

TOWN OF TAMWORTH

PLANNING BOARD

MARCH 26, 2008

MINUTES

****DRAFT****

Meeting opened at 7:00 pm

Members present: Dom Bergen, Chairman; Scott Aspinall, V. Chairman; Herb Cooper, Secretary; David Cluff, TCC Rep.; Nicole Whiteside, Tom Abugelis, Selectmen's Rep.; Tom Peters, Howard Nordeen, Steve Gray.

Tom Cleveland, Treasurer absent. Tom Peters sitting in for T. Cleveland.

Annual Election of Officers:

Chairman – H. Cooper nominates D. Bergen, T. Peters seconded. T. Abugelis abstains. **Vote was 5 – 0 in favor.** Voting Members were – Cooper, Aspinall, Cluff, Whiteside, Peters.

V. Chairman – D. Bergen nominates D. Cluff, H. Cooper seconded. T. Abugelis abstains. **Vote was 4 – 0 in favor.** Voting members were Cooper, Aspinall, Whiteside, Peters.

Secretary – D. Cluff nominates H. Cooper. D. Bergen seconded. T. Abugelis abstained. **Vote was 4 – 0 in favor.** Voting members were Aspinall, Cluff, Whiteside, Peters.

Treasurer – D. Cluff nominates N. Whiteside. S. Aspinall seconded. T. Abugelis abstained. **Vote was 4 – 0 in favor.** Voting members were Cooper, Aspinall, Cluff, Peters.

LRPC – D. Bergen nominates H. Cooper. D. Cluff seconded. ????????

TCC Rep. – D. Bergen nominates D. Cluff. T. Peters seconded. T. Abugelis abstained. **Vote was 4 – 0 in favor.** Voting members were Cooper, Aspinall, Whiteside, Peters.

Review of Minutes – D. Cluff motioned to accept the minutes as written. H. Cooper seconded. 5 votes in favor. 1 abstained.

Treasurer Report – H. Cooper for T. Cleveland – expenditures were \$1700.00, revenues were higher but because of illness didn't have the figures.

Secretary Report – a number of workshops and conferences that would be of interest to Planning Board members are coming in April. If anyone is interested the info is in the basket.

S. Aspinall – a lecture at the Remick Farm Museum, Thurs 3/27/08 at 7 pm. Topic is Wildlife Activity Plan and how to implement it.

Officers and Committee Reports –

Master Plan – T. Peters – getting close to completion – reviewed goals, vision, implementation items. We will have a draft outline of every chapter soon and then we will start to put it together.

Capital Improvement Plan – H. Cooper – the meetings will resume again for 2008 -2009. A committee will need to be formed. An ad will be placed in the paper asking for committee members. Interested persons to contact H.Cooper #@ 323-7558.

LRPC – H. Cooper – every year the LRPC recognizes a person who makes a voluntary effort to improve the environment. They are asking for nominations. Info in basket.

Selectmen's Rep. – T. Abugelis – the 1st. meeting nominated officers – W. Farnum is Chairman, T. Abugelis is Selectmen's Rep. to Planning Board. Working on new highway dept. Close to making a decision on equipment.

There is a different set up in the conference room. There will be a meeting of the department heads and secretaries on April 7, 2008 @ 12:00 pm to inform of the changes to office and to move toward a strong representation of the town.

TCC Rep. – D. Cluff – out of town did not attend meeting.

Ordinance Review Committee – no report.

Verizon - Scenic Road Permit – Ed Robinson – H. Cooper opens the discussion with the announcement that tonight is not the public hearing for this permit. The first and only thing the Planning Board can do tonight is to review the application and vote as to whether it is a complete application or not. The public hearing will be next month. Abutters have to be noticed again.

The application is reviewed. Vote is as complete. D. Cluff motions to accept the application as complete. T. Peters seconded. H. Cooper & S. Aspinall recused. **Vote was 4 – 0 in favor.**

Ed Robinson, Verizon Rep – Cleveland Hill Road, the project is a liability upgrade, selective tree cutting will bring poles out onto the road, making maintenance easier. Starting at H. Cooper's property and ends at Deb Faucet's. S. Aspinall's driveway will start new poles. Lucas Tree will be doing the work and will call the landowner to inform that they will be at their property. They will not cut trees unless landowner is in agreement.

S. Aspinall – understands the reason for the project but is not in favor of the cutting of some of the beautiful trees on that road because of the scenic view.

Site walk is scheduled for April 16, 2008 @ 6:30 pm – meet at H. Cooper's.

Ossipee Valley Snowmobile Club – Public Hearing – Special Use Permit (**SUP**) - @ 7:58 pm – S. Aspinall recuses. N. Beecher representing the TCC reviewed the application and a site walk was done the Summer of '07. At that time we gave David Bowles suggestions on how to proceed. The TCC recommends granting the SUP while noting the following considerations – 1. To change provision #1 to provision #3. 2. To abide by the 7 DES stipulations (see letter dated 9/27/07 attached) and 3. That signs be posted at both ends of the trail stating NO ATV's ALLOWED.

David Bowles was not in attendance so it was suggested that the Planning Board (PB) grant a conditional approval for the SUP. Letter from TCC dated 3/24/08.

