

**TOWN OF ALTON PLANNING BOARD
MINUTES 2018
DECEMBER 18, 2018**

APPROVED

Members Present:

Roger Sample, Chairman
Scott Williams, Vice-Chairman
Russ Wilder, Clerk
Peter Bolster, Member
Tom Hoopes, Member
Virgil MacDonald, Selectmen's Rep.
Bob Regan, Alternate

Others Present:

Phil Wittmann, Selectmen's Rep. Alternate (ZAC Committee)
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. Nic Strong stated that since posting, 2.b., 2.c., and 4.a. were added under Other Business.

**Scott Williams MOVED to accept the December 18, 2018, agenda, as amended.
Virgil MacDonald seconded the motion, and it PASSED unanimously.**

The Chairman appointed Bob Regan as a full voting member in Dave Hussey's absence.

**1. Public Hearing pursuant to RSA 675:3 on proposed 2019 Zoning Ordinance Amendments
SEE SEPARATE NOTICE ATTACHED**

Roger Sample read the procedure on how to proceed with the Public Hearing. The procedure included information that there was a proposed addition to the Zoning Ordinance, and that if there were 100 or fewer property owners in a particular zone, they needed to be individually noticed of the proposed change. Letters were in fact mailed out to property owners in the Recreation Service (RS) Zone, which only had 25 properties. Russ Wilder noted that the Board was given a sample letter that was sent out.

Nic Strong stated that Roger Sample should either read the public notice or just state for the record that it was posted. Scott Williams wanted some clarification on why the Recreation Service Zone needed separate notification. Nic Strong explained that if a zoning district had fewer than 100 properties, a notice had to be sent to each individual property owner informing them of a change in the Zoning Ordinance. She confirmed that she sent out the letters.

PLANNING BOARD PROPOSED AMENDMENT #1:

1. *Amend Article 300, General Provisions, Section 320 Non-Conforming Uses, to combine duplicated language that pertains to the continuation of nonconforming uses and structures; to*

**TOWN OF ALTON PLANNING BOARD
MINUTES 2018
DECEMBER 18, 2018**

APPROVED

clarify that a nonconforming use is considered abandoned if changed to a conforming use; to clarify that a nonconforming use may not be changed to another nonconforming use; to detail the criteria for the expansion of a nonconforming use; to combine duplicated language that pertains to the destruction of a nonconforming use or structure by fire or natural disaster; to specify the criteria for the expansion of structures for nonconforming uses and the expansion of nonconforming structures beyond existing elevations; to specify where to find the definition of building envelope; and, minor grammatical and housekeeping changes.

RATIONALE:

This proposed amendment would eliminate duplicated language and clarify the requirements for Special Exceptions with regard to nonconforming uses, structures and lots. The amendment also more clearly defines expansion of nonconforming uses.

DISCUSSION:

Tom Hoopes stated that changes were made to simplify the language in this ordinance and to make it as clear as possible. Russ Wilder asked if the Board had any issues with the changes. Virgil MacDonald thought that by allowing homeowners to build an addition to the back of their structure if the front of the structure was too close to the shoreline setback was a bad idea because the Town was allowing a nonconforming lot to exist. He thought that the Town should require homeowners to move their structure back in order to conform to the setbacks. Russ Wilder noted that an approval for a Special Exception would be needed from the Zoning Board of Adjustment. Tom Hoopes agreed with Russ Wilder.

Russ Wilder stated that the drawing shown in the Zoning Ordinance that depicted the building envelope and where an addition could be added on to the back side of a structure was currently in the Town's Zoning Ordinance. The Zoning Amendment Committee (ZAC) did not think this ordinance was a problem. Therefore, they did not choose to change the requirements; they were currently just trying to clarify the language. Scott Williams stated that this amendment was brought up by staff because of problems that they have encountered as requests came in for relief. He informed Virgil MacDonald that if he did not like the fact that this ordinance was in place by allowing nonconforming structures to exist, then he should bring it up at next year's ZAC Committee.

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

Scott Williams MOVED to advance the proposed Town of Alton Zoning Amendment #1, as presented at this public hearing, for a ballot vote in March 2019.

Virgil MacDonald seconded, and the motion PASSED unanimously.

PLANNING BOARD PROPOSED AMENDMENT #2:

Amend Article 300, General Provisions, Section 329 Condominiums, to change the number of permitted dwelling units per multi-family building from four to five.

RATIONALE:

**TOWN OF ALTON PLANNING BOARD
MINUTES 2018
DECEMBER 18, 2018**

APPROVED

In the interests of equity between different ownership types, this proposed amendment would make the number of dwelling units allowed in condominium developments the same as the number of dwelling units allowed for multi-family dwellings.

DISCUSSION:

Scott Williams stated that when the Board had previously talked about Workforce Housing, they updated their regulation to allow five units maximum to a building to coincide with the State RSA. The proposed change for this ordinance was to keep things consistent with the other regulations.

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

**Scott Williams MOVED to advance the proposed Town of Alton Zoning Amendment #2, as presented at this public hearing, for a ballot vote in March 2019.
Russ Wilder seconded, and the motion PASSED unanimously.**

PLANNING BOARD PROPOSED AMENDMENT #3:

Amend Article 300, General Provisions, Section 359 Stormwater Management, Sub-Section C., Applicability, to require the use of stormwater management measures for construction or development of any size that is determined to be allowing runoff to leave the site.

RATIONALE:

This proposed amendment would require stormwater management measures to be provided for construction or lot development of any size that allows runoff to leave the subject property.

DISCUSSION:

Tom Hoopes stated that this was a new ordinance. He stated that this ordinance would not allow someone to dig a ditch on their property, and then have the water running onto someone else's property. Roger Sample gave a hypothetical scenario of someone purchasing a lot and then building a house, once the roof was put on, now the water was going to flow differently. He asked if that homeowner would now have to submit a stormwater plan to the Town Engineer. Tom Hoopes noted that the homeowner would have to take measurements when they started to build. Roger Sample thought that was a process for an engineer to determine. Virgil MacDonald thought that the contractors could install hay bales to slow the water down, which would alleviate water from leaving their property.

Tom Hoopes stated that this ordinance was mainly for property owners that wanted to put on an addition to their current structure, as compared to new construction that would have stormwater covered in their permit. Scott Williams thought an easy remedy would be how people landscaped. Peter Bolster suggested some ways of alleviating water from leaving the property, like a water garden, or French drains. Virgil MacDonald noted that there were exceptions to this ordinance, which were, timber harvest and earth excavation. Russ Wilder stated that those two types of services had their own set of regulations that handled stormwater.

**TOWN OF ALTON PLANNING BOARD
MINUTES 2018
DECEMBER 18, 2018**

APPROVED

Russ Wilder stated that when a homeowner went to see the Building Inspector to request a certificate of occupancy, and if they determined that stormwater would be significant, the homeowner would then have to perform Best Management Practices, which could be running downspouts to dry wells or dripline trenches.

Roger Sample opened public input.

Jim Rines came to the table. He noticed that under the applicability, it referred to a threshold of 1,000 s.f., but further down it referred to “any size”. He thought it could be a potential conflict. Single-family homes were exempt from Site Plan Review Regulations, but this ordinance appeared to be on the borderline of requiring Site Plan Review Regulations. He asked if Town Counsel looked at the wording of this ordinance. Tom Hoopes stated, yes, and noted that this was an ongoing issue for the Building Inspector. He thought it would be easier for the Building Inspector to address a problem, and be able to enforce it if it became a problem.

Nic Strong stated that the applicability section currently covered new development, and what John Dever, III, Building Inspector, wanted to add in was the part that would include construction taking place on lots that were already developed. Issues have arisen, like when people cleared their land, when constructing barns, or any other type of construction taking place on a lot that already had an existing structure on it. Peter Bolster mentioned that if someone was to put in a small structure, like a chicken coop, they should show where the waste runoff was going to go. Scott Williams thought that buildings under 100 s.f. were not a taxable structure for the Town. Peter Bolster thought that people still would need a building permit. Roger Sample stated that a building permit was not needed for a 10’x10’ structure. Peter Bolster thought that people would have to show where their setbacks were. Virgil MacDonald stated that people would not have to show anything, and they did not need a permit for a structure under 120 s.f.

Scott Williams asked if the Board wanted to change the wording to “any size”. Tom Hoopes did not think it was necessary because what the ordinance was talking about was “The requirements of this article shall apply for building development”, and that was new development. He read the ordinance further, “No construction or lot development of any size was permitted to divert”. The concept of this ordinance was to divert the flow of water. Roger Sample mentioned that construction could be done on a lot where construction had already taken place, like an addition on your house. Peter Bolster thought that paving a driveway would create the most runoff. Scott Williams stated that when people paved their driveways, they were supposed to let Ken Roberts, Road Agent, know because he wanted to make sure that the slope back from the road was in place. Russ Wilder thought that the beginning part of the ordinance talked about applicability, like when someone came in for a building permit, and if someone wanted to do more work on an existing structure, this ordinance would give the Building Inspector the opportunity to see if there would be a runoff problem. Nic Strong pointed out that when the ZAC Committee was creating this ordinance, Scott Williams thought it was important to add “additional” when they referred to “direct or divert runoff”. Roger Sample thought that the Board should leave the 1,000-s.f. language because the italicized language would cover every other sized lot. Tom Hoopes pointed out that if this ordinance was changed, it would need to be addressed at another public hearing.

Roger Sample closed public input.

