TOWN OF ALTON
PLANNING BOARD
PUBLIC HEARING MEETING
Tuesday, August 18, 2026, at 6:00 PM
Alton Town Hall

CALL TO ORDER

Chair O'Neil called the meeting to order at 6:00 PM.

ROLL CALL OF BOARD MEMBERS

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

OTHERS PRESENT

Cameron Armstrong (Town Planner)
Patricia Panciocco
Erik Jones
William MacDuff
Kevin Flynn
Michelle Morrisey
Ken Soucy

APPOINTMENT OF ALTERNATES

(None)

APPROVAL OF AGENDA

Chair O'Neil asked if there were any changes to the agenda. Mr. Armstrong stated that there were two items. 1) Under Design Review, labeled as Major Site Plan Design Review and it should be labeled as Major Subdivision Design Review. He stated the notices went out to the abutters and the newspapers as major subdivision. It was just an error on the agenda. He asked if the Board would move to the top of the agenda, the Town Administrator who was there to present potential regulation changes coming forth at the next Planning Board meeting. Chair O'Neil asked if Mr. Armstrong wanted to move the Town Administrator to be heard before the design review. Mr. Armstrong agreed. Chair O'Neil asked if there were any other changes to the Agenda.

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

Chair O'Neil invited the Town Administrator to speak.

Ryan Heath, Town Administrator. He explained his reason for addressing the Board was to share some things that transpired during the Board of Selectmen's meeting and some regulations that will be coming for the Planning Board to review and possibly approve. He stated that the Selectmen's Board made the decision that Mr. Armstrong will be appointed as the Land Use Coordinator. Mr. Armstrong will spearhead projects and subdivisions from Zoning all the way through the Planning Board. He stated that things are working well in the Building office with Rick (Therrien) as the Building Inspector. Rick is keeping up with all of the permits and inspections very well from all of the feedback that he has heard. He stated that Mr. Armstrong is going to focus all of his attention in that arena. Mr. Armstrong is going to coordinate all projects, whether subdivisions, major Site Plans or what not from Zoning all the way through the Planning process. There were a lot of complaints at the administrative level with Land Use over the last couple of years. Applicants were feeling like they didn't quite know the direction they were supposed to be going in. It felt disconnected. He stated part of that was bouncing from Zoning to Planning. There were two different people from staff running two different departments, sharing one assistant. He stated it was not working very smoothly. He stated that they've tried to make some changes on the staff side of things to streamline applications and get them through the process in the most efficient way.

One of the things they would like to implement, he had mentioned to Mr. Armstrong. Mr. Armstrong is going to spearhead all of the language and the possibility of how it fits into the current regulations that the Planning Board has for subdivisions and Site Plans. He stated that what that is called is TRC, which stands for Technical Review Committee. He was unsure how many were familiar with that style. There are other communities that use it. He explained a TRC is basically a meeting with staff members prior to an application taking form at the Planning Board or Zoning Board level. He stated that brings the department heads and staff members that you would normally send your department head reviews to. This allows a formal meeting between the applicant and the department heads that would be sharing or placing input on that application. Having a meeting like that with the staff members means 1) there can be some dialogue at the table that would be an official record of this meeting. It is not a public hearing. There are minutes that are kept so that it is documented.

He stated an example of when you get a subdivision that has a proposal of a roadway. A lot of times there are concerns from the Fire Department for apparatus ability to turn around, whether that be a hammer head, or a cul de sac, how much length of road before there's a turnaround. These are all questions that come up and is something that would benefit from a dialogue between the applicant and the department head themselves rather than a standard department head review form that is submitted in with the packet. He stated the same is true with the Police Department and DPW when discussing road construction and the possibility of the Town taking over a road. The TRC process would be a great addition to the rules and regulations.

Mr. Armstrong will put something together to bring to the Board and the Board can discuss with Mr. Armstrong. He stated he was before the Board to introduce the direction that they're going with staff, based on decisions that the Board of Selectmen made going forward. Whether the Planning Board chooses to adopt these regulations or not is solely their purview. He wanted to give some feedback regarding the thought process and why they think it might be a good

addition for future applicants to be able to take advantage of a TRC process. He asked if the Board had any questions for him.

Chair O'Neil asked if the regulations that were being proposed were specific regulations that they will be able to see. Mr. Heath stated they would be. He stated they are in draft form right now. Mr. Armstrong will bring them before the Board for them to consider. He stated it would be language that would be consistent with subdivision application or any Site Plan applications.

Mr. Brown asked if there was a draft process that exists. Mr. Armstrong stated he had been working on the language to update the subdivision regulations as well as Site Plan regulations to introduce this concept into it. He stated that some national flood insurance program language needed to be added into the Site Plan regulations as well. He stated he was taking care of both at the same time to get them before the Board. The TRC process will be added pending the Board's approval to review every subdivision and Site Plan that comes before the Board.

Mr. Sample stated that what this means is instead of leaving comments for the Board to read, the department heads will speak to the Board during the TRC meetings. Mr. Armstrong stated that he has looked at surrounding municipalities and this way of doing this is becoming more common. He stated that the sheet system works well for a time but sometimes they come in late or people forget to submit them. This standing meeting would happen 15 days before the Planning Board meeting that would have minutes that would be provided into the packet so the Board could review the comments that come out of that, much like they see the department head reviews but it allows more active and constructive dialogue with the applicants so they know exactly what they have to do.

Mr. Sample stated that minutes are basically worthless. He stated they are a little bit of an overview of what actually happened at the meeting. He stated that he didn't believe the minutes would be helpful. He stated that getting the department head's comments could be worked on. He stated that obviously it has been learned that the Boards have to put more strength into the comments if they deserve it. Mr. Armstrong stated that his hope was that with the TRC there will be a little bit more collaboration between the department heads and the applicants to address issues at the pass rather than having them come to a meeting to address those issues, so there's more substantial weight behind the department head reviews that you've been receiving. He stated there will be a little more robust information that comes out of all of the department heads.

