

# Town of Tamworth

## Planning Board

### Minutes

June 25, 2008

**Meeting called to order at 7:01 pm.**

**Members Present:** Dom Bergen Chairman, Herb Cooper, David Cluff, Nicole Maher-Whiteside, Tom Cleveland, Scott Aspinall

**Members Absent:** Tom Abugelis

**Alternates Present:** Pat Farley, Tom Peters, Steve Gray

**Alternates Absent:** Rebecca Boyden,

A letter of resignation has been received from Yvonne Staples. The position has been advertised. Melissa Donaldson is filling in.

#### **Previous Meeting Minutes:**

- June 11, 2008: Work Session minutes. Scott Aspinall notes two corrections needed. Under #2 - Name correction to \*STEVE\* Danielovich. Grammatical correction to read \*FOR\* Lisa and Todd. Motion to accept as revised: Nicole; seconded: Herb. ACCEPTED.
- May 28, 2008: Correction noted by Scott Aspinall under New/Old Business - preliminary subdivision for James and Sabina Robbins via Mia Gannon, not Gagnon. Mia Gannon of Thorne Survey, regarding Map 410 parcel 114. Name spelling needs to be corrected throughout. Motion to accept minutes as revised: Dave; seconded: Tom Cleveland. Scott Aspinall abstained. ACCEPTED.

#### **REPORTS:**

- **Treasurer:** presented by Nicole Maher-Whiteside. Balance - \$34221.65 ; Monthly Expenditures - \$79.22 ; Expenditures YTD - \$2663.35 ; Revenue YTD - \$296.00 . Motion to accept - Tom. Seconded - Herb. ACCEPTED AS READ.
- **Secretary:** presented by Herb Cooper.
  - A letter has been received from the Registry of Deeds requesting that an additional, separate check be issued in the amount of \$25.00 payable to the Registry for the State LCHIP surcharge fee, effective July 1, 2008.

- **Master Plan Committee:** presented by Tom Peters. Draft copies of the master plan have been sent to five editors for review. They will report prior to August 1, 2008. Juno Lamb is coordinating and will submit editor comments for review. Two hard copies and 11 digital media copies were presented to the Planning Board for review. Master Plan Committee is requesting that Planning Board comments be consolidated and submitted to the Master Plan Committee prior to August 1, 2008. The work session scheduled on July 9 is dedicated to discussion of gravel pits. Revisions to the Master Plan will be discussed at the next scheduled regular meeting of the Planning Board, July 23, 2008.
- **Capital Improvements Program:** Herb Cooper. The CIP Subcommittee has yet to be formed. A search for members is being conducted and notices have been posted.
- **Selectmen's Report:** No Selectman was present at this meeting.
- **Conservation Commission :** David Cluff. Havelock and Cronan site walks were discussed.
- **Ordinance Committee:** No report
- **School Committee:** Pat Farley. Nothing to report.

### **JOHN AND RONALD HAVELOCK - BOUNDARY LINE ADJUSTMENT**

Presented by Paul King. Paul presented test pit results and a check for the \$25.00 surcharge (check later returned for corrections), as well as a revised copy of the plan previously submitted.

Herb indicates application is complete. Move to accept- Dave; Seconded-Tom Cleveland. ACCEPTED.

Dom Bergen read the procedures to be followed.

Paul King presented information regarding changes to the plan that was approved in 1998. Specifically, enlarging Lot 2 to new boundaries of 8.4 acres. Lot has been re-labelled as 34.2. The lot expanded by this adjustment will now be a complying lot, previously did not meet minimum lot size. Plan shows deletion of note 4, previous restriction.

