

**TOWN OF ALTON PLANNING BOARD
MINUTES 2018
AUGUST 21, 2018**

APPROVED

Members Present:

Roger Sample, Chairman
Scott Williams, Vice-Chairman
Russ Wilder, Clerk
Peter Bolster, Member
Dave Hussey, Alternate
Virgil MacDonald, Selectmen's Rep.

Others Present:

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

CALL TO ORDER

Roger Sample called the meeting to order at 6:05 p.m.

APPROVAL OF AGENDA

Scott Williams asked if there were any changes to the agenda. Nic Strong stated that 2.a. and 5.a., b., and c., were added under Other Business after the agenda was originally posted.

**Scott Williams MOVED to accept the August 21, 2018, agenda, as amended.
Dave Hussey seconded the motion, and it PASSED unanimously.**

APPOINTMENT OF ALTERNATES

Roger Sample appointed Dave Hussey as a full-voting member for tonight's meeting due to Tom Hoopes' absence.

1. Continued from May 20, 2018

Case # P18-04 JOBAN, LLC/Dean Puzzo, Manager	Map 26 Lot 10	Minor Site Plan Review Residential Commercial (RC) 19 Homestead Place, Suite 5
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The Chairman read the public hearing notice.

Nic Strong explained that Dean Puzzo contacted her and he wanted to continue his application to the following meeting. The Board needed to act on this.

**Russ Wilder MOVED to continue Case #P18-04, JOBAN, LLC, Minor Site Plan Review, Homestead Place, Map 26 Lot 10, to the September 18, 2018, meeting and to extend the deadline for Board action on the application to September 18, 2018.
Dave Hussey seconded the motion, and it PASSED unanimously.**

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2. Public Hearing for Final Planning Board Approval of Hilltop Estates - Road Construction and to Confirm Compliance with the approved subdivision plan

<p>Case # P09-19 & P10-28 Thomas W. Varney, P.E., of Varney Engineering, Inc., Agent for D&Z Realty Trust, Richard E. & Gail A. MacDonald and Paul E. Beckett, Trustees, Owners</p>	<p>Map 12 Lot 17</p>	<p>Final Approval of Road Construction Rural (RU) Hilltop Estates</p>
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The Chairman read the public hearing notice.

Present was Paul Beckett.

Paul Beckett came to the table. Russ Wilder pointed out that the Board was here tonight to talk about the possibility of approving the road for Hilltop Estates. The road was to be built in accordance with the subdivision plan that was approved back in 2009, amended in 2010. Dave Hussey noted that because Paul Beckett went ahead and laid the topcoat down, there was no way to tell whether the road was built properly or not. Peter Bolster pointed out to the Board a bullet item on page 8 listed under Procedure in the Planner Review, which noted there was a letter received on August 16, 2018, from George Fredette, P.E., regarding the as-built plan review. The letter also indicated that there was no final project sign-off because there was not enough money in the escrow account for the Town Engineer to undertake the final site inspection. Paul Beckett asked for a copy of the Planner Review. Nic Strong stated that she sent a copy of the Planner Review to Thomas W. Varney, P.E., Paul Beckett’s Agent.

Peter Bolster noted that there were departmental comments from Ken Roberts, Road Agent. Ken Roberts was invited to the August 8, 2018, Site Walk, but he indicated that he was not going to attend the Site Walk because there was no sign-off from the Town Engineer stating that the road was built according to the plans and regulations. Ken Roberts strongly suggested that the Planning Board not even consider approving this subdivision without the Engineer’s sign-off to avoid liability issues in the future and precedent setting for future Planning Board approvals. It was also noted in the Planner Review that no documentation could be found in either the Planning Board’s files or the Selectmen’s files that the road name was approved by the Selectmen, and that was an issue that needed to be rectified before final approval was granted. Paul Beckett stated that the first street name he proposed was denied by the Selectmen, and instead they approved “Hilltop Drive”; he informed the Board that Thomas W. Varney, P.E., told him that the street name had been approved. Scott Williams stated that if it did get approved, he would have been sent a letter from the Selectmen.

Peter Bolster stated that the Board was locked into their rules, regulations, and ordinances, because if they started changing things for one person, it would set a precedent for future cases. Paul Beckett stated that the Board had not stuck by their word since his subdivision was approved. Virgil MacDonald stated that the Board did not have any regulations that allowed applicants to build a “private road”. Dave Hussey thought that the Board should have different regulations for public and private roads. Virgil MacDonald thought that the Board used to have such regulations. Russ Wilder stated that any road built for a subdivision, whether public or private, had to be built to town standards. He noted that the Board did not

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have any confirmation or engineer reports that stated that the road was built to town standards. Virgil MacDonald thought that the Board had five (5) reports from the engineers regarding the road, except that the pavement was not signed off on. Russ Wilder noted that there were only four (4) reports and none of them indicated compliance; the Board could only go on what was on record in the file. He stated that the only way to get this resolved was to have an inspection done by the Town Engineer and a report issued stating the road was in compliance with town standards. Scott Williams stated that the first inspection should have been for the subgrade to make sure it was tapered to the contour of the road; the second inspection should have been for the installation of the 12" sub-base to make sure that was compacted and graded to follow the contours. Once the test results would come back from the compaction testing, the applicant got the green light to go to the top. He also noted that any culverts needed to be inspected along the way that went under the roadway, and the top 6" needed to have a compaction test, and then when the hot top was laid down, the engineer would usually be there at some point to measure the temperature of the asphalt and they would take their metal rules and stick it in the asphalt to see if there was the correct amount of asphalt laid down. The applicant would then provide all the weigh slips to the engineer, and they would add up all the slips to see if enough asphalt was laid down. Peter Bolster stated that the issue was that the road had not been signed off because there were still outstanding issues that needed to be taken care of. Russ Wilder stated again that the Board needed a sign-off from the Town Engineer in a written report stating that the road was built to town standards; and the as-built had to be correct. He thought that with all the material that was provided to the Board, there was nothing in there that allowed the Board to go forward with the road approval, until the sign-off was submitted. Dave Hussey stated that until there was a signed approval from the Town Engineer, the Board could not go any further.

Scott Williams asked if the proposal to have different regulations for a private road needed to go before the townspeople at the town meeting to vote on, or if the Board could make the rule change. Russ Wilder stated that the Board could not, there had to be a public hearing; he stated that if this proposal was brought up, he would be against it. The town standards were put in place for a very good reason, because what happened with private roads many years later was that the town got stuck with a bad road. Virgil MacDonald thought putting something in a deed that it was a private road would be a way around this issue. Russ Wilder stated the Board needed to go on what they approved for the subdivision in 2009. Virgil MacDonald pointed out that there had been a few engineers that worked on this project since it started; Dave Hussey pointed out that there had been three (3) different Town Planners too. Roger Sample asked how big of a job would it be for an engineer to determine what was underneath the asphalt. Scott Williams stated that test borings would have to take place. Peter Bolster stated that the as-built plans had not been approved by the Town Engineer. Scott Williams asked if there were any as-builts in the file. Nic Strong stated that the review from the engineer was in the file, but he had issues with the plans so the as-builts had not been approved.