Mr. Sample stated that the applicants don't come to the TRC meeting. Mr. Armstrong stated that the applicants would be coming to the TRC meeting. Mr. Sample understood. Mr. Armstrong stated that it would be all the department heads that have purview over various items within that subdivision request as well as the applicants so all of their concerns can be addressed. Mr. Sample stated that was a good thing.

Mr. Heath added that the idea behind this is that the discussions that are taking place at the TRC and the comments that are being made to the applicant about changes or additions or subtractions to the proposal would then be incorporated into the staff report, the Planner report that the Board actually gets. It would make it more substantial as far as identifying those areas of concern and

putting them into the actual Planner's report that would come with the application.

Mr. Sleeper stated that it would help to ensure a more complete application and therefore less need to continue for an application that wasn't complete or was missing something. It would just streamline the whole process. Mr. Sample stated he did not know that it would make it more complete but what it would do is bring attention to more important things that might be missed. Mr. Sleeper agreed. Mr. Sample stated that the application is still complete, but something could be missed. Doing this TRC meeting will prevent things from being missed. Mr. Manning stated that the meeting being proposed sounded like a good idea. He stated that the Town Administrator's team would have plenty of time to meet with people. Mr. Heath stated they would make it happen if the Board chose to adopt it. He asked if the Board had any other questions for him. There were none.

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

Case #P26-20 Greenlight Development, LLC, Erik Jones, Manager	**Map 8 Lot 25** **182 Frank C. Gilman Hwy**	**Major Site Plan Design Review** **Residential Rural Zone (RR)**

Proposal: Amended Site Plan to update the site layout to accommodate minor surface upgrades and to change to condominium ownership.

Pat Panciocco, Land Use Attorney from Bedford, NH representing Greenlight Development, Erik Jones. She stated she has represented Mr. Jones for many years with several of his projects. She stated he proposed a plan to "condominiumize" what was previously approved as a multifamily project she believed in 2008 originally. Mr. Sample stated that that was all gone. He stated that they are starting from day one. Ms. Panciocco disagreed. She stated she had information she could share with the Board. She had an overview of the history. The property is about 14.5 AC. There has been quite a bit of improvement done. Permits have been issued. The work contemplated by those permits has been completed in large part. She stated the only reason they were before the Board is because Mr. Jones submitted an amended AOT permit to the State because he was proposing to add external garages to the footprint which changes the impervious coverage and that impacts your AOT permit. She disclosed to the Board that she did some work for the Chairman's family a few years ago on a title problem and she was not sure if that made a difference to anyone on the Board. She stated she hadn't seen Chair O'Neil for many years since. Chair O'Neil stated he could recuse himself. He stated that this case was a Design Review so there were no votes to be made.

Ms. Panciocco understood. She stated that it was her understanding that the original developer purchased this property from the bank. When he went to get approvals before the Board, it was the 1987 Site Plan approval regulations under which this application was approved for 53 units. She stated she had a bunch of email communications that date back to 2008. She had copies for the Board of the Alton Planning Board Minutes. She also had a Substantial Completion determination made by the Town Planner. She had the first three pages and could provide the rest of the 2012 plan that was signed by the Planning Board. In 2024 a variance was granted to

lift the restriction of senior housing and allow it to be multifamily use. Mr. Sample asked to see that documentation. She had copies of this for everybody. Mr. Sample stated he did not recall the parties coming in and getting a variance. Mr. Manning stated that would be through the Zoning Board. Mr. Sample stated that the parties have not been before the Board for an extension. He stated that this project is gone.

Ms. Panciocco offered an abbreviated conversation about this. She stated the confusion with this whole situation when it was approved in 2008 was under the 1987 Site Plan regulations. It was not clear what a condition precedent was and a condition subsequent was. She stated that the wording of the approval did not determine what were the conditions – she asked if the Board wanted to take some time and read through what she provided. Mr. Sample stated that the approval was by the ZBA not the Planning Board. She stated that that was just the most recent one. She stated that this all began in 2008. The Town Attorney was involved in 2012 after the original developer came in and somebody working for the Town hall said, the approval is over a year old. She stated the problem with that is when a Planning Board issues an approval there are conditions to be met before the approval is not conditional anymore and then there's certain things that have to be done after the fact. She stated that one of the conditions was the State permits to have a final approval before the Board, they have to have State permits. The State permits took quite some time. She stated the permits that have been executed on this site were granted in April 13, 2009, April 22, 2009, and January 14, 2008, and a SWIP on May 18, 2009. All of those permits are listed on the plan that was signed in 2012. It took a long time to get those permits.

After the Planning Board issued the approval they didn't really say a whole lot about which conditions had to be met for the approval to become final. Nor did it say what had to be done after it became final. Everything got blurred. So when it came back after the permits were issued and the State AOT permit caused eight units to be lost, and it went from 53 to 45 units, there needed to be an amendment to the plan. At that point the Planner at the time, (she could not recall their name), said to just change the note on the plan because it didn't increase the developments intensity it actually made it a little bit smaller. That later became an issue because someone else had a different opinion. They stated that that could not be done. The abutters needed to be notified and have a public hearing. When the intensity of the development diminishes why would anyone complain. Regardless, they had a different point of view.

In 2001 when Mr. Jones finally got all of his permits, there was a row between Jennifer Hoover, who represented the developer at the time, and Jim Sessler who was Town Counsel. At the end of the day the determination was made that the approval did not expire after one year. The question then became what work were you doing while that year and more passed that prevented the approval from becoming final. Indeed, it was the State permitting. At that point he came back and amended the plan in 2012. There's a copy of that plan in the first three pages of the packets given to the Board. The plan was signed by the Board. The developer had all the permits. He kept working at the project. She believed it was in April 2016 that the Town Planner sent a letter that the Planning Board reviewed the email and the photographs presented by the developer for the project to determine the improvements described met the requirements to start the construction of the project. She was unsure of what the delay was in the meantime

nonetheless there was enough done that they let it continue on and on and he has continued to work at it since then. In 2024 the variance was granted. She stated that the approval is still there. He has a vested right. Mr. Sample interrupted and stated that all Mr. Jones had was a pile of rocks. He stated that Mr. Jones cut down the trees, took the lumber and had a pile of rocks. He stated they didn't even have a road.

