

**TOWN OF ALTON PLANNING BOARD
MINUTES 2019
MAY 21, 2019**

APPROVED

Members Present:

Roger Sample, Chairman
Scott Williams, Vice-Chairman
Virgil MacDonald, Selectmen's Rep.
Drew Carter, Member
Dave Hussey, Member
Bob Regan, Alternate

Others Present:

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

CALL TO ORDER

Roger Sample called the meeting to order at 6:00 P.M.

APPROVAL OF AGENDA

Scott Williams asked if there were any changes to the agenda since it was posted. Nic Strong stated that the items in italics under "Other Business", 4.c., d., and e., and 5.a., were added after the agenda was posted.

**Scott Williams MOVED to accept the May 21, 2019, agenda, as amended.
Virgil MacDonald seconded the motion, and it PASSED unanimously.**

APPOINTING ALTERNATES

Roger Sample appointed Bob Regan as a full-voting member for tonight's meeting in Russ Wilder's absence.

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

- d. Letter dated May 8, 2019, from the Alton Conservation Commission, re: the permission from the Conservation Commission to be within 10 feet of the property line at Green Oak Gravel Pit.

Roger Sample invited Keith Babb from Green Oak Gravel Pit to the table. Keith Babb was hoping that this would be the final step to put everything to rest. Roger Sample stated that this would not be the final step because he thought he was here to present his Conceptual for things to come. Keith Babb stated that he still needed to work on getting the original plan signed and put away, before he could present his Conceptual moving forward. Roger Sample pointed out that the agenda listed him being present for his Conceptual application. Scott Williams asked if it was appropriate to jump down to whatever letter down below on the agenda that applied to Mr. Babb. Roger Sample asked Keith Babb what he thought he was presenting at the meeting. Keith Babb thought he was there to discuss the final plan; the original plan that was submitted by Varney Engineering. The Conceptual did not matter until that plan was signed. Virgil MacDonald asked Keith Babb if he had the plan. Keith Babb stated, as he left it with the Board at last month's meeting, that Tom Varney, P.E., was supposed to deliver five (5) copies of the plan to Nic Strong, along with putting the boulders on it, and he was awaiting a letter from the Conservation

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Commission allowing him to be within 50' of the property line; those were the only three items missing on the plan at the time. Roger Sample asked Nic Strong if she had received those items. Nic Strong stated that she had the plans, but there was no letter from the Conservation Commission that they were an approving abutter. Roger Sample thought that he read somewhere that they..... Nic Strong stated that under "Other Business" there was a letter from the Conservation Commission, stating that when certain conditions were fulfilled, they would be an approving abutter, but until those conditions were done, they were not. Virgil MacDonald motioned to override the letter dated May 8, 2019, from the Conservation Commission because it had been dug for ten (10) years by what his understanding was. Scott Williams and Dave Hussey agreed. Virgil MacDonald thought that the Planning Board should be able to override that. Scott Williams and Dave Hussey agreed. Roger Sample stated that before the Board overrode the letter..... Virgil MacDonald thought that the Board should have yelled about this ten (10) years ago. Tom Hoopes stated that the Conservation Commission had been monitoring the property ever since the original conservation easement was donated to the Town; the easement was inspected every year, so no one could say that they were not paying attention. Virgil MacDonald stated that was not what he was saying. Scott Williams stated that was not Virgil MacDonald's inference. Dave Hussey thought that the Conservation Commission was to only give the Board their opinion, and not tell them what to do. Roger Sample shared that the letter stated that the Conservation Commission was holding off on the letter until conditions were met, but he did not have a list of conditions. He wondered if Keith Babb knew of the conditions, and maybe he had already done them.

Keith Babb stated that the excavation had been ongoing since 2009, so this was nothing new. In the presentation of his newer Conceptual, the walls would be left vertical in lieu of a pond, but until the original plan was finalized, he could not move forward with the Conceptual. He wanted to know if the Board of Selectmen had signed his Intent to Excavate yet. Scott Williams stated, no. Virgil MacDonald stated, no; he was going to get in touch with Mary Pinkham-Langer. Dave Hussey thought that the Board had received a letter from the Board of Selectmen regarding Keith Babb's gravel pit. Keith Babb stated that in 155:E, it was perfectly legal to leave the reclamation as a vertical wall. Scott Williams stated that Mary Pinkham-Langer was retiring very soon. Dave Hussey stated, good.

Roger Sample asked the Board if they had any thoughts and thought that this discussion could happen on another day because the Board had no other paperwork. Virgil MacDonald reiterated what Keith Babb had just mentioned about not filling in the banking until he did the next step in the pit; the banking had been dug for ten (10) years or better. He thought that the Board should not hold up a permit or a whole construction site because of one letter, when it had been done for ten (10) years because it was not like it was just done. Roger Sample stated that was what he was trying to get at. Virgil MacDonald stated that as a Board, they could override the May 8, 2019, letter from the Conservation Commission and let Keith Babb go through to the next phase. Tom Hoopes wanted to see what the request was. Roger Sample stated again, that was what he was trying to get at. Nic Strong stated it was in the May 8, 2019, letter. Roger Sample stated that he only had a one page letter. Scott Williams stated that there was another stapled packet that started off with the Town of Alton. Tom Hoopes asked if that was one of the new additions. Keith Babb stated, as the Board already knew, all of the property owners that abutted him, and he used the word property owners because Dan Steele still owned that property, were all approving abutters; they had no issue with his operation. Tom Hoopes noted that the Conservation Commission had control of the usage of the property. Keith Babb stated, limited control. Tom Hoopes stated that it was in perpetuity and it was official.

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Scott Williams stated that the May 8, 2019, letter cited four (4) out of the five (5) conditions, but they did not cite what they were, well, maybe they did. He thought that with only having two (2) gravel pits in Town, it was a non-problem and since this whole thing was done, all it had been was a problem. He thought it was absurd. Virgil MacDonald stated, yup. Dave Hussey thought the pit had been in existence for about 30 years. Scott Williams thought it went back to '87 or '88. Dave Hussey stated it went back to his father. Scott Williams stated that they were almost simultaneously. Keith Babb stated, 1987. Roger Sample noted that the May 8, 2019, letter referred to an abandoned trailer and asked if that was the rusty crusher; he then stated he thought that was referring to the equipment trailer. Keith Babb asked Dave Hussey if that was his. Dave Hussey stated, yes, it was an old office trailer that he backed in. Keith Babb stated that it was just determined that it was not abandoned. Dave Hussey stated that he would tow it over to his house some time, if he could. Keith Babb thought that he was sure that he had something big enough to pick up it up and carry it over. Dave Hussey asked if the trailer was over the easement because the letter stated it was. He stated that he backed the trailer right up to the line. Scott Williams stated that Dave Hussey would probably have to chainsaw that trailer out of there. Dave Hussey stated it would have to be now. Keith Babb thought so also, because he mentioned that there was about 5-6" growth in front of it. Dave Hussey thought that had to be there for about 20 years now.

Roger Sample stated that the May 8, 2019, letter requested that the blast be cleaned up from before. Keith Babb stated that he had already gone into the woods and pulled out everything that he could by hand, unless the Conservation Commission wanted him to go on the property with excavators. The rest of the debris was not getting moved; that would do more damage than a couple of rocks laying in the forest. Roger Sample asked if the wall was enough to keep future blasting from going onto the abutting property; Keith Babb stated, yes.

Roger Sample asked Keith Babb if he knew what the Conservation Commission wanted him to do, and asked if he had read the letter. Keith Babb stated that he had not even seen the letter yet. Scott Williams wanted to know why Keith Babb had not been given the letter. Dave Hussey stated that he had no idea. Nic Strong stated that it was mailed to Keith Babb on May 8, 2019, by the Conservation Commission; she had no idea why he did not receive it. Dave Hussey asked Keith Babb if he wanted a copy; he handed a copy of the letter to Keith Babb. Dave Hussey thought that the Board was in a conundrum. Scott Williams agreed. Tom Hoopes stated, no, he said that the May 8, 2019, letter requested that the restoration shown on the plan shall be completed by September 30, 2019. He thought that if the Conservation Commission could issue a correction simply stating that the permit was dependent upon the restoration being done by that date. Nic Strong stated that the Planning Board had no reason to become involved in the Conservation Commission's conditions. She stated that the Planning Board..... Keith Babb stated that the Conservation was only simply to recommend to the Planning Board. Nic Strong stated that the Planning Board should follow RSA 155:E 4.2. Shall not grant a permit for excavations within 50' of the boundary of a disapproving abutter or within 10' of the boundary of an approving abutter. She stated that was the law, and that was what the Planning Board had to focus on, regardless of what the Conservation Commission stated. Scott Williams noted that the Conservation Commission was technically not an abutter. Tom Hoopes stated, yes. Nic Strong stated that the Conservation Commission had been determined to have the status of an abutter by Town Counsel; therefore, the Board was waiting for the letter. The law that the Board was following that they had to deal with was the fact that they had not received a letter saying that the Conservation Commission was an approving abutter to be within 10', which they would be if the conditions were done. Dave Hussey asked who the Regulator was in this case.

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Nic Strong stated that the Planning Board was the Regulator following RSA 155:E, and the Town's Excavation Regulations. Dave Hussey stated, that was what he thought.

Roger Sample thought that the big deal was the restoration plan. Scott Williams asked Keith Babb when he planned on putting in the package to put the pond in. Keith Babb stated that he had spoken to Jeffrey Byrd, who was willing to take on his project; therefore, he had asked Tom Varney, P.E., to transfer over all of the existing documentation and everything that he had compiled over the years while he represented the pit. Keith Babb shared that engineers were getting harder and harder to find. Scott Williams shared that he had used Jeffrey Byrd and he had done a good job. Keith Babb stated that once Jeffrey Byrd received all of the information, then he would put together a Conceptual. Scott Williams stated that where he was going with this was, since the Conservation Commission wanted the September deadline..... Roger Sample stated that the Conservation Commission wanted the restoration done; it was not for a restoration plan. Scott Williams stated that if Keith Babb could get something submitted, it made no sense in restoring something that he was going to dig out. Virgil MacDonald stated, yup. Dave Hussey agreed. Tom Hoopes thought that what the Conservation Commission was saying was that they wanted to see what it was going to be when Keith Babb was through.