**Roger Sample MOVED to delete “area disturbed as 1,000 s.f.”.
Virgil MacDonald seconded the motion.**

**TOWN OF ALTON PLANNING BOARD
MINUTES 2018
DECEMBER 18, 2018**

APPROVED

DISCUSSION:

Tom Hoopes thought that the Board should talk to John Dever, III, to make sure that the Board was going to approve the changes according to how he designed the ordinance. Virgil MacDonald asked what the deadline was for submitting the amendments. Nic Strong stated that the language for the amendments had to be complete by tonight in order for the amendments to be properly noticed for the next hearing. Peter Bolster wanted to hear from the ZAC members on why they put in “for construction or development of any size that was determined to allow runoff to leave the site”. Nic Strong stated the amendment was to cover a situation if there was a request to construct a barn and land had to be cleared, and then water was diverted onto a neighbor's property.

Tom Hoopes thought that the wording should stay the same. Russ Wilder suggested taking out “the area disturbed is 1,000 s.f. or greater” on both sections of the ordinance and replace it with “any size”. He thought it should read, “slope of the land before or after development 15% or greater in the area disturbed of any size.”

Roger Sample opened public input for a second time.

Jim Rines came back to the table. He suggested striking out the first sentence altogether because all the first sentence was stating was a fact that you could not do damage to another person's property; it was common law. He thought the ordinance should start off with, “The measures of this described in this ordinance...” Russ Wilder asked if the first sentence was struck out, it would read better. Scott Williams thought that part of the first sentence that referred to “additional water” was a key component to the ordinance. Virgil MacDonald thought changing the 1,000 s.f. to “any size” would be reasonable.

Nic Strong suggested the following change, “Applicability. The requirements of this article shall apply for building construction or lot development on any tract of land of any size where, 1. Slope of land before or after development was 15% or greater.” She suggested changing #2 to read, “Slope of land was less than 15% and disturbed area was 20 feet or less from the top of the slope of 15% or greater. Russ Wilder thought getting rid of the 1,000 s.f. was reasonable. Nic Strong stated that if that change was to happen, then all of the italics could be deleted, because the change was directing people to use the existing stormwater ordinance, and the proposed change affected the applicability of it to the instances of 15% or greater of any size for building construction or lot development. Scott Williams wanted to know if the additional water runoff would be clear to people. Nic Strong stated that the change would cover new development and building on lots that already have been developed. Tom Hoopes was wondering where it would state that. Tom Hoopes did not want to get rid of all of the italicized language. Nic Strong stated that section could be left in. Nic Strong read the changes again, “Applicability. The requirements of this article shall apply for building construction or lot development on any tract of land of any size where 1. Slope of land before or after development is 15% or greater, or 2. Slope of land was less than 15% and disturbed area is 20’ or less from the top of a slope of 15% or greater.” Peter Bolster asked what was going to go onto the ballot. Nic Strong stated that at the January meeting, the only changes that would be presented would be the amendments that changed tonight, and the changes that would be discussed would be what would end up on the ballot.

Roger Sample withdrew his motion and Virgil MacDonald withdrew his second.

**TOWN OF ALTON PLANNING BOARD
MINUTES 2018
DECEMBER 18, 2018**

APPROVED

Virgil MacDonald MOVED to make the changes to the Town of Alton Zoning Amendment #3 as discussed at tonight's hearing to read as follows: "Applicability. The requirements of this article shall apply for building construction or lot development on any tract of land of any size where 1. Slope of land before or after development is 15% or greater, or 2. Slope of land was less than 15% and disturbed area is 20' or less from the top of a slope of 15% or greater.", and to present proposed Town of Alton Zoning Amendment #3 as amended at the Public Hearing on January 15, 2019.

Tom Hoopes seconded the motion, and it PASSED unanimously.

PLANNING BOARD PROPOSED AMENDMENT #4:

1. *Amend Article 200, Definitions, to add a definition of Product Storage Area.*
2. *Amend Article 300, General Provisions, to add a new Section 322, Product Storage Area.*

RATIONALE:

This proposed 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 other offsite means and delivered to the purchaser.

DISCUSSION:

Tom Hoopes explained that there was a resident that wanted to store big box cars on their property until they were sold from another location. This ordinance was proposed to allow residents to store brand new stock that would eventually be sold, for instance, overstock vehicles from an automobile dealer; it was not for storing used items or old boats. Virgil MacDonald thought that people would have to go before the Planning Board for a Site Plan Review. Tom Hoopes stated that they would have to go to the ZBA first. Scott Williams noted that this was a brand new ordinance. Tom Hoopes noted that it would be allowed in the Rural Zone, but a Special Exception was needed in the Residential Rural Zone; it was not allowed in any other zone. Virgil MacDonald wanted to know why it was not allowed in the RC zone because it was a commercial zone. Tom Hoopes noted that the RC zone was not large enough. He continued to describe the proposed amendment, noting that the product storage area was property for outdoor storage of products marketed off site. Examples of these products include, but were not limited to, shipping containers and other durable goods. Properties used for product storage areas shall either maintain a minimum 25' vegetative screening buffer to abutting properties, install plantings to achieve the same effect, to install fencing and of a design and color that would minimize visual impact to abutting properties, and blend as closely as possible with the surroundings. Fences and or a screening buffer and or plantings shall be a minimum of 6' in height and shall completely surround the product storage area.

Virgil MacDonald stated hypothetically, a resident who lived in the RC zone wanted to put a trailer next to their house to keep products in it to sell at their place of business, which was in the Commercial zone, they could not do that. He noted that there were several very large lots in the RC zone and he could not see why it was not allowed in that zone. Russ Wilder pointed out that the RC zone was not Rural Commercial, it was Residential Commercial. There was some confusion on how big the RC zone was, so Nic Strong took out a map that she had and it clarified that the RC zone was really quite small. Scott Williams thought that the people who owned residential properties in the RC zone were aware that a commercial business could pop up at one of their abutters because that was the nature of the zone. Tom

**TOWN OF ALTON PLANNING BOARD
MINUTES 2018
DECEMBER 18, 2018**

APPROVED

Hoopes clarified that the property was not a business, it was strictly for storage. Russ Wilder noted that because downtown was an RC zone, it would allow for shipping containers to be stored right on Main Street.

Roger Sample opened public input.

Keith Chamberlain came to the table. He was concerned because he thought that people would be allowed to have storage containers business at their house, like self-storage containers. Virgil MacDonald stated that this ordinance only dealt with a storage yard; it only had to do with storing the containers. Tom Hoopes stated this ordinance was for new materials. He noted that during one of the ZAC meeting when this was discussed, Loring Carr had asked what “other durable goods” meant. The concept of that was if an automobile dealer had new stock that would not fit on their lot, they could store new products on their lot; this also allowed new boats to be stored on a lot. Scott Williams stated that if one of the hardware stores in town had a surplus of 2”x4”s, they could store them on their land just for storage, and when they had room in their lumber yard, they could haul them down there to sell them; it was strictly for storage. Tom Hoopes stated that they were concerned that this type of activity should be screened in from public view.

Tom Hoopes thought that if the Board wanted to add this type of activity to the RC zone, which he did not think it was a large enough area, then it would need to be allowed as a Special Exception.

Roger Sample closed public input.

Tom Hoopes wanted to know what the Board was voting on. Virgil MacDonald stated that there was a motion on the table to change the Table of Uses to allow a Product Storage Area in the Residential Commercial Zone.

Virgil MacDonald MOVED to change the N to Y in the Table of Uses to allow a Product Storage Area in the Residential Commercial (RC) zone. The motion PASSED with Tom Hoopes voting nay.

**Scott Williams MOVED to present Town of Alton Zoning Amendment #4 as amended at the Public Hearing on January 15, 2019.
Russ Wilder seconded the motion, and it PASSED with Tom Hoopes voting nay.**

PLANNING BOARD PROPOSED AMENDMENT #5:

Amend Article 400, Zoning District Regulations, Section 460 Residential Rural Zone, Section 463 Restrictions Governing Use, Subsection A.1., to clarify that one single family dwelling only is allowed on a lot and the minimum lot area shall be one acre.

RATIONALE:

This proposed amendment would clarify that in the Residential Rural District, one single family dwelling is permitted per lot and requires a minimum lot size of one acre.

**TOWN OF ALTON PLANNING BOARD
MINUTES 2018
DECEMBER 18, 2018**

APPROVED

DISCUSSION:

Tom Hoopes stated that “per dwelling unit” under A. 1. would be deleted. Virgil MacDonald asked if a resident owned three (3) acres, could they put two (2) single-family dwellings on their lot. Nic Strong stated, no, not in that district. Russ Wilder noted that last year, there was an amendment to the Rural Zone that if a resident owned 45 acres or more, more than one single-family dwelling was allowed, if it could be proved that the land could be subdivided in the future. Nic Strong stated that all of the other districts had their own regulations on the number of single-family dwellings allowed and lot sizes.

Tom Hoopes stated that James Sessler, Esq., Town Counsel, noted that if a property owner wanted to fight this ordinance, that he could not defend the part that stated “one acre per dwelling unit”. For instance, if an owner stated that he had three (3) acres and wanted three (3) units, the ordinance did state “one acre per dwelling unit.” The concept of this ordinance was to have one dwelling allowed on a lot. Peter Bolster asked how much frontage was required in the Residential Rural Zone. Nic Strong stated, 150 feet. Roger Sample asked what exactly needed to be defended. Russ Wilder stated the part that stated “per dwelling unit” because it did not make any sense.

Tom Hoopes noted that what passed last year was to allow accessory dwelling units in every zone. Peter Bolster noted that the Lakeshore Residential Zone needed to have the accessory dwelling unit attached to the house, but in every other zone, it could be a separate dwelling. Virgil MacDonald thought that this ordinance was now stating that residents could not have an accessory dwelling unit. Nic Strong stated that the language being removed was “dwelling unit”, which would clarify that a single-family dwelling was allowed on one acre and then the accessory dwelling unit could be attached or detached, depending upon what the regulation was in a specific zone. Russ Wilder stated that changing this language would make it consistent with the other zones, and it would clear up the wording to be less confusing.

