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Call to Order: by Tom Hoopes-Chairman at 7:04 p.m.

Members: Present: Bill Curtin-Selectman Representative, Bruce Holmes, Cynthia Balcius, Jim Bureau, Tom Hoopes, Scott Williams, Bonnie Dunbar

Other's Present: Monica Jerkins, Peer Kraft-Lund, Bill Straub -CMA

Appointment of Alternates: Bonnie Dunbar is appointed.

Approval of Agenda: Motion made by B. Curtin to approve the agenda, seconded by S. Williams. Motion passed with all in favor.

Approval of Minutes: Motion made by B. Holmes to move minutes to the end of the meeting, seconded by B. Curtin. Motion passed with all in favor.

Public Input (non-case specific): Open to the public, closed.

Case P06-88	Map 10, Lot 26	10-Lot Subdivision
Estate of Winona Houle		Alton Mountain Road, Alton Shores Road
(Robert Bollinger, Applicant)		& Frohock Brook Road

Pursuant to the decision made by the Alton Planning Board dated May 30, 2007, the Planning Board will be reconsidering the Conditional Approval granted to the applicant of the above referenced case on May 15, 2007. The property is located within the Rural Zone.

Melissa Guldbrandsen – Attorney for R. Bollinger – This is obviously a very unusual situation just for the record so it is clear, the case was approved last month conditionally and then it was called for reconsideration. There were five reasons given for the reconsideration and it is not my intention to go through each of those reasons and re-hash them or discuss them, but I do think it is important that part of the reconsideration was based on allegations of misrepresentation by the applicant and I would like the record to reflect that the applicant object's to that allegation and frankly object's to the board's authority to do a reconsideration, but putting that aside, we did have a productive meeting with CMA the outside engineer and basically we sat down with Peer, our engineer's and asked what can we do to make this plan better and we came up with a change in the plan that is a cleaner approach to the drainage design and it moves the drainage structures from the more densely packed lots to the remainder land and I think that the board in reviewing they would probably agree with CMA's analysis that the revised drainage plan is better and the applicant feels that it is not a negative impact on the overall design, although the new structures are more expensive. I think looking at the situation from a broad perspective that we could be litigating this issue to be clear or we could be moving forward in a positive direction that gets the application approved in a reasonable way, and that is the road we are embarking at this time.

T. Hoopes – The logic behind the sequence of things was that the day after we had the meeting we had an engineering review meeting and then we had a Planning Board meeting the following day and we brought the topic up. I had approached Jim Sessler to inquire about the possibility of rescinding a vote and he said it is very possible, but somebody who voted in the majority must make the motion, and that was me. At that time if you remember that night it was about 11:30pm or later and there were some different concepts going around, I very much like the idea, and I even underlined the most productive way of moving

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forward is where I would like to go. I don't want to get involved in allegations and yelling back and forth, I think we can find things on both sides, but the net result from what I can see and what has evolved from Peer, CMA, your engineers has resulted in a better plan and a better result for both the town and I think for the subdivision. I think the net result is something that is good.

M. Guldbrandsen – I agree with that and I just want to be clear that one of the basis for the reconsideration was the allegations and information given to this board was different from information submitted to CMA and I haven't been able to find any example of any piece of paper any document or plan that was different.

T. Hoopes – It was spoken testimony, that I had received and Jeremy had received and we both felt what we had been told was different and that is exactly how we felt about it and that was what brought us to make the decision to go to rescind. We felt as though we had made an action based on information that was not clear. What had happened was then we then had a vote of the board of 5 or 6 people that night and it was a unanimous vote to follow through on the action. It was a well represented action by the board, it is not a common one, I will grant you but it is what has led us to this.

M. Guldbrandsen – It looks like there was a vote of 4 in favor and 2 abstains on the reconsideration, just so that is clear and I understand from the applicant's perspective the sense was at the time for outside review was exceedingly long and from CMA's perspective they were responding in a reasonable time frame to information that may have been even from the applicant coming from different pieces of our design team and we understand that. I guess the overall point, and I do want to move off of this topic and move forward, but I think for the record out understanding of the timeline of the review process and CMA's understanding for the review process could very well be a different understanding and I don't think it is quite fair to accuse one party of misrepresenting fact.

T. Hoopes – The fact was in the timeline and one of the results in our meetings with CMA was that any information that comes to the Planning board must go through the Planning Secretary so instead of information going from one engineer to another engineer and not knowing when the dates it was transferred are that is the result, so at this point all of the information unless specifically specified that you don't have to, all information must come through Monica, otherwise it is not legitimately received by the board and it is not trying to be victorial, we are just trying to find a chain of command so that what we will create is a case with a cover letter that will have all the dates of when things were sent and received, so there will be no question ever again in the future. That way it will be clear. We don't want the applicant's yelling at us and we don't want people to wait but when we are told different information about when things are sent and when they are received it makes it awkward for us because we don't know and now we have a way of tracking it.

M. Guldbrandsen – I think that is logical and I would like to publicly thank CMA because with our revised drainage plan we submitted it on Friday and they did their review on Monday and I do appreciate that and so here we are. I will turn it over to Don Voltz to go over the exact drainage differences and the current proposal and you may want to hear directly from Bill. I do have a copy of Bill's comments indicating that, well I don't want to put words into his mouth I will let him speak for himself.

Don Voltz – I don't know if the board members have copies of the new plans. If the board members have had a chance to briefly look over that let me give you an overview of what we had done before. Previously we had shown detention basins on two of these lots and the intent was to intercept some of the

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water coming off of the hill and slow it down before it came out on the road. In talking with the Town Planner and CMA the problems that arose had to do with easements with monitoring the use of those lots and basically enforcing what was going to happen on the building lots. We had a meeting last week with CMA and discussed some different options and decided that what we could do to improve the plan was to take the detention basins off of the 2-acre lots and put them both on to the remainder lot. We revised the drainage plan incorporating in the assumptions a change from forest to lawn of 1-acres on each one of these lots, half of the lots and also a minimum of a 150' driveway and I forget 3000 sq. ft. or so of impervious surface for each house. They were extremely conservation and probably no one would ever take half of this lot and turn it into one. I know myself that I would never want to mow that much. What it did was sheet 1 shows the details of the construction of the detention areas, sheet 2 is a detail sheet that shows construction details, sheets 3 & 4 show the pre-development drainage the way the water runs before the work is done and sheet 4 which is the post-development drainage which shows how all of the water is being diverted afterwards, more technical details that Bill can talk about more later on. What we ended up doing was intercepting quite a large percentage of water that comes off of the hill here and diverting it into these detention basins. The water shed starting up here (pointing to the plan) and taking all of this water which then originally fed down to quite a bit of the land area on Frohock Brook Road and likewise this other detention basin covered about half of the water which went to Alton Mountain Road. All of that is now being captured by these two ponds and detained during any kind of storm and the calculations are all based on a change on land use of half of each one of these lots, quite a long driveway, a large house, and also they were based on a 50-year storm rather than a 25-year storm. So it is probably well above what the board has ever seen a drainage design designed for. I think that pretty much says it all, we have gone after talking with Bill we agreed that would be a more conventional approach and that it would address the problems that CMA Engineers had, so if you have any questions I would be happy to answer them or if you would like to ask Bill some of the more technical details of his review of this that would work out fine too.

