site plan approvals that have not started construction within twelve (12) months shall automatically expire, at which time no building permits shall be issued, unless an extension has been formally requested and granted by the Board. Normally the Board shall not grant more than one extension per project, shall only grant an extension for reasonable cause, and shall normally not grant an extension for more than six months.**
8. **No site may be occupied or used until a Conditional or Permanent Certificate of Occupancy Permit has been issued by the Code Official in accordance with Section 1.22 of the Site Plan Review Regulations.**

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.

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

**Waiver Request for a Wetland Buffer**

Case #P19-26 Alan & Mary Barrett, Agents for Brian Welch, Owner	641 Prospect Mountain Road Map 3 Lot 24-1	Wetland Buffer Waiver Request Rural (RU)
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The Chairman read case into the record.

Alan and Mary Barrett, potential buyers of 641 Prospect Mountain Road, and agent for Brian Welch, owner, came to the table to present their case.

Mr. Hoopes asked if it was a pre-application discussion. Ms. Call stated it was and asked the Board if they had read her comments and suggestions in the planner review. Mr. MacDonald asked if there was a drawing from the 2013 application for the original subdivision that showed where the driveway was going to be. Ms. Call said it hadn't been approved, due to Mr. Welch not proceeding with the subdivision, but that she did have a copy in the subdivision file. Mr. MacDonald asked if this was strictly for the buffer itself and that there would not be any impact on the wetland. Ms. Call stated that was correct. Mr. Williams stated that the State did not require a buffer to the wetlands but that the town did. Mr. Hoopes stated the Board needed to grant a waiver from infringing on the setback to the boundary line. Mr. Williams stated the driveway was not a structure, therefore it could be built right up to the boundary line.

Mr. Hoopes asked Mr. Dever if he knew how large this particular wetland was. Mr. Dever said that he did not know specifically, but that the wetland in question crossed the whole back of the lot. Mr. Williams asked Mr. Barrett how far from the property line did the wetlands begin. Mr. Barrett said there was about 25 feet from the property line. He had assumed they had to adhere to the 10 foot setback requirement, but stated they were thinking they would run the driveway right along the property line and keep the 10 foot setback. However, he may push it over a little as to ensure no impact to any of the wetlands, if the 10 foot buffer was not required. If the map were to scale he stated it would be approximately 80-100 feet of the buffer would be impacted, but no impact to the wetlands directly. Mr. Barrett also explained he would not be disrupting the vegetation of the wetland in any way. Mr. Hoopes, Mr. Williams, and Mr. Sample did not see any issues with the application. It was stated that the waiver applied only to the property, and not to the property owner.

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

**After due hearing, in regards to Case #P19-26, Mr. Williams MOVED that the Alton Planning Board hereby approves to grant a waiver to the wetland buffer in accordance with the Town of Alton Zoning Ordinance, Section 327 Setback Requirements, for Alan & Mary Barrett, Agents for Brian Welch, Owner, for property located at 641 Prospect Mountain Road, Map 3 Lot 24-1, with no conditions. This waiver applies to the property and not the specific property owner.**

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

## **2. Public Hearing on Zoning Amendments 2019-2020**

John Dever, III, Code Official, & Phil Wittmann, ZAC Member, represented the ZAC Committee for the Zoning Amendment discussion.

Mr. Hoopes asked about page seven (7) of the Proposed Zoning Amendments recommended by Jim Sessler, Esq., Town Counsel. Ms. Call stated they were comments or tweaks that Attorney Sessler thought should be changed or included. Ms. Call stated that the ZAC Committee wanted the Board to see what the Committee and Attorney Sessler had suggested for changes.

Mr. Sample read the public notice for the record.

### **PLANNING BOARD PROPOSED AMENDMENT #1:**

This amendment adds “Townhouses” to the Table of Uses and Article 200 Definitions, and amends the “Restrictions Governing Use” for the Residential Commercial (Section 443) and Rural Residential (Section 463) Zones to allow “Townhouses in those zones.

It also updates the definition of “Dwelling-Multi-Family” and increases the allowable number of dwelling units in a Multi-family structure from 5 to 6.

