

Town of Tamworth

Planning Board

*** draft PLANNING BOARD MINUTES ***

January 25, 2012

Meeting was called to order at 7:02 pm at the Town Office

Members Present: Dom Bergen Chairman, Becca Boyden, David Little, Steve Gray, Skip Nason, Nicole Maher-Whiteside, and John Roberts, Selectmen's Representative

Members Absent: none

Alternates Present: Tom Peters

Alternates Absent: Pat Farley, Dave Cluff, Peter Vanderlaan.

Minutes 12/28/11 – no corrections – Tom Peters had a question about what Paul King meant when he questioned vicinity map. Becca made a motion to approve as presented. David seconded. APPROVED – John and Nicole abstained

Minutes 1/11/12 - no corrections- Skip made a motion to approve as presented. David seconded. APPROVED – Becca abstained.

TREASURERS REPORT – Steve reports everything is fine.

SECRETARYS REPORT – David reports that there are no applications and we are fine.

CIP – no report.

ORDINANCE REVIEW COMMITTEE - no report

SCHOOL BOARD – Nicole advises that everyone should attend the budget hearings, as there are budget issues.

ECONOMIC DEVELOPMENT COMMITTEE – no report

LAKES REGION PLANNING COMMISSION - no report

SELECTMENS REPORT – no report

CONSERVATION COMMISSION – Skip reports that the Conservation Commission talked about the Bemis Farm and an issue with an old bridge. DES has approved the application. Dom, Ned and Cheli walked the property. Skip reviewed the Floodplain Ordinance revisions, and they are supportive.

Steve distributed copies of the subdivision regulations in a condensed format for use when doing edits. This can be sent via mail if anyone is interested.

PUBLIC HEARING - FLOODPLAIN ORDINANCE UPDATES

The hearing was opened at 7:16 pm.

The purpose of this meeting is to consider bringing changes to vote at Town Meeting. At the last meeting, the following changes were voted on. Line by line, the changes were reviewed and voted on at this meeting.

ARTICLE I. A. On a Motion (David/Nicole second), the Board approved as presented

ARTICLE III. On a Motion (Becca/Nicole), the Board approved the edit.

ARTICLE IV. D. On a Motion (Skip/Becca), the Board approved the recommendation to strike "Area of Shallow Flooding" definition.

ARTICLE IV. D. On a Motion (Becca/Skip), the Board approved the recommendation to strike "Breakaway Wall" definition.

ARTICLE IV. D. On a Motion (Becca/Nicole), the Board approved the recommendation to add language to the "Development" definition.

ARTICLE IV. D. On a Motion (Becca/Nicole) the Board approved the recommendation to strike "Flood Elevation Study" definition.

ARTICLE IV. D. On a Motion (Skip/Nicole), the Board approved the recommendation to amend the "Flood Insurance Study" definition.

ARTICLE IV. D. On a Motion (Skip/Nicole), the Board approved the recommendation to add language to the "Manufactured Home" definition.

ARTICLE IV. D. On a Motion (Becca/Nicole), the Board approved the recommendation to add the "Manufactured Home Park or Subdivision" definition.

ARTICLE IV. D. On a Motion (Nicole/Skip), the Board approved the recommendation to add language to the "Mean Sea Level" definition.

ARTICLE IV. D. On a Motion (Skip/Nicole), the Board approved the recommendation to add "New Construction" definition.

ARTICLE IV. D. On a Motion (Becca/Nicole), the Board approved the amendment of "Regulatory Floodway" definition.

ARTICLE IV. D. On a Motion (Becca/Skip), the Board approved the amendment of "Special Flood Hazard Area" definition.

ARTICLE IV. D. On a Motion (Skip/Becca), the Board approved the recommendation to add "Violation" definition.

ARTICLE IV. D. On a Motion (Nicole/Becca), the Board approved the amendment of “Water Surface Elevation” definition.

ARTICLE V. D. On a Motion (Becca/Nicole), the Board approved the amendment.

ARTICLE V. G.1. On a Motion (Nicole/Becca), the Board approved the amendment.

ARTICLE V. G.2. On a Motion (Nicole/Becca), the Board approved the edit.

