

**TOWN OF ALTON PLANNING BOARD
MINUTES 2017
DECEMBER 19, 2017**

APPROVED

Members Present:

Roger Sample, Vice-Chairman
Russ Wilder, Clerk
Dave Collier, Member
Tom Hoopes, Member
Scott Williams, Member

Others Present:

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

Interviews with potential Town Consulting Engineers

Michael Vignale, P.E., KV Partners, LLC, 5:00 p.m.

Michael Vignale, P.E., explained to the Board that he had been working with the Town since 2014, and had 20 years of experience in all. The scope of work that he currently did for the Town, he also did for about six other communities, which gave him a broad spectrum of what was going on around the State in the planning world. He was a Principal of the company and had been in business for 12 years with his partner Ray. KV Partners, LLC, was a small company and was comprised of three (3) full-time employees and two (2) other engineers as needed, and sometimes would hire construction resident engineers in the summertime. Michael Vignale, P.E., stated that he had just completed an overhead rate audit with DOT, and determined that his overhead rate was 0.61, which was really low.

Michael Vignale, P.E., stated that as an experienced engineer, when he looked at a project he was able to complete a planning review precisely and relatively quickly, and tried to stay within the estimated amount that he previously determined for the escrow account. He shared that since 2014, he had worked on 12 projects for the Town, whether they were new or old. He enjoyed overseeing projects, and always provided engineering reviews on time, or even early.

Tom Hoopes liked how Michael Vignale, P.E., wrote up reports, because he was direct, concise, and got things resolved quickly. Russ Wilder asked since work was picking up, how would Michael Vignale, P.E., be able to juggle multiple jobs between communities. Michael Vignale, P.E., stated that many of his jobs were fairly small, but at times, there were jobs that had the same deadlines. As the owner of a small business, there were times that he worked long hours to get his reviews completed on time. Russ Wilder asked if he had contracts with the other communities. Michael Vignale, P.E., stated that he had eight (8) current contracts, and several of those he had for over ten (10) years. Scott Williams mentioned that what he found frustrating was when engineers provided their review and if a mistake or an omission was found and the engineer was asked to amend it, when the review was submitted the second time, there would be a whole list of things that were not indicated the first time around. Michael Vignale, P.E., stated that if the Board looked at his history of reviews with the Town, they would not see that was the case.

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Michael Vignale, P.E., stated that when he named his business, KV Partners, LLC, it did not just have to do with him and his partner because they were partners, it was more like a partnership with the Town, the developers, and everyone he worked with.

George Fredette, P.E., SFC Engineering Partnership, Inc., 5:20 p.m.

George Fredette, P.E., stated that the first projects he worked on for the Town were Ridgewood, Turtle Kraal, and Sedlari Way was most recent. He stated that all of those projects were not very straightforward, but he liked to take things and make them cleaner and easier to understand. Tom Hoopes stated that the Board had to rely upon information from the engineer. George Fredette, P.E., shared with the Board that his municipal work was on the lean side and most of his work was for private developments, which he found interesting because he was able to view different sets of plans and found other ways of doing things. He had enjoyed the type of work he had done for the Town, like plan reviews and inspections.

Russ Wilder stated he worked with George Fredette, P.E., in Windham back in the day when they were working on a 100-lot subdivision. Russ Wilder asked about his rates that were indicated in his RFP, more specifically the rate with an asterisk. Nic Strong stated that the schedule of billing rates did not specify what the determining factor was for the different rates. George Fredette, P.E., stated that if he used an Engineer 1, it was \$95/hour, and if George Fredette, P.E., were involved, it would be \$135/hour. George Fredette, P.E., stated that there were two (2) other engineers in his office that would be the point people for the Town. Russ Wilder asked about conflict of interest. Nic Strong stated it was not clearly noted in his application. George Fredette, P.E., stated that he had worked for the Town for about 9-10 years, and throughout that time, there was only one job that he performed in Alton, which was to survey and identify a side lot line. Russ Wilder wanted to make sure he was not going to work for other developers if he would be working for the Town. George Fredette, P.E., stated that he would not. Russ Wilder shared with George Fredette, P.E., that he thought most of his work would mainly be reviewing site plans and not a lot of subdivisions.

Kevin Leonard, P.E. and Jeff Lewis, P.E., Northpoint Engineering, LLC, 5:40 p.m.

Kevin Leonard, P.E., and Jeff Lewis, P.E., started Northpoint Engineering, LLC, back in 2004. Kevin Leonard, P.E., stated that they did consulting for towns, but mostly in Southern NH. He stated that they were trying to keep a third of their business in municipal engineering, doing technical review, inspection work, and design work. The towns that they worked with now were New Boston for about 10 years, Lyndeborough, Dunbarton, and Hillsborough. Tom Hoopes stated a lot of the work would be drainage, and Alton had a lot of wetlands, mountains, and rock. Kevin Leonard, P.E., stated his firm was familiar with drainage analysis and how to model it, how to make sure that culverts and drainage systems were functioning correctly, and constructing proper retention basins. He stated that they did a lot of private development work all over the state, so they were familiar with the State's Alteration of Terrain (AoT) permits. They recently worked on a road construction project for the Town of Lyndeborough, starting in 2015 and wrapped up construction this past summer, for a total of \$1.87 million. This project included some difficult drainage deficiencies, which were located adjacent to a lake. Kevin Leonard, P.E., noted that their primary construction inspector, Jeffrey Madon, lived in Gilford, which was pretty close to Alton, and their office was located in Concord. Kevin Leonard, P.E., would serve as the point of contact for municipal work, and Jeff Lewis, P.E., would assist him with drainage reports and meeting deadlines for meetings, if the workload became too heavy.

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Scott Williams asked if the mileage would be tracked from Gilford or Concord when Jeffrey Madon performed inspections. Kevin Leonard, P.E., stated, Gilford. Russ Wilder asked how much Jeffrey Madon charged per hour; Kevin Leonard, P.E., stated, \$85/hour. Russ Wilder stated their RFP submittal stated that they would not take on other design projects while consulting for the Town; Kevin Leonard, P.E., stated that they would comply with that requirement. Jeff Lewis, P.E., mentioned that they had a wetlands scientist on staff who may possibly be asked to perform some work in Town, but they would check with Nic Strong first to see if it would become a conflict of interest. Russ Wilder brought up the wetlands scientist and he wanted to know a little more about them. Kevin Leonard, P.E., stated that their wetlands scientist was Randall Shuey, CWS, who was a senior environmental scientist specializing in wetlands, soil, and was a certified professional in sediment control. Randall Shuey, CWS, had worked in the Lakes Region for 20 years, and had been working directly for Northpoint Engineering, LLC, for the past 18 months. Kevin Leonard, P.E., stated they had not had a wetlands scientist before and thought it was critical to have someone in-house that performed that type of work.

Scott Williams noted that when Kevin Leonard, P.E., received a set of plans to review from the Town, that he was expected to be very thorough with his review the first time, and if after submittal of his review it was sent back to him due to errors, upon fixing those errors, that he would then not add additional items to his review that were not there the first time. Scott Williams mentioned that it was a bad business practice.

Scott Williams asked if Northpoint gave quotes for each project. Kevin Leonard, P.E., stated that he would after looking things over to see how large or small the project was proposed to be. Tom Hoopes stated that the Town needed an estimate on how much the review was going to be in order to have the applicant put money aside in an escrow account.

Scott Williams asked about inspections; Kevin Leonard, P.E., stated that he started to look through the Construction Observation Regulations, and while realizing that towns had different criteria, they would provide detailed estimates according to the Town's requirements.

Kevin Leonard, P.E., shared with the Board that he thought the RFP was written up well, and liked that it included a bit of the history of work, because it gave him a good sense of the amount of work expected of them. Kevin Leonard, P.E., stated that he was aware when projects arose that there would be a rotation schedule between the two engineering firms, and he was ok with it.

Discussion on which two (2) engineering firms would be considered to be the consultants for the Town would take place before the meeting concluded.

CALL TO ORDER

Roger Sample called the meeting to order at 6:00 p.m.

APPROVAL OF AGENDA

Roger Sample asked if there were any changes to the agenda since it was posted; Nic Strong stated, no.

Scott Williams moved to accept the December 19, 2017, agenda as presented.

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Russ Wilder seconded the motion, and it PASSED unanimously.

Public Hearing pursuant to RSA 675:3 on proposed 2018 Zoning Ordinance Amendments

Roger Sample opened up the public hearing. Nic Strong pointed out that Roger Sample should acknowledge that the notice for the public hearing was published in the newspaper, hung up at the post office, and was posted in Town Hall.