**Article 400, Section 401, Table of Uses:** Add “Townhouses” as a separate line (A.5) and amend the allowable number of units in a structure to 6 for “Multi-family Dwelling” and 5 for “Townhouses”.

**Article 200, Definitions:** Amend the definition of “Dwelling – Multi-family” and add the definition for “Townhouses”.

**Proposed definition:** “*Multi-family structure – A residential structure containing a minimum of three (3), and no more than six (6), individual dwelling units*”.

**Proposed definition:** “*Townhouse – A single-family dwelling unit constructed in a minimum group of three (3), but not more than five (5), in which each dwelling unit extends from foundation to roof, and has a yard or public way on at least two sides*”.

**Article 400, Section 440, Residential Commercial Zone:** Amend subsection 443 to add “Townhouses” as a permitted use, and clarify the required lot area calculations for Townhouse groups and Multi-family structures.

**Article 400, Section 460, Rural Residential Zone:** Amend subsection 463 to clarify that only one single family dwelling is allowed per lot; add “Townhouses” as a permitted use; and clarify the required lot area calculations for Duplex, Townhouse, and Multi-family structures.

### **DISCUSSION:**

Mr. Williams asked if this was just to add consistency to the ordinance. Mr. Hoopes stated, yes, that it did add some consistency, but it was to also balance things out. Mr. Dever informed the Board that this was a big amendment because it affected a lot of different areas relating to it.

Mr. Dever stated that “Townhouse” had not been included in the Zoning Ordinance, and due to some inquiries, thought it should be addressed. Townhouses look like more of a normal house than a multi-family structure and would preserve some of the character of our town. Mr. Williams asked for the Board’s thoughts

on allowing “Multi-family Structure” and “Townhouse” in the Rural Zone, where they had not been allowed before. Mr. Hoopes stated he believed the Board needed to get together and classify the roads as to the condition and serviceability before changes were made. Mr. Sample stated that most of the town was Rural and why shouldn’t the Board allow this use, when it would actually require less land to build on than it did now. Mr. Hoopes also stated that if the amount of traffic exceeded the capacity of the road it may not be permitted in some areas anyway. Mr. MacDonald questioned the road standards as far as a developer/property owner having to bring a road up to town standards before building townhouses and multi-family structures like the Board did with subdivisions. Mr. Williams stated his issue was not necessarily with the roads as much as it was the ability to construct a residential project in a rural zone. Mr. Dever stated that the Board could address some of these issues with another public hearing to change it, but for now, all that was proposed was adding to the definitions that already existed.

Mr. Sample opened public input. No public input. Mr. Sample closed public input. Mr. Carter stated that this amendment made sense and that the Board should move it forward, but keep the restrictions of zoning as was for now, and while the Master Plan was being developed, the questions of allowing these uses in more zones could be opened up and discussed at that point.

**Mr. Williams MOVED to add the use of “Multi-family” and “Townhouse” by Special Exception like it was proposed in the Residential Commercial and Rural Residential Zones, in accordance with the restrictions mandated in the Rural Zone.**

**Mr. MacDonald seconded the motion.**

Mr. Hoopes stated that he thought this would be a mistake to jump the gun on this. Re-zoning through a Master Plan was what had been discussed and he believed that was the way it should be done. Mr. Sample stated the ZBA could handle it on their end as a Special Exception.

**Mr. Sample asked the Board for a vote. The motion PASSED with Mr. Hoopes and Mr. Carter voting Nay.**

Mr. Williams stated a second public hearing should be scheduled to address the changes. Mr. Williams asked about having to adjust the lot sizes when it came to the zoning changes. Mr. Dever stated he would add the language to the section for the Rural Zone. Mr. Dever went on to state that the size of the required lot had not been changed at all, just the zones where they were being amended to be included.

The Board agreed to vote on moving all of the remaining Zoning Amendments to the ballot at the end, unless they did not agree on moving one forward to the ballot as they moved along.

