

**TOWN OF ALTON  
PLANNING BOARD MINUTES  
PUBLIC HEARING MEETING  
Tuesday, August 19, 2025, at 6:00 P.M.  
ALTON TOWN HALL**

**Present:**

C. Sullivan  
Catherine Gould  
Mark Manning  
Paul Zuzgo  
Bob & Catherine Gould  
Steve & Mercedes Warren  
Mr. Cusson Cusson  
Lisa & Izzy Sorrentino  
Breann Thompson  
Richard Shea  
Seth Garland Alton Public Works

**Call to Order**

Bill O'Neill  
Chair O'Neill opened the Alton Planning Board meeting for Tuesday, August 19, 2025.

**Roll Call of Board Members**

Bill O'Neill  
Doug Brown  
Mark Manning  
Roger Sample  
Tom Diveny  
Christine O'Brien  
Nick Buonopane BOS Rep

**Appointment of Alternates**

No alternates needed

**Approval of Agenda**

Changes:

- 1) Case P25-03 for Changing Seasons Engineering for Richard Lundy. They've requested the application to be continued until September 16<sup>th</sup>. If anyone is here for case P25-03 for Richard Lundy on Miramichie Hill Road, it's continued until next month, September 16th.
- 2) Case P25-25, that has been withdrawn for Randy and Misty Couch out on Alton Mountain Road.
- 3) Addition to other business 2(b), discussion regarding this year's Zach and CIP committees.
- 4) Addition to 3(b), voluntary merger for pre-existing lots, Lakes Hospitality Group on Cherry Valley Road.

**Motion: unable to hear motion**

**Motion by ? Second by Mr. Brown Vote was unanimous.**

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# 1. Continued Application and Public Hearing

Case #P25-21 TF Moran, Inc., Agent for Treasure Coast SPE, LLC, Owner	Map 4 Lot 13 Frank C Gilman Highway	Final Major Subdivision Rural Zone (RU)
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Proposal: To construct a 38-unit Manufactured Home Park to include 1 site area for a Single-Family Dwelling.

Chair O'Neill stated case P25-21 to construct a 38-unit manufactured home park to include one site area for a single-family dwelling.

Ms. MacArthur stated the Board accepted the application as complete at the last meeting and reviewed the waivers. A waiver had been submitted for a soils report to be submitted later on in the process. The Board had stated they wanted to see the soils report at this meeting; however, she did not find it in the submission. Also, there is a new waiver to not have to provide homeowners association documents. The request is because it's included in the subdivision regulations, but this is a manufactured home park which functions differently. When she did her plan review, there were a couple of things that needed to be added.

Mr. Roscoe of TF Moran stated he did not know why the soils report was not included, but he had copies with him. Mr. Roscoe explained the first few test pits were done back in January, they went back and did some more testing up on top of the hill to support the septic system design. We have a stamped design of a septic system plan using this data. Chair O'Neill asked who did the test pits? Mr. Roscoe answered their soil scientist, Chris Danforth. He's a licensed soil evaluator.

Mr. Roscoe stated for the record that he was Alan Roscoe from TF Moran, representing Mr. Sorrentino. With him was Mr. Sorrentino's wife, Lisa, and daughter, Izzy.

The soil report was complete before our August submittal deadline. The tests were done at the bottom of the hill and then on upwards and they support the septic system designs for four systems proposed to accommodate wastewater from the project. The septic design has been completed by their in-house septic system designer. Chair O'Neill asked about a soils map.

*Unintelligible Discussion*

*Mr. Roscoe stepped away from the microphone to point to the display*

The residence that's being reserved for Sorrentino's will have its own private septic system and private well.

*Unintelligible Discussion*

*Mr. Roscoe stepped away from the microphone to point to the display*

Mr. Sample stated all the systems seem to be generally the same. Mr. Roscoe answered that was correct. It's designed that way, so they're sharing and separating the effluent so they can dispose of it over a large area. But given the distance and pumping requirements from the single-family home, they're better off just having their own system. Mr. Brown asked if all the test pits passed in terms of PERC requirements? Mr. Roscoe stated yes. They would not put a system where it was not feasible. Mr. Buonopane asked if they had made any leeway with the DOT for the driveway. Mr. Roscoe stated it was still pending.

Mr. Sample asked if they could put a well inside the wetland buffer.

*Unintelligible Discussion*

*Mr. Roscoe stepped away from the microphone to point to the display*

Mr. Roscoe stated the only indirect wetland impact they have is for the single-family home driveway, which will be in the buffer.