ARTICLE V. G.4. On a Motion (Nicole/Skip), the Board approved the amendment.

ARTICLE V. H.1. On a Motion (Skip/Becca), the Board approved the amendment.

ARTICLE V. H.3. On a Motion (Nicole/Becca), the Board approved the recommended deletion of the subsection.

ARTICLE V. I.1. On a Motion (Becca/Nicole), the Board approved the amendment.

ARTICLE V. I.2. On a Motion (Nicole/Becca), the Board approved the amendment.

ARTICLE V. I.3. On a Motion (Nicole/Becca), the Board approved the amendment.

ARTICLE V. I.5. On a Motion (Nicole/Becca), the Board approved the recommended deletion of the subsection.

ARTICLE V. I.6. On a Motion (Becca/Nicole), the Board approved renumbering the subsection to “5.”

ARTICLE V. I.6. (to be renumbered as Art. I.5) On a Motion (Nicole/Becca), the Board approved the recommendation to add language.

The hearing was opened to public comment.

Paul King: Article V-A – describes needing a building permit. D describes what has to be done after the fact. There are two zones, A & AE. AE is along the Bearcamp River, he would like to see this updated. Zone A has never been surveyed. Article V –H.2 – there is no base flood elevation data for Zone A. G.4 – there is no base flood data. H.1 – no elevation data available. I.1 and I.2 – no data available.

Paul recommends that Zone A be removed from the ordinance, as it is morally wrong.

The Board is concerned that we won’t be able to get government flood insurance programs. Nicole is very concerned about requiring people to meet regulations when there is no data to draw from.

Paul states that Zone A is not based on technical data. Zone AE is based on some data.

Tom Peters is hung up on the building permit references. He does not feel that these changes are within the purview of the Planning Board.

Paul asserts that the Planning Board does have the authority to present it to the Town, and that the Town has the authority to approve it.

Nicole feels that Paul’s comments make sense. David also feels that these comments make sense. He states that Zone A has existed in the ordinance for a long time. He feels that if these changes are not made, we will lose the ability to purchase flood insurance from anybody if the Town becomes ineligible for FEMA funding.

Becca would like to approve the amendments as requested by OEP, then approach the State with our concerns.

David would like to bring forward the amendments but push back on the definitions of Zone A before the maps are finalized.

Nicole refers to the fact that section G.4 used to read "zone AE" and has been changed to read "zones A and AE". She feels that this is an area where this does harm, and that adding Zone A in this place could be a significant problem for people.

Paul King: Becca talked about G.3 including A, but that refers to floodways, not floodplains. There are no floodways in Tamworth.

Tom P: would like to write to OEP with concerns and ask for clarification using Paul's information, before we can bring this to the Town.

Sam Martin – comments that she would not be pleased as a taxpayer if a second flawed document is placed in front of her.

The public hearing was closed at 8:58 pm

Becca made a motion to approve the amendments as written. David amended the motion to include the language "accept the changed language and present to the voters at Town Meeting." Becca seconded. The motion was DENIED (2-4)

The Selectmen will invite Jennifer Gilbert to come speak to the Planning Board regarding Zone A and the benefits of compliance. They will try to schedule this on a regular work session evening.

SUBDIVISION REGULATION AMENDMENT – Nicole and Steve presented a list of priorities. L-Chip is done. David feels that changing the application deadlines should be added to the list. He also questions whether to remove them entirely and place in the procedures, or put in a paragraph in the regulations. Also, the Ordinance Review Committee gave a list of recommendations that should be included.

The following items will be addressed at the next meeting:

- Application deadline

- Setbacks Inconsistency

- Label Requirement

- Soils list

The Committee is tasked with presenting proposed language to the Board.

The Ordinance Review Committee recommended putting in a table of required setbacks.

David feels that Lot Merger does not belong in this list., address this at 2/22 meeting.

Old Business/New Business

Paul asked for signatures on a plan that is "Approval Not Required". The signature is simply to approve the addition of the right of way.

Nicole made a motion to sign the plans as "Approval Not Required". Skip seconded. APPROVED

The plan is for Map 407 Lot 65.1 and 65.2, Wagner/Gast.

Nicole made a motion to adjourn at 9:33 pm. Skip seconded. APPROVED