

Town of Tamworth

Planning Board

\*\*\* MINUTES \*\*\*

August 25, 2010

**Meeting called to order at 7:05 pm.**

**Members Present:** Dom Bergen Chairman, David Little, Steve Gray, Skip Nason, Becca Boyden, Bob Abraham, Selectmen's Rep,

**Members Absent:** Nicole Maher-Whiteside

**Alternates Present:** Tom Peters, Peter Vanderlaan, David Cluff

**Alternates Absent:** Pat Farley

Tom Peters was seated for Nicole.

**Approval of Minutes:**

Minutes from 7/28/10 - one correction noted, salmon need to be identified as "landlocked". A letter from Dick Fortin will be attached to these minutes in the binder. Tom made a motion to approve the minutes as corrected. David seconded. Becca and Skip abstained. APPROVED

**Treasurers Report:** Steve Gray reported that we are solvent. He asks when the budget has to be done. The input from Bob is that it would be helpful to the selectmen to have it by the end of September.

**SECRETARY'S REPORT:** David reports that we will be reviewing 2 Boundary Line Adjustment applications, one SUP application, and that we have received a dredge and fill application and placed it on file.

**LAND USE REGULATION COMMITTEE:** Bob reports that there are a few items left to accomplish. Noise, open space and traffic remain. The LURC is meeting next week. Some information has been sent to Steve Whitman for a preliminary draft.

**CAPITAL IMPROVEMENTS PROGRAM:** Steve reports that the CIP information is being gathered. The process is going well and all parties have been very cooperative. There will be a meeting next Tuesday evening.

**EARTH EXCAVATION:** Will be covered later

**SCHOOL BOARD:** No report

**LAKES REGION PLANNING COMMISSION:** Tom reports the the Commissioner's meeting will be held on September 22 in Moultonboro. Tom P is going, is not sure about Pat but she did report that she would attend at last month's meeting. Peter is planning to attend also.

**SELECTMEN'S REPORT:** Bob feels that the CIP is doing a terrific job and would like to thank them.

**CONSERVATION COMMISSION:** Betty Steele's history is being reprinted and will be available for purchase at the library. A blow door test is scheduled for the Town Office building to check the energy efficiency. The Conservation Commission will be doing a walk through the Transfer Station property.

Tom Peters would like to comment on the CIP Committee. He feels that the CIP has come a long way with getting everyone on board. He compliments them on a very good job in progress.

### **Ainsworth Riggs Boundary Line Adjustment**

#### **Map 404 Lot 30**

Dom opened the session at 7:22 pm, and explained the rules of the hearing. David motioned to accept the application as complete. Steve seconded. APPROVED

Paul King presented the application. This land is in both Albany and Tamworth, so will be presented to both towns. The applicant wishes to shrink the cottage lot, leaving the wooded areas contiguous. Nothing in Tamworth is changing. All bounds are set. Lots are more than 5 acres, no State approval is necessary. There is no frontage on either lot, currently or proposed.

Paul is requesting a conditional approval, pending any minor changes that may be required by Albany.

Public comment/questions: None

Paul agreed to return a signed copy from Albany.

The hearing was closed at 7:27 pm. Steve made a motion to approve the Boundary Line Adjustment, conditional on any minor changes that Albany may make to the plan. Skip seconded. APPROVED

### **KATHRYN THOMPSON- SPECIAL USE APPLICATION**

#### **Map 203 Lot 68**

David feels that the application is complete and should be referred to the Conservation Commission. Tom made a motion to accept as complete. Steve seconded. APPROVED

This application will be forwarded to the Conservation Commission, and will be reviewed at a work session scheduled for October 13<sup>th</sup>.

### **Capital Growth Partners, Hans & Isabelle Stafford, Tamworth Trust - Boundary Line Adjustment Application**

#### **Map 206 Lot 100**

Steve made a motion to accept as complete. Becca seconded. APPROVED

This application is for property located on Cleveland Hill Road.

The hearing was opened at 7:35 pm. Dom reread the rules of conduct.

Ron Remick from White Mountain Survey presented the application. This application requests that the lines be moved to increase the Capital Growth property by 6.8 acres, and increase the Stafford lot by .02 acres. Several waivers are requested, as outlined below.

Public testimony/questions: NONE

The public hearing was closed at 7:42 pm.

The following waivers were requested for all lots involved in this boundary line adjustment:

A motion to grant the waiver requiring water and sewer mains – made by Steve, seconded by Skip, APPROVED

A motion to grant the waiver on topographic contours – made by Becca, seconded by Steve, APPROVED

A motion to grant the waiver of soils data/ wetlands – made by Steve, seconded by Bob APPROVED

A motion to grant the waiver of test pits and perc tests- made by Becca, seconded by Steve APPROVED

The following waivers apply to lot 414/07 only.