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**PLANNING BOARD PROPOSED AMENDMENT #2:**

*Amend Section 401 D. 1 & D. 2 to permit “Amusement Use – Indoor” and “Amusement Use – Outdoor” in the Rural Residential and Rural Zones by Special Exception.*

**Rationale:**

The uses are presently permitted by Special Exception only in the Residential Commercial (RC) Zone. The intent is to provide opportunities for these activities in other zones that have more open space.

**DISCUSSION:**

Mr. Dever explained that with the limited amount of space in the Residential Commercial Zone. This use should be allowed in zones that had more space. The Board agreed.

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

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**PLANNING BOARD PROPOSED AMENDMENT #3:**

*Amend Section 401D. 18 to remove "Firewood Processing" as a permitted use in the Residential Commercial Zone.*

**RATIONALE:**

A use such as this needs space for not only for operation, but to minimize impact on neighboring properties also. Unless the Residential Commercial (RC) Zone is expanded substantially, there is no area available to accommodate this use nor does it fit the intent of the Residential Commercial (RC) Zone.

**DISCUSSION:**

Mr. Dever explained that this was a loud, high volume, and continuous operation that was being addressed, and did not have anything to do with cutting and splitting wood for personal use. This was not an appropriate use for the Residential Commercial Zone. Mr. Dever stated that if the Board wanted to preserve the downtown atmosphere, this should be changed to a different zone. Mr. Hoopes agreed. This use was too loud for the community that lived in the downtown area. There was no space to accommodate a commercial business of this operation within the limited area in the Residential Commercial Zone.

Mr. Sample opened public input.

Mr. Howard, of Stockbridge Corner Road, came to the table. He stated that the Residential Commercial Zone was established for the use of a commercial businesses. Mr. Regan stated that there was another zone that could accommodate this type of business. Mr. Dever noted that this was a permitted business/activity and it needed to be brought in front of the ZBA for a Special Exception to make sure it was an appropriate activity for that location in the zone.

Mr. MacDonald asked if this type of business was currently in the Residential Commercial Zone, and if so, would that business be able to stay. Mr. Dever stated if there was one, it would be grandfathered in. The Board agreed.

Mr. Sample closed public input.

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**PLANNING BOARD PROPOSED AMENDMENT #4:**

*Amend Section 401 D. 27 to permit "Lumber Yard" in the Residential Commercial and Residential Rural Zones by Special Exception.*

**RATIONALE:**

Presently "Lumber Yard" is only allowed in the Rural (RU) Zone. We feel it would be appropriate to allow it in the Residential Commercial (RC) Zone and possibly the Residential Rural (RR) Zone.

**DISCUSSION:**

Mr. Sample stated that the Board needed to do something about getting on top of the zoning changes after these amendments were voted on. Mr. Hoopes stated that the Master Plan did exactly that. He went on to say

that the Board needed to look at what was going to be the best for the town, referring to the sub-committee and the individuals that would be working on the Master Plan and re-zoning issues. The Board agreed.

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

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**PLANNING BOARD PROPOSED AMENDMENT #5:**

*To Amend Section 401 D. 33 to require a Special Exception from the Zoning Board of Adjustment for a "Parking Facility" in the Residential Commercial Zone.*

**RATIONALE:**

Presently the use is permitted by right in the Residential Commercial (RC) Zone and by Special Exception in the Rural (RU) Zone. Because this use could have a major impact on the zone and any neighboring properties, we felt it should be subject to ZBA approval prior to going to Site Plan Review.

**DISCUSSION:**

Mr. Dever explained that the Zoning Ordinance was a living document that had to evolve over time, and these amendments were something that needed to be addressed. Mr. Dever also stated that this use was already allowed as a Special Exception in the Residential Commercial (RC) Zone. This amendment made things more uniform. The Board agreed.

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

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**PLANNING BOARD PROPOSED AMENDMENT #6:**

*To Amend Article 400 Zoning Districts Regulations, Section 401 D. 39. to remove "Outdoor Recreation" as a permitted use in the Residential (R) Zone.*

**RATIONALE:**

Presently, the use is permitted by Special Exception in the Residential (R), Residential Rural (RR), and Rural (RU) Zones. The note on the Table of Uses requires that the lot containing the use be a minimum of 20 acres in size. There are no lots of that size available in the Residential (R) Zone, and the use is contrary to the purpose of the Residential (R) Zone.