Russ Wilder MOVED that due to the lack of confirmation that the road had been satisfactorily completed to the approved design plans and the Town's regulations and standards, the Board denied final approval at this time until the required inspections and reviews had taken place and the Town Engineer signed off on the road construction. This would require renoticing and reapplication for the final approval when the applicant had completed all the items and the sign off by the engineer was given.

DISCUSSION:

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Dave Hussey asked if the sign off was on the road only. Russ Wilder stated that the road was the issue, but the entire subdivision including the grading on the site was built according to what was approved back in 2009.

Peter Bolster seconded the motion.

DISCUSSION:

Dave Hussey did not want to see the engineer sign off on the road, and then say there were further problems with the rest of the subdivision. Scott Williams thought that the only way the subdivision would be in question during the road approval stage would be if the road somehow was constructed out of the right-of-way and on one or more of the lots. He noted on the plan that some of the driveways were to be blasted in and he did not know if that was a requirement of the subdivision or if it would be up to the purchaser of the lot. Russ Wilder stated it was pretty simple, the Board had to abide by what was approved in 2009. Russ Wilder mentioned that the Board members that attended the Site Walk had a copy of the plans, and he thought that the as-builts did not quite match up with the approved plans and the Board did not have the authority to say whether the road was in the proper condition. He pointed out that the Board had a letter from George Fredette that stated the road was not in a condition for approval and he could not certify that it met the plans that were originally approved.

Peter Bolster stated that in the Planner Review, it was noted that there was no final project sign-off because there were not enough funds in the escrow for the Town Engineer to make a final site inspection; therefore, that became Paul Beckett's responsibility to deposit money in the escrow account. Russ Wilder mentioned that escrow had been provided in the past. Peter Bolster stated that was correct, but there was not enough money there now. Russ Wilder stated that if those funds were exhausted, then more funds had to be placed by Paul Beckett into the account to pay for the Town Engineer to do his work. Paul Beckett stated that he had already given money to the Town for the inspections, the inspections were performed and it was not his fault. He informed the Board that he was told by Peter Julia, P.E., each time that it was okay to move forward with this project. Russ Wilder stated that the Board could only go on what was in the file, and each inspection report indicated "does not comply". Roger Sample asked which engineer stated it was okay to lay down the asphalt; Paul Beckett stated, Brown Engineering. Russ Wilder stated there was no record of that inspection by Brown Engineering in the file; Paul Beckett stated, that there was one before. Scott Williams asked if Nic Strong could reach out to Brown Engineering to see if they had any paperwork that did not get submitted to the Town. Roger Sample thought that someone would have stated it was okay to pave because that was a lot of money to spend without a go ahead. Peter Bolster pointed out that the inspection reports specified that verbal notification was given to the applicant and to the Town, and it was also noted, "does not comply". He read the recommendation from the November 11, 2016, inspection report and it indicated that the actual road was not constructed per approved plan alignment, however, roadway and drainage remained within the right-of-way. Paul Beckett stated the reason the road was not lined up was because there was ledge. Scott Williams stated that was one of the reasons the as-built needed to be reviewed by the Town Engineer in order to clarify the issues that were outstanding.

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Nic Strong stated that in the file, the November 11, 2016, inspection indicated that the developer expressed intentions to pave the road but did not want to proceed until roadway alignment was confirmed by the Town. It was suggested that the developer present the recently prepared as-built plan to the planner for review and submittal to the Planning Board for final consideration and regulatory intent determination. The next correspondence from the engineer requesting anything was from September 18, 2017, a year later, which stated that Paul Beckett requested final approval of Hilltop Estates in order for the subdivision to be recorded, Boulder Drive had been paved and a final inspection by the Town Engineer was needed to verify compliance to the Planning Board requirements. She shared that there was nothing in between to say that the Town Engineer was notified that paving was taking place, there was no paving inspection, and nothing from the design engineer after the request for the as-builts to come to the Planning Board until a year later. Peter Bolster noted that the last observation log that the Board received was November of 2016, so the last word was from that observation that said written notice was given that the road did not comply. Virgil MacDonald asked when Brown Engineering came into play. Nic Strong stated that Kent Brown came to inspect because he was working with Peter Julia, P.E. When Peter Julia, PE, stopped working for the town, George Fredette, PE, SFC Engineering was on rotation to receive the next project. Peter Bolster asked if George Fredette, PE, submitted an observation log. Nic Strong stated no, because there was no money in the escrow to do anything. She stated that the Board received an estimate from George Fredette, PE, but that was as far as it went. Paul Beckett had placed enough money in the escrow to have the as-built reviewed. Paul Beckett stated that he was told at the last meeting that all he had to do was put money in the escrow account to have the as-built reviewed and he would be all set. Virgil MacDonald asked if Nic Strong could get a hold of any missing observation logs. Peter Bolster noted that in order for this review to happen, there needed to be money in the account to cover it. Virgil MacDonald thought that since Brown Engineering was working on this project for the town at the time of paving, then the Board should be able to get a hold of them and request a copy of the report. Dave Hussey asked if he got paid for it. Scott Williams was unsure. Paul Beckett stated there should be five (5) reports. Scott Williams stated that the report that Kent Brown did was probably the fifth report that he was referring to.

Russ Wilder stated it was pretty clear the Board did not have all of the information in order to approve the road at tonight's meeting. Paul Beckett stated he was not giving up any more money to the Town, and the next person to get his money was a lawyer because the Board had changed the rules. He shared that he had lost three (3) sales because he could not get approved to sell a lot. He thought it was unfair because at the last meeting, Roger Sample's road got approved for three duplexes.

Roger Sample had Russ Wilder read the motion again.

Russ Wilder MOVED that due to the lack of confirmation that the road had been satisfactorily completed to the approved design plans and the Town's regulations and standards, the Board denied final approval at this time until the required inspections and reviews had taken place and the Town Engineer signed off on the road construction. This would require renoticing and reapplication for the final approval when the applicant had completed all the items and the sign off by the engineer was given.

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DISCUSSION:

Russ Wilder stated that this motion would bring the case to a close, it told the applicant what he needed to do in order for the Board to approve it, and it also instructed that the applicant would not be hearing from the Board until he provided the necessary information.

Roger Sample asked the Board for a vote.

The motion PASSED, Roger Sample, Scott Williams, Russ Wilder, Peter Bolster and David Hussey, aye; Virgil MacDonald, nay.

