

**TOWN OF ALTON
PLANNING BOARD
PUBLIC HEARING MEETING
Tuesday, July 21, 2026, at 6:01 PM
Alton Town Hall**

CALL TO ORDER

Chair O'Neil called the meeting to order at 6:01 PM.

ROLL CALL OF BOARD MEMBERS

William (Bill) O'Neil (Chair)
Douglas Brown
Roger Sample
Jack Sleeper (Selectman's Representative)
Tom Diveney
Ava Drost (Alternate)

OTHERS PRESENT

Cameron Armstrong (Town Planner)
Robin McClain (Assistant)
Richard Shea
Eric Clark
Anthony Jones (Jones Beach Engineers)
Randy Tetrault
Josh Burke
Ryan Heath
Dave Fuller
Paul Zuzgo

APPOINTMENT OF ALTERNATES

Ava Drost

APPROVAL OF AGENDA

Chair O'Neil asked if there were any changes to the agenda. Ms. McClain stated there was an addition under Old Business. She stated there's a memo to the Board to discuss concerns over site work on Map 9 Lots 10 & 10-1. Chair O'Neil asked if there were any other changes to the agenda. There were none.

**Mr. Brown MOTIONED to APPROVE the Planning Board Agenda. Mr. Sleeper
SECONDS. Chair O'Neil asked the Board for a vote. Board voted UNANIMOUSLY.**

1. Acceptance and Review of Application and Public Hearing if Application is Accepted and Complete

Case #P26-17 Jones & Beach Engineers, Inc., Anthony Jones, Agent for Joyce McGuirk Trust, Joyce McGuirk, Trustee	Map 19 Lot 47 117 Hayes Road	Minor Site Plan Rural Zone (RU)
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Proposal: To allow a Bed & Breakfast with a small antique shop in the existing structures.

**Mr. Brown MOTIONS to ACCEPT the Application as COMPLETE. Mr. Sample
 SECONDS. Chair O’Neil asks for Board to vote. UNANIMOUS.**

Mr. Anthony Jones from Jones & Beach Engineers represented the owner of the property, Joyce McGuirk. He was before the Board to present a use conversion for an existing single-family dwelling into a Bed & Breakfast. He stated as part of that there would be virtually no site work or modifications to the building to fulfill it. The space is adequately sized for this. They went through the types of stie services in the Planner memo. Fire protection was a big one that they were working on. He stated there are fire extinguishers and fire alarms in every bedroom. The Fire Chief recommended sprinklers. They are working on getting a variance for that. He stated there is a spring fed pond on site that they would use as fire protection in lieu of sprinklers. The home was built in 1790 so adding sprinklers to the home would be cost prohibitive. The use is light in terms of traffic in and out of the building. In addition to the Bed & Breakfast, there is a small antique store. That would be in the rear of the building attached to the structure itself in an existing den space. That would be for craft uses and small knick-knacks for sale in conjunction with the antique feel of the structure itself as part of its operation.

Chair O’Neil asked if the building used to be a Bed & Breakfast. Mr. Jones stated it was not. It was a farmhouse for its entire history. He stated it was built in 1790 and has been a single family for its whole history to the best of his knowledge.

Mr. Brown asked if Mr. Jones had seen a recent email from Ms. McClain regarding the specific situation regarding the sprinkler system that was issued on the date of this meeting. Mr. Jones stated he had seen it. He stated they were applying for that variance through the State Fire Marshall and would relay that to the Board if it was approved.

Mr. Brown asked if anyone was aware of whether there was a precedent of the State allowing a Variance for something like this. Ms. McClain stated she was not aware. Mr. Jones stated this case was interesting. He stated normally when they do commercial uses, they are usually new construction with intense modifications involved. This has been the only one he has done in recent memory where none of that is intended as part of the project. That is why they would like to avoid sprinklers if possible.

Chair O’Neil stated he was making a note for a conditions precedent. Mr. Sample stated that the sprinklers were not up to the Board to decide anyway. That is between the applicant and the Fire Department. Chair O’Neil stated he just wanted to put it on paper. Mr. Brown stated that Mr. Jones had said they were leaving it to the State to determine. Mr. Sample stated they could apply

86 for a variance. Mr. Jones stated that there is a form that they have to submit to the State Fire
87 Marshall where he will weigh in. Chair O'Neil asked if they were putting in a new septic
88 system. Mr. Jones stated that the existing septic system is for 6 ½ bedrooms and that would
89 remain. Chair O'Neil asked if that is what they had. Mr. Jones stated that is what is currently
90 onsite and has State approval, operational approval. It is all in good condition.

91

92 Mr. Sleeper asked if in submitting for the variance for the sprinklers whether they had obtained
93 any information that shows that it is a practice that the State engages in. Mr. Jones stated he
94 didn't have a satisfying answer to that. He stated that it is something that the State engages in.
95 This is one of the criteria for a sprinkler system in addition to cost. They have an alternative
96 onsite which is unique to this property. He felt the State would probably give them the variance.
97 He stated it is ultimately up to the State Fire Marshall.

98

99 Chair O'Neil asked about the parking available. Mr. Sample stated there is a parking lot beside
100 the building. Mr. Brown stated there was a comment about a new driveway permit. Mr. Jones
101 stated that in accordance with all of the regulations they have enough frontage to permit a second
102 driveway. On the site plan they show the site distance conforming. He stated they would get
103 permission from the road agent and post Planning Board approval to pull the driveway permit.
104 The last item, the owner would like to use pea stone as a finish material for the driveway so it
105 will be porous.

106

107 Mr. Brown stated another was signage. There was supposed to be submission of what the sign
108 would look like. Mr. Jones stated he had a location proposed on the plans and he has a printout
109 of a possible sign that he could pass around to the Board if that would be permissible. Mr.
110 Brown stated he believed that should be in the application. Mr. Jones stated he did not have the
111 mockup of the sign at the time the application was submitted. Mr. Brown stated there are Town
112 Zoning Regulations on that as well.