**DISCUSSION:**

Mr. Dever stated that this use was not practical for the Residential Zone. The Board agreed.

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

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**PLANNING BOARD PROPOSED AMENDMENT #7:**

*To amend Article 400 Zoning Districts Regulations, Section 401 D. 45. to permit "Small Engine Repair" in the Residential Commercial (RC) and Rural Residential (RR) Zones by Special Exception.*

**RATIONALE:**

At present, the use is allowed by right in the Residential Rural (RR) Zone, and by Special Exception in the Rural (RU) Zone. Other activities similar to this, such as Auto and Boat Repair, and Contractor's Yard, are permitted uses in the Residential Commercial (RC) Zone. This change would allow it by Special Exception in the Residential Commercial (RC) Zone, and change to a Special Exception in the Residential Rural (RR) Zone.



**DISCUSSION:**

Mr. Dever stated that in the Residential Commercial (RC) Zone and Residential Rural (RR) Zones there were similar uses that were allowed and it did not make sense as to why the Board should not allow small engine repair as well. The Board agreed.

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

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**PLANNING BOARD PROPOSED AMENDMENT #8:**

*To amend Article 400 Zoning Districts Regulations, Section 401 D. 51. to remove "Water Extraction Facility" as a permitted use from the Residential (R) and Lakeshore Residential (LR) Zones.*

**RATIONALE:**

This use can be intensive, generating substantial truck traffic, and creating other related concerns. The impact could be detrimental, possibly have a negative effect on property values, and is not in keeping with the intent of the zones.

**DISCUSSION:**

Mr. Dever stated it would not affect businesses that were already established. It made no sense to have these operations in the Residential (R) Zone and Lakeshore Residential (LR) Zone. The Board agreed.

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

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**PLANNING BOARD PROPOSED AMENDMENT #9:**

*To Amend Section 401 E. 4 to remove "Forestry" as a permitted use in the Residential and Residential Commercial Zones.*

**RATIONALE:**

This use is one that requires large areas of open space, which makes it unsuitable for the Residential (R) and Residential Commercial (RC) Zones.

**DISCUSSION:**

Mr. Dever explained that this use was not appropriate for these zones. The Board agreed.

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

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**PLANNING BOARD PROPOSED AMENDMENT #10:**

*To amend Article 400 Zoning Districts Regulations, Section 401 F. 8. to remove "Utility Scale Solar Energy Systems/Solar Farms" as a permitted use in the Residential (R) and Residential Commercial (RC) Zones and to allow it to be used on the same site with other permitted uses.*

**RATIONALE:**

This use, while having a minor permanent impact on the land once installed, does require large areas in order to be economically viable, along with access to major transportation routes. The size factor alone makes the use unsuitable in the Residential (R) and Residential Commercial (RC) Zones, two of the smaller zones in town. In addition, the definition states that the solar farm be the principal use on the lot but, it should be allowed in addition to other uses.

**DISCUSSION:**

Mr. Williams stated the size and space required for this type of use was not available in the Residential (R) and Residential Commercial (RC) Zones. He made reference to his solar panel and that it was for personal use, and was not a large solar farm like in reference to this amendment. The Board agreed.

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

**PLANNING BOARD PROPOSED AMENDMENT #11:**

*To amend the definition of “Boat Storage” as follows:*

**Boat Storage** – A location where boats are *commercially* stored *during periods of non-use, such as seasonal storage, or for valet service*, within or without a structure.

**RATIONALE:**

This amendment clarifies different types of boat storage.

**DISCUSSION:**

Mr. Dever shared that the original definition was very vague and did not refer to seasonal storage. Valet Service, which is when a boat owner could call up the company storing their boat ahead of time and tell them that they would be coming up to use their boat, and the company would get it ready for them. This amendment would include that new terminology. The Board agreed.