Ms. MacArthur stated the request from the Board was for a certified soil scientist and the Board should address if they were okay with what was submitted. After a brief discussion, it was agreed that a statement needed to be added to the report verifying that the report was from a certified soil scientist. Mr. Roscoe indicated that could be done.

Mr. Brown asked what the latest discussions around the cistern was with the fire department. Mr. Roscoe stated he had a conversation with Deputy Turcotte and there was just one detail that needed to be refined. They are making that change to the drawings and get them back to them. Deputy Turcotte communicated to Ms. MacArthur yesterday that he had no problems with what they were presenting. They are showing the connection to the cistern to the hydrant.

Ms. MacArthur suggested that the Board should address the other waiver. Chair O'Neill asked if they were requesting a waiver for the requirement of H-O-A. Mr. Roscoe said yes, they are asking for waiver because where this is not a typical subdivision or multi-owner development, then perhaps it isn't required in this case because there is one owner who owns all of the 85 acres. Everything they are doing with the tenants will be rental agreements. Ms. MacArthur stated she agrees with him.

Mr. Roscoe stated they would like to withdraw the previous waiver request about the soils report. Because we now have that complete. Except for the statement from the soil scientist. Chair O'Neill said the Board is going to need a signature from a soil scientist. Ms. MacArthur said she would suggest making a formal motion so that the Board would be denying that waiver, the soils report that they waived it. Mr. Roscoe stated the soils analysis was done by their soil scientist, and the septic system was designed by their septic system designer Mr. Brown stated they need to have a statement that these soils really perk and are adequate to design a septic. The Board was going to need a stamp and soil scientist and a little bit more information. Mr. Roscoe said the initial waiver was procedural when they made their submittal back in May. Because they didn't have it complete, they had enough to go on, so they asked for a waiver for the full report. But at this time, they are providing that information, so he would ask to withdraw the waiver request. The waiver was withdrawn.

Chair O'Neill stated the second waiver was for the HOA, to waive the HOA because they're not individual homes where there would need to be an agreement of landowners. These are not individual property owners. They're just rentals, so they are not doing an HOA. You're going to be doing rental agreements with the tenants. We still need a motion, and this is more housekeeping because it's in the regulations that it's required. But with this situation, it's really not.

***Motion: to grant the waiver request to section 714-c of the subdivision regulations.***

***Motion by Mr. Brown, Second by Mr. Manning. Vote was unanimous.***

Ms. MacArthur stated there are State permits that they need to receive that can be put as a condition of approval. The state looks at things and they ultimately end up asking for changes to things. They may have to come back for an amendment.

Mr. Brown asked about what the plan was for stump removal from the site. Mr. Roscoe stated they are not going to bury them. Both ground disposal will use all the correct procedures.

Ms. MacArthur stated there were some comments from the town engineer, and through correspondence, she received an email from him on August 11th and confirmed that they had addressed all the issues that were in the initial report from Tighe & Bond.

Mr. Roscoe asked Ms. MacArthur about her report. He stated it looked like a new comment about current use, is that new? Ms. MacArthur explained that was just a comment from the Conservation Commission. It was just a suggestion from them.

***Motion: to continue this until next month pending the updated soils report signed by a soil scientist and with more information for us or the Board.***

***Motion by Chair O'Neill. Second by Mr. Brown. Vote was unanimous.***

Ms. MacArthur stated it is continued until September 16th.

## **2. Acceptance and Review of Application and Public Hearing if Application is Accepted and Complete**

<b>Case #P25-22</b> Prospect Mountain Survey, Paul Zuzgo, Agent for Bethal Builders, LLC, Owner	<b>Map 5 Lot 3-2</b> <b>Stockbridge Corner Road</b>	<b>Amended Final Minor Subdivision</b> <b>Rural Zone (RU)</b>
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Proposal: To remove a condition to have a drainage study done from approved Case #P25-02.

Mr. Sample said this was approved last month. With the conditions of the drainage study? It was approved January 21st. The only issue is the drainage study at this point.

Ms. MacArthur said he's requesting to have that condition removed. What the Board was provided was a drainage report that was prepared by a certified wetland scientist. There are also comments back from the town engineer regarding said report and he wasn't in agreeance with that. The Board also has department head reviews from Highway and Conservation.