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

Roger Sample thought that this ordinance was very restrictive in the Residential Rural Zone, especially with owners that had large pieces of land. Tom Hoopes stated that many lots could be subdivided. Virgil MacDonald did not think it was right to make people spend more money to subdivide their land. He gave an example that if he had five (5) acres of land and wanted to build a second dwelling on his land for his father, he would not be allowed to do that. Tom Hoopes agreed. He stated that the problems that the Town Assessor has had was that there were several lots in town that had two dwellings on them that no longer met the size requirements and they could not be subdivided. Scott Williams thought that if an owner wanted to build two (2) houses on their lot and it could not be subdivided in the future, then it was the owner's problem, not the Town's.

Roger Sample opened public input.

Richard Finethy came to the table. He asked if there were two (2) living spaces on one lot and it was not subdividable, and there was different ownership between the two (2) dwellings, would that create a condominium issue. Tom Hoopes stated, not necessarily because there needed to be a certain amount of space per unit. If the requirement was to allow only one house on a lot, it would avoid any of the current problems. Richard Finethy stated he had a 35-acre lot and he could not build a house for his children. Tom Hoopes stated that he could subdivide off a piece of land for them. Virgil MacDonald did not think that the ordinance should force someone to have to subdivide.

**TOWN OF ALTON PLANNING BOARD
MINUTES 2018
DECEMBER 18, 2018**

APPROVED

Keith Chamberlain came to the table. He brought up the change in the condominium ordinance that stated that five (5) condominiums were now allowed, which would keep it even with multi-family structures. He thought that this ordinance could be applied to the issue of having more than one single-family dwelling on a lot in the Residential Rural Zone. Tom Hoopes stated that there had to be the right amount of acreage for that to happen. Scott Williams thought that this ordinance was restrictive.

Roger Sample MOVED to throw out the proposed changes for the Town of Alton Zoning Amendment #5.

Virgil MacDonald seconded the motion.

Tom Hoopes thought that Roger Sample and Virgil MacDonald did not understand the principal of the changes to this ordinance. Roger Sample stated that he did and if owners had more than one acre, then they should be able to have a single-family dwelling on each acre.

Scott Williams MOVED to table the proposed changes in Zoning Amendment #5 in order to get clarification from Town Counsel on whether this ordinance could have a minimum lot area and stay as multiple acres, without having to force subdividing the land.

Virgil MacDonald agreed as long as the two dwellings were kept on the same deed. He thought that it would be up to the Town to allow the owner to split the deed.

Virgil MacDonald seconded the motion.

Tom Hoopes stated that if the ordinance was tabled, then there would not be enough time to get the proposed change on the ballot. The changes to the wording had to be done tonight.

Scott Williams MOVED to withdraw his motion.

Virgil MacDonald withdrew his second.

Roger Sample wanted Scott Williams' motion to stay because his motion would table the proposed changes until next year.

Tom Hoopes thought that Roger Sample, Scott Williams, and Virgil MacDonald did not understand the proposed changes because this ordinance was in effect, and all the proposed changes were doing was to make the wording clearer. Virgil MacDonald thought that the ordinance should be changed to include that as long as the lot was kept in one family, a second single-family dwelling should be allowed.

Nic Strong asked what Roger Sample meant by "throwing out" the ordinance. Roger Sample stated that he did not want to move proposed Zoning Amendment #5 to the ballot. Bob Regan wanted to know if the proposed amendment was not moved to the ballot, then did the current language stay the same. Russ Wilder stated that he was correct.

Roger Sample asked the Board for a vote. Scott Williams, Virgil MacDonald, and Peter Bolster were in favor. Russ Wilder and Tom Hoopes were opposed. Proposed Amendment #5 would not be presented on the ballot in March 2019.

**TOWN OF ALTON PLANNING BOARD
MINUTES 2018
DECEMBER 18, 2018**

APPROVED

2. Continued from November 20, 2018

<p>Case # P18-27 Nicholas Loring, P.E., of Benchmark Engineering, Inc., Agent for Brian Fortier(1/3), Allyson Shea (1/3), and Deirdre Tibbetts (1/3) of West Alton Marina, Owners</p>	<p>Map 61 Lot 1 and Map 17 Lots 9, 11, 27, 29, & 30</p>	<p>Final Major Site Plan Lakeshore Residential (LR) Recreational Service (RS) Zones West Alton Marina Road/ Mauhaut Shores Road</p>
--	--	--

The Chairman read the case into the record.

Present were Nicholas Loring, P.E., Robert Dietel, Esq., and Sheldon Pennoyer, architect; and Brian Fortier (1/3 owner) and Deirdre Tibbetts (1/3 owner).

Peter Bolster asked about the outcome of the site walk. Russ Wilder stated that the Board observed the layout of the property, and spent about an hour and a half there. Nic Strong took some notes.

Attorney Dietel went over the items that were outstanding from the last meeting, which were the site walk, completion of the Town’s drainage review, providing the Board with an excavation narrative, consultation with the Fire Department, sequencing on how construction would be moving forward, and proposed conditions regarding substantial completeness and substantial building. Nick Loring, P.E., received the drainage review from the Town Engineer, KV Partners, and had a chance to respond to their comments. Some of the comments dealt with erosion control, but most of the changes were minor. The excavation narrative was submitted, which was broken down to the two sides of the property, commercial and the marina side. On the commercial side, there would be cut and fill, and on the marina side, there would be some excavating for the boat slips. The excavated material would be kept on site as a stockpile or on one of the contiguous lots.

Attorney Dietel met with the Fire Chief and his Deputy yesterday, and discussed the access in and around the site, and exploring the use of dry hydrants instead of cisterns; the cistern was still indicated on the plans. Attorney Dietel stated that he had received a letter from the Deputy today that had three (3) points, one of them being access to buildings and water source, which the Deputy had no problems with. Attorney Dietel stated that the item that required them to do their due diligence was the fact that they needed to meet with the Fire Marshall’s office to talk to them about what type of fire suppression system was needed for the boat storage building. The main concern was about life safety. Sheldon Pennoyer had built in numerous exit points in the building, and they had proposed possibly increasing the number of exit points to make sure that nobody would have a delay in exiting the building. Scott Williams stated there were codes regarding hallways. Attorney Dietel would reach out to the Fire Marshall’s office to set up a consultation with them and ultimately they contemplated filing a variance request to address whatever requirements they felt were appropriate.

Attorney Dietel would like to go forward with the plan depicting the cistern, but if the Fire Marshall’s office agreed that the cistern was not needed, and a full sprinkler system was not needed, then the cistern would be taken off the final plan. Scott Williams stated that the Town did not have a cistern ordinance and it was deemed by the Board of Selectmen that dry hydrants were the preference because they lasted

**TOWN OF ALTON PLANNING BOARD
MINUTES 2018
DECEMBER 18, 2018**

APPROVED

longer and required less maintenance. Peter Bolster asked if the dry hydrants were appropriate for sprinkler systems. Scott Williams stated, yes, if they had pumps. One suggestion for a dry hydrant was down by the marine loading on Map 61 Lot 1, and the other location was in the marina basin where the new docks were being dredged out. Peter Bolster asked if the Fire Department could get onto the property when the gates were closed to put out a fire in that locality. Scott Williams stated there would be a Knox box.

Attorney Dietel went over the sequencing and proposed conditions. There were many phases to this project in regards to construction and operating the business. During year one, the following construction would take place: construction of the main roadway coming in on Map 61 Lot 1, which was on the boat storage side, the marine loading area, and the marine contractor's yard, but not the building itself; the phasing was depicted on Page 3B of the plan. The business would be staying open during construction. Construction of boat storage building 1 would take place, which involved the fire access, construction of the repair building, building the first phase of boat slips, and building an island dock. By the time year 2 came around, there would be a new facility for boat storage. Next year they contemplated that would be the last full year of storage on the current site. During year 2, construction of the new office and the store; relocating the gas tank and dock, construction of the crossing to Map 61 Lot 1, removal of the existing boat storage buildings, and construction of some additional slips (Phase 6). Virgil MacDonald asked why the boat storage building was going to take two (2) years to build. Attorney Dietel stated that it wasn't, it was the use of the building that might take two (2) years because the storage building would not be completed by October when boats started to be put away for the winter season. Most of the main portion of the site would be completed in two (2) years, and the remainder of the features would be built after that in accordance with the conditions that were being put forth.

Peter Bolster wanted to know when parking lots would be built. Attorney Dietel stated that parking was scattered in a few different areas. One of the lots was associated with the construction of the main roadway, but the primary parking lots would be in Lots A, B, and C. Those were some of the last items to be built. The need for parking depended on the increase in slips. Nick Loring, P.E., stated that the drainage had to be completed on the commercial side before the road was laid out and the building was built.

Russ Wilder noted that the proposed conditions in #2 in the letter that was submitted at tonight's meeting was within 24 months after the date of approval, the following items must be completed in order to constitute active and substantial development and building in accordance with RSA 74:39-1 relative to a five (5) year exemption to regulation and ordinance changes: Construction of the main road, marine loading and contractor's yard, construction of the first phase of the boat slips and the 700' x 6' piling pier dock along the other side would be completed in the first two years; the rest of the project would be completed in the following three (3) years. Attorney Dietel talked about vesting from changes in the Town's regulations and from final approval. The first 24 months would consist of the roads, contractor's loading, contractor's yard, initial boat slips, and the piling pier dock; that was substantial development. The remaining items were the bulk of the project, but they did not encompass everything about the project because the Statue does not contemplate absolute completion, it was substantial completion. One of the items that remained was the clubhouse because it could be possible that the business needed to be in operation for a couple of years before the final portion of the project was built to see how things were running.

