

TAMWORTH PLANNING BOARD

Minutes

March 22, 2023

6:00 P.M.

In-person: Town Office Building, 84 Main Street **or** Join Zoom Meeting:

Join Zoom Meeting

<https://us06web.zoom.us/j/85216848886?pwd=ZzZ0ekY4TnNsRjBrTE03Vlg3TXRGdz09>

Meeting ID: 852 1684 8886

Passcode: 334104

- 1). Call Meeting to Order – The meeting was called to order at 6 pm by Sheldon Perry. Present are: Sheldon Perry, Andy Fisher, Randall Dearborn, Ian Haskell, Pat Farley, Lianne Prentice – Select Board Representative. Nick Grant is absent.
Greg Hufford and Emery Roberts are attending on Zoom. Brad Citiner also joined the meeting via Zoom.
- 2). Approval of Minutes:
 - 2/22/23 –Sheldon made a motion to approve, Andy seconded. APPROVED
- 3). Officer and Committee Reports:
 - Secretary’s Report – Andy – 1 hearing tonight, Bearcamp School. Lot merger, preliminary conceptual consultation and misc. Planning Board business.
 - Treasurer’s Report – Ian – all fees were received for subdivision and lot merger application. Updated budget report has not been received.
 - Rep to Economic Development Commission – Pat – talking about the next forum, Entrepreneurs and what format they should have.
 - Lakes Regional Planning Commission – Pat – meeting on Monday for commissioners and all the towns, Select Boards and Planning Boards. The Sewer Committee is also being invited. The topic is affordable housing, and what the new rules are going to be. Grant providers will be there as well, which may be important for the Sewer Commission. It will be on the 27th, Monday at 6 pm, upstairs at Hobbs.
 - Rep to Conservation Commission – Randall – parking area by Swift River Bridge will be closed from June 11 to October 28 during bridge replacement work. They are working on a summer exhibit with the History Center. The Alt Easements will stand as they are.
 - Select Board Representative – Lianne – going through the final stages of the budget process and getting ready for Town Meeting. Updates to personnel policy and the assessment form for annual evaluations for department heads.
 - GPO Committee – Sheldon – ballot vote has not been done yet. Pending
 - Subdivision Regulations Review (SRR) Committee – Andy – committee met two weeks ago. A clean copy incorporating all the revisions is being worked on-will be presented for Board review, then sent to legal.
 - Education – Sheldon – April 6 – Local Officials hybrid workshop-a primer for new members and a refresher for existing members. It on the NH Municipal site. April 19 there is a morning session on Right to Know Laws. Office of Planning Conference will be held on April 29 – free,

there is a Planning Board portion of the meeting. Sheldon can forward information if anyone wants it.

- Cook Memorial Library has done work on their Strategic Plan. It is available here if anyone would like it.
- Each Planning Board member has a binder that contains all the ordinances, procedures, etc. of the Board. Newest versions of the PWSF Regulation and the applications associated with it are available for all members that have not updated their binders yet.

4). Public Hearing:

- Sandwich Community School d/b/a Bearcamp Center for Sustainable Community- Subdivision, Map 420 Lot 39, 1164 Bunker Hill Road.

Sheldon read the Rules of Procedure for the hearing. Lianne Prentice has left the table. Andy made a motion to accept the application as complete. The Conservation Commission is an abutter so anyone associated with the Conservation Commission should recuse themselves. Paul feels that Randall should recuse himself. Randall does not vote on Conservation Commission business and does not feel he needs to recuse. The application that was shared with the Board was not signed or dated. Paul feels that he received Lianne's signature after the digital copy was prepared. Sheldon feels that this is an omission. The hard copy that was submitted was signed. Pat seconded Andy's motion. 3-1 Randall against. APPROVED

Sheldon opened the hearing at 6:21 pm. He reread the rules of procedure.

Paul distributed copies of the plan.

Paul King is presenting the application. The Bearcamp Center owned a huge parcel of land. Previously they have sold everything on the east side of Bunker Hill Road, and the land SW all the way to the Prills. Remaining property - Half of the remaining land is under a conservation easement. Half is not. It was felt that the land under the easement would be transferred to the Prills. This approval would allow the land to be divided by the Bearcamp Center and the Prills. Bounds have not been set due to weather. A conditional approval is sought, conditional on setting the bounds, revising plans to show bounds set, and the mylar.

Sheldon asked about frontage – the proposed frontage is less than 200 feet. A waiver was not requested. This was an oversight. Paul formally requests a waiver for the frontage. There are no buildings on the Conservation Easement portion, 4K area is not shown, but there is a waiver requested for this. Randall spoke to the fact that we are subdividing a parcel that is not to be subdivided per the easement.