Erik Jones, owner and developer and builder. He stated the road was laid out. The center line was grubbed out and rough graded. He believed there were two permitted water crossings installed. The driveway permit on the state road was built to specifications. He stated that at that point the water line had not been run up 140 into the project. That happened shortly thereafter.

Ms. Panciocco stated that in 2017 (October 18) Nic Strong (Town Planner) sent a letter to the developer and said the Board determine that based upon the information provided you have met Substantial Completion of the improvements shown on the Site Plan. Once you meet Substantial Completion you're vested for five years beyond that. She stated that the improvements have continued to be completed.

Mr. Pierce stated that the five years were up. Ms. Panciocco stated that the five years didn't mean it had to be 100% completed. Mr. Pierce stated he understood that. He stated that the applicant is asking the Board to improve things. He stated in 2008 the things she mentioned were presented and that that was almost 20 years ago. Things have changed. Ms. Panciocco stated she believed the storm water was updated in 2012 when the modifications to the plan were made. She asked if it was reexamined by AOT when the applicant did the amendment. Mr. Jones stated it was. Ms. Panciocco stated they also extended the State permits because State permits are good now for five years. She believed it was only four years at the time. She stated you get an automatic extension for an equal number of years. Mr. Pierce stated that 2012 to 2017 is five years. He stated that it is now 2026.

Mr. Sample stated that the long and short of it is, you're doing a subdivision, and you've got most of the work done. He stated that they already had their AOT. He stated that the applicant is further down the road than (Ryan) is. He stated they should just move on from there. Ms. Panciocco stated they were. She stated that they are not starting over. Approvals are expensive and so are plans and most of the state authorized work has been completed. The wetlands crossing –

Mr. Sample interrupted and stated that those were fine. He stated that they should present the plan, and the Town engineer would look at it. Chair O'Neil offered information that he wanted to share with everyone from the Town Planner. He stated that Mr. Armstrong had some information from the Town attorney. Mr. Armstrong stated that all of this information was communicated to the Town Attorney with the October 17, 2017 Planning Board statement of Substantial Completion of the project and the project being vested. The recommendation was that the Board is discussing the item in front of us today, which is the condominium-ization of the property as well as the pickleball court and the parking, but not the actual approved plan that has already been Substantially Completed and vested at this point.

Ms. Panciocco stated that once a project is vested the party doesn't have to come back for an extension. Mr. Armstrong stated to be clear, the five-year clock that is there is that once Substantial Completion is hit, the five year clock prevents any updates to regulations from impacting your property. It doesn't stop the project from continuing and moving forward essentially in perpetuity. Ms. Panciocco stated that that statement was accurate and spot on. She stated that the condominium statute prevents any municipal ordinance from interfering with condominium ownership. It is RSA 356B:3.

She asked if the Board's regulations regarding subdivision and whether they were defined as condominiumization. Mr. Armstrong stated that they were because it is land ownership. Ms. Panciocco stated that in some towns that is not the case. She stated that because a condominium is viewed as a form of subdivision it basically subdivides ownership. It does not change the plan. You can't condominiumize something that hasn't got an underlying municipal approval. She stated that this has all of the approvals, all of the approvals are vested and what the party has presented to the Board in the plans that Mr. Jones submitted with his application is a condominium plan showing groups of units that are multifamily units. She stated it shows the areas of the tests pits, the roads. She stated they could certainly take the Board through that if they would like. She believed that was what was planned for this meeting. As far as how the applicant got here, it is history. It is behind them, and it is what it is. She stated the party has a vested right to complete the project as it is shown on the 2012 plan as amended by the AOT plans that showed the additional impervious area for the garages.

Mr. Sample asked when the wetland crossings were done. Ms. Panciocco asked Mr. Jones if he had that information available. He stated it was many years ago, he believed prior to the determination of Substantial Completion. Ms. Panciocco agreed that most of it was. Mr. Jones stated it was prior to 2017. Ms. Panciocco stated it is an existing condition. It is improved. It is done. Mr. Manning asked regarding NHRSA 356-B:5 it says for a condominium conversions of existing structures and uses are permitted in any district and require Site Plan and subdivision approval. He asked if that was not after the conversion. Ms. Panciocco stated that those apply to existing structures. Mr. manning stated that was correct. He stated that it sounded like it applied to an existing plan and it sounds like you had an existing plan for a multifamily. Ms. Panciocco stated they have an existing plan but the structures are not up. Mr. Manning stated that he felt they were each interpreting it differently. Ms. Panciocco stated that as he said, they do have to submit a Site Plan for a condominium conversion. She illustrated that if he had a big multifamily and wanted to make it condominiums, you do have to come in because your regulations require that. She stated in Manchester, you don't always have to do that. Mr. Manning stated that it sounded like the party was trying to convert this to a condominium. Ms. Panciocco stated agreed. Mr. Sample stated they needed to do a Site Plan. Ms. Panciocco stated that they already have that.

Ms. Panciocco stated that she answered a question regarding approvals and that started the conversation down a rabbit hole. Mr. Sample stated that (Ryan's) plan had no approvals. He came in for extensions and then he stopped coming in for extensions. He said someone mentioned he was vested. Ms. Panciocco stated that Substantial Completion gives you the first step towards vesting. Once you reach Substantial Completion the law recognizes your

investment in your property, your permits are forever until you complete it. Mr. Sample stated that the Board decides what is Substantially Complete. Ms. Panciocco stated the Board did. Mr. Sample asked if she had something that said that once the water crossing is in --

Mr. Armstrong interrupted and stated that October 27, 2017 the Planning Board determined and drafted a notice to the applicant at that time of Substantial Completion and that is the final step for that vest. Once the applicant is notified that that Substantial Completion has been approved by the Planning Board it is set. Mr. Sample understood. Mr. Manning asked Mr. Armstrong if it mattered that it was vested for a multifamily. Mr. Armstrong stated that at the time it was vested for a multifamily and then they sought the variance to change that after -- He stated that the Planning Board granted that approval. He stated that it didn't materially change the project itself. The structures are the same structures; the roads are the same roads. The wetland crossings are the same crossings. The Site Plan itself hasn't changed, that's why it doesn't need to be amended.