3. Conceptual Consultation

<p>Case # P18-19 Brian Fortier, of West Alton Marina, LLC, Owner</p>	<p>Map 17 Lots 9, 11, 27, 29, 30 and Map 61 Lot 1</p>	<p>Conceptual Consultation Recreation Service (R/S) and Lakeshore Residential (L/R) Mount Major Highway and Mauhaut Shores Road</p>
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The Chairman read the public hearing notice.

Present was Brian Fortier, managing member of West Alton Marina, which was owned by himself and his two sisters. Also present was John Murray. Brian Fortier stated that he and his sisters also owned several of the surrounding parcels. The interior of the property was separated into several sections, which consisted of two different zones, Recreational Service and Lakeshore Residential. Several years ago, Brian Fortier presented a plan to the town when they proposed to start constructing a new building, and since then, all of the lots had been surveyed to indicate boundary lines, where the lake started and ended, and that description was then added to the deeds. He shared that the town would not issue any permits without feedback from the State. He met with the State and talked to them about shoreland regulations. When speaking to the State, the main issues were the protection of Lake Winnepesaukee, and eliminating pollution from stormwater runoff. The State asked Brian Fortier to come up with a plan to relocate the industrialized activities that were taking place in the marina. Those activities consisted of boat repairs and boat washing, and there was a construction site for West Alton Marine Construction located on the peninsula and a lot of their activities were done outdoors because over the years boats were getting bigger; therefore, their facilities became inadequate. Brian Fortier came up with a plan to move the activities into the Mauhaut Shores area; however, the property was split between two zones. He stated that he met with the ZBA on some variances that were approved, one for a marina use within the LR zone, the second for the marine construction site to be located in the LR zone, and the third was for a residence to be allowed within the RS zone, which would be for security and a gate house that was going to be proposed; someone would live onsite 24/7 year-round for traffic and security purposes. Brian Fortier shared that he received their Notice of Decision from DES and were approved for what they were proposing. Next, they needed to file their request for more information for their AoT permit due this week and they were able to meet what was asked of them. Later this week, they would be submitting their application for a Design Review with the Planning Board. The proposed improvements would include an updated boat storage facility, a larger boat repair facility, a boat wash that would utilize

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recyclable wash water, a larger area to fuel boats as well as to pump the septic from the boats, public restrooms at the gas dock, a gatehouse with security, dockage slips, valet from one of the storage buildings, and associated parking.

Russ Wilder asked if they were realigning the entrance to the property. Brian Fortier stated, yes, the entrance currently came in on the north side of the barn, but after some reconfiguring, the entrance would be changed to be part of a 4-way intersection with Route 11A. An archaeological study was just completed for their AoT permit and they found there was a grave site that was located near the driveway. Scott Williams asked if it was a family cemetery; Brian Fortier was not sure and noted there was a stone there, but it was not marked. Russ Wilder stated it was listed in a book in Town Hall that listed all the cemeteries. Russ Wilder asked about the proposal for a campground. Brian Fortier stated that a public water source needed to be approved, as well as the archeological study. When he sized the public well, he would size it to include a campground. He shared that part of the Marina's property was being logged along with some of his own personal property. He informed the Board that one of the conditions of the variance they received was that they had to leave a tree buffer for the neighbors as it existed. Peter Bolster asked about the old railroad status. Russ Wilder noted that the State was out on the roadway performing some surveying and there was some talk about improvements on Route 11 that had to do with the 10-year plan. Virgil MacDonald stated that the Selectmen sent in a letter to the State to have them fix the road from the end of the new section of road up to Ellacoya. Brian Fortier stated there was a public meeting a while back in West Alton and the State talked about wanting to widen Route 11 by 4' on each side.

Scott Williams asked how many boat slips were proposed; Brian Fortier stated a little less than 200, and they currently had about 220. Brian Fortier stated that they were going along with the spirit of the Master Plan by increasing tourism and competing against the other towns around the lake. Roger Sample asked how close he was to the other lots in Mauhaut Shores; were there lots that had a view of the lake? Brian Fortier stated that there was a neighboring lot that had an industrial building that was approved by the town; it was a barn that was built out of metal. He noted that most of the residents of Mauhaut Shores supported their project, because their properties were at a higher elevation and would not be greatly impacted by the new construction. Russ Wilder stated that the Board had been given the minutes from the ZBA meeting regarding their variance, and most of the abutters did not have any objections, but there were six (6) people that spoke against it. Brian Fortier stated that originally there was a proposal to construct two (2) boat storage buildings, but in order to appease his abutter, he reduced the footprint of the building by 100'. Since then, they had combined the two buildings, which would bring it 75' further away from the property line. Scott Williams asked if the boat storage building was part of the valet service. Brian Fortier stated that those buildings were for winter storage only. The valet would be down more towards the water.

Peter Bolster asked about the depth of the channel and whether it was dug out regularly. Brian Fortier stated that the last time it was dug out was in 1988. He shared that DES no longer gave maintenance permits, so every time he had to do something in the Marina, it was considered a new application. Russ Wilder stated that DES had allowed some dredging because Mountain View Yacht Club did some last year. Brian Fortier thought that was a different situation. He stated that the way they got around mitigation was they were to dig the channel deeper to prevent milfoil. Scott Williams asked if Brian Fortier had issues with milfoil. Brian Fortier stated yes, he used to take care of it himself, but now since

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the Town received money for removing it, he just let the town take care of it. Peter Bolster asked how the milfoil was being eradicated. Virgil MacDonald stated that the milfoil was treated, and if the treatment did not kill it all, a diver would come back in a week or so to pull the rest of it. Russ Wilder stated that he had been involved with milfoil through the Conservation Commission and at a site visit, the Commission was interested in conserving some of the land that Brian Fortier owned as part of his project. Russ Wilder asked Brian Fortier if he had contributed to the ARM Fund; Brian Fortier stated, not yet. Russ Wilder stated that as part of the mitigation, the yacht club was paying into the aquatic resource mitigation fund. He noted that the Town could apply for funding, and depending upon what the appraised value was of those conservation lands, a conservation purchase could happen. Russ Wilder pointed out that the Conservation Commission had been talking to Lori Summer at DES, and she would like to see the area conserved because of the value of it. Brian Fortier stated that the red tape involved put him at a disadvantage and the process was subjective, time consuming and costly. He stated that it would be easier for him to write a check to the Town of Alton to use as they saw fit than to work through the ARM process.

The Conceptual Consultation was concluded and the Design Review Application would be submitted for the next meeting.

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

<p>Case # P18-17 Randolph R. Tetreault, LLS, of Norway Plains Assoc., Inc., Agent for Andrew & Susan Morse, Owners</p>	<p>Map 6 Lot 42</p>	<p>Final Minor Subdivision Rural (R) Stockbridge Corner Road</p>
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The Chairman read the public hearing notice.

