

TAMWORTH PLANNING BOARD

MINUTES

December 16, 2020

6:00 P.M.

1). Call Meeting to Order - The meeting was called to order at 6:02 pm by Sheldon Perry. Present are: Sheldon Perry, Andy Fisher, Pat Farley, Betsy Loughran, Eric Dube, Kathi Padgett (joined after meeting had started), Randall Dearborn, Melissa Donaldson-Recording Secretary, Wyatt Berrier, Amy Berrier, Thomas Renaud. Aaron Ricker-Selectmen's Representative, is absent.

2). Approval of Minutes:

11/18/20 Meeting - Sheldon made a motion to approve, Andy seconded.

Andy - yes

Pat - yes

Randall - yes

Eric - yes

12/2/20 Meeting - Sheldon commented under #2 - third paragraph. It is a one sentence paragraph - Needs to be updated to include the ZBA members names. Pat made a motion to approve as amended, Andy seconded

Eric - yes

Randall - yes

Pat - yes

Andy -yes

3). Officer and Committee Reports:

Treasurer's Report - Nothing to report.

Secretary's Report - 2 public hearings, design review phase applications. One is for Bross, the other is for Berrier.

Rep to Economic Development Commission - Pat - met earlier this month. ERZ Economic Revitalization Zone - the State passed it. Tamworth is the only town that the whole town is an ERZ. Applications are due in February.

Kathi Padgett has joined the meeting.

Pat spoke about the process for the job postings.

Lakes Regional Planning Commission - Pat -at the last meeting, it was decided that there will not be an Annual Meeting. In the fall, there may be a 50 year anniversary celebration.

Selectmen's Rep - no report

Rep to Conservation Commission - Eric -nothing to update

Education -no report. NH Municipal Assn. Jan/Feb issue is not yet available.

4). Public Hearings

Berrier Subdivision Design Review – Map 206/Lot 94 139 Bryant Road

This was reviewed before the Bross application, as there are more members of the public present.

Andy recommends that the Board accept this application as complete. Eric seconded.

Eric - yes

Randall - yes

Kathi - yes

Pat - yes

Andy - yes

The hearing was opened at 6:16 pm. Sheldon read the rules of procedure.

Andy deferred the summation to the agent.

Paul King, agent/surveyor is here representing the Berriers. Amy Berrier read a list of items.

She reviewed Wyatt's involvement with the Town. The Right of Way has been established for years. It was an access for the sandpit and the dump years ago. Construction of Route 25 and various logging operations have used this access as well. Access from Bryant Road is not ideal. Power would ideally be coming across the school property. There would be one house lot, with the remainder of the land being under current use. They have contacted the School, and they are supportive of providing the right of way, with legal advice to turn it into an easement rather than a right of way. The road frontage is not available. The suggested roadway accesses a lot of walking trails, which have been utilized by the school for snowshoeing, etc. This access will continue to be allowed. Is a 25' Right of Way sufficient? Andy commented about a difference between easement for access and frontage requirements. The frontage on Bryant Road is not using the field or the woods, as there is no road through there. There needs to be qualifying road frontage for the lot created, whether they are accessing from that frontage or not. Kathi asked if they have explored purchasing the easement area from the school. They are not planning to pave it. Eric commented about his interpretation of frontage requirement. He feels that a waiver is appropriate in this situation. A frontage waiver would be submitted, with adequate access coming from 113. Pat would support the waiver. Sheldon spoke about the possibilities of creating adequate frontage. Amy Berrier spoke about the lay of the land, and how this makes sense for this application. Andy asked how much frontage the Berriers currently have. Paul King is unable to read the frontage on the sketch. It appears that there is at least 500' of frontage on the Bryant Road lot. Andy has concerns about this request. Randall asked about the reasoning for the 200 foot requirement, and if this had anything to do with density. This would not be a concern in this situation. Paul King spoke about the easement and the fact that it would be permanent, and would be recorded at the Registry of Deeds. He

feels that this makes sense in this case. Kathi has concerns about this right of way and access in the event of emergency. The Berriers spoke about the existing road and its ability to handle the trucks currently. The current proposed width is 25' and the Berriers would like to know if this is sufficient or if it needs to be increased to satisfy the Board. The Board would like to see as wide an easement as can be. Betsy left the meeting at 7:09 pm. Pat feels that we should consult the Fire Chief for an opinion on the necessary width for the easement. Paul states that they need to hear from the Board as to whether to proceed with the application and a waiver of the 200' of frontage.

