

Town of Tamworth

Planning Board

*** DRAFT MINUTES ***

October 27, 2010

Meeting called to order at 7:02 pm.

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

Members Absent: Nicole Maher-Whiteside; Dom Bergen

Alternates Present: Tom Peters, Pat Farley

Alternates Absent: David Cluff, Peter Vanderlaan

In the absence of Dom Bergen, Chairperson, and Nicole Maher-Whiteside, David Little will be chairperson for this meeting.

Pat Farley was seated for Nicole. Tom was seated for Dom.

There are too many citizens in attendance. Becca moved to continue the meeting at the Brett School at 7:20 pm. Skip seconded. Bob feels that it should be rescheduled, not moved. There is discussion regarding the legality of moving the meeting. An audience poll reflects that most attendees are here for the Land Use Regulation discussion.

Steve motions to move that hearing and conduct the rest of the meeting agenda tonight. Becca would like to continue the zoning ordinance hearing to another date.

Becca made a motion to move agenda item 5 (Tamworth Innovative Zoning Ordinance) to the beginning of the agenda. Steve seconded. APPROVED.

Discussion ensued. Bob is opposed to moving the hearing to next week.

Tamworth Innovative Zoning Ordinance Public Hearing

The hearing was opened at 7:15 pm. Becca made a motion to continue the hearing on TIZO to Wednesday, November 3, 2010 at the Brett School, 7 pm, pending approval of school availability. Pat seconded.

Willie Farnum suggests that the Planning Board check with town counsel in the morning to check the legality of this process, and to re-notice the meeting if this action is found to be inappropriate.

Becca amended her motion to include Willie's suggestion. Pat seconded the amendment. APPROVED

Minutes from 9/22/10 meeting - no corrections noted. Tom motioned to approve the minutes as presented. Pat seconded. APPROVED

Minutes from 10/13/10 work session – no corrections noted. Tom motioned to approve the minutes as presented. Pat seconded. APPROVED

At 7:25 pm, the Committee reports were postponed, to resume after the other hearings scheduled for this evening.

BOUNDARY LINE ADJUSTMENT – RUBEL/WATKINS

David reviewed the application for completeness. He states that the name on the application is not the current property owner, and that there are missing items, including survey stamp, contours, and bounds. He feels that the application is not complete. Becca has concerns with the accuracy of the noticing. Tom Peters feels that the Planning Board needs to abide by the rules.

Paul King feels that the abutters were properly noticed, and that contours, etc., are not required on a boundary line adjustment. Paul states that the RSA requires “sufficient information”, and he feels that he has provided that.

Steve Gray mentions that the Town Hall received a call today from someone who felt that the public notice was incorrect.

Paul stated that all legal owners are listed on the application.

Pat understands the objections that the Planning Board has, but also understands that the property owners have a time frame that they are trying to meet.

No waivers were requested with this application.

Tom made a motion to NOT accept the application as complete. Skip seconded.

Steve asks if it is possible to accept an application as conditionally complete. NO

Becca would like to be flexible but does agree that we must abide by the rules.

John Watkins would like clarity on what is required for the application. He is informed that the requirements are the same as those in the subdivision regulations.

Becca stated that waivers will be considered if they are requested.

David asked for a vote on re-noticing this meeting or continuing it.

Pat made a motion to not worry about re-noticing but worry about the details. Steve seconded. The Board expressed concerns and objections. Steve withdrew the motion, Pat withdrew the second.

A discussion ensued about what was applicable, and what waivers were required for this application. Tom Peters stated that Paul is a professional, and that his opinion should be respected in regards to items that he feels are not applicable to this application. David agrees with Tom, and the Board also agrees.

This hearing will be re-noticed when corrected materials are received.

WALKER FAMILY TRUST/PARKER, JACKSON BOUNDARY LINE ADJUSTMENT, Map 403 Lot 34&25

David recused himself. Steve Gray took his place for this hearing. A review of the application appears complete. There is a question about the stamp/seal, but there are bounds and a seal on Paul's plan. There are no contours shown, and the big lot is not surveyed. Paul King states that this is common practice. Steve stated that this hearing was properly noticed. Becca mentions that there could be waivers for items that could be applicable, but are not necessary for this particular plan. Steve agreed with Becca, but not that it applies to this tonight. Skip made a motion to accept the application as complete. Tom seconded. Becca asked how flat the property is, and Paul King indicated that the property is very flat. APPROVED, Becca abstained.

The hearing was opened at 8:17 pm. Steve explained the procedure. Paul King gave a brief presentation of the proposed boundary line adjustment. This BLA will change a non-conforming lot into a conforming lot in frontage and acreage. He is asking for approval tonight.

No Board questions were asked.

No public feedback or questions were given.

The hearing was closed at 8:21 pm.

Tom made a motion to approve the Boundary Line Adjustment as presented. Skip seconded. APPROVED

CELKO/ATT SPECIAL USE PERMIT Map 414 Lot 10

The procedure and rules were read. Mr. Dodge and Audra Klum are here as representatives for the application.