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

**PLANNING BOARD PROPOSED AMENDMENT #12:**

1. To amend Article 200 Definitions, to add a definition of Product Storage Area, as follows:  
**Product Storage Area** - A property for the outdoor storage of products marketed offsite for later distribution to wholesale or retail customers. Examples of these products include, but are not limited to, overflow *inventory* storage for an automobile, *motor vehicle, boat, construction* equipment dealership, *storage* containers, and other *similar* durable goods.
1. To amend Article 300 General Provisions, to add a new Section 322 Product Storage Area.
2. To amend Article 400 Zoning District Regulations, Section 401 Permitted Uses - Table of Uses, Section D. Retail Business and Service, to add new use #53, Product Storage Area, as follows:

	Retail Business and Service	R	LR	RC	RR	RU	RS	Notes
<b>53.</b>	<b>Product Storage Area</b>	N	N	<b>E</b>	<b>E</b>	<b>E</b>	N	

**RATIONALE:**

This amendment would add a new use to permit the outside storage of products that are not sold from the site, but are marketed online, or at other offsite locations, and delivered to the purchaser.

**DISCUSSION:**

Mr. Williams noted that this was presented last year, and there was a misconception that this only referred to “sea containers” that would be stored. He shared that years ago, Precious Gardens used some property to

plant roughly 5 acres of Mums, and that was considered a “Product Storage Area”, they stored Mums. Mr. Dever referenced Auto Serve in Tilton where the dealer had multiple lots to store their overflow of vehicles. He noted that restrictions would be made, and applicants would have to come before the ZBA for approval. The Board agreed.

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

**DISCUSSION:**

Mr. MacDonald followed up by asking if the Board needed to vote separately on Attorney Sessler’s recommendations on the amendments. Ms. Call stated they were attached to the Board’s packets. The vote could be added to the motion. Mr. Williams suggested that the Board go through and make a recommendation on ten (10) Zoning Amendments, because more than that could get overwhelming on the ballot. Mr. Regan stated the only one he thought should be tabled would be #5 “Parking Facility”. Mr. MacDonald thought all the amendments should go in front of the people. Mr. Sample thought that the Board should also table #9 “Forestry”. Ms. Call wanted to confirm if the Board wanted to include the recommendations made by Attorney Sessler. Mr. Williams stated that yes.

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

**Mr. Regan MOVED to table Proposed Zoning Amendments #5 Parking Facility & #9 Forestry until next year.**

**Mr. Hoopes seconded the motion, and it PASSED unanimously.**

**Mr. Carter MOVED to forward the remaining Proposed Zoning Amendments, with the exception of #1 “Townhouse”, including Attorney Sessler’s recommendations, to the ballot.**

**Mr. Williams seconded the motion, and it PASSED unanimously.**

**Other Business:**

1. **Old Business:**
2. **New Business:**
3. **Approval of Minutes:** Special Meeting of September 24, 2019; Planning Board meeting minutes of October 15, 2019, and November 19, 2019.

**Mr. Carter MOVED to approve the Special Meeting minutes of September 24, 2019, as presented.**

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

**Mr. Carter MOVED to continue the approval of minutes from October 15, 2019, and November 19, 2019, until the January meeting.**

**Mr. Williams seconded the motion, and it PASSED unanimously.**

4. **Correspondence for the Board's review/discussion/action:**
  - a. CIP Plan 2020-2025 was presented to the Board of Selectmen at their Wednesday, December 4, 2019, meeting. Board to approve the wording of the proposed Warrant Article for a “Master Plan Consultant”.

Ms. Call informed the Board that they would just be approving the wording for the Master Plan Consultant Warrant Article, so that it could be presented to the Selectmen. Mr. Williams asked for an update on how the Selectmen reacted to the presentation of the CIP Plan. Mr. Regan and Mr. MacDonald stated it was very positive, and the Selectmen mentioned they wanted the Board's approval of the warrant article. Mr. Hoopes asked what warrant article they were referring to. Mr. MacDonald stated it was the warrant article for the Master Plan Consultant.