T. Hoopes – I am looking quickly at the drawings here and we are looking at ponds that have a maximum of a 3' depth, what sort of breadth do they have?

D. Voltz – The pond that goes towards Alton Mountain Road is ~130' in width and the other pond is ~150'.

T. Hoopes – How deep would they be, what sort of volume are we dealing with?

D. Voltz – I don't have the volume. We submitted a drainage report and it is in that.

T. Hoopes – They are designed as a spillover once they are full?

D. Voltz – Yes

S. Williams – It looks to me that you are just going to catch the material coming down the hill and follow it into a riprap swale, so you are not going to detain the water to awfully much.

Bill Straube – The drainage calculations as Don suggested are conservative and we reviewed them and checked them and these are 130'-150' long, and does hold a lot of water in any design storm even though it is shallow it is a very wide thing. They sort of followed the contours around. The two fundamental things that have changed and they have substantially changed from what we have talked about before and

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had taken exception to frankly before was that before the detention facilities were intermingled with lot development and we had a hard time with that and made no secret of it and communicated that to every body. They did have as you recall a particular detail design which would have resolved that on a couple of the more critical lots but we felt that left no flexibility for any homeowners decision about they do these things and then over time you could have these things not doing what they are supposed to do. Here there is no competition with lot development and drainage design, they are separate. The drainage design is upstream from the lots, which a little unusual, but it works because we have very long drainage pathways coming down from the hill. There is a balance here that they have established between rubbing off the flow that would otherwise come down the hill and therefore reducing the peak run-off from that and increase run-off from the lot development, so they have more than compensated by the drainage calculations for the increase in run-off from the lot development by holding back the water that was otherwise coming down the hill, it works. We are technically comfortable with this approach far more comfortable than we were with the other approach in that it doesn't hamstring a homeowner or lot developer and you are not so concerned about what happens and what does not happen on those lots. The other thing that is important is that they have increased the estimates of developed area i.e. Lawn and driveways on the lots, before they had a very small assumed lot development and we felt that was probably unrealistically small, I think you had 10k-15k' now they have almost a full acre ~ 40K on each lot so the calculations are assuming rather full development of the lots, which probably won't occur and even with that it is still balanced by the retention up above. From a technical perspective we are comfortable with that there is no compromises being made with the plan as it has been modified.

T. Hoopes – You have two ponds are we dealing with approximately 50% of the flow to each.

B. Straube – About that, it is not exactly 50/50 and it is not all the flow to both areas but it is actually the critical areas that they captured. It is a big percentage of the flow coming down the hill that is rubbed off and slowed down by these ponds. The other peach feature is they carried down between lot lines a stabilized swale for the outlet for those ponds, which does go down to a dissipater before the right of way and the culverts down there, that is what it is and it is necessary. A couple of comments we have is that at this point and you will probably get to it with suggested conditions but there has to be easements associated with these features, which I think is do-able and the agreement how accessed for maintenance and who does the maintenance needs to be addressed so that on an annual basis these things are maintained so that they do the job they are designed to do. This is a far more conventional design in terms of integration between lot development and drainage design and we had miss-givens from the beginning on the previous design and shared those with the board and the applicant repeatedly, but that is water over the dam, so to speak, and they did decide to re-approach the design and this design is where we had hoped they would come out from the beginning.

T. Hoopes – I think at this point I will open this up to the public if there is anybody who wishes to speak this is an opportunity to step forward. Just come forward and just use the microphone or sit and use the chair, state your name because the secretary needs to know who is who.

Attorney Maris Dolder – I represent Glen and Nora LaRue, they are abutters at 617 Alton Mountain Road. Really for the record they have asked me to express their concern over the drainage and the water flow. They don't have any basis for saying that they don't want this subdivision, there are not opposed to this project as a whole but they have always been concerned about the drainage and how it was going to flow and possibly impact their property. They had great concerns with the last report that CMA did concerning the strict conditions that needed to be on the property. It sounds like those have been alleviated but quite

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frankly we haven't had the opportunity to look at the new plan or look at any new comments by the engineers. So at this point they just wanted the board to know and be aware that their big concern is what might flow onto their property, how this affects them, who is going to be responsible for it and some of the things the board has already talked about, which is who is going to be maintaining the drainage on site, making sure that is all in working order so that nothing backs up and flows onto their property.

T. Hoopes – I have felt from the first time they expressed a concern from what I have heard and I do not have all of the facts, and I think the best way to address it is go through the Selectmen who are in charge of the town roads and the Highway Department to find out if there ever was an easement granted for the drainage across their property, especially since the fact somebody testified at one of the hearings that the culvert had been enlarged by the town that the town must have a responsibility if they are diverting water, they need to make sure that there isn't either a channel or something that would divert it away from their house.

Atty. Dolder – I think that is really their concern. Their concern is obviously that they don't want to see this development come in and suddenly they have a whole flow of water that wasn't being diverted there before now being diverted to their property.

T. Hoopes – I don't think anyone should be adversely affected. If drainage was affected, I know I have a culvert that was put onto my property and they never got an easement for, but its the sort of thing you can work with the town to address something like that.

Atty. Dolder – They are certainly willing to work with the town and like I said it is not like they are coming in here opposing the subdivision, it is just they are very concerned with their property and what might happen.

T. Hoopes – In this particular case, our position is such that we are dealing with a subdivision and our requirement is to make sure, through our engineers, that there is not an increase of flow of water off the site. I definitely see your clients point of view and it is necessary to be observed.