Present were Randy Tetreault, LLS, and Andrew Morse.

Randy Tetreault, LLS, and Andrew Morse came to the table. Randy Tetreault, LLS, stated he was before the Board about a year ago when the applicants were thinking about subdividing the property into three (3) lots, using a shared driveway. Since then, they reconsidered to subdivide the property in half instead. Randy Tetreault, LLS, had received the Planner Review and had provided the information that was missing before tonight's meeting.

Russ Wilder noted that the soils report was not submitted. Randy Tetreault, LLS, stated that the test pit and soils information were on the second sheet of the plan; there was not a separate plan for that. Randy Tetreault, LLS, noted that the sight distance was added and the driveway was staked and the location inspected by Ken Roberts, Road Agent.

**Russ Wilder MOVED to accept the application for Case # P18-17, as complete.
Dave Hussey seconded the motion, and it PASSED unanimously.**

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Randy Tetreault, LLS, stated there was plenty of land area to build on, and there was adequate frontage. He noted that the Planner Review indicated that fire suppression was an issue. He stated that Andrew Morse met with the new Fire Chief, James Beaudoin. He shared that what Chief Beaudoin was concerned about was what number of lots would kick fire suppression into the discussion. This particular case was originally 50 acres, the build out was four (4) single-family homes, and Chief Beaudoin did not start looking at fire suppression until there was over five (5). Scott Williams noted that the owners across the street, when they did their subdivision, had donated to a dry hydrant fund that was set up at Town Hall. Peter Bolster noted that would reduce fire insurance dramatically. Randy Tetreault, LLS, stated that the major discussion was the access over the stream, which was a tier 2 stream. The same discussion was had last year that the lot to the west required the brook to be crossed. After considering the many possible permitting requirements, Andrew Morse decided to have the driveway and the bridge designed according to the 50- year flood area, keeping in mind the vertical and horizontal aspects, including the 14' minimum width for access. He noted that the Planner Review indicated that the structural component that included the weight load and the structural details that the manufacturer would provide depending on which bridge company Andrew Morse decided to go with, was missing. Randy Tetreault, LLS, suggested to Andrew Morse that he place a note on the plan that adequately discussed how the structural component would be implemented. At this point, Andrew Morse did not want to have a bridge designed because the people who would buy the lot might have different ideas about the bridge; however, he did come up with the plan because it was a requirement of subdivision approval. He presented a note to the Board that would be included on the plan and in the Notice of Decision, that way before a building permit was issued, plans would be provided to the building office that would show the weight loading, etc. He suggested that before a building permit would be issued, appropriate plans by the manufacturer would be provided to the building codes office that would meet the requirements for weight loading but there would be a minimum size. The lot that did required to be spanned would have those requirements at the building permit stage and if it was the Board's preference to follow up at the certificate of occupancy stage, it would be as-built to prove it was built accordingly. Randy Tetreault, LLS, noted that if a bridge was built with abutments 5' away from the banking, a wetlands permit was not required. Scott Williams thought that the Board would have to have Town Counsel review the language in Randy Tetreault, LLS', note.

Russ Wilder stated that on page 3 of the Planner Review, there was a checkmark for easements, but none were indicated on the plan. Randy Tetreault, LLS, stated that originally, the project was going to be a 3-lot subdivision and it would have needed an easement, but now the easement was not needed. Russ Wilder noted that the Planner Review indicated the bridge plans were not stamped by a NH licensed engineer, and the Board needed to discuss the need for as-built plans done by an engineer to prove proper construction before the issuance of a certificate of occupancy. Randy Tetreault, LLS, noted that he put some of those provisions in the proposed note that he shared with the Board earlier. Russ Wilder pointed out that the plans did not indicate the proposed well location and septic system areas. Randy Tetreault, LLS, stated that information had been added. Peter Bolster asked if there was a side setback for a driveway. Randy Tetreault, LLS, did not think there was a setback for a driveway, but there was for structures; the driveway could be right on the line, and it was the best spot to cross. Peter Bolster asked if there was a stonewall along the county line in the back of the property. Randy Tetreault, LLS, stated, yes. Peter Bolster noted that at 5 Corners, the only place in New Hampshire where five towns came together, was a large stone wall that went all the way to Wolfeboro; it was one of the very few town lines that had a stonewall the entire length of the town. Randy Tetreault, LLS, mentioned that there was a large stone town line monument in the back corner of the property that had 1878 written on it.

Russ Wilder noted that the Board had to come up with thresholds for active and substantial development. Scott Williams thought that installing the monumentation would be sufficient. Randy Tetreault, LLS, stated that he had already pinned the only monument needed on Stockbridge Corner Road, and the other monument for the property line did not need to be installed because it was from the original back corner. Randy Tetreault, LLS, stated that the wetlands were flagged.

After due hearing, Peter Bolster MOVED that the Alton Planning Board hereby approves the above cited application for Andrew & Susan Morse, for a Final Minor Subdivision for a two lot subdivision of Map 6 Lot 42, 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 Subdivision Regulations and that include all of the checklist corrections, and any corrections as noted at this hearing.**
- 2. Addition of a note to the subdivision prior to plan signing by the Planning Board Chair: This subdivision plan contains a total of ___ sheets: [to be listed and dated by the applicant on the subdivision plan itself]. In combination, these plans constitute in their entirety the subdivision 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 subdivision plan prior to plan signing by the Planning Board Chair: This subdivision plan is subject to the Conditions of Approval itemized in the August 21, 2018, Notice of Decision on file at the Town of Alton Planning Department.**
- 4. Addition of a note to the subdivision 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. Addition of a note to the subdivision plan prior to plan signing by the Planning Board Chair that engineered plans and specifications for the bridges to each lot shall be submitted to the Building Inspector prior to the issuance of a building permit and the bridges shall be constructed and a stamped as-built plan submitted to the Building Inspector prior to the issuance of a Certificate of Occupancy on the lot in question. The language of the note to be approved by Town Counsel.**

SUBSEQUENT CONDITIONS

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

1. All subdivision improvements are to be completed as per the approved subdivision plat and in accordance with all relevant State of NH regulations and a stamped as-built plan of the bridge construction shall be submitted to the Planning Department for review prior to the issuance of any Certificate of Occupancy per this Notice of Decision and the Subdivision Regulations.
2. The applicant shall comply with all of the Town of Alton's Subdivision 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 subdivision 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 subdivision 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 thirty-six (36) months 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.

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: the monumentation shall be set.
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: the monumentation shall be set.

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

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conditions precedent that are required prior to signing and recording the subdivision plat. 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 XI, C. 2. of the Town of Alton Subdivision Regulations.