113

114 Chair O'Neil asked about lighting because it was not indicated on the plan. Mr. Jones stated it
115 was not indicated on the plan because there are no lights proposed. Mr. Sleeper asked if any
116 lights are required per State for safe navigation of the property for people visiting the Bed &
117 Breakfast. Mr. Jones stated to the best of his knowledge no, because it is such a light use. He
118 stated there are typical exterior lights already present on the building. Those would be around
119 the front entryways. The walkway is not lit.

120

121 Chair O'Neil asked about storm water drainage. Mr. Jones stated the only changes to the actual
122 site is the addition of the parking area which will be porous, so it is effectively self-mitigating in
123 terms of storm water management. Mr. Brown stated on site landscaping it mentions that it is
124 indicated on the plan, but he did not see where it was. He asked Mr. Jones if he could point it
125 out. Mr. Jones stated the areas around the driveway are landscaped, but there is no real site work
126 proposed. He stated there is no landscaping proposed either. Mr. Brown stated that it is actually
127 a requirement that it be specified for the Planning Board. Mr. Jones stated there is no
128 landscaping proposed. Mr. Brown stated that the intent of the Planning Board is that each site
129 plan shall have attractive and well-maintained landscaping. Mr. Sample stated it is an existing
130 home that already has the landscaping. Mr. Jones stated he would be happy to try and draw up

131 an inventory of the plants that are there. He demonstrated on the site map where there is garden
132 space. Mr. Brown stated that the parking lot is going to impact some of the landscape
133 presumably. Mr. Jones stated that would not be the case. He demonstrated on the site map
134 where there is lawn where the parking would be. Mr. Brown asked if there was landscaping
135 there. Mr. Jones stated there is none. He stated there is a row of arborvitaes but they would be
136 missing that with the entrance so there will be no changes.

137

138 Chair O'Neil asked if the Board had any other questions. Mr. Sample stated that his
139 understanding is that all that was being done was adding a parking lot. Chair O'Neil opened the
140 meeting to public input.

141

142 Eric Clark, 101 Hayes Rd, abutter to proposed Bed & Breakfast. He had a couple of questions
143 regarding the zoning. He stated it is currently zoned as Rural. He stated he and a few neighbors
144 were unsure whether or not the zoning was going to change at all. He wanted to know if it would
145 stay Rural. Chair O'Neil agreed it would stay Rural. Mr. Clark mentioned lighting on a sign and
146 said he couldn't hear too well what was said about that. Mr. Brown stated the Board has a
147 proposal for what the sign would look like, but they do not know the size of it or whether it is lit.
148 Mr. Brown stated it is a valid point. Chair O'Neil stated he added it to conditions precedent. He
149 stated it would be addressed before anything is approved or signed off. Mr. Sample stated the
150 owner had said it wouldn't be lit so Chair O'Neil could make a note on the conditions. Mr. Clark
151 asked if the business would run year-round or is it seasonal. Mr. Brown stated it is not in the
152 proposal package. Chair O'Neil stated they could ask the representative. Mr. Brown asked if
153 Mr. Jones would like to clarify. Mr. Jones asked Mr. Clark to go through all of his questions and
154 then he would address the questions.

155

156 Mr. Clark asked if the retail shop was going to be operating 7 day per week. He also stated he
157 believed four or five guest rooms were the limit. He wanted to know if the Bed & Breakfast was
158 at full capacity and there were five parking spaces occupied by guests, and someone else wanted
159 to go to the antique store, where would they park. He wanted to know if there would be cars
160 parking on the street. He stated people walk and jog in the neighborhood and it would be a
161 hazard if there was increased traffic on the street. He stated previously he believed there was
162 catering done in the barn house. He wanted to know if that would happen in the future. He was
163 concerned about the parking activity related to catering.

164

165 Chair O'Neil asked if there was a barn there. Mr. Clark stated he believed there was a barn in the
166 center of the location. Chair O'Neil stated it was not on the proposal. He stated it was not a
167 function hall. Mr. Clark stated he was not 100% sure but he believed he had seen in past real
168 estate listings. He stated that he believes there's another barn all the way in the rear and it was
169 said if there was a wedding there, they could use the existing barn which was used as a bridal
170 suite for the bridal party to get ready. Mr. Clark stated this is what he has heard from neighbors.

171

172 Mr. Clark asked if there would be a liquor license. He stated he knew it was a Bed & Breakfast.
173 He stated from what he has read, only breakfast can be served at these locations. If it became
174 any kind of catering, he asked if it would become a bring your own booze. He stated his concern
175 was if down the road there will be any changes, like taking trees down to the left of the house to

176 put in additional parking. He also asked if there was a fire pit at the location. He was unsure if
177 guests to the Bed & Breakfast would understand that there's a high risk or a low risk on any
178 given day. He also had concerns about whether or not there will be an innkeeper onsite and
179 whether that person will be there 24/7. He stated he would like answers to those questions.

180

181 Mr. Sample stated he had a question to start off with. He asked if it was five bedrooms. Mr.
182 Jones stated yes, there were five in the house and one in the ????. Mr. Sleeper asked if the
183 intention was to rent all five bedrooms. Mr. Jones stated it would just be the main house. The
184 barn and the ADU would stay private. The same with the shed in the back. Mr. Sample stated
185 the barn and the ADU would stay private. He asked if the parking was off of the ADU. Mr.
186 Jones stated that was correct but demonstrated where they would be walking. Mr. Sample asked
187 if the ADU used the same parking lot. Mr. Jones stated they did not. He demonstrated that the
188 driveway was sizeable. He stated that to speak to the point about someone needing parking to
189 visit the antique store, he was not anticipating that kind of traffic for the store. He stated it is a
190 bonus tacked on to the Bed & Breakfast use. If customers wished to do so they could park in
191 that sizeable driveway to alleviate street parking. He stated it is obviously hard to police street
192 parking but there is ample space on the property to park and the shouldn't need to park on the
193 street for this type of thing. If more parking was required, they could add more by going through
194 the stonewall and add more uses without removing any trees. He stated that if the use were ever
195 expanded for any reason and they came back asking for another bedroom that would be a
196 possibility to make it work. He offered to go through Mr. Clark's questions. Chair O'Neil asked
197 him to go through them one at a time.