Also presented was a waiver request for Wetlands Ordinance F2. This waiver is in regards to the cabin driveway, a current existing woods road, that currently goes between two wetlands. Paul states that vegetation may need to be cut and that gravel may need to be hauled in. Scott Aspinall requested that the Chairman ask that vegetation/wetlands symbol be added to the legend on the plan. Paul King is agreeable to this request. The Conservation Commission has not yet discussed this issue. Dave Cluff motioned to approve the boundary line waiver. Tom Cleveland seconded. Discussion ensued among Planning Board in regards to separating the Boundary Line Adjustment request from the Wetlands Waiver request. Scott Aspinall mentioned that moving the proposed boundary line would eliminate the need for the wetlands waiver. Paul and Scott also discussed topography of the lot. Tom Peters asked about proposed location of the driveway for the cabin. Jeremy Phillips, Conservation Commission alternate, feels that East of the small wetland could be a possibility for the driveway. Herb Cooper expresses concerns about separating the two, due to inability to control what might be done on the wetlands if the boundary line is voted and approved separately.

Dave Cluff motioned to vote on the boundary adjustment separate from the waiver request. Tom Cleveland seconded. Further discussion ensued. Paul King objects on the record to Herb Cooper suggesting that his clients have intentions of violating the wetlands ordinance.

Public Discussion: John Mersfelder, not speaking on behalf of the Conservation Commission, feels that the waiver should be denied, as current woods road is usable. An alternative would be to apply for dredge/fill and special use permits. Tom Peters comments that too much information is not known/shown, and that a decision can not be made at this time. Nicole requested clarification as to whether there is access to the cabin without the waiver. John Mersfelder requests that the waiver be denied due to available alternatives.

There was no further discussion on the boundary line adjustment.

Dave moved to approve boundary line adjustment. Tom seconded. Scott abstained. ACCEPTED

Wetlands Waiver – Conservation Commission has not formally discussed their site walk. Nicole agrees with John that property is accessible as is and that the Wetlands review needs further investigation. Paul states again that there is no wetlands impact, that only an F2 waiver is needed. Herb requests that the Board deny this waiver. Scott asks if the report from the Conservation Commission will approve or disapprove the waiver application. John M. suggests revisiting this issue. Steve Gray believes it to be true that if this waiver is denied now, it is forever denied, and that the applicant must be apprised of their options prior to a vote.

Nicole motions to continue this request to the next Planning Board meeting, pending the Conservation Commission opinion. Tom Cleveland seconded. ACCEPTED. Waiver will be continued at July 23, 2008 meeting, 7:25 pm.

#### **HELEN STEELE SUBDIVISION – Map 404 Lot 17**

Dom read the procedures to be followed.

Philip Shuck assisted Helen Steele with presentation.

Herb indicates application appears complete with waiver request. Motion to accept application as presented – Herb. Second – Tom Cleveland. ACCEPTED.

Questions from Board – none

Public Questions/Comments – Abutters John and Martha Chandler of Laconia feel that the plan is incomplete, that the Conservation Easement may not be used for acreage on the subdivision lot. Martha Chandler comments that 7 acres is being subdivided. Scott Aspinall questioned the small acreage left with the existing buildings. Mrs. Chandler read the conservation easement. Dom states that the State of NH may need to be involved with the subdivision. Mia Gannon, speaking as a citizen, questions whether the easement was counting as loading on the 1.95 acre lot. John Chandler also contends that the USDA was not notified as an abutter, and will submit a written memo to the Planning Board regarding subdividing the 7 acres into 2 lots. Dom closed the public hearing.

Dave motioned to continue hearing to next meeting, July 23 at 7:35 pm, to allow research on abutter notification. Seconded – Tom Cleveland. ACCEPTED.

#### **JAMES & SABINA ROBBINS SUBDIVISION**

Herb indicates that the application (with waiver) appears complete and motions to accept application. Seconded – Nicole. ACCEPTED.

Mia Gannon of Thorne Survey, representative for James and Sabina Robbins, presented a plan for a 3 lot subdivision. Also, an application for a waiver for frontage requirements on Lot 3 (proposed). New plans were submitted, including test pit data for lot 3.

Board – no questions

Public Questions/Comments – no testimony. Dean and Ruth Halpin, abutters, requested viewing of plan. Arthur Ouano asked about whether the lot would be further subdivided at a later time.

Public hearing was closed.