Atty. Dolder – I think that from this application that was really their big concern, whether or not this was going to increase the flow onto their site, and that is where they really got concerned in the process.

T, Hoopes – I think at this point the changes that have been recently made have made it substantially better for your clients, the applicant's, and the town. I think it is a much better circumstance all the way around.

Atty. Dolder – Like I said we haven't had a chance to look at the comments or look at the new plans and that maybe the case it is just without seeing it we wanted to at least go on record and say that was our concern.

T. Hoopes – Are there any dates when things might have changes?

B. Curtin – The culvert has been there for a long period of time. When it was actually put in, I don't know and back last week when we had good rain at my house and when I went up the mountain it didn't rain as much up there. Unfortunately, it was barely trickling down the culvert, but I can see and I know

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the area that was filled in is north of where that particular culvert is and the water does flow back down towards to the lake. I thought the culvert was on the other side but it isn't.

S. Williams – The cross culvert that goes across Alton Shores Road at basically the foot of Frohock Brook Road that 18" one then show on the plan here, that has probably 4" off free-board on it if you want to all it as such now, it is silted in. The town needs to clean that because that is going to cause more washouts and they just paved that road.

T. Hoopes – I hope that helps you some.

Atty. Dolder – Thank you very much and thank you for listening to our point of view.

T. Hoopes – Anybody else?

Josh Clifford – I live at 559 Alton Mountain Road, I am actually abutted up to the property that we are talking about today. I am not good at the maps, I will be honest with you, but I am just trying to get an idea of where these are located at according to my property.

T. Hoopes – Here is a small map that gives you a much bigger picture of where you are.

D. Voltz – The two detention areas are going to be over here.

T. Hoopes – Are you comfortable with the information you got?

J. Clifford – Yes sir.

T. Hoopes – Anybody else?

Charles Westin – Alton Mountain Road, I also have no real concern with the development of the property. I still do have a concern with the water flow based on the particular study and I haven't seen the new maps, other than just taking a look at this. On the sheet flow, if they have reduced the sheet flow on the property without any building on it so that with the design and when they do put buildings on that the sheet flow would be reduced by say 15, 20, even 30%. That is not really my concern. My concern becomes once you change that sheet flow you put it into a directional flow and you have a concern of a point of discharge. In other words, we are going to have driveways in so you are going to be forcing this water to be funneled into culverts underneath the driveways that come down Frohock Brook Road as well as coming down Alton Mountain Road, so volumetrically that flow is going to increase at the culvert that goes across and runs through LaRue's property and then into my property and then into Hills Pond and my concern of course is Hills Pond as we are all concerned with waterways because that is the life blood of why people come to this town, both Winnepesaukee and all of the small lakes as well. My concern is that are the engineer's satisfied and will it be signed off that this is an adequate flow and I mean if they have done an adequate study and engineer should and as I understand it but I could be wrong and as I understand it he is supposed to stamp and sign a drawing that this is correct information. If it is correct information and if the assumption based on the fact that they have increased the lot sizes, the amount of impervious area then it is not a problem, but I still have a concern with point of discharge. Now if they did not calculate in point of discharge, current point of discharge because of the sheet flow and the new point of discharge based on driveways and volumetric design because if you use the ventury affect, as you

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bring that water into a smaller area, culverts underneath the driveway, you increase the velocity of the water which increases the erosion technique of the water which then carries silt, soil, and what ever down into Hills Pond and that is my big concern with that, so if they are satisfied and they are willing to if CMA is satisfied and Peer is satisfied and the engineer is satisfied who has done the water study and they are willing to sign off on it that everything they have done is correct I don't have a problem. I they are not willing to sign off on it than I do have a problem.

T. Hoopes – Chuck, one of the things that impressed me was that Don and Bill had talked about was first of all they are using a different level of calculation for a 50-year storm. They are dealing with a larger cleared area, which may never get cleared, so the calculation has that safety factor built in.

C. Westin – I agree with that up to a point and the point and the point is have they considered point of discharge into that culvert that goes across Alton Shores Road because you have the Ventury effect, which is increased volume and velocity and if that hasn't been considered than that could potentially be a problem.

B. Straube – I understand your question, first of all the Storm Water Management Plan prepared by the applicant s engineer is a stamped plan. We have reviewed that and find it to be adequate. The stamp is from the applicants engineer and it is a stamped plan. The sheet flow is in fact concentrated at the points, you are correct. Where it is concentrated upstream of driveway culverts that the applicants project will create and they are not existing now and they have accounted for the flow in those culvert design. By the time it gets down to the corner it will have been the same total flow of collection area whether is was sheet flow or partial point flow discharge down by the corner, so that has not changed, in fact that where the point of the calculations is to show that is maintained or reduced from existing conditions, so the driveway culvert impacts are ones that they control because they have to put in the new driveway culverts on that side of the road and when it finally gets down to the town culvert it is the same catchment area in total that has been analyzed in both pre-development and post-development, so the analysis is correct.

C. Westin – So there then should not be a sufficient problem that they have in fact calculated in point of discharge.

B. Straube – Right, correct.

T. Hoopes – Anyone else?

David Schaeffner – Tax payer, Alton, I am in favor of this development and I think the engineers have been doing a great job and I know it has taken a long time but, they are doing a great job.

T. Hoopes – Any others?

Sandy Westin – I just want to remind the Planning Board that this subdivision is in the Rural Zone and they are 2-acre lots and it leaves a lot of room to put a lot of things on the land that is permitted in the Rural Zone. In the event that any of this water fails to stay where it is supposed to and has run-off, which could have many things in it like fertilizer or what ever a business might put on the land, it goes directly into Hills Pond so please keep that in mind when you consider the conditions and restriction and whatever, thank you.

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T. Hoopes – That is our charge. Anyone else have any comments? I will close public input at this point. I feel we have a much better product.

B. Curtin – I do to and with her concerns too with somebody storing chemicals, if they are in the fertilizer business, I believe that has to be regulated somehow.

S. Williams – People who do fertilizer have to have licenses.

B. Curtin – That you can only carry a certain amount at any point in time?

S. Williams – I believe so.

T. Hoopes – I guess Peer, I am looking through some of the suggestions that you had here for special conditions and Bill had a couple, I don't know if you all have gotten together and you said other conditions would be necessary.