198

199 Mr. Jones stated that craft store and the Bed & Breakfast are an allowed use in the zone. No
200 rezoning would be needed for this. It is in the Rural Zone. He added regarding the question of
201 lighting Mr. Clark stated that it was answered. He stated if there were still questions regarding
202 the lighting he offered to do an inventory of all the lights on the property. He stated it is a bit
203 arduous. Mr. Brown stated he would appreciate it if the applicant would clarify that with regard
204 to signage as well. Mr. Jone agreed.

205

206 Chair O'Neil asked if there was any sign there currently. Mr. Jones stated that was correct. That
207 would be the only addition on the property and it would be a free-standing sign. Chair O'Neil
208 stated that Mr. Jones stated that there was no additional lighting. He stated that would mean
209 there would be no lighting on the sign. Mr. Jones agreed. Chair O'Neil stated he believed that
210 was part of Mr. Clark's question.

211

212 Mr. Jones stated that the use would be year-round. He stated that the parties are open to any kind
213 of hour restrictions if the Board wanted to implement any. They do anticipate having someone
214 staffing the Bed & Breakfast. That would be the main distinguishing factor for a Bed &
215 Breakfast use versus an Airbnb with self-check-in. They anticipated the store being open only
216 three days a week. They welcome that as a condition on top of the approval. With regard to the
217 house, it has 5 rooms. The driveway has space if they wanted to just do the antique store. He
218 stated there is not going to be any catering, no food uses on the property, no commercial kitchen.
219 The shed in the rear is not part of the proposal.

220 Mr. Brown asked if there was an event facility. Mr. Jones stated that there was not. Not outside

of the fact that the lot is 10 acres. If there was a private wedding there, he did not know how they would get in and out but that would be something that would be outside the Planning Board's control. He stated that is not the anticipated use of this. He stated this is really just to be the business and it would restrict the ability to do weddings there because that business is running. He stated there would also not be any liquor license.

Chair O'Neil asked Mr. Clark if all of his questions were answered. He stated they were. Chair O'Neil asked if there were any other questions from the public. There were none. Chair O'Neil closed public input. Mr. Clark had another question, so Chair O'Neil reopened to public input.

Mr. Clark asked while the guests are there, would they be free to roam the property. His property abuts this property. His concern was if his dog is out in the yard off leash would there be any restrictions on guests going into the woods. He mentioned there are woods separating the two properties. Mr. Sample stated the guests could go into the applicant's woods, but not Mr. Clark's, if Mr. Clark had a sign that said 'No Trespassing'. He explained that if Mr. Clark didn't have a sign they could go in his woods. Chair O'Neil stated that Mr. Clark would have to post signs. Mr. Clark asked if pets would be allowed to stay at the Bed & Breakfast. The Board stated that that would be up to the applicant. It was not a matter for the Planning Board. Mr. Clark understood.

Chair O'Neil asked if there were any other questions from the public. Mr. Shea asked for the benefit of the public and anyone who might be watching on You Tube, if the Board would introduce and welcome the new Town Planner. He stated he believed it was his first meeting and believed the Town was very fortunate to have him.

Chair O'Neil introduced Cameron Armstrong, the new Town Planner. He asked if anyone had any further questions on this case or anything else. There were no comments. Chair O'Neil closed to public input. He asked if the Board had any other questions.

Mr. Sample MOTIONS to PASS Case #P26-17. Chair O'Neil added to the Motion under conditions precedent and subsequent, the Fire Department concerns and the Highway Department concerns if Mr. Sample was in agreement, which he was. He added that any notes that were taken during the meeting to be added to conditions precedent (i.e. no lighted signs etc.) Mr. Brown SECONDS. Chair O'Neil asks for Board to vote.
UNANIMOUS.

Ms. McGuirk, the applicant, approached the Board and explained that her husband's family had been in the area since the Mayflower. The house was part of her husband's family lineage. She stated that she had put it up for sale because her husband passed away in 2023. Her children suggested she not sell the house. She was trying to figure out what to do so she could afford to keep the house. The real estate agent that was selling it was telling everyone that it would be used for catering. She stated that would not happen. The house is old and needs to be gently cared for. She stated there would be no parties. Her intentions for the property are to have a quiet place to visit with an antique shop.

Mr. Armstrong asked Chair O’Neil about the conditions precedent note to add the notes of the Planning Board, he asked the Board to retain their notes and give them to him after the meeting. Chair O’Neil suggested they email them. Mr. Armstrong agreed.

Case #P26-18 Randy Tetreault, Agent for The Cox Family Trust, Teri Drake and William Cox, Trustees and The Drake Irrevocable Trust, Teri Drake Cox, Trustee	Map 18 Lots 5 & 5-2 208 Fort Point Road 238 Fort Point Road	Lot Line Adjustment Lakeshore Residential Zone (LR)
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Proposal: To adjust lot lines for two (2) lots of record, with Map 18 Lot 5 adjusted from 12.85AC to 14.02AC, and Lot 5-2 adjusted from 3AC to 1.84AC.

Mr. Brown MOTIONS to ACCEPT the application as COMPLETE. Mr. Sleeper SECONDS. Chair O’Neil asks for Board to vote. UNANIMOUS.

