

TAMWORTH PLANNING BOARD

Minutes
June 27, 2018
7:00 P.M.

The meeting was called to order at 7:02 pm by Sheldon Perry.

Present: Sheldon Perry, Andy Fisher, Pat Farley, Kathi Padgett, Aaron Ricker – Selectmen's Representative

Absent: Eric Dube, Becca Boyden

Alternates Present: none

Alternates Absent: Dom Bergen, Nicole Maher-Whiteside

Approval of Minutes: Change date at top of minutes to May 23. The Remick Subdivision was approved with no provisions. In the secretary report, there are 3 DES Wetland Permit Applications. Andy made a motion to approve the minutes from the 5/23/18 meeting as amended, Kathi seconded. APPROVED

Approval of minutes from 6/13/18 work session – Sheldon added that the return form from the fire chief – email is acceptable. Under item 6 Social event – add tabled to another meeting. Pat made a motion to approve as amended, Andy seconded. APPROVED

Officer and Committee Reports:

Treasurer's Report – Eric is absent

Secretary's Report – Andy – 3 public hearings tonight, and a lot merger.

Rep to Economic Development Commission – Pat – Annual Meeting was Monday. There were 2 Tamworth Awards, to Tamworth Village Association and Mary Phelps. Each nomination that the Tamworth Planning Board has made has been awarded.

Lakes Regional Planning Commission – Getting ready for street fair on August 4. They have 4 supportive businesses. Remick Museum, Chocorua Lake Conservancy, Tamworth Visitors Council and Barnstormers. There will be radio ads, live interviews and a Drive Time presentation. Pat needs assistance finding helium tanks.

Selectmen's Rep – Aaron gave a report about CMI. They attended the LRPC dinner. They are meeting with the State tomorrow about Irene's Way. He asked the questions that we sent to the Selectmen from the last meeting. Re: geo-referencing, they are waiting to see how the Avatar tax mapping software ends up. They liked the bike path idea. It was supposed to happen a while back, with the State and Tamworth splitting the cost. They spoke about elderly and young person housing. The bridge by Brett School will be shut down in July. Tamworth Village Association wants to sell the septic system to the Town. That will likely be discussed at their next work session, then voted on at Town Meeting. Inspection at Rickers is at 5 pm.

Rep to Conservation Commission – no report

CIP Report –Kathi – CIP met last night. Reports were done on the meetings with the individual departments. Next meeting is scheduled for next month. It is anticipated that the information will all be received by July 19.

Education – no report

**Scenic Road Tree Cutting
Fairpoint Communications
Cleveland Hill Road**

Andy recommends that the application is complete. This is a trim request for one tree to be cut and two trees to be trimmed. Andy motions to accept as complete. Pat seconded. APPROVED

Sheldon read the rules of conduct for the hearing.

The hearing was opened at 7:23 pm. There is no agent present from Fairpoint present. The photos were reviewed. Paul King questions whether the Planning Board has jurisdiction over trimming. Sheldon clarified that there is a tree that needs to be cut on this application, and it needs specific approval. Kathi made a motion to approve the application, Pat seconded. APPROVED

**John and Linda Bross Boundary Line Adjustment
Tax Map 202/Lots 68&69**

Paul King is the agent. Andy recommends that the application is complete. Andy made a motion to accept the application is complete. Pat seconded. APPROVED

The hearing was opened at 7:28 pm.

Two bounds were not set at the time of the application. Fresh prints were delivered showing that the bounds have been set. In 1988 there was an approved subdivision. Five years ago the lot was moved to expand it. There is now a buyer for the house, but the buyer wants more land, so they want to move the line. Lot 69 will be nearly 7 acres. Lot 68 would be 5 acres. Lot 68 has a 27' of road frontage. Lot 69 never had any frontage. Paul spoke about the reasoning for his waiver request submittals. Kathi asked for clarification about a bound that is not held. The deed calls for the high bank. Paul chose not to hold it, as he does not agree with it. 4k and well radius were not given on this application, as they were part of an earlier application. Sheldon states that he feels we need them for this application. Paul stated that he was attempting not to clutter the map. There is also a question about why the plans are on a half sheet of paper. Sheldon made a point about the mylar needing to be the same size as the plans. Paul stated that there is a list of various sizes that are acceptable. An audience member would like to know what the problem is with just enlarging the plan to the proper size. A waiver is needed for the well and 4k data on the plan. Sheldon suggests that because the information is required, that be provided and that the plan be made larger to lessen the black. Lorelei Gerard asks if the Board is entertaining a conditional approval, and states that she feels the size of the plan should be up to the surveyor. The hearing is closed at 7:58 pm.