P. Kraft-Lund – Standard conditions you might come up with before this is over. The job that you have now, once you have been convinced that these structures will work, your job will be to see that A. they are maintained; B. they are shown and built properly for the long term, this is not just going to be for a year or two this is forever almost.

T. Hoopes – It would be part of the homeowner's association to make sure that the pond area is kept clean and clear and the drains, who do you assign that task to, certainly not the town has to go in and do that is it?

P. Kraft-Lund – That is a decision you have to make, if it is going to be a cost to the town or if it is going to be a cost to the future owners of the subdivision. It is A. going to be to the advantage of the town to make sure those culverts are continuously working and handling the water that comes off of the slope but it is also going to be the responsibility of the owners of the property to see that they have followed through and that they have followed the commitment that is made at this time, so that is a decision this board will have to make, who is going to have the responsibility of maintaining those culverts. In my preliminary conditions to you I talk about a homeowner's association, if the applicant does not want to go in that direction than that is something you will have to deal with.

T. Hoopes – My first question is to Melissa.

M. Guldbrandsen – We had discussed a homeowner's association in the past and there was a sense that this project is not as conducive to a homeowner's association because it is not like we have a subdivision road and kind of a clear definition of who would be comprising that association. After our last conditional approval, I had drafted easements for access and for maintenance and they were reviewed by the Board of Selectmen and approved and that went through Attorney Sessler as well as the board itself, so I think there was at least a sense under that more complicated scheme of the town being willing to take ownership of those easements and again were access and maintenance and Bill can comment probably more about what the Selectmen would feel about that. I do think if I were in the shoes of an abutter I would prefer to see the town have the responsibility for maintenance because we can draft a homeowners association and we can even put restrictions in their deeds and covenance giving them the obligation to

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maintain that but at some level some abutter may have to step in and say association you need to do this and it might be more practical for the town to have that responsibility.

T. Hoopes – So it is not a logical subdivision for a homeowners association?

M. Guldbrandsen – But that is not to say that again under the last scheme of the last approval we did have the requirement on lots 6 & 7 where the prior drainage plans were for those this was actual language that would have gone into those specific deeds requiring those lots owners to at least re-plant that grass that would be in these drainage areas and that seems like, again I am not sure maybe Bill or Don could even inform me would this be a grassed in area that would potentially have to be re-seeded by the landowner?

B. Straube – No, because they are not competing for lawns it just needs to be clear of debris and brush and cleared.

T. Hoopes – It would have to be cleared at least twice a year I would think.

B. Straube – Once or twice a year, whether it is accomplished by, if the town had agreed to accept the maintenance if that is true that would work technically, with access to easements and so forth, but in order for these things to work it has to be clearly addressed by someone. If the town addresses it that is fine, if someone else that is fine, but it has to be someone.

T. Hoopes – Bill have the Selectmen addressed this or similar steps on private property?

B. Curtin – On private property they have with the easements they don't have a problem with it, it is just the fact that these ones here where they are so far in, if you could go in by foot and have someone clean out some logs and leaves and stuff like that.

T. Hoopes – I think is more important to clean.

B. Curtin – I understand that.

S. Williams – The whole thing needs to be maintained, all of it.

T. Hoopes – it is more of a load on the Highway Department.

B. Straube – The point of our comment is that there needs to be an easement, yes, but there needs to be reasonable access provided on the plan, which would probably have to be an addition, but that is necessary for the thing to work.

B. Curtin – I think if the Highway Department or the town is going to be maintaining it I think they need to have some say in this too.

B. Dunbar – I don't think it is for the town to maintain a private detention pond way up on another parcel that is to allow these people to subdivide. I don't think that is the town's business to take up the cost.

S. Williams – I also think the best inspectors will be the people of the neighborhood, they will be most apt to, I mean the town could forget about them, very easily, out of sight out of mind.

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B. Curtin – If it is not in the budget they are not going to do it. So to have, if it is not going to work, the people on lots 9, 8, 7, 3, 2, & 1 those are going to be the ones affected by it, they all probably are.

S. Williams – The whole subdivision I think will benefit from these structures.

B. Straube – Our conversation on this suggesting that the town would take it over I can say that would be a fine solution, from my experience a little unusual and that it would be something having to be accepted by the owner's of the land as an ongoing responsibility and moralizing some way with this approval. Either way is fine.

T. Hoopes – Good drainage ditches make good neighbors.

B. Straube – maintained ones do, yeah.

B. Curtin – What about if they put in here that any of the abutting lots or lots being affected by water flow have the right to pass and re-pass over them to clean it up, if it is going to affect them.

B. Straube – The trouble with that Bill is it is an incremental thing and in terms of protecting the run-off characteristics of the whole neighborhood that are down stream and so forth. The presumption here is that peak run-off is not increased, so it is incremental and you really wouldn't notice it until there was some issue down grading it, so I really think the mechanism needs to be established where annual maintenance is the responsibility of somebody and it can be enforced.

B. Curtin – Right, but I think if you leave it not strictly up to these individual home owners, say this does get into a homeowners association and the homeowners association goes to defunct, the people on Frohock Brook Road and Alton Shores Road, they all are the ones that are going to be affected by it if something happens in this whole thing. I think they should have the right to inspect it.

B. Straube – For inspection purposes, I didn't understand what you were saying. I don't disagree with that, but in terms of the maintenance responsibility it has to be someone. Normally if the subdivision has a roadway associated with it, which this doesn't, you see the homeowners association built around the road whether it is public or private, it is a unique characteristic of this project that needs to be solved one way or another.

M. Guldbrandsen – From a legal perspective we can certainly put together a homeowners association and then every deed that gets transferred out makes it a requirement to be a member of the association, I think that is probably the cleanest way to go and to address Bill's comment about other member's of the public having the right of access, I would be more comfortable giving that right to the town, their right would be to have access, they would have the right to maintain it if the town wanted to so that could be in there, but the town wouldn't have the obligation, you could put the obligation on the member s of the homeowners association, they can have an annual assessment where they just hire somebody once or twice a year to come out and do it and probably if you have 10-lots it is not going to be an overly burdensome monthly obligation and it sounds like that is the way the board would be leaning to go and we can do that and then I think where the town would have the right of access anyone of those abutters could you know sort of underneath that town granting go in and say hey we've got a problem we want to check this out and I wouldn't see a problem with that.

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T. Hoopes – You could give a secondary back up right to access the property.

B. Curtin – I would be more comfortable with that.

T. Hoopes – I would be more comfortable with that because I am hesitant to load up the Highway Department with extra work that they are having trouble getting done as it is.