Chair O’Neil stated that there were a couple of waivers. Mr. Sample asked if there were a couple. Chair O’Neil stated he believed there were two waiver requests. Mr. Brown stated that it was wetlands and slopes. Chair O’Neil stated they were on the second page. He invited the applicants to speak regarding the waivers.

Mr. Randy Tetrault, surveyor for Norway Plains. He introduced Josh Burke who assisted him. He stated with regard to the waivers, they were only for the remaining parcel. He stated the 1 AC parcel has all the information on it. The remaining parcel is 12 AC and will be 14 AC. He stated that on the second sheet, topography and soils are shown. He stated they could get that readily available. He explained they did not delineate the wetland areas on the remaining parcel because both lots are fully developed. He stated they did not show the 25% slopes on the remaining parcel even though they do show topography. The 14 AC is a large enough parcel which is why they asked for a waiver so they didn’t have to do it on the whole thing. The smaller lot has been scrutinized in that effect. Both of them show the three quarters of the requirement. It shows a box that’s three quarters of the requirement in the zone that’s free of wetlands and slopes over 25%. He demonstrated on the site map the area that is required in the zoning. He stated the smaller lot needed State subdivision approval because it was getting smaller because it is well and septic. It is under 5 AC. The large lot doesn’t need that. Regarding the waivers, they are only for showing any wetland areas on the remaining parcel and showing any slopes over 25% on a remaining parcel. The Board can see the topography and the pond, it is pretty much shown. He stated that formally, they had to ask for a waiver because it’s a checklist item.

Chair O’Neil asked if the Board had any further questions. There were none.

Chair O’Neil MOTIONS to GRANT Article 7, F.7.G and Article 7 F.7.H and APPROVE the waivers for those two articles. Mr. Brown SECONDS. Chair O’Neil asks for Board to vote. UNANIMOUS.

305 Mr. Tetrault stated that there are two existing lots of record that are developed with existing
306 houses. They're owned by two different family trusts of which the trustees are present in the
307 audience. What they would like to do is set up the smaller lot for possible sale and if they keep
308 the larger lot they want to have that existing area owned in fee, the area in green on the site map.
309 He stated it is really a transference of 1.17 AC from one site to the other. He stated that they had
310 to get State approval for the smaller one. He stated there is about 75 ft of road frontage that gets
311 transferred from the smaller lot to the larger lot. In the zone they are in, the lot size meets it, the
312 frontage meets it and it is just adding an additional 1.2 AC to the larger lot for personal reasons.

313

314 Mr. Brown asked if the State subdivision was still pending. Mr. Tetrault stated it was pending
315 but they were given approval. He believed the Board had a copy of it. Chair O'Neil stated they
316 did not have a copy of it. Ms. McClain stated it might be with the Building Department. She
317 believed that was where the approvals go.

318

319 Mr. Tetrault stated they just got it on the 16th. He explained that the odd shape comes from
320 original subdivision in 1987 where the lots were larger. He stated they were 3 AC. The lot was
321 surveyed in 2000, which is why they didn't ask for a waiver for a survey for the remaining
322 because it has already been done. He stated on the application current use was mentioned. He
323 stated they revised that note, as Ms. McClain said in the Planner Review. The current use maps
324 are a sketch. The 1.2 AC will be added to the current use part of the parcel. There's currently an
325 acre around the house that is reserved out of current use mapping. He explained that it goes from
326 12.8 AC to 14 AC. He stated that he assumed the Assessor would want to see a revised current
327 use map. He stated he could take care of that. He stated if the Board had any questions they
328 could ask at any time. He stated that they changed the notes on current use. There were a few
329 notes in the planner review that were revised. They would have to monument the new lot
330 corners which would be a precedent condition. He stated on the original plan there was a fire
331 access to the pond. He stated that it was not set in stone, but it was shown on the existing map.
332 He explained that no one has ever used it, but that is why it is noted. He stated that in
333 conversations with the owners, they are in complete agreement that if for some reason they need
334 to use it they can use it. He stated he had a copy of the plan that showed that. He explained
335 there's a dashed line going from the road down to the pond. There's no path, only woods right
336 now. He stated it was mentioned in the deed.

337

338 Chair O'Neil mentioned that it is currently on the deed but asked if there was no road there. Mr.
339 Tetrault stated there's no path. He stated that it looked like it may have been a condition that was
340 placed in 1987 on that subdivision, they said they want fire access, and it was agreed to. No one
341 has ever used it. He stated that he knew the previous owners as well, the Hoyts, and no one had
342 ever asked about it then either. He stated that it is close to the area in question so that is why
343 they are bringing it up. Chair O'Neil asked if it was in the deed. Mr. Tetrault stated it was in the
344 deed. It is an easement. He stated that wells and septic are shown on the plan and meet the
345 requirements. He stated this is really just a lot line adjustment between two properties. Teri
346 Ann is a trustee on both so they just want to set it up that way. They could provide a sample deed
347 when the time comes. He explained that they don't usually do it before they get approval. He
348 stated that in this case, since it is two different trusts there will have to be a deed. If it was the
349 same owner, they wouldn't have to do a deed. Once the plan was recorded it would pass.

350

351 Mr. Tetrault added regarding the mortgage, though it's not in the purview of the Board there's
352 always a note saying that people should be made aware of it. If you have a mortgage and need to
353 get a release. If you swap property, the bank usually wants to look at what you're doing. He
354 asked if he understood that correctly. The Board stated that it was correct. Mr. Brown stated that
355 the Town is not liable. Mr. Tetrault stated if the Board had any other questions, he'd be happy to
356 answer.

357

358 Mr. Sample asked what the road frontage was on the original big lot. Mr. Tetrault stated that
359 existing was 670 ft and it would change to 745 ft, about 75 ft of a swap. Mr. Sample stated he
360 was trying to understand why they even bothered with it. Mr. Tetrault stated that it was a lot to
361 do about nothing. They just want to own the extra if they end up selling it. He stated the area
362 around the house is important to them.