**Mr. Williams MOVED to approve the wording for the Master Plan Consultant warrant article.**

**Mr. Carter seconded the motion.**

**Mr. Williams MOVED to amend his motion to include that the warrant article be forwarded to the Selectmen with the Planning Board's recommendation.**

Mr. Sample asked for any further discussion, nothing further, discussion closed.

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

- b. Memo dated December 10, 2019, from Jessica A. Call, re: Update on paving Ridge Road; and Board to discuss if sufficient funding has been provided to release the hold on building permits.

Ms. Call included a memo for the Board to get some background on the reason for releasing the hold on building permits for Ridge Road. Mr. MacDonald asked if it were to include releasing the hold on permits for Evans Hill Road as well. Ms. Call stated she spoke with Attorney Sessler about writing it specifically so that the hold was released for Ridge Road only and not Evans Hill Road. Mr. MacDonald expressed his frustration with the decision because the people who lived on Evans Hill Road would have to pay for the road themselves. Mr. Hoopes stated that at the time the decision to put a hold on these two roads was made, there was no one living up on Evans Hill Road. Mr. MacDonald stated it was the Board that chose to split the subdivision in half. Mr. Hoopes stated that the only owner on Evans Hill Road was the developer, who owned the property, no homes had been built yet. Mr. MacDonald stated differently. He said there were four owners on Evans Hill Road, at the time, and that they came in front of the Board. Mr. MacDonald stated the subdivision should never have been split and this situation would not be where it was today.

Mr. Williams stated that the engineers that were hired to design and build these roads should submit a certificate of insurance naming the Town of Alton as additionally insured. Then, when or if the engineer messed up, they would be held responsible. Mr. MacDonald stated engineers should have to put up a bond for this reason specifically. Mr. Williams stated that the State of NH required a build or bond and if the Board would just require a certificate of insurance then it would all be covered if something like this were to occur again in the future.

Mr. Hoopes stated that the engineering was done from an aerial topography picture instead of on the ground. Mr. Williams stated that this type of aerial topography was widely used. Mr. MacDonald asked why the town did not go back after the engineer that built the road. Mr. Hoopes believed it was whoever performed the dirt work. Mr. Williams stated the consulting engineer was only responsible for reviewing and accepting or stating what needed to be changed, and then would send comments back to the contracted engineer to actually build the road. The town engineer was not responsible for the actual build of the road, and it also may not always be the same engineer that reviewed the same project through its entire construction process.

Mr. Carter asked why the Board couldn't go back on the engineers now. Mr. Williams informed him that it had been too many years since this project began. Mr. Carter said that the Board needed to deal with what was in front of them. Mr. Carter and Mr. Williams stated that having a certificate of insurance was something the Board needed to mandate that all outside engineers and anyone liable for a project carry, and would like to get that regulated so this same issue did not happen again in the future.

Mr. MacDonald did not agree with having the taxpayers pay for the paving on Ridge Road, above and beyond what the current accounts may not cover, which was stated in a letter from Atty. Sessler to Ken Chase and Brian Kelly, as well as to Atlas Mortgage Corp. The letter also stated that the town was authorized by the Board of Selectmen to use the bond money to complete Ridge Road and anything left would go towards the completion of Evans Hill Road.

Ms. Call stated the Town had approximately \$55,000 in an escrow account. Included in the memo was a breakdown of what was being held either in escrow or that the association had put away for the road. Also a breakdown of what was needed to finish the project on Ridge Road was included in said memo. Mr. Williams and Mr. MacDonald would like Ms. Call to put together a spreadsheet with all money that was being held where, and what was needed to finish the project.

Mr. Hoopes stated on page 4, of the minutes from the Board of Selectmen hearing explained where the \$10,000 legal fee money came from. Discussion continued about how to get Ridge Road paved and any money left over would go towards Evans Hill Road. Mr. Williams asked Ms. Call to get the approved meeting minutes from the Planning Board meeting where the Board approved to split the subdivision in half, so that there was some clarification.

Mr. Williams suggested to table this discussion until the next meeting. The Board agreed.

