

TOWN OF TAMWORTH PLANNING BOARD

Minutes of January 26, 2011 Public Hearing and Meeting VZ.2

Meeting called to order at 7:02 pm at Brett School Cafeteria, Dom Bergen, presiding

Members Present: Dom Bergen, Chairman; Becca Boyden; Nicole Maher-Whiteside; David Little; Skip Nason; Selectman John Roberts; Steve Gray.

1. Public Hearing, proposed Groundwater Protection Ordinance

The Chairman opened the hearing and invited comments. Mr. Paul King discussed the attendant maps. Mr. King asked how the landowner would know if the property was in or out of the wellhead protection area. Discussion followed, including information from Mr. Ned Beecher, David Little, and Kent Jardine. DES is the source for the exact information. Mr. King requested that wellhead protection areas be deleted.

On **XIII. Administration...** Mr. King stated that there was no opportunity for waivers, and a Planning Board waiver procedure is needed. This topic was returned to later in the meeting.

On **Appendix A. Definitions K.** Mr. King pointed out that the last two citations in K (Env-Dw 373.12, Env-Dw 372.14) are non-existent. Under the order of new business, Ned Beecher, having researched the source, pointed out the typographical error (the language should read Env-**Ws** 372.14 and Env-**Ws** 373.12.) The typographical error will be corrected. Mr. King discussed the sanitary protective radii areas, using Chocorua Meadows as an example. Discussion followed. Ned Beecher explained how the area is determined and cited the definition of "natural state" as "no further development."

The discussion returned to XIII. Administration, concerning appeals and waivers. The availability of appeals to the ZBA or the Court is standard legal procedures in the State.

Mr. Ernie Mills spoke on the proposed ordinance, and recommended scrapping it, and discussed the Board's motivations, responsibilities, and attempts to take away property rights.

Mr. King suggested the reference in **I. Authority** should be to RSA 674:21 instead of RSA 674:16. David Little reported that 674:16 includes reference to 674:21 and is from the State's model ordinance.

Mr. Bill McAdams asked why Town rules are more restrictive than State rules. Dom spoke about existing ordinances.

A discussion of waivers and special exceptions followed. Mr. King stated that there should be a Planning Board waiver procedure if the Planning Board will administer the ordinance. Special exception procedures need narrowly-defined specifics in zoning ordinances in order to apply. Ned Beecher read from RSA 674:16. Mr. Mills asked about the ZBA, and also asked if the proposed ordinance could be administered if the Planning Board is abolished.

Following a discussion of procedure, on **a Motion** (by Becca, John second) the hearing was closed. The Board discussed legal advice before voting on posting the proposed ordinance on the warrant. A special meeting will be held on Monday, 1/31, 7 p.m., at the Town Offices.

2. The meeting being in session, the Chairman began consideration of draft minutes.

On **a Motion** (Becca/John) the minutes of 12/15/10 Meeting were approved.

On **a Motion** (Becca/David) the minutes of 12/22/10 Public Hearing were approved as amended, Skip abstaining, John abstaining:

p.2, *in re*: Section 3.11; change "Resident A" to "Emily Major."

On **a Motion** (Becca/John) the minutes of 12/29/10 Public Hearing were approved as amended, Nicole abstaining:

p.1 in David's response to Paul King's question concerning the new map, eighth sentence should read "David replied that the wellhead protection ~~and aquifer~~ can not be shown on ~~the same~~ **a separate** map."

On **a Motion** (Becca/John) the minutes of 1/5/11 Public Hearing were approved as amended:

p. 2 "Bill **Batchelder was on the Board that** wrote the cell tower ordinance."

p. 2 (Mr. Mills speaking) "Stan **Coville...**"

p. 3 **Cathy Arseneault-Shea**

On **a Motion** (Skip/Nicole) the minutes of 1/5/11 Work Session were approved as amended:

End of #1, meeting time for 1/26/11, change to **7 pm**

The Chairman seated Tom Peters (for David) for consideration of Minutes of 12/14/10 Hearing.

On a **Motion** (Steve/John) the minutes of 12/14/10 Public Hearing were approved. (John, Tom, Steve voting yes, all others abstaining.)

3. AT&T Mobility Personal Wireless Service Facility Site Plan Approval, Map #414, Lot 10, William Celko, Jr., owner.

Nicole recused herself. David reported that all requirements had been met and recommended approval.

On a **Motion** (David/Becca): "Whereas all conditions have been met, the site plan is approved for the application for a Personal Wireless Service Facility on the property located at Durrell Road, also known as Tax Map #414, Lot 10."

Carried.

4. The chairman distributed draft copies of a brochure prepared by Lianne Prentice. The brochure contains information on the function, form and work of the Planning Board. The chairman and members thanked Lianne for her work and look forward to working with her at the 1/31/11 meeting.

5. Committee Reports:

Earth Excavation Regulation Committee

A **Motion** (Steve/Becca) to dismiss the Earth Excavation Regulation committee. Carried

School Board Rep.

Pat reported that the current proposed budget is \$5,871,000, a reduction of \$5000 from the 2010-11 budget. Teacher contract negotiations are concluded. The next school board meeting is February 17.

LRPC

Pat spoke on a meeting held in New Hampton about a proposed power line corridor from Quebec to Franklin. There is an "Energy Savings in Towns" program available. The Selectmen will consider the program.

Select Board

The budget hearing will be held on February 3, at 7 pm, at the town offices.

6. Old/New Business

Planning Board schedule:

Special meeting, Monday, January 31, 7 p.m., town offices.

Regular meeting, Wednesday, February 23, 7 p.m., town offices.

Paul King commented on the public hearing on abolishing the Planning Board. He suggested an informal public meeting or forum where a dialog could take place about the planning board's role and activities in the community. Discussion followed, including concerns about division in the town. Several suggestions for addressing the issue were discussed. Some materials will be prepared.

A **Motion** (Skip/Nicole) to adjourn. Carried. The chairman adjourned the meeting at 9:19.

Respectfully submitted,
Steve Gray, for Melissa Donaldson