Dave moved to approve the waiver for frontage. Seconded – Nicole. Scott recused. ACCEPTED

Dave motioned to approve the subdivision with the following condition added – no further subdivision of these parcels. Seconded – Nicole. ACCEPTED.

#### **FORRESTER CLARK BOUNDARY ADJUSTMENT – Map 407 Lot 109/110**

Herb indicates that the application appears complete. Dave moved to accept. Seconded – Tom. ACCEPTED

Mia Gannon of Thorne Survey, representative for Forrester Clark, presented proposal. A boundary line adjustment of 0.11 acres was requested, as well as a waiver on the 5' Contour requirement.

Public Questions/Comments: Peg Huddleston states that the lines on the property have been redone, and that there are extra lines on the map in response to a question about the marks from David Little.

Scott motioned to grant the contour line waiver. Seconded – Herb. ACCEPTED

Dave motioned to approve boundary line adjustment. Seconded – Scott. ACCEPTED

Scott requests that the property lines be monumented and blazed. So noted.

**REGINALD KING, JR. & SR. and DEBRA BEAN Conceptual Review for Subdivision Map 215 Lot 52**

Presented by Loralie Gerard, Gerard Land Surveying, owners agent, plans for a 2 lot subdivision/boundary line adjustment.

CORRECT NAME - Debra BEAUREGARD.

The Planning Board states that the next application deadline will be Monday, July 7<sup>th</sup>.

**JOHN & REBECCA HACKETT Conceptual Review for Subdivision Map 413 Lot 4 and 4.1**

Presented by Loralie Gerard, Gerard Land Surveying, owners agent, plans for a 5 lot subdivision/boundary line adjustment, to be submitted as one application. This proposed plan will eliminate last year's subdivision, to be re-subdivided now. A frontage waiver will also be needed for Lot 6, with the stipulation of no further subdivision of that lot. Lot 6 will be approved for 1 (one) residential unit only. Scott brought forth power line and wetlands considerations.

**LISA & R. TODD CRONAN WETLANDS ORDINANCE WAIVER REQUEST**

Scott Aspinall recused.

Steve Danielovich is requesting waiver for a rock retaining wall that has been built in violation of the F2 wetlands ordinance. Photographs of the wall were presented to the Planning Board. The Conservation Commission has reviewed the information, but has not reached an opinion. Herb feels that further discussion with the Conservation Commission and Selectmen is needed. The Selectmen have scheduled a site walk for July 7, 2008.

Public Questions/Comments - Joisse Vilbig asked questions regarding Scott Aspinall's working relationship with Mr. Danielovich at Forest Land Improvement, if a wetlands scientist has reviewed the site, and notes that on 3/21/07, it was stated that a waiver should not be granted if there is a possibility of moving the infringing item, regardless of expense.

Mr. Danielovich states that the 25' setback requirement is not present in the available copies of the ordinances at the Town Offices. This is confirmed by Yvonne Staples, citing that there were 14 copies available that did not contain this information. Mr. Danielovich also requested that a definition of "construction activities" be included. Chairman Bergen asked for the recommendations to be submitted in writing. Mark Vilbig stated that agricultural purposes are allowed with no waiver requirements, referencing work at the Remick Museum. A motion was made to continue at the next meeting.

**Old/New Business**

David Cluff removed himself from the board to present a design for a failed septic system on Bryant Road, that does not meet the minimum setback from the river. Herb suggests presenting the plan to the Conservation Commission. Dave will take it to their meeting on July 14.

Yvonne Staples stated that she had submitted her resignation due to time constraints. She also noted that there were 14 copies of the ordinances out front without the setback clause.

Rick Sager has requested a meeting with the Planning Board before the 4<sup>th</sup> of July. A meeting has been scheduled for June 30 at 6 pm, at the Tamworth Town Office.

Dave motions to purchase an easel with flip charts. Seconded - Tom. ACCEPTED.

The speaker from the Annual Planning meeting, Peter Francese, author of Communities and Consequences, will be speaking at the Sandwich General Store on July 1 at 7 pm.

Dave motioned to adjourn the meeting at 10:40 pm. Seconded - Herb. ACCEPTED.