There is one waiver for section IV.d.2.b road frontage. This is existing frontage and no change is proposed. Andy made a motion to approve the waiver, Kathi seconded. APPROVED.

Sheldon made a motion to approve the application, with the condition that the 4K and 75 foot well radius be shown, and a second condition that the mylar reflect those changes within 30 days. The name of the deceased wife will also be removed. Andy seconded. APPROVED

Paul will bring the required items to the Town Office for Friday. Andy will get it recorded next week.

**Gardner and Susan Norcross Subdivision
647 Chinook Trail
Tax Map 410 Lots 3&4 and Tax Map 411 Lot 48**

Andy makes a motion to accept the application as complete. Kathi seconded. APPROVED

Paul King is presenting. The hearing is opened at 8:08 pm. Paul gave an overview of the proposal. A boundary line adjustment has been changed to a subdivision application. Land on the side of the Swift River is shown as an abutting tract of land that is owned separately. The area is basically flat with a steep drop to the river. There is discussion about how many copies of the plat need to be presented. 5 paper copies is the requirement. There is debate about the accuracy of the tax maps, but it is requested that they be shown on the plan regardless. It is requested that the 4K and 75' radius be shown as well. Mr. Jolley has a question about the Board accepting the Boundary Line adjustment application as the new application. Mrs. Jolley asks about the application being withdrawn, so where is the new information? Loralie Gerard questions whether the application is complete or not, if all the documents are not there? She also suggests that if the file has been considered dead, can Paul have the documents back and relabel them as subdivision instead of boundary line adjustment. Can he adjust the items? The Jolleys feel that there were only three lots prior, and now there are 5 proposed. It is suggested that perhaps the plan could be conditionally approved with a condition that all the wording be changed from boundary line adjustment to subdivision. The Board will review the entire file to see what is missing. Paul recommends looking at the cover letter from May 28, which lists some of those items. Loralie Gerard agrees that alternative means of water, etc. should be read as community systems, whereas the board is inclined to feel that the meaning is wells, septic, etc. Deficiencies of the plat: Lot in square feet and acres is not on the plan, but was included on the additional information sheet. Andy would like it added to the plat, Sheldon agrees. Loralie Gerard also would like to see it. Mr. Jolley states that there is a difference in the proposal of the lots from the last application. The lot number is not shown the same on the property. There is a specific lot that was listed for the triangle on the south side of the Swift River, that is not shown on the current application. Paul states that it is a lot of record, but that Cartographics will need to assign the lot number. Mr. Jolley has a number of items that he would like to comment about. All widths of travel, etc. need to be included on the new plat. The topo sheet and the waiver request were not submitted with this application, they were with the BLA. The waiver request will be resubmitted and the topo plan will be retitled. Soil data must be shown on the plat. Well radius, test pit date, perc test date, 4K area, test pit location, perc test location, perc test results and planning board signature box are not shown on the plan.

Loralie Gerard would like to know if the documents he is taking back are not being discussed at this time? Paul has a list of what needs to be corrected for the resubmission. Loralie Gerard is confused on the public hearing. She wants to review the driveway information.

Mr. Jolley spoke about the following items: (see attached) Sheldon asked if any mediation has taken place with the Norcross Family about this dispute. The offer has been withdrawn at this time. Sheldon feels that we need to speak to the Town Attorney about whether we can approve an application with the boundary dispute. Loralie

Gerard states that a land dispute needs to be between two living surveyors and decided by a court of law. Paul King has spoken to the Jolley's attorney, who requested that the old plan numbers be added to Paul's plan, but also show the land being discussed but that Paul will not hold it. Sheldon recommends that mediation occur. Loralie also commented that the driveway approval does not apply to the subdivision, it was for the boundary line adjustment. Paul will ask for an update to the driveway permit. Andy made a motion to continue this hearing to next month's meeting, July 25, no earlier than 7:15 pm, at the Town Office. Kathi seconded. APPROVED

**Voluntary Lot Merger for Timothy and Barbara Ginera
Tax Map 213 Lot 9&10**

Andy moved to accept the application as complete, Pat seconded. Andy moved to approve, Kathi seconded. APPROVED

Paul commented about the Board not accepting the professional surveyor opinion. Discussion ensued.

Lisa Scott says many sizes are OK (re plats to be recorded). Better without the contours. Surveyor should know the details.

Kathi made a motion to adjourn at 9:43 pm. Andy seconded. APPROVED

Respectfully submitted,
Melissa Donaldson
Planning Board Clerk

Attachments – letter from Jolley, map