PLANNING BOARD PROPOSED AMENDMENT #1:

1. Amend Article 300, General Provisions, Section 360 Non-Habitable Structure as Principal Building on a Lot, to specify that a private garage, workshop or shed larger than 240 s.f. may be permitted according to the Table of Uses and to specify that they are not permitted in the Recreation Service (RS) Zone.
2. Amend Article 400, Zoning Districts Regulations, Section 401 Permitted Uses - Table of Uses, to add the size limits for sheds, garages and workshops as a principal building on a lot and to change the garage, workshop or shed larger than 240 s.f. in the Lakeshore Residential (LR) Zone from not permitted to requiring a Special Exception

RATIONALE:

This proposed amendment would permit garages, workshops and sheds larger than 240 s.f. to be constructed as the principal building on a lot in the Lakeshore Residential District by Special Exception where it was currently prohibited. The amendment also specifies that these structures remain prohibited in the Recreation Service District. It also adds the dimensions of the categories of structure to the Table of Uses for clarity.

DISCUSSION:

Loring Carr came to the table to speak against this amendment. He thought that the dimensions of a shed, 12' x 20', should be larger. Tom Hoopes stated that this amendment referred to the Lakeshore Residential zone. Scott Williams asked if Loring Carr had any dimensions in mind. Loring Carr stated that he did not see what difference it made if it was on a separate lot, and if you could have a house 50' x 30', he did not see why a resident could not have a garage of the same size. Tom Hoopes gave an example of Trask Side Road where the lots were split in two to accommodate the road, and it was those back lots away from the lake that this amendment referred to.

Nic Strong stated that this amendment was not about the size of a shed, what it stated was that on any lot in any district if a resident wanted to put a shed less than 240 s.f. as a principal building, you were permitted to do that by right. If a resident wanted to put a shed larger than 240 s.f., or a garage or workshop, as a principal building on a lot, in various districts, a special exception was required, and in the Recreation Service zone, it was not permitted.

Discussion closed for Amendment #1.

The Board determined to move forward the language proposed by ZAC.

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PLANNING BOARD PROPOSED AMENDMENT #2:

Amend Article 300, General Provisions, Section 335 Appearance Review, Sub-section B, Review Process, to add language that would allow the Zoning Board of Adjustment to review applications for compliance with the intent of Section 335.

RATIONALE:

This proposed amendment allows the ZBA the opportunity to review applications under its jurisdiction for conformance with the "Appearance Review" section of the Zoning Ordinance.

DISCUSSION:

No discussion took place.

PLANNING BOARD PROPOSED AMENDMENT #3:

1. Amend Article 300, General Provisions, to add a new Section 321, Obnoxious, Hazardous or Unsafe Conditions.
2. Amend Article 200, Definitions to add a definition.

RATIONALE:

This proposed amendment adds a new section prohibiting obnoxious, hazardous or unsafe conditions and adds a definition of obnoxious.

DISCUSSION:

Loring Carr came to the table to speak against this amendment. He thought that it was too personal and there could be a situation where people would feel they were not being treated equally. Tom Hoopes shared that this amendment was worked out by Jim Sessler, Esq., Town Counsel, so residents did not feel they were being singled out. Loring Carr stated that his house had an oil burner and puts out smoke. Tom Hoopes stated that as long as Loring Carr's oil burner did not put out thick black smoke, then neighbors down the street could not complain. Loring Carr was still under the impression that this amendment was subjective.

Loring Carr asked if it was up to John Dever, III, Code Official, to make a determination as to whether a resident violated this ordinance. Scott Williams thought that if someone questioned John Dever, III's, opinion that he might go to the Board of Selectmen or Jim Sessler, Esq., Town Counsel. Loring Carr stated that having one person's opinion could be a problem. Loring Carr thought there should be a group of people making the decision. Nic Strong stated that if a person did not like the interpretation of the ordinance by John Dever, III, Code Official, the process was they would go before the ZBA to appeal the Administrative Decision. Loring Carr stated that he would like to see some wording added to this amendment so people would know there was an appeal process. Nic Strong stated that was the process for all of the zoning ordinances. Loring Carr felt better after being told there was an appeal process in place, if necessary. Russ Wilder thought adding some language under the "**RATIONALE**" stating, "As with all of these ordinances, a dispute would be appealed to

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the ZBA.” Roger Sample disagreed, and thought it was favorable to leave it as was. Scott Williams thought adding some language like, “If there was a dispute, this was how it would be handled.....”. Dave Collier thought adding “with any regulation, if it was contested”. Scott Williams thought by putting it in the rationale meant that the amendment would not have to be rewritten.

The Board determined to add language to the rationale that would reference the ZBA as the appeal board for any dispute. With that change, the language would move forward as presented by ZAC.

PLANNING BOARD PROPOSED AMENDMENT #4:

Amend Article 300, General Provisions, to add a new Section 352, Temporary Use of a Manufactured Home.

RATIONALE:

This proposed amendment adds a section allowing the use of a manufactured home on a lot during the construction, reconstruction and/or repair of a permanent residence on the same lot with certain conditions. This currently is not permitted.

DISCUSSION:

No discussion took place.

PLANNING BOARD PROPOSED AMENDMENT #5:

1. Amend Article 200, Definitions, Contractor Equipment Storage, to include maintenance of equipment and sales of construction and landscape materials.
2. Amend Article 400, Zoning Districts Regulations, Section 401 Permitted Uses - Table of Uses, Retail Business and Service #16, to change the title of Contractor Equipment Storage to Contractor's Yard, to delete the notes and to add directions to Special Exception requirements.
3. Amend Article 400, Zoning Districts Regulations, Section 444 Special Exceptions, to add a new sub-section C., Contractor's Yard.
4. Amend Article 400, Zoning Districts Regulations, Section 451 Permitted Uses, to add a new sub-section G., Contractor's Yard.
5. Amend Article 400, Zoning Districts Regulations, Section 462 Permitted Uses, to add a new section regarding Special Exceptions in general and Contractor's Yards in particular, as follows:

RATIONALE:

This proposed amendment renames the existing definition of Contractor's Equipment Storage to Contractor's Yard and expands the use to allow the sale of construction and landscape materials. The proposed amendment includes additional Special Exception considerations for applications proposed under the new definition.

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DISCUSSION:

No discussion took place.

PLANNING BOARD PROPOSED AMENDMENT #6:

Amend Article 400, Zoning Districts Regulations, Section 412 Restrictions Governing Use, to change the required frontage on a Lakeshore Residential lot with no lake frontage from 150' to 75' at the street or highway line, and to add a new sub-section d. requiring mainland lakefront lots created after March 13, 2017, to have fifty feet of street frontage.

RATIONALE:

This proposed amendment would address an inconsistency between the required frontage in the Lakeshore Residential District for a mainland lakefront lot and a non-lakefront lot and would increase the frontage for mainland lakefront lots to fifty feet.

DISCUSSION:

Loring Carr came to the table to speak against this amendment. He wanted to know why the frontage was changing from 150' to 75' for the mainland lots that did not sit against the lake. Tom Hoopes stated they were Lakeshore lots, but the lots did not sit on the water itself. Nic Strong stated that the issue was that the minimum lot size was 30,000 s.f. in that district for a lot that had lake frontage, the frontage requirement on the road was only 30'. For a lot in that same district with the same minimum lot size and no lake frontage, the requirement was 150', therefore, leaving a vast difference between the two. After the ZAC Committee looked at other districts in Town with residential uses and lots of that size, it was very much larger in the Lakeshore than it was in the other districts. Russ Wilder thought that what Loring Carr meant was there could be a situation where there was a bow in the road and if you had two 75' frontages and two 30,000 s.f. lots, if the frontage requirement was 150', you could only get one lot instead of two.

Loring Carr still did not like the change and brought up the fact that the Water Well Board required a 75' radius around the well, so there would have to be 150', otherwise a waiver was needed. He thought that by decreasing the frontage, there would be more people requesting waivers from the Board of Selectmen. He shared with the Board that when he sat on the Board of Selectmen, they had a regulation about clean water because there were so many septic systems down by the lake that algae grew in the lake in June. He stated that if the frontage was 75', even though the lots were located across the street, this would allow for more construction and the installation of more septic systems near the lake that already had too many systems located next to it.

The Board determined to move forward the language proposed by ZAC.

PLANNING BOARD PROPOSED AMENDMENT #7:

1. Amend Article 200, Definitions, to add a new definition for Agriculture for Personal, Non-Commercial Use.

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2. Amend Article 300, General Provisions, to add a new Section 318 Agriculture for Personal, Non-Commercial Use.