Pat's opinion is that she would approve the waiver request for frontage. Eric would proceed with the waiver request if he were the applicant. Randall would look upon this favorably, and would like to see the details of the easement. Sheldon supports having more specifics of the easement. If the easement was permanently attached to the property and wide enough to support the State Building Code review, this would meet one of the requirements for a decision by the Planning Board. The School meeting needs information for voting by February.

Paul feels that they have a good feeling from the Board, and that speaking to the Fire Chief will give them the information needed for the easement. This hearing was closed at 7:25 pm.

Bross Subdivision Design Review -- Map 202/Lot 68
Fairground Road

This hearing was opened at 7:26 pm.

Paul King, agent, introduced the application. John Bross would like to subdivide his lot into two pieces for inheritance purposes. He presented a history of Fairground Road and the parcels. There would not be any frontage on one of the proposed lots, and very little frontage on the other. There is an easement that goes down Fairground Road. Both lots would have easements on Fairground Road. The back lot would be serviced by an easement. Currently there are two houses serviced by Fairgrounds Road. Kathi is concerned about having regulations that we always accept waivers for. Sheldon feels that there needs to be a demonstration of hardship in order to have the Board grant a waiver. Kathi would like Mr. King to speak about the hardship, as well as the rest of the Board regarding their feelings on this rule and whether we should have it. Discussion ensued about the regulation and interpretations. Paul King encouraged the Board to be flexible in order to meet the needs of the community. In this situation, Mr. Bross cannot meet the requirement. Mr. King would like to know what the Board's feeling is. There is a recorded maintenance agreement with the landowners of the Bross house. Mr. King asked if this meeting can be continued until next month. The hearing will be adjourned until the regular January meeting. made a motion to adjourn this hearing until January meeting, January 27th, time tbd. Randall seconded

Pat – yes

Andy – yes

Randall – yes

Eric – yes

Kathi - yes

5). Old/ New Business - Sharp Subdivision - the application was approved with conditions. One of the conditions was the DOT driveway permit. The permit was denied, therefore the conditions could never be met. Given that the conditions have not and cannot be met, the subdivision approval is denied. They can come back with a new request. The denial should be done in writing. Kathi made a motion that as the conditions can never be met, the application is denied. Andy seconded.

Eric –yes

Kathi – yes

Randall – yes

Andy – yes

Pat - yes

Approval of meeting calendar: as presented by Sheldon. Kathi made a motion to meet on the 17th of November, and December 15th. 2021 meetings will be held at 6 pm. Pat seconded.

Eric – yes

Randall – yes

Kathi – yes

Pat –yes

Andy - yes

PWSF Ordinance: The Planning Board to vote on the following revised warrant article language as recommended by our attorney, Keriann Roman:

ARTICLE X. To see if the Town will vote to adopt the Amendment to the Tamworth Personal Wireless Facilities Ordinance as proposed by the Planning Board as follows: (Official Ballot)
To amend the Tamworth Personal Wireless Service Facilities Ordinance to comply with current Federal and State law and regulations as well as to update and revise the Ordinance by replacing in its entirety the current Ordinance with new language. (Majority Vote Required.) A copy of the proposed amendment is posted at the Town offices and on the Town website. A copy of the full text of the proposed amendment will be posted at the polling place.

Sheldon made a motion to accept the revised warrant article as presented by Kerriann Roman. Andy seconded.

Pat – yes

Andy – yes

Randall – yes

Kathi – yes

Eric - yes

Ron Remick is not available to be a board member.

6). Action Items

January Work Session...?

7). Adjournment - Andy made a motion to adjourn at 8:14 pm, Pat seconded.

Eric – yes

Kathi – yes

Randall – yes

Andy – yes

Pat – yes

Respectfully submitted,
Melissa Donaldson
Planning Board Clerk