Scott Williams thought that Keith Babb should be allowed to bring in the next package and then the Conservation Commission would be able to see when he was through. Roger Sample thought that the Conservation Commission was asking for a lot; they were asking for two (2) different things. First of all, they wanted the restoration plan by 30 days after this letter, which was somewhere around the beginning of June; that was just to have the plan, and now they wanted the plan enacted by September 30th. Keith Babb stated all of that cost money, which was counterproductive to what was going to happen in the pit. Scott Williams stated that was why he was saying..... Roger Sample stated that the reclamation plan was at the end of the job, not half way. Scott Williams stated that they liked to have it up ahead of time. Virgil MacDonald stated that was what part of the bond was for too, in case something had to be redone or something did not get done. He stated that the Town had a bond on the pit, so if it did not go in, the Town could use the bond to put the..... in. Roger Sample thought that the reclamation plan was going to be a wall with a pond. Keith Babb stated that was what he was going to bring in. Scott Williams stated that was the final disposition.

Roger Sample asked what needed to be reclaimed, because there was a wall and he was not reclaiming that. Virgil MacDonald stated that was on the next print; right now the Conservation Commission wanted a 2:1 slope put out. Roger Sample thought that maybe the Conservation Commission needed to come to a Planning Board meeting so they could..... He noted that they seemed to want to conserve and that was easy to do because Keith Babb could say, do nothing. Virgil MacDonald stated that the Board could override that. Tom Hoopes stated that was not the definition of conservation. Virgil MacDonald stated that Keith Babb needed to do this before he could go to the next step; he needed to have the plans signed. Scott Williams stated, in the meantime, Keith Babb had no active intent and the gravel police could be out and about. Keith Babb stated that he was sure that Mary Pinkham-Langer was going to be at his pit soon enough. Dave Hussey thought it would be a couple of weeks. Tom Hoopes stated that he was no longer a member of the Conservation Commission, but he served on it for 25 years, so he had some knowledge of what was going on. He thought that what the Conservation Commission was looking at more than anything else, since they were in charge of handling and regulating the property line, was looking for how they were protecting their charge, which was to take care of the property. If the Conservation Commission was unaware of what was going to be there, they would like to know that, and since they

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were a defined abutter, by law, they had that control to ask. Keith Babb stated that they were talking about something that already existed and had been there, and moving forward with the next phase of the plans, he was wasting a ton of money going in circles, which meant that everyone would be paying \$22-\$23 per yard for stone instead of \$15; this issue had its repercussions. He wanted to know why he had to spend money when he was going to bring in another set of plans that had no wall; it had a pond. Roger Sample stated that was why he thought the Board needed to get the.....unfortunately, they could not get it for him. Scott Williams thought this situation was like a cat chasing its tail. Keith Babb stated that the Board had to sign his plan in order for him to move forward because the Selectmen would not sign the Intent to Excavate. If that continued, then he was going to end up in a big shutdown and it was going to get really ugly because he was going to hire an attorney.

Drew Carter thought that the issue was with the Conservation Commission so he was not sure if he fully understood..... Keith Babb stated that he had no issue with the Conservation Commission at all; he readily welcomed them to walk the property line and he let them walk across his property to access property lines. His issues were that things were being counterproductive, the Board was causing him to spend money to do some type of plan that meant nothing in the next phase of his excavation, rules were adopted and now the Board was reaching back to a 28-year old pit. He pointed out that he had no problems with the abutters, and in fact, they were approving. He noted that this pit was ultimately represented as permitted and correct at the time he bought it, and that started down a road that had to do with municipal estoppel. He stated that the Board was causing him not to be able to conduct his business. Scott Williams stated that the pit was approved back in 1988; that was how long it had been there. All Keith Babb was asking for was for the Board to sign his plan because he met every condition, and then he could work through the next section of the plan because he had procured an engineer, which had been a very difficult task because nobody wanted to play with this stuff because it was such a disaster. Roger Sample asked if there was any way that the Board could sign the plan, leaving the contingency for the Conservation Commission's concerns be dealt with in the process, subject to.

Scott Williams wanted to make a motion. Virgil MacDonald stated that he had to wait because he seconded his motion. Scott Williams stated, huh? Virgil MacDonald stated that he seconded his motion. Scott Williams stated, oh....., so that was on the floor and should have been dealt with. Roger Sample stated that Virgil MacDonald had to remotion because he did not know that he was talking about. Virgil MacDonald stated that the motion was to override the May 8, 2019, letter from the Conservation Commission because the Planning Board had that right. Tom Hoopes stated, no, and that the Board would get in trouble with Attorney Sessler. Dave Hussey stated that the Board had the right to override Sessler too. Virgil MacDonald stated that the Board had the right to override the Conservation Commission. Tom Hoopes stated that since the Conservation Commission was an abutter, the Board could not override their letter. Roger Sample asked Virgil MacDonald to rescind his motion. Virgil MacDonald rescinded his motion. Scott Williams rescinded his second.

Scott Williams MOVED to table the Conservation Commission's May 8, 2019, letter for the period of nine (9) months. This would allow the applicant to get his future plan in so it would become efficient and then the new plan would address the reclaiming steps that would be necessary for the new plan, because it made absolutely no sense to put something in there and just tear it right back out again.

Virgil MacDonald seconded the motion.

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DISCUSSION:

Tom Hoopes questioned if Scott Williams' motion was legal to do. Roger Sample stated that the Board did not denounce their..... Tom Hoopes stated no, but the Board was taking a comment off the reference, and he did not know if they could. Scott Williams stated, well, just make Tom Hoopes' point noted. Virgil MacDonald asked Tom Hoopes what he meant. Tom Hoopes stated that he questioned the fact on how the Board could take a required comment from an abutter and make it invalid for a nine (9) month period. Scott Williams stated that abutters made statements all the time, and the Board either accepted their statements, or they did not, plain and simple. Roger Sample stated that the only difference was that the Statute needed all abutters to agree if the excavation went up to 10', so it was a little different when it came down to the lawyer's desk. Scott Williams stated that his motion was only postponing the letter for nine (9) months, giving Mr. Babb the opportunity to get the next package in, then this would be all for naught. Roger Sample stated that was the little indifference. Drew Carter thought that Mr. Babb could work out a game plan with the Conservation Commission to achieve that and have them rewrite the letter encompassing Mr. Babb's plan as to how he was going to tackle this. Keith Babb stated that he had to get to the point where he could present the Conceptual after he got this plan signed. Dave Hussey stated that his hands were tied; he could not do anything. Drew Carter stated that he had not seen the plans, so he was not sure what the Board was talking about. Virgil MacDonald explained that there was a set of plans in the office now that needed to be signed before Mr. Babb could bring his other plan forward with all the finishing and the pond and everything on it. Roger Sample stated that there was a motion on the table. Nic Strong stated that the motion was not clear enough to her because it did not say anything about what that meant. The proposal was to table the Conservation Commission's May 8, 2019, letter for nine (9) months to allow the applicant to get future plans in. The law stated that it was prohibited for the Planning Board to grant a permit for an excavation within 50' of the boundary of a disapproving abutter or within 10' of the boundary of an approving abutter, and if the Board wanted to go ahead and go against that, the motion needed to say that was what the Board was doing, and that it was authorizing Roger Sample to sign the plan so the permit could be issued going against Statute. The motion needed to be very clear because that motion did not say that.

Dave Hussey asked how the Board went from Daniel Steele signing letters all this time and being approved, and given contracts year after year, to all of a sudden the Conservation Commission deciding to do something different. Tom Hoopes stated, no; the Conservation Commission was involved before Mr. Steele was involved because it was at the time of Barbarossa. Dave Hussey stated, yes, but when he received a letter from Jackson allowing him to go right up to the line, there was no discussion about Conservation. He stated that this was going on for 20 some odd years and this was just being brought up now. He thought there was a lot of time and money and stuff like that..... Virgil MacDonald stated that was what he was saying; it had been for a while. Tom Hoopes thought that was an unfair statement and stated it was not just being brought up now because monitoring had gone on forever; all of the land owners had always been notified before any monitoring was taking place. Dave Hussey stated that was not what he was saying, what he was saying was that his father received a letter, he received a letter, and Keith Babb had received a letter and it had always allowed them to go up to that line, and the first time they were hearing about this was this year, out of 28 years.

Roger Sample stated that the ship had already sailed because they had been to the line for years, so he did not know how all of a sudden you could not go to the line. Tom Hoopes thought that Roger Sample was talking about a completely different approach to the line. Scott Williams thought it was called busting

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chops. Nic Strong stated that State Law had always said, prohibited for the Planning Board to allow these excavations within a certain distance. Scott Williams stated that was a very good point. Nic Strong stated that the other thing to remember was that the Town was neither in compliance with State Law nor enforcing their own Regulations for about the last 25 years. When Mr. Babb bought the pit, he did not come in to get a permit; permits were not transferable. She noted that the history of Mr. Babb's pit had been given to the Board a lot. Roger Sample stated that a year or two (2) years ago, the Board developed the Excavation permitting process. Keith Babb stated it was April of 2017. Nic Strong stated that the Board updated the Town's Regulations to meet current State Law. Roger Sample asked if it was just paper on the shelf, and now all of a sudden the Board was enforcing it. Nic Strong stated that there was a set of Regulations, but the Town was not enforcing them; people were coming in with the Intents to Excavate and no one in Assessing, Zoning, or Building were saying that was part of the process, and the Selectmen had been signing them for years. Once you found out that there was a mistake, you did not have to continue making them.