Mr. Manning asked for clarification regarding the elderly retirement community to a multifamily, that is what the Zoning Board approved. Mr. Armstrong stated that was correct. Ms. Panciocco agreed. Mr. Manning stated that there has not been approval for a condominium. Ms. Panciocco agreed. She stated that was the reason for them being before the Board. Mr. Sleeper stated that the Board was just approving the condoization of an existing Site Plan. Mr. Brown stated they were just listening. Chair O'Neil explained that it was Design Review, so the Board was there to ask them all of the questions that they want to ask about this so they can move forward to the next step which will be Final Completion. Mr. Armstrong stated that to be clear, the Board should look at the plans in front of them to see an overlay of faint red which denote the changes they are presenting. He stated that the Town Attorney stated that what is in red is what is in play for this application.

Chair O'Neil asked if that was the parking lot. Mr. Armstrong stated it was the parking lot and some additional parking. Chair O'Neil asked if there were garages too. Ms. Panciocco stated there were a few of them. She asked Mr. Jones how many garages total. Mr. Jones stated there were 11 building sites. He stated 6 of the 11 have the ability to accommodate these external garages for the end units only. He stated the mid-units will have internal garages, internal to the footprint. He stated by adding those external attached garages it increases the impervious a little bit which the AOT approved for the amended plan. He stated then there was the additional guest parking sites. He felt it was a little tight in there and winter can be tough. They added 10-11 spaces dispersed throughout the project. They are in red. He stated there's a defined recreation area. He stated at one point it might have been called a pickleball court. He stated they are not committed to that. He was aware pickleball courts have their shortcomings.

Mr. Armstrong added that any time a condo regime is created, that condo regime document has to be approved by the Attorney General's office for the State of New Hampshire. As part of the process the Town sends those condo documents off to the Town Attorney for review. He stated the Town Attorney has provided back his comments on that. There were no concerns with the condo documents outside of some language about how the common area would be assessed to the applicants. Mr. Armstrong spoke with the Town Assessor and he had no concerns and

actually said that the language in the condomimium document was exactly how he wanted it written. He stated that the condo documents have been vetted.

Chair O'Neil asked if the Highway Department and the Fire Department had some concerns. He asked if the applicant received the concerns from the Highway Department. Mr. Jones stated he did not. Ms. Panciocco asked if the Board had a copy of the concerns. Mr. Armstrong apologized and stated he provided copies.

Mr. Brown asked for the record what has been done on the site to date. Mr. Jones stated the State driveway permit has been built to the acceptance level. He stated it still needed to be paved. Mr. Brown stated it is not done to the DOT requirement. Mr. Jones stated everything but paving. Mr. Brown asked what else had been done. Mr. Jones stated that in the initial entrance there was a water crossing that had to get built. Mr. Brown asked if that has been done. Mr. Jones stated it had. He stated the water line has been brought up 140 and into the property a couple of hundred feet which was a key part of the density. The center line of the road has been laid out and most of the road has been rough graded. The entire site was stumped and grubbed years ago. He stated the second water crossing, the upper circle to get the water to comedown under the road there just past the "lollipop" that is in place.

Mr. Brown asked when all of that work was done. Mr. Jones stated it was done before the Substantial Completion determination. Mr. Brown stated that was prior to 2017. Mr. Jones agreed. He clarified that he was unsure when the water line was brought up. He stated he was unsure of the date of that. It might have been post 2017 but he was unsure.

Mr. Sleeper asked if there has been any recent work at the property. Mr. Jones stated there has been. They applied for and were granted a building permit for the first building. He stated there were two State approved septic designs for Building One and Building Two. He stated the cellar hole has been built for building one. They were hoping to pour footings next week. Ms. Panciocco asked how many units were in the first building. Mr. Jones stated four units. He was going to build a modular so the week prior to September 17, they have 8-60 ft boxes showing up, 60x13.8. On September 17th those will be craned onto the foundation and should be water tight by Monday.

Mr. Pierce stated it says the waterline was put in in 2019. Mr. Brown stated he was confused as to how a building permit gets released at this point. Mr. Jones stated that it was because it was approved as a multifamily it was a building permit from the perspective of the Building Department it's a multifamily building permit. Mr. Brown asked if it was a little cart before the horse.

Mr. Sleeper stated that he could be misinterpreting but one of the conditions that he sees referenced a lot in the paperwork that the applicant sent, one of those conditions, possibly #9 was the completion of the waterline. He was trying to understand and asked for forgiveness because he was new to this, how was the threshold met for final approval when one of those conditions was this waterline. How did we meet Substantial Completion final approval in 2017 if the waterline didn't go in until 2019. Mr. Jones stated he had no answer for that. He stated he was

sure it could be researched and found out.

Mr. Pierce asked if there were other utilities out there, electric, phone, internet. Mr. Jones stated there was an existing property, a building on the front of the property, a stand-alone structure that will remain and that has water that is fed by the Town watermain that was extended and it has its own septic system just like the rest of the buildings will. It has power and internet and phone. He stated that TDS is in the process of engineering the extension for phone and co-op is also in the same process.

Mr. Sample was unsure how it got a stamp of completion without a water line. Ms. Panciocco stated that was conditioned subsequent. She stated you would not ask a developer to install the water line before they had approval precedent. Completion of the waterline would have been subsequent. Since the time this plan was approved the whole idea of bonding and completion of common improvements has changed where developers can go in as long as they're not issued a Certificate of Occupancy or a building permit, depending on the Town's regulations, you can't have to have utilities throughout the whole project. It is not cost effective. You have to take small bites at a time to get these done. Mr. Sample stated they would not have to have all of their utilities but they would have to have the water if that was a condition of completion. Ms. Panciocco agreed. For Mr. Jones to complete the project they insisted that the water line be in as opposed to wells. Mr. Sample stated that in 2017 it wasn't complete because it didn't have a waterline.