Dave Hussey seconded the motion, and it PASSED unanimously.

Dave Hussey recused himself and sat at the other side of the table.

Case # P18-18 Brendan Twomey, Agent for the American Legion Post 72, Owner	Map 8 Lot 46	Final Minor Site Plan Residential-Commercial (R/C) Wolfeboro Highway (Route 28)
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The Chairman read the public hearing notice.

Present were Dave Hussey and Brendan Twomey, Financial Officer for the American Legion.

**Russ Wilder MOVED to accept the application for Case # P18-18, as complete.
Scott Williams seconded the motion, and it PASSED unanimously.**

Dave Hussey and Brendan Twomey came to the table. Dave Hussey stated that when he was before the Board at last month's meeting, the Board asked him to provide a plan that showed current parking, proposed parking, and possible future parking. He shared that there was a flat area of land that they designated future parking, but there were trees there now. He thought that with the addition of 66 parking spots, there was more than adequate parking; therefore, he did not think they would need to utilize the flat portion of land. Dave Hussey also mentioned that John Dever, III, had stated that Richard D'Angelo, an abutter, had offered up some of his parking lot for overflow parking, but he could not verify that. Peter Bolster asked if the 66 parking spots included the area where the DES mitigation occurred. Dave Hussey stated, yes, and they could actually use the right-of-way as parking because Richard D'Angelo was using his side of the 50' right-of-way, but that was not what they wanted to do. He shared that the area where they performed the mitigation, there was some drainage and some rip rap at the end of drainage, then there was 75' of vegetation that led down to the brook; this left enough vegetation in the way to filter out stormwater before it drained into the brook. He pointed out that between the rip rap to the fence, there was about 75', and he wanted to know if the Board was going to allow more parking spots to be placed there.

Dave Hussey stated that the septic system was an H2O system and cars could park on it, and they had been parking on it for the past 14 years and never had a problem. Peter Bolster noted that was the lower section. Scott Williams stated that the upper section was the leach field, and that was where the 88 parking spots were indicated on the plan. Dave Hussey stated between the wetlands and the building, there was a 12' berm of earth going across; therefore, there would be plenty of protection from any kind of wash out, plus they had drainage from one end of the parking lot to the other. He stated that since the neighbor had some stormwater draining onto the American Legion's property, they had to install more drainage. He stated that the drainage was working fine and they did not want to cause any issues. Scott

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Williams asked if Dave Hussey talked to John Dever, III, about the proposed parking plan. Dave Hussey stated that he called John Dever, III, and asked him if he looked at and/or had any problems with the plan; he asked if there were any problems to call him back. He pointed out that John Dever, III, did not call him back; therefore, he assumed everything was okay.

Russ Wilder asked if Dave Hussey had a copy of the Planner Review comments and asked him to turn to page 4 to address the comments and clear things up. The first comment was that the plan was not to scale. Dave Hussey stated the plan was done by a certified CAD drawer, and plan was laid out by GMI Asphalt, LLC. Russ Wilder noted that the comment stated it was difficult to tell how the parking spaces lined up with property lines or how far they are set back from the property lines; a 5' setback was required for parking spaces from property lines and rights-of-way. Dave Hussey stated he could guarantee that from the common right-of-way, which was not a property line, the parking did not start until about 20' away. Russ Wilder asked about the back parking. Dave Hussey stated that there was a berm there and they were on the other side of the berm. Russ Wilder asked about where it indicated future parking. Dave Hussey stated that where the future parking was located there was a dotted line showing the property line was 200' away. Peter Bolster asked where the rip rap was. Dave Hussey stated right around where it indicated 9x20 typ. on the plan, and it went off to an angle. Russ Wilder read a comment from the Planner Review that asked if the rip rap that was part of the wetlands permit was being impacted by anything being proposed; Dave Hussey stated, no. Russ Wilder pointed out that the parking spaces shown closest to the back of the building seem to be shown on the area that was indicated on the septic design plan were leach field A and B, and there could not be any parking on those leach fields because the septic design did not indicate on the approved plan as meeting H2O loading. He asked if that was correct or not. Dave Hussey said that was not correct; it was installed by Chuckie McKay and they had been parking heavy trucks on it. Russ Wilder was just trying to clear up the record. He read further on the Planner Review and it indicated that the site plan did not indicate the surface of the different parking areas. Dave Hussey stated that since the American Legion had no intentions of paving the mitigation area, they only paved the existing lot, right up to where it was indicated on the plan, "additional spaces"; the rest of the parking lot was ledge pack, and as long as there was at least a foot of ledge pack, it would become stable over time. Russ Wilder noted that the Planner Review indicated that the site plan did not show how the spaces were proposed to be delineated. Dave Hussey stated that they could still paint stripes on the ledge pack, but it would eventually wear off. Russ Wilder pointed out that the site plan showed an area labeled alternate for additional spaces, but there was no explanation of what that meant. Dave Hussey stated that nobody parked there, but they could. Scott Williams thought that when the 50' right-of-way became a real right-of-way to service something out back, then there would be aisles, and that was how parking would be accessed. Russ Wilder noted that the word alternate was shown on the plan to be in the 50' right-of-way, but that was not where the parking was exactly. Peter Bolster thought that moving the word over to the section to where the parking actually was would clarify things better. Russ Wilder noted that the Planner Review indicated that the site plan showed future parking, but was unclear how it would be accessed. How would it tie in with the culvert rip rap outlet noted above or the wetlands shown on the plans as part of the wetlands permit application, but which were not shown on the site plan. Russ Wilder asked how did the future parking get access. Dave Hussey stated that the aisles would be extended.

Peter Bolster asked about soil conditions. Dave Hussey stated that area was flat and very rocky. Russ Wilder pointed out that the Planner Review indicated that the parking space areas shown on the site plan, which were presumed to be existing and proposed did not line up very well. The aisle widths and turning

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areas were not labeled and it was hard to know how vehicles would access the areas. Dave Hussey stated it was set up by code. Russ Wilder stated in the box in the right-hand corner of the plan stated that a person by the name of "XX" prepared the plan. Scott Williams stated that where 9x20 typ. was indicated on the plan, that did not line up with what was put for the 88 spaces; that did not jive. He thought that could be easily reconfigured because the existing fence could be continued and the spaces could be broken apart and placed back up against the area where the alternate spaces were indicated. Dave Hussey stated that all he was trying to do was show they had enough parking.