RATIONALE:

This proposed amendment would add a new use to the Zoning Ordinance that would permit the keeping of chickens and bees, with certain conditions, in all districts in Alton except the Recreation Service district. Currently agriculture, as defined by the State of NH, is permitted only in the Residential Rural and the Rural districts. There had been many requests by residents in other districts with particular regard to chickens and bees.

DISCUSSION:

No discussion took place.

PLANNING BOARD PROPOSED AMENDMENT #8:

1. Amend Article 300, General Provisions, Section 319 Standards for Accessory Dwelling Units, to specify that an application for sewage disposal for accessory dwelling units shall be submitted prior to construction.
2. Amend Article 300, General Provisions, Section 319 Standards for Accessory Dwelling Units, to prohibit condominium conveyance of any accessory dwelling unit separate from that of the principal dwelling unit.
3. Amend Article 300, General Provisions, Section 319 Standards for Accessory Dwelling Units, to add a new #14., to prohibit accessory dwelling units with multiple single-family dwellings attached to each other, such as townhouses, and with manufactured housing.

RATIONALE:

This proposed amendment updates the Accessory Dwelling Unit section to remain in compliance with changes made to State law regarding these dwelling units during the 2017 legislative session.

DISCUSSION:

No discussion took place.

PLANNING BOARD PROPOSED AMENDMENT #9:

Amend Article 200 Definitions, to amend the following definitions: Duplex or Two-Family Dwelling, Frontage, Shoreland, Protected Shoreland, and Reference Line.

RATIONALE:

This "housekeeping" amendment proposes changes to existing definitions in order to refer to statutory definitions and to update the definition of duplex or two-family dwelling to include horizontal separation as well as vertical.

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DISCUSSION:

No discussion took place.

PLANNING BOARD PROPOSED AMENDMENT #10:

1. Amend Article 200 Definitions, to add the following definition for Health Club/Fitness Center/Gym.
2. Amend Article 400, Zoning Districts Regulations, Section 401 Table of Uses, to add new use #52. Health Club/Fitness Center/Gym.

RATIONALE:

This proposed amendment would add a definition and update the Table of Uses to allow Health Clubs/Fitness Centers/Gyms in certain districts in town. This use is not currently included in the Zoning Ordinance.

DISCUSSION:

Scott Williams stated that there were some gyms in town that were approved to operate, but were not approved under an actual use. This amendment adds that use.

Roger Sample closed the public hearing.

Scott Williams moved to advance the proposed Town of Alton Zoning Amendments #1-10, as amended at this public hearing, for a ballot vote in March 2018.

Tom Hoopes seconded the motion.

DISCUSSION:

Russ Wilder thought that Loring Carr made a good point about increasing density with the frontage change in the Lakeshore/Residential district. Scott Williams stated that there was a lot of discussion between ZAC members, and they wanted to keep the lots on both sides of the road comparatively reasonable, because they were out of balance. Scott Williams stated that a lot still needed 30,000 s.f. Tom Hoopes stated that lots on the mainland side of the road were larger lots and there were not a lot of them left. Russ Wilder thought by allowing shorter frontage requirements that it allowed for more construction next to the lake. Scott Williams stated he knew the court case about the well that ended up changing State law, which had to do with a resident drilling their well right on their property line so his neighbor could not put in a septic system. He also noted that if the well was installed properly, permeability would not affect it. He stated that was why the waiver came into play, not because of water quality. Tom Hoopes stated that the Town also adopted a regulation that did not allow a well to be installed on a property line.

Roger Sample asked the Board for a vote, and the motion PASSED, with Russ Wilder opposing.

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Roger Sample recused himself for the following Conceptual Consultation. Russ Wilder sat in to chair the meeting.

Conceptual Consultation

Case # P17-20 Roger Sample, Agent for Alton Woods, LLC	Map 9 Lots 53-2 thru 53-20 (Revoked)	Conceptual Consultation Rural Residential (RR) New Durham Road
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The Clerk read the public hearing notice.

Present was Roger Sample, Agent for Alton Woods, LLC.

Russ Wilder stated that this project was a former subdivision where Lot 53 was divided up into Lots 2-20, and since no further construction happened, the plan was revoked. He mentioned that it was indicated on the tax map with the designated lots. Roger Sample stated that the tax maps were updated every year, so it would not be reflected right away. Russ Wilder stated that the road into that subdivision was called Marie Drive. Roger Sample stated there were two (2) roads in that subdivision, and the second road was further up where it split into two.

Roger Sample provided the Board with some drawings of the proposed plan. He currently owned a 5-unit building on the property, formerly known as the Ferncroft Farm. He stated that the subdivision was designed in such a way that he would use the existing roadway, but would put in a private road. He stated he would be building on the section of the property where there was a clearing, because the rest of the property had a lot of wetlands.

Roger Sample proposed to build four (4), five (5) unit townhouses, which would be built on a frost wall foundation. Tom Hoopes asked how large the cleared area was. Roger Sample stated it was roughly 2.5 acres cleared, but the property had 69 acres. Tom Hoopes did not think that Roger Sample could build the four (4) buildings within the same area. Roger Sample stated that he was going to build them as far apart as he could afford to build a road. Scott Williams stated that the Planning Board could require green/open space between the buildings. Russ Wilder stated that the buildings would need adequate septic disposal.

Scott Williams asked about a well. Roger Sample stated that it was suggested that he not put in a well. Scott Williams stated that if there were more than two (2) buildings that Roger Sample would need to get a water license. Roger Sample stated that the Town could put in a water meter on every unit. Scott Williams stated that Roger Sample did not have to get a meter on every unit; he could have a central point for one meter and pay for it himself, then he would disperse from that meter, but he would still have to get water from the Town. Roger Sample stated that the Water Department told him that they would run the water line into the subdivision themselves if he put a meter on every unit. Scott Williams stated that there was a fire hydrant located near the end of the driveway at the medical center. Roger Sample stated that without having a hydrant located on the property, he would become a risk with his insurance. Scott Williams stated that Roger Sample should talk to the Fire Chief about installing sprinklers. Roger Sample stated that he had built buildings in the past and they did not require a sprinkler system. Scott Williams stated that was because they were existing buildings. Scott

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Williams mentioned the Gilman home where they wanted to build three (3) or four (4) units, and the Fire Department required them to install sprinklers.

Russ Wilder asked if the units would be up for rent; Roger Sample stated they would be rentals. Russ Wilder asked Roger Sample if he would be willing to grant a conservation easement on the rest of the property, with the exception that there could be wells and septic systems located in that area. Scott Williams stated that would restrict Roger Sample from further development on the property. Roger Sample thought that could happen with a small portion of land. Russ Wilder thought it would be an asset to renters because they could access the trails out back of the property.

Russ Wilder asked if there was going to be a common area, or were they straight rental units. Roger Sample mentioned that he talked to a farmer about planting corn in the open field. Russ Wilder asked if Roger Sample thought about his neighbors, traffic, lighting, etc. Roger Sample stated he was an abutter and the farm was another abutter. Roger Sample stated that it was far away from any of his neighbors, and they probably would not even be able to see the buildings from the street.

Tom Hoopes asked about access to the property. Roger Sample stated he was going to utilize the current access. Scott Williams stated that the driveway access would be off Marie Drive; Roger Sample stated that it was going to become Sample Road. Roger Sample was hopeful to have this project approved by next spring.

Russ Wilder opened up public input. No public input. Russ Wilder closed public input and closed this Conceptual Consultation.

Russ Wilder stepped down and Roger Sample sat back in as Chair.

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

Case # P17-21 Jeffrey L. Green, LLS, Agent for Scott Dulac, Dulac Motors, LLC	Map 26 Lot 4	Amended Minor Site Plan Residential Commercial (RC) 46 Suncook Valley Road
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The Vice-Chairman read the public hearing notice.

Present were Jeffrey L. Green, LLS, Agent, and Scott Dulac of Dulac Motors, LLC, Owner.

Jeffrey L. Green, LLS, stated that they would like to amend their original site plan. There were currently a couple of parking spaces on the side of the building that Scott Dulac wanted to turn so they were facing the road in order to have more spaces for cars for sale instead of customer parking. Jeffrey L. Green, LLS, stated that he reconfigured the plan and it could accommodate three spaces instead of two.

Russ Wilder moved to accept the Amended Minor Site Plan application for Case #P17-21, as complete.

Dave Collier seconded the motion, and it PASSED unanimously.