Ms. Panciocco stated that Substantial Completion does not necessarily mean that all of the conditions subsequent have been met. Mr. Sample asked if she had something there that said she had a condition subsequent or if she was making that up. Ms. Panciocco stated she does not make things up. These are standard conditions for approval. If you show a waterline on a plan you have to build it. You have to complete what you show on the plan. Mr. Sample stated that they come in and have a plan and the plan gets approved and then you have a certain amount of time to do the plan. If you are unable you come back for an extension. He believed they came in between changing a plan and extending the plan a number of times.

Ms. Panciocco asked if they were going to go down that rabbit hole again. She stated that the purpose of their being before the Board was to look at the condominium Site Plan. She stated that the waterline would be brought up to the building that Erik is going to install in September in big chunks. It will be connected to Town water and the line will go all through the whole development to all the units. Mr. Sample stated that to address Mr. Brown's point, not to go down the rabbit hole, but to how the building permit was issued before the Site Plan was –

Mr. Brown stated, to be clear he did not understand how a building permit is issued when you're here for a Design Review discussion regarding the whole project. Ms. Panciocco stated they were not there for that. She stated they were there for condominium and the parking. Mr. Armstrong stated he wanted to be very clear about this, these could be in the ground today as multifamily units and they come in and seek to condo regime it as they're already built. If the Board seeks denial for this application it does not stop the construction of this development at this point. It would just remain as a multifamily development and rental units.

Mr. Brown asked what the building permit issue was that they had. Mr. Armstrong was unsure. Mr. Jones stated that at the time they didn't have condo approval so it was issued as a multifamily. Mr. Sample stated that even a multi-family has to come in to the Planning Board. Mr. Jones stated they were building on that approved –

Mr. Brown stated that that is what they were arguing is that it is approved. Chair O'Neil stated that it was approved for multifamily. Ms. Panciocco stated that it was a lot to absorb and she understood that. Mr. Armstrong stated for the purview of the Board he wrote up a decent background. He stated that these plans were drawn up while he was still in middle school. He offered to go line by line on this and write out the full narrative and timeline for the Board's purview when this comes back in for final so there's no confusion. Mr. Brown agreed that he believed the Board needed to see that history. Chair O'Neil stated that unfortunately nobody that was on the Board at the time other than Tom Hoopes – Mr. Sample stated he was. Chair O'Neil stated he did not see Mr. Sample's name on there. Mr. Sample recollected the party coming in for extensions and then stopping. Chair O'Neil stated that the only name shown is Tom Hoopes. Mr. Sleeper stated that it was from the 2008 Planning Board minutes. He asked Mr. Sample if he was on the Board in 2008.

Ms. Panciocco stated she did not give the Board everything. Chair O'Neil stated perhaps Mr. Sample was out that day. Mr. Sample stated that was possible. Chair O'Neil stated they were looking at questions as far as the condominium application and the driveways and garages. He asked if the Board had any more questions about that. Mr. Brown asked if they got an approval what the timeline would be to complete the project. Mr. Jones stated it depended on market absorption but his target was three years. Chair O'Neil asked how many buildings there were. Mr. Jones stated 11.

Chair O'Neil opened to public input. There were no comments from the public. He closed to public input.

Ms. Panciocco asked if there was any particular information that the Board would like them to bring back. Mr. Brown stated they would like to see the history. Chair O'Neil agreed that if they could get a breakdown of that it would be helpful since none of the Board were there when this transpired. Ms. Panciocco asked when the Board would like them to come back. Chair O'Neil directed her to speak to the Planner. She asked if Design Review has ended. Chair O'Neil stated it has ended. He stated that she should contact the Town Planner and then when they come back it will be for completion and acceptance.

2. <u>Acceptance and Review of Application and Public Hearing if Application is Accepted and Complete</u>

Case #P26-21	**Map 72 Lots 35 & 36**	**Lot Line Adjustment**
Norway Plains Associates Inc, William Macduff, Carl & Karen Campbell and George & Cheryl Destremps, Owners	**44 Larry Drive** **36 Larry Drive**	**Rural Zone (RR)**

Proposal: To adjust lot lines for two (2) lots of record, with Map 72 Lot 35 adjusted from .28AC to .35 AC, and Lot 36 adjusted from .81 AC to .74 AC.

Chair O'Neil asked Mr. Armstrong If he got everything he needed. Mr. Armstrong stated that the only thing they were missing were the sample deeds for completeness. He stated Norway Plains had a pretty good history of giving those. He stated as long as they were made as conditions of the approval. Chair O'Neil agreed.

Mr. Manning MOTIONs to ACCCEPT the application for Case #P26-21 as COMPLETE. Mr. Brown SECONDs. Chair O'Neil asks for Board to vote. UNANIMOUS.

Will MacDuff, Norway Plains Associates. He represented Carl J. and Karen L. Campbell and George W. and Cherly Destremps. They are proposing a boundary line adjustment between Tax Map 72 lots 35 and 36. He provided details regarding the case. The Destremps Lot 36 in orange purchased their property in June 2025 not realizing that the Campbells Lot 35 in Green the house was constructed partially over the property line in 2018. They are proposing a boundary line adjustment to provide enough acreage for the Campbell's house, deck and side yard to be located entirely on their property. He demonstrated on the Site Map how it stands currently.

Chair O'Neil asked how this happened. Mr. MacDuff stated that by not requiring a foundation location plan or something where somebody lays out the building to conform to setbacks, if they just provide a building permit and then somebody builds it – Mr. Sample interrupted and stated that building permits do require setbacks.

Mr. Destremps, owner 36 Larry Drive. He stated he had the property surveyed because they were going to put up a garage and that is how they found out. Mr. Sample asked if they didn't know. Mr. Destremps stated that they didn't know that part of the house was on the property. He stated he did not have the paperwork with him, but he has the original plan for the house that is on his property and that house was supposed to be on the other side and that house got moved to the side that it is on now. He demonstrated on the Site Map where the driveway is currently and where it was supposed to be. He stated that the septic stayed in the same spot. The house and the septic got moved. There's an amended plan for the septic tank. He had no idea why the house was moved. He stated that the gentleman that he bought the house from built three houses in a row. He demonstrated on the map where those houses were located. Mr. Sample stated that the house should have been on the amended plan as well. Mr. Destremps stated that in the amended the house is in the spot it is in now. He stated some fault lays on the septic company as well because they should have known – Mr. Sample interrupted and stated that the septic company wouldn't know. Chair O'Neil stated that they just need to know where it goes. Mr. Sample stated the distance between the field, the tank and the house is what the septic company would be concerned with. Mr. Destremps stated that the property was never surveyed.