Peter Bolster brought up when the American Legion had a larger gathering, their parking was far from ideal. Virgil MacDonald stated that the Board had no right to say anything about parking on the highway until someone was sent up to Mount Major and closed it down because Route 28 was nothing compared to Route 11 near the mountain. Dave Hussey shared that the only time they had an abundance of cars attending an event was when someone passed away. Virgil MacDonald read off the Planner Review and stated that on August 17, 2018, Code Enforcement, Highway, Police, and the Fire Department had no concerns. Peter Bolster stated that those departments had no concerns with the plan itself. Russ Wilder noted that he was also a member of the Conservation Commission and they had not been presented with the application yet, which was why there were no comments back yet from the Conservation Commission. Dave Hussey stated that the Conservation Commission had come to the property before and they did approve it. Russ Wilder was unsure. Dave Hussey stated that he had the certificate that the Commission signed. Peter Bolster noted that had to do with the DES wetlands application. Russ Wilder stated that he was talking specifically for this application that was being presented tonight. Virgil MacDonald asked why the Conservation Commission needed to comment on an application for a parking lot. Russ Wilder was not sure. Scott Williams stated that the Planning Department sent plans for every application to be reviewed. Russ Wilder asked if the Board wanted to do a site walk. The Board did not think it was necessary.

Roger Sample asked if things were going to be added to the plan to satisfy the site plan requirements. Russ Wilder thought that the applicant should be asked to redraw the plan, or the Board could state that the record as discussed was enough to clarify things. Dave Hussey stated that what was provided as a plan was what they were asked to do at the last meeting. Virgil MacDonald thought there was enough on the plan to show that they had enough parking. Peter Bolster thought that the rip rap and drainage should be shown on the plan. Scott Williams and Virgil MacDonald stated that the Board did not ask them for those items to be shown on the plan. Virgil MacDonald stated that the building inspector did not have any more concerns. Peter Bolster noted that it helped to have those items shown on a site plan. Dave Hussey showed the Board where the drainage was by pointing to where it was located on the plan. Peter Bolster thought that when a site plan was drawn up, those things should be drawn on there, so people a long time from now could look at the plan and see what was there. Dave Hussey stated that had he been asked to show those things, he would have done it; all he was told to do was show parking. Nic Strong stated that when the Board discussed what the American Legion had to submit at the last meeting, the requirement was for a Minor Site Plan for parking. There was a waiver request that the Board needed to act upon in order for it to be a Minor Site Plan application, but before that happened, she pointed out that the list of plan review comments on Page 3 were the things that were required under the Minor Site Plan Regulations that needed to be shown on a site plan. There was a list of things that were either missing or on other pieces of paper throughout the file. No waiver requests were submitted not to show those items. She stated that the Board was not specific when they stated how to bring in a plan, they only stated to

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bring in a Minor Site Plan and they would be willing to consider it instead of a major. She then informed the Board that as part of the checklist, those items were either missing or shown on other pieces of documentation, but they were not listed on the site plan. The Board needed to consider that and talk about what they wanted on the site plan and what they did not want, then make it very clear in the record why they decided to have those items added to the plan or not added to the plan. The Board also needed to consider the waiver. Virgil MacDonald asked why this was not clarified when they instructed Dave Hussey at the last meeting that they only needed a parking plan, and now everything was being changed.

Roger Sample addressed the waiver for a Minor Site Plan.

Scott Williams MOVED to grant the waiver requesting Minor Site Plan instead of a Major Site Plan.

Peter Bolster seconded the motion, and it PASSED unanimously.

Russ Wilder pointed out that John Dever, III, had been very cooperative with the American Legion, and it was noted that lot of the items that were required to be indicated on a site plan were in the file already that existed on other documents. Peter Bolster pointed out that a long time from now, if these items were not indicated on the site plan, when someone came to review it, they would have a hard time finding all of the items in different places. Virgil MacDonald stated that this Board was getting harder and harder to get anything through because they have changed, they would send an applicant to do something, then when they came back, the Board would tell them something else. Russ Wilder stated that was not the case here because there was a checklist to follow. Nic Strong stated that the Board told the American Legion to submit a Minor Site Plan, so if someone went away and got a Minor Site Plan application.....Virgil MacDonald stated all the Board told them to do was mark out the parking, and John Dever, III, was sitting right at the table, and all they had to do was overlay the parking onto the old plan. Nic Strong stated she never said that. She was trying to point out that if an applicant went away and got the regulations and an application with the checklist, and they did not want to submit the items that the regulations required, then they needed to inform the Board of that and ask that the Board allow them to not to show them on a site plan. That process had not been done, so what she did was point out for the Board that many of the items on the list did exist and it was up to the Board to decide whether they wanted them to exist separately, or be placed on the plan. Virgil MacDonald stated that the Board asked the American Legion to overlay the parking on the plan that already existed. Nic Strong stated that the Board could not tell an applicant to overlay anything on a stamped plan. Virgil MacDonald stated that now the Board had a whole list of items that should have been brought up at the last meeting. Roger Sample stated that the Board was wrong and misinformed the applicant, and they were not going to correct that. Virgil MacDonald thought that the Board did an awful lot of misinforming applicants. Roger Sample stated that the Board was just going to go down the list and okay the items to be indicated on the plan or not. Peter Bolster did not think that the Board misinformed the American Legion; the Board stated that if they came in with a plan, the Board would entertain this application as a Minor Site Plan. The definition of putting together a Minor Site Plan was exactly what Nic Strong just talked about. Dave Hussey stated that he did give more than what the Board was asking for. Peter Bolster stated the problem was that those items were in many different places throughout the file.

Roger Sample proceeded to address the outstanding items not indicated on the site plan.

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- The site plan did not include a site location plan, but there was one on the existing conditions plan that was filed with the wetlands permit application. Scott Williams thought it was probably on the septic design as well. This did not need to be added to the proposed plan.
- The site plan was missing the north indicator.
- Russ Wilder noted that the creator of the plan was not indicated and was currently indicated as “XX”. Roger Sample thought the north point, plan scale, name of the plan preparer should be added to the plan. The Board agreed.
- The zoning district of the lot and the setback requirements were missing. Roger Sample thought the zoning district information and setback distances should be added as a note. The Board agreed.
- The parking spaces did not delineate between the existing and proposed and it should be marked on the plan. The Board thought that should be added and could be shown with some shading.
- The handicapped spaces were existing, but were not shown. The Board thought this should be added. Peter Bolster asked how many handicapped spaces were required per regulations. Nic Strong stated it was in the Site Plan Regulations and all the American Legion had to do was read that section to make sure there were enough.
- The height of the building was not on the site plan, but was indicated as a one-story on the tax card. Russ Wilder thought that was okay not to indicate because it was really a parking application and nothing to do with building. The Board agreed.
- The floor plan was missing. The Board thought that was okay not to indicate.
- The location of the public water line was not shown, but was on a 2003 site plan. The Board thought that should be marked on the plan.
- The septic tank and leach fields were shown on another plan. Russ Wilder thought it might be important to indicate on the plan. Scott Williams stated that the septic design was in the file. Nic Strong stated that the septic design in the file did not show H2O; she had John Dever, III, look at it. Dave Hussey stated that he had a copy of all the information that he gave to the town.
- The location of the wetlands was not shown. Russ Wilder stated it was indicated on the wetlands permit application. There was no need to add to the proposed plan.
- There was no note about the flood plain. Roger Sample thought they could skip that one. The Board agreed.
- The direction of stormwater flow was not on the site plan and existing and proposed drainage facilities were missing. Scott Williams thought that should be part of the wetlands application. Russ Wilder stated not for this because they were putting in more parking, and asked where was all the water going to go coming off of the new surface. Dave Hussey stated that he had installed drainage in the parking lot to take care of that. Peter Bolster thought it should be shown. Russ Wilder stated that if more impervious surface was being created, he thought the Board had regulations on not increasing the amount of runoff onto an adjacent property. Dave Hussey stated that the Board did have such a regulation and he noted that the Board should go look at the runoff that was going across their property from their neighbor. Russ Wilder stated that this was not about “what abouts”, this was a matter of what was before the Board now. Dave Hussey stated that the American Legion had not created more runoff, but they have gotten rid of the runoff that was coming across their property. Russ Wilder thought it would be useful to have some way to address the drainage because the parking lot was changing and he thought it would affect drainage. He stated that if the Board went ahead and approved the application and someone downstream was damaged because the water flowing off of the parking lot, that would be an issue. Virgil