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Jeffrey L. Green, LLS, suggested comparing the old plan with the new plan. He stated that what was being proposed as a change was the location of a few of the parking spaces, and under the development notes section on the plan was how he designated the parking spaces. He noted that P1 and P2 were used for employee parking, but were now proposed to be customer parking. Parking spaces P3 and P4 would be turned to face the road, which would now make five (5) spaces facing towards the road, and the rest of the parking spaces out back would be for display areas. Parking spaces P25 and P26, which were in the original plan as customer parking, would now be designated as employee parking. Russ Wilder asked what the total amount of parking spaces were; Jeffrey L. Green, LLS, stated that he added one more space to the original plan, and it now totaled 26 spaces.

Russ Wilder asked if the entrance to the property was through the 24' permitted driveway area. Jeffrey L. Green, LLS, stated, yes, that Scott Dulac had provided an entry and exit sign, and that the paved entrance was also used for the back lot. Jeffrey L. Green, LLS, noted that in front of the garages there were a couple of bays where Scott Dulac used to clean and detail the cars for sale. Russ Wilder pointed out the concrete pad with existing gravel in front of it, and asked if someone could still drive in and enter the garage that way; Jeffrey L. Green, LLS, stated, yes, that the area had been allocated as a driveway by the State. Russ Wilder asked if the driveway permit covered both entrances/exits; Jeffrey L. Green, LLS, stated, yes, one was 24' wide and the second one was 37' wide.

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

Tom Hoopes stated that there had been other circumstances in town with some businesses where there were a certain number of spaces allocated for sales, and then those spaces grew. He thought they should stick to what the Board agreed to and if there were changes in the future, they should go the right route and come back before the Board with an amended site plan.

After due hearing, Scott Williams approved the above cited application for Scott Dulac, Dulac Motors, LLC, Final Minor Revised Site Plan Review for an Automotive and Truck Used Motor Vehicle Dealer with associated repairs for the vehicles for sale at 46 Suncook Valley Road, a/k/a Route 28, Map 26 Lot 4 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 and any corrections as noted at this hearing.**
- 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 December 19, 2017, 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.**
- 3. The hours of operation shall be Monday to Friday 9:00 am to 5:00 pm; Saturday 10:00 am to 4:00 pm; and Sunday by appointment.**
- 4. The approval is based upon the plans, specifications and testimony submitted to the Planning Board. Any alterations, additions or changes to the plans are not authorized and require additional Planning Board approval.**
- 5. A site plan which has been approved, conditionally or otherwise, may be revoked, in whole or in part, by the Planning Board when an applicant or successor in interest to the applicant has performed work, erected a structure or structures, or established a use of land, which fails to conform to the statements, plans, or specifications upon which the approval was based, or has materially violated any requirements or conditions of such approval.**
- 6. Once any and all conditions of approval have been met and the Chairman of the Planning Board or his designee signs a site plan, the applicant has twelve (12) months from the date of signing to start construction and, unless a different schedule is approved by the Board, must complete construction within twenty-four (24) months.**
- 7. Site plan approvals that have not started construction within twelve (12) months shall automatically expire, at which time no building permits shall be issued, unless an extension has been formally requested and granted by the Board. Normally the Board shall not grant more than one extension per project, shall only grant an extension for reasonable cause, and shall normally not grant an extension for more than six months.**
- 8. No site may be occupied or used until a Conditional or Permanent Certificate of Occupancy Permit has been issued by the Code Official in accordance with Section 1.22 of the Site Plan Review Regulations.**

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

Dave Collier seconded the motion.

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DISCUSSION:

Tom Hoopes was concerned about parking spaces P5, P6, and P7, and asked how far they were from the centerline of the road. Jeffrey L. Green, LLS, stated they were 5' off the property line, which was what the requirement was. Russ Wilder was worried about the wing from the State plow trucks damaging those vehicles.

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

<p>Case # P17-22 Michael Bemis, LLS, of Steven J. Smith & Assoc., Inc., Agent for Richard N. & Deborah A. Kay; and Porter Street Realty Trust, Stephen P., Jr., & Jody A. Lannan, Trustees</p>	<p>Map 64 Lots 22 & 21</p>	<p>Lot Line Adjustment Lakeshore Residential (LR) Smith Point Road</p>
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The Vice-Chairman read the public hearing notice.

Present was Michael Bemis, LLS, Agent.

Scott Williams moved to accept the Lot Line Adjustment application for Case #P17-22, as complete.

Dave Collier seconded the motion, and it PASSED unanimously.

Tom Hoopes wondered what was in the boundary adjustment area because it appeared to be going into the drainage area. Michael Bemis, LLS, stated that the area to be adjusted was a crosshatched area between the two lots. He also noted that that area was a landscaped area, and was not a drainage swale. He was asking for a waiver for mapping wetlands on the property. He surveyed the properties and he did not observe any wetlands on either of the properties. Michael Bemis, LLS, noted on the Kay's property, the garage was set back a bit, and there was a house located down near the lake, beyond that was the Porter Street Realty Trust lot where Mr. & Mrs. Lannan built a large home. Scott Williams asked if that was where the helicopter landed, Michael Bemis, LLS, stated, yes. Russ Wilder asked what the 4" "CPP" was, which was indicated on the plan. Michael Bemis, LLS, stated it was for corrugated plastic pipe. He stated that the way it was graded, it was a low point, and by using a 4" pipe, it did not handle a large amount of water.

Dave Collier moved to grant the waiver requests listed in the letter received by the Planning office on November 20, 2017, to Section VII, F.7., g., to show all jurisdictional wetlands and 25 foot Wetland Buffers.

Scott Williams seconded the motion, and it PASSED unanimously.

Michael Bemis, LLS, stated that he did a boundary survey for the Porter Street Realty Trust before they built their house, and during that process, he found a number of encroachments from the Kay property, like landscaping, a catch basin, an LP tank, a planter, and the eaves on the corner of the garage. Both parties wanted to solve this issue by conveying a piece of land that would include the encroachments to allow Mr. Kay to have

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all his improvements completely on his land. Michael Bemis, LLS, stated that the Porter Street Realty Trust property would be a little over an acre and a half after the adjustment. No change in lake frontage was proposed. Scott Williams asked what the area was for the Kay property. Michael Bemis, LLS, stated it was 0.39 acres, or 17,000 s.f. After the adjustment, the Kay property would be 0.44 acres or 19,157 s.f., which would solve the encroachment problems. No further development was scheduled for either of the properties. After tonight's meeting, and if the Lot Line Adjustment was approved, Michael Bemis, LLS, would monument the line and submit a final plan showing monument documentation. Nic Strong wanted to know why there was no waiver for contiguous upland and a complete boundary survey showing metes and bounds for the two properties. Michael Bemis, LLS, stated that they surveyed the Porter Street Realty Trust property and the Kay property had been previously surveyed by another surveyor. Michael Bemis, LLS, had some issues showing all the boundaries on the Porter Street Realty Trust plan at the current scale, but he did have a copy of a complete boundary survey of the Porter Street Realty Trust property. Dave Collier asked Michael Bemis, LLS, to submit a copy of that survey for the record; Michael Bemis, LLS, agreed. Dave Collier also noted that because the Kay property would be getting bigger, he thought the requirement for a contiguous uplands waiver was moot and what had been provided was sufficient. The Board agreed.

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

After due hearing, Scott Williams approved Case #P17-22 for Richard N. & Deborah A. Kay and Porter Street Realty Trust, for the above cited Lot Line Adjustment of Map 64 Lots 21 and 22, off Smith Point Road, with the following conditions:

CONDITIONS PRECEDENT

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

- 1. Submission of revised plans in the number required by the Subdivision 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 lot line adjustment plan prior to plan signing by the Planning Board Chair stating that Best Management Practices shall be utilized during any timber cutting on site.**
- 3. Addition of a note to the lot line adjustment plan prior to plan signing "This subdivision plan is subject to the Conditions of Approval itemized in the December 19, 2017, Notice of Decision recorded in the Belknap County Registry of Deeds and on file at the Town of Alton Planning Department.".**
- 4. Monuments shall be set on the final plat or a separate certification of bounds set shall be required to be recorded at the Belknap County Registry of Deeds at the applicant's expense.**

5. Receipt of written consent from the mortgage company to the lot line adjustment to be recorded with the plat.
6. Submission of reference survey plat to show metes and bounds of Map 64 Lot 21, Porter Street Realty Trust property.

SUBSEQUENT CONDITIONS

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

1. The applicants shall comply with all of the Town of Alton's Subdivision Regulations.
2. Approval of the lot line adjustment by the Planning Board constitutes recognition that the lot configurations are in conformance with local land use regulations. To complete the lot line adjustment, deeds must be transferred and recorded and this is the applicant's responsibility.
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 lot line adjustment 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.

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 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 under Section IX, A. 2. of the Town of Alton Subdivision Regulations.

Dave Collier seconded the motion, and it PASSED unanimously.