***Motion: application P25-22 is complete.***

**Motion by Mr. Buonopane. Second by Mr. Brown. Vote was unanimous.**

Mr. Cusson from Bethel Builders and his son, Anthony. They filed for a minor subdivision back late December of last year. The subdivision was approved with one contingency in January. He never got the notice for that meeting and wasn't there for that meeting to speak for himself or to answer the concerns of the neighbor. The neighbor came in and expressed concerns about water being put on his property. They read the minutes over, and there seems to be a little bit of interchanging of terms between drainage plan and drainage study, which he is learning a lot about. He has been building for a long time and never had to do the drainage study. He has always done a drainage plan to show where the water is going to go.

They went out once they were made aware of the condition and hired Damon from Fraggie Rock Environmental, a certified wetland scientist and a New Hampshire state licensed erosion control specialist as well as a stormwater drainage expert. He came out and looked at the lot. This is a pretty high and dry lot. It is not in a flood zone. He was surprised that we were doing a drainage plan. They explained to him the neighbor's concerns. He noted that the neighbor had sent a letter stating that he was very satisfied with what's been done and that he hopes that the town of Alton will give me a building permit.

Damon did do up the plan. We submitted the plan to the town building department. We were under the impression that we were supposed to submit a building permit application with a drainage plan. And when we did that, my son Anthony got a call a week or two later and said the permits are ready for pickup. We saw Mr. Garland at the town highway department. We met on site and at that time, the drainage plan was mostly implemented. Mr. Garland brought up concerns about the road. The ditch line of the road was very shallow there. He was concerned about the ditch line being a little shallow, and also, he had concerns about the sight distance from this driveway. And there was a little knob in there and Mr. Garland recommended taking out the knob. We removed the knob and deepened the ditch line all the way down the road. They cleaned up the whole road, the ditch line, re-graveled in front of the entire frontage of the lot. They also put in an 18-inch culvert at the end of the driveway. We hammered out all the ledge on both lots.

Anthony went into the town hall to grab the permits and was told they could only give them one of them and not the second one. And so at that point, he did contact the building department, and they said that they need to have this sent to the engineer, and it needs to be a report, not just a plan. They went back to Fraggie Rock, got back on his list again, and now we're already in April or May. And he did an entire report to go along with the plan, and they brought it back, and Ms. MacArthur was able to submit it to the town engineer, who came out to the property, and he offered two comments. A study is required, not a plan. His only other comment was if it brings water to the road in the wintertime, it could ice up. That can happen on any ditch line.

They addressed the Board's concerns There is a beaver dam and a wetland there. They called a New Hampshire licensed trapper, and he went out there and he got four beavers. The dam isn't a big beaver dam. Over the summer, they removed the dam by doing a controlled release, a little at a time. We had downpouring rains all spring and this lot

is dry as a bone, the road is dry as a bone, the ditch line it's the best part of the ditch line on the whole road. The neighbor is no longer concerned. They did not understand the difference between the term study or the term drainage plan. A study means usually on very large subdivisions or commercial projects; a study should be done to answer questions like how big do the culverts need to be? How big do the ditch lines need to be?

This is going to take months to do and a lot of money. He noted that when he brought it up to the town engineer, the engineer replied this is quite unusual. It's not normal that you would do a drainage study for something like this. The final decision was a plan and a study. They got a plan by a certified guy, a stormwater expert. This is what he does as a professional for a living. He's very confident in what they have done.

Mr. Cusson said he was surprised by Mr. Garland's letter and that they had spoken with him since. Mr. Garland had come out several times and the last time they spoke, he said he was very satisfied with what they did. He said he would write a letter to the planning board, but it was not what I was expecting. We don't think Mr. Garland understood why we were doing this drainage plan to start with. I think he thought that there was a concern over the road. He's here, so he can speak for himself. My big dilemma is that I've almost got this house completely finished. And I can't sell it. All because of a ditch. We told Mr. Garland, if everybody's up in arms over this ditch, why don't we just fill it in? We don't see why we would fill it in. It's bone dry when it rains. It handles the water better than any ditch we can see on the road.

A drainage study is a very intense, mathematical, scientific thing. For this one area, there's never been a flood here. It's not in a flood zone. The next-door neighbor has an identical ditch going down his driveway. The neighbor beyond that, two neighbors beyond that have another ditch line going down the side of their property to the road. All of a sudden their ditch has to have all these special studies. He is not against having to do it. He doesn't want to defy what the board said but they feel like they have done what the board has asked of them. And still they are without a building permit and a house that they can't sell.

Mr. Buonopane said prior to a building permit being issued, a drainage study and plan shall be completed and submitted to the building department to be reviewed by the town engineer at the owner's expense. It was written in January.