363

364 Chair O'Neil asked if the Board had any other questions. There were none. He opened the
365 meeting to public. There were no comments. He closed the meeting to public.

366

367 **Mr. Brown MOTIONS to APPROVE Case #P26-18 for the Cox Family Trust to include**
368 **conditions as laid out in the Planner Review including all conditions precedent. Ms. Drost**
369 **SECONDS. Chair O'Neil asks for Board to vote. UNANIMOUS.**

370

Case #P26-19 Prospect Mountain Survey, Paul Zuzgo, Agent for Michelle Penland, Owner	Map 14 Lot 1-1 Jesus Valley Road	Final Minor Subdivision Rural Zone (RU)
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371 Proposal: To subdivide a lot of 50.97AC into two (2) lots of record with the parent lot being
372 44.30AC and the proposed lot being 5.40AC.

373

374 Chair O'Neil stated that there was a page missing. Ms. McClain offered to reprint. Mr. Sample
375 asked if the items on the checklist needed to be complete. Chair O'Neil explained that the
376 checklist is for the Planning Department. He stated that they got everything that they needed.
377 Mr. Brown added that the soils are on the topography. Chair O'Neil stated they could do
378 completeness first and then do the waivers, or however the Board wanted to do it. Mr. Brown
379 stated that for completeness, soils are on the topography. He stated utilities, there are none
380 basically. Mr. Zuzgo stated that there's a power pole on the road.

381

382 **Mr. Brown MOTIONS to ACCEPT the application as COMPLETE. Ms. Drost SECONDS.**
383 **Chair O'Neil asks for Board to vote. UNANIMOUS.**

384

385 The Board considered the waivers. Mr. Brown asked if there were any wetlands on the proposed
386 area. Mr. Zuzgo stated there were not. He stated that the wetlands that are shown were
387 delineated in 2005 when he subdivided the lot for Sandy Wyatt. He stated it was subdivided into
388 two large lots.

389 Mr. Brown asked if there were any steep slopes. Mr. Zuzgo said the topography showed it was
390 relatively flat. He stated there was 200 ft of site distance for both of those driveways. He stated
391 this is the end of Jesus Valley Road. The only people that are going to pass this lot are her sons.

392
393 **Mr. Brown MOTIONS to ACCEPT the waivers the findings of fact suggested by the**
394 **language that the Board grant the waivers of Case #P26-19. Mr. Diveney SECONDS.**
395 **Chair O’Neil asks for Board to vote. UNANIMOUS.**
396

397 Mr. Zuzgo, land surveyor representing Michelle (Penland). He stated they were before the Board
398 to take 5 AC off the 50 AC lot that she owns. He stated that Ms. Penland lives in Florida. The 5
399 AC would be her summer getaway. The rest of the 45 AC she would convey to her son who lives
400 next door. He stated that it would probably not be built on any time soon. Chair O’Neil asked
401 on the 5 AC if there was a house there already. Mr. Zuzgo stated that it is just a proposal. Mr.
402 Sample asked if the proposed house was for the applicant. Mr. Zuzgo stated yes. Mr. Sample
403 stated that the son owns the wetlands and up the mountain. Mr. Zuzgo agreed. He stated that
404 there’s a road already cut in. Mr. Sample asked if there wasn’t enough room for a driveway past
405 the wetlands. Mr. Zuzgo agreed. Chair O’Neil asked if the other one was proposed on the other
406 lot. Mr. Zuzgo stated that it is a proposed driveway also. Mr. Brown asked if driveway access
407 could be done on the large lot. Mr. Zuzgo stated that it could. Mr. Brown asked if there were
408 any departmental concerns. Chair O’Neil stated he hadn’t seen any. Ms. McClain added that she
409 believed all of the reviews had no comment.

410
411 Mr. Armstrong added that the Plan review, all checklist items that were there, like eligibility on
412 sheet one, he wanted to make sure it was noted. Mr. Zuzgo stated that all of that he could fix
413 pretty easy. They went and staked the lot today. Monuments are set.

414
415 Chair O’Neil asked if the Board had any further questions. There were none. Chair O’Neil
416 opened to public. There were no comments from the public. He closed the meeting to public.

417
418 Ms. Penland stated she had a couple of questions for the Board. She wanted to know if she had
419 to build right away. She wasn’t sure if it would be a year or three from now. Chair O’Neil stated
420 it was just being subdivided. Ms. Penland asked about Sheet One that they received and the
421 numbers weren’t legible for all of the boundaries. Mr. Zuzgo stated he fixed that. She asked if it
422 adds up to the 50.97 AC because she knew there were corrections. She stated she wanted to
423 make sure it matched what she had because she flew up from Florida. The Board stated it was
424 good. Ms. Penland asked if Sheet One would change after this meeting. Mr. Zuzgo stated that it
425 did not. She asked if the outside perimeters would stay the same.

426
427 **Mr. Brown MOTIONS to APPROVE the application of Case #P26-19 for final minor**
428 **subdivision of two lots. Ms. Drost SECONDS. Chair O’Neil asks for Board to vote.**
429 **UNANIMOUS.**
430

431 **OTHER BUSINESS**

432 **1. Old Business:**

- 433 a. Board to discuss concerns over site work at Map 9 Lots 10 & 10-1.
434 b.

435 Chair O’Neil stated that the Board got a complaint from a Board member that some material was
436 being removed from the site. He stated the Board’s procedure is to contact the Planning

437 Department to have the Code Officer contacted and have them go out to the site. He stated he
438 likes to invite the applicant to have a discussion and see what's going on. He did check the
439 Conservation Commission report and he did talk to the Conservation Commission and they said
440 that nothing had been changed. He stated that the Japanese Barberry, because it was an invasive
441 species, was supposed to stay on site and not be removed, for that matter no material was
442 supposed to be removed.