**TOWN OF ALTON PLANNING BOARD
MINUTES 2018
DECEMBER 18, 2018**

APPROVED

Roger Sample stated under #2 Proposed Conditions, the following items must be completed in order to constitute substantial completion of improvements relative to vesting. He thought all of the items needed to be done to get them out of the five year zoning change. Attorney Dietel thought that they could do less to satisfy the statutory requirement, but it did not make sense to present less than that to the Board. He mentioned that if something went awry with their timeline and they could not meet the deadline for the boat storage building and they needed to go back before the Board and talk about timing, he did not want to have to come back to the Board and also talk about whether they were vested for their approval. Tom Hoopes thought that commitment showed substantial completion.

Russ Wilder noted that the stormwater drainage review items were taken care of. He also noted that the construction activities would be from 6:30 am – 9:00 pm. Russ Wilder addressed the Stormwater Drainage waiver. The issues would be taken care of with the AoT permit. He did not think that the waiver was needed. Attorney Dietel wanted the Board to grant the waiver for clarity.

**Tom Hoopes MOVED to grant the waiver request for 5.14 Stormwater Drainage and Erosion Control because stormwater drainage and erosion control would be handled by the DES and AoT permits.
Scott Williams seconded the motion and it PASSED unanimously.**

Russ Wilder asked the Board if they wanted to accept the proposed substantial completion thresholds as presented by the applicant in their December 18, 2018, letter. Russ Wilder wanted to add the construction of boat storage #1. Attorney Dietel agreed.

**Russ Wilder MOVED to accept the proposed conditions for active and substantial development or building as proposed on Section 2 of the December 18, 2018, letter to include construction of boat storage #1 on Map 61 Lot 1.
Scott Williams seconded the motion and it PASSED unanimously.**

Russ Wilder read from the Planner Review regarding Construction Observations, “At the November 20, 2018, meeting, the Board indicated that there were aspects of this site plan that would warrant Town Engineer construction observations. The Board should consider the Construction Observation Guidelines and determine what should be inspected - road construction, drainage infrastructure...? The Town Engineer would be asked to calculate an estimate for the inspections. That amount would be placed in escrow and used to pay the inspections. The details are contained in Section 1.19 of the Site Plan Review Regulations.” He thought there should be observations done on the road construction and drainage; the Town Engineer would not be inspecting the buildings. Scott Williams wanted to quantify the site work. Russ Wilder thought road construction and drainage features should be inspected. Nick Loring, P.E., stated that as part of the AoT permit, they were required to have an erosion control monitor; therefore, he thought that first two sections were repetitive to have inspections on the erosion control measures. Scott Williams noted that he referred to drainage structures and graveling of the road. Russ Wilder wanted to know if there would be inspections for paving. Brian Fortier stated that he was doing some paving on Map 61 Lot 1, but it was not going to be a Town road. Virgil MacDonald stated it was private and why was the Board going to force payment for another engineer to look at Brian Fortier’s engineer. Brian Fortier thought that the fact that his family had been living in the Town of Alton for as long as they had been, and the fact that the marina had been in business since 1962, he did not see why he had to have someone come and inspect the work being done on his property.

**TOWN OF ALTON PLANNING BOARD
MINUTES 2018
DECEMBER 18, 2018**

APPROVED

Scott Williams was fine not having inspections performed as long as Brian Fortier's engineer could provide the Town with a Certificate of Insurance. Russ Wilder stated that a month ago the Board discussed that there were aspects of the plan that would warrant the Town Engineer to observe. Virgil MacDonald stated that if this project was a subdivision, there would be different requirements because the road would probably become a Town road at some point, but this project was on Brian Fortier's facility and was only putting in a driveway and some drainage that would lead down to his facilities. He stated that Brian Fortier's engineer had a license that was just as good as any other engineer in the State and he should not have to pay for two (2) engineers to do work on his own property because it was never going to be a Town road. Scott Williams agreed. Russ Wilder stated that all the drainage was designed for the AoT permit with DES, and he wanted to know what Brian Fortier needed to do to report back to them. Nick Loring P.E., stated that during construction, an erosion control monitor needed to be onsite, which was either a Professional Engineer or Certified Erosion Control Monitor; they would inspect at every half of an inch of rain and once a week they had to submit a report directly to AoT during the construction process. Once that was completed, as part of the drainage report, about every six (6) months, inspection and maintenance needed to be done on the catch basins and all the ponds. Tom Hoopes asked if the inspectors were there everyday. Nick Loring, P.E., stated, no, they would inspect after construction was completed and the site was stabilized. Roger Sample stated that the construction observations that would be done by the Town Engineer were different from what a Certified Erosion Control Monitor would inspect because they would be monitoring construction and the Town Engineer would monitor that the work was constructed properly. Nick Loring, P.E., stated that the State was concerned with two (2) things, the project had to be built according to the plan, and that sediment dumping down into the lake was not occurring during the construction process. Peter Bolster asked if an engineer would be onsite to monitor the project. Nick Loring, P.E., stated, yes. Peter Bolster wondered why, if the applicant's engineer and the State's designated observer were onsite, then why did the Board require their own engineer. Nic Strong stated that the Site Plan Regulations included the details of when and how construction observations could be required and there were Construction Observation Guidelines. She noted that for consistency, the Board needed to have the Town Engineer review plans that the Board had approved, especially when they are in the proximity of the lake when it came to drainage. The idea of having the Town Engineer inspect the project was to make sure that the construction was being done according to the plan. She stated that the Board needed to consider the extent of observations that would be performed by the Town Engineer for every plan that came before them. Virgil MacDonald did not agree that the Board should enforce the Town Engineer to perform observations if the applicant already had their own engineer because it was private property. Tom Hoopes stated that the Board had the construction observations in place to ensure the Town was not going to get in trouble.

Roger Sample stated that the applicant came up with the plan and now it was up to the Town Engineer to review it to make sure it goes according to the Site Plan Regulations. Russ Wilder stated that the Board had the authority to approve the Town Engineer to go out and inspect a project. He stated that the Board also had the authority to determine the extent of the observations according to the individual projects. Brian Fortier wanted to know if the Board had their engineer sign off on something and something went wrong, would the Town be liable for any damages. Nic Strong stated that the design engineer would place his seal and signature on the plan to signify that he did his due diligence and the Town Engineer followed all of the Board's rules and regulations to make sure the work that was being done met the plan. Virgil MacDonald asked if the Town Engineer would give the Town a letter of approval. Scott Williams stated that the Town Engineer produced inspection reports. Virgil MacDonald stated then the Town Engineer would be liable if something went wrong. Scott Williams thought that the Town had a certificate of insurance for the Town Engineer. Nic Strong stated, yes. Brian Fortier thought having the

**TOWN OF ALTON PLANNING BOARD
MINUTES 2018
DECEMBER 18, 2018**

APPROVED

Town Engineer inspect his construction was overkill and he did not understand why the Board was for it. Scott Williams stated that it was important to have the drainage inspected. Brian Fortier asked that if sand was pouring into the lake from his construction site, did the Board not think that he would take care of it. Scott Williams stated that was not his point, it was to make sure that the drainage was put in per plan.

Attorney Dietel stated that this project was unique because this project was surrounded by property that was owned by Brian Fortier, so the issues that may arise in other commercial applications, were not going to happen with this project; there were numerous safeguards in place. He felt having the Town Engineer inspect the project was not necessary. Roger Sample stated that the Town Engineer would go onsite to confirm that the safeguards were put in place and were installed properly. Peter Bolster talked about being careful that the Board did not start setting a precedent, because if there was a change to what the Board normally did, then they would open up a situation where someone else could say, "You did it for him, how about doing it for me". Attorney Dietel stated that he understood the concept of observations on drainage features, but he wanted it to be proportional. Russ Wilder thought that the following items should be inspected: elevations at all the inverts, the size of the piping, and the size of the drainage basins and outlets; compaction did not need to be inspected.

Russ Wilder MOVED to approve the Town Engineer to give an estimate for the inspection of the final construction of the drainage system and confirm that it met the plans as shown.

Attorney Dietel stated that what he thought the Board wanted from the Town Engineer was for him to confirm that what was built was according to the plans. Russ Wilder stated, yes. Attorney Dietel thought that inspection made sense.

Peter Bolster seconded.

Russ Wilder wanted to make it clear that the Town Engineer already reviewed the plans, and he was going to give an estimate of what would be required for him to be able to come out and perform the final inspection; there would be an escrow account set up for this process.

Roger Sample asked for a vote, all Board members were in favor, motion PASSED unanimously.

Nic Strong asked about the timing of beginning and ending construction. She stated that the date of completing construction needed to match up with the sequencing that was talked about earlier in the meeting. She referenced pages 8 and 9 in the Planner Review, Subsequent Condition #6. The regulations stated that once any and all conditions of approval had been met and the plan was signed, there was 12 months to start construction unless a different schedule was approved by the Board, must complete construction within 24 months. She stated that it was the 24 months that needed to change. Attorney Dietel thought that could read, "must complete construction in keeping with the construction narrative dated December 18, 2018". Russ thought that the requirement could read as follows: "...unless a different schedule was approved by the Board, must complete construction in accordance with the schedule outlined in the letter dated December 18, 2018.

Attorney Dietel mentioned that he was not anticipating changing the plans, except to possibly remove the cistern as depicted, after consulting with the Fire Department.

**TOWN OF ALTON PLANNING BOARD
MINUTES 2018
DECEMBER 18, 2018**

APPROVED

Roger Sample opened public input.