Case # P17-23 Thomas W. Varney, P.E., Agent for Newton Porter Foundation/ Camp Kabeyun	Map 18 Lot 4	Final Major Site Plan Lakeshore Residential (LR) Kabeyun Road
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The Vice-Chairman read the public hearing notice.

Present were Thomas W. Varney, P.E., Agent and Ken Robbins, Director of Camp Kabeyun.

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Russ Wilder moved to grant the Waiver listed in a letter dated November 26, 2017, for a Design Review to allow the applicant to proceed to final.

Scott Williams seconded the motion, and it PASSED unanimously.

Russ Wilder moved to accept the Final Major Site Plan application for Case #P17-23, as complete.

Scott Williams seconded the motion, and it PASSED unanimously.

Scott Williams asked, since the Audubon Society had something to do with this property, were they following their rules and regulations as set forth, and wondered if it was okay with them to perform further work on the property. Ken Robbins stated, they were allowed and it was okay to expand, because it was for the purpose of operating the camp by offering the staff a place to hold meetings.

Thomas W. Varney, P.E., was proposing to add a staff building to the camp, which the main function would be a lounge area, an office, a conference room, and an upstairs storage area. The building size would be 28' x 44', one-story, built on sonotubes, and had the same architecture as the other camp buildings. The location was 210' off the access driveway. The building had no bathroom or water supply. Stormwater management was drip edges under the eaves that were designed to infiltrate rainwater off the roof. No landscaping was proposed. The staff would use the building seasonally when the camp was in use. Thomas W. Varney, P.E., stated that on page 2 of the plan was where there were details on the building.

Russ Wilder noted that one of the notes on the plan indicated a pathway to the building. The Fire Department was concerned that the road was not going to be wide enough to get a fire truck through and suggested it to be 15' wide. Thomas W. Varney, P.E., stated that he had the driveway at 8', but could make it to be 15'. Scott Williams stated that the wider area did not have to be graveled, as long as it was cleared that would be okay. He also pointed out that they should be aware of how low the canopy was so it did not take out any lights on a fire truck.

Tom Hoopes moved to grant the waiver requests listed in a letter dated November 26, 2017, to Sections 4.02 (F) 23, Location of driveways, roads, wells, septic systems on abutting properties; 24, Approximate location of buildings or abutting properties within 200 feet of the site; 27, Surveyed locations of jurisdictional wetlands; 35, Grades of all paved areas, direction of flow or run-off; and 43, Construction details (including cross sections) of roads, driveways, parking areas, and sidewalks; roadway classification, roadway type; roadway geometry; roadway layout coordinates; driveway sight distances; typical cross-section topography.

Scott Williams seconded the motion.

DISCUSSION:

Nic Strong stated the letter that was submitted referenced the section numbers for Design Review, so for the record, the section number should be 4.02 and not 4.01.

Thomas W. Varney, P.E., stated that the counselors would like to have their own cabin, which would look rustic and blend in with the campground. Scott Williams asked how many campers attended during the season; Ken Robbins stated, 110-120. Russ Wilder wanted to make sure that

they addressed the Fire Department's concerns, which were: 1. Was the building going to be used year round: no; 2. Did the building have smoke and carbon monoxide detectors; yes for smoke detectors, but no on the carbon monoxide detectors because the smoke detectors nowadays came with a carbon monoxide detector built in; and 3. Since the building was going to be considered a staff building, what types of functions would be held there: a lounge area, an office, a conference room, and an upstairs storage area.

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

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

After due hearing, Russ Wilder approved Case #P17-23 for the above cited application for the Newton Porter Foundation, Camp Kabeyun, for a Final Major Site Plan Review for the construction of a 1,232 s.f. staff building at Camp Kabeyun, a summer camp for boys at 43 Kabeyun Road, Map 18 Lot 4, 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, including the Fire Department requirements, and any waivers granted by the Planning Board.
2. Addition of a note to the site plan prior to plan signing by the Planning Board Chair stating that Best Management Practices shall be utilized during any timber cutting on site.
3. Addition of a note to the site plan prior to plan signing by the Planning Board Chair: This site plan contains a total of 2 sheets: [to be listed and dated by the applicant on the site plan itself]. In combination these plans constitute in their entirety the site plan as approved by the Town of Alton Planning Board. All sheets are on file at the Town of Alton Planning Department.
4. Addition of a note to the site plan prior to plan signing by the Planning Board Chair: This site plan is subject to the Conditions of Approval itemized in the December 19, 2017, 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 hours of operation for the staff building are 24 hours during camping season.
3. The applicant shall comply with all of the Town of Alton's Site Plan Review Regulations.
4. The approval is based upon the plans, specifications and testimony submitted to the Planning Board. Any alterations, additions or changes to the plans are not authorized and require additional Planning Board approval.
5. A site plan which has been approved, conditionally or otherwise, may be revoked, in whole or in part, by the Planning Board when an applicant or successor in interest to the applicant has performed work, erected a structure or structures, or established a use of land, which fails to conform to the statements, plans, or specifications upon which the approval was based, or has materially violated any requirements or conditions of such approval.
6. Once any and all conditions of approval have been met and the Chairman of the Planning Board or his designee signs a site plan, the applicant has twelve (12) months from the date of signing to start construction and, unless a different schedule is approved by the Board, must complete construction within twenty-four (24) months.
7. Site plan approvals that have not started construction within twelve (12) months shall automatically expire, at which time no building permits shall be issued, unless an extension has been formally requested and granted by the Board. Normally the Board shall not grant more than one extension per project, shall only grant an extension for reasonable cause, and shall normally not grant an extension for more than six months.
8. No site may be occupied or used until a Conditional or Permanent Certificate of Occupancy Permit has been issued by the Code Official in accordance with Section 1.22 of the Site Plan Review Regulations.

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

Scott Williams seconded the motion.

DISCUSSION:

Nic Strong pointed out that the application checklist had a check mark indicating that the project would be phased, but she did not see any details about that; Thomas W. Varney, P.E., stated, there was no phasing. She then asked about the lighting at the doors under the porches. Thomas

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W. Varney, P.E., stated that the lighting was indicated on the plans, and they were regular door lights, which were pointed downward with a shield.

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

<p>Case # P17-24 Thomas W. Varney, P.E., Agent for Green Oak Realty Development, LLC/Keith Babb</p>	<p>Map 5 Lot 72</p>	<p>Excavation Permit Application Rural (RU) Suncook Valley Road</p>
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The Vice-Chairman read the public hearing notice.

Present were Thomas W. Varney, P.E., Agent, and Keith Babb, Owner of Green Oak Realty Development.

Scott Williams, Tom Hoopes, Roger Sample, Dave Collier, and Russ Wilder shared that they had all purchased materials from Keith Babb’s excavation operation at various points in time.

Scott Williams moved to accept the Excavation Permit Application for Case #P17-24, as complete. Dave Collier seconded the motion, and it PASSED unanimously.

Tom Hoopes noted that there was one waiver request, which was for 14. A., 24 “A plan for comprehensive site safety of authorized and unauthorized persons.” Scott Williams did not think that the Planning Board had jurisdiction over this. Russ Wilder stated the requirement was in the Excavation Regulations.

Scott Williams moved to grant the waiver for 14. A., 24 “A plan for comprehensive site safety of authorized and unauthorized persons.”

Russ Wilder seconded the motion.

DISCUSSION:

Russ Wilder thought that might be an issue by granting the waiver and thought that was needed for compliance. Nic Strong stated that one of the regulation requirements was that the plan shall show the proposed fencing, buffers or visual barriers including type and materials for a comprehensive site safety plan. She stated that the waiver letter stated that Keith Babb’s excavation operation had complied with the safety standards and documents for compliance were available. She further stated that the narrative included that the safety plan for the pit was attached, but the plan and the compliance documents were in fact not attached. That information should be submitted to the Board to verify that it was in compliance. Keith Babb shared that the Federal Government had been to his site twice throughout the year. Scott Williams stated that while a person was onsite to purchase materials, they had to stay in their truck while the materials were being loaded. Thomas W. Varney, P.E., stated that on his narrative, he wrote that the safety plan was attached because he thought one was already in place, but he did have a copy of the Federal safety plan. Nic Strong asked the Board if they felt that Keith Babb submitted enough information showing that he had a safety plan, or did they require more information. She stated that what she did not see was something that showed a comprehensive site safety plan. Thomas

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W. Varney, P.E., stated that there was no safety plan for the gravel pit, but thought that he provided enough information to the Board. Roger Sample asked if a safety plan was required; Nic Strong stated, yes, because the safety plan should show that the site was safe for people if they were strolling through the woods and suddenly came upon the pit, or if they drove into the area looking for somebody. She then asked the Board if they thought that enough information was presented to show they met the regulation, or if they required additional documentation. Keith Babb stated that his pit had its own mine ID # at the Mine Safety & Health Administration (MSHA), which meant that their berms were regulated. Roger Sample pointed out what Nic Strong had mentioned about a person strolling through the woods and coming upon the pit, and asked what measures were put in place to keep people safe. Keith Babb stated that the area was rocked off with boulders, and the access road to it was rocked off.