Mr. MacDuff stated that if you are not a surveyor in Alton Shores it is hard to know where you are and that you're on the right lot. Mr. Destremps stated there were no pins. It was never surveyed and the house was put on it. Mr. Sleeper wondered if they had the house on the other side of the lot if they went to put the foundation in and ran into ledge and they couldn't. Mr. Pierce stated they probably owned all three lots and ??? at that time.

Mr. Destremps stated that they have to cut off about 25x122 ft piece. Mr. MacDuff stated a 25-

foot-wide strip to transfer from one lot to the other. Chair O'Neil stated he did not want to interrupt but he needed to do the waivers.

Chair O'Neil MOTIONs to WAIVE Article 7, F.7G, F.7H, and F.7I for the waivers. Mr. Brown SECONDs. Chair O'Neil asks for Board to vote. UNANIMOUS.

Chair O'Neil invited Mr. MacDuff to continue. Mr. MacDuff stated they were proposing the transfer of 3054 sq ft, 25x122 approximately from one lot to the other so that the Campbell's lot will be more nearly conforming than it was previously. They still need to go before the Zoning Board. They were before them earlier this month, but they have to make some amendments to that application.

Chair O'Neil asked if this would meet the Campbells the setbacks requirements. Mr. MacDuff stated that it would meet the current setback requirements. Because they are changing the lots there will be lots created after 2003, therefore they would be subject to 20 ft sideline setbacks. He stated that was one of the variances they were requesting. Chair O'Neil asked if it would be a 10 ft. Mr. Destremps stated they would have 10 ft off of it. Chair O'Neil asked if when this got approved if Mr. Destremps would go get the variance for the 10 ft setback. Mr. Destremps agreed. Mr. Armstrong added that at the ZBA meeting the Destremps came in with a Special Exception request to the non-conforming lot section. He explained that the way the non-conforming lot section is written is for use of the property and not necessarily relief to the code. He stated it was brought up during the meeting that they need to seek variances for their lot size, lot frontage and also for that setback. That is what they're going back with the amendment for. He asked that the Board make condition for this application that they receive the ZBA approvals before the full approval from the Planning Board before the LLA goes in.

Mr. Pierce asked if the Destremps were giving up part of their land for their neighbor's the Campbells. Mr. Destremps stated that he had no choice. He could not leave their house on his land. Chair O'Neil asked if the Board had any other questions. There were none.

Mr. Brown MOTIONs that subject to Zoning Board variances and sample deeds that the Planning Board hereby APPROVES Case #P26-21 for the above sited lot line adjustment on Map 72, Lots 35 and 36 with frontage on Larry Drive, Alton, NH.

Chair O'Neil interrupted and asked to put that Motion on hold while he opened to public input. There were no comments. He closed to public input.

Mr. Manning SECONDs the motion. Chair O'Neil asked if the Board had any comments. The Board voted unanimously.

Case #P26-22 Norway Plains, Associates, Inc. Steve Oles, Agent for Don and Shaina Laurin, Owners and David and Donna Halligan Living Trust, David and Donna Halligan, Trustees.	**Map 41 Lots 34 & 59** **47 Trask Side Road** **48 Sawmill Brook Road**	**Lot Line Adjustment** **Lakeshore Residential Zone (LU)**

Proposal: To adjust lot lines for two (2) lots of record, with Map 40 Lot 34 adjusted from .241 AC to .688 AC and Lot 59 adjusted from 4.673 AC to 4.225 AC.

Chair O'Neil asked Mr. Armstrong if he got everything he needed. Mr. Armstrong stated sample deeds were conditional. Mr. MacDuff stated that they did not have text on the Site Map that stated the lot line that is to be abandoned. Mr. Armstrong agreed. Mr. MacDuff stated he would adjust some of the text on there. Mr. Armstrong stated, to be clear, under plan review, it was noted that there was not a clear indication of which line was being abandoned, and which line was being created and that is what Mr. MacDuff was saying he would correct for the final plan.

Mr. Sample stated it looked like an easy process, another situation the same as the last solved by neighbors. Chair O'Neil agreed.

Mr. Brown MOTIONs to ACCEPT the application as COMPLETE. Mr. Manning SECONDs. Chair O'Neil asks for Board to vote. UNANIMOUS.

Mr. Brown MOTIONs to GRANT WAIVERS requested for Article 7F.7G, F.7H, and F.7I. Mr. Manning SECONDs. Chair O'Neil asks for the Board to vote. UNANIMOUS.

Mr. Macduff stated the goal with this case was to transfer about 19,000 sq ft from Lot 59 to Lot 34. He stated the goal with this was to make Lot 34 on Sawmill Brook Road a conforming lot. Chair O'Neil asked Mr. MacDuff to explain the color representations on the Site Map. He asked if the builder was the same. Mr. Sleeper stated that the existing house is quite a bit older. Mr. MacDuff agreed. Mr. Sleeper stated that he may have spent time there when he was younger if it was the house he was thinking of. Mr. MacDuff stated that it was like a camp lot. He said the goal was to add about 20,000 sq ft to that lot which would bring it up to the Town standards for that area. He won't need to request any variances. Mr. Brown asked if it would be fully conforming. Mr. MacDuff agreed.

Chair O'Neil asked if the Board had any other questions. He opened to public input.

Kevin Flynn. He stated he and his wife purchased the abutting property to the east 20 days before they received the notice of this Planning meeting. He stated they oppose, from their understanding what this leads to is conformity and then they can make additions, changes to the property, including to their wall. Previously the owner was the neighbor to the south. They don't know what the plan is beyond the conformity which is why they were opposing.