443

444 Mr. Heath stated that was never a part of any conditions. The Conservation Commission
445 provided a department head review. He stated that that review was discussed. They had a
446 specific conversation and that conversation didn't have anything to do with topsoil. It had to do
447 with Mr. Sample bringing up the removal of stumps and overseeing that. All of the stumps were
448 ground on site with a tub grinder. Nothing was removed. The topsoil was stripped and removed
449 but that was in accordance with the preconstruction meeting with the outside engineering review
450 coming. There was never a conditions precedent. There was never any testimony or
451 conversation about no removal of site other than that there was awareness that there was an
452 invasive species on portions of the lot. Mr. Sample stated there was definitely conversation
453 because it was said that it was going to be used for the birm. Nothing was to be leaving the site.
454 He stated that the first mention was the tree on the State right-of-way. Mr. Heath stated that the
455 plans clearly state that. Mr. Sample stated that right on the DOT that the trees ???

456

457 Mr. Heath stated that it said on the plans that there is grass, in bold letters and those plans are
458 signed. Mr. Brown stated that he remembered in the discussion that there were supposed to be
459 trees that were on the State property which were supposed to remain there as a buffer. Mr.
460 Sample stated that the State would not allow Mr. Heath to take those down. Mr. Brown did
461 remember that. Mr. Heath stated there's a six-foot cut on either side of the driveway. The
462 driveway is still 4 ft too high. There is still a 6 ft cut where the two bankings are. The plans that
463 were submitted and were signed since January have a 6 ft cut and show direct contours that were
464 review with the outside engineering review that cut that down. He stated there is 2.3 AC there.
465 They only cut to the left and right about 100 ft. He stated they own 2.5 AC and 3 AC.

466

467 Mr. Brown hadn't seen the plans. Mr. Heath had the signed plans with him for the Board to look
468 at. Chair O'Neil stated that he looked at the Conservation Commissions report and their
469 department said that nothing should be removed. As far as conditions precedent there was a
470 Shoreline Protection Plan. He stated they had had a lot of discussion and unfortunately, they
471 didn't record. He stated that the Board is going by recollection of this, because they didn't
472 record. He stated they just wanted to have a discussion and see what was going on.

473

474 Mr. Heath stated that the big issue is whatever discussion that they are talking about contradicts
475 completely what the plans that were signed say. That was his main concern. He said that is the
476 concern with the State. The State's permit says at the top, "This permit does not allow any
477 cutting in the right-of-way." He stated if you go down to Section 9 it says, "Applicant must
478 follow the plans from changing seasons, dated January 1st to a tee." He stated that that is where
479 the State backed off and walked away from it because of that reason. They have boilerplate
480 language in their permits, but they contradict one another. Mr. Brown asked if the State had an
481 issue. Mr. Heath said no. They did at first and then he pointed out the plans to them and they

482 said they didn't realize that. Mr. Heath stated that was on the State. He said that the State asked
483 for the documents he was sharing with the Board. Mr. Brown remembered that discussion
484 explicitly that there was supposed to be a buffer there. Mr. Heath stated the buffer remains. He
485 stated that it is not trees. Mr. Brown understood that he was referring to a birm. Chair O'Neil
486 asked if the trees would be put back there. Mr. Heath stated they would not.

487
488 Chair O'Neil stated he thought they had talked about that. Mr. Heath stated what was signed, it
489 can't be any clearer. He demonstrated the right-of-way to the Board. He demonstrated the post
490 drainage commercial development plans. He stated that it said right on the document "wooded".
491 It shows the wooded areas. He demonstrated the grass in the right-of-way. He showed what
492 DOT signed and they asked for. Chair O'Neil asked if Mr. Sample would like to take a look at
493 the documents. Mr. Sample stated he could see from where he was. Mr. Heath continued to
494 demonstrate and stated he would allow the rest of the Board to see it afterward. There were
495 contour lines and the State asked for them. He demonstrated the road contour going all the way
496 across the right-of-way. There was a 6 ft cut between that knoll and no line of sight would come
497 out of there. He mentioned another thing on the State's permit; it says the obligation of the
498 applicant is to maintain 400 ft left and right of clear line sight. He stated that it also says in the
499 permit, verbatim, that it is the applicant's obligation to remove trees, earth and any other debris
500 to maintain that line of sight during the construction process. That is why he argued with the
501 State after they came up and their excuse was, they didn't review that (meaning the permit).
502 They had three engineers up there. He said that is why the site had not been shut down.

503
504 Chair O'Neil asked if the Japanese Barberry got removed. Mr. Heath stated that it had. Chair
505 O'Neil understood. Mr. Heath shared the documents with the rest of the Board. Chair O'Neil
506 asked where the Japanese Barberry went. Mr. Heath continued to demonstrate to the rest of the
507 Board members. Mr. Sample stated that the grass was before the trees. Mr. Heath stated that it
508 was 100+ ft. Mr. Sample stated that it was not really what was talked about at the meeting
509 because what was talked about was having a buffer between Rt 11 and the shops so they
510 wouldn't be looking at all of Wayne's cars. He stated coming into town they don't want to see
511 all of the cars. He stated that the State will not let us take down these trees. He stated that those
512 were Mr. Heath's words. Mr. Heath denied that. He stated that he did not go in there and take
513 down trees for the whole buffer. He went in and took down what was approved on the plans. He
514 stated that he owns all the way down to Rt 11, where the water starts. He stated that where Keith
515 Chamberland's property is, another 300 ft of frontage. He stated if he had gone in there and
516 wiped out all of that – he stated he only disturbed 32,000 sq ft for that entire development. Out
517 of a 2 AC lot and a 3.2 AC lot, that's about as low an impact as you could possibly get. He stated
518 there was no way to cut the driveway where DOT required it, through that hill and maintain safe
519 sight distance. The buffer is still there. A buffer is also distance. It doesn't just have to be tree
520 buffer. He stated there is 125 ft from the asphalt to the beginning of those buildings. Mr. Brown
521 stated that he believed the whole discussion, as he recollected it, to Roger's point, not seeing all
522 of the cars being visible from Rt 11 as you pass. It was essentially to be screened. He supported
523 what Mr. Sample stated with regard to his recollection. It is what it is. He didn't see any
524 recourse at this point.