Dave Hussey stated that when he went in Cindy Balcius was Chairman, and when he was sitting where Mr. Babb was now, she informed him that he had to get a letter from the abutters allowing him to get that close; he informed her that he received those letters. He stated that he brought it in front of the Board and he was told that he was okay. Roger Sample stated that back then, the Conservation Commission was not saying no, but today they were. In order to complete the process, Mr. Babb was going to need their okay. Roger Sample stated that what he would like the Board to do was Scott Williams put a motion on the table and then Nic Strong stated that it was not complete enough because it needed to be edited a little bit and he thought that the motion should be edited to her standard. Scott Williams stated that he was not going to change his motion. Roger Sample did not think that Nic Strong wanted him to change it; it did not say enough. Scott Williams stated it was his motion and he said what he wanted to say. Tom Hoopes thought that the risk that the Board ran was that there was a liability if the Board did something that was not proper. He stated that it was up to Scott Williams because he made the motion and was deciding that was what he wanted to do. Tom Hoopes stated that he could not support Scott Williams' motion; he had had enough lectures from Jim Sessler, Esq. Virgil MacDonald noted that this motion would allow the next set of plans to come in. Scott Williams stated, yes, he had nine (9) months to get it to the Board. Virgil MacDonald stated that he agreed with it because it was a Catch 22. Dave Hussey stated that was what you got right now; you could not do one without the other. Scott Williams stated that this Town used to work with people and it seemed like..... Virgil MacDonald stated that they were making it harder and harder. Scott Williams stated that was not to charge..... (inaudible because too many Board members were speaking at the same time). Roger Sample stated that he thought that their only mistake was..... Tom Hoopes stated that there was legal and legal was what..... Virgil MacDonald stated it was tougher and tougher to do anything in this Town. Tom Hoopes stated that was true. Virgil MacDonald stated that they were supposed to make it easier. He noted that when he first came onto the Board, the first words spoken to him were, "We're making it easier for the people". Tom Hoopes stated, no. Virgil MacDonald stated that was what he was told. Tom Hoopes stated that someone may have told him that, but the role of the Planning Board was not to make things simpler, it was to protect the laws of the Town. Virgil MacDonald stated that they were doing the gravel and the ordinances and stuff to make it easier for people to be able to do things in town; that was what he was told when he got the books. Tom Hoopes stated that was the concept of what.... Scott Williams stated, "Move to the question." Tom Hoopes continued and stated that Dave Hussey had mentioned about the ZAC. Virgil MacDonald stated that Dave Hussey was not on the Board at that time. Roger Sample stated that was not the issue tonight, the Board had a big enough issue here without dealing with that one; you could not just make things

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easier by throwing the rules away, unfortunately. Virgil Mac Donald stated that he agreed with that, but when the Board changed ordinances and stuff, it was supposed to make things easier in Town, and it made things harder. He thought that when the Board changed things, they really needed to take a good look at it. Roger Sample stated it depended upon which approach you made whether it was easier or harder, but that was not the issue for tonight.

Roger Sample asked Scott Williams to have Jessica Call read back his motion. She stated, to table the Conservation Commission's letter for nine (9) months to let the applicant come in with a new application. Virgil MacDonald corrected her and stated it was a new plan, not application. Nic Strong stated that the motion was, "to get future plans in to become more efficient then the new plan would address the reclaiming steps for a new plan, it makes no sense....", and then Scott Williams stopped talking. Virgil MacDonald asked which one was right, one had an application and one had a plan. Jessica Call stated it was plan. Virgil MacDonald thought that the Board was going to have to because of the slope and everything was on the next print. Scott Williams stated it was not saying that the Regulation did not exist, the Board was just postponing it for nine (9) months. Virgil MacDonald stated it was to get the next phase in. Nic Strong stated that it did not give her the direction that Roger Sample could sign the plan, because the Conservation Commission's letter was not here. Scott Williams stated that they were just reading it. Roger Sample stated that what Nic Strong was saying was that Scott Williams' motion needed to say that..... Virgil MacDonald stated to give Roger Sample permission to sign the print on his motion.

Amendment #1

Scott Williams added to his motion that Roger Sample, Planning Board Chair, had permission to sign the print with the caveats. Virgil MacDonald seconded amendment #1.

Roger Sample thought that the motion should be written down. He thought that the motion was for the Board to..... Virgil MacDonald stated to postpone for nine (9) months, it would allow Roger Sample to sign the print so Mr. Babb could bring phase two (2) in that had the slopes and pond and everything. Roger Sample stated that was why he wanted it written down; the motion needed to be said like he would sign the print because the May 8, 2019, letter was postponed for 90 days. Scott Williams corrected him and stated it was nine (9) months. Roger Sample stated that would allow him to sign the print because it was postponed for nine (9) months. Virgil MacDonald stated that allowed the next print to come in that had the slope and everything on it with the pond, because if he did not get this one signed then he could not move the next one forward. Roger Sample stated that the Board needed to give consideration to the Conservation Commission. Virgil MacDonald and Scott Williams stated, yes. Scott Williams stated that the Board was not disregarding what they were saying. Virgil MacDonald stated that the Board was just postponing it to get the next print in, because if he did the slope, and then he was going to go in and blast and dig it back out; there was no sense in putting the slope in yet. He stated that on the next print, he thought that Keith Babb stated that it was all in part of the design, that the property line and everything because it went right down through there. Bob Regan asked if it made any sense to communicate back to the Conservation Commission to see if..... Roger Sample stated that was why he said the Board's only mistake was not having them here tonight. He noted that he knew the Board was waiting on a letter, but he did not think that the Board knew that the Conservation Commission was going to hold up the letter. Bob Regan stated that Russ Wilder was not here. Dave Hussey thought that the Conservation Commission was going to write it. Scott Williams stated, well, they did.

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Keith Babb addressed Roger Sample and stated that he was not actively excavating along that edge anymore, so there was no activity that was going to go on at that edge within the nine (9) months that the Board was tabling the May 8, 2019, letter; it would be a status quo. Roger Sample stated okay. Dave Hussey thought that Scott Williams should add to his motion that there be no excavation to that line. Virgil MacDonald stated, there you go. Roger Sample thought that sounded..... Virgil MacDonald asked Scott Williams if he wanted to add that too. Dave Hussey stated that it would at least..... Virgil MacDonald stated that it covered both sides. Keith Babb added that it was the Dan Steele property line.

Amendment #2

Scott Williams added to his motion that there shall be no excavation along the Steele property line for the period of nine (9) months. Virgil MacDonald seconded amendment #2.

Roger Sample wanted to ask..... he mentioned that the Board needed to cover the bases, and then they could move Mr. Babb forward. Roger Sample stated that the Conservation Commission wanted the reclamation plan in thirty (30) days, which brought it to the beginning of June; he asked if that was a possibility..... Keith Babb stated it wasted..... Roger Sample continued and stated that Mr. Babb was all done there. Scott Williams asked why have an engineer draw it, and then throw it away. Keith Babb stated that it wasted engineering when he was going to be putting in a pond. Roger Sample thought Keith Babb was all done on that wall. Scott Williams noted that Keith Babb was going to leave a sheer wall eventually; there was no sense to put a slope there because Mr. Babb was going to blast right up to it and go down further. Roger Sample stated right up to the..... Keith Babb stated that the new proposal was 60' into the water table, so there would be a 60' deep pond there, probably encompassing 15-20 acres when it was all done. Roger Sample stated, okay. Nic Strong stated that he still would not be able to go within 10' of that line, even if the Conservation Commission and all the abutters were approving, because that was what the law stated. Scott Williams stated that was fine because Mr. Babb could stay 10' out from that and it was still a wall in all essence. Tom Hoopes stated, just as a devil's advocate, for the question of the nine (9) month period, did Mr. Babb need nine (9) months, or did he need..... Scott Williams stated he just picked it out of the air. Tom Hoopes stated that he knew, but he thought it would be more accurate because from Mr. Babb's point of view, he did not need nine (9) months, he needed it until he got his second plan in. Scott Williams stated that Mr. Babb needed to get his plan in within nine (9) months. Keith Babb stated that he had to bring in his Conceptual, talk about the Conceptual, and then he had to go back to the drawing board because he was sure that he was going to have hydrologists involved and all kinds of crazy stuff; it was not going to be a super simple process. Roger Sample did not think the Conservation Commission would be dead set against the Board moving forward as long as their concerns were met, and he thought that if they were sitting in front of the Board tonight, they would agree and perhaps make an amendment. Scott Williams stated, no, and thought that the Conservation Commission would say that Mr. Babb would have to go back and talk to the Commission. Virgil MacDonald stated that this would allow Roger Sample to sign the print so he could move the next print in that would have all of that on it. Tom Hoopes asked if Keith Babb had a name for his pond yet, because it had already been named. Keith Babb asked, has it. Tom Hoopes stated over 100 years ago it was named Woodman's Pond; he suggested that Mr. Babb look at the county map in the hall when he went out; it was dated 1861. Virgil MacDonald stated, really. Dave Hussey stated, oh yeah, they were going to do something..... Tom Hoopes stated there was a huge pond there; that was a shingle mill across the street. Scott Williams stated that was going to be another Locke Lake Colony; that was why all the trees were stripped off and then Alton had zoning. Tom Hoopes stated that the map was an interesting one.

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Roger Sample stated that Scott Williams' motion was for him to sign the permit... Keith Babb stated, the plan... And in doing so, suspend for nine (9) months the Conservation Commission's..... Virgil MacDonald added, and digging/excavating along the line. Roger Sample looked for someone to second that motion. Virgil MacDonald stated that he already did. Drew Carter asked if the Board had to state that they were suspending the Conservation Commission's May 8, 2019, letter, or if the Board could simply say that they would grant permission for Mr. Babb to work within the pit as long as he was not within whatever the requirement was, the 50' of the property line in the nine (9) month period. Roger Sample stated, no, Mr. Babb had already gone past that. Tom Hoopes thought that what Scott Williams was saying was to table the letter, but still recognize that the letter was there and to not accept it for a certain length of time. Virgil MacDonald stated that would give Mr. Babb time to do the plan. Tom Hoopes stated that Scott Williams was not throwing it out, he was not doing anything else. Virgil MacDonald stated in nine (9) months, this would come back up. Roger Sample stated that the only thing that was going to happen was what had been happening for years; there was nothing new. He stated that a motion had been made and seconded and asked for any further discussion.