- c. Dobbins Brook Subdivision/Dave Fuller, Map 6 Lots 36 & 37, correspondence dated November 23, 2019, from Mike Vignale, P.E., Town Engineer:
  - 1. Memo, re: construction site visit;
  - 2. Memo, re: Roadway Construction Bond Estimate for Phase II, in the amount of \$29,975;

3. Email, re: combining the bonds for Phase I and Phase II, for a grand total of \$58,195, and a request for the original cash surety for Phase I to be released after receipt of a new bond for both Phase I and Phase II was received.

Dave Fuller came to table for discussion. Ms. Call stated Mr. Fuller would like to take the cash surety from Phase I and combine the amount of the cash with Phase II into one bond. Phase I had \$28,220 cash surety. Clark Insurance would put up a bond for the whole project in the amount of \$58,195 (Phase II bond \$29,975 plus Phase I \$28,220), and then after receiving the bond, Ms. Call would put in a request to issue a refund check for the \$28,220 cash surety.

Also, Mr. Fuller asked the Board to reduce or return the vegetative bond that was in place. Everything was done except the growth of the grass due to the early winter. Mr. Williams agreed that if Cameron's put the seed down then there was no doubt in his mind it would germinate in the spring, and in the event it did not, the Board had the Phase II bond in place. The vegetative bond was \$20,922. Mr. Fuller stated that Shannon would be in touch with Ms. Call to get the bond over and the rest released.

**Mr. Williams MOVED to release the \$20,922 vegetative bond, and to release the cash surety of \$28,220, after receiving the Phase II bond in the amount of \$58,195.**

**Mr. MacDonald seconded the motion, and it PASSED unanimously.**

- d. Board to review and make a recommendation to the Board of Selection re: comments received for a building permit on Reed Road, which is a Class VI road, for John Robidas-Adams. See memo dated December 13, 2019, from Jessica A. Call for an explanation.

Mr. Williams asked Ms. Call to explain the memo from December 13, 2019. Ms. Call informed the board that there was a process for getting a building permit on a Class IV road and that included input from the Highway, Police, and Fire Departments. That input was then given to the Planning Department with the application and then submitted to the Planning Board to review all the information and make a recommendation to the Board of Selectmen as to whether or not the building permit should be issued. Mr. MacDonald asked if this portion of Reed Road was up by the fire tower where the road had been previously fixed. Ms. Call stated, yes. She stated that the Highway Department's comment was that the applicant needed to apply for a driveway permit. The Police Department's comments were that they may not be able to respond to an emergency if the road was not up to standards.

Mr. MacDonald and Mr. Williams stated that the forestry had done a lot of work to this road. There was a trail that went right up to Mount Major. Mr. MacDonald stated that approving this would show the Board's inconsistency because the Board denied an application for a minor subdivision on a Class IV road in November.

**Mr. Williams MOVED to pass the Board's recommendation that they approved the issuance of a building permit along to the Board of Selectmen.**

**Mr. MacDonald seconded the motion, and it PASSED with Mr. MacDonald voting Nay.**

- e. Discussion, re: Site walk for High Point Road.

Ms. Call stated the reason this was on agenda for tonight was because she spoke with Ken Roberts, Highway Manager, at the Highway Department and he was comfortable with the road in its current condition. He walked the road with Brad Jones and they both agreed that the road was where it should be at this point. As long as Mike Vignale P.E., of KV Partners, LLC, performed a site walk with Brad Jones that would complete that portion of the project.

Mr. Williams pointed out that they should have done the site walk together, and wondered why everyone didn't attend the site walk at the same time like most other instances. Ms. Call informed the Board that the Regulations did state that everyone was supposed to do the site walk together but she doesn't have the authority to do things outside of the Regulations and that is was the Board's decision, and that was why it was being discussed tonight. Mr. Hoopes clarified that a motion needed to be made to authorize Ms. Call to give the ok for individual site walks. Ms. Call stated that was in fact what she was looking for.

