

**TOWN OF TUFTONBORO
PLANNING BOARD
May 16, 2019
MINUTES**

Members Present: Matt Young, Chairman, Tony Triolo, Vice-Chairman, Jack Parsons, Laureen Hadley, Kate Nesbit, Members, Gary Qua, Alternate.

Members Absent: Bill Marcussen, Selectmen's Representative, John Cameron, Member, Russ Steensma, Alternate.

Staff Present: Lee Ann Hendrickson, Administrative Secretary.

Chairman Young opened the meeting at 7:00 PM at the Town Offices, 240 Middle Road.

I. Public Comment

None.

II. Consideration of Minutes

May 2, 2019

Correction: Page 3, Planning Board Counsel, 4th paragraph; strike "DTC"

It was moved by Tony Triolo and seconded by Jack Parsons to approve the May 2, 2019 Tuftonboro Planning Board minutes as amended. All members voted in favor. The motion passed.

III. Scheduled Appointments/Public Hearings

Mary Beth Hertel

Tax Map #55-3-3

20-Lot Subdivision

Matt Young stated the application and public hearing was continued from 4/8/19 and noted the Board received a review from White Mountain Survey & Engineering. He confirmed the applicant received such.

Scott Lawler distributed and reviewed his response to the third party engineer's review. He reviewed the history of the application and previously approved subdivision. He noted four turnouts have been created ` emergency vehicles and a condition has been included to require the homes to be individually sprinkled; noting such has been endorsed by the Fire Department. He stated 95% of White Mountain Survey & Engineering Co. comments were either editorial or noting clarification however, notes one issue for discussion is relative to curbing. He stated White Mountain Survey & Engineering Co. recommends the use of concrete-ballasted granite curb rather than the proposed bituminous curb.

Matt Young questioned the total amount of curbing.

Scott Lawler replied 1500'; noting a \$30,000 cost difference between what the applicant is proposing and what White Mountain Survey & Engineering is recommending.

Jack Parsons confirmed the guardrail hangs over the curbing.

Matt Young questioned the requirement for site distance.

Scott Lawler replied 300'.

Matt Young asked how such is determined.

Scott Lawler stated he utilized a computer model to determine the clear zone and site distance.

Matt Young stated he recalls a change from 300' to 400'.
Jack Parsons stated the change was relative to State roads.

Scott Lawler noted the plans were revised to reflect White Mountain Survey Co.'s comments.

Matt Young asked the Board for their opinion relative to the curbing issue raised by Mr. Lawler.

Jack Parsons stated he prefers the proposed curbing by the applicant and feels that granite curbing will damage more easily from plowing.

Matt Young stated he has no objection to the proposed curbing. He questioned the location of the power line.

Scott Lawler noted such is approximately 4/5th of the way out and noted there is a 100' wide utility easement. He stated the applicant received a Letter of Agreement from Eversource for the roadway; noting each home would have to execute the Letter of Agreement.

Jack Parsons questioned the status of the snowmobile trail.

Mary Beth Hertel stated the trail would remain open.

Matt Young verified that the houses cannot be built under the power lines on those lots that the lines run through.

Gary Qua questioned the closest distance from the power line to a foundation.

Scott Lawler referenced Lot 16; noting the lot has two buildable areas.

Gary Qua questioned the proximity of the foundation for Lot 16 to the power line.

Scott Lawler stated it will be up to the owner and building inspector to place the house; noting that it would need to comply with all setback requirements.

Matt Young asked what is the recommended site distance to build a home from that amount of amperage/voltage.

Scott Lawler stated he does not know.

Gary Qua stated safe distance can be determined once the power of the line is determined.

Mary Beth Hertel stated she feels it is up to the buyer as to whether they want to purchase the lot.

Matt Young reviewed the subdivision checklist. He stated the applicant has requested a waiver from Section 4.4.5(F). He verified the Fire Department has signed off on the proposal.

It was moved by Kate Nesbit and seconded by Tony Triolo to grant a waiver for Section 4.4.5(F). All members voted in favor. The motion passed.

Jack Parsons confirmed there is a drainage easement.