Drew Carter asked if the Board could hear the motion again so that they were all clear. Roger Sample wanted to open it up to the public. Tom Hoopes stated that the Board did not discuss motions. Roger Sample stated it was Conceptual, and then he stated it was not a Conceptual and asked what this discussion was. Scott Williams stated that this was a motion to deal with this letter and how to move things forward. Tom Hoopes stated that the Board had not even gotten to the Conceptual yet. Roger Sample thought that Jessica Call should read the motion. Drew Carter stated, yeah, because he was not sure; there had been so many amendments and adjustments. Roger Sample asked Jessica Call to give it a shot. Jessica Call asked Nic Strong if she could assist with reading the motion back to the Board. Tom Hoopes thought it was a combination between the two of them (Jessica Call and Nic Strong). Nic Strong stated that the motion was, he moved to table the Conservation Commission letter for nine (9) months to allow the applicant to get the future plan in to become more efficient and then the new plan would address the reclaiming steps for a new plan, and then she said it made no sense because she had not gotten the rest of the language because it petered out. Scott Williams stated that it needed to peter out. Nic Strong stated that she had an amendment that Roger Sample had permission to sign the print, and then there was an amendment that there be no excavation along the Steele property line for a period of nine (9) months. Roger Sample stated that there would not be any anyways. Scott Williams stated, right. Roger Sample asked Virgil MacDonald what his question was. Virgil MacDonald stated that the Town was paying someone to take minutes that was writing it down and then there was Nic Strong, nothing against her, she was taking it down, but she was missing some. Tom Hoopes stated that there was a tape that they go by. Roger Sample stated that she was not missing something, something was missing. He stated that Jessica Call redid the minutes by the tape, so she adds to it. He then asked if she was typing everything now, or did she do it in the office. Jessica Call stated, the majority of it. She showed the Board her computer monitor. Virgil MacDonald stated that she was typing everything there, Roger, and stated that she was quick. Nic Strong stated that she could not write that quick and Jessica Call could not type that quick, and they were doing the best that they could. Scott Williams stated that was why the tape was there. Nic Strong stated that Scott Williams had stopped talking and she captured dot, dot, dot (...) because there were a few little words at the end, but she did not think that she missed much. Roger Sample asked Jessica Call if Nic Strong missed anything. Jessica Call stated that it sounded like...there were a lot of amendments so it sounded a little wonky. Scott Williams stated, there you go. Virgil MacDonald thought that Roger Sample was even more confused.

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Roger Sample asked the Board for a vote, the motion with both amendments PASSED with Dave Hussey, Scott Williams, Virgil MacDonald, Roger Sample, and Bob Regan voting AYE; Tom Hoopes and Drew Carter voting NAY.

Roger Sample stated, I'm sorry Tom. Tom Hoopes stated that he had to legally do that. Roger Sample stated that he hoped Tom Hoopes would have come on board. Tom Hoopes stated that he understood what the Board was doing, but he had to support Jim Sessler, Esq. Jessica Call asked Roger Sample if it was Tom Hoopes and..... Roger Sample thought it was just Tom Hoopes who voted NAY. Virgil MacDonald stated, and Drew Carter. Roger Sample stated the motion passed and he would be in to sign. He asked if the Board could then start with the Conceptual. Scott Williams, Virgil MacDonald, and Keith Babb agreed. Keith Babb stated that in the process of the Conceptual, he would address all of the Conservation Commission's concerns. Scott Williams stated, yeah, he had to do that. Keith Babb stated that he was not side stepping it, he just could not move forward until the Board did something.

1. Continued from April 16, 2019

Case # P19-01 Thomas W. Varney, P.E., of Varney Engineering, LLC, Agent for Keith Babb of Green Oak Realty, Owner	Map 5 Lot 72	Conceptual Consultation Rural (RU) Zone Suncook Valley Road
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Scott William thought that Mr. Babb had already talked about the Conceptual because he stated that there would be 15-20 acres, 16' deep. Keith Babb corrected him and stated 60' deep. Roger Sample stated that Mr. Babb would have to drive down in to get materials. He asked how he would be able to retrieve the materials because they would be under water; it was already a pond. Scott Williams stated, use pumps. Keith Babb stated that he would be pumping to the existing pond there for siltation treatment before it was released. He noted that was stuff that that needed to be put into a design. Roger Sample asked if the digging went someplace else, or did it go..... Scott Williams stated, right there; it was a quarry. Keith Babb stated it was a quarry. Roger Sample thought it was a lot of pumping. Scott Williams stated, yeah, and for a long time. Roger Sample stated, holy sm..... He then asked where it would go. Keith Babb stated that there was already a detention pond that was built on the property. Tom Hoopes stated it was for filtration. Keith Babb agreed it was for filtration, and he was sure that he would have to add a few things to it. Dave Hussey stated, no, it actually went to Hannaford's parking lot; that was where it went. Scott Williams stated before the days..... Keith Babb stated the material (inaudible because too many Board members were talking at once).....but in the process it created a pond. Dave Hussey stated something about digging a pond (inaudible because Roger Sample was trying to speak).....that was why he was wondering what was going on. Roger Sample stated he was assuming that the plans would..... that was a lot of water every day that had to be constantly pumped. Tom Hoopes stated that the water and the pumping was cheaper than the gravel, hopefully. Keith Babb stated that the problem was trying to permit a new piece of property; it was just not very viable these days. He stated that this was an existing pit, so moving forward, it was already there and running, and nobody was really annoyed by it, did not have to deal with noise, dust, conservation, animal studies, hydrology. Scott Williams added flowers to that list. Tom Hoopes stated that most of the flower problems were in East Alton. Keith Babb thought that staying on the contained acreage that he had and just went down, it would develop a viable source of material for at least a couple more decades. Scott Williams stated that pumps would be running for a couple of decades. Roger Sample stated that was what amazed him. Keith Babb stated that the

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upside was that Alton would have a supply of material. Dave Hussey thought Mr. Babb should get a 60' boom. Keith Babb stated it was cheaper to keep the water out of it, because he would not have to deal with any explosive contaminants; keeping it dry was better. He stated that would be presented on a Conceptual of some sort that he could talk about within the next month or two. Roger Sample stated, with a different engineer. Keith Babb stated he believed Jeffrey Byrd had agreed to take on his project. Scott Williams asked if he was back on his own again. Keith Babb thought that he worked by himself. Scott Williams stated that he did, then he did not, but it sounded like he was again, in Concord. Keith Babb stated that he was a one man band.

Scott Williams stated that was a synopsis. He asked if the Board had any questions of Mr. Babb. Drew Carter mentioned that there was a letter from John Dever, III, had sent and asked if it needed to be addressed. Scott Williams stated that was a precursor to this last little flurry of activity with the Town. Drew Carter pointed out then that would not need to be specifically addressed. Scott Williams thought that with Roger Sample signing the plan, then the Town would sign the Intents to Excavate. Virgil MacDonald stated that he tried again last night; they seemed to....we had Mary Pinkham-Langer come in last year for a meeting regarding the Intents to Excavate stating that they were a tax document and the Selectmen should not hold it hostage, but the Selectmen seemed to have forgotten it. Scott Williams stated that it seemed that the Selectmen forgot that conversation. Virgil MacDonald stated that he had to try again, because one was a tax document and not the permit. Roger Sample stated that he would see Keith Babb soon. Keith Babb stated, stay tuned.

Nic Strong asked if Keith Babb was resubmitting a new Conceptual. Keith Babb stated, yes, it would be a completely..... Nic Strong asked if the current Conceptual was not going any further. Keith Babb stated that this plan was signed it was done. Scott Williams stated that Mr. Babb had requested a Conceptual at this evening's meeting. Nic Strong stated that was what he was here for. Scott Williams stated that if Mr. Babb would like to continue that, he could to save himself filing fees. Keith Babb stated that he would like to continue that. Nic Strong stated that Mr. Babb needed to come up with a date, that he thought he had enough time for, to come back to talk to the Board. Keith Babb thought he would be able to come back in July. Scott Williams asked what the exact date was; he stated that it was July 16, 2019.

**Scott Williams MOVED to continue the Conceptual Consultation application for Case# P19-01 to the regularly scheduled July 16, 2019, Planning Board meeting.
Dave Hussey seconded the motion, and it PASSED unanimously.**

2.Administrative Review for Completion

Case #P06-93 John Jeddrey, Trustee Jeddrey Realty Trust, Owner	Map 15 Lots 56-3, 56-4, 56-21, 56-23, 57, & 60-5 through - 20	Final Major Subdivision- Administrative Review for Completion Rural (RU) Zone Old Wolfeboro Road and NH Route 28
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The Chairman read the case into the record.

No one was present for this case. Nic Strong stated that she was not expecting anyone to show up at tonight's meeting. She stated that John Jeddrey came in to speak with her about how he could move forward with the next phase of his subdivision. She thought that the best way to gather all of the

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information was to prepare a Planner Review so the Board would have all of the information they needed when Mr. Jeddrey was ready to start the process. Drew Carter suggested putting this case down further on the agenda. Nic Strong stated that this was just to present information, and that the Board needed to know all of this and the status of this subdivision when Mr. Jeddrey came in with his request.

Nic Strong stated that Mr. Jeddrey still needed to get a couple of permits and meet with the Town Engineer, and then get going. If Mr. Jeddrey came in to amend his subdivision, the Board would need to know all of that information. Nic Strong noted that this was just a status update to keep the Board in the loop. Roger Sample noted that there were permits that had expired, and things had not been built yet. Tom Hoopes noted that there was a proposal that one house could be built at a time. Drew Carter thought there was a lot of leniency in the decision making process with approving this subdivision.

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

Case #P19-10 Jones Family Rev. Trust, Rhona B. Jones, Trustee, Owner	Map 15 Lot 80	Final Minor Site Plan Rural (RU) Zone 355 Drew Hill Road
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The Chairman read the case into the record.

Rhona B. Jones came forward to present the case.

Tom Hoopes shared that he was somewhat of a neighbor of Mrs. Jones, but not a direct abutter. Bob Regan shared that he was somewhat of a neighbor of hers also.

**Drew Carter MOVED to grant the waiver for a Major Site Plan.
Scott Williams seconded the motion, and it PASSED unanimously.**

Virgil MacDonald asked if this was an existing building. Rhona B. Jones stated, yes, there was nothing to be done.

