

Town of Tamworth

Planning Board

*** draft TIZO HEARING MINUTES ***

December 22, 2010

Meeting called to order at 7:00 pm at the Brett School Cafeteria

Members Present: Dom Bergen Chairman, David Little, Steve Gray, Becca Boyden, Nicole Maher-Whiteside, Peg Huddleston (LURC), Bob Abraham (LURC)

Members Absent: Skip Nason

Alternates Present: Pat Farley, Tom Peters

Alternates Absent: David Cluff, Peter Vanderlaan

Dom opened the meeting by announcing that this is the second hearing on the proposed ordinance. The draft was posted on the town website, and was available at the libraries and Town Office. The Board was introduced and the draft was reviewed section by section.

Section 1.1 – no comments

Section 1.2 – no comments

Section 1.3 – Bruce Lloyd is concerned about the minimum ordinance/maximum restriction wording in this section. Nicole explained that this means that we can not be less strict than the State or Federal regulations.

Section 1.4 – no comments

Section 1.5 – Paul King feels is concerned with the definitions used in “applicant” – that anyone doing any building of any type will be defined as “applicant”. Becca states that applicant refers to section 1.3 of the ordinance. Paul do not have any suggested language for this section, but does feel that it needs a permit process.

Section 2 – no comments

Section 3 – no comments

Section 3.1 – no comments

Section 3.2 – Paul King feels that roof overhangs, decks and steps should be addressed in regards to setbacks

Section 3.3 – Robert Hammond would like to delete references to the Tamworth Wetlands Ordinance, feels that this is too much at once. He would like it removed, allow this ordinance to live, then let town

meeting adopt articles to perfect the ordinance. Paul King feels that this is intertwining multiple layers of bureaucracy, that people will need PB approval and zoning board variance for the same project. The definition of development includes all construction. Steve Gray offers alternate wording of “proposed septic systems”. Mr. Hammond would still like the Wetlands Ordinance deleted from this document. Bill McAdams comments that he feels this is already covered, by the state rules and the town rules. Karen McNiff suggests that perhaps a waiver could be granted if the applicant has an “approved State permit”.

Section 3.4 – Paul King thanks the Board for removal of the Stormwater Management Plan, but disagrees with what is left in this section. He feels that the system for measurement of slopes is poor. He would like to bump the number up from 25% or get rid of the section entirely. David’s map was not accurate in Paul’s opinion. David asked Paul how he determines the 25% on his plans. Paul states that it is done by rod measurement or distance in contour lines. Tom P feels that there are no specific distances used in calculation, it depends on the topography of the land itself.

Section 3.5 – Jack Waldron comments that the LURC has done a great job, but that the language is hard to interpret. Get rid of the light trespass statement. Focus on glare, get a better definition. Clean up the wording and make it more general, less confusing. David Haskell comments that there is no flag at the meeting, he would like the section about flag lights shining on the roadway deleted. Charles Moody comments about PSNH outside lamps on the driveway. Bob Abraham feels that this document does need to address PSNH lights that are paid for by private residents. Karen McNiff would like explanation of the “security and public safety” section. Steve feels that the purpose is to keep the skies dark, and keeping lights inoffensive to the neighbors. Becca states that it is intended to make sure that lights are not dangerous. The dark skies initiative is not included in this draft. Ann McGarity would like to know how much light pollution is actually a problem, why can’t this be solved by people making reasonable requests.

Section 3.6 – no comments

Section 3.7 – Jack Waldron – would like definitions of Site, Pre-development Condition. This section, as written, only applies to a 40000 square foot structure. Add a period, and start the next sentence with Lots. Charles Moody is concerned with drainage, and why the town is not responsible for drainage off the roads.

Section 3.8 – Jack Waldron would like this section to use “wood burning appliances”. He is not happy with the definition of “fumes”, would like to know what is irritating or hazardous and feels that these words need definitions, need to be measurable levels. Dave Bowles would like the section that speaks of fire wards to be changed to “warden”.

Section 3.9 – Chris B wants to know who will be enforcing this, it should be the fire marshal or seasoned fireman.

Section 3.10 – Jack is concerned with “any substance” Define solid waste. Paul King feels that the first sentence is not necessary, that DES controls this. Not all solid waste has to be in a building, open bins off to the side. Delete this.