Scott Williams moved to modify the motion to allow the applicant to submit supporting documentation.

Russ Wilder seconded the motion, and it PASSED unanimously.

Thomas W. Varney, P.E., stated that the pit opened in 1987, with mainly sand and gravel being excavated, and Keith Babb purchased it in 2010. The Conservation Easement was placed on 56 acres of the property in 2005. Since 2010, the pit had been expanded to produce crushed stone by blasting and crushing the bedrock onsite. This expansion was approximately 4 acres. Thomas W. Varney, P.E., stated that Keith Babb's intentions were to continue the removal of ledge according to the gravel pit, and to implement a reclamation plan when excavation was complete. Future use of the property was unknown at this time. He stated that crushed stone and gravel was sold onsite daily to local Highway Departments and contractors. The gravel brought to the site from other pits, like Ossipee, were for sale as well. The present excavation was limited per available materials. The supply of onsite materials should last about two years. Thomas W. Varney, P.E., performed noise study and had submitted the results.

Thomas W. Varney, P.E., stated that the first sheet of the plan listed the whole operation of the pit from 1987 when it was opened. In 1987, the Planning Board approved the pit and it included a driveway permit, Alteration of Terrain permit (AoT), and a wetlands permit, but back then, wetland mapping was not required. He stated that when this was approved in 1987, the Planning Board wanted the owners to remove some fill out by the edge of the road to open up the line of sight. Tom Hoopes stated contrary to that fact, that fill was not supposed to be removed because it was a berm for Woodland Pond.

Thomas W. Varney, P.E., stated that Keith Babb expanded the pit in 2010 when he purchased it because the gravel was gone, and his business was crushed ledge. He stated that he did the AoT permit in 2016. The plan included information on stormwater, drainage swales, and infiltration basins, etc., to deal with the rainwater. He stated that they met DES requirements for erosion control. He pointed out that on page six of the plan there was a Reclamation plan to show how the pit would be reclaimed at the end by sloping the steep slopes around the edges into gradual slopes.

Thomas W. Varney, P.E., stated that Keith Babb fueled his equipment onsite with an offsite truck. The total lot consisted of 98 acres. Scott Williams noted that the Conservation Easement had to do with the Hannaford offsite improvement. Thomas W. Varney, P.E., stated that he created a map indicating the aquifer zone. Russ

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Wilder wanted to know where the data came from for the aquifer map. Thomas W. Varney, P.E., stated the USGS map was used. The floodplain maps were added also, which were more accurate than what would be found on a FEMA flood map. A groundwater sampling plan was provided for the neighbor's wells. He shared with the Board that they were happy to come into compliance and noted they were the first gravel pit to fall under the new regulations.

Keith Babb clarified with the Board what the requirements were for the AoT permit. As a pit owner, every five years they were required to update their AoT permit and give them a plan that represented the current topographical situation in the pit, what the materials being excavated were, and an updated reclamation plan. Russ Wilder pointed out that there was a letter dated June 28, 2016, that stated approximately 16,749 s.f. of wetlands shall be restored or created. Keith Babb stated that Mr. Hussey suggested he fill an area of 2 acres that he planned on reclaiming, and he planned on applying for a permit through DES in order to get that done.

Roger Sample opened public input.

Earl Bagley, Alton Conservation Commission Chairman, and Quinn Golden, Conservation Commission member came to the table. Earl Bagley stated that their main concern was with the Barbarossa property, which abuts the gravel pit on the right-hand side. A couple of years ago, they noticed that Keith Babb had cut down the side and cut through the property line, which ended up with an 18 foot drop off straight down. One of the assigned duties of the Conservation Commission was to check and see if the property was maintained. Earl Bagley stated that the Commission felt there was a liability, because there was no setback and no fence, and he did not believe one could walk the property line with such an extreme slope without falling into the pit. Quinn Golden stated that he surveyed the property two Saturdays ago and he did not think it was possible to walk the property line and be safe from falling down the headwall into the pit. He also noted that there was a large amount of stone that goes back for quite a distance on the Barbarossa property, which appeared to have been blasted up out of the pit, landing on their property. He also noted mixed in with the stone were blasting cap cover remnants. Scott Williams asked Quinn Golden if he was a surveyor; he stated, no, that his interpretation of "surveying" the property meant that he inspected the property.

Dave Collier asked if there were any blazed trees that were close to the property that had been marked by the Commission. Russ Wilder mentioned that placards had been put up and the trees were blazed. Dave Collier asked if the cut was up against the placards; Russ Wilder stated, yes, in some cases.

Quinn Golden stated that one of their concerns was that the Excavation Regulations stated that if there was a non-conforming or non-agreeing abutter, there should be a 50-foot setback. He stated that the Commission was an abutter because they held an easement, but they had not agreed to any excavation. Keith Babb stated that the property still had access to farming and tree cutting and was not a completely restricted easement. Russ Wilder stated that there were wetlands adjacent to the pit that had been drained because of the excavation of the gravel pit down below the water table. Russ Wilder thought that in the regulations, a barricade should be required unless there was an agreement with an adjoining abutter.

Russ Wilder noted that on page 6 of the plan, Thomas W. Varney, P.E., suggested how to stabilize the slope and thought that was the route to go. If that was completed, the wetland might come back, and the safety hazard would be removed. Russ Wilder stated that currently, there was nothing keeping the public from entering onto

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the property because there was a conservation easement, and part of that easement was to allow public access to that property for hunting, hiking, etc. Scott Williams suggested a snow fence. Keith Babb stated that the whole northern bound was rocked off. Russ Wilder noted that there were boulders, but it did not stop anybody from physically going into the pits. Keith Babb stated that a fence would not stop anybody either. He also thought that there was a Statute that stated if he posted a "No Trespassing" sign and somebody walked into the pit and hurt themselves, he was not liable for it. Roger Sample stated that there was a snowmobile easement through the Snowmobile Association and that he was insured for that.

Earl Bagley understood that Keith Babb wanted to fill in that area, but he wanted to know what the time table was to fill in that side. Scott Williams stated that Keith Babb mentioned he already started it. Earl Bagley stated that once he started to reclaim the pit, there was only so long they had to reclaim it. Scott Williams stated that reclaiming was an ongoing process. Once an area was done being excavated, that area was immediately reclaimed. Earl Bagley stated that he could not open more than five acres and was not sure how much of the pit was currently open. Thomas W. Varney, P.E., stated approximately 4 acres were open. Earl Bagley wanted to know when it came to five acres, what happened next. Thomas W. Varney, P.E., was unsure of that rule. Keith Babb stated that a gravel pit owner could have 20-25 acres open according to the AoT permit. Earl Bagley stated that the Excavation Regulations showed there could only be five acres open.

Tom Hoopes asked what was used during the reclamation process. Keith Babb stated that he used materials that were unusable, like loam tailings, which was stone mixed with dirt and minor wood debris. Russ Wilder pointed out to the right of the entrance, where the stockpiles of gravel were, and the old trailer, which should have been out of there but was still there, there was a wetlands area and he wanted to know if that was where they were starting to build the 1:1 slope. Keith Babb stated it was a bit further up than that. Thomas W. Varney, P.E., looked at that area and if he continued, it was feasible. Russ Wilder pointed out that if Keith Babb would reclaim where it was real steep and build up the banking, and still excavate out back, it seemed like an acceptable plan.

Russ Wilder asked about cleaning up the blasting caps and primer cord. Keith Babb stated he would do the cleanup in the spring once the snow receded. Quinn Golden wanted to know what safety precautions would exist to prevent people from accessing the property when blasting was occurring. Scott Williams stated, traditional blasting rules. Keith Babb stated that the Fire Department was notified the day of the blast, they also did a property sweep, and they also blew three warning horns, which was normally associated with any shooting operation anywhere in the country. Quinn Golden asked if for example, his 8-year old grandchild was playing within 20-30 feet of the pit, was anybody going to know there was a child on the property because he might not know what the siren meant. Keith Babb stated that they did their best to monitor the property before blasting. Quinn Golden asked if the blast was going to affect the public and were they supposed to use mats, because there was no matting that took place currently at this operation. Keith Babb stated that he did not use matting. Russ Wilder stated that the Commission had observed there were children making forts in the area. Thomas W. Varney, P.E., stated that Maine Drilling & Blasting was the company that performed the blasting.

