

Town of Tamworth

Planning Board

*** draft PLANNING BOARD MINUTES ***

April 25, 2012

Meeting was called to order at 7:00 pm at the Town Office

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

Members Absent:

Alternates Present: Pat Farley

Alternates Absent: Dave Cluff, Peter Vanderlaan, Tom Peters

Minutes: 3/28/12 – Becca made a motion to approve the minutes as presented. Skip seconded. APPROVED Nicole abstained

4/11/12 Work Session – Becca made a motion to approve the minutes as presented. David seconded. APPROVED, Nicole abstained.

4/19/12 Work Session – Skip made a motion to approve the minutes as presented. David seconded. APPROVED, Nicole abstained.

Treasurers Report: Steve reports that all is in order. He asks that each member check their new RSA book to be sure that they did not receive the copy of the CD Rom that has the statutes on it.

Secretary's Report: David reports that there are two new applications tonight, a Boundary Line Adjustment and a Special Use Permit. On the 18th there is a workshop regarding the NH method for wetlands delineation at Squam. He can email details if anyone is interested.

Ordinance Review Committee: Nothing to report

School Board: Dom was not able to attend the meeting but he did review the minutes

Capital Improvements Committee: Steve reports that the CIP met last night and will be meeting on the last Tuesday of every month from 6:30 to 8 pm. He requests that the Planning Board appoint the following as members of the CIP – Bob Abraham, Selectman's Representative, Willie Farnum, Steve Jacobs, David Little, John Wheeler, Jack Waldron, Bob Seston, and Melissa Donaldson, clerk. Nicole made a motion to appoint said members to the CIP Committee. Becca seconded. APPROVED

Economic Development: Pat reports that the BIG event was great. They are having a meeting tomorrow to critique and make action plan lists.

Lakes Region Planning Commission: Pat reports that the Annual Meeting is June 25th. She and Karen attended the CEDS (Comprehensive Economic Development Strategy) meeting. This is working toward Lakes Region Planning region becoming an economic development district. Dom shared information about merged services with the Fire Department.

Selectmen's Report: Jim has nothing to report.

Conservation Commission: Skip reports that this meeting was a short meeting, and nothing to report to the Planning Board

Correspondence: The Planning Board has received a request for David Little to recuse himself from the Homeyer hearing this evening. An individual has taken exception to a comment that David made. Dom checked with legal counsel. He asks David if he feels that he is in conflict with the Homeyer Application and if he feels that he needs to recuse himself. David states that based on procedures, he doesn't feel that he needs to recuse. Becca feels that if he doesn't have the reasons to require recusal, then he should not be asked to recuse. Steve states that this can go to vote if someone feels it is necessary. David requests that the Board go to vote. Nicole would like to know what the procedure for reviewing that information is...Dom is not aware of any procedure. The letter was distributed to the Board for review. Nicole asked David if he remembered the conversation, and David replied that yes, he was paraphrasing an email exchange. Nicole also wanted to know what the intention was. David told her he was asking for assistance on another matter that was unrelated to the Homeyer application. Nicole also asked Becca if she remembered the conversation, and was told that this did sound like something she would have said. Jim had a question about seating an alternate if David recuses or is asked to recuse. The alternate would be seated but there is no alternate secretary. Dom remembers the comments that were made and does not feel that they were inflammatory, in his opinion. Nicole admits that this was not a graceful comment but does not feel that it was meant to be derogatory or disrespectful. The public has a right to say what they believe and the Planning Board has to maintain a demeanor. She is thankful that this matter was brought to our attention.

Dom made a motion that those in favor of recommending that David recuse himself say aye. Nicole seconded the motion, then amended it to say "Are we advising that David recuse himself? Aye vote - yes we are recommending, or Nay, we are not recommending. The Board voted 0-4. Becca abstained, David abstained. It is not recommended that David recuse himself.

David made a public apology to Paul King. Paul then thanked David for the apology.

ELEANOR HOMEYER Boundary Line Adjustment, Map 407 Lot 80 & 81

David made a motion that the application not be accepted as complete, based on the following missing items: L-chip check not present, easement on property not shown on plan, soils data missing, and items were marked as non-applicable but that is not a choice on the application. Steve seconded David's motion.

Discussion ensued regarding the items that were missing. Nicole reviewed the list of missing items and feels that exceptions cannot be made for one individual or they must be made for all individuals. Paul King would like to speak, but this is not a public hearing. Jim feels that he would like to allow Paul to speak. Nicole feels that we need to hold everyone to the same standard. Skip feels we must be consistent everywhere. Paul is frustrated because he is not being heard. Steve states that he has reviewed the

application and is struck by the easement not being shown on the plan. He feels that the Lchip check is a small inconvenience. He feels that Paul should be allowed to speak. Skip would love to hear the explanation but doesn't feel that it will change the vote for completeness.