MacDonald stated that the water was coming from the carwash that the Board approved. Russ Wilder stated, no, that Richard D'Angelo had drainage that was approved. Virgil MacDonald and Dave Hussey asked Russ Wilder if he had seen whether their drainage was working properly. Russ Wilder stated to Virgil MacDonald that there was something that he would like the Board not to do and that was to do "what abouts", because they were talking about the application in front of them and if that was the way things were going to be handled, they could spend all night long wasting a lot of time by talking about other "what abouts." Russ Wilder thought that drainage should be shown how it was going to work. Scott Williams thought by placing arrows on the plan where the water would flow was sufficient. Dave Hussey had no problem with that. Russ Wilder was concerned as a Board member because if this was approved, and there was an increase in runoff because of the change in the parking lot, somebody downstream might be damaged by it and they could come after the Board for not doing their job properly. Scott Williams stated that the drainage had been there for about a year and a half to two years now, and he thought that if there was a issue, it would have been shown by now. Dave Hussey stated that the Board had an approved DES drainage plan. Russ Wilder stated that the American Legion obtained a DES wetlands permit based upon Cindy Balcius' work, but was the design done by a civil engineer. Dave Hussey stated that Cindy Balcius had an engineer and surveyors on the premises when they were doing the mitigation and there had been no problems with the drainage since it was installed. Scott Williams thought that if they used overflow parking on the septic, they should leave it as a grassy area, which would decrease runoff. Peter Bolster asked since they received their DES approval, had there been any additional ledge pack installed in the parking area. Dave Hussey stated that since the project was completed, they have done nothing in that area.

- Scott Williams brought up exterior lighting. He noted that there were some bases for lighting. Brendan Twomey stated that he did not think the American Legion had enough money to complete the lighting as of yet. Scott Williams stated that if they were going to use that area as parking, they needed to have some lighting installed. Dave Hussey stated that if they installed some lighting, they would go to John Dever, III, to see if it was approved lighting. Scott Williams pointed out that they were to use dark sky lighting and nothing over 3,000K. Brendan Twomey stated that with the price of the lighting he received, that lighting was not being installed any time soon. Dave Hussey noted that if the Board wanted the American Legion to put in writing that if they installed the lighting, it would be approved by John Dever, III, first. Brendan Twomey referred to the existing light fixtures, and asked if the Board wanted those indicated on the plan. Dave Hussey stated that he would have everything on the plan that the Board wanted to see.
- Russ Wilder wanted some sort of assurance that there would not be any additional runoff from the property than previous. Dave Hussey stated that was covered with the DES permit. Russ Wilder noted that he did not see that DES performed any drainage calculations. He noted that if it was shown that all the drainage went down through the swale that was created with rip rap and if Dave Hussey would make a claim that was going to control the runoff, because normally the Board would require an engineer sign off to that. Dave Hussey invited the Board to go down to the American Legion during the next thunderstorm to monitor the drainage. Scott Williams stated that the stormwater ran from left to right across the lot, plus there was also a catch basin that ran across the street. Dave Hussey shared that there were three (3) catch basins on the property. Scott Williams asked for those to be added to the plan.
- The need for temporary or permanent erosion control was not indicated on the plan. Scott Williams thought that it was stabilized by now.

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- Roger Sample noted that the general topography was not on the site plan, but was shown on the proposed conditions plan and was part of the wetlands permit application.

Dave Hussey stated that the parking plan was drawn up the way it was because that was what the Board asked him to do; he did provide all of the other additional items at one point in time, it was just not indicated on the parking plan. Nic Strong stated that the Board needed to confirm the issue about the septic system and that it needed to specify whether it was an H10 or H20 system.

Russ Wilder noted that the applicant was willing to make the changes to the plans and thought that the case should be continued to the next meeting and the Board would have the chance to look at the changes. Scott Williams thought adding the items to the plan should be a subsequent condition. Brendan Twomey stated he would just use his checklist to make sure everything was added to the parking plan. Nic Strong clarified that the missing items were considered precedent conditions.

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

After due hearing, Scott Williams MOVED that the Alton Planning Board hereby approves the above cited application for the American Legion Post No. 72, Final Minor Site Plan Review for additional parking for property located at 164 Wolfeboro Highway (NH Route 28), Map 8 Lot 46 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 is subject to the Conditions of Approval itemized in the August 21, 2018, Notice of Decision on file at the Town of Alton Planning Department.**

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.**

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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 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.**

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.

Peter Bolster seconded the motion, and it PASSED unanimously.

Dave Hussey thanked the Board on behalf of all the Veterans in the United States.

Dave Hussey returned to his seat and rejoined the Board.

Other Business:

1. Old Business:

- a. Memo dated July 3, 2018, from Nic Strong, re: ZAC Membership for 2018/2019.

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Tom Hoopes was nominated at the last meeting, but he was absent. A confirmation from him is needed as to whether he can sit on the Committee.

Nic Strong stated that Tom Hoopes emailed her and stated he wanted to be on the Committee. Dave Hussey stated that he wanted to be on the ZAC committee too. Scott Williams will be absent from the first ZAC meeting next Wednesday, August 29, 2018.

Scott Williams MOVED to have Dave Hussey sit as a member of the 2018-2019 ZAC committee.

Russ Wilder seconded the motion, and it PASSED unanimously.

- b. Letter dated June 18, 2018, from DOT, re: road safety audits on NH Routes 11 and 28.