S. Williams – I just think in fairness to them it will be an oversight because they are not going to see it and it is not going to be under their nose and these do need to be maintained.

B. Holmes – We allow the town to do the inspection and the homeowners association to pick up the bill.

S. Williams – If someone makes a complaint to the town, the town can go up to the association.

B. Straube – I think as there should be with most there should be a mechanism that you approve that has establishment of some funding agency like a homeowners association and some annual assessment, it is not a lot of money, someone has to go up there and cut the brush and clean it out on an annual basis or it won't work properly, and if they fund that through a homeowners association that is valid.

P. Kraft-Lund – I think we have come to a point where there is an agreement on all sides. Can we go over my suggested conditions to see if we have covered everything? We will start off with the first one – Retention structures of the access road to the structures must be shown on the plat, that is the plat that will be signed and filed and I say stakes in the field.

T. Hoopes – And those would be, the roads would be or trails or what ever would be on lot 10.

P. Kraft-Lund – However the easement is going to identify the access way and that will be shown on the plat that will be filed. Limits of No-Cut area consistent with areas indicated as lawns, driveways, and buildings as expressed in the revised drainage plan must be shown on the plat, those are what the engineer has come up with for the final and revised drainage plan. A note to be placed on the plat that states before any permits for construction, that is including building, on any of the lots in this subdivision, the drainage structures and the access roads shall be completed and inspected by the town engineers. Easements including access easements shall be shown and submitted for approval by the town's attorney, I would probably want to add to that, that the selectmen would be involved in that, but if they are not going to be a party to this than they don't need to be.

M. Guldbrandsen – I actually think they do because the easement would be to the Town of Alton and typically when I draft it I have a signature line for the Board or Selectmen to accept it.

P. Kraft-Lund – So the Board of Selectmen will be added to that.

T. Hoopes – If the easement goes to the town, how can you have the homeowner's cleaning it?

M. Guldbrandsen – Because they would also, I mean it is not incompatible for both the town and the homeowners association.

T. Hoopes – The easement in protection.

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M. Guldbrandsen – The easement to the town gives the town the right to still step in if there is some problem and they need to make an inspection and then the town would also have the opportunity to knock on the door of the homeowner's and say, hey your association isn't doing what it says in it's deeds that it has to do.

B. Curtin – I think I would be more specific as to 9, 10, 1, & 2 because that is where the effected areas are.

P. Kraft-Lund – So we have that standard condition if the board, select board, Selectmen will not accept the language of the easement it has to be returned to the applicant for a compliance hearing, it that what we have said in the past, we will talk about that at the end. An agreement for an escrow account is to be developed for the town's engineer to inspect the construction of the drainage facilities. I think as I said in one of the other towns engineer, we are just talking about that one inspection that shows that those facilities have been built as designed. Homeowners association shall be formed for the responsibility of maintaining all structures to their as-built conditions. Town attorney shall review all documents related to the homeowners association. A note on the plat that states the drainage facilities shall be inspected periodically and after every major storm by the Town of Alton Highway Department or the homeowners association to determine the conditions of the waterway. Inspections must occur no less frequently that twice a year. I added to that, inspection reports must be filed at the Planning Office. That is all I have.

M. Jerkins – Mr. Chair

T. Hoopes – Yes

M. Jerkins – When you are going through these conditions, I think it is important to at least reference back to the original conditions that you imposed, because there will be some standard conditions that you don't want this to supersede and you want to have remaining federal permits and that sort of thing the standard conditions that we use on most of these.

B. Curtin – Basically what we would do is re-instate the conditions we had set forth prior to and then add these.

M. Jerkins – right, I think you could probably do that by referencing that decision, rather than reading through all of them again as part of your motion.

S. Williams – I have a concern with the last condition here. I don't think the Town of Alton Highway Department should be included in that because if they are involved in the inspection process than that makes them liable to some degree and I think the Town of Alton Highway Department should be excluded from that.

B. Holmes – Just the Town of Alton

S. Williams – No, not the Town of Alton the homeowners association.

B. Holmes – You are going to allow them to inspect it? Who is going to enforce them?

S. Williams – The neighbors will I am sure.

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M. Gulbrandsen – The town would still have the right to inspect at any time.

S. Williams – I just don't want to see the town tied into twice a year going in there and inspecting it because, let's say we went in there and said it was good and it is not good.

T. Hoopes – We have had a lot more of the pits that have to be pumped out, catch basins, and we have a machine that comes through town twice a year and sometimes they are pretty well full so that there are more and more of these requirements that are being installed.

S. Williams – Yes, but those are pretty much on the sides of the roads in the towns drainage systems, this is really not a Town of Alton drainage system.

T. Hoopes – I see the point you are making.

P. Kraft-Lund – Point well taken, I left that in there so you would have both ways, that was really your choice, and that makes sense to take it out.

M. Gulbrandsen – I am not sure their requirement for the association to provide two reports a year to the Planning Department from a practical perspective, is somebody really going to police that, I think they would have the obligation to inspect and maintain, but asking them to file something twice a year with the town seems a little bit onerous.

T. Hoopes – I think the difficult thing is it becomes 10-years down the road and somebody comes in and buys a house after somebody has built it and they are not overly up to date on all the different regulations, are they going to go out in the woods and look through a channel and pond to check and make sure? I don't know, people treat land differently.

S. Williams – I think that can be put in every deed so the people will be noticed when you do a title search that is something you are going to need to maintain as part of your responsibility.

P. Kraft-Lund – I am a great believer in paper trails, put it in writing.

D. Voltz – I only have one comment and that has to do with the construction and eventual maintenance road that goes up to these, we will definitely show an easement over a what looks like a practical location for it, but realizing that during construction it may vary slightly and at that point if it does have to vary from the easement location we would submit a revised plan with its actual location.

M. Gulbrandsen – It would also be helpful to clarify what we are all talking about when we say access road because I don't think anybody wants to see a road going in there. I mean an access point that somebody can get over, I mean obviously to construct that there is going to have to be some amount of roadway, but I don't want there to be the impression that this is a trail that somebody can come down on their dirt bike.

T. Hoopes – I think the idea of having, whether it is a skidder trail or what ever else, if it was for maintenance I would not have a problem with it being limited to something like a 4-wheel drive or what ever else. I don't think a sedan should be able to get down there.