Mr. Cusson said I didn't understand that a study had to be something other than what we've done. We had a certified stormwater management expert licensed with the State of New Hampshire who specializes in erosion control do a study for them. It's a five-page report. There are plans. They implemented them and they upgraded the road. Then the town engineer comes back and says "technically, this is not a study". We were given a permit for the first house and told this one was going to be on hold until they sent them to the town engineer. He stated that according to the town engineer, it's not technically a study, but they understood the report to be a study.

What they are asking of the planning board is to accept the plan that they have submitted and to accept the report that was given by our CSPEC and wetland scientists. and accept the drainage that they have done as complete. It's not a major subdivision. The next-door neighbor who originally started all this is very satisfied.

Mr. Buonopane stated he believes the intent of the study requested in January was because the abutter was very upset about the watershed coming off from that beaver dam and the intent of why the Board did that was to make sure that there would not be water issues later on. You're going to sell the house. Whoever takes over the house is now going to have to deal with the watershed. The reason that the Board put a study in place was to make sure that they weren't going to have water issues later on. And if anything were to happen, they would have a way to rectify it. The neighbor might be satisfied right now. But what happens if it does flood or the beavers come back or something like that?

Mr. Cusson stated the neighbor's land is going to be flooded whether they have a house there or not. The house has nothing to do with the neighbors. They are being denied to build a home. The land is going to exist whether they build a home or not. The Beaver Dam is going to exist whether they build a home or not. It's always been there. And they have done a significant amount of improvements in good faith. None of this was underhanded or trying to go off the map earlier. And they're going to do a study. They have two engineers and even the town engineer said this is highly unusual.

Mr. Brown stated they have a letter from the Department of Public Works saying that they don't concur with that.

Mr. Cusson stated the Director wasn't at the original subdivision meeting. He wasn't there complaining, because it was never an issue with this Beaver Dam. The original subdivision, he had no comments. Now, all of a sudden, they improve his road, they improve the ditch line and do a \$5,000 plan. And now he has concerns.

Mr. Buonopane asked Mr. Garland if he felt as though a study on that road is necessary. Mr. Garland said he did feel like he was a little bit misled in his own ignorance at the beginning. Mr. Cusson approached him about a driveway permit for the second lot on the bottom one, as well as the parent lot at the top of the hill. He gave him the driveway permit for the top one, and on the bottom one, he did ask him more questions. That's when he found the drainage ditch coming from the backside of the wetland area and had questions about that. When he was speaking to Mr. Cusson on site, he was told that there was a plan. He thought that the plan that was given was the plan from the study. The ditch is built to that plan. It is rather deep, it's stone-lined, and it comes from the right area of the wetlands. Again, he thought that was the plan as a result of the study. When he saw the department review to have the study removed, that's when my red flag went off. In concurrence with the driveway permit they did increase the culvert size to match that of the neighbors downstream. He did have the section of ledge removed. He hammered it out on his own on his own accord, to give them the line of sight. They went a little bit beyond that to deepen the ditch and allow more water to flow down the side given the fact that he was essentially directing it up there. He did agree that the water can't get to #69. He has made significant improvements to the land and the roadside ditch to handle more water. He does have to agree that the Beaver Dam is smaller than you typically would think of when you think of a Beaver Dam. I do feel like the ditch will handle the water 90% of the time. There's always going to be the unknown. Whether a study would outline that or not, I'm not sure. It is odd to see for a small subdivision.

Mr. Brown asked, are there any other measures that should be taken in Mr. Garland's mind? He answered he feels there should be an easement placed to that, which Bethel Builders had given him a copy of. Mr. Cusson stated they are planning on giving both neighbors an easement. Mr. Garland had raised the concern of who's going to clean the ditch. They basically are going to build into the deeds an easement for both. and they did it one better. The attorney wrote in to allow the town of Alton access to inspect it.

Mr. Brown stated that still didn't address the recurrence of beavers showing up and creating more dams. Mr. Cusson said we have beavers everywhere. This is a simple one-lot subdivision, sir. And, you know, a beaver is going to stop me from being able to build a house with all due respect to beavers. But even the beavers that were there were not really a big problem. Mr. Brown asked Mr. Garland if the concern that was raised by the adjacent landowner in terms of the flooding being attributed to the beaver dam, is that legitimate in his mind from what he saw? Mr. Garland answered he did feel the abutter had a legitimate concern before the ditch was made. The ditch now does collect largely all of that and directs it toward the road higher up because before it was going down about halfway through the lot. And entering his property about halfway.

