TAMWORTH PLANNING BOARD

Minutes

February 26, 2020

1). Call Meeting to Order - The meeting was called to order at 6 pm by Sheldon Perry.

Present - Sheldon Perry, Nicole Maher-Whiteside, Kathi Padgett, Andy Fisher, Eric Dube, Pat Farley, Dan Poirier - Selectmen's Representative

Absent - none

Alternates Present - Betsy Loughran

Alternates absent - Dom Bergen

2). Approval of Minutes:

 1/29/20 Meeting –- Under Old Business -change on to upon, add public before hearing, add

 create a before defined. Remove a line referencing Andy in the Pennell section. Eric made a

 motion to approve, Andy seconded. APPROVED Dan abstained

3). Officer and Committee Reports:

Treasurer’s Report – the meeting with the Selectboard went very well.

Secretary’s Report - tonight we have a design review hearing. The Pennell Boundary Line

Adjustment is continued from last month. The Killeen lot merger was also continued. Additional

information has been received. We have a shoreland permit application, this is nothing the

Planning Board weighs in on. There is also an application for a conceptual hearing next month.

We need to receive it digitally.

Municipal Building Committee - Andy - there was no meeting again this month.

Rep to Economic Development Commission - Pat - planning two forums - one regarding forming

LLCs, another for education about the reasons broadband is needed. Wet Paint is April 27-May 3rd. Wednesday and Friday there will be art for sale, Saturday is the big gala and dinner. It is a

fundraiser for the Barnstormers, being held at the Preserve.

Lakes Regional Planning Commission - Pat - has not met for two months. She attended the Mt.

Washington Economic Council meeting this morning. A regional collaboration breakfast is

scheduled for March 17 for Planning Boards and Selectmen. It is being held at the Red Jacket, at 8 am. The topic will be regional collaboration regarding housing, etc.

Selectmen’s Rep - Dan - March 11 is Town Meeting. Have patience with the Town Office. There

are some staff challenges at this time. His term is up, and he will not be attending meetings from

now on.

Rep to Conservation Commission - Eric - Groundwater protection is listed under old/new

business

Education - 26th Annual Spring Planning and Zoning Conference, 5/30 8am to 4 pm, in Concord.

4). Public Hearings (to begin no earlier than 6:15 P.M.)

**Charlene Pennell Boundary Line Adjustment Map 415/Lots 19 & 19.2**

continued from 1/29/20

This hearing is a continuation from the January meeting. Sheldon opened the hearing at 6:16 pm. Additional waiver requests and a revised plan were delivered by Jim Hambrook, agent.

On the plan, the residual buildings are shown. Revisions to notes were on Note 5 - right of way width on Turkey Street. Notes 6-8 were added. Ice Road is an existing private way. This does not increase the use of Ice Road. Note 7 is in regards to the road itself. The last note regards the structures on the property.

The hearing was closed at 6:24 pm.

There are two additional waivers that were submitted. The first is for VI.F.13.a - well protective radius. VI.14.c - 4K septic area. The adjustment has no impact on existing systems. VI.F.7.d - road frontage - 51.2 feet is being proposed.

Andy made a motion to approve the waiver for the well radius and septic areas. Nicole seconded. APPROVED

Andy made a motion to approve the waiver for the road frontage, Eric seconded. APPROVED

Andy made a motion to approve the boundary line adjustment conditional on the receipt of the mylar within 30 days, Nicole seconded. APPROVED

**Torosian Subdivision Design Review– Map 408/Lot 39**

Andy made a motion to accept this application as complete, Eric seconded. APPROVED

Sheldon read the rules of the public hearing.

Andy gave a summary of the application. Sheldon pointed out the lot lines, right of way, and proposed adjustment. Previous minutes show that there was a recommendation to split lot 5 into two lots and have 50' right of way, with a restriction that there would be no further subdivision.