A motion to grant the waiver for boundary survey of the entire lot – made by Becca, seconded by Steve, APPROVED

A motion to grant the waivers of the location of driveways and natural features – made by Steve, seconded by Skip APPROVED

A motion to approve the Boundary Line Adjustment as presented was made by Becca, seconded by Steve APPROVED

### **Consultation on Personal Wireless Service Facility**

Dennis Quinn from Chinook Trail is looking to build a wireless internet for Tamworth, and would like to know if the current PWSF applies to this project. Handouts were distributed. The Planning Board has consulted with the town attorney, who has advised that this project does not fall under the ordinance. David made a motion that the PWSF Ordinance does not apply to the Tamworth Wireless Project. Becca seconded. APPROVED.

**Other Business:** Mark Lucy of White Mountain Survey is in attendance, with two questions for the Board.

The first question is in regards to the Chocorua Valley Lumber site. They would like to sell the stockpiled aggregate from the site. The State permitting process will take many months, likely to last throughout the winter. Copies of various correspondence were submitted as evidence (see binder). This aggregate material was excavated without DES approval. David asked John what the Selectmen's feeling was on this issue. John stated that it was referred to the Planning Board, as the board is the regulator of the gravel pit issue. Dom had visited the site weeks ago. Dave C., speaking as a citizen, feels that listening to Skip's concerns about selling the materials that were obtained illegally, and that a "no" vote would be

appropriate. Becca is most concerned with returning the property to the original state. Peter agrees with her. Skip may agree to the sale of the aggregate if the monies were going into a bond or such for reclamation purposes.

Skip made a motion stating that if the Planning Board allows the sale of the aggregate, the monies must go into an escrow account to do the reclamation. Steve seconded.

Mark Lucy does not have a number as to the value of the aggregate on site. After calculating, it is found that the value is approximately \$46080, which will pay for approximately one half of the restoration costs.

Bob would like to check with Attorney Sager to see if the escrow requirement is something we can do. Dave C., speaking as a citizen, does not want to pay the attorney costs for monitoring this.

The motion was amended by David to include that the applicant be required to pay for the monitoring and enforcement of the escrow account. Steve seconded.

Tom would like to have a plan in place before approving the sales of the aggregate.

A vote was held on the amendment to the motion. 3 were in favor, 2 were opposed. Steve abstained.  
APPROVED

A vote was held on the original motion – 0 approved, 6 opposed. Motion not approved.

The Board chose to take no action at this time.

### **Earth Excavation Regulation and Application Public Hearing**

This hearing is being continued. Re-opened at 8:35 pm. David reviewed. Evidence has been submitted to Dom, a letter from Gallagher, Callahan and Gartrell, regarding Ambrose Brothers. (see binder). Dom read the letter. David brings attention to upholding the grandfathering. Bob Ambrose feels that existing grandfathered pits follow RSA 155:E. For new pits, the regulations can be expanded.

Becca feels that projects exempt from permits should be mirroring 155:E

Section 5 of the proposed regulation – remove references to sections 9, 10, 11 from this section, and add in the minimum operating standards, using the paragraph from the Ambrose letter.

Bob points out that there are several instances where this regulation does not mirror 155:E.

Section 3 – “berm” was added. “nuisance” – on page 6, Paul K feels that the definition is too vague. Steve made a motion to strike noise and glare. Motion withdrawn.

David made a motion to strike section 8. Bob seconded. 4 voted in favor, 3 abstained.

David made a motion to strike the definition of nuisance. Bob seconded. 6 in favor

All of Bob’s concerns were noted on a hard copy of the regulation, which will be available in the binder with these minutes.

Paul King has concerns, and is speaking as an agent for Bruce Robinson. All of Paul's comments are noted on the hard copy as well.

John Mersfelder notes that the planning board is elected and representative of the public. Sandra Flanagan would like to know why the planning board chose Dover's regulation as a model. She is told that it was used because Dave C was familiar with that particular ordinance.

A motion was made to continue the public hearing on Earth Excavation to September 8. Becca made the motion, Skip seconded. APPROVED. David will make a copy showing the suggestions/comments from this evening's session, to make them available anyone who wants them, prior to the next meeting.

**OTHER NEW BUSINESS:** Mark Lucy needs to know the definition of a dead end road. This discussion is continued to the September 22, 2010 meeting.

A motion to adjourn was made by Becca at 10:23 pm. Skip seconded. APPROVED