Three gentlemen from High Point Road came to the table for the discussion. They asked The Board what the next steps were. Mr. Williams informed them that they would have to petition the Board of Selectmen to take over the road. Mr. Williams also informed them that if they wanted the road taken over, the subdivision also had to be 50% developed. Mr. Hoopes stated that was all they did (referring to the Planning Board) was approve or deny that all the work had been completed and was up to the standards according to their approval, and then it went in front of the Selectmen. Ms. Call stated that as soon as Mr. Vignale and Mr. Jones did the final site walk it would come back in front of the Planning Board and then the Board would hear Mr. Vignale's findings.

Mr. Carter inquired about this discussion needing a vote. Ms. Call said she didn't believe so, just needed the Board's blessing to allow for the above process to happen.

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

- a. Memo dated November 23, 2019, from Mike Vignale, P.E., Town Engineer, re: Ridgewood Subdivision – Phase II/John Jeddrey, Map 15 Lots 56, 57, & 60.
- b. 2020 Meeting Schedule for the Town of Alton Planning Board.

The Board approved the Planning Board meeting calendar for 2020.

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

- a. Roger Sample and Bob Regan are up for re-election in 2020. January 22 through January 31, 2019, is the timeline to file with the Town Clerk.
- b. General discussion, re: private roads.

All Board members agreed that a discussion should be had and that a sub-committee should be put together to gather all information for or against amendments to private roads and subdivisions. This was suggested to take place after the election.

- c. General discussion, re: escrow and surety accounts.

Ms. Call informed the Board how the surety accounts had been set up, in reference to the fact that there were separate accounts for each phase of a project; therefore, one project could have up to four accounts. Ms. Call asked the Board if they were okay with making it a little simpler for everyone's benefit. She was going to review the current accounts and what they were set up for and get that in order to find a better way to handle them. The Board agreed.

### **BOARD DISCUSSION**

The Board discussed with Ms. Call the issue of outside engineers, contractors, etc., being made to carry insurance with the Town of Alton being named as an additional insured with advanced notice of cancellation, being a regulation that the Board wanted to push for. Ms. Call asked the Board if that would end up being a change to the Subdivision Regulations. Mr. Williams thought that it was just a rule that they could enforce. Mr. Hoopes questioned it being a Subdivision Regulation. Mr. Williams would like Ms. Call to ask the Town Attorney so that they would know how to proceed.

Mr. Carter asked if, in regards to the Master Plan, was there anyone on the Board that would want to participate or would be willing to participate. Mr. Hoopes stated that it took about one or two nights a week for two plus years to get a Master Plan updated. The Board needed to be completely transparent Mr. Regan stated. He was insistent on getting a consultant in to help get the chapters in place. Mr. Hoopes stated that it took about 10 different committees working on different parts of the Master Plan. Mr. Williams asked if it would be a complete overhaul. Mr. Hoopes stated that it would be based on the chapters that the Board wanted to incorporate. He also stated that if the Board chose to rewrite the zoning chapter then they would have to justify the reasons they were changing it or it could be challenged in a court of law. The Master Plan currently included the Town's Vision and a Land Use Chapter. Mr. Williams felt that in previous Master Plans, the Vision chapter did not have enough diversity of people. Mr. Hoopes stated the main purpose of the Vision chapter was to state what the town's goals were. Mr. Regan stated that one of the biggest frustrations of being on the CIP Committee was not having an up to date Master Plan to give them some direction. Mr. Regan stated the goal of getting the consultant was to get the techniques the Board needed to get the right kind of people involved. Mr. Hoopes and Ms. Call asked the members when they wanted to start this and how they wanted to do it, through subcommittees or workshops. Mr. MacDonald, Mr. Sample, and Mr. Williams all agreed to be on a subcommittee. Ms. Call asked when they wanted to meet. Mr. Williams said they should wait until after elections. The Board agreed.

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

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

### **Adjournment**

**At 8:49 p.m. Mr. Williams MOVED to adjourn.**



**TOWN OF ALTON PLANNING BOARD  
MINUTES 2019  
DECEMBER 17, 2019**

**APPROVED**

**Mr. MacDonald seconded the motion, and it PASSED unanimously.**

The meeting adjourned at 8:49 p.m.

Respectfully submitted,

Amelia Cate, Recording Secretary