

Town of Tamworth

Planning Board

*** DRAFT MINUTES ***

July 28, 2010

Meeting called to order at 7:00 pm.

Members Present: Dom Bergen Chairman, David Little, Nicole Maher-Whiteside; Steve Gray, John Roberts, Selectmen's Rep,

Members Absent: Skip Nason, Becca Boyden

Alternates Present: Pat Farley, Tom Peters, David Cluff (7:53 pm)

Alternates Absent: Peter Vanderlaan

Alternates Pat Farley and Tom Peters were seated.

Approval of Minutes:

Minutes from 6/23/10 – no corrections noted. Pat made a motion to approve the minutes as written. Tom seconded. APPROVED

Minutes from 7/14/10 work session – no corrections noted. Steve made a motion to approve the minutes as written. Nicole seconded. APPROVED

Treasurers Report: Steve Gray reported that we are sound in all areas of the budget. The miscellaneous category is dicey. Dom added that the ZBA has requested that the planning board share the expenses of the mailing for the joint meeting. Steve made a motion to meet ½ the cost of the joint meeting expenses. Tom seconded. APPROVED

CAPITAL IMPROVEMENTS PROGRAM: Steve reported that the CIP worksheets are nearly distributed. THE CIP hopes to have the report completed for mid fall.

ORDINANCE REVIEW COMMITTEE: Did not meet, postponed to August 1.

SCHOOL BOARD: Pat reports that the principal has been holding a lot of meetings. Their employee handbook is being worked on.

LAKES REGION PLANNING COMMISSION: Pat reports that there will be a meeting on 9/22, 6 pm. The meeting is being held in Moultonboro at the Public Safety Building. This meeting is about groundwater removal. Dom asked for volunteers to attend the meeting. Pat is going, and will check with Pete and Skip to see if they are interested in attending. The LRPC is working with CEDS to name the region as an Economic Development District. Tom P. adds that reps for the traffic advisory committee were asked to continue. David Bowles and John Gotjen have agreed to continue.

SECRETARY'S REPORT: David reports that tonight's agenda includes a BLA for Wiesner, a design review for Smith, and a Subdivision for Letarte. We have correspondence regarding the purchasing

policy and purchases over \$200. The DES sent a notification that there is an outstanding wetlands permit, and a letter regarding gravel well analysis. There is also a SUP application to be considered this evening.

SELECTMEN'S REPORT: John reports that everything is great.

CONSERVATION COMMISSION: John Reports that the selectmen asked the Conservation Commission to look at the transfer station land for trails, public use. Site walk will be done in October.

OLD BUSINESS: none

NEW BUSINESS: none

Hank Letarte asked if PSNH has begun the roadside clearing yet. John believes that they will be starting in September.

Melissa Myers- Special Use Permit

Map 406 Lot 18

Dom opened the session at 7:15 pm, and explained the rules of the hearing. David reports that the application was accepted in June. Agent Dick Fortin of the Tin Mountain Conservation Center presented to the Board.

Wood additions to streams improve native brook trout habitat. There is a lack of natural wood debris in the stream. 15 streams in Carroll County were chosen for this project. The Dredge and Fill permit has been submitted.

1000' of the stream will be affected by this work. Their study showed that 50 brook trout and 3 salmon were present in this 1000'. DES requires photo documentation of the project. The Conservation Commission has been enthusiastic about this project.

Public comment/questions: None

The hearing was closed at 7:26 pm. Pat made a motion to grant the SUP allowing Tin Mountain Conservation to cut trees as needed. Steve seconded. APPROVED.

Andrew and Elizabeth Wiesner- Boundary Line Adjustment

Map 415 Lot 103 - 103.1

Dom repeated the rules of the hearing. David reported that the property is located on Hollow Hill Road. Nicole made a motion to accept the application as complete. Pat seconded. APPROVED

Bryan Berlind of Land Tech presented this application. The Wiesners own two lots and would like to enlarge one of them to work around an existing right of way. There will be no change in road frontage. The original subdivision was done in 2007. The board asked two questions, one regarding the actual length of frontage on one of the lots, and what sheet 2 of the maps was. The second sheet shows the original subdivision.

Public testimony/questions: none

The hearing was closed at 7:33 pm. A motion to approve the boundary line adjustment as presented was made by Steve. Tom seconded. APPROVED

George and Mary Smith – Design Review

Map 206 Lot 100

The hearing was opened at 7:38 pm.