Cynthia Finethy came to the table. She was concerned that the road coming in from Mauhaut Shores Road was now called the “Main Road”. She wanted to know what types of upgrades were being done on the Town road. Roger Sample asked if it was paved. Cynthia Finethy stated, it was not paved. Roger Sample thought that the road was going to be paved up to where the marina was located. Cynthia Finethy wanted to know if the road was going to be wide enough. Scott Williams stated that it should have a 22’ traveled way; 11’ on either side of the centerline. Russ Wilder asked the applicant what their plans were for the road. Attorney Dietel stated that one of the conditions of the Variance approval they received from the ZBA required the road to be paved. Roger Sample wanted to know in regards to paving, would there be some inspections on the surface of the road before it was paved, or were they just putting asphalt on what was already in place. Attorney Dietel stated that was a Town road, so he thought that the Road Agent, Ken Roberts, would have to be involved. Nick Loring, P.E., went over some notes for paving that were on the plan. He noted that there was a close up detailed plan for that section that showed what was going to be paved. He read the three notes as follows: “Mauhaut Shores Road shall be paved up to the access point per the Zoning Board of Adjustment Notice of Decision for Case # Z17-16; Pavement and gravel depths and specification shall match the requirement shown in the typical roadway cross-section detail for the Town of Alton Highway Policies; and Proposed pavement, which shall match the existing gravel roadway width, contractor shall saw cut and grind existing pavement at the Mauhaut Shores entrance to property join the existing new pavement.” Peter Bolster wanted to know if the Town was responsible to build and improve the highway and then have the property owner pay for it. Scott Williams stated that pavers would be on site and it did not make sense to have two contractors. Peter Bolster wanted to know if the Town needed to give property owners permission in order to do that. Russ Wilder shared that when Timber Ridge was built, the developer improved Woodlands Road from Route 11D to Timber Ridge, which was an off site improvement. Virgil MacDonald stated that was because the trucks and equipment were running up and down the road. Scott Williams stated that Brian Fortier needed to inform Ken Roberts when they were working on it so he could come and inspect it. Roger Sample addressed Cynthia Finethy’s concern about the fact that the road coming in from Mauhaut Shores was now being referred to as the main road. He thought that was just a name that it was given because it was not going to service anything other than it was originally going to service. Cynthia Finethy stated at the beginning of the project, the road was going to be gated, and now it was not going to be gated because the service people were going to be using it, and it was going to be used for deliveries and sometimes people would be dropping their boats off. Scott Williams stated that he drove a truck and had been by that intersection and he did not notice a problem when he came into the intersection when he stopped and turned into Mauhaut Shores; although, if someone was driving over the speed limit, that could pose a problem. He thought that the sight distance was satisfactory. Cynthia Finethy stated that was different if someone was driving in a car.

Cynthia Finethy stated that she had talked to some neighbors and they felt that it did not matter what they said because Brian Fortier was going to get what he wanted. She stated that on the Planning Board’s page on the Town’s website it stated the following: “ The Planning Board strives to balance the rights of the individual property owner with the public interest to preserve the rural character of the Town, to protect the Town's natural resources, to enhance the public health, safety and general welfare, while encouraging the appropriate and wise use of land within the community.” She stated that the zone where the marina was located in was a Lakeshore Residential neighborhood and it was not near other businesses. Her

**TOWN OF ALTON PLANNING BOARD
MINUTES 2018
DECEMBER 18, 2018**

APPROVED

concerns were still the amount of noise, traffic, and lighting. She felt that she could speak up because she did not do business with the West Alton Marina and would not be shunned.

Roger Sample closed public input.

Brian Fortier shared that when he was six (6) years old he grew up near the William Tell. He used to be able to ride his bike down to his grandparent's house, which was across the street from the marina, but now he could not. He stated that it was not West Alton Marina that made Route 11 the way it was now, and he hoped that people understood that. Attorney Dietel stated that Brian Fortier had a long history of respecting his neighbors, and it was well known, and he thought that Cynthia Finethy's comments were inconsistent with the information that the Board was provided.

Russ Wilder noted that during the discussion at tonight's meeting, there were some additions that were added, but he did think that would cause the application to be moved to the next meeting. Based on what the Board heard from the public, he did not hear anything that would cause the Board to stop and re-do everything. He acknowledged that the concerns about noise, lighting, and traffic were addressed by the designs of the project.

After due hearing, Russ Wilder MOVED that the Alton Planning Board hereby approves the above cited application for West Alton Marina, for a Final Major Site Plan Review for improvements to the site including relocation of the marine construction, boat storage, boat repair, and boat wash facilities away from the water and onto upland areas of lot 61/1, construction of additional docking facilities, as well as development of a new store, fuel pumps, gate/boathouse, clubhouse, office space, and supporting parking on Map 17 Lots 9, 11, 27, 29, & 30 and Map 61 Lot 1, Mount Major Hwy./Route 11 Alton, New Hampshire 03810, 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, any corrections that arise from the review of the Stormwater Management and Erosion Control Report, 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 X sheets: [to be listed and dated by the applicant on the site plan itself]. In combination these plans constitute in their entirety the site plan as approved by the Town of Alton Planning Board. All sheets are on file at the Town of Alton Planning Department.**
- 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 18, 2018, Notice of Decision on file at the Town of Alton Planning Department.**

**TOWN OF ALTON PLANNING BOARD
MINUTES 2018
DECEMBER 18, 2018**

APPROVED

4. **Addition of a note to the site plan prior to plan signing by the Planning Board Chair stating that Best Management Practices shall be utilized during any timber cutting on site.**
5. **Receipt of estimate for from Mike Vignale, PE, KV Partners, Town Engineer, for the inspection of the final construction of the drainage system to confirm that it meets the plans as shown and subsequent deposit of the funds in an escrow account for that purpose.**

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.**
2. **The hours of operation for the facility shall be:**

Office	-	8 a.m. to 8 p.m. seven days from May 1 to Nov. 1
	-	8 a.m. to 5 p.m. Mon - Fri in off season
Marina Uses	-	24/7 May 1 - Nov. 1
Marine Construction	-	7 a.m. to 8 p.m. seven days a week
Repair Garage	-	7 a.m. to 8 p.m. seven days a week
Security Apartment	-	24/7
3. **The applicant shall comply with all of the Town of Alton's Site Plan Review Regulations.**
4. **The approval is based upon the plans, specifications and testimony submitted to the Planning Board. Any alterations, additions or changes to the plans are not authorized and require additional Planning Board approval.**
5. **A site plan which has been approved, conditionally or otherwise, may be revoked, in whole or in part, by the Planning Board when an applicant or successor in interest to the applicant has performed work, erected a structure or structures, or established a use of land, which fails to conform to the statements, plans, or specifications upon which the approval was based, or has materially violated any requirements or conditions of such approval.**
6. **Once any and all conditions of approval have been met and the Chairman of the Planning Board or his designee signs a site plan, the applicant has twelve (12) months from the date of signing to start construction and, unless a different schedule is approved by the Board, must complete construction in accordance with the construction narrative dated December 18, 2018, provided to the Board from Attorney Robert Dietel.**
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**

**TOWN OF ALTON PLANNING BOARD
MINUTES 2018
DECEMBER 18, 2018**

APPROVED

Board shall not grant more than one extension per project, shall only grant an extension for reasonable cause, and shall normally not grant an extension for more than six months.

8. No site may be occupied or used until a Conditional or Permanent Certificate of Occupancy Permit has been issued by the Code Official in accordance with Section 1.22 of the Site Plan Review Regulations.

ACTIVE AND SUBSTANTIAL DEVELOPMENT OR BUILDING AND SUBSTANTIAL COMPLETION OF IMPROVEMENTS

1. Within 24 months after the date of approval, the following items must be completed in order to constitute "active and substantial development or building" pursuant to RSA 674:39,I, relative to the 5-year exemption to regulation/ordinance changes:
 - Construct "Main Road" on lot 61-1. See Phase-1 and Phase-4.
 - Construct marine loading and marine contractor yard on lot 61-1. See Phase-1.
 - Construct first phase of boat slips on lot 17-29. See Phase-1.
 - Construct 6' piling pier dock. See Phase-13.
 - Construct Boat Storage Building #1 on lot 61-1. See Phase-12.
 - Complete adjacent fire access areas on lot 61-1 as depicted in Phase 5.

2. The following items must be completed in order to constitute "substantial completion of the improvements" pursuant to RSA 674:39,II, relative to final vesting:
 - Construct new office, store and bath on lot 17-29. See Phase-2.
 - Relocate gas tank and dock on lot 17-29. See Phase-2.
 - Construct improvements to WAM RD. #1 & #2 on lot 17-29 and 17-11 and associated parking lots B and C. See Phase-6.
 - Construct crossing to lot 61-1. See Phase-3.
 - Remove existing boat storage structures on lot 17-29 and construct additional slips depicted in Phase-6.
 - Construct Repair Building on lot 61-1. See Phase-5.

Scott Williams seconded the motion and it PASSED unanimously.

Roger Sample recessed the Board for 5 minutes.

3. Design Review

<p>Case # P18-29 James Rines, LLS, of White Mountain Surveying & Engineering, Inc., Agent for Robert Headley, Fernhill Corp., Owner</p>	<p>Map 2 Lots 26-1 & 26-4</p>	<p>Major Subdivision Design Review Rural (RU) Hollywood Beach Road</p>
--	--	---

The Chairman read the case into the record.

Present was James Rines, LLS.

**TOWN OF ALTON PLANNING BOARD
MINUTES 2018
DECEMBER 18, 2018**

APPROVED

James Rines, LLS, addressed an abutter issue. He stated that he received an email from Jessica Call informing him of a defect in the notification process for two (2) abutters. James Rines, LLS, stated that when he was preparing the abutter list, he got Map 2A Lot 12, Paula Holden & Joseph Dyrkacz's, address from a deed. Evidently, they changed their mailing address, so they never received the letter and it got sent back to the Planning Department. James Rines, LLS, contacted Jessica Call back and informed her that he contacted the abutter to make sure that they received notice and they had no issue with the hearing going forward. The second abutter was Half Moon Cottage Colony at Map 2 Lot 26, which was a nine (9) unit condominium on the South side of the property. The Town had Fernhill Corp. as the property owner, who was the owner that he was representing, but the tax records were incorrect. In 1981, the property to the South was condominiumized into nine (9) units and as soon as 51% of the units were sold by Fernhill Corp., then Half Moon Cottage Colony Association became the owner of that common land. In 2001 the ninth unit was sold and Fernhill Corp. had no more interest in it and the Town records were never updated at that time. The RSA required notification to be mailed to the President of a condominium association. A Design Review application was presented 4 years ago for this project, and at that time, Paul Hynes was the president, and that was who the notice was sent to, but he was no longer president. James Rines, LLS, stated that he was able to contact the current president, Todd Romeiser, who ended up submitting the set of minutes that indicated he was the current president, and he ended up being fine with the hearing going forward. The two notification deficiencies were taken care of.