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- B. Straube – Reasonably if you are going to go up there with a chain saw or what ever you are going to get up there with a 4-wheel drive truck.
- T. Hoopes – I am looking at glorified skidder trails, basically. Does anyone seem something different? I mean you are going to need something to construct it with.
- M. Gulbrandsen – I guess I would be more comfortable calling a Woods Road or something.
- T. Hoopes – I don't have a problem with that because you are going to have to get equipment in there to construct this and it is going to take something to get in there.
- D. Voltz – We anticipate that it will have to be built to a standard that construction equipment can get in and that eventually a backhoe or something like that can go in there to clean it out.
- T. Hoopes – I don't think it has to be a graded road.
- D. Voltz – No
- T. Hoopes – Bill, you had Planning Board may consider conditions which address or have all of you considerations been addressed?
- B. Straube – Peer has yes.
- T. Hoopes – I do not have a list of the old previous conditions.
- M. Jerkins – There will be some changes because the structures have changed, there will be some changes to these conditions would be replaced by these conditions. Here is a copy of the original.
- M. Gulbrandsen – I think #2 becomes completely irrelevant under this scheme.
- T. Hoopes – I thought that 1, 2, & 3 almost did because of Peer's new list.
- M. Gulbrandsen – That is right, I agree.
- T. Hoopes – We circled 4, 5, 6, 7, 8, 9, 10, & 11. We x'd out 12.
- M. Gulbrandsen – I think 4 is going to be of the homeowner's association as opposed unless that is what you meant by land owners, but 4 in the old scheme in my mind was referring to the owner's of the property that had the drainage on it, because we didn't have a homeowners association but now I think 4 should really require the homeowners association to maintain.
- T. Hoopes – If we are going through this and working together it is a much easier way. I x'd out 12 and then what ever else we want to add of the one's the Peer put in. I don't know if the numbering is important or not. I would simply suggest that the one's that Peer suggested would supersede 1, 2, & 3.
- M. Gulbrandsen – Actually #4 is covered in his bulleted text.

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T. Hoopes – Bruce mentioned and how do you feel about easements including access easements shall be shown and submitted for approval by the Town's Attorney, easement to the town, now Bruce mentioned listing the number of lots or do you want it for all lots?

M. Guldbrandsen – The easements are only going to be on 1, 2, 9 & 10, but in the deed for each lot would be the obligation to be a member of the association to pay any assessments and to be subject to and that is going to go in every deed.

T. Hoopes – Then the individual lots do not need to be numbered or mentioned.

S. Williams – I think if you just say all lots in the subdivision equally.

B. Holmes – And does that have to be approved by the Board of Selectmen, the language?

T. Hoopes – Town Attorney.

M. Guldbrandsen – I think the Selectmen have to approve any easements going to them and the Town Attorney would review that first and then also the homeowner's stuff would be at his level of review along with the language of the deed.

S. Williams – The town should have the easement just in case the homeowners association never did anything, the town can go in there and then bill them, they can attach their property.

T. Hoopes – Peer, you had mentioned that inspection reports to be filed at the Planning Office and are we talking about not doing that?

B. Curtin – I think I would leave that in there.

T. Hoopes – Who is going to do it, the homeowner's association?

B. Curtin – Take out the Town of Alton Highway Department, leave the homeowner's association to determine the condition of the waterways, inspection must occur no less frequent than twice a year, inspection reports must be filed in the Planning Office annually along with the Highway Department.

B. Straube – If I may comment on the, I think that is a good idea to leave that in there because that would require that they set up some kind of arrangement and hire a contractor to do something, whether it is landscaper or somebody and have a responsibility certain that goes to someone and if you don't have that semi-annual reporting you have no sort of mechanism to make sure that happens and they and the future homeowner's would recognize it if it was part of the deal.

B. Holmes – Can that also be in the form of a landscaper going in there and cleaning it out, his invoice or a copy of his invoice?

B. Straube – Could be but I think the requirement in the condition is a reasonable requirement under the circumstances.

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T. Hoopes – We dropped 12 & 4 and it just has to be re-numbered. Does anyone have any reservations? I am content at this point.

P. Kraft-Lund – I just want to remind the board that if the only one lot is sold or if it stays the same owner that owner has the sole responsibility of maintaining.

S. Williams – The developer assumes the responsibility as the homeowner until at such time it is transferred. Do we need to make sure we verbalize that?

M. Gulbrandsen – The association would be comprised of whomever owns those lots.

P. Kraft-Lund – that language should be mentioned in the paperwork that comes through that we check, that would be the intent, I think that somebody is responsible at all times.

Motion made by B. Holmes to approve Case #P06-88 the Estate of Winona Houle, subject to the following conditions:

The conditions from the Notice of Decision from May 15, 2007 the numbers of which are 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 15, & 16, in addition to that from the letter from Peer there are 7 conditions as follows:

- ❖ **Retention structures and access road to the structures must be shown on the plat and staked**
- ❖ **Limits of no-cut areas consistent with areas indicated as lawns, driveways, and buildings as expressed in the revised drainage plan must be shown on the plat**
- ❖ **A note be placed on the plat that states before any permits for construction on any of the lots in the subdivision, the drainage structures and access road shall be completed and inspected by the town engineer**
- ❖ **Easements including access easements shall be shown and submitted for approval by the Town's Attorney and this covers easements to the town**
- ❖ **An agreement for the escrow account to be developed for the town's engineer to inspect the construction of drainage facilities**
- ❖ **A homeowner's association shall be formed for the responsibility of maintaining all drainage structures to their as-built conditions, the Town's Attorney shall review all documents related to the homeowner's association**
- ❖ **A note on the plat that states the drainage facilities should be inspected periodically and after every major storm by the homeowner's association to determine the conditions of the waterways. An inspection must occur no less frequent than twice a year. Inspection reports must be filed at the Planning Office annually with the Highway Department, seconded by B. Curtin. Motion passed with all in favor.**

T. Hoopes – Called the meeting back to order – I will appoint B. Dunbar to take the place of Cris Blackstone, because Cindy is back. Let's move on to Other Business and old Business, which start off with.

M. Jerkins – Minutes

T. Hoopes – Can we jump right to CMA's revised agreement since we have people here.

S. Williams – That way Bill can get out of here.

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M. Jerkins – He doesn't need to be here for that. I can quickly go through these if you like. First we have the revised agreement per discussion with CMA and the applicant, it is just really here for your benefit to take a look at and see how they revised it. There is no action needed on part of the board.