Paul King presented this design review. The Smiths would like to give a house lot to their family. Flood plain maps indicate that this property is out of the floodplain, but measurements show that 6' is in the floodplain. The whole lot is within the jurisdictional flood plain. They will be asking for a waiver to allow the existing lot to be subdivided even though it is within the floodplain. George Smith indicated that there was a flood 30 years ago, and that it flooded diagonally across the field. Flood plain regulations require that buildings are built vertically above the floodplain plus one foot. State level regulations would dictate the septic system. The ZBA deals with flood plain issues. Paul would like to have a decision tonight, but the planning board can not give a binding decision tonight. John asked who determines the height of the house, and Paul states that the surveyor is responsible. There is no solution for this lot which can comply with subdivision regulations, due to the flood plain issue. A second waiver request to reduce the minimum lot size may also be presented, with the intention of preserving agricultural land.

Public testimony/questions: Bob Abraham, citizen, states that there are two alternates seated on the Planning Board tonight, and that the opinion of the Board seated when the application is reviewed may be different than that of those members seated tonight.

The public hearing was closed at 7:53 pm.

John – not in favor of second waiver

Steve – Economic impact of larger lot requirement? Slightly higher taxes

Nicole – has concerns about granting a waiver for a lot in the floodplain

David – shares concern but understands that there are no alternatives

Paul would like a 2 step approval process for this application – first to present the waivers, then to come back with the final plan for subdivision. This is to save the applicants money in the event that the waivers are not granted.

The Board will accept the application as conditionally complete for waiver approval at the next meeting.

Hnery and Heather Letarte– Subdivision Application

Map 413 Lot 17.1

David reviewed the application for completeness. A motion to accept the application as complete was made by John. Tom seconded the motion. APPROVED

The public hearing was opened at 8:14 pm. This application is for a 2 lot subdivision on Cleveland Hill Road. 2 acres are being removed from the 110 acre lot, with waiver requests.

David Dolan, surveyor, presented the application. There will be 400' of frontage on Cleveland Hill Road for the proposed 2.08 acre lot. Waivers are requested for the complete boundary survey of the remaining acreage and topography requirements on the remainder. Monuments are not set. There are no board questions.

Public testimony: none

Public questions: Peter Hoag would like to know which lot this new lot is coming from, and has concerns about deed restrictions. Heather Letarte stated that deed restrictions were waived when the lot was previously subdivided. The surveyor stated that deed covenants are not the purview of the Planning Board. The hearing was closed at 8:26 pm.

Steve made a motion to grant the waiver of sec 6.02(d) regarding abutting properties. Nicole seconded. APPROVED

John made a motion to grant the waiver of section 6.04 regarding property line distances, bearings, etc. Tom seconded. APPROVED

Nicole made a motion to grant the waiver of section 6.06g regarding 5' contours of the entire parcel. Pat seconded. APPROVED

Steve made a motion to approve the subdivision as presented. John seconded. APPROVED

Henry and Heather Letarte- Earth Excavation Permit

Map 413 Lot 17.1

David stated that the application was received on June 8, 2010. This hearing has been appropriately noticed. Under the auspices of RSA 155E, the applicant has provided a map from 1993. David Dolan is representing the Letartes. An area of approximately 18 acres is to be excavated. The duration of the project will be an additional 16 years. There are 50' buffers to Pine Ground Road. Estimated high water levels are 11-12', but no water was found in 15-16' holes. All questions have been addressed, and the application can now be considered complete.

Pat made a motion to accept the application as conditionally complete, pending receipt of additional copies of the information provided tonight. Steve seconded. Nicole and John abstained. APPROVED

The public hearing was opened at 8:56 pm. Peter Hoag commented about the deed restrictions that were in place at the time of the original subdivision.

The public hearing was closed at 8:57 pm.

Steve made a motion to grant a permit for 1 year. Nicole seconded.

Steve withdrew the motion after board discussion. Nicole seconded.

Steve made a motion to grant the permit conditional on receipt of the copies of the required information, for the duration of one year. David seconded. APPROVED. John abstained.

Earth Excavation Regulation – PUBLIC HEARING

The Planning Board can adopt a regulation at any time with a majority vote of the Board.

This item was moved to the August 25, 2010 Planning Board meeting.

Dom commented on Section 9, Operation Standards. He would like to see a paragraph regarding restriction of compression brakes.

Discussion finds that perhaps it does not belong in this regulation, but that pit owners could be asked to erect signs discouraging the use of jake brakes.

Back up beepers are annoying but are not the pit owner's responsibility to dictate what type of alarms are used. This regulation could require the pit owner's equipment to have the non-irritating beepers. David will find out what the cost of these beepers is. Steve would like to know what type of budgetary concerns will come along with pit inspections.

Copies of the proposed regulation will be distributed at the libraries and town hall, and the hearing will be re-noticed for the August 25th meeting.

Reports, continued:

Land Use Regulation Committee: Nicole reports that the LURC continues to work hard, and that there are 5 topics left to cover. She encourages everyone to come to the meetings. The next meeting is August 4 at 6 pm.

A motion to adjourn was made by Nicole at 9:45 pm. Pat seconded. APPROVED