Section 3.11 – Dave Bowles – Is the intent of this to keep business off town roads? Karen would like to know how this affects current businesses. Nicole states that anything currently happening is grandfathered. Dave Davis is concerned that this number is not many trips, and asks about Cleveland Hill Road. Becca states that you can not expand a non-conforming use. Steve states that dumptrucks are ten wheelers. A 20 year old resident (hereafter referred to Resident A) – would like to know why we are prohibiting business growth. Why would you stop something from growing? Where does it stop? Why would this generation want to stay in Tamworth? David responds that this intends to reduce expenses to

the town for maintenance of the roads. Ernie Mills feels that the Boards do not want business in this town. Alex Cook agrees with Resident A's comments. We are a working community. Progress makes the town viable and alive. This is discouraging. Ernie states that Whitefield looks like a slum, and he feels that people don't want this, or the GPO. Nicole was offended by the comments that Alex made regarding trust funds. Alex apologized for her comment. John Parillo feels that the track will create jobs. They tried to change their plans for the benefit of the wetlands. He feels that this is taking everything from the town to protect certain people.

Article 4 – Paul King would like to know the reason that this article needs to be here. David replied that Lakes Region Planning – 2 planners and 2 lawyers have stated that it needs to be in here as enabling language. Nicole stated that you can give people incentives if they leave more open space on their property.

Article 5.1 – Paul King wants to know where the sentence about appeals. David explained that the attorney had recommended removal.

Section 5.1,5.2,5.3,5.4,5.5,5.6,5.7 – no comments

Article 6 – no comments

Article 7 – no comments

Appendix – Jack would like the definitions he noted previously in the discussion, including lighted sign, fumes. Alex Cook would like to know about qualifications for the position of Code Enforcement Officer. Dom stated that the Selectmen will be taking care of this. Paul King would like definitions of applicant, glare, light trespass, and setback.

Resident A comments that she does not know what survey is being referred to. Bob A. would like to see the town re-poll. Peg stated that the problem is getting returns on surveys, 20% is phenomenal. The Town owes the Planning Board a great deal of thanks for their work. Tamworth needs to look ahead.

Don McGarity states that he did not respond to the survey because he does not want zoning.

Paul K. referred to Article 4 – pre-existing, non-conforming – in November this was deleted, but he feels this doesn't solve the problem. "anyone in business can continue" needs to be in there. What about expansion or change in existing business? Need comments about how situations will be handled. Allow change as long as the change is not more non-conforming. Allow non-conforming to expand in normal course of business.

Bill McAdams – get taxes down. Zoning is too much to take on right now.

Becca states that the intention to to make a more attractive environment for business.

Peter Whyte states that if this ordinance had been in place when he built, he may not have been able to put his business in here. Who is going to enforce this?

Becca states that the Building Code and Zoning are different, and are often confused. Bob states that issues he may have encountered are impervious surface and traffic.

Jack Waldron comments that the Statement of Purpose needs work (suggestions are submitted in writing), reorder the objectives. This is not ready for March, at least 6 months are needed. He is in favor of this direction, but feels that more outreach needs to be done. A 51-49 vote will be a failure, he feels that it needs to be perfected and get 65-70% community support.

Karen McNiff wants grandfathering wording put back in here.

Paul King spoke about using the word “plagiarizing” and how Nicole was offended by this. He reviewed the definition, and feels that she was correct. He apologized to Nicole. Zoning will make the budget go up. Development coming into town will be minimal. The tax problem is with the school. He feels that section 3.7 would have affected Mr. Whyte’s ability to build his business. This won’t bring the building code, but will open the door for site plan review. You have to live with it if it is voted on. Listen to the input at this hearing then decide if it goes to vote at town meeting.

John Parillo – restrictions are greater than the State or Federal government. Start off slow.

Written comments will be taken until December 31. Herb Cooper asked what is happening down the road. December 29 is the Groundwater Protection Ordinance hearing, January 5 is the hearing on the abolishment of the Planning Board and Conservation Commission.

The hearing was closed at 9:17 pm

Respectfully submitted,

Melissa Donaldson

Planning Board Clerk