Mary Beth Bliss clarified that lot 5 disappeared in 1999 when the Iorfinos acquired some of the lot. Lot 12 took the rest, effectively removing one lot. They were promised that the land that passes the orchard would never be used as a road for Tall Pines. This was contested and negotiated in 1988. Mary Beth Bliss' husband is concerned about a statement regarding the right to pave the right of way. Jim Moyer spoke about his mother's purchase of 33 acres on Washington Hill Road, during which there was negotiation for the right of way for equestrians and trail walkers to be able to access the trail system. The property is now in conservation. Stan Marsden owns the orchard. He says it was clear that there was not to be any further subdivision. He spoke about wind blow and spray drift from the orchard. Mary Beth Bliss's husband indicated that they do not have an issue with the subdivision, just with the access. Mary Beth Bliss spoke on behalf of Kent and Kay Miller, owners of part of the orchard. Their understanding of the 1988 negotiations was that that right of way would never be used as a driveway. Nicole asked if there is any written information about the restrictions on the right of way. Mr. Moyer feels that there was a negotiation that resulted in there never being a vehicular easement on the right of way. Don Berry from Lakes Region Conservation Trust has not found a reference to this discussion in their deed. Mr. Berry asks if the idea is to improve the right of way to make road frontage for the new lot. Pat asked why there is an issue with making the driveway in from Tall Pines. That is because it would need to be a 1600' driveway. Mr. Marsden is concerned about the wet ground in that area. A wetlands survey has already been done, and the standards have been met. Mr. Moyer is against the subdivision of the lot. The reason they have to subdivide is due to mortgage requirements. Mr. Torosian feels that the Iorfinos (not present) would not be happy with a driveway coming in from the Tall Pines side.

Mr. Torosian (Sr) showed where his driveway is on the plan. Mr. Moyer feels that the reason for having access from Washington Hill Road was a negotiated settlement because there was anxiety about Tall Pines having a loop road that would go to Washington Hill Road to reduce traffic. He feels that this was the reason for the limitations on lots in the subdivision and the easement. Sheldon made a recommendation that anyone with concerns should make a written statement to the agent. Mary Beth Bliss said that they received notification, but did not sign the card. The Town Attorney has given an opinion on subdivisibility of the land. The public hearing was closed at 7:26 pm.

An informal discussion was held. Kathi spoke about language in the letter. She does not feel that the language is a binding decision. Sheldon presented a synopsis. This would be a re-subdivision of land and would be subject to the restrictions of a new subdivision. There are no restrictions on the deed for the lot, the decision appears to have been a planning board decision only. Andy disagrees that it was just a planning board decision. Whatever is written on the plan is part of the deed as well.

The applicants would like to have input about whether to move forward with this or not. Andy, Kathi and Sheldon are not comfortable with overturning the previous decision. Eric does not feel that there was a reason for the restriction. Dan agrees with Eric. He recommends that the applicants seek legal counsel. Pat's concern is that folks who purchased thought there would be no further division, but is also in favor of the applicant being able to move here. She feels that she would not allow a subdivision at this time. Nicole feels that we should be making an effort in this town to make it affordable for young people to move here and live here. The legal picture is that there is a lot of hearsay, and we need to know what the legal documents are.

5). Old/ New Business

PWSF Ordinance Update - work in progress

Killeen Lot Merger - they did get both properties under the same name. A deed/document was

said to have been delivered to the Town Office, but the Town Office has not seen it. Andy has a

copy that was delivered digitally. It came in as complete, but was inaccurate when it was initially

submitted. The technical problem has been corrected. It is possible to approve conditionally,

dependent on when the original is located. Andy made a motion to accept the lot merger

conditional on receipt of the actual deed. Eric seconded. APPROVED

Schedule a Groundwater Protection Ordinance Discussion - (with Tamworth Conservation

Commission) We will invite them to our meeting, preferably a work session. The April work

session will be held on April 8th at 6 pm. Sheldon will extend the invitation to Nelson.

Master Plan Implementation by Department Summary Update - nothing to report at this time.

 Nicole and Pat state that it may be April or May before there is anything to report.

Other items

6). Action Items

March Work Session – none scheduled

7). Adjournment – Eric made a motion to adjourn at 8:06 pm, Pat seconded. The meeting was adjourned.

Respectfully submitted,

Melissa Donaldson

Planning Board Clerk