The public hearing was opened at 8:25 pm. This application is for the installation of a communications tower. Site plan, special exception, and driveway permits have been received. The special use permit and the DES wetlands approval are the remaining pending items. The application addresses replacing culverts on an existing access road, enlarging the culverts that currently exist to improve water flow. This is not critical wildlife habitat, and there are no rare, threatened, or endangered species.

The Conservation Commission has done a site visit and held a meeting regarding this application. Kathy Bunker reports that the Conservation Commission recommends approval of the application, as conditions will be improved, and will help the wetlands. They did express a concern that the engineer look closely at the plans, with the hope that the first crossing can be changed to minimize effects on the wetlands.

Audra reports that the engineer is working on this possibility.

John Mersfelder asks if the character of the wetlands will be changed. Audra states that these wetlands are the result of the road, and that there are no vernal pools, and only narrow channels. Willie Farnum asks if the road will be gated, as it will be a private road. As it lies in the PSNH right of way, there may be a gating issue. The applicant is agreeable to gating if this becomes a condition of approval.

Kathy Bunker, speaking as a citizen, comments that this is a win/win situation, as it will improve the communications infrastructure in town with a minimized impact to the environment.

The public hearing was closed at 8:57 pm.

The re-engineering is not yet complete. Steve would like to see the new plan before voting on this project. Becca agrees. The applicant asks if a conditional approval could be granted if DES approval is received. Becca is not comfortable with that.

The applicant requested a continuance to the December 8th meeting, which was submitted in writing.

Becca made a motion to continue this hearing at the meeting of December 8th. Skip seconded.

APPROVED.

GROUNDWATER PROTECTION ORDINANCE PUBLIC HEARING

The Conservation Commission has addressed the issues surrounding the blasting section in the ordinance, and has returned two options for the Planning Board to choose from. They have spoken to NH DES, and the blasting concerns are not likely to be an issue over the aquifer.

The Conservation Commission suggests either deleting the section entirely, or leaving it in, and having it apply only to projects exceeding 1000 cubic feet.

Paul King shares his opinion that the conditional uses listed in Section 9 seem to not make sense. No stormwater management plan is required in A. B already requires a plan. C requires a plan. All these disagree with the final section requiring stormwater management plan for ALL conditional use.

Skip made a motion to delete the blasting section. Steve seconded. APPROVED

Becca made a motion to accept the Groundwater Protection Ordinance and post for public hearing. Steve seconded. APPROVED. Bob abstained.

Skip made a motion to hold the Groundwater Protection Ordinance public hearing on November 17. Pat seconded, APPROVED. This will be posted for the Brett School if it is available.

COMMITTEE REPORTS:

Treasurer: Steve Gray reports that the Planning Board is solvent. The advertising line is overdrawn, but this is a pass through item.

Secretary: David reports that there were applications for tonight, which have been addressed.

Land Use Regulation Committee: no report

Capital Improvements Committee: Steve asked that this report be moved to New Business

Earth Excavation: no report

Ordinance Review Committee: Dom is not present to report, Willie Farnum gave an update. They are moving forward with the forms, trying to reach more clarity.

School Board: Pat reports that the SAU has finished moving their office to the Brett School. This will save \$25-\$30,000 per year. The School is accepting public feedback on the Bullying policy. There are currently 203 students enrolled, 22.5 students per grade. Snowplow bids are being accepted.

Lakes Region Planning Commission: Tom has no report. Pat reports that the Executive Board is still talking about the Economic Development District, which will allow federal funding.

Selectmens Report: Bob - Budget hearings will begin on November 15.

Conservation Commission - Skip reported the details of the meeting at our work session meeting two weeks ago.

Old Business: none

New Business: Steve presented the CIP draft to the Planning Board. He would like to schedule a public hearing to approve this, so that it can be sent to the Selectmen. An addendum will be forthcoming. Steve is hoping for a November 10th hearing. This will be posted at the Town Halls, libraries, on the exchange and the Town website.

Pat made a motion to accept the CIP report and to hold a public hearing on November 10th at the Town Hall. Becca seconded. APPROVED

Tom made a motion to adjourn at 9:43 pm. Skip seconded. APPROVED

The meeting was recalled to order at 9:43 pm. David Little recused himself. Steve Gray speaks about the remand/CMI issue, and that 4 members of the Planning Board need to make plans for that meeting. The applicant's and this town's counsel are recommending December 14, 15, or 16th as possible dates. Steve is unclear about the noticing of abutters, etc. and will contact town counsel for clarification. He will also ask if this will be a special meeting of the planning board. Tom Peters feels that the four members need to review all the materials and understand what decisions were made, and why.

Becca made a motion to adjourn at 9:56 pm. Skip seconded. APPROVED

Respectfully submitted,

Melissa Donaldson

Planning Board clerk