Chair O'Neill asked Mr. Garland if he was okay with the amount of water that can come off that ditch going into the road. Mr. Garland stated he is okay with the amount of water going out there we haven't seen winter I don't know what it's going to do if that's going to stay running year-round it could experience icing issues. I'm comfortable with the amount of water. Like I said, 90% of the time, there's always going to be that what if, but I think it does need to be outlined and it needs to be managed. I would like to see it done in a way that the town isn't burdened. They have to give the Town an easement to go in there and fix it is fine, but he would like to see it laid out that the two lot owners are the ones to bear the burden of cleaning that ditch, and the Town is merely there to enforce it.

Mr. Buonopane stated it seems like the Board is being asked for something everybody agreed to it and now they are going to go back on a decision that they made as a Board. They are going to just go back and change it. He feels that's going against what they do at these meetings. Mr. Cusson said they don't agree, they did do what the Board asked them to do. Mr. Cusson said the engineer came back and said he would want the study done by a CSPEC. He would want it done by an engineer. That was not specked out in your decision. That's what the Town engineer said, but Fraggie Rock does this all the time. They thought they were doing the right thing. If you look at the lot, it's a high and dry lot, not in a flood zone. Everything is very calm. They thought they were going to give them a drainage plan. They are going to have a certified stormwater erosion control expert licensed with the State of New Hampshire. He works at UNH. This is what he does professionally for a living. This guy is not just a scientist. They thought they did the right thing here. And even the engineer came back and said, it's highly unusual that you would ask for a study on this. And this has been said to us many times. Sometimes these words, plans and studies, get interchanged.

Mr. Brown said he didn't think there's any word finagling going on. He thinks that was explicit. What he thinks the bigger question is, how did a building permit get issued before that was completed?

Mr. Manning asked before the ditch was built, the neighbor had complained that the neighbor had water issues from this. He asked Mr. Cusson to show him on the plan where the water was coming from. Mr. Cusson showed him on his plan.

*Bethal builders moved away for, the microphone to point at plans.*

Mr. Zuzgo said the abutters flooding problems came from that summer when we had a 50-year storm and a 100-year storm every other week. When all the roads in Alton washed out. His concern was all that water that came the year before and washed out his driveway, those storms washed out everything in Alton. Avery Hill Road was washed out twice in a month by those storms. And that's what was going down his lot. And that's why when that Beaver Dam was there, all that water just filled up and came down onto his lot. Beavers are gone, and the 50 and 100-year storms hopefully won't come back for another 50 or 100 years. But that was an abnormal year for storms that we had an excessive amount of water that year. Mr. Buonopane stated that's why they would require a study and a plan in the subdivision regulations under our stormwater and erosion control design standards subsection under a it says all drainage design shall be performed by a registered and licensed New Hampshire professional engineer, preferably having specific and recent stormwater design/permitting experience.

Mr. Sample said the only question he would ask, we don't tell every subdivision they have to do a stormwater. The reason we did it here was because there seemed to be a problem. The question is, how this dam is flooding the property. Unless it's growing.

Mr. Cusson stated when they watched the original meeting, there was a lot of talk about the ditch line, and that's why they were all too happy to deepen it, because they were trying to hit all the high points. They have made a major improvement there. They are just trying to hit any potential issues. They have tried to do them all. Again, they didn't understand this whole professional engineer thing. Mr. Buonopane said he agreed that it looked good and that they had done a lot of improvements to the ditch and the road. The frustration with everybody was the fact the builder would build the house and then he sells it and then it's on to the next guy. The issue being like Paul had said, we had a horrible year, it was 50-year floods, 100 year. If the study was done that would have you know this is what's going to transpire when the water does this, we adjust here or adjust here. The study was requested for the people next to you, the low-lying people. I can clearly see your work is good. But the study was solely put in place to make sure that that water, again, if it was from the back and the Beaver Dam coming down, it was purely for the surrounding people. Is it going to become the new norm? It's very well possible it could, because we're having storms that we've never had before.

Mr. Manning said the unfortunate part of that, though, is Mr. Garland saying the amount of water that's now going to that corner is increased and the likelihood of freezing is higher. Possibly. Mr. Cusson explained that what they're doing is sharing the load with Neil down below. Before, the water was coming out on the other property. What they've done is split the load with him. If it didn't all blow out at the end of Neil's driveway before, they don't see how it's going to blow out now with the 50-year storms that we had last year. They've split the load because everything used to go to him. There was nobody taking the dam down. The water would flow out the back, go on to his property completely off of theirs and into his, and now they've done the ditch and shared it. Mr. Garland said we haven't seen it go through a winter yet. With the change of the water, yes, there is the possibility of icing up.