Chair O'Neil asked where Mr. Flynn was located on the Site Map. Mr. Flynn stated 55 Trask. Mr. Sleeper stated that the properties are very close. He spent a lot of time at both houses. He

had a good friend in the one Mr. Flynn owned. In the winter you can see right through the woods to it. He understood Mr. Flynn's concern. If the applicant was allowed to build, if they added garages, it would be in Mr. Flynn's property almost. Mr. Flynn stated they do not have an issue with the home side of the property. Mr. Sleeper stated the current owners of the property unchanged, Dan and Shaina could build there if they wanted to. There's nothing to prevent them from building. Chair O'Neil stated they could have built something over there also. Mr. Flynn stated that they had already completed landscaping including a half dozen boulders, maybe more. Chair O'Neil asked if there were boulders between two points on the map. He stated he was playing Devil's advocate. He demonstrated on the map where the neighbors live and asked what would stop them from building something near his property. Mr. Flynn stated it doesn't really fit with the way they're designing the property. It would make more sense towards the back if they were. Chair O'Neil stated they could. Mr. Manning stated, if they were going to maybe they would have already. Mr. Flynn stated the whole reason they bought the property was the look and the peace and the enjoyment of the woods, the forest. They do not have anything against building. He stated it would affect their ability to enjoy the house they bought.

Michelle Morrisey and Ken Soucy both from 62 Trask Side Road came up to view the Site Map.

Mr. MacDuff stated he could not speak to what the owners of Lot 34 would be doing with their property. It's there's to do what they wish with as long as it conforms to Town regulations. He stated the original intent for this boundary line adjustment was to transfer land to the parcel that was on Trask side. The previous owners didn't want to move forward with that. He was unsure if the goal of this was to transfer land away from the parcel that Dan and Shaina Laurin own. That was all he had for input on that.

Mr. Sleeper stated originally the lot line adjustment was going to be adjusting the parcel in question to their parcel. And after their parcel sold ??? get rid of. Mr. MacDuff stated it kind of seemed that way. He stated that process was about a year ago. Mr. Manning asked if they don't want to transfer it to them now because of the value. Mr. MacDuff stated he was unsure. Mr. Manning asked how big the square was that was being transferred. Mr. MacDuff stated 19,000 sq ft. Mr. Manning asked if there was no interest on their part in making the transfer a smaller sliver that would make compliance. Mr. MacDuff asked what was meant by smaller sliver. Mr. Manning stated taking a smaller sliver to keep the neighbors – if they were doing 25 ft or whatever was needed as opposed to the whole thing. Mr. Brown agreed. Mr. MacDuff stated that was something he could certainly check with them. Mr. Manning stated it wouldn't be a bad idea to keep everybody happy.

Chair O'Neil asked if anyone had any questions. (Mr. Flynn commented from the audience but was indiscernible). Chair O'Neil stated it was not in compliance right now. Mr. Sleeper stated a pre-existing house on that back corner would conform to the older --. Mr. Armstrong stated that the house itself was most likely non-conforming, just doing a rough estimation of where it sits. He stated it was a non-conforming existing structure so it can continue in operation. If the applicants, the Halligans, are looking to do something with that structure, enlarge it, change it, that is the point that would trigger some variance or Special Exception where they would have to petition the ZBA for that. Mr. Manning stated that the potential is it could get approved, so the

concern is still real. Mr. Brown stated it was still valid. (Mr. Flynn spoke off mic, indiscernible). Mr. Manning stated it was a fair question. If the lot changes does the septic need to be reapproved. Mr. MacDuff did not believe so. It has an active permit. Mr. Sample stated they're just making the lot bigger. Mr. Brown stated it is still non-conforming. Mr. Sample stated it may or may not be. Mr. Armstrong stated the lot itself may be conforming he did not measure it. Mr. Sample stated the house would be non-conforming but the lot would be. Mr. Armstrong agreed. Mr. Sample stated that they're converting land, not the house. Mr. Brown asked why pursue a lot line adjustment. Mr. Sample stated ??? tear down that house and put up a Mc Mansion.

Mr. Brown asked Mr. MacDuff if he would like to say anything on behalf of his client. Mr. MacDuff stated he had no idea what the Halligan's plan to do with the property, if they plan to build something new that would be news to him. The Laurin's intent was to sell off a piece of property. Mr. Brown asked Mr. Sleeper about the property in question. Mr. Sleeper stated that the Halligan's structure would be from the 50s if it is the house he was thinking of. Mr. MacDuff stated it is an older cabin style. Mr. Manning asked with regard to the lot, is the statement that the lot would become more complying or become compliant. Mr. Sample corrected Mr. Manning and said conforming. He stated the lot would become more conforming at 30,000 sq ft. Mr. Manning stated it doesn't have to be ???. Mr. Sleeper stated the structure would be non-conforming. Mr. Sample stated the structure would remain non-conforming. Mr. Manning stated the lot would become more conforming, but not conforming to today's standards. Mr. Sample stated no, conforming to today's standards. Mr. Armstrong stated that the dirt itself would become conforming. It would meet the 50 ft frontage. It would meet the minimum lot size. The lot itself would become conforming at that point. The structure would remain non confronting. Mr. Sample stated what the Board was there to do is to approve the lot line and not to decide what is going to happen after

Mr. Sample MOTIONs to APPROVE Map 41, Lots 34, 59 lot line adjustment. Mr. Pierce SECONDs. Chair O'Neil asks for the Board to vote. Mr. Brown OPPOSED.

OTHER BUSINESS

1. **Old Business:**
2. **New Business:**
    a. Request for extension of approval dated September 16, 2025 from Alan Roscoe, Agent for Treasure Coast for the Sunnyvale Subdivision, re: Case #P25-21, Final Major Subdivision.

Alan Roscoe, TF Moran representing the applicant. He was before the Board seeking an extension of the subdivision approval for this project. This was approved in September of 2025 with the Planning Board. Since then they have worked forward on alteration of terrain permits. He expected to receive a decision in September. They have obtained their New Hampshire DOT permit for the driveway that would serve the site. They got conceptual approval on the well locations. They have acceptance of the SWIP. They have several items that have been completed that are necessary to complete permitting for the project. They are requesting some more time so they complete the AOT process and start developing the project. Chair O'Neil asked what the request was for. Mr. Armstrong stated 1 year. Mr. Roscoe stated one year please.