Russ Wilder wanted to know how far down they were going to blast because of the water table. Thomas W. Varney, P.E., stated that the original plans showed they were going down 4 feet, but the new regulations limit it to 6 feet, but they were blasting ledge so he thought that was different. Thomas W. Varney, P.E., stated that ledge was unbuildable and was not an area where someone was going to build a house. Russ Wilder thought

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that the regulation was made to keep the operation out of the groundwater. Thomas W. Varney, P.E., thought it was in place for future building. Russ Wilder stated that the current rule was 6 feet. Russ Wilder stated that maybe when they were excavating out back, they could comply with the rule going forward. Thomas W. Varney, P.E., stated that Keith Babb was trying to mine the material out of there because there was a huge demand for crushed ledge. Russ Wilder pointed out again that there was a regulation that required 6 feet to the water table. Tom Hoopes suggested that if he was that far below the water table, when they reclaimed the area, he could make it into a lake. Keith Babb stated that method was acceptable by the State. Russ Wilder stated that if the Board was going to let Keith Babb mine below the water table then they would have to somehow allow it even though the regulations did not allow it. Nic Strong pointed out the Statute, "an exception shall be granted if the application demonstrates to the regulators satisfaction that excavation below this height (6 feet) would not adversely affect the water quality or quantity." Keith Babb stated that with his operation, he drilled in four feet and had four rows of dynamite, and in order to make sure there were no misfires, they had a double cap and double booster. He explained that the column would ignite whether it was in the middle of the column or on the bottom of the column and the percussion would travel in both directions, thus completing the exhaustion of the dynamite in the hole.

Thomas W. Varney, P.E., stated they provided a groundwater plan. What he did was by looking at the tax map, all of the properties within a 200 foot radius around the pit, which were 10 abutters, received letters he sent before and after the season and asked them to sample their water. He was able to get samples from two houses, and sent the water off to get tested for possible Nitrites. Dave Collier asked to have the results of that test sent to the office. Thomas W. Varney, P.E., stated they could provide those results to the town and to the State. Dave Collier asked if the water samples came back contaminated, then there should be some remedy to this. Keith Babb clarified that the water samples would be checked for explosives and not minerals because gravel could contain high levels naturally.

Thomas W. Varney, P.E., stated that the bottom of the pit was currently 2 feet above the water table, and mentioned that Keith Babb wanted to go even deeper. Tom Hoopes pointed out that they were two feet above the water table at the 18-foot cut. Russ Wilder stated that there was standing water in there now. Scott Williams stated that it could just be puddled water, because if it was water table, the whole place would be under water. Russ Wilder stated that unless they could drill through it, they might find that it was a perched water table on top. Keith Babb stated that they drilled a three-foot deep hole because the blast created fractures in the rock down below the excavation, and that was how they pulled the water for their dust control. Russ Wilder did not think the Board had the expertise to say it was a good idea to go any deeper than they currently were. Scott Williams asked how far they proposed to go. Keith Babb stated if he could do a deep pond, then they would excavate another 50-60 feet deep. Scott Williams pointed out that he would have to get a permit from the State for that. Russ Wilder stated it would become a quarry. Earl Bagley wanted to know how he was going to go about it considering the layout of the property. Keith Babb stated that he would run an excavator ramp down to the bottom. Earl Bagley asked if he was going to blast it in layers or all at once. Keith Babb stated all at once because it was easier to control the holes when they were deeper, and it made it a more stable blast. Dave Collier stated that if the State approved his permit, he was sure that they would look at how it affected the water quality in the area. Dave Collier suggested that Keith Babb submit a proposal for a chain link fence to be erected to keep the public safe. Tom Hoopes asked if there was enough flow from Coffin Brook to keep a deep pond refreshed. Keith Babb stated there was enough migrating water that moved through that area,

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plus the fissures in the rock, and the natural springs, that it would drain back into the beaver bog. Keith Babb stated that the water would drain through a detention pond before it drained into the beaver bog.

Russ Wilder stated that the excavation permit with the town specified where they were at now, but they would need to provide groundwater testing at the start of the year, six weeks after every blast, and at the end of the year. Russ Wilder stated another item would be to submit documentation to show that what was listed on page six would be implemented. Scott Williams asked Keith Babb to make sure he was going to do something to mitigate the drop off, like a snow fence in the meantime. Keith Babb stated he could put up a fence of some sort, which would actually end up being on Daniel Steele's property. Keith Babb stated that he did not think he would have any problems with Mr. Steele. Scott Williams stated that once the slope was stabilized, he could remove the fencing.

Roger Sample closed public input.

Nic Strong brought up the fact that the narrative stated there was sand/gravel brought in to be sold onsite and that did not fit the definition of excavation; Keith Babb confirmed with the Board that it was only sand and not gravel. She stated that would be covered under a site plan for a contractor's yard. Once the proposed ordinance for a contractor's yard was voted in, they would not be in compliance. Thomas W. Varney, P.E., was instructed to add on the plan where the sand pile was located and that it would be a contractor's yard. This way they would be prepared for a later date then they came in with a site plan.

Nic Strong stated that a bond needed to be put in place. She stated that there were no proposals and there were a lot of details that needed to be taken into consideration, like the amount of stockpiled topsoil that would be used at the end for reclaiming, what the steepness of the slope would be at the end, and what type of vegetation was going to be used to reclaim the open area. Thomas W. Varney, P.E., stated he would put together an amount for the bond.

Nic Strong pointed out that the excavation operation also needed to have an expiration date. The main reason was because periodically every five years the pit owners needed to do an updated AoT permit and submit all of that information to the Town. The Code Official had the authority to inspect at any time if there was a complaint about anything. The inspections were done by doing a compliance inspection and not by having the pit owner keep coming back for hearings with the Board. Tom Hoopes suggested putting an expiration date for the excavation that coincided with the expiration on the AoT permit, because all the engineering would be current.

Russ Wilder moved to continue Case #P17-24 to the next meeting on January 16, 2018, in order to give the applicant time to provide all the documentation, which is due in the Planning office by January 2, 2018, that was discussed during this hearing.

Dave Collier seconded the motion, and it PASSED unanimously.

Other Business:

1. Old Business:

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- a. Letter dated 29 November 2017, from John Dever, III, Code Official, to Nic Strong, re: Closure of pit at Countway property, 1748 Wolfeboro Highway, Map 21, Lot 36.

2. New Business:

3. Approval of Minutes:

November 7, 2017, Planning Board/CIP Committee Meeting

**Russ Wilder moved to approve the minutes of November 7, 2017, as presented.
Tom Hoopes seconded the motion, and it PASSED with Dave Collier and Scott Williams abstaining.**

November 21, 2017, Planning Board Meeting

**Russ Wilder moved to approve the minutes of November 21, 2017, as presented.
Tom Hoopes seconded the motion, and it PASSED unanimously.**

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

- a. Letter dated November 14, 2017, from Thomas W. Varney, P.E., Varney Engineering, LLC, to Nic Strong, re: Case #P10-28, Paul Beckett, Hilltop Estates, Route 28, Alton, NH, and attached background information.

Present were Thomas W. Varney, P.E., and Paul Beckett.

Thomas W. Varney, P.E., stated that Paul Beckett received Planning Board approval on December 22, 2009, to build his subdivision, but during that time, the economy tanked. Thomas W. Varney, P.E., stated that in September 2010, the subdivision was amended, with no bonding requirement. Paul Beckett had provided the amount required for a restoration bond, in the amount of \$5,000. Paul Beckett had built 90 % of the road with all the approved conditions, including paving. Thomas W. Varney, P.E., stated that now Paul Beckett was looking to sell some lots. Paul Beckett stated that the only thing left to be inspected was the asphalt.

Paul Beckett stated that when he was before the Planning Board originally, he was told that he could sell lots, but would not get an occupancy permit until the road was paved. He stated that he still needed to perform some landscaping, but wanted to sell a lot in order to re-coup some money. Thomas W. Varney, P.E. stated what needed to be finished were the ditch lines, shoulders, catch basin grates, and some stone in the ditch. Paul Beckett stated that was completed with the first 100 feet down the road and it had all been inspected. There were two driveways that needed to be blasted, and he was not going to finish that portion of the road until the driveways were blasted. Scott Williams asked if the driveways were located on the plan; Paul Beckett stated, yes, on the right side.