Mr. Buonopane said he felt if the Board goes back on a decision that was made in January, what's stopping other people from feeling the same way about other things? Not necessarily something as specific as this, but they come back to us and they want us to change other things. Mr. Cusson asked the Board what do they do meanwhile? They've got a house built. At least let them subdivide the first lot while they get this drainage study done. It's going to take months. It might be next year. It will be next summer before they build this house now. And they cannot afford to not sell the first house. There's got to be some way, can hold this one contingent on a building permit and the building permit's contingent on the drainage study that you're planning. All this has to go through the one gentleman you mentioned for

the study. They have Barry Engineering that said he would do it, but he's going to need months to do it. And then it's got to go to your engineer. And then if he wants something, it's going to go back to my engineer.

Mr. Buonopane asked when did your son pick up the permits and was told that the other one was going to be held up? Mr. Cusson answered back in April or May. Mr. Buonopane stated they did know back in May that there was an issue with it. Mr. Cusson answered Yes and that's when they resubmitted with a report. They did a plan, and then Damon went back and wrote the report, added that, and that's when Jessie sent it to the town engineer.

Chair O'Neill said the original motion was to approve case 25-02, map 5, lot 3-2 for a final minor subdivision with the condition that before a building permit is issued, a drainage study and plan be completed with the conditions precedent. Motion by Mr. Brown, seconded by Mr. Dibny. Motion passed unanimously. It was in there.

**Motion:** to deny the waiver. And as far as building permit, send it to the town attorney.

Motion by Mr. Sample. Ms. MacArthur said it's not a waiver. Chair O'Neill said the motion would be to deny the application to remove the condition. It's to deny the application to remove the condition to have the drainage study done from approved Case B25-02. **Second by Mr. Manning.**

Mr. Brown stated it's not sufficient to have a drainage study completed depending on the outcome of that, that defines what the plan will be for mitigation. Chair O'Neill said we have a motion to deny the removal of the condition to have the drainage study and plan done from approved case. We are denying that. Mr. Brown seconded it.

#### **Public Input**

Chair O'Neill opened public input.

Amy Stanley. She lives in town, but she is also the realtor with the house that's almost completed. And Bethel Builders was issued a building permit for this property. And now they have got a complete house ready to sell. All of this started with a neighbor. Your study that you required was based off the neighbor. She felt the Board's original decision was based on false information. Mr. Buonopane stated it was a watershed issue up there. It wasn't incorrect. It was what was happening. Mr. Buonopane stated Bethel Builders was not at the meeting. Ms. MacArthur said to clarify that for the record, the town satisfied their requirements by law by mailing it out.

Ms. Stanley said Bethel Builders came back to the town and asked to have it heard again. However, they have done everything everybody's asked them to do. The neighbor is now satisfied, but now we have this conundrum that the word study was used. Mr. Buonopane stated the misinformation that she was talking about is, at the time, he was here. He knows what that road looked like. He knows what the water looked like. What's to stop it from having another 14 weeks in January? Ms. Stanley asked what do they do with this house that has a building permit on it? And it's not part of the lot. If it was subdivided. The lot that's not built on would be the issue that would have the study. Meanwhile, the lot up above, the five-and-a-half-acre lot, has a building permit and now a house. Mr. Cusson built a house with a building permit from the town.

Chair O'Neill said it says right here on the motion from January. With the condition that before a building permit is issued, a drainage study and plan will be completed. They shouldn't have gone to get a building permit until this study and plan was done.

#### *Unintelligible conversation*

At this point, the question is, is there anything we can do to help accelerate this? I understand the dilemma you're in at this point. The question is, how do you get through that? I don't see any way to back off of the obligation to have a study.

Ms. MacArthur stated that technically she doesn't even know why a building permit was asked for because the conditions haven't even been met yet. Their subdivision plan hasn't even been signed, nor has it been recorded. All of that is premature. That permit should never have even been asked for, before this was completed because that is a condition subsequent.



*Unintelligible conversation*

Richard Shea. Member of the Board of Selectmen, but not speaking on their behalf. He realizes there are legal precedents. If the Board does this now, then anybody can do anything they want later because they didn't follow the rules. And it certainly is a risk. But he thinks that risk is extraordinarily slight in this case. He would urge the board to find a way, even if it looks a little bit shaky on the legal side, to help Mr. Cusson out, get that house on the market, allow him to continue and follow through with the necessary additional plans. He would urge the board to do so. If there's anything you can do to amend this situation. There certainly is no ill intent or intent to deceive on the part of anyone. And we're a small town. We have some flexibility. Whatever you can do would be appreciated. Thank you.