Mr. Sleeper asked where the development was located. Mr. Roscoe stated it was halfway between Alton and the Gilmanton line. Mr. Sleeper asked if this is the one on the left that they've been clearing. Mr. Roscoe stated that was correct. Chair O'Neil stated modular rentals. Mr. Roscoe stated these are manufactured housing. Mr. Sleeper asked if this has gotten Zoning approval and they need a variance? Mr. Roscoe stated they got the variance and the Special Exception first in May of 2025. Once they got relief they came to the Planning Board. Chair O'Neil stated it was approved here. Mr. Roscoe stated even though they are not subdividing the parcels it is going to remain one parcel. Chair O'Neil stated it is one big lot. Mr. Roscoe stated they had to reserve land for the roadway and things like that, which is why it is a subdivision. He stated they have local approvals and now they're pursuing their state permit approvals. Mr. Brown asked if AOT was the only thing that was outstanding. Mr. Roscoe agreed. He stated once that is issued that will allow the septic system design to be approved. It is being withheld until that is done. They have done a substantial amount of work in the past year.

Mr. Sleeper stated he was not familiar with the project. He asked if it was going to be one lot with mobile home pads. Mr. Roscoe stated manufactured homes. It will be slab foundations, Stick-built homes that will be delivered in pieces to the site and assembled. He stated they do not have axels or wheels. They're on a slab foundation and there will be common septic systems for several homes. He stated there are four systems spaced throughout the project that will be serving. Chair O'Neil asked Mr. Sample if he remembered the shared well. Mr. Sample stated he was under the understanding that they were mobile units that are rolled in and you take the axels off. He stated they are modulars. Mr. Roscoe explained they're delivered on a trailer and assembled and pinned to the slab. Mr. Sleeper asked how many were going in. Mr. Sample -- pinned to the slab. Mr. Roscoe stated they are connected to the slab foundation. They have to be connected somehow. Mr. Sample asked if they were sitting on a foundation. Mr. Roscoe stated they were sitting on a slab foundation. Mr. Sleeper stated it was a monolithic slab. He stated it was not a footing and crosswalls. Mr. Sample stated it is a mobile, it's not a modular. Mr. Roscoe stated it has to be frost proof. Chair O'Neil stated it was already approved. They're not mobile homes. They're modular buildings that are going to be built on a slab. Mr. Roscoe stated they have no basements. Chair O'Neil asked if there were 25 of them. Mr. Sample stated they're double wides. Mr. Roscoe stated there are 37. There will be one larger area that is reserved for the owner. ??? but that's down the road. Right now there are 37. Chair O'Neil stated it is one lot. They're rentals. Mr. Roscoe stated that even though they showed boundary lines for the lots and the roadways those are really just confirm Zoning compliance. It is going to be one parcel. Mr. Pierce stated they are just there to approve the exception.

Mr. Manning MOTIONs to APPROVE the extension for the Sunnyvale case #P25-21 from letter of August 4th 2026. Mr. Brown SECONDs. Chair O'Neil stated that would be for one year. He asks for the Board to vote. The Board votes UNANIMOUSLY.

b. Approval of Minutes: Planning Board meeting minutes of Tuesday, October 21, 2025, June 16, 2026 & July 21, 2026.

Chair O'Neil stated there were four present for the October 21, 2025 minutes. Mr. Brown stated there was a typo on Line 197. He stated on Line 206 get rid of one of the "that". He stated that Line 241 and 242 will be a mystery person forever.

Mr. Brown MOTIONs to APPROVE the amended minutes. Mr. Diveny SECONDs. The Board votes UNANIMOUSLY.

Chair O'Neil went over the June 16, 2026 Planning Board Minutes. They did not have enough Board members to approve it previously. He asked if there were any changes to the minutes. There were none.

Chair O'Neil MOTIONs to APPROVE the June 16, 2026 meeting minutes. Mr. Pierce SECONDs. The Board votes UNANIMOUSLY with the exception of Mr. Diveny who was not present for the meeting in question.

Chair O'Neil went over the July 21, 2026 Planning Board meeting minutes. He asked if there were any changes. Mr. Brown stated Line 296, the word "Formally". Mr. Armstrong asked to be sure he heard correctly, as in formal attire. Mr. Brown agreed. Chair O'Neil asked if there were any other changes. There were none.

Chair O'Neil MOTIONs to APPROVE the July 21, 2026 meeting minutes. Mr. Sleeper SECONDs. The Board votes UNANIMOUSLY.

3. **Correspondence for the Board's review/discussion/action:**
    2. **Correspondence for the Board's information:**
    3. **Correspondence for the Board's information on State Permit Applications:**
    4. **Public Input on Non-Case Specific Planning Issues:**

Chair O'Neil asked if there was anything else to consider. Mr. Armstrong stated he would be sending out the draft subdivision regulations and Site Plan regulations ahead of time for the Board's review so they can give comments back to him to make sure all of the language is comfortable.

Chair O'Neil added that the Board needs to continue to be cautious when they make motions that they make sure that they put conditions precedent and that they are very specific. He stated they are working on as part of the plan even some of the discussion as far as the department heads, he felt that was a great idea. He stated that way they could submit the information as conditions precedent so they make sure that this goes on the plan so they don't run into what happened last month. He stated the Board needs to be a little more diligent. He stated this meeting went well, just be conscious of it, what is said, what they talk about they want it to be part of the plan and make sure it gets on there are conditions precedent.

ADJOURNMENT
Planning Board Chair, Bill O'Neil

Mr. Sleeper MOVED to ADJOURN the meeting. Mr. Brown SECONDs. Chair O'Neil asked the Board for a vote. Board voted UNANIMOUSLY.

The meeting was adjourned at 7:35 PM.

Respectfully Submitted,
Sandra Monaco, Recording Secretary