James Rines, LLS, explained that this application was for a condominium conversion for existing cottages, and there were no plans to make any physical changes. He talked to Nic Strong about this and noted the checklist issues were to obtain a fire protection map, a drainage map, erosion sediment control, and stormwater drainage. He noted that he should have requested waivers or put N/A on the checklist because there were no changes proposed. The applicant wanted to be able to pass on the property to his children and if they wanted to make improvements, he wanted them to be able to finance it with no issues.

Virgil MacDonald asked if this conversion was creating a subdivision where each cottage could be sold as a condominium to a different buyer. James Rines, LLS, stated that any condominium by definition was a subdivision. Virgil MacDonald thought that this project would create 4 different lots. James Rines, LLS, stated it was creating 4 different units on one lot.

James Rines, LLS, stated that this conversion would be called Hollywood Beach Condominium. The property was located on Hollywood Beach Road and Half Moon Lake on Map 2 Lots 26-1 & 26-2. The plan was to merge the two (2) waterfront properties. He shared that he was before the Board back on December 16, 2014, for the exact same application under Case # P14-24. The Board performed a site visit on January 20, 2015, and was moved to a final application on January 20, 2015, but as the final application was being prepared, State subdivision approval was needed, but before they went to DES for approval the owners received a State approved septic system and a Shoreland permit to put in a system down near the cottages, and DES would not grant them subdivision approval on the new septic system. After arguing with DES for a time, Fernhill decided to grant a sewage easement across the street so that when or if the current system failed, a system could be built across the street. The water supply was coming from Half Moon Cottage Colony, but they never formally received water supply approval; approval was eventually achieved after about a year. In June of 2018, DES granted the subdivision approval. Since the first case was old, Nic Strong had suggested that James Rines, LLS submit a new application for Design Review. Everything that was proposed in the old case was staying the same, with

**TOWN OF ALTON PLANNING BOARD
MINUTES 2018
DECEMBER 18, 2018**

APPROVED

the exception of the septic system easement across the street. A Shoreland permit was no longer needed because there were no changes being proposed; the existing systems would be used.

Virgil MacDonald asked if there was a proposal to build additional buildings; James Rines, LLS, stated, no. Tom Hoopes mentioned that he could only find one test pit on the plan. James Rines, LLS, noted that the State only required one test pit to demonstrate that the soil was suitable in a 4,000-s.f. area. The septic loading was 1,800 gallons per day, which accommodated the four (4) two-bedroom units. The reason why the septic loading was so large was to accommodate the owners if they wanted to construct a single-family residence on the lot across the street.

Peter Bolster shared that he lived in the Fernhill Association. The Association had covenants that restricted what could be built on the land and any proposed building needed to be approved by the Association's Board of Directors. He wondered if someone was to build just a septic system on a piece of land in that Association, would they need prior approval. James Rines, LLS, stated that an approval would be needed if a single-family dwelling was being proposed to be built on a lot, but not for just a septic system alone. Scott Williams noted that the septic design expired in November of 2018. James Rines, LLS, was aware of that, but submitted it just for background information. He noted that the Shoreland Permit had expired also.

Russ Wilder had some questions about the voluntary merger on the Planner Review. James Rines, LLS, stated that the lots existed currently, there were no wetland setbacks, but once they were merged then any wetland that was greater than 10,000-s.f. in size would have a 25' setback. The application did not propose any new structures, but there were structures that were within 25', but they were existing. Russ Wilder pointed out that the wetland was larger than 10,000-s.f. He wanted to make note that on Page 4 of the Planner Review, it indicated that the timing of this relative to the layout of the plans was somewhat problematic. Russ Wilder asked if that was the problem. Another comment from the Planner Review stated that the one of the conditions for the final application for this project should be that the final plans be submitted that reflect the merged lots, thus the timing would be: final hearing at which approval of the merger and the condominium plan were granted with a condition of the condominium approval being that the merger form was recorded and then the final plans be submitted showing the merged lots. James Rines, LLS, stated that a voluntary lot merger would be submitted simultaneously with the subdivision application. He would then ask for the Board to grant conditional approval on the condominiumization conditioned on the merger being approved, as long as the Board granted approval of the subdivision. Russ Wilder wanted clarification if the condominium would be approved at the same time as the voluntary lot merger. James Rines, LLS, wanted to know if the Board would grant a conditional approval of the condominiumization with one of the conditions being that the two lots be merged. Tom Hoopes wanted to know if the two lots were merged, a new lot was being created and when that happened any changes to that lot needed to meet today's regulations. He gave the example that no more than 25% of a lot could contain wetlands or steep slopes, so if one lot was 99% wetland and the other lot was 80% wetland, then where did that leave things. Virgil MacDonald stated that would be nonconforming. James Rines, LLS, stated that it was currently nonconforming and with it being merged, it would be improved. Peter Bolster wanted to know why the lots were proposed to be merged. James Rines, LLS, stated it cleaned things up a bit because there was a 7.23 acre parcel of land that only had a sliver of upland beside Hollywood Beach Road, and there was a lot of water frontage. Virgil MacDonald pointed out that instead of having two nonconforming lots, there would now only be one by merging them. Scott Williams stated that once the lots were merged, it would give the applicant the ability to put the lot into current use status. James Rines, LLS, noted that the property on the lakeside had 1.11 acres of upland and the lot across the

**TOWN OF ALTON PLANNING BOARD
MINUTES 2018
DECEMBER 18, 2018**

APPROVED

street had 1.8 acres of contiguous upland. He shared that RSA 356B stated that if something could exist in one form of ownership you could not discriminate against it simply because of the form of ownership. Currently there were four (4) cottages and they could exist; therefore, the cottages could be condominiumized.

James Rines, LLS, noted that under the Soils Report on Page 3 in the Planner Review, Nic Strong indicated that it was typically used to demonstrate that the lot was suitable for sewage disposal. The fact that the State had given subdivision approval showed that the septic was sufficient. Russ Wilder noted that the test pits were dug in 2011. James Rines, LLS, stated that he would provide the test pit that was submitted for the State's subdivision approval. He would add that test pit on the plan for the Board. The current septic system was located behind Unit 1.

James Rines, LLS, noted that on Page 3 of the Planner Review it asked for information about future development. He stated that on Page 3 of 3 of the plan, there was a note that stated there could be one single-family dwelling on the lot across the street. He stated that he added a note regarding a premerger. Russ Wilder asked if the wetland buffer requirements were addressed. James Rines, LLS, stated the structures were existing nonconforming and he thought that the buffers would apply to new lots. He pointed out that he removed any reference to Unit 4 about it being the only unit to have 2 stories. He mentioned that if the condominium documents do not prohibit Unit 4 from expanding, if they could come to the Town and build up, but they would have to deal with a Shoreland permit and whatever regulations the Town required of new construction.

James Rines, LLS, added the width of the street, pavement, right-of-way, and classification of the street. At tonight's meeting, minimum contiguous upland and less than 25% was discussed; it did not comply, but he did add a note for that. He stated that Nic Strong was going to check on the Aquifer Protection Overlay District and was to let James Rines, LLS, know the outcome.

Virgil MacDonald asked if floor plans were submitted. James Rines, LLS, stated, no, because the unit boundaries were polygons on the ground, so the as-built would be when the pins were set and the structures would sit on the units. He stated that the purpose of an as-built for a condominium was like a boundary survey of what was purchased. When a ground condominium was done, the outline on the ground was the unit; even if there was no structure on the property, the owner would know what the limits of their unit was. Virgil MacDonald thought that a site plan and the floor plan was required because the cottages were being turned into condominiums. James Rines, LLS, stated, no, if the unit was a structure then a floor plan was needed, but if the unit was a polygon on the ground, then it was not needed. Virgil MacDonald thought that James Rines, LLS, was trying to weasel his way out of the regulations by putting in condominiums. James Rines, LLS, stated that he was complying with the rules. Tom Hoopes stated that James Rines, LLS, was very knowledgeable about the law.

For the outstanding items from the Planner Review, James Rines, LLS, noted that fire protection, drainage, erosion and sediment control, and stormwater management did not come into play because no physical changes were proposed. He noted that the driveway existed and no changes were proposed. For future development, he indicated the available lot across the street, and he corrected the easement. He submitted condominium documents. Tom Hoopes asked how the common land would be laid out. James Rines, LLS, stated that each owner in the Hollywood Beach Condominium Association would own a ¼ interest of the property. Each owner would own ¼ of the interest and the Association owned the actual property. As far as the Shoreland impact, James Rines, LLS, submitted a permit, but they were now not

**TOWN OF ALTON PLANNING BOARD
MINUTES 2018
DECEMBER 18, 2018**

APPROVED

proposing anything that triggered the need for a Shoreland permit. He was waiting to hear back from the State for the aquifer protection. Tom Hoopes asked if the dock that was there was a common dock. Peter Bolster stated the dock was shared with the Fernhill Association, the Headley's, and Half Moon Colony. Tom Hoopes asked how many cars the area could accommodate. Peter Bolster stated that there was a parking lot in back of the Fernhill Association land, which abutted the Half Moon Colony land, and the Half Moon Colony owners had parking at their own cottages.