*Unintelligible Discussion*

Mr. Zuzgo stated the Board can revise your condition of approval to make that drainage study only for lot two. Because lot one isn't involved with this water issue where the house is built. Now he just wants to be able to sell that house You can revise your condition of approval to make that drainage study just for lot two. You can't get a building permit until the drainage study is done for that lot. Mr. Buonopane said he doesn't see how they can possibly separate them. Mr. Brown said amend the condition. Chair O'Neill suggested they continue to the next meeting.

But if you continue it, you're still continuing the same. We're still having the same problem because of the language in it is to remove a condition. If we deny it then it's denied it's done. After much discussion, it was agreed that the subdivision approval would be revoked and Bethel Builders would resubmit the subdivision application at the next meeting and the Board would be able to put a condition that a drainage study and plan would be required for lot two only.

Ms. MacArthur stated the request was to have the drainage study removed. It didn't talk about the plan, and it didn't talk about it being split between two lots and it's not what was noted. And that subdivision plan needs to get recorded prior to that house being sold. The condition to provide this plan and study is listed under subsequent conditions. That he needs to do after what was required for Conditions precedent. The only outstanding thing was submission of final plans and obtaining subdivision approval. Once those were done, then he would have satisfied conditions precedent, the plans can be signed and recorded.

<b>Case #P25-23</b> Prospect Mountain Survey, Paul Zuzgo, Agent for Paulette C. Alden Brooks 1997 Trust, Paulette C. Alden Brooks, Trustee, Owner	<b>Map 27 Lots 4 &amp; 5</b> <b>9 Barnes Avenue &amp;</b> <b>11 Barnes Avenue</b>	<b>Lot Line Adjustment</b> <b>Residential Commercial Zone (RC)</b> <b>Residential Zone (R)</b>
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Proposal: To adjust lot lines for two (2) lots of record, with Lot 4 adjusted from 21,833SF to 13,076SF and Lot 5 adjusted from 7009SF to 15,421SF.

Mr. Brown asked if there were any waivers? Mr. Zuzgo answered no waivers. No drainage problem.

Chair O'Neill asked if the submission was complete? Ms. MacArthur stated just the usual sample deeds that the Board asks for as conditions of approval.

Ms. MacArthur stated she didn't think he would need to do that in writing, they had a verbal conversation in a public forum. It was done in a public forum. She felt like that was appropriate.

**Motion: to consider case P25-23 as the application is complete with the notation that sample deeds need to be a condition of approval. Motion by Mr. Brown. Second by Chair O'Neill. Vote was unanimous.**

Mr. Zuzgo explained that the Board can see that Lot 4 kind of goes a little horseshoe around Lot 5. She wants to be able to sell lot 5 but make it better. They had to go through zoning because of setbacks. And they went through two or three months, because nobody knew exactly what they had to apply for. Finally ended up that they no longer need to

apply for equitable waivers on setbacks if the buildings were built before zoning. Those are grandfathered as long as no building permits were issued after zoning was enacted. But lot 4, the deck was built after zoning, so they had to get the equitable waiver for the deck. The houses are grandfathered. The garages are within the setbacks, but with the boundary line adjustment, they are going to make them so that they meet all setbacks. The only thing that's going to be within the setbacks would be the deck on lot 4. He also changed the lot sizing, actually got a variance to make a non-conforming lot smaller. There wasn't 30,000 square feet to divide up. The lot 4 ended up being 13,000 square feet. The boundary line adjustment makes Lot 5 much more sellable. It makes it also 15,400 square feet. They're almost equal in area. It makes both lots aesthetically better. Sellable. Lot 5 didn't have a backyard. Now it does. We got our zoning variance and equitable waiver. Now we just need the boundary line adjustment. They will need to get state subdivision approval for lot 4 because he made it smaller. But he doesn't see a problem with state approval as the lot loading meets. Ms. MacArthur said she was going to add that as condition precedent number six.

Mr. Zuzgo said he never apply for State subdivision approvals until the Board's approval. Mr. Sample questioned this. Mr. Zuzgo said he does not get State approval first because the Board could change it. States are a lot easier than the Board sometimes. They already know what the state's going to do. It's the Board that changes everything.

Mr. Manning asked about the setbacks from the garages. Mr. Zuzgo stated the dash line on the plan is the old line. He moved it so that it's exactly 20 feet between both garages.

Chair O'Neill opened to public input.

Public Input

There was no public input. Chair O'Neill closed public input.

