

**TOWN OF TUFTONBORO
PLANNING BOARD
January 17, 2019
MINUTES**

Members Present: Matt Young, Chairman, Bill Marcussen, Selectmen's Representative, Jack Parsons, Kate Nesbit, Members.

Members Absent: Tony Triolo, Vice-Chairman, John Cameron, Laureen Hadley, Members, Russ Steensma, Alternate.

Staff Present: Lee Ann Hendrickson, Administrative Secretary.

Chairman Young opened the meeting at 7:00 PM.

I. Public Comment

None.

**II. Consideration of Minutes
December 20, 2018**

It was moved by Tony Triolo and seconded by Kate Nesbit to approve the December 20, 2018 Tuftonboro Planning Board minutes as submitted. All members voted in favor. The motion passed.

III. Scheduled Appointments/Public Hearings

a. 2019 Zoning Amendment

Matt Young stated the Board is proposing two zoning amendments; Section 10.4.1 and Section 17.8.5.

Chairman Young opened the public hearing and reviewed the following amendment to Section 10.4.1.

Section 10.4.1

10.4.1 Limitations: Such occupancy of either tents or recreational vehicles on any lot requires one of the following conditions to be met:

A.Limit to one (1) recreational vehicle and two (2) tents at a time

B.Use permitted April 15th-October 30th

C.The lot has toilet facilities connected to an onsite operational subsurface septic waste system.

D.Temporary maintained toilet facilities are provided on the lot at all times there is occupancy in either a tent or recreational vehicle.

E. In case of an RV with a septic holding tank, proof of proper disposal of septic waste at a State licensed facility must be available on site at all times and presented to the Code Enforcement Officer upon request.

Joe Kowalski asked who would enforce such.

Matt Young replied the Codes Officer.

Joe Kowalski stated the Codes Officer doesn't work weekends and there is no one to enforce it.

Matt Young stated the Planning Board write zoning and that is what the Board is doing. He recommended speaking to the BOS regarding enforcement.

Fenton Varney questioned the intent of the amendment and confirmed the use is only from April 15th to October 30th. He stated the Board did not revise the first line therefore, only one of the conditions have to be met.

Jack Parsons recommended placing A. & B. prior to 10.4.1 and separating C., D. and E., as illustrated below.

10.4.1 Limitations: Such occupancy of either tents or recreational vehicles on any lot **is limited to one (1) recreational vehicle and two (2) tents at a time. Additional tents or RV's may be available by permit. The use is permitted from April 15th to October 30th.**

~~A. Limit to one (1) recreational vehicle and two (2) tents at a time. Additional tents or RV's may be available by permit.~~

~~B. Use permitted April 15th - October 30th.~~

In addition, one of the following conditions **must to** be met:

~~C. A.~~ The lot has toilet facilities connected to an onsite operational subsurface septic waste system.

~~D. B.~~ Temporary maintained toilet facilities are provided on the lot at all times there is occupancy in either a tent or recreational vehicle.

C. In case of an RV with a septic holding tank, proof of proper disposal of septic waste at a State licensed facility must be available on site at all times and presented to the Code Enforcement Officer upon request.

Steve Hunter asked the last time there was an issue with the ordinance.

Bill Marcussen replied 2017; noting such generated the changed.

Steve Hunter asked if there was an issue in 2018.

Jack Parsons replied no.

Steve Hunter stated he feels the Town is over regulating if there are no issues.

Fenton Varney asked where the line would be drawn with RV's and mobile homes.

Jack Parsons stated a manufactured house is different.

Fenton Varney asked what will happen when a recreational vehicle becomes a manufactured home.

Jack Parsons stated such is not allowed.

Fenton Varney asked if the unit is connected to septic, why isn't it allowed.

Jack Parsons stated it is not a permitted use of the district.

The Board agreed to continue the public hearing to 1/31/19 with the following changes;

10.4.1 Limitations: Such occupancy of either tents or recreational vehicles on any lot **is limited to one (1) recreational vehicle and two (2) tents at a time. Additional tents or RV's may be available by permit. The use is permitted from April 15th to October 30th.**

~~D. Limit to one (1) recreational vehicle and two (2) tents at a time. Additional tents or RV's may be available by permit.~~

~~E. Use permitted April 15th - October 30th.~~

In addition, one of the following conditions **must to** be met:

~~C. A.~~ The lot has toilet facilities connected to an onsite operational subsurface septic waste system.

~~D. B.~~ Temporary maintained toilet facilities are provided on the lot at all times there is occupancy in either a tent or recreational vehicle.

- F. In case of an RV with a septic holding tank, proof of proper disposal of septic waste at a State licensed facility must be available on site at all times and presented to the Code Enforcement Officer upon request.

It was moved by Kate Nesbit and seconded by Bill Marcussen to continue the public hearing for revisions to Section 10.4.1 to January 31, 2019. All members voted in favor. The motion passed.

Section 17.8.5

Matt Young reviewed the following proposed change submitted by the ZBA.