The Board's recommendation was to have James Rines, LLS, come back with a final application.

Virgil MacDonald stated that the minutes showed that condominiums were on Lot 26 and Lot 26-4 and Lot 26-1; he wanted to know if that was a way of getting around a subdivision by breaking this property and being able to sell the cottages as condominiums. He wanted to know if this proposed application was a way to break up the property for four different families. James Rines, LLS, showed Virgil MacDonald on the plan that the cottages currently were only on one lot. Scott Williams stated that what was proposed was just a change in ownership of what was currently on the lot. Virgil MacDonald stated that was not what they were doing, what has happening was that the cottages were being split into four single units that could be sold into four different families instead of one family owing all four cottages. Scott Williams stated that four different people could rent those and it would be the same thing. Virgil MacDonald was concerned that the deed would end up changing to four different people on a nonconforming lot with four different structures. Tom Hoopes stated that the Board could not prejudice by not granting a condominium; it was a different type of ownership. Virgil MacDonald stated that if a condominium was going into four different deeds and the land was being split up, the Board had a right to deny it because it was a nonconforming lot. Tom Hoopes stated that the Board could not do that because the law stated that the Board could not deny it. Virgil MacDonald stated that the Board should put in a Zoning Ordinance that the Board could. Tom Hoopes stated that the Board could not do that because the State's regulations would override any from the town. Roger Sample stated that the Board could deny a new application, but they could not deny an application on existing structures. Virgil MacDonald stated that currently, that property was owned by one family and now the Board was going to allow those cottages to be transferred into condominiums and could be sold into four separate families. Tom Hoopes stated again that the Board could not discriminate against ownership. Virgil MacDonald stated that the Board was not fighting ownership, they were allowing a nonconforming lot to be split up into a four family unit where it was only one family now; he did not think that was discrimination. Scott Williams stated that all four families could be put on the same deed. Virgil MacDonald stated that on a nonconforming lot it could be stopped by requiring it to stay in the same family. Scott Williams stated again, all four families could be placed on one deed; you could not restrict how many people, or who they were, on a deed.

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

<p>Case # P18-30 Paul F. Zuzgo, LLS, of Prospect Mountain Survey, Agent for Gregory Kneeland, Owner</p>	<p>Map 8 Lot 47</p>	<p>Final Minor Subdivision Residential Commercial (RC) 81 Range Road</p>
--	----------------------------	---

The Chairman read the case into the record.

Nic Strong explained that there was a notice defect. She noted that Keith Chamberlain came to the office and pointed out that one of his brothers got a notice and his other one did not. The brother that did not get

**TOWN OF ALTON PLANNING BOARD
MINUTES 2018
DECEMBER 18, 2018**

APPROVED

the notice was the actual abutter and he wanted to know what happened. Paul Zuzgo, LLS, had incorrectly labeled one of the lots as an abutter and it should have been a different lot. He was going to reach out to the abutter that did not receive notice and see if they would be okay with having the hearing move forward. Paul Zuzgo, LLS, was unable to contact the abutter so he requested that the application be continued to the next meeting due to an incorrect abutter that was not notified. Nic Strong stated that unfortunately, the correct process for to proceed on this application mean that it had to be denied without prejudice and a new application be submitted for the January 15, 2019, meeting.

Russ Wilder MOVED to deny the application for Case #P18-30 for Gregory Kneeland, for a Final Minor Subdivision for a two lot subdivision of Map 8 Lot 47, without prejudice, due to lack of correct notice.

Peter Bolster seconded the motion and it PASSED unanimously.

Other Business:

1. Old Business:

2. New Business:

- a. Approval of the Planning Board 2019 schedule.

**Scott Williams MOVED to approve the 2019 Planning Board meeting schedule.
Peter Bolster seconded. Motion PASSED unanimously.**

- b. Discussion regarding billing for Alton Bay Self Storage.

Paul George came to the table. He apologized that he was back in front of the Board again. He stated that he had some issues with his invoice, so he set up a meeting with Northpoint Engineering to try and resolve them; he was unable to come to a mutual agreement. Paul George thought that his estimate and his invoice had \$85 an hour listed for 119 hours of work performed, but Northpoint Engineering billed it at a higher rate of \$112 per hour. He stated that what he heard in a prior discussion at tonight's meeting was that the Town Engineer's job was to review a plan and then their job was to make sure that the project was being built as indicated on the plan. Paul George asked why in one of the reports, Northpoint Engineering indicated 4 hours for reviewing a UNH design of porous pavement. He thought that Northpoint Engineering had already done that review and he should not have to pay for it a second time. He thought that all Northpoint Engineering was supposed to do was make sure that the project was being built according to the plan, not spend four hours reviewing and studying, and then Northpoint Engineering used a second engineer to discuss the review for an additional hour in their own office and charged for that also.

At the end of the job, Northpoint Engineering was supposed to do a punch list. The invoice indicated 2 hours for punch list memo generation; Paul George wanted to know why did it state under the notes 14.3 hours for running a report. Paul George thought that 4 of those hours were for organizing photographs; there was 38 ½ hours of administrative time, 18 ½ hours of travel time all for 10 hours of inspections. He stated that this was abusive and he could not let it go.

**TOWN OF ALTON PLANNING BOARD
MINUTES 2018
DECEMBER 18, 2018**

APPROVED

Paul George stated that Northpoint Engineering wrote a letter in response to that meeting, but he had not had a chance to read it yet. He stated to Northpoint Engineering at that meeting, that he thought that the invoice was not right and he wanted to work on fixing it so the Board would not have to get involved. He thought that Northpoint Engineering contacted Nic Strong because he received an email from her stating that he still had a problem.

Paul George stated that he agreed to have a third-party perform the inspections. Northpoint Engineering had spent 10 hours out in the field, 38 hours of administrative time, and 18 ½ hours of travel time. He referred back to the comment he made at the first hearing when he asked why the Town was using an engineer from Concord; Northpoint Engineering's response to that was that they did not travel for all of the inspections; they compensated for travel. At the preconstruction meeting, Northpoint Engineering had two engineers in attendance; Paul George had gone through at least 25 preconstruction meetings on prior projects and only one engineer had ever shown up. He indicated that one engineer was billing ¾ of an hour and the other engineer billed for an hour. Scott Williams pointed out that they billed for 122 miles; the IRS rate was \$0.55 per mile. Paul George stated that he was not nickel and diming the invoice, but he could go through the invoice and show the Board mounds of different charges that he thought were excessive.

Paul George stated that he had an invoice from another engineer for a project that he did in Hollis, NH. This particular project was 3 times the size as the project here in Alton. The invoice billed for multiple headwalls, retention ponds, a cistern, preconstruction meeting, prior meetings with the Fire Department, porous pavement inspections, and it included the plan review with swales and erosion. All of that was billed for 34 ½ hours of work as compared to 70 something hours for Northpoint Engineering. The total for the Hollis project was \$1,900, compared to \$7,671 for Northpoint Engineering; that was less than 25%.

Virgil MacDonald had a question on one of the inspection reports. He noted the time from 7:15 to 7:30 (travel to the site), 7:30 to 8:30 (on site), 8:30 to 10:30 (travel), 10:30 to 11:00 (office); 82 miles was indicated for that report. Paul George wanted to know why the Town hired an engineer from Concord. Nic Strong stated that the other Town Engineer was located in New Boston; she indicated that the Board did an RFP to find an engineer. Paul George did not mention the mileage, that was not what he was worried about. He was talking about a meeting and a report for 14.3 hours to inform the Board that the project closed down for the winter. He shared that not one recommendation had been given by Northpoint Engineering so far during construction. Paul George stated that at one point, one of the guys on his site was to keep track of the hours that Northpoint Engineering was on site and he could not come up with 10 hours. Tom Hoopes thought that the guy that would be doing the inspections would be coming from Gilford and not Concord. Paul George stated he was more concerned with the big numbers. He thought that the Town was spending his money inappropriately. There were some items that he wanted to point out: 4 hours to arrange pictures when the engineer was only on site for 10 hours; 8 hours for the

**TOWN OF ALTON PLANNING BOARD
MINUTES 2018
DECEMBER 18, 2018**

APPROVED

preconstruction meeting that only took an hour; and 6 hours were billed for writing minutes.

Scott Williams thought that every time the Board hired an engineer, they would overbill the applicant. Paul George did not think it was fair and shared that he had been in business for 35 years and had never been overcharged like this before. He stated that he had never had to come before a Board to discuss an issue such as this. Peter Bolster asked what the difference in cost was with the project in Hollis compared to the project here in Alton. Paul George stated it was a whole different project; that project was three times as big as Alton's. He stated that the engineering costs in Hollis were \$1,900 and it was costing him \$7,761 here in Alton, and the project was not even done yet.

Virgil MacDonald had a question about Hiltz Excavation. He wanted to know why there was an engineer report that billed 60 miles and so many hours prepared and signed by a Jeff Madon from Hiltz. Roger Sample asked if there was an estimate given to Paul George in the beginning; he stated, yes. Paul George was pointing out that the estimate indicated that it would take 2 hours to create a punch list at the end of the project, but Northpoint Engineering was charging 14.3 hours, and that was supposed to be done at the end of the project and he was not even at the end of it yet.

Virgil MacDonald asked why Jeff Madon from Hiltz was filling out the engineer reports. Paul George clarified that Jeff Madon worked for Northpoint Engineering, not Hiltz Excavation. Paul George pointed out that once Jeff Madon was done on site, he would go back to the office and discuss things with the lead engineer, Kevin Leonard, and he was getting billed for that. He wanted to know if Jeff Madon was not qualified to do the work, then why was he on site. Paul George stated that the estimate was for \$85 an hour, then why was Northpoint Engineering charging \$112 an hour. Peter Bolster noted that one charge was for the Principal Engineer and one was a Project Engineer. Paul George was okay with that, but when an estimate was given, and Northpoint Engineering had 3 times to review the estimate, and 3 times it had been changed and never once was it made clear that Paul George was going to be billed at \$112 per hour.