Matt Young asked if the requirement of the homes to be sprinkled is included in the covenants.

Jack Parsons replied yes however, such should also be included in the deeds.

Chairman Young closed the public hearing.

Jack Parsons stated a Town driveway permit is required right now because the road is considered a driveway off of Federal Corner Road. He stated once the road is built and is a private road the individual owners do not have to get a driveway permit however, if it becomes a Town road then the owners will have to get a driveway permit.

Matt Young reviewed the following conditions of approval;

1. The applicant shall set the boundary monuments and submit a Certificate of Monumentation relative to such.
2. The applicant voluntarily agreed that each house will be constructed with a fire suppression system in lieu of a 30,000 gallon cistern. The deeds for each lot shall reflect such. Any deviation from said agreement shall require cistern for the subdivision.
3. The approval is subject to receipt of the following State permits and any conditions attached thereto;
 - a. Town of Tuftonboro Driveway Permit
 - b. NHDES Wetlands Permit
 - c. NHDES Site Specific/Alteration of Terrain Permit
 - d. NHDES Subdivision Approval
4. The applicant shall submit Homeowner Association Bylaws/Declaration of Covenants & Restrictions for review and approval by Planning Board Counsel.
5. The applicant shall submit a letter from an engineer, following road construction, certifying the road has been constructed to Town specifications.
6. The applicant shall enter into a Construction Observation Agreement with the Town's consulting engineer, cost to be borne by the applicant.
7. The applicant shall provide a cost estimate for site improvements.
8. The applicant shall submit a Mylar plan for recording at the Carroll County Registry of Deeds and payment of all recording fees.
9. The applicant shall post a Performance Guarantee for site improvements, including inspection of the stormwater management systems and rain gardens.
10. The applicant shall be responsible for the payment of all recording fees.
11. There shall be an on-site review and confirmation of site distance once grading has been completed.

Jack Parsons asked if the road construction will be phased.

Scott Lawler replied yes, prior to lot construction and noted the construction of the road would be phased.

It was moved by Tony Triolo and seconded by Kate Nesbit to approve the Mary Beth Hertel Subdivision application subject to the conditions of approval. All members voted in favor. The motion passed.

Michael and Lisa Carleton Trust

Tax Map #32-2-5

Site Plan Review; Excavation Operation

Matt Young noted the applicant received a Special Exception from the ZBA and verified a letter of authorization is on file.

Mike Carleton reviewed the excavation plan, contours and reclamation plan. He stated an Alteration of Terrain application was submitted to NH DES however, it has not yet been approved. He distributed a contract he has with Clean Harbors and an approved NHDOT permit.

Bryan Berling stated the pit is a grandfathered pit. He noted all runoff and stormwater will empty into the center of the pit and percolate and evaporate. He noted a 50' setback from the road and a 10' setback from agreeable abutters. He stated the site was reviewed by Peter Cooperdock; noting there are no wetlands within 50' of the site. He requested the following waivers from the Site Plan Review Regulations; Section 4.3.2.C (existing contour interval of 2'), Section 4.3.3.A (proposed contour interval of 2') and Section 4.3.3.D (parking and loading areas). He stated the applicant requests the 2' contour interval be waived to a 5'

contour interval to create a more legible, user friendly, site plan. He stated showing 2' contour intervals would increase the contour line density 2.5 times, creating a nearly un-readable plan and creating hardship upon the applicant. Referencing the latter waiver request, he stated the proposal is for a gravel pit re-opening/expansion with no fixed structures or building proposed. He stated the nature of a gravel pit is loading trucks at multiple and changing loading areas wherever the toe of the slope happens to be at that point in time. He stated demanding fixed, pre-determined parking and loading areas for such a fluid site and land use would produce no real value and would create a hardship on the applicant. He stated the site contains acres of level ground suitable for parking as needed and those areas will grow larger as the project progresses. He noted no formal drainage calculations or report is submitted as required by Section 4.3.3.F. because the stormwater drainage plan is for the site to contain all stormwater where it will be discharged from the site via passive discharge of percolation/transpiration/evaporation (as described in the Alteration of Terrain application narrative). Therefore, he stated the regulation is not applicable.