525

526 Mr. Heath stated there was no intentional misleading. He stated they had that conversation, but
527 they also talked about the fact that the buildings were going to buffer any of that line of sight.
528 He stated there's an 80 ft building that is pushed into the 25 ft setback on those plans. He stated
529 there's 80 ft. They only cleared a maximum of 100 (ft). He stated they only have parking on one
530 side or the other. Everything is parked in the back with the guardrail. Chair O'Neil asked about
531 the barberry and where did that end up. Mr. Heath stated that they stripped everything and took
532 it to Farmington to his processing site where it was screened. He stated the tailings were
533 screened out and it would be coming back. He stated that they had a preconstruction meeting.
534 He stated the first thing they checked was erosion control. The second thing they checked was
535 the stripping. He mentioned on a Shoreline Protection site, there is no storage. The entire site
536 that is outlined with the silt fence is the entire infrastructure of this build. There is at least a 9 ft
537 fill. The engineer is looking for them to fill in lifts. He stated he has a Vibrastat Roller and they
538 go about 12-18 inches at a time and rolling it. They are rolling the whole length of the parking
539 lot. There is nowhere to process material to stockpile or store. With the shoreline, it is more
540 detrimental to run off into the shoreline to stockpile the materials. They trucked for a week to
541 get the topsoil off. It is that deep, that mossy.

542
543 Chair O'Neil stated he felt the concern was the spreading of the evasive species. Mr. Heath
544 stated that they are processing it. He stated the concern was would they watch it and not bring it
545 to another site and use it as clean fill somewhere. In that case they would be promoting further
546 growth. He stated they didn't fill any other site. It is at a stockpile yard. Mr. Sample stated that
547 loam would go to another site. He stated that everything that was taken out of there in loam
548 would not be brought back. He stated that 4 inches would be brought back and everything else
549 would be sold to somebody and they would have barberry growing in their yard. That's why it
550 was said that it couldn't leave the site.

551
552 Mr. Heath stated that it was not in the conditions precedent or anywhere else. Mr. Sample stated
553 Mr. Heath told the Board that it would become the birm. Mr. Heath denied that. He stated they
554 have all the rock and other materials there, we have the birm which was made of all the stump
555 grindings. Mr. Sample agreed, but stated that all of the top soil left. He stated that is where most
556 of the bayberry seeds are. Mr. Heath stated that this contradicts directly with what he had to do
557 for permitting. What he had to do with the State, what was required all along. It made no sense
558 to him. He stated the Town's engineer would go out and review the site, see them stripping it,
559 see them trucking it off -- Mr. Sample interjected that when the Town Engineer went out there, it
560 was stripped. He stated that in his report that it was stripped. Mr. Heath stated that the Town
561 Engineer was out there before they stripped it. Mr. Sample stated that the Town Engineer went
562 out before they stripped it and then went back again and it was stripped and it wasn't supposed to
563 leave the site. He stated that was the conversation that the Board had with Mr. Heath. He stated
564 that Mr. Heath said it would be used as the birm. Chair O'Neil asked Ms. McClain if they had
565 received anything back from Rick. Her response was inaudible. He asked if the Board had any
566 other questions.

567
568 Ms. Drost stated that she was new and trying to learn and asked for forgiveness if her question
569 didn't make sense. She stated she recalled the same conversation that was had with the Board
570 that Mr. Sample and (Mark?) were just discussing. She asked how this all gets resolved. Chair

571 O'Neil stated that the approval has been granted. He stated because they don't have the
572 recording and it is not under conditions precedent the Board has to be more vigilant with their
573 conditions precedent as far as accepting, if we agree with the Department's proposals then it
574 needs to be added as conditions precedent and create that so it becomes part of the plan. He
575 stated he would take the blame for that because he thought when everything was recorded that it
576 was all part of it. Unless each item is put in there as a conditions precedent it is not in there. Mr.
577 Sample asked if the meetings are on You Tube. Chair O'Neil believed that to be true. Ms.
578 McClain stated that the video did record, there is a video. She stated that there was no audio.
579

580 Ms. Drost asked what is the Board looking for from Mr. Heath. Chair O'Neil stated that there
581 was a complaint, and the procedure is to address it. The Board contacts the Code Officer and has
582 them go look at it. He stated that they did talk to KB Partners, the Engineering firm, to also look
583 at it, and then the Board. Part of the Board's responsibility is to make sure that things are done
584 the right way. He stated they are going by recollection instead of what was discussed in the
585 minutes. He stated that they had to be more diligent as far as what is put in as far as conditions
586 precedent moving forward to make sure that everything is captured of exactly what the Board
587 wants to see on these applications. Mr. Sample stated that there is one person who says it didn't
588 happen and three or four who say it did.
589