T. Hoopes – Have they agreed to this?

M. Jerkins – Yes they have. Next we have a letter from CMA regarding another partial release of the security for Chestnut Cove and this will require action on part of the board. And just for anyone's benefit who wasn't in attendance and I believe you all were, we did have the site walk and it appears that Chestnut cove will be coming back and talking to us about some drainage and that sort of thing at the July meeting.

T. Hoopes – Are there possible changes that they could do?

M. Jerkins – I haven't seen any as of yet but as I understand they will be working on it.

T. Hoopes – At this point we should be refunding \$46,000.00? In other words CMA recommends we refund \$46,208.00 and the town will retain \$55,000.00.

Motion made by B. Curtin to release the \$46,208.75 to Nutter Enterprise as recommended by CMA Engineers, seconded by C. Balcius. Motion passed with all in favor.

M. Jerkins – We also have, which I have right here, Sheila just finished these up this afternoon, these are recommendations from the Road Agent to release some other sureties that we have and he has done the final inspections on these roads and approved. There should be 3 of them and that will require a motion for each please.

Motion made by S. Williams to release the security on Lockes Corner Road in the amount of \$14,330.00 as recommended by the Highway Agent, seconded by B. Curtin. Motion passed with all in favor.

Motion made by B. Curtin to release the \$3300.00 to Steve Sheldon for the Pearson Road development as per Ken Roberts, the Highway Agent, seconded by S. Williams. Motion passed with all in favor.

Motion by B. Curtin to release \$990.00 to MaryAnn Ryan in reference to Places Mill Road as per Ken Robert the Highway Agent, seconded by S. Williams. Motion passed with all in favor.

T. Hoopes – I would like to talk about Alternates and Members. There are in our packet 3 letters for the open position on the Planning Board and that is not the way business is done. If you look at the By-Laws under alternates it says, "As set forth in any NH RSA 673:6 the board shall have 5 alternate members who shall be appointed for 3 year terms. Appointments shall be staggered so that 1/3 shall be appointed each year and such appointments shall occur annually by the board at the first regular meeting following a town meeting held in March by a majority vote of the board or at other times if vacancies should occur or if all positions are not filled at the first meeting following town meeting. Prior to any citizen being appointed as an alternate member that person may be required to file a letter stating their interest in being appointed as an alternate member of the board and may be required to attend 3 consecutive board

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meetings. There is only one person that I know of that has attended 3 meetings. The board welcomes alternates. We need people to fill in at different times but at the moment we have an opening on the board and that traditionally has been filled by the most senior alternate and Monica is about to do that, but I suggest we use Bonnie to fulfill this term until the next election and then the existing alternates would sit with us. If we can get a packet put together so Mr. Bystrack can have some of these papers.

Motion made by C. Balcius to appoint Bonnie to replace Cris Blackstone until the March election, seconded by B. Curtin. Motion passed with all in favor.

S. Williams – Just so I am clear, the 3 people that applied Robert Bystrack will become an alternate automatically now because he has attended his meeting?

C. Balcius – yes

T. Hoopes – Dave Hussey and Tim Roy have also sent in letters, after they have sat in 3 meetings.

S. Williams – We should notice the other two people so they will be understanding this because they probably don't understand what Tom just read.

T. Hoopes – The letters read that they don't understand and that they want to fill the empty spot.

M. Jerkins – I will get it all taken care of.

B. Dunbar – How many alternates are on the board?

M. Jerkins – Now that you are gone we have one.

C. Balcius – Which is Jim.

T. Hoopes – Wally resigned I believed.

M. Jerkins – Wally resigned and Don Brock.

M. Jerkins – Here is the boundary Survey for Diane and Sydney T. Hall Tax Map 33 Lot 22, it is. There is no action needed it is just for you information. While that is being passed down I will run through real quick the correspondence items.

- ❖ Letter from CMA dated 5/22/07 – this is the letter CMA prepared after the engineering meeting that was held with them and it outlines some of the items that were discussed at this meeting, I think that Jeremy and Tom were both in attendance, and it discusses the time line for submittals and what to expect for a return and that sort of thing. This is for your reading.
- ❖ We also have Environmental News, it is a publication that gets mailed to the Planning Office and this is for your benefit.

T. Hoopes – This also means that a cover letter will be on each file so that when things have come and gone there will be a tracking of when it came and when it arrived and when it left so there is no more discussion as to whether or not we got it in time or no we didn't get it in time, you will know.

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M. Jerkins –

- ❖ We have a letter from Richard Thomas Lincoln that came in as an item of correspondence near the end of May after the Planning Board meeting so I was not able to give it to you sooner. It includes some information from a newspaper regarding the Town of Meredith and their efforts to not have electronic signs.

T. Hoopes – I thought there was an ordinance against them but they were grandfathered once.

M. Jerkins – There is an ordinance that states no flashing signs in our zoning and that is about the extent of what it says in our ordinance. That is all I have for other business and we do need to go through the minutes and then I would like to discuss, well last night it was brought up that we might want to discuss some engineering issues and also future work session date because we do still have several items that are hanging out there waiting to be taken care of.

B. Dunbar – What is the status of the Master Plan?

M. Jerkins – I just spoke with Mike yesterday and everything is looking good. He is working on getting the maps reduced and they have been all fixed and getting them right into the Master Plan itself and then he would like to not actually put them all together into a book until we have had our next work session where we had previously discussed possibly voting out or setting a public hearing to vote out some of the out dated chapters.

B. Dunbar – One of the things I would like the board to really start thinking about now is what form you want this produced in. You should probably have some copies that are physical book copies but you also might think about putting some of these on CD's instead.

M. Jerkins – We will also have them on-line on the web site. We should probably think about a date for a work session where we can really get into the dirt and discuss what's left, we have a Master Plan, we have two newly approved chapters that are ready to be put into final form but we need to incorporate them with what exists or determine that these chapters that are previously existing from 1985 are outdated and get them out of there and we are only required by law to have the Land Use and the Vision Chapters so we have that. We have a Master Plan, we don't need all of the other chapters.

S. Williams – It is a legal document so it should be current.

C. Balcius – Would it be feasible for you to have a discussion with Russ as far as getting some of this on the web site including like our zoning and subdivision.

M. Jerkins – Zoning and subdivision regulations are on the web site. We are also working on getting the minutes on the web site.