Russ Wilder asked where the bills were submitted. Nic Strong stated that the bills went to her. Russ Wilder asked if they were informational and wanted to know if the Board gave approval on those bills; Scott Williams stated, no. Paul George wanted to know why they would not want to approve the bills. Scott Williams stated that the Board had never approved engineering bills and that Nic Strong took care of getting them paid. Russ Wilder noted that the Board did receive copies of them, but they just were for the file. Paul George stated that he sent a letter to Nic Strong informing her to not pay the invoice.

Peter Bolster asked when the contract for Northpoint Engineering was up. Russ Wilder stated that this was the first job that Northpoint Engineering had with the Town and he thought that if a bill was contested, it needed to be sorted out somehow; he was not sure what role the Board should play. Virgil MacDonald stated that the Northpoint

**TOWN OF ALTON PLANNING BOARD
MINUTES 2018
DECEMBER 18, 2018**

APPROVED

Engineering should come and sit before them to explain the invoice. Russ Wilder thought that the Engineer should be invited, but yet at the same time, he did not think that the Board was qualified to judge what engineering bills could cost. Roger Sample stated that the Board already had Paul George and Northpoint Engineering before the Board to hash out the invoice. Paul George stated that he went along with what Northpoint Engineering was going to do, but they were not following through with what they said they were going to do.

Paul George gave an example of the estimate: Utilities: water drainage-buried utilities. According to the estimate, the underdrain was going to take 16 hours on site, but Northpoint Engineering only gave it one hour on the report. Paul George thought that Northpoint Engineering was not even following their report of how much time they would spend in the field; they spent 10 hours in the field and then used all of the remaining hours for administration. Paul George thought what was happening was that Northpoint Engineering was taking 33.5 hours of office time and 18.8 hours for travel, for 10 hours of inspections. He did not think that computed properly on any business plan.

Russ Wilder asked how Paul George's notes were prepared. Paul George stated that his notes were poorly handwritten and would be difficult for another person to decipher them. Russ Wilder noted that the Board would like to help resolve the issue. Roger Sample stated that at the last meeting he thought that Paul George and Northpoint Engineering were going to work things out. Paul George thought so too. He stated that he was told that he was only going to get billed for the time that Northpoint Engineering was out in the field. Paul George stated that he was at the preconstruction and Northpoint Engineering had both of their engineers present. Paul George stated that he asked why both of the engineers were present and he was told by Kevin Leonard that the other engineer lived closer, in Gilford, and he wanted him to be there, but he was not going to be charged for both engineers attending the meeting. Paul George stated that he ended up being charged for both engineers. He also pointed out that there was an inspection done by Jeff Madon that took ½ an hour, and then he went back to the office to talk Kevin Leonard about it and he was charged for 2 hours. Paul George thought if Jeff Madon was not qualified to be in the field, then he should not be in the field.

Roger Sample stated that Paul George was given an estimate for Northpoint Engineering's services, and then asked if Northpoint Engineering had gone over their estimate. Paul George stated, no, but Northpoint Engineering had not done what they said they would do. Paul George stated that instead, Northpoint Engineering was doing other things and he was being billed for that. Roger Sample thought that being within 10% of an estimate was acceptable. Scott Williams asked if Paul George tallied up the invoices so he would know what was overboard and what was not; if not, then he wanted Paul George to do that for next month's meeting. Tom Hoopes wanted to know if there was any way that Paul George, Roger Sample, and Nic Strong could get together with Kevin Leonard and have a meeting. He did not think this needed to take place in front of the Board or at a public meeting.

**TOWN OF ALTON PLANNING BOARD
MINUTES 2018
DECEMBER 18, 2018**

APPROVED

Russ Wilder wanted to know if Paul George thought that Northpoint Engineering would go over budget if they worked at the rate they were going now; he stated, yes.

Peter Bolster read from Kevin Leonard's letter, "My assessment – we are on track to be well under budget if all goes smoothly with the remaining work." Paul George thought that meant that Kevin Leonard was not going to do overcharge because he had been caught. Russ Wilder thought that maybe Kevin Leonard would have an over run on his side of the budget. Paul George stated that he knew two other contractors that had Northpoint Engineering working for them and they overcharged them. Tom Hoopes stated this was one of the things that the Board discussed when they were interviewing engineers. He thought that Mike Vignale, P.E., was a straightforward guy and Farmhouse Engineering was a great company to work with.

Paul George asked Roger Sample if a meeting could be set up. He shared with the Board that he would be out of town from December 31, 2018, to January 9, 2019, and would like to meet with Kevin Leonard, Roger Sample, and Nic Strong to talk about the issues he just presented to the Board.

Peter Bolster asked what other types of work were left to inspect; he was under the impression that the site work was mostly completed. Paul George stated, no, the choker course had to go on and the pavement had to go on on top of that. Peter Bolster referred to Kevin Leonard's notes that indicated that 36% of the work was completed and he thought he was going to under budget. Bob Regan thought that Kevin Leonard was trying to bill for every nickel that was budgeted for. Russ Wilder thought that Kevin Leonard had a budget overrun. Paul George was willing to pay for the inspections and some administration work, but he thought that he was being charged for things unnecessarily.

Roger Sample stated that a meeting would be set up to discuss the issues.

- c. Schedule public hearing for zoning petition at January 15, 2019, Planning Board meeting.

Russ Wilder read the petition, "Zoning Article 7 adopted in 2018 was hastily conceived and with little forethought. It encourages high density development along the lake shore zone. Natural resources, aesthetic features, visual buffers and current character of the area will be thus negatively impacted. Therefore, the undersigned request the selectmen include the following article in the 2019 warrant: Are you in favor of rescinding Planning Board Proposed Amendment #6 Warrant Article 7 presented and adopted on the 2018 Ballot, which reduces frontal required from 150 feet to 75 feet due to the detrimental environmental impact on the lake and on the values of the Lake properties?" Virgil MacDonald did not see the point of the Board reviewing the petition because it automatically went to the townspeople to vote on and they could not change anything. Scott Williams stated that the Board needed to vote on whether they recommended it or not. Russ Wilder stated that the petition would have to be presented at a public hearing in January of 2019. Nic Strong explained that it had to go in front of the Planning Board before it was on the ballot because State law required

**TOWN OF ALTON PLANNING BOARD
MINUTES 2018
DECEMBER 18, 2018**

APPROVED

that the Planning Board indicate whether or not they approve of the petition. Russ Wilder stated that the public needed to know what the petition proposed. Nic Strong stated that the Board had a public hearing in order to give the petitioner the opportunity to tell them why they proposed it. The Board must state on the ballot whether or not they recommend or do not recommend the petition.

**Russ Wilder MOVED to schedule a Public Hearing for the petition article to be heard at the Planning Board's January 15, 2019, meeting.
Virgil MacDonald seconded.**

DISCUSSION:

Tom Hoopes stated that he supported the action that the Board took last year in changing the ordinance. He stated that the petitioner stated that the Board changed the frontage from 150' to 75', but they forgot that in that same ordinance, the Board increased the other side of the road from 30' to 50'. The Board was trying to make the frontage requirement more equal in the Lakeshore Residential Zone because one side of the road required 30' and the direct opposite side required 150' of frontage. Russ Wilder stated now that the petition was filed, it needed to be enforced as if it went into effect until it was addressed at the Town meeting in March.

Roger Sample asked the Board for a vote. The motion PASSED unanimously.

3. Approval of Minutes: November 20, 2018, Planning Board Meeting

Russ Wilder pointed out that there were two corrections to be made. On Page 9, third line down, it should state "...upstream from the Town well and it was possible for chloride...."; and on Page 15, "consumers" should be "customers".

**Russ Wilder MOVED to approve the minutes of November 20, 2018, as amended.
Virgil MacDonald seconded the motion, and it PASSED unanimously.**

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

- a. Letter from Donald Kelts received on December 14, 2018, to the Planning Board re: an updated estimate from the Town Engineer for Evans Hill Road completion costs.

Nic Strong stated that there were five (5) lots on Evans Hill Road and four (4) of them were still owned by Ken Chase. Donald Kelts was the person who bought the one lot was now trying to sell it. The escrow for that road was still underfunded and he was requesting the Board to authorize the Town Engineer to come up with an estimate of what it would take to finish the road. The buyer might potentially put money into the escrow to complete the road as part of their purchase and sales agreement.

Virgil MacDonald thought that the Board put a restriction on lots being sold until the correct escrow amount was held by the Town. Nic Strong stated that the restriction

**TOWN OF ALTON PLANNING BOARD
MINUTES 2018
DECEMBER 18, 2018**

APPROVED

was that no building permits could be issued. Scott Williams and Virgil MacDonald did not think the Board should get involved. Virgil MacDonald thought that the buyer should get an estimate and bring that to the Board to decide. Nic Strong stated that if that happened, then the findings needed to be brought forth to the Town's Engineer for him to certify that the correct things were on the estimate.

**Russ Wilder MOVED to authorize the Town Engineer to determine what it would take to bring Evans Hill Road into compliance, providing that Mr. Kelts pay for the engineer's estimate to be prepared.
Scott Williams seconded the motion, and it PASSED unanimously.**

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

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

Public Input on Non-Case Specific Local Planning Issues

Nic Strong reminded the Board that there was a Road Workshop tomorrow night at Town Hall at 6:00 pm.

ADJOURNMENT

**At 10:17 pm, Scott Williams MOVED to adjourn.
Russ Wilder seconded the motion, and it PASSED unanimously.**

The meeting adjourned at 10:17 p.m.

Respectfully submitted,

Jessica A. Call
Recording Secretary

Minutes approved as submitted: January 15, 2019