590 Mr. Heath stated they had a conversation about what the process was. There was no
591 determination that nothing was allowed to leave the site. He stated nothing was put in the
592 conditions. Mr. Sample stated that it was. Mr. Heath stated he has watched time and time again
593 the Boards not adopt Department head reviews. Mr. Sample stated that they were adopting it, it
594 was discussed. He stated that is when Mr. Heath stated it would be part of the birm. Mr. Heath
595 stated that a lot of things are discussed. He asked how an applicant is supposed to know. He
596 stated he got a Notice of Decision that is 5 pages long. He has outside engineering. He did his
597 preconstruction meeting. He asked how an applicant is supposed to know if it is not correlating.
598 He stated that Mr. Sample was relying on three meetings. Mr. Brown stated that there are lessons
599 learned. Chair O'Neil stated they have to be more diligent. Mr. Brown stated that he thinks the
600 engineering firm needs to have a level of expectation as to what is done. Mr. Diveney stated that
601 unfortunately it is not written down. Chair O'Neil agreed if they don't put it in there then it
602 doesn't have any teeth. Mr. Heath asked if the Board had any other questions. Chair O'Neil
603 asked if the Board had any other questions. Mr. Sample stated those were the two issues. Chair
604 O'Neil asked if anyone had anything else. There were no further questions.
605

606 **2. New Business:**

607 **a. Approval of Minutes:** Planning Board meeting minutes of Tuesday, June 16, 608 2026 & October 21, 2025. 609

610 Chair O'Neil asked if there were any changes to the minutes. Mr. Brown mentioned there were
611 two sets. Chair O'Neil asked if they should do the October minutes first. Mr. Brown stated he
612 had some input. They agreed to do the October Minutes first. Chair O'Neil stated they needed
613 to approve the Tuesday, October 21, 2025 minutes. Mr. Sleeper stated they didn't have enough
614 people to approve them the last time. Ms. McClain added that she had provided them last month
615 and the Board decided there were not enough people that were present in October. Mr. Brown

616 stated that on Line 70 there's missing language in there of some sort. He was unsure what
617 should be in there. Chair O'Neil stated that there's a lot of air space between 71 and 75. Mr.
618 Brown stated that it was an incomplete sentence even on Line 70. He stated he did not recollect
619 what was said. Chair O'Neil stated he was not present for the meeting on October. Mr. Brown
620 stated he was the Chair. He stated that on Line 197 there's a typo which should be "there was a
621 comment". He believed that was all the corrections needed.

622

623 **Mr. Brown MOTIONS to ADOPT the minutes with the two changes. Mr. Diveny**
624 **SECONDS. After doing so, the Board realizes they do not have a quorum to approve either**
625 **meeting minutes for October 21, 2025 or June 16th 2026.**

626

627 Chair O'Neil asked if there were any changes to the minutes for June 16, 2026. Mr. Sleeper
628 asked if on the last motion for the set of minutes, whether he needed to be abstaining because he
629 was not present. Mr. Brown believed so. The Board did not have a quorum to approve the
630 meeting minutes therefore had to postpone until a future meeting.

631

632 Chair O'Neil stated that what is needed is the Board needs to be more diligent. He stated that
633 tonight's meeting was a real learning process for him. He stated that he and Mr. Sample had
634 many conversation about this and agreed the Board needs to be diligent as far as looking at what
635 the department heads recommend, having a discussion about it, even if it has to come to a vote
636 on whether it will be put in as conditions precedent or not. He stated anything that they discuss
637 or talk about and put in under conditions precedent share with Mr. Armstrong, give him notes, or
638 email him anything we have. He recommended they keep better notes so there is more
639 transparency. He stated he thought everything that was discussed, everything that was in the
640 department head's opinions was law and went along with it, and it's not. Mr. Sample stated it is
641 not necessarily what is in the department head's, but the Board brought it up. He stated they read
642 the department's concern and made it our concern. Chair O'Neil agreed and stated that the Board
643 needs to record that. He stated it has to be put under conditions precedent so it is recorded and
644 then it is part of the plan. He asked if anyone had any questions. He stated everything they talk
645 about the conditions precedent is going to be a longer list. Mr. Brown asked if the audio is
646 working, how long is it supposed to be retained. He asked if there were any guidelines on that.
647 Mr. Armstrong stated that the recording of minutes is a permanent statue retention policy. It is a
648 You Tube file so it should last in perpetuity so long as You Tube is a company. He stated he did
649 not see them going anywhere anytime soon. He stated it would stay online permanently. He
650 stated the previous municipality that he worked for suffered some of the same hiccups.
651 Sometimes the audio doesn't work through the OBS system. It is not uncommon, but it is
652 something that they were working on before this meeting making sure that it is up and running so
653 there are no hiccups moving forward.

654

655 Mr. Sleeper suggested implementing a new procedure to make sure they are testing the audio
656 ahead of time. Mr. Armstrong stated there are staff checking with audio to make sure it is
657 working.

658

659 Mr. Brown stated KB Partners seems to bear some of the responsibility for this as well. He
660 stated that as the Town's Engineering firm maybe a reminder of their obligations might be

661 appropriate. Chair O’Neil stated that the Board has to put that on there in order for them to
662 follow it. Mr. Sample stated that he was unsure that KB Partners was responsible in any way.
663 Chair O’Neil stated that he believed they go by the signed print and that’s why the Board has to
664 make the conditions a part of it. Mr. Brown stated that there was something he read that the
665 language looked suspect. He stated that the Board should bring up any questions they have and
666 they can discuss it. He asked if anybody had any other comments. Mr. Armstrong stated that he
667 had been working with the Town for two days and Ms. McClain had been fantastic keeping
668 things running smoothly while there was no Town Planner. He appreciated her hard work
669 running the Planning Department while not being a planner. The Board thanked Ms. McClain
670 agreed.

671

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

673 2. **Correspondence for the Board's information:**

674 3. **Correspondence for the Board’s information on State Permit Applications:**

675 4. **Public Input on Non-Case Specific Planning Issues: NONE**

676

677 **ADJOURNMENT**

678 Planning Board Chair, Bill O’Neil

679

680 **Mr. Brown MOVED to ADJOURN the meeting. Mr. Sleeper SECONDS.**

681 **Chair O’Neil asked the Board for a vote. Board voted UNANIMOUSLY.**

682

683 The meeting was adjourned at 7:30 PM.

684 Respectfully Submitted,

685 Sandra Monaco, Recording Secretary