T. Peters – is not in favor of granting conditional approvals because it is not a clean permit. It becomes confusing. If the TCC recommends changes in an application then the application is no longer a complete application. So the application should be denied and have to be resubmitted. That way we vote on a clean application.

H. Cooper – the application was accepted as complete last month.

N. Beecher – TCC – nothing substantial in the application has been changed.

H. Cooper – motions to accept the SUP with the conditions that the applicant changes the choice of provisions from #1 to #3. Also abiding by the other 2 conditions stated in TCC letter dated 3/24/08 which contains the 7 DES conditions – permit # 2007-01456, letter dated 9/27/07. D. Cluff seconded.

T. Peters – objects to granting the SUP because he doesn't feel that we are in the position to accept an application that isn't complete. He would like to have a clean application to vote on – doesn't like conditional approvals. My opinion is that the application should be denied and the applicant should re-submit with the recommendations of the TCC.

T. Abugelis - agrees with Peters with needing a clean application.

H. Cooper – the application is complete and was accepted as complete at last month's meeting.

D. Cluff – we could thank the TCC for their recommendations and accept the SUP as is.

T. Abugelis – recommends that we continue the Public Hearing until next month and have the applicant or representative be here to discuss the merits of the application and then vote.

T. Peters – deny this application - the CMI application was accepted as complete. Then at a public hearing CMI attempted to modify the application. When the vote came through it was voted on the original application and not on the modified application. We have to follow the precedent that we set.

H. Cooper – withdraws motion.

D. Cluff – motions to accept the SUP as presented with no conditions and grant the SUP. No one seconded. Motion fails.

T. Peters – motions to deny the application. D. Cluff seconded. Vote was 4 -1 in favor of denial.

D. Cluff – how did this happen? David Bowles went to the TCC for guidance before coming to the PB.

S. Gray – with this denial someone could make the case that the applicant can not resubmit the same application because it has been denied already. I urge the board to reconsider and continue the public hearing to next month when the applicant can be here. I believe that the PB wants to grant the SUP, but this application can not be resubmitted.

D. Bergen - What is the written reason for denial?

The TCC doesn't feel that the application was made out correctly and the PB agrees. So the SUP was denied the PB members have to give reasons for the denial of the application.

Members reason for denial –

T. Abugelis – cleanest way to procedurally address the issue of the change of use.

H. Cooper – denied SUP because the TCC recommended that the applicant change the use from #1 to #3. PB agreed with TCC.

D. Cluff – voted to deny because my motion to accept was not seconded.

T. Peters – denied the application because the TCC felt the application ad to be amended. Cleanest way to do it.

D. Little – I am a abutter and I was never given a chance to discuss issue . I believe that the application should have been continued to let the applicant be here to address issues.

J. Mersfelder – needs to find someway to resubmit with the recommended changes.

T. Abugelis – the point is that we need to be fair and consistent. Your recommendation to us, I hope you have learned from this, your recommendations and what you set in motion have a ripple effect. The

impression in town is that the boards take the outcome and work things backwards to achieve the outcome it wants. An applicant needs to feel that procedurally they have been treated fairly and there is less chance for bias.

N. Whiteside – We are discussing a done deal. In the future it would make more sense to continue if the applicant isn't available for input. We need to fair and reasonable.

D. Bergen – did not follow proper procedure of the public hearing. My next step should have been # 27 in procedures. So I would entertain suggestions on how we can override the vote and continue until next month.

S. Gray – someone who voted in the affirmative can motion to change the vote.

T. Peters – motioned that the motion to deny be deemed null and void because proper procedure was not followed to give the public an opportunity to testify. **H. Cooper** – seconded. **D. Bergen** - Any discussion of motion? Vote was unanimous in favor.

D. Bergen –does anyone want to public comment?

D. Little – were the wetlands delineated?

H. Cooper – NO – not necessary for this application. TCC did a site walk.

D. Bergen – public hearing adjourned and continued to April 23, 2008 at 7:30 in town office.

T. Abugelis – has a select board question for the PB. The company “Monkey Grip” has contacted the Tamworth select board and asked what they need from the town to proceed. Their property is next to the “Chocolate Moose”. Not much is known about company. Heads up to the boards.

Election of Alternates –

Candidates are: Pat Farley (present at meeting/interviewed), Mary-Beth Bliss, Rebecca Boyden.

D. Cluff motions to nominate Pat Farley. T. Peters seconded. T. Abugelis abstained. Vote was 5 in favor.

H. Cooper – motions to nominate Mary-Beth Bliss. S. Aspinall seconded.

S. Aspinall – suggests an interview with Mary-Beth & Rebecca Boyden.

H. Cooper – withdraws motion. A letter will be sent to the 2 interested alternate to come in for an interview on April 23, 2008.

D. Bergen – would like to start the PB work sessions. Work session on April 16, 2008 @ 7:30 pm

T. Peters will send Master Plan to Yvonne Staples to distribute to PB members.

D. Haskell - ???????

Motion to adjourn @ 9:48 pm by S. Aspinall. Seconded by T. Abugelis. Vote was unanimous in favor.

Yvonne Staples, recording secretary