17.8.5 Lifetimes: If after a permit has been authorized by the Board, such permit is not lifted from the office of the Codes Enforcement Officer within a period of ~~six (6) months~~ **two (2) years** from the date of authorization, then such authorization shall be null and void ~~and no permit shall be issued thereunder~~ **unless further extended by local ordinance or by the Zoning Board of Adjustment for good cause.**

Mark Howard stated the intent is to synchronize the change to State law.

Steve Hunter verified a variance lasts two years.

Jack Parsons stated that if a business is not in use for one year it reverts to its original use.

Fenton Varney recommended revising the language.

Staff stated the proposed language mirrors RSA 674:33.

Chairman Young closed the public hearing for Section 17.8.5.

It was moved by Kate Nesbit and seconded by Bill Marcussen to move Section 17.8.5, as written, to Town Warrant. All members voted in favor. The motion passed.

b. Fenton Varney

**Pre-application Discussion; Site Plan Review for Excavation Operation
Tax Map #3-1-24**

Fenton Varney stated he has an existing gravel pit on New Road; noting the parcel consists of 26 acres however, the area of excavation is 1/3 of an acre (area of 80'x120'). He reviewed the plan with the Board.

Jack Parsons asked Mr. Varney if he has Google Earth.

Fenton Varney stated the plan is based on Google Earth.

Jack Parsons requested Google Earth photographs be submitted.

Matt Young noted a condition of approval would include walking the site and blazing and flagging the boundaries of the excavation area.

Jack Parsons stated a perc test in the vicinity of the pit to depict the seasonal high water table is required per RSA 155-E:3, V.

Fenton Varney questioned the process if he were to want to expand the operation.

Matt Young stated a Special Exception and Site Plan Review is required if the area beyond what is grubbed out is to be expanded.

Jack Parsons stated the only grandfathered area is what is currently grubbed out. Matt Young recommended Mr. Varney include the current operations/uses of the pit. He noted a condition of approval would include that the gravel pit operation is grandfathered under RSA 155-E.

Fenton Varney confirmed that if he wanted to expand the area of the operation he would need to go to the ZBA.

The Board requested the following to be included in the formal submittal for Site Plan Review;

- Google Earth photographic documentation
- Revise the plan to depict grubbed area and operations of the gravel pit

IV. **Action Items**

N/A

V. **Discussion Items**

a. **Planning Board Membership**

Kate Nesbit stated she spoke with Gary Qua; noting Mr. Qua is interested in being a member of the Board and asked to speak with the chair prior to requesting appointment to the Board.

Matt Young requested the BOS to reappoint Fenton Varney to the Board; noting he will not have time to be chair in the spring and there are very few people who have the knowledge that Mr. Varney does. He noted that when the Master Plan is done that Lee Ann Hendrickson would also be leaving and the Board should be looking for her replacement; noting he would reach out to Moultonborough, Ossipee and LRPC.

b. **2018 Annual Report**

Staff requested the Board to review such for submittal.

The Board accepted the report as written.

VI. **Informational Items**

2019 Planning Board Schedule

Staff distributed such to the Board.

The Board agreed to cancel the February 7, 2019 meeting.

VII. **Other Business**

Clark House Trust

Matt Young stated Attorney Murray reviewed the covenants for Clark House Trust and requested the Board to release the opinion.

It was moved by Kate Nesbit and seconded by Bill Marcussen to release Planning Board Counsel's opinion, via an email dated January 17, 2019. All members voted in favor. The motion passed.

Matt Young read the following email, dated 1/17/19; Dear Matt, I have reviewed the Declaration, Bylaws, Articles of Agreement, Schedule of Percentage of Undivided Interest and proposed Warranty Deed for the above-captioned condominium. I find them in order and hereby approve those documents. Should you have any questions, please let me know. Roger

Planning Board Counsel

Matt Young stated that Roger Murray stated he is not fully retiring however, recommended seeking an alternative attorney. He stated he and Jack Parsons were referred to Attorney Upton (land use and municipal law) and noted he would contact him.

Hunter Excavation Operation

Matt Young stated Steve Hunter, Jack Parsons and he walked the site and flagged and blazed the boundaries of the existing gravel operation. He stated a perc test is needed per the RSA and rods need to be driven into the ground for elevations.

Steve Hunter stated the perc test is not included as a condition of approval however, he would do it and, would like the Intent to Excavate to be issued.

Jack Parsons stated he realized the perc test was required by the RSA after the Site Plan Review application was approved. He read RSA 155-E:3, V.

The Board and Mr. Hunter discussed when and how to determine the seasonal high water table level is determined.

VIII. Public Comment

N/A

It was moved by Jack Parsons and seconded by Kate Nesbit to adjourn the January 17, 2019 Tuftonboro Planning Board meeting. All members voted in favor.

There being no further business before the Board, the meeting adjourned at 8:04 PM.

Respectfully Submitted,

Lee Ann Hendrickson

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