Sheldon opened the hearing to the public. Nelson O'Brien spoke about the application. The original sale of the property to the Sandwich Community School was a warranty deed. There is also an easement deed for a property that was sold to Tamworth. Two lots that were under the easement were sold. The subdivision clause is in the easement deed. The easement can not be subdivided, but the property can. All the easement property needs to be held by the same owner. The Prills would now be the owners of the entire easement.

Sheldon asked if the boundaries proposed are exactly what are shown on the Conservation Easement, and Paul indicated that they are. Lianne confirmed what Nelson had to say about the legality. They have been working with CORD – a Governors Council that has oversight on easement properties. This plan represents the best solution for reunifying the easement so the easement remains whole. Attorneys have indicated that this is the solution that they want to

see. The Select Board and the Conservation Commission have signed off on this. Proof of this can be provided to the Board, Sheldon recommends that this be a condition of approval.

Hilton Perkins – lifting of the easement on that property is unacceptable. He has submitted highlighted portions of the easement documentation with a letter to the Planning Board. He would like the document upheld in 2023.

Cathy Bunker – abutter - concerned about being able to cross the property. The other parcels have been fenced off and are not accessible now.

Lianne says that there are no changes to the Conservation terms at this time. Fencing is OK under the easement. None of this subdivision is about changing easement terms.

Linda Cook – who failed the Perkins Easement by allowing it to be sold in part? Nelson stated that this was a misinterpretation of the easement document. Linda stated that somebody has failed the Perkins Family.

Pat Farley – a lot of effort has gone forward to fix the fact that something went wrong. It seems that this is a solution to a difficult situation. She is pleased that someone is trying to work it out.

Sheldon asked if there is anyone here that is uncomfortable with closing the hearing at this point as opposed to a continuation.

Linda Cook – asks if the Board should continue until they have the information from the Attorney General. Sheldon states that this could be a condition of approval.

Sheldon closed the public hearing at 6:52 pm.

Waivers requested:

VI.F.11.a, 12a and 12 b – topography soils wetlands –

VI.F.13.a – well radius 14.a-f – test pits, perc tests, 4K areas. –

VI.G.2.a – driveway permit, appendix B – road design – no N/A box on checklist

Frontage of less than 200' for Lot 39.1 – not important for conservation land

A motion to approve all waivers as presented was made by Andy, seconded by Ian. APPROVED

Approve the application with the following conditions : bounds to be set, plans revised to show bounds set, mylar, and documentation of easement approval from appropriate entities –

Andy asked if the Board should see and discuss the documentation before the plans are signed. Pat feels that we should trust that Andy and Sheldon reviewing it are fine. Randall would like to see.

Sheldon made a suggestion to continue the application pending receipt of the documentation requested, to be reviewed at the April meeting of the Planning Board.

Sheldon reopened the hearing and made a motion to continue this hearing at the April 26 Planning Board meeting, at 6:15 pm. Ian seconded. APPROVED

5). Old/New Business

- Cristin McGrath- Lot Merger, Map 216 Lots 194 & 195, Mason Drive – documentation is adequate. A motion to approve the merger was made by Andy, seconded by Randall.
APPROVED
- Subdivision Preliminary Conceptual Consultation- William Bochicchio, Map 211 Lot 18, 1785 White Mountain Highway – proposing back part of lot as a retirement lot for himself, and the front part on Route 16 as a commercial entity. Songbird is next door. There is a legal right of way that goes down the middle. Can right of way be used as frontage? Sheldon indicated that frontage is a requirement of lots. Will the right of way qualify as the required frontage in the town of Tamworth? It appears that it was considered as such when Songbird lot was put in. Will driveway/roadway like structure suffice as frontage?
Sheldon recommends that the applicant find any documentation that might make the right of way available as frontage. Check driveway permit from State, subdivision files at the Town Office. The Board indicates that they are agreeable to considering approving this application.
- Appointment of Pat Farley as an alternate to the Planning Board – Sheldon made a motion to accept her offer to be an alternate, Ian seconded. APPROVED
- Recommendation from the Planning Board to the Select Board for the commissioner and alternate positions to the Lakes Region Planning Commission. – Kelly did not resign. Wyatt will step down as an alternate. Hold this appointment of an alternate and a new commissioner until the next meeting.
- Question: Should committee meetings have a zoom option? By request only is the choice of this Board.
- Pat Farley's request for PB attendees at the March 27 LPRC Commissioner's meeting at Hobbs, 6 PM. – Pat needs a count of attendees – 3
- The Board was introduced to Mr. Hufford. Mr. Hufford told the Board about himself.

6). Action Items

- 7). Adjournment – Andy made a motion to adjourn at 7:37 pm, Randall seconded. The meeting was adjourned.

Respectfully submitted,
Melissa Donaldson
Planning Board Clerk