Motion made by B. Curtin to set July 2nd at 7pm as a work session meeting date, seconded by S. Williams. Motion passed will all in favor.

C. Balcius – Please e-mail a reminder.

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S. Williams – I would like to reference this sign, member Dube was running around town hall using the staff to call the town attorney on the merits of this LED sign that we just talked about earlier. He has no right to be doing that, 1. it comes through the Chairman of the Planning Board if there is issues not on his own accord. If he is a citizen he has the right to go to the Building Inspector and appeal his decision he does not have the right to be asking town people to contact the Town Attorney and I am requesting that the Chairman give him a letter of reprimand so he understands what his duties are and are not.

T. Hoopes- I will speak to him.

S. Williams – I would like it in writing, please.

T. Hoopes – I will check, I don't know if that is required.

S. Williams – He just needs to understand that he is not the Planning Board.

T. Hoopes – I will check, as a former Planning Chair he is to take it upon himself to be well informed, I can guarantee you that.

M. Jerkins – While it may not have seemed appropriate, and I understand you are upset about it.

S. Williams – I am really not that upset about it, that is just not the way the Planning Board operates.

M. Jerkins – Well if it were any member of the public that came in to the Planning Department and asked what the rules were or if something was a legal thing to do, then my course of action would be to contact Town Attorney and ask his advice.

S. Williams – If he was challenging the permit it would go through the Building Inspector that is where his route should go.

M. Jerkins –Except he wasn't challenging the permit at that time. He asked a question, research was done as it was done for any member of the public and the answer was given to him and I don't know where it stands at this point. I don't feel as though it was out of place for questions to be asked.

C. Balcius – I agree that Jeremy has the right to ask questions but I think you might just speak to him and clarify that via Planning Board you are the Chair and you are the one that communicates with Town Council. I think that is all that needs to be done.

T. Hoopes – Fine, will do, to the minutes, August 31st. Page 4 the second place where it says J. Dube, I don't know what was supposed to have been said there we talked before the excavation regs and I want to see if the board wants to adopt it or fix it or what. What is there we can enforce but we have nothing right now and can't enforce anything, is that vague or does everyone understand what that is?

C. Balcius – Maybe it means, once we adopt them.

J. Fortin – That was taken right from the minutes, his wording.

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T. Hoopes – Further down there was a motion I made and I don't know whatever happened. Motion made by T. Hoopes to send existing draft of 155E regulations to Attorney Sessler for review. Did anything ever come back from Sessler?

M. Jerkins – Yes that came back and we talked about it at a later meeting. Basically he said they are fine as to form, as to whether or not we wanted to make changes pertinent to Alton.

S. Williams – I think if you want information Mary Pinkham-Langer would be a good person to sit and talk with.

B. Curtin – on page two T. Hoopes, they are done the road down the lower section, cross off one of the e's in there.

Motion made by B. Dunbar to accept the minutes as corrected, seconded by T. Hoopes. Motion passed with 2 in favor with 4 abstentions.

T. Hoopes – December 5th

B. Curtin – Page 1 at Public Input 9 lines down – delay ordinance can help prevent the loss of historical & architectural significant buildings, it should be loss. Page 2 at the bottom- R. Wentworth is is no, it should be it is not.

Motion made by B. Holmes to accept the minutes of December 5th as amended, seconded by B. Dunbar. Motion passed with 3 in favor and 3 abstentions.

T. Hoopes – December 12th

Motion made by C. Balcius to accept the minutes from December 12th as written, seconded by B. Holmes. Motion passed with 4 in favor and 2 abstentions.

T. Hoopes – April 10, 2007

B. Curtin – The pamphlet for the storm water control have we gotten that and have we done it yet?

M. Jerkins – The one with Best Management Practices? We have copies available in the office.

Motion made by B. Curtin to accept the work session minutes of April 10, 2007, seconded by S. Williams. Motion passed with 4 in favor and 2 abstentions.

M. Jerkins – Last night at the Planning Board meeting you wanted to talk about engineering issues and I don't know if you still want to do that or not.

T. Hoopes – Members have brought it up about the cost increases by CMA, whether they are cost increases and how they are arrived, whether we want to look at other engineer companies or not.

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S. Williams – I feel that we should have more than one. I feel with having one we are saying this is what you have, end of discussion. I think it puts the town in a bad spot because we have conflicting and favoritism.

C. Balcius – I would agree we should put an RFP out again, especially for some smaller projects where we don't need as big of a firm as something like CMA to review. I agree we didn't get to this point intentionally, we did have 3 chosen but DH ended up being extremely expensive as well so we dropped them and then we have LC Engineering that didn't respond at all so we ended up using CMA a little more often. We should have RFP'd out again and get more.

S. Williams – I think Eric Reitter was good, but with Bill there is a real ray of arrogance that I don't think is beneficial to anyone with him saying "I am not going to play the game if you put it out to bid".

C. Balcius – I have seen that and confirmed that too and that is one of the reason's we are here discussing that because there seemed to be where the review cost got elevated. I heard bill say that he gives an estimate and then he adds a percentage to it. When did the Planning Board say lets buffer this.

T. Hoopes – I have never heard about this.

C. Balcius – I think we need to straighten that part out immediately unless everyone wants that surcharge.

S. Williams – What I see is that it has cost more to review than it did to engineer it to begin with. I have a real problem with that. I think we need to come up with a scope of work. I feel that anyone that does engineering work for the town or for any applicant needs a certificate of insurance. I would like to sit down as a group and give the engineering committee an outline of where they want to go. I don't think the engineering committee should do it on their own, this is a board function.

M. Jerkins – I did do some preliminary research by calling some towns in the area and asking the Planner's and it was grossly under what we have been seeing lately for prices.

C. Balcius – I have an issue on the letter when I see EIT, that is an Engineer in Training, they are not an engineer and I see that is in part why the cost gets elevated because they have the EIT do the first review and then the engineer pipes up on the second review, so it is almost adding an extra layer of review.

T. Hoopes – Where do we stand and what do we want to do?

C. Balcius – I want an engineering firm that is going to review the plan but within the scope that we sent them out to do it.

S. Williams – Maybe the town should be looking at having a staff engineer and the applicant's can subsidize that fee.

Motion made by C. Balcius to adjourn at 9:13pm, seconded by B. Holmes. Motion passed with all in favor.

Jennifer M. Fortin
Secretary Pro-Temp