Nic Strong stated that as part of the 10-year plan, the Town proposed two (2) road projects, but they did not make it into the 10 year plan. A road safety audit application was submitted in its place to see if the Town could get a study done of the two (2) locations, but that was denied also.

Scott Williams recused himself and sat at the other side of the table.

2. New Business:

- a. *Discussion re: Scott and Penny Williams, Excavation Application.*

Scott Williams and Paul Zuzgo, LLS, came to the table. Scott Williams stated that he was working on getting an engineer on board; engineers were out straight right now with work. He stated that Paul Zuzgo, LLS, had completed the topography and hoped to have an application in by the end of the month for the next meeting. Paul Zuzgo, LLS, stated that the economy was booming and he thought that having the Board ask Scott Williams to provide an application in two (2) months was unfair. Paul Zuzgo, LLS, stated that he found an engineer two (2) weeks ago and should have an application in by August 28, 2018. Russ Wilder noted that Paul Zuzgo, LLS, had performed the surveying of the pit and that information should be provided to the engineer.

Paul Zuzgo, LLS, stated that this required three (3) plans; he could provide an existing conditions plan. He thought that the Board did something wrong with the last case because any time the Board accepted a plan that required drainage, it required an engineer's stamp; that was State law. If a plan showed setbacks and distances, it required a surveyor stamp.

Scott Williams stated that he was going to be closing up about an acre of what was currently open, which was naturalized, but he would not be doing that until September 1, 2018. Russ Wilder was unsure exactly where the pit was located. Scott Williams stated it was a little pit that was unnoticeable, located off Route 140. Russ Wilder

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asked if it was a gravel pit because he did not notice any gravel; Scott Williams stated, yes. Peter Bolster stated you could see it if you knew it was there. Scott Williams stated it was very shielded and he owned all three sides of it, which was 166 acres, and it was located near his subdivision.

Scott Williams pointed out that if for some reason, people had a real problem, no one could close his pit because Statute 155-E allowed an owner to move his gravel to his subsequent adjacent lots, by law, in any amounts he wanted to do. Dave Hussey asked how much time he needed to complete the application process. Paul Zuzgo, LLS, stated that the application would be submitted by August 28, 2018, then it was up to the Board to get it approved.

Scott Williams stated that the Selectmen had no right to rescind anything because it was a State permit not a Town permit, and it was up to the Planning Board to rescind anything. Paul Zuzgo, LLS, stated that there were two (2) permits in question. One the Selectmen took care of already, which was signing the State permit, and the second one came from the Planning Board. He stated that the Selectmen set a deadline for a Planning Board application and the Planning Board application was not due until August 28, 2018, not August 5, 2018.

Nic Strong explained that the Intent to Excavate was a State permit, and the mix up with the permit was that the Assessing Department did not send them up to the Selectmen to be signed because they were waiting for the Planning Board to issue an excavation permit. The Selectmen had a meeting with various people and determined that they were out of compliance with signing the Intents within 30-days of them being submitted. The Selectmen decided to put in a caveat on the Intents when they signed them about submitting an application within a certain period of time and getting an approval within a certain period of time. The deadline for submitting by the Selectmen's date that they put on the Intents went by and when she got back from being out of the office she had an email from Paul Zuzgo, LLS, that had asked if it was possible to submit on August 28, 2018, for the September meeting. Nic Strong responded that she did not know the answer to his question because it was the Selectmen who set the deadline as a caveat for their signing the Intents to Excavate and he should contact the Town Administrator about that. She noted that anyone could submit an application to the Planning Board to meet their deadlines at any time, but the question had to do with the consequences of missing the Selectmen's deadline. She shared that Scott Williams was here to discuss having an application submitted and if it was submitted by August 28, 2018, it would be on the September 18, 2018, agenda. Scott Williams thought that some of the Selectmen, the Town Administrator, and possibly even the Code Enforcement Officer was on a head hunting mission; he thought that was bad practice. Russ Wilder stated that all he knew was what was presented tonight and what he read, he was fine with Scott Williams submitting an application by August 28, 2018. Scott Williams stated that if there was a problem with Paul Zuzgo, LLS, getting all of the information in, he would let the Board know.

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Dave Hussey wanted to take a vote that the Board was okay with an extension. Scott Williams thought that needed to take place because the Selectmen wanted to roll some heads.

**Russ Wilder MOVED to accept an excavation application submittal by August 28, 2018, which would be heard at the September 18, 2018, meeting.
Dave Hussey seconded the motion, and it PASSED unanimously.**

Scott Williams returned to his seat and rejoined the Board.

3. Approval of Minutes: July 17, 2018, Planning Board Meeting

**Russ Wilder MOVED to approve the minutes of July 17, 2018, as presented.
Dave Hussey seconded the motion, and it PASSED unanimously.**

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

- a. Continued from July 17, 2018. Letter dated June 28, 2018, from John W. Jeddrey, re: paving of Ridgewood Subdivision.

Nic Strong explained that when John W. Jeddrey submitted his letter, he had a lot that was due to close, so he was in a hurry to get the Board to discuss this, but that fell through. She shared that back in 2012, he amended his subdivision approval and suggested that he would pave the entirety of Phase 1 of his road before he sold lots. His request now had to do with the lot he built on and was ready for sale, which was already on a paved portion of the road. John W. Jeddrey was requesting an exception to have to pave the rest of the road when it was not providing access to the lot he was working on, and he would pave the rest of it when the next lot was ready to sell. Virgil MacDonald noted that there was a bond in place. Nic Strong stated that the bond was not changing. A vote was needed because it was part of the amended approval that John W. Jeddrey would pave the rest of the road by a certain time.

**Virgil MacDonald MOVED to approve the request to not pave the remainder of Phase I until the sale of the next lot that requires paving.
Dave Hussey seconded the motion, and it PASSED unanimously.**

5. Correspondence for the Board's information:

- a. *Letter dated August 8, 2018, from Nic Strong to Karen Kimball re: invalidated site plan.*
- b. *Construction Monitoring Escrow Estimate dated August 6, 2018, from Kevin Leonard, P.E., of Northpoint Engineering, LLC re: Alton Bay Self-Storage.*
- c. *Pre-Construction Meeting Minutes dated August 9, 2018, re: Kevin Leonard, P.E., of Northpoint Engineering, LLC, and Alton Bay Self-Storage.*

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APPROVED

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

Public Input on Non-Case Specific Local Planning Issues

There was no public comment.

ADJOURNMENT

**At 8:35 p.m., Scott Williams MOVED to adjourn.
Dave Hussey seconded the motion, and it PASSED unanimously.**

The meeting adjourned at 8:35 p.m.

Respectfully submitted,

Jessica A. Call
Recording Secretary

Minutes approved as amended: September 18, 2018