

TOWN OF TAMWORTH PLANNING BOARD

Minutes November 17, 2010

Meeting called to order at 7:00 pm., at the Brett School cafeteria, Dom Bergen, presiding.

Members Present: Dom Bergen, Chairman; Becca Boyden; Nicole Maher-Whiteside; Bob Abraham, Selectmen's Rep; David Little; Skip Nason; Steve Gray.

Alternates Present: Pat Farley

Alternates Absent: David Cluff; Tom Peters; Peter VanderLaan

1. Public Hearing, Groundwater Protection Ordinance: The Chairman opened the public hearing, noted locations of draft copies, and started the discussion by sections of the proposed Ordinance. David Little presented brief overviews of Articles I, II, and III. Mr. John Mersfelder asked how boundaries around wells are determined. A discussion of maps and homeland security mapping requirements followed.

Mr. Paul King spoke on **Article III:** parts are inconsistent with sources listed on the map; the map is too small. Mr. King suggests one large map (suggested scale of 1:24,000) which shows aquifers and wellhead protection areas by using contrasted hatching, with gridlines using latitude/longitude or UPM, map datum using NAD 83 (or the older NAD 27, but not NH State Grid Coordinate System), sources listed at the bottom of the map. Additionally, an overlay map, at the same scale, on acetate film, showing tax map boundaries. The map and overlay to be available at the town offices.

Mr. King suggests deleting sections (1) and (2) and the paragraph following section (2), and establishing a method for property owners to show they're outside protected areas and not over outwash soils.

Mr. Mersfelder spoke on **Article VI**, to suggest adding wording encouraging the use of Best Management Practices.

Mr. Bob Davis spoke on **Article VII:** the definition of "service stations" would prohibit businesses that have petroleum products stored in bulk, and is too broad. Mr. Little concurs.

Mr. King suggests that "and" in the referenced definition ("stored in bulk **and** sold for use in internal...") denotes that Article VII. H. applies only to the narrower definition of service stations. Mr. Little concurs.

Mr. Mersfelder spoke on **Article VIII**, to suggest that the containers should be "five gallons or less" rather than "five gallons or more." Mr. Ernie Mills asked if the exemptions are also within the wellhead protection areas. Mr. Little read alternate language for Article VIII.J., which will be included in the next draft. Ms. Dotty Daley questioned the requirements for heating and building power fuel storage, including propane.

Ms. Daley spoke on **Article IX:** Section A refers to 100 gallon limits, which heating fuel tanks exceed. The section needs to be changed.

Mr. King asks if Article VIII.C. provides an exemption from Article IX.A. Ms. Maher-Whiteside agrees that clarification concerning heating fuels is needed. Mr. George Ricker asked about exemption for waste oil used for heating. Mr. Davis asked about exemption for businesses storing fuels. A discussion of exemptions for existing businesses followed. Mr. Willie Farnum cited the exemption in Article VIII.I

Mr. King noted that pesticides are exempt (Article VIII.G). Mr. King continued the discussion of Article IX. He suggests that the first two paragraphs in Section B are inconsistent; that "15 percent or 2,500 feet² of any lot" is too small an area to require a storm water management plan; that the section is the most restrictive and unfair part of the Draft Ordinance. He suggests deleting Section B from the beginning through Subsection 4. Mr. Farnum and Mr. King discussed using State regulations and State Inspectors for large businesses (e.g., "Big

Box” store parking lots). Mr. Little agrees that conditional use should be reviewed for applicability. Mr. Ricker provided information on the cost of Storm Water Management Plans.

Mr. King spoke on **Article X**. Agricultural and Forestry activities are exempt from Article X.I., and heavy equipment should be, also, so that equipment in the field is not filled with 5 gallon containers of fuel. Mr. King suggests that Section I be deleted.

Ms. Daley notes that this section applies to heating fuel deliveries and needs to be changed. Mr. Davis notes that these exemptions should be stated.

Mr. Mersfelder suggests that language in the Groundwater Protection Ordinance should agree with language in the proposed Zoning Ordinance.

Mr. Mills spoke on Section F: containers kept “closed and sealed” are dangerous; storage containers need to have venting capability.

Mr. King spoke on **Article XII**. The fees cited in Section C should be borne by the Town, not the property owner. Mr. Mersfelder disagrees, since most inspections would be done in response to an incident or accident. Mr. Mills agrees with Mr. King.

Mr. Mills questioned the purpose of **Article XIII** paragraph 4. Mr. King recommends that the administrator/inspector be identified (by office or title) in the Ordinance. Further, the Ordinance should include variance/waiver provisions.

On Appendix A, Definitions:

Mr. King suggests a better definition of “impervious” suitable for stormwater applications be included (if Article IX.B. is not deleted).

Ms. Daley asks that “snow dump” be clarified.

Mr. Mills states that “no commercial...use” in **H. Private Residence** is too restrictive and would unreasonably impact home businesses.

General comments followed. Hearing none further, the Chairman thanked those present for their comments and closed the Public Hearing at 8:12 p.m.

2. Other Business

a. Approval of Minutes:

Minutes of October 27, 2010, approved on **A Motion**, Ms. Maher-Whiteside abstaining.

Minutes of November 1, 2010, approved on **A Motion**, Ms. Maher-Whiteside abstaining, Mr. Abraham abstaining.

b. Committee Reports:

The Chairman has received a letter of complaint, concerning abutter notification, from Mr. R Watkins.

The Board’s finances are in order.

The Selectmen encourage timely submission of year-end materials, and further encourage the Treasurer to show up this time at the rescheduled budget hearing.

The School Board is attending to budget preparation.

The Economic Development Committee is preparing two brochures/directories. One is marketing material; one is a proposed online directory of Tamworth businesses and services. Businesses can be included through the *Tamworth Exchange* or by contacting the Committee.

Lakes Region Planning will host a meeting on November 26 in Franklin, NH on “brownfields” management, restoration, and available financing. Towns are encouraged to participate in the meeting.

The Hazard Mitigation committee will prepare the Plan. The Board is represented.

New/Old Business:

1. The Chairman has forwarded Mr. Watkins' letter to Town Counsel, in accordance with Mr. Watkins' request.
2. Planning Board Meeting Schedule
 - December 1—Proposed Innovative Zoning Ordinance **Work Session**. At Brett School (pending availability).
 - December 8 – Agenda includes: ATT SUP application hearing, continued;
Proposed Innovative Zoning Ordinance **work session**,
Proposed Groundwater Protection Ordinance **work session**. At Town Offices.
 - December 15 – Regular meeting. At Town offices.
 - December 22 -- **Public Hearing** on proposed Innovative Zoning Ordinance. At Brett School (pending availability).

3. Amendments to the Procedures. The Chairman read proposed language for the amendment of the Planning Board Procedures, as follows.

Section IV. MEETINGS OF THE PLANNING BOARD

D. Notice Requirements

3. Public Hearings Relative to Proposed Ordinances or Regulations

a. Notice of public hearing shall be posted ~~12 days before the hearing~~ and published in ~~the Carroll County Independent~~ **a newspaper of general circulation** at least ~~12 days~~ prior to the hearing per ~~RSA 675:7~~ **in accordance with RSA 675:7**. {proposed language **appears in this type**.}

A Motion to adjourn by Ms. Maher-Whiteside (Mr. Nason, second) carried. The meeting was adjourned at 9:10 p.m.

Respectfully submitted,

Steve Gray for Melissa Donaldson.

The substitute clerk regrets any errors in speakers' comments and attributions, and welcomes corrections.