Matt Young verified there is no need to construct a berm.

Brian Berlind stated there is a small repair needed to the existing berm where it has been breached. He stated Mr. Carleton intends to fill the hole with material.

Matt Young verified the operation would include typical pit activities.

Mike Carleton stated there would not be any storage of landscape supplies.

Matt Young recommended the berm by the road be taken down to road level at the time of reclamation.

Jack Parsons questioned the slope on the Town's side of the property.

Brian Berlind replied 3:1.

Mike Carleton noted the area is vegetated.

Matt Young asked if the water level has been determined.

Mike Carleton stated the water table is the swamp in the back of the property.

Matt Young stated a test pit will have to be done to determine the water table. He asked if there is an existing gate at the entrance of the property.

Brian Berlind replied yes and located such on the plan.

Mike Carleton stated there is an official sign located at the entrance that outlines the rules of the pit (per OSHA).

Matt Young recommended the Board continue the application until receipt of the NHDES Alteration of Terrain permit. He noted the application is complete.

It was moved by Tony Triolo and seconded by Kate Nesbit to accept jurisdiction of the application. All members voted in favor. The motion passed.

Chairman Young opened the public hearing.

Jade Eldridge, 251 Mountain Road, questioned the hours of operation.

Matt Young replied Monday-Friday 7AM-5PM and Saturday 7AM-12PM, closed Sundays.

It was moved by Kate Nesbit and seconded by Tony Triolo to grant a waiver to Section 4.3.2.C and Section 4.3.3.A. All members voted in favor. The motion passed.

It was moved by Tony Triolo and seconded by Kate Nesbit to grant a waiver to Section 4.3.3.D. All members voted in favor. The motion passed.

It was moved by Tony Triolo and seconded by Kate Nesbit to continue the Michael and Lisa Carleton Trust Site Plan Review application and public hearing to June 6, 2019. All members voted in favor. The motion passed.

Meredith Pierce Revocable Trust

Tax Map #68-2-1

Boundary Line Adjustment (reversal); Pre-application Discussion

Matt Young noted that when there is a pre-application nonbinding discussion, plans cannot be reviewed otherwise abutters have to be notified.

Chip Albee stated he was a trustee of the Meredith Pierce Revocable Trust and has a deed that lists him as 50% owner. He stated he'd like to eliminate the boundary line adjustment that was previously approved with Ron Hooper and re-establish the original lot lines (giving back Mr. Hooper his two acres). He noted Mr. Hooper is in favor of the proposal. He stated preliminary approval was given for his subdivision.

Jack Parsons noted the conditions for that subdivision were not met.

Matt Young reviewed RSA 676:4-a. Revocation of Recorded Approval and distributed such to the Board and Mr. Albee.

Gary Qua asked if the boundary line adjustment was recorded.

Jack Parsons replied yes.

Gary Qua asked if the lots were conforming.

Jack Parsons replied yes.

Chip Albee asked if he would need Planning Board approval.

Matt Young recommended providing an attorney the RSA and request them to submit the necessary information.

IV. Action Items

Conservation Commission; Planning Board Recommendation - Conservation Easement for Tax Map #31-1-1, Tax Map #31-1-2, Tax Map #31-1-5 and Tax Map #17-1-2

Matt Young stated the Commission received two grants to purchase the easements and one of the conditions of the grants (for two of the four properties) included the requirement that a conservation easement be placed on the land. He stated he discussed the request at length with Steve Wingate and Bill Marcussen. He stated a conservation easement devalues a property (tax-wise); noting he expressed this concern with Steve Wingate. He stated he and Mr. Wingate came up with an agreement to implement Forest Management Plans for Town owned parcels. He noted the Town currently has no long term forestry plans for its parcels. He stated he and Mr. Wingate agreed the conservation easement would be approved as requested with the strongest recommendation to the BOS and Conservation Commission to develop Forest Management Plans to be managed by the Commission and that any proceeds from harvesting would be split 50% to the Conservation Commission and 50% to the taxpayers. He stated the properties should be managed and stewarded.