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Scott Williams asked who was going to inspect the asphalt. Paul Beckett stated that he saw George Fredette at tonight's meeting, and when he talked to him, he told Paul Beckett that if he showed him the bills from the asphalt plant, that would be all he needed and things would be all set. Paul Beckett stated that when he talked to Nic Strong that she informed him that he would have to get the road inspected again and come up with \$4,000 to pay for the engineer to perform the inspections. He was unsure why he had to pay for the inspections a second time if the road was already inspected. Scott Williams stated that there should be a track record of the inspections. Nic Strong stated, yes, there was. She shared that the issue was that there were only four inspection logs for the entire history of the project, three from Peter Julia, P.E., and the last one was from Kent Brown, P.E., and they all stated that the road did not comply with approved plans and regulations. There were problems with the construction sequence, erosion control measures, stabilization, and non-compliant drainage work due to shape, grade and line. Furthermore, the as-built plan that was prepared showed a section of the road that was not in the location of the design. She stated that nothing in the record showed that any of the issues were taken care of and the paving was done with no inspection. She informed the Board that originally, Peter Julia, P.E., was the engineer on this case, but since he decided not to work for the Town anymore, George Fredette, P.E., was contacted because he was the next engineer on rotation. Before he could go out and inspect for a final approval, which was what Paul Beckett was requesting, he had to read through the file to get up to speed with the project, and then go out onsite to figure out what needed to be looked at, and then come up with an estimate. Nic Strong stated that George Fredette, P.E., submitted his estimate and Paul Beckett thought it was kind of on the high side, and did not think any inspections needed to take place. She stated that in the meantime, the record did not show that there were any approved sign-offs at the different stages of construction. Scott Williams asked if there were any funds in escrow for the inspections; Paul Beckett stated, about \$400.

Paul Beckett stated that he was not looking for final approval, that he was looking to sell a lot or two, and that it was a private road. He informed the Board that there were 17 acres with eight lots and that his house was on one of those lots. He stated that it was a private road and the Town was not responsible for it, and he had an attorney draw up the paperwork for the Association. Scott Williams stated that if Paul Beckett petitioned the Town to take over the road, it had to be done to Town specifications; Thomas W. Varney, P.E., and Paul Beckett both stated that was not going to happen. Paul Beckett's family were going to purchase most of the lots. Nic Strong stated that the original approval had all the legal documents approved for the Town accepting the road at the end. Thomas W. Varney, P.E., stated that they would propose an amendment to have the approval state it was a private road. Scott Williams stated that Jim Sessler, Esq., Town Counsel, would have to approve the language so make sure it was "iron-clad." Nic Strong agreed with Scott Williams, because even though it was proposed as a private road, it still needed to be built to Town standards and pass all inspections. There were four inspection logs that stated the road was not up to Town standards, so this was extremely important that the document stressed that it was a private road, forever. Dave Collier stated that if the Board gave final approval, and it did not meet

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the criteria, the Board would be setting a precedent for everybody else in Town. He also stated that the problem was that there was an engineer informing the Board that the road did not meet the standards on four separate occasions. Paul Beckett stated it was inspected in sections and every time the engineer came out and inspected it, he told him it was ok to go on to the next section, and he was unsure why the engineer would say that in his report.

Scott Williams stated that the Board would need an updated as-built. Thomas W. Varney, P.E., thought that because the engineer inspected the road and had poor reports, and that there were no reports or letters sent out informing anybody of any issues, then he thought that process should be done and was incomplete. Tom Hoopes stated that Paul Beckett did not come back to the Planning Board because there was no completion. Paul Beckett stated that the engineer pointed out the problems on catch basins one and two at the beginning of the road. Paul Beckett stated that he had copies of five inspections and not just four.

Paul Beckett stated that the road had been gravel for three years now and there were no washouts. Scott Williams asked if an as-built was required in his approval; Nic Strong stated yes, it was indicated in the project closeout. Tom Hoopes stated that the Board would have to check with Jim Sessler, Esq., on the language that the road would not be taken over by the Town. Scott Williams stated that Jim Sessler, Esq., would probably want Paul Beckett's attorney to draw up that paperwork stating that. There was an as-built submitted previously, but it only showed the different grades on the centerline of the road. Paul Beckett stated he had paved the road since then. Russ Wilder brought up the fact that submitting the as-built was only to close out the project, and if Paul Beckett wanted to make it a private road, that was another matter that needed to be handled. Paul Beckett stated that it was already a private road; Scott Williams stated he was correct, but the approval was for a public road and the language that was in the documents that the Town had stated that Paul Beckett was responsible for the road until such time the Town took it over. Nic Strong stated that a road deed had been prepared, but Jim Sessler, Esq., had not wanted to look it over because it was too early in the process.

Thomas W. Varney, P.E., stated that in order to have a complete as-built, Paul Beckett still needed to do some grading, but he needed some money in order to get that done, which was why he was asking the Board to allow him to sell a lot. Scott Williams asked which lot he was thinking about selling; Paul Beckett stated, the last lot on the right. Scott Williams further stated that Paul Beckett would have to come up with an agreement with Jim Sessler, Esq., that any problems as the result of the as-built would be rectified; Paul Beckett understood the situation. Nic Strong stated that there were no recorded plans to date, so she would need the mylar and all the sets of paper copies, in order for Paul Beckett to sell a lot. She stated that when Thomas W. Varney, P.E., provided the plans, he would have to amend the plan making it a private road.

Dave Collier asked which lot was proposed to be sold; Paul Beckett was hoping to sell one of the lots at the end of the road because it had some nice lake views, and not one near the entrance. Dave Collier noted that what he thought Paul Beckett was asking for was for the

Board to approve the road to a certain extent. Scott Williams pointed out that at that point, it would be a two-house driveway, and that was allowed. Dave Collier stated that what the Board wanted him to do if he was looking to sell the lot at the end of the road, was to do the improvements to the road up to that lot, which was the whole road. Tom Hoopes stated that if Paul Beckett was to sell the first two lots on the right hand side coming in off the road, and if they had a shared entrance to the driveways before they split off into two, then all the blasting could be done in one place. Scott Williams stated that if Paul Beckett was already amending the plan to be a private road, then he could amend the driveway status for the first two lots.

Paul Beckett asked what was needed in order for this to move forward. Scott Williams stated that the Board needed an as-built, a letter from an attorney stating the road would stay private, a mylar and paper copies of the plan sets that needed to be recorded, but first needed to be amended stating that it was going to be a private road. Scott Williams and Dave Collier thought it was best for Paul Beckett to try to sell off the first two lots because it was the easiest route to go. Tom Hoopes asked what needed to be done about inspecting the road because Ken Roberts, Road Agent, could not do the inspections. Scott Williams thought that would be up to George Fredette, P.E., to inspect, but was not sure if he was going to perform test holes. Paul Beckett stated that he talked to George Fredette, P.E., earlier and he told him that all he needed was the weigh slips from the asphalt company. Scott Williams stated that he would not be able to conclude compaction and quality of the aggregate materials with just the weigh slips. Paul Beckett stated that he did not have any problem with paying for compaction or quality, he did not want to have to pay again for the inspections that were already performed that Peter Julia, P.E., stated were all set.

Paul Beckett asked how he would get in touch with George Fredette, P.E. Dave Collier stated that he would have to go through Nic Strong because the money had to be deposited first and if he was not happy with the estimate that George Fredette, P.E., had provided, then Thomas W. Varney, P.E., should contact him.

5. Correspondence for the Board's information:

- a. 2018 Planning Board Meeting Schedule**

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

Discussion re: Town Consulting Engineers

The deciding factors for the Board were the similarity of cost schedules, the depth and breadth of their municipal experience, and the proximity of key staff to Alton. The Board determined to hire KV Partners, LLC, and Northpoint Engineering, LLC. Any existing projects that were currently being handled by George Fredette, P.E., at SFC Engineering Partnership, Inc., would stay with him until project completion.

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A vote was taken amongst Board members on who the two (2) Town Consulting Engineers would be:

Tom Hoopes moved to hire KV Partners, LLC, and Northpoint Engineering, LLC, as the two (2) Town Consulting Engineers.

Russ Wilder seconded the motion, and it PASSED unanimously.

Discussion re: Petition

Nic Strong handed each Board member a petition asking the Board of Selectmen to pay the dues for the Lakes Region Planning Commission, on behalf of Peter Bolster, due to his absence at this meeting. She stated that he would like the members to get registered voters to sign them.

Public Input on Non-Case Specific Local Planning Issues

None.

ADJOURNMENT

At 10:00 p.m., Roger Sample moved to adjourn.

Dave Collier seconded the motion, and it PASSED unanimously.

The meeting adjourned at 10:00 p.m.

Respectfully submitted,

Jessica A. Call
Recording Secretary

Minutes approved as presented: January 16, 2018