**Dave Hussey MOVED to accept application #P19-10 as complete.
Scott Williams seconded the motion, and it PASSED unanimously.**

Roger Sample pointed out that there were many things missing from the plan and asked if it had been updated. Rhona B. Jones stated that she met with Nic Strong and that she had a lot of the information, but it just was not in the right places. She stated that her name and address were not on all pages of the plan. The setbacks and zoning were fine. The parking was all set and there was ample parking for at least three (3) customers. She noted that it would be a low-key operation. The building and parking lot were far enough off the road so neighbors or people driving by would not even know anything was happening. She was only open during the warm months, so she did not need snow removal. Roger Sample stated that the months of operation needed to be added to the plan. Mrs. Jones stated that information was indicated on the plans.

Roger Sample noted that Mrs. Jones was not constructing a building because one was already there. Rhona B. Jones stated that her husband had previously built a workshop and she was not going to change anything. Scott Williams stated that pictures were submitted of the workshop. Rhona B. Jones stated that

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there were four (4) exits in the building. Tom Hoopes noted that there was a circle indicated on the plan that noted where the parking spaces would be located. Roger Sample asked if there were any comments from the Fire Department. Rhona B. Jones stated that she would need to have a smoke detector, a carbon monoxide detector, and a fire extinguisher. Scott Williams noted the fire extinguisher needed to be a 5lb. ABC fire extinguisher. Rhona B. Jones stated that lighting had already been addressed previously. Tom Hoopes thought that the Board needed to address a part-time home occupancy. Roger Sample thought that this was just a formality, and asked the Board if they had any questions.

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

After due hearing, Dave Hussey MOVED that the Alton Planning Board hereby approves Case #P19-10 for Rhona B. Jones, for a Minor Site Plan Review for a Home Business for a second hand shop in 1,000 s.f. of the existing finished workshop at 355 Drew Hill Road, Map 15 Lot 80, with the following conditions:

CONDITIONS PRECEDENT:

The following conditions precedent must be satisfied prior to the Planning Board Chair signing of plans.

- 1. Submission of revised plans in the number required by the Site Plan Review Regulations and that include all of the checklist corrections, any corrections as noted at this hearing and any waivers granted.**
- 2. Addition of a note to the site plan prior to plan signing by the Planning Board Chair: This site plan contains a total of ___ sheet(s): [to be listed and dated by the applicant on the site plan itself]. In combination these plans constitute in their entirety the site plan as approved by the Town of Alton Planning Board. All sheets are on file at the Town of Alton Planning Department.**
- 3. Addition of a note to the site plan prior to plan signing by the Planning Board Chair: This site plan is subject to the Conditions of Approval itemized in the May 21, 2019, Notice of Decision on file at the Town of Alton Planning Department.**
- 4. Addition of a note to the site plan prior to plan signing by the Planning Board Chair: There shall be no on street parking for this second hand shop.**

SUBSEQUENT CONDITIONS:

The following subsequent conditions subsequent shall be met during construction and on an on-going basis:

- 1. All site improvements are to be completed as per the approved site plans, prior to the issuance of any Certificate of Occupancy per this Notice of Decision and Section 1.22 of the Site Plan Review Regulations.**
- 2. The approved hours of operation for the proposed second hand shop shall be Wednesday through Sunday, 10:00 a.m. to 4:00 p.m. from May through October.**

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

Unless otherwise approved by the Board, the applicant shall have one (1) year from the date of the meeting at which the application is approved with conditions to complete any conditions that are required prior to signing the site plan. Failure to complete any conditions within the one (1) year timeframe shall invalidate the Board's approval, unless an extension is approved by the Board per Section 1.14 of the Town of Alton Site Plan Review Regulations.

Virgil MacDonald seconded the motion, and it PASSED unanimously.

Dave Hussey recused himself for Case # P19-11 and sat in the audience.

Case # P19-11 One80 Solar Group, LLC, Agent for David R. Hussey, Owner	Map 5 Lot 72-7	Final Major Site Plan Rural (RU) Zone 356 Suncook Valley Road
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The Chairman read the case into the record.

Chris Nadeau, P.E., and Patrick Attwater, agents, came forward to present the case. Dave Hussey was present in the audience.

**Tom Hoopes MOVED to accept Case #P19-11 as complete.
Scott Williams seconded the motion, and it PASSED unanimously.**

Chris Nadeau, P.E., noted that a Conceptual Consultation took place before the Board on April 16, 2019. The parcel consisted of 138 acres, and the proposal was for three (3) mW of solar arrays, which consisted of three (3) mW of AC that worked out to be about four (4) mW of DC. The plans proposed three (3) arrays on the front third of the property. A 7' high chain link fence would surround each of the three (3) one (1) mW arrays, which was a requirement of the electrical code to protect people from potential injuries. A 16' wide driveway would come off Mr. Hussey's existing driveway, which would reach into each of the three (3) arrays. Once inside the gate, the fenced off area would consist of a small parking area for one vehicle, as well as a control panel that would house the inverters. Patrick Attwater stated that area would consist of a transformer pad with a transformer and a switchgear on it. The inverters would be situated throughout the array. Chris Nadeau, P.E., stated that the NH Electric Co-op serviced the arrays. The power lines would go from each of the arrays down to NH Route 28 along the south line and connect into the grid within NH Electric Co-op's lines and NH Route 28. Virgil MacDonald asked if they were overhead lines. Chris Nadeau, P.E., stated that there were proposed overhead lines from the gate of each individual array to the connection point on NH Route 28; underground lines would be difficult to install. Virgil MacDonald noted that Mr. Hussey had so many rocks on his property that it was like a rock farm.

Scott Williams asked if it was an off take setup or a utility based system. Patrick Attwater stated that it was an off take situation and he would work with the Co-op to facilitate the transaction. Chris Nadeau, P.E., stated that since the last meeting, the AoT application had been received by the State. He submitted a final application to the Board, which was deemed complete, and a full set of drawings. He stated that he applied to the DES AoT Bureau, and provided them with a Stormwater Management Plan, which was also provided to the Town. He noted that as far as the operation of the arrays, once they were constructed, there was very little maintenance, they were monitored remotely, and visited by a maintenance person about four (4) times a year. If something went wrong electrically, the company would know by an off-site connection and they would come out to visit the site. The area around the arrays would be mowed twice a year. During construction of the arrays, rocks would be moved out of the way in order to put the posts in the ground, they would erect the racks, install the panels and all the wiring, and then loam and seed would be placed down on the disturbed areas. No wetlands disturbance was proposed. The solar arrays would be a quiet neighbor and did not generate any traffic.

Virgil MacDonald asked about glare. Patrick Attwater shared that he had a conversation with the abutters who showed up at that last meeting and one of the things they discussed was that there were two (2) different types of solar panels, photovoltaic, and concentrated. The concentrated arrays were often found in deserts. These types of solar panels had mirrors that pointed to a central point and would heat up a giant molten salt block, the heat would then generate water, which turned into steam to turn the steam turbine, like a traditional power plant. When most people thought about solar arrays, they thought about this type that was reflective. The solar panels that were being installed were anti-reflective, and the only time there might be some glare would be from the thin matte finished aluminum frame that was outside

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each module, but it was a very small portion. Patrick Attwater stated that he did go on site with the abutters and went to each of their homes to see if the modules could be seen. It looked like the arrays would not be seen by the abutters, except for Dr. Steele who might have some view of the arrays, but he did discuss that with him. Patrick Attwater also noted that he spent some time out front of Mr. Hussey's house with Mr. Hussey, and they did not think that there was going to be any, or very little, view from the road.

Chris Nadeau, P.E., submitted a Decommissioning Plan that noted if and when the panels needed to be removed after the lease agreement was up. Tom Hoopes asked about the longevity of the panels. Patrick Attwater stated that the warranty was that they were guaranteed to produce 80% in 25 years. Scott Williams asked about the production after 30-40 years. Patrick Attwater stated that the solar companies had not really been around that long, and would not want to warranty something that they were not sure if they would hit the warranty, and he had already seen the warranty go up. Virgil MacDonald noted that by that time, solar panels would be significantly smaller. Patrick Attwater thought that the panels would produce close to what they would produce today, but there was still a lot of value in them. There could be companies and groups that would take the old modules down and repurpose them somewhere else where they had value, and then replace them with more efficient modules.

Roger Sample asked about how this project was listed because the plan indicated two different names. Patrick Attwater stated that he would fix that. Roger Sample stated it was also not clear as to who was doing the actual decommissioning. Patrick Attwater stated whoever owned the project would be responsible for the decommissioning. He was going to highlight that in the Decommission Plan. Roger Sample asked if that would be Mr. Hussey. Patrick Attwater stated that Mr. Hussey was not going to own the array, he was leasing his land for the array; whoever the final owner was would have the responsibilities. Roger Sample asked if One80 Solar was the builder and then would be selling the arrays when completed. Patrick Attwater stated that there were investors that were interested in owning assets such as this project. Dave Hussey asked what each one of the arrays would cost. Patrick Attwater stated that it would cost about \$2.00 per watt. Dave Hussey stated that he was talking about the investment. Patrick Attwater stated this project cost about \$6M. Patrick Attwater stated that there were costs like leasing and other costs. Scott Williams thought that the Town Assessor would figure it out. Roger Sample asked if Mr. Attwater and Mr. Nadeau had seen the notes on the Planner Review; they stated, yes.

Bob Regan, being a technology person, thought that 25-30 years was a huge period of time, and he envisioned that all of the materials would be obsolete within 10 years. Scott Williams thought that was very possible. Bob Regan wanted to know what kinds of plans or contingencies were in place to replace the whole project within 10-15 years. Patrick Attwater referred to phone technology and how people replaced them often, but with solar arrays, they would not become obsolete or not efficient because they already knew what the cash flow would be from this particular project for the next 30 years. He stated that the rates would be locked in with the utility company and with the off takers. Tom Hoopes asked if Mr. Attwater expected the rates to go down at all. Bob Regan stated that the cost of renewables could go down significantly. Tom Hoopes thought that it would take an enormous amount of renewables for that to happen because New Hampshire had the highest rates in most of New England. Scott Williams stated that even though off takers would be using this energy, it was a utility and would continue to chug along as it was. Patrick Attwater stated that most arrays were built to last a 25-30 year period, so they looked for that type of agreement with the utility companies, the off takers, and the landowners. The only reason that the time period may vary would be due to economics. He noted that these panels produced about 370

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watts per module. Scott Williams stated that he had his solar panels for five (5) years and his produced 258 watts. Patrick Attwater stated that there were two (2) different size modules, and he thought that the proposed panels were a larger size than his were, 3.5' x 7'.