The motion to not accept as complete was voted 6-0, motion carried. The application is incomplete.

Tom Abugelis was present on behalf of Michael Robbins, and would like an overview of the boundary line adjustment and its impact. Tom can have copies of the application, this is just an adjustment and does not affect the abutters. David states that Ellen Moot also had questions about that same issue. Paul King was allowed to speak. The waiver in frontage is what is critical. His application was to submit the minimum necessary, then supply the rest next month. The entire property is encompassed by the easement. The soil data is shown. The last 6 items on the list are items that are not pertinent to the property, such as surface drains.

Becca feels that this brings up a larger question, about why should I do that work until I know I have the waiver? Paul feels that all the information that would have been necessary to make the decision was included. Willie Farnum comments that he should be able to come in and review the complete application at the time he receives an abutter notice. Paul states that any information an abutter would need has been presented. Nicole states that the rules are so that things are done the same every time. Paul feels it is imperative that you let the applicant speak. He showed David the soils data on the map. David sees the map differently than Paul does.

Becca made a motion to continue this Boundary Line Adjustment at the May 16 work session, no earlier than 7:05 pm. Skip seconded. APPROVED

Chocorua Valley Lumber, SPECIAL USE PERMIT APPLICATION, Map 205 Lot 002, Map 206 Lot 040 & 041

Public comment was accepted prior to the vote for completeness.

John Mersfelder states that the ZBA is having three meetings to review changes in the procedure. Atty Sager has stated that the ZBA is the enforcer of the Florida Towers vs. Town of Tamworth case. The Planning Board may wish to question or challenge that decision. He questions the intent and purpose of the Wetlands Ordinance. The Ordinance Committee should consider increasing fines and enforcement as a stronger deterrent. What value does the SUP have once DES is involved?

Steve states that the Planning Board does not do the enforcement of the penalties. Willie has concerns about restoration further involving and impacting the wetlands.

David Gibson asks if this application is for restoration, to put it back to what it was? He would like to see something done.

David reports that this application was noticed on 4/10 .

David makes a motion to accept the application as complete. Nicole seconded. Steve has some questions about wetlands delineation. Greg Howard, agent, explained that any information available from earlier times was used in the restoration plan.

The motion to accept the application as complete was APPROVED. The application will now go to the Conservation Commission for review, and a site walk will be set up with them.

Ned Beecher feels that we should wait until after the site walk to decide if we need a wetlands scientist. David prefers to hire someone now. He has spoken to Rick Vanderpoll. David made a motion to retain Rick Vanderpoll. Nicole seconded. Steve wants to know if the Conservation Commission will be hiring a wetlands scientist.

The application to the State was submitted prior to this SUP application. They deemed it as complete but it is not known if they have begun review yet.

David spoke publicly to Greg, indicating that we mean no disrespect to the work that he has done.

The Board voted 5-1. Motion APPROVED

The public hearing is scheduled for the June 13th work session, no earlier than 7:05 pm.

Floodplain Ordinance and Flood Insurance Rate Map Review:

Sections G4 and H1 do not have to include Zone A. These were errors. There are no regulatory floodways in Tamworth. We can simplify the Ordinance language. David will work on this. Jim spoke regarding the Selectmen's opinion, which is to eliminate Zone A entirely. Jim supports their decision. Becca wants to know why the Selectmen went against the Planning Board's feeling about changing the maps. Willie is here tonight to speak about the maps. This must be voted on in March because of the financial impacts of being suspended. Grant monies will not be accessible. There are 51 houses in zone AE, 97 are in zone A. The planning board did maps showing places that appear to be errors. The Selectmen are required to pass this information on to FEMA. If we don't proceed with the revisions: property owners will have to pay for a letter of amendment to the map, selling the property will be difficult, you will have to prove it isn't in the flood plain and provide flood insurance.

David has data and a letter for FEMA. It was provided to the Selectmen last week. The maps did not get submitted with that letter.

Becca made a motion that the Planning Board submit the map information to the Selectmen and request that they submit it to FEMA. Skip seconded. APPROVED

Pat suggests that members of the Planning Board should attend that Selectmen's meeting, but then removes the suggestion.

Steve made a motion to adjourn at 9:04 pm. Becca seconded. APPROVED

Respectfully submitted,

Melissa Donaldson

Planning Board Clerk