Kate Nesbit verified the agreement includes Forest Management Plans on all Town owned properties.

Matt Young stated foresters inventory property as part of a Forest Management Plan and recommend the type and frequency of harvesting (i.e.: rejuvenation, thinning, etc.). He stated harvesting is done to enhance the property.

Kate Nesbit asked if there is a cost associated with a Forest Management Plan.

Matt Young replied yes.

Tony Triolo asked how it is being funded.

Matt Young stated it is being privately funded.

Tony Triolo asked who is funding it.

Matt Young replied he is.

Kate Nesbit stated the parking lot to the Great Meadow is being constructed by Jeff Moody and entrance to the proposed trail will be located at the Town Garage property.

Matt Young stated the conservation easement was reviewed by Rick Sager who recommended minimal revisions. He noted the Town is reserving the right for forestry for water and utilities. He noted a title search has been done.

It was moved by Kate Nesbit and seconded by Lauren Hadley to recommend the Board of Selectmen grant the Conservation Commission's request to place a conservation easement on Tax Map #31-1-1, 31-1-2, 31-1-5 and 17-1-2. All members voted in favor. The motion passed.

It was moved by Tony Triolo and seconded by Kate Nesbit to recommend the Board of Selectmen, in the strongest terms, to enter into a long term Forest Management Plan for all timber properties owned by the Town of Tuftonboro and the proceeds from the timber harvests of those properties be split equally between the Conservation Commission and the Town's General Fund. All members voted in favor. The motion passed.

V. **Discussion Items**

Lakes Region Planning Commission – Master Plan Update

Staff stated she has not received any additional information, draft Land Use Chapter or correspondence from Susan Slack and/or LRPC. She stated she is reluctant to advertise a public hearing on such without the Board reviewing a draft of the chapter.

The Board discussed the issue and questioned LRPC's ability to complete the contractual agreement. The Board agreed to send a letter from the Chair to LRPC outlining the dates of the unanswered emails for the past year and inform them the Board will be considering moving to a different company.

Planning Board Counsel

Chip Albee recommended Jim Raymond from Upton and Hatfield.

Gary Qua distributed information on Upton and Hatfield and noted that he submitted ten questions to Mitchell Municipal Group and Upton and Hatfield. He reviewed the firm's answers to those questions with the Board.

Matt Young stated Tyler Philips (an engineer) recommended Upton and Hatfield.

Gary Qua stated that if the Board wants to further consider DTC, the same exercise should be done with them.

Matt Young stated Mitchell Municipal Group represents the Town of Wolfeboro and therefore, should be ruled out due to potential future legal issues with Wolfeboro. He requested further review of DTC.

VI. Informational Items

N/A

VII. Other Business

Town of Wolfeboro RIB Site Walk

Chip Albee stated the Town of Wolfeboro has scheduled a site walk at the RIB site for May 23, 2019.

Matt Young asked if anyone has asked the Town of Wolfeboro to post a surety.

Chip Albee stated the Town of Wolfeboro needs a variance from the ZBA and approval from the Planning Board. He stated the Town of Wolfeboro, both BOS and Dave Ford, didn't want to participate in water testing of Nineteen Mile Brook.

Matt Young verified with Mr. Albee that the Town of Wolfeboro is unwilling to post a surety.

Tony Triolo asked why the boundary line adjustment was approved.

Chip Albee stated the Planning Board approved a subdivision.

Jack Parsons stated the Board cannot deny a subdivision if it meets all of the criteria.

Matt Young recommended the BOS exhaust all reasonable means prior to a lawsuit.

Town of Ossipee Public Notice

Staff forwarded an abutter notice from the Town of Ossipee (received from Matt Young) as an example of such a notice.

VIII. Public Comment

None.

It was moved by Jack Parsons and seconded by Lauren Hadley to adjourn the May 16, 2019 Tuftonboro Planning Board meeting. All members voted in favor.

There being no further business before the Board, the meeting adjourned at 9:16 PM.

Respectfully Submitted,

Lee Ann Hendrickson

Lee Ann Hendrickson