Tom Hoopes asked about snow and ice build up on the panels. Scott Williams stated that snow and ice would slide off. Patrick Attwater stated that the panels were at a 30-degree tilt; there could be a chance that snow might build up on them over time during the winter. Tom Hoopes asked if the panels would generate heat that would cause the snow to slide off, or if someone had to go out and clean them off. Patrick Attwater stated that sometimes the panels had to be cleaned off, but in this case, with all of their models, if the panels got a little bit of sunlight they would heat up a little bit, which would make the ice and snow slide off. Scott Williams stated that a January day at -20 degrees there was not a lot of sliding that happened, but he thought that the panels would crank out a lot of power because the air was thinner. Patrick Attwater stated that the panels were more efficient when they were colder. Scott Williams noted that the panels should face towards the east sky rather than the west sky because of the afternoon humidity.

Roger Sample stated that at the last meeting, there was an abutter that had concerns about the wildlife not coming onto his land. It sounded like Mr. Attwater had met with all the abutters, they walked around the property, and he wanted to know if things were okay. Dave Hussey stated that he had seen a deer 10' from his wife's flowers, and asked Marty Cornelissen, who was sitting in the audience, if he thought there was a deer problem around his house; Mr. Cornelissen's answer was inaudible. Patrick Attwater thought that the abutters had valid concerns, but after they learned more about the project, they were onboard. Scott Williams thought it was an awesome project.

Roger Sample noted that the Fire Department was the only department that commented on this project. Scott Williams thought that was because they did not understand it. Tom Hoopes thought that they did not want to be within the arrays doing anything. Scott Williams noted that if there was a problem with the arrays, it was no different then going to the substation; the Fire Department would not or should not go in, they were there to protect the exposures from anything that may happen, but did not go in. Roger Sample stated that the comment from the Fire Department was just that, they would like to be educated. Chris Nadeau, P.E., stated that a note was added to the plan that prior to the arrays being turned on, the Fire Department would be trained by Patrick Attwater's firm, One80 Solar, on how to deal with the arrays if something went wrong in an emergency situation. Patrick Attwater stated the arrays were well marked with signage, which were submitted with the updated plans. Roger Sample asked if signage was going to be on the fences; Patrick Attwater stated, yes.

Chris Nadeau, P.E., stated that he had no issues with the conditions that were brought up. There were a couple of things that needed to happen before the final plan was signed, like AoT comments, comments from the Town Engineer regarding the drainage design, and there were other clean up items. He was hoping for a conditional approval. Scott Williams asked if Mr. Nadeau considered groundwater recharge for drainage. Chris Nadeau, P.E., stated, absolutely, that was part of what was required under the AoT permit. He stated that he had calculation sheets that needed to be submitted to show AoT they were meeting their requirements. He stated that the tables were huge, but the panels themselves had spaces in between them to allow rainwater to hit the table, run down in between the panels, hit the grass below, and then travel underneath the next row of panels. The AoT Bureau had a guidance document on how the hydrology and the groundwater recharge actually was not affected by the solar panels because they did

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not act like a roof. Patrick Attwater stated that there was more space in between the modules than there were modules. Chris Nadeau, P.E., stated that there were five (5) groundwater recharge ponds, which were very shallow, allowing water to recharge back into the ground if the rainwater ran off in a bigger storm event. The groundwater recharge ponds were also put in place to protect the abutters just in case there was an increase in runoff from larger rainstorms. Scott Williams thought that the biggest part of this whole project was the AoT portion of it. Chris Nadeau, P.E., stated, and the Town Engineer needed to review the stormwater management report and comment on it.

Roger Sample opened public input.

Marty Cornelissen, abutter to the North, came to the table. He mentioned that the Fire Department noted that they had some concerns. He stated that there had been a number of forest fires around Mr. Hussey's property and the easiest way to access the back side of his property was through the range way. He noted that the last time there was a fire, it was set in front of Mr. Cornelissen's house, another fire took place by the school, and yet another in the back of Mr. Hussey's property. He pointed out that there had been some talk by the Fire Department that they wanted to add a dry hydrant in Mr. Cornelissen's pond. Scott Williams shared that the Town had monies set aside that developers had contributed to for dry hydrant production. Marty Cornelissen stated that when you came to the end of the road on his property, Lot Line Road, the range way continued, which actually had been turned over to the abutters and was gated because of people driving their ATV's, etc. He noted that the last fire, the Fire Department had an issue with lack of water, but they did not realize that the pond was right there. He suggested that a dry hydrant possibly be installed in this pond so if there was a fire on the backside of Mr. Hussey's property where the arrays were, there would be immediate access to water. Tom Hoopes did not think that fire and electricity was a good idea to mix. Scott Williams stated that there was another dry hydrant across the street past Mallard Drive. Marty Cornelissen stated that his pond would be right there. Tom Hoopes asked if he was referring to the overgrown wetland. Virgil MacDonald stated that was the one "they" were supposed to cut and clean. Scott Williams stated that every dry hydrant and pressurized hydrant now had a 911 address; the Town started that when he was Fire Chief. He thought that the current Fire Chief would not mind talking to Mr. Cornelissen about it, and it would be up to the Fire Chief's priority. Marty Cornelissen stated that Russ Jones had talked about it because that was what it was put in for, a conservation farm pond. Marty Cornelissen did not have an issue if the Fire Department was to do it because it would protect his property too. He shared that there was a lot of debris out back on the property because of previous cuttings, but shared that he had done some cutting also.

Tom Hoopes mentioned that at last month's meeting, there was a comment about installing a Knox box on the gate at the range way just in case there was a fire. Marty Cornelissen did not have a problem with that either because the way the range way continued, it was on his side of the range way. Tom Hoopes thought that installing the dry hydrant would be for the neighborhood's protection. Marty Cornelissen shared that he had no problem with Mr. Hussey's project and he had already talked to him about it; he would only see the backside of the panels if he did see any of it. Roger Sample asked if Mr. Cornelissen was asking One80 Solar to install the dry hydrant. Marty Cornelissen stated that he was just putting it out there. Roger Sample stated that if the solar panels were burning, the Fire Department would not be putting water on them; the dry hydrant would be put in place to keep the woods from catching fire. He thought that Patrick Attwater should consider using some of the available funds from the Town to install a dry hydrant, and if he could, then he should add that to the plan. Scott Williams did not think it was a huge expense; the materials used would be 8" Schedule 80 pipe, an elbow, a basket strainer, standpipe,

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and a fitting. He noted that there was never enough water in all the different places you needed it in when you were the fire service. Patrick Attwater thought it was a great suggestion and would look into it. Marty Cornelissen stated that there was a lot debris out back and there was the possibility of lightning occurring. The last fire that he knew of happened due to a dirt bike that was running without proper parts. Scott Williams stated that water in South Alton was at a premium because there was not a lot of development there. Roger Sample stated that down the street there was quite a bit of water.

Roger Sample closed public input.

Scott Williams thought that the AoT was the biggest concern for everyone, and he did not see people present that did not like the idea. Tom Hoopes stated that the Town Engineer needed to review the stormwater report still. Scott Williams thought it was lot impact as far as runoff was concerned. Dave Hussey stated that it would not be any less impact if he was doing a housing development or campground, this was about as low as it could get. Scott Williams noted that this site was headed for an RV park at one point. Drew Carter noted that Mr. Attwater was going to revise the Decommissioning Plan and clarify the name of ownership and that the decommissioning was the part of the ownership and or its successors.

Roger Sample asked if the Board needed to discuss a timeframe. Scott Williams asked if he meant phasing. Roger Sample meant substantial completion. Patrick Attwater stated that they were going to start with the racking and modules all at the same time and then wire them all at once; it would be treated as one phase. Scott Williams stated that they would be jumping right in; Patrick Attwater stated, yes. Roger Sample stated that the project would be done after construction completion. Drew Carter thought that the goal was to have the arrays commissioned before the end of the year. Patrick Attwater stated that he was still finalizing pieces of the construction, but the goal was to have the arrays commissioned by the end of the year, although things could happen and it could be pushed off until early next year. Scott Williams asked how long the project would take after breaking ground. Patrick Attwater thought that six (6) months was reasonable; it took about three (3) months per mW, and added on some time since there were multiple megawatts and the work that needed to be done on site. Roger Sample thought that if the Board gave them 12 months to start construction, the project should be all done. Tom Hoopes thought that when the posts were installed, there may be an issue with rocks in the ground. Patrick Attwater stated that in his mind, he wanted the project completed this year, and if for some reason he was not able to get started until the spring, it gave them another build season. Scott Williams asked when Mr. Attwater thought that his AoT permit would be issued. Chris Nadeau, P.E., stated that they applied April 30, 2019, and DES was running about 40 – 45 days. He hoped to have comments back by mid-June and after haggling back and forth for a couple of weeks, he was hopeful to have a permit by July 4, 2019. Drew Carter did not think it was unreasonable because there was so little disruption. Scott Williams thought this was as low of an impact that could happen, and it would be a huge tax base. Tom Hoopes noted that Dave Hussey had always wanted to increase the tax base in Town. Dave Hussey stated that was what he was trying to do. Chris Nadeau, P.E., thought if he received the AoT permit, he could come back for the July 16, 2019, meeting for final plan signing.

Tom Hoopes asked about a comment that Chris Nadeau, P.E., mentioned earlier about a conditional permit. Chris Nadeau, P.E., stated, he commented about a conditional approval. He thought that Nic Strong had included language in her Planner Review that talked about the ability for the Board to grant a conditional approval subject to the conditions. Scott Williams commented that if the Board was going to schedule a site walk, they should do the site walk before the application was approved. He did not care to

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go because he already knew what the property looked like. Dave Hussey mentioned that Tom Hoopes had been out on his property previously. Roger Sample stated that if there was a conditional approval, it would take place at the July meeting. Tom Hoopes stated that a conditional approval gave the applicant the opportunity to start moving things on site, but they could not physically do any of the work until the AoT permit came in. Chris Nadeau, P.E., stated that they could not do any work until they had a signed plan from the Board. He thought that if they received conditional approval tonight, they could work on putting the final plan together, and then bring it to the Board in July for them to sign; after that, they could pull their building permit. Scott Williams stated that if a conditional approval was granted tonight, the proposed plan was tied in to what needed to take place during construction, and the only thing that could be addressed was the conditions that the Board had accepted everything else. He did not think that there would be much to talk about after Mr. Attwater received his AoT permit.