***Motion:* to approve case #P25-23 as submitted with the condition that the State approval comes through and subsequent conditions.**

**Motion by Mr. Manning. Second by Chair O'Neill. Vote was unanimous.**

<b>Case #P25-24</b> Prospect Mountain Survey, Paul Zuzgo, LLS, Agent for Lee Hillsgrove 2022 Revocable Trust, Lee Hillsgrove, Trustee, Owner	<b>Map 2 Lot 13 Dudley Road</b>	<b>Final Major Subdivision Rural Zone (RU)</b>
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Proposal: To subdivide a 252.90AC parcel into two (2) lots of record, parent lot of 250.30AC and one (1) lot of 2.59AC.

***Motion:* to accept case #P25-24 as complete**

**Motion by Mr. Buonopane. Second by Mr. Manning.**

Discussion: Waivers

Mr. Zuzgo said all the waivers go to the remaining land. Ms. MacArthur explained there are a lot of waivers, she gave them the actual waiver request instead of typing it all out.

***Motion:* to accept the waivers due to the fact they are all for the portion being subdivided.**

**Motion by Mr. Sample. Second by Mr. Brown. Vote was unanimous.**

**Vote was unanimous.**

Mr. Zuzgo said they were here for the design review. And went over everything then. Basically, the same application, just cutting off a 2-acre lot. They meet all the regulations 200 because it's on the corner. They have to have 200 feet on both roads. They do have that. Access is going to be off Dudley Road, so they don't need a state highway driveway permit. There are no wetlands on this lot. He shows all the slopes on the plan. They meet lot loading for the State. They only need 600 gallons; they've got 1,900 gallons a day. It's a two-acre buildable lot, except the 750K house on it already.

Chair O'Neill opened for public input. No public input, Chair O'Neill closed public input

***Motion:* to approve Case #P-25-24. Motion made by Mr. Sample. Second by Mr. Brown. Vote was unanimous.**

Mr. Zuzgo said this will need State subdivision approval too, regular conditions. Under five acres for the State.

Ms. MacArthur stated there is condition number five, conditions precedent requires you to submit any federal, state, or local permits.

#### **Other Business**

##### **1. Old Business:**

None

##### **2. New Business:**

a. **Approval of Minutes:** Planning Board meeting minutes of Tuesday, July 15, 2025

***Motion:* to accept the Tuesday July 15<sup>th</sup>, 2025, minutes as presented. Motion by Mr. Buonopane. Second by Mr. Brown. Vote was unanimous.**

b. **Discussion re: 2025-2026 ZAC Committee and 2026-2031 CIP Committee.**

Ms. MacArthur explained they are well on the way with our CIP committee. They have had three meetings. They have met with Park and Rec and with Ryan. They have three more meetings scheduled with fire, police, Highway SAU and IT. And they are hoping to present on October 21st to the planning board. That's the CIP. Zach hasn't met yet. They will meet for the first time next Wednesday. There are numerous land use changes with changes in law. There are not a whole lot of new amendments to propose this year. There's a whole bunch of stuff that we need to amend and update in the current ordinances. And she will have stuff out to them probably Wednesday, just because there's just so much to work on.

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

a. Review request for extension for Case #P24-28, Lot Line Adjustment for Scott Williams.

Ms. MacArthur said he had 12 months to complete his conditions precedent and he is requesting an extension on that.

***Motion:* to approve the request for an extension for Case #P25-28 lot line adjustment with the stipulation that he has 365 days. Motion made by Mr. Buonopane. Second by Mr. Brown. Vote was unanimous.**

b. **Voluntary Merger of Pre-Existing Lots Application, re: The Lakes Hospitality Group, LLC, Map 16 Lots 18 & 20, Cherry Valley Road.**

***Motion:* to approve Case # P-25-26, for voluntary lot merger of pre-existing lot application Map 16 Lot 18 and Map 16 Lot 20 for the Lakes Region Lakes Hospitality Group LLC. Motion made by Chair O'Neill. Second by Mr. Buonopane. Vote was unanimous.**

#### **Any Other Business to Come Before the Board**

None

#### **Public Input on Non-Case Specific Planning Issue**

Mr. Diveny stated he had been asked by the Conservation Commission to ask just when there might be a follow-up for the master plan committee. Ms. MacArthur stated they do have a meeting. She thinks it's in September. There are things that she needs to do from the May meeting, and it's August. She is trying to find extra time.

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**Adjournment**

***Motion:*** to adjourn. Motion by Mr. Brown. Second by Chair O'Neill. Vote was unanimous.

The meeting adjourned at 8:30 PM.

Respectfully submitted,

Laura Zuzgo

Minutes approved as presented. December 16, 2025