Nic Strong stated that the Board needed to determine active and substantial development before they made a motion to conditionally approve the application. Roger Sample mentioned that was what he was trying to address earlier. He stated that there would be 12 months to start construction from the date of signing. Scott Williams thought that active and substantial development could be that one (1) mW needed to be completed within the first 24 months. Patrick Attwater stated that the way the tax credits worked; they need to have the project completed by next year. Tom Hoopes thought that substantial completion could be..... Nic Strong stated that the first threshold, active and substantial development, would give the applicant protection for five (5) against changes in the Regulations, and the second threshold, substantial completion, would vest the applicant forever against changes in the Regulations with an approved plan. Scott Williams thought that having Mr. Attwater complete one (1) mW for substantial completion was acceptable.

After due hearing, Tom Hoopes MOVED that the Alton Planning Board hereby approves the above cited application for One80 Solar Group, LLC, for a Final Major Site Plan Review for a Utility Scale Solar Energy System/Solar Farm for an approximately 3 megawatt AC (4 megawatt DC) photovoltaic power station, in three separate solar array sections within the subject parcel on Map 5 Lot 72-7, 356 Suncook Valley Road, Alton, New Hampshire 03809, 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 Plan, 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 XX 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.**

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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 May 21, 2019, Notice of Decision on file at the Town of Alton Planning Department.**
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 approval from Kevin Leonard, PE, Northpoint Engineering, LLC, of the Stormwater Management Plan.**
6. **Receipt of Alteration of Terrain Permit from NHDES.**
7. **Submission of a revised Decommissioning Plan that includes all the comments from the Planning Board review.**
8. **Prior to work beginning onsite a preconstruction meeting shall be held in accordance with the Construction Observation Guidelines. (If required.)**

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 applicant shall comply with all of the Town of Alton's Site Plan Review Regulations.**
3. **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.**
4. **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.**
5. **Once any and all conditions of approval have been met and the Chairman of the Planning Board or his designee signs a site plan, the applicant has twelve (12) months from the date of signing to start construction and, unless a different schedule is approved by the Board, must complete construction within twenty-four (24) months.**
6. **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**

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extension has been formally requested and granted by the Board. Normally the Board shall not grant more than one extension per project, shall only grant an extension for reasonable cause, and shall normally not grant an extension for more than six months.

7. 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: completion of a one mW array within 24 months
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: completion of a one mW array within 24 months

Unless otherwise approved by the Board, the applicant shall have one (1) year from the date of the meeting at which the application is approved with conditions to complete any conditions that are required prior to signing the site plan. Failure to complete any conditions within the one (1) year timeframe shall invalidate the Board's approval, unless an extension is approved by the Board per Section 1.14 of the Town of Alton Site Plan Review Regulations.

Scott Williams seconded the motion, and it PASSED unanimously.

As Dave Hussey returned to his seat at the table with the Board, he noted to Scott Williams that Mary Pinkham-Langer informed him that he needed to obtain an excavation permit to pull all of the rocks out of his property, but he was told by "Tom" that he did not have to because it was considered landscaping.

Other Business:

1. **Old Business:**
 - a. Continued discussion regarding Construction Observation Guidelines.

Virgil MacDonald MOVED to continue the discussion of amending the Construction Observation Guidelines to the next regularly scheduled meeting on June 18, 2019.

Scott Williams seconded the motion, and it PASSED unanimously.

2. **New Business:**

None.

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3. **Approval of Minutes:** April 16, 2019

**Scott Williams MOVED to approve the minutes of April 16, 2019, as presented.
Dave Hussey seconded the motion, and it PASSED with Drew Carter abstaining.**

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

- a. Email correspondence regarding Right Field Development's detention pond and as-built plan, dated April 17, April 18, and April 19, 2019, between Richard D'Angelo, Mike Vignale, P.E., and Nic Strong.

Both Scott Williams and Virgil MacDonald stated that they looked at the property during a rainstorm. Scott Williams noted that the first time he went he looked in the front yard for the plugged up drain, but had to go to the back yard to find it during the second rainstorm. Dave Hussey stated that he read the engineer's letter. He went over to the property to look it and noted that the drains off the roof do not hitch into that; that was a sump pump that came out of the cellar and went into that drain and turned on about every half an hour or hour. He suggested that some of the members go over there when it was dry to observe the iron deposits across the pavement and into the drain, which would show that water was draining into it. Roger Sample asked if the building had a basement. Scott Williams stated, the Legion, yes, there used to be a bowling alley in the basement. Roger Sample thought that the Board was talking about the carwash building. Virgil MacDonald stated that everything was sloped and everything ran down across the parking lot.

Scott Williams thought that there was an easy fix. In the right-of-way the water just sheets right across it, and it was dirt. If a swale was installed there..... Virgil MacDonald noted that Mr. D'Angelo was cutting trees down so now there would be more runoff. Bob Regan asked what Mr. D'Angelo was doing on his property because the cut area was huge. Scott Williams stated, their right to cut trees. Scott Williams thought that the swale would intercept the water running off of Mr. D'Angelo's property. He did not want to argue with the engineer because the water may have been there before, but he did not know; although, he knew that the Legion did not have this problem before. Virgil MacDonald stated that the engineer was looking at the prints and doing the figures, and the pond was probably working right according to the print. Dave Hussey stated it was an easy fix because Mr. D'Angelo had an excavator right on his property and he could put down a little bit of riprap, and the problem would be solved. Tom Hoopes asked where it drained to. Scott Williams stated it would drain to the wetland out back of the parking area. Virgil MacDonald stated it drained in to the swale that they put in.

Tom Hoopes asked if there was an access through Mr. D'Angelo's property to get to the area that was being cleared. Scott Williams stated, yes, the right-of-way. Dave Hussey stated access was right through the wetlands. Tom Hoopes thought that should be anticipated before anything was done. Dave Hussey stated that he had Cindy Balcius over there and she stated that Mr. D'Angelo was not going to be able to get through the right-of-way. Dave Hussey stated he was trying to stay out of the Legion this year.

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Roger Sample stated that Mr. D'Angelo had been in before and always seemed willing to work and make things go away. Virgil MacDonald asked Roger Sample if he had read the full email; he stated, no. Dave Hussey suggested he read the full email. Drew Carter thought that Mr. D'Angelo was done. Tom Hoopes read from the email, "I'm not sure how to end this response to you other than to say, my next step will be respond legally to the town and Legion." Roger Sample asked if anyone suggested to Mr. D'Angelo that the solution was easy. Dave Hussey stated Scott Williams happened to be over there when he walked the property and Scott Williams stated that it was an easy fix. Roger Sample stated that the engineer went in and looked at it and stated everything was working properly..... Virgil MacDonald noted what they did on the drainage. The print was working properly for the figures.

Roger Sample stated that the engineer stated that everything was working properly. Scott Williams stated that what the engineer was saying was that post development water was the same or had not increased since post development; predevelopment water discharge was the same as it was now. Virgil MacDonald did not think it was. Scott Williams stated that there was a lot of water going across the parking lot. Dave Hussey stated that you could see the sand that was coming from Mr. D'Angelo's property and it looked like a river bed. Scott Williams stated that Mr. D'Angelo could continue to discharge water from his site that he did previously. Virgil MacDonald stated to Roger Sample that the Board approved the plan and wanted to know if the Board should have received an as-built before Mr. D'Angelo received a Certificate of Occupancy. He thought that was part of the process to submit an as-built before the Board could sign off on things. Tom Hoopes stated that an as-built could not be submitted before the project was completed. Virgil MacDonald stated that if an as-built was not on file with the Town, then people should not be getting Certificates of Occupancy. Scott Williams stated that when he built his road he had to submit an as-built to the Town, the other project he was working on would have an as-built, and in fact, every time he put something in the ground, the surveyor would come in and map it so the Town would know where everything was, even the couplings underground. Virgil MacDonald stated that was what he did not understand because he saw a note that the Town did not have as-builts yet. Nic Strong stated that the Board's Site Plan Regulations did not require as-builts, so every time the Board made an approval, the Board did things differently. Virgil MacDonald thought that the Board required as-builts on the roads. Nic Strong stated that subdivisions were different and those Regulations had a whole section about as-builts. Every time the Board gave an approval, they should put in a requirement for an as-built, and sometimes the Board would specify a time frame, and sometimes not; this application did not have a time frame. Scott Williams thought that the Board should fix that. Tom Hoopes thought it was too late. Scott Williams stated it was too late for this matter. Virgil MacDonald thought it should be brought up in a ZAC meeting. Nic Strong stated that this regulation had nothing to do with zoning, it would go in their Site Plan Regulations. Scott Williams noted that the Site Plan Regulations did not have to go before the voters, so the Board could change it. Virgil MacDonald asked Nic Strong to make note of that so the Board could discuss it at a future time. Scott Williams talked about the Dunkin Donuts scenario. Virgil MacDonald thought that was still a nightmare situation because the delivery trucks were still backing in there. Scott Williams agreed and mentioned that it happens at 11:00 in the morning.

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Tom Hoopes stated that in order to solve this problem, someone with authority needed to speak to both parties and inform them that this problem had an easy fix, and wanted to know that the Board's resolution could be. Tom Hoopes thought that Mr. D'Angelo had reached the end of his patience. Dave Hussey stated, so was the Legion. Scott Williams thought that it would be a shame if this issue ended up in litigation over an easy fix. Virgil MacDonald thought that the Town had changed an ordinance to restrict people from having water runoff run onto other people's property. Scott Williams stated that Mr. D'Angelo could continue to give what he gave previously to the whole project. Tom Hoopes noted that an increase in water was not allowed. Dave Hussey thought that what Scott Williams had suggested was an easy fix. Tom Hoopes asked if a wetlands permit was needed. Scott Williams and Dave Hussey stated, no. Virgil MacDonald noted that where all the water was coming from had all been regraded, and Mr. D'Angelo tore the previous building down and there used to be a driveway that came up around it, and now it was all changed around. Tom Hoopes Nic Strong if John Dever, III, could step in and mitigate the 2 parties. Roger Sample thought that someone should go and talk to Mr. D'Angelo; he noted that he would go talk to him, but he wanted Scott Williams to go out there beforehand and show him what he was talking about. Roger Sample thought that was the way to take care of the problem. Tom Hoopes noted it would be like a french drain under the road. Scott Williams stated, no, it would on the surface and it would drain into the gutter. Dave Hussey stated it would drain into where the Legion's drainage was out back of the parking area. Roger Sample stated that he would get together with Scott Williams and he would talk to Mr. D'Angelo; he thought after that discussion, this problem would go away. He shared that the two owners had been battling back and forth and they were both sick of each other. Dave Hussey noted that they were both hard-headed, and he noted that the Legion's new Commander, Mo Luckern, was more strict than he was.

- b. Letters dated April 19, 2019, from John Dever, III, Code Official, re: Notices of Violation for the Williams and Coffin Brook Gravel Pit.

The discussion on the Notice of Violation for the Coffin Brook Gravel Pit took place at the beginning of the meeting during the discussion regarding "Correspondence for the Board's review/discussion/action, d. Letter dated May 8, 2019, from the Alton Conservation Commission, re: the permission from the Conservation Board to be within 10 feet of the property line at Green Oak Gravel Pit".

Williams Gravel Pit

Scott Williams stated that all of his information was submitted, except for a couple of corrections that needed to be done according to the email he had received yesterday. Tom Hoopes stated that the Board had received the additional paperwork at tonight's meeting from Eckman Engineering. He asked Nic Strong if everything was submitted. Nic Strong stated that there were only a couple of items left to fix, like a couple of notes needed to be added to the plan and some spelling issues, along with the fact that Paul Zuzgo, P.E.'s, plan was not signed. Scott Williams thought that the plan indicated it was a subdivision instead of a site plan. Nic Strong stated it indicated it was a subdivision, but it was a boundary plan. Tom Hoopes thought that the rest of the items could be handled in the

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office. Scott Williams asked if he had to bring in his Intent to Excavate again. Nic Strong stated that she did not know because the Assessor and the Selectmen handled that. Scott Williams stated that he received his check and his Intent to Excavate back. Virgil MacDonald stated that the Selectmen never even saw it. Scott Williams stated that he needed to have his Intent to Excavate signed so Mary Pinkham-Langer stayed at the door. He stated that this process was such a dog and pony show, it was absurd. Virgil MacDonald thought that the Town should get rid of RSA 155-E. Tom Hoopes stated, no, because what that regulation did was control how the Town handled things. He stated that once people complied with it..... Virgil MacDonald stated that controls could be put in just like the Board did with ordinances and yet the Board adopted a State Regulation for two (2) pits and the Board put them through living hell. Scott Williams also noted that it was a huge expense; he was up to about \$13,000 in costs to satisfy the new regulations. Dave Hussey thought that the Town put this whole process in the State's hands. Virgil MacDonald pointed out that when the Town's roads gave out, they kept the pit open until 10:00 or 11:00 at night running trucks in and out, and that was okay, and then a week later the owners wanted their Intents to Excavate signed, and the Town stated, shut them down. Scott Williams asked who the first guy was on the roads when the Town had Mother's Day floods; he stated, this guy, but no one seemed to care about any of that. He also noted that he never received a phone call informing him that he needed to get things done. Virgil MacDonald again noted that the Town should get rid of RSA 155-E; just eliminate it and go back to make an ordinance for the pits. He noted that every time that the Board adopted something, they screwed things up and made it harder for townspeople to do anything. Tom Hoopes stated, no.

- c. Letters dated April 18, 2019, from the Alton Board of Selectmen, re: Notices of Intent to Excavate for the Williams and Coffin Brook Gravel Pit.

The discussion on the Notice of Intent to Excavate for the Coffin Brook Gravel Pit took place at the beginning of the meeting during the discussion regarding "Correspondence for the Board's review/discussion/action, d. Letter dated May 8, 2019, from the Alton Conservation Commission, re: the permission from the Conservation Board to be within 10 feet of the property line at Green Oak Gravel Pit".

The discussion on the Notice of Intent to Excavate for the Williams Gravel Pit took place along with the discussion under "Correspondence for the Board's review/discussion/action, b. Letters dated April 19, 2019, from John Dever, III, Code Official, re: Notices of Violation for the Williams and Coffin Brook Gravel Pit."

- e. Letter dated May 15, 2019, from Eckman Engineering, LLC, re: Scott & Penny Williams' conditions of approval for their gravel pit.

This discussion took place along with the discussion under "Correspondence for the Board's review/discussion/action, b. Letters dated April 19, 2019, from John Dever, III, Code Official, re: Notices of Violation for the Williams and Coffin Brook Gravel Pit."

6. Correspondence for the Board's information:

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- a. Letter dated May 14, 2019, from NH DOT, re: the reinstallation of rumble strips following resurfacing NH Routes 11 and 28 in Alton.

Dave Hussey shared that there were rumble strips in Florida that were not very noisy, and they were about the size of a bulldozer track; he took pictures of them. It would wake up a sleepy driver and you would feel the vibrations, but it made no noise. Roger Sample stated that when he was traveling down Route 125, there were some rumble strips, but they were minor; nothing like what there was in Alton. He mentioned that the Board already had a discussion on rumble strips and they were not going to suggest to the State that they look for something more mild, the Board's intent was to fight against reinstalling them after the State paved the roads. Virgil MacDonald thought that the State listened to the Board's recommendations. He shared with the Board that the statistics for January through April 2018, there were two (2) people that had head-on fatal motor vehicle accidents, which were drug related and had a center-line encroachment. Tom Hoopes asked if those accidents occurred with rumble strips or without; Virgil MacDonald stated, with. Scott Williams thought that if people were doing drugs driving down the road, the rumble strips were not going to make any difference. Dave Hussey stated it was the same thing with a motorcycle. Bob Regan mentioned the straight away that was by Roberts Knoll Campground. He shared that he lived about $\frac{3}{4}$ of a mile away from Route 28, and when the old white line rumble strips were in place, he would get woken up in the middle of the night. Virgil MacDonald shared that a lot of noise was coming from Bay Hill and he lived on Old Wolfeboro Road. Scott Williams mentioned that sometimes it was difficult to stay in between the rumble strips on both sides of the lane; Dave Hussey and Drew Carter agreed.

Tom Hoopes stated that he liked the concept. Virgil MacDonald stated that the noise part of it needed to change. Dave Hussey stated that the rumble strips did not have to be as deep because they caught a lot of rainwater. Virgil MacDonald stated that they were technically called mumble strips; they were installed in Dunbarton on Route 2 and he did not think there was much of a difference. Scott Williams asked Virgil MacDonald to find out at what dB was the benchmark. Virgil MacDonald stated that the State should not be allowed to do their own testing. Scott Williams agreed and thought that they might not be very truthful. Virgil MacDonald referred to the State's last report where they deemed that the bullfrogs were louder than the rumble strips. Tom Hoopes thought that they were, until a car drove over a rumble strip. Bob Regan stated if the rumble strips were installed on the white line again, that was terrible, but if they were half way into the breakdown lane, he was okay with that. Virgil MacDonald stated that on Wednesday, May 29, 2019, there was a public hearing at the high school here in town. The rumble strips were being installed on Route 11 and parts of Route 140. Tom Hoopes did not think that Route 140 was wide enough. Virgil MacDonald stated that any place above 40 mph would have rumble strips by State Law. Roger Sample stated that the information he had did not say anything about Route 140. Virgil MacDonald stated that the State had mentioned that at a meeting with the Board of Selectmen, and because of that, he enforced that a public hearing take place. Scott Williams stated that Route 140 in Alton was 40 mph, but in Gilmanton, it was 50 mph. Virgil MacDonald suggested that the State change the mph to 35 on the highway because it was cheaper to install signs than it was to install the rumble strips.

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Scott Williams suggested that everyone attend the meeting next Wednesday night. Dave Hussey asked if it was a Selectmen's meeting. Scott Williams stated it was a DOT meeting. Virgil MacDonald stated that when DOT came to the Selectmen's meeting, the State tried to use that meeting as a public meeting because there were only a few people in the audience, but the Selectmen stated, absolutely not. Scott Williams asked what time the meeting was. Virgil MacDonald stated, 6:00. Tom Hoopes asked if there was much resistance around the State. Virgil MacDonald stated that the State was getting resistance everywhere, but the State kept installing them. He noted that the State received \$500,000 every year for the rumble strips, and there were three (3) people that had decided to spend every dime of the budget, every year.

Scott Williams shared that on Center Street in Wolfeboro where the Town was doing repairs on the road, the Town wanted to take his six (6) parking spaces from the Laundromat and install a raised sidewalk and then only have two (2) parking spaces parallel to the building. He informed the Town that they could not do that, but the Town stated, tough. He noted that he informed the Town that they should get their camera crews because he was going to have his excavator there and he would tear it out before them. He noted that the Town stated that he would go to jail. Scott Williams called Jeb Bradley, State Senator for Wolfeboro, and within ten (10) days, the problem was solved. The Wolfeboro Public Works Director mentioned to Scott Williams that he must have known who to talk to because the Town did not end up installing the raised curb. Virgil MacDonald thought that he might also get some assistance if he called Jeb Bradley. Virgil MacDonald stated that the Selectmen had tried talking to the State Reps, Senator Shaheen, and everybody else. Virgil MacDonald stated that he wanted Senator Shaheen to cut the grant and give it to some other state. Scott Williams did not think that she would do something like that. Virgil MacDonald thought that Sylvia Leggett would be a good person to contact because she was a great speaker.

7. Any Other Business that may come before the Board:

Public Input on Non-Case Specific Local Planning Issues

ADJOURNMENT

At 8:06 P.M., Scott Williams MOVED to adjourn.
Dave Hussey seconded the motion, and it PASSED unanimously.

The meeting adjourned at 8:06 P.M.

Respectfully submitted,

Jessica A. Call
Recording Secretary

Minutes approved as submitted: June 18, 2019