

**TOWN OF TUFTONBORO
PLANNING BOARD
June 6, 2019
MINUTES**

Members Present: Matt Young, Chairman, Tony Triolo, Vice-Chairman, Bill Marcussen, Selectmen's Representative, Jack Parsons, Laureen Hadley, Members, Gary Qua, Alternate.

Members Absent: John Cameron, Kate Nesbit, Members, 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 16, 2019

Correction: Page 1, Members Present; move Bill Marcussen to Members Absent

It was moved by Jack Parsons and seconded by Gary Qua to approve the May 16, 2019 Tuftonboro Planning Board minutes as amended. All members voted in favor. The motion passed.

III. Scheduled Appointments/Public Hearings

Michael and Lisa Carleton Trust

Tax Map #32-2-5

Site Plan Review; Excavation Operation

Matt Young stated the applicant has requested a continuance to June 20, 2019

It was moved by Bill Marcussen and seconded by Laureen Hadley to continue the Michael and Lisa Carleton Trust Site Plan Review application and public hearing to June 20, 2019. All members voted in favor. The motion passed.

IV. Action Item

Planning Board Counsel

Gary Qua stated he provided a cover letter and ten questions to DTC (as he did with Mitchell Municipal Group and Upton & Hatfield). He distributed and reviewed the firm's information; noting there is a total of six attorneys who practice land use law. He stated the firm has offices in Meredith, Portsmouth and Exeter. He stated he noticed immediately when he met with a representative from the firm that they had taken the time to review the Town's website and the Planning Board minutes; noting it was the only firm that had questions for him. He stated DTC offers one class per year to its clients free of charge. He stated the firm would also take a meeting with the Board via a phone call at 6:30 pm, prior to any meeting, if needed.

Bill Marcussen stated the BOS has had a relationship with DTC on utility issues; noting the BOS has been impressed with their approach to matters.

Matt Young stated DTC appears to be the most thorough, has an existing relationship with the Town, offers classes free of charge, provides access to paralegal work and is less expensive than other firms.

Gary Qua noted DTC does not represent an abutting town.

Following further discussion, the Board agreed to contract with DTC Donahue, Tucker, Ciandella, PLLC for legal services.

It was moved by Tony Triolo and seconded by Lauren Hadley to contract DTC Donahue, Tucker, Ciandella, PLLC for legal services (Planning Board Counsel). All members voted in favor. The motion passed.

V. Discussion Items

RIB Site Walk Follow-up

Matt Young noted that Tony Triolo attended the walk.

Tony Triolo stated the attendees were shown how the operation works, explained the proposed and reviewed past issues. He expressed concern regarding several breakouts over the past several years.

Bill Marcussen stated the Town of Wolfeboro is doing design work to remediate the issues. He noted the original purpose of the RIB system was explained however, breakouts occurred because the discharge hit impervious material; noting the Town of Wolfeboro has a permit for groundwater, not surface water. He stated Wolfeboro has been working to find efficient ways to recapture the discharge and are conducting test pilots; noting the test pilot have worked. He noted there will be six underground channels.

Tony Triolo stated Dave Ford noted that the Town of Wolfeboro would come before the Planning Board voluntarily; noting the Town may not have to abide by the Board's decision.

Matt Young stated Wolfeboro may claim exemption.

Bill Marcussen stated there is some ambiguity in case law relative to one municipality complying with another municipality's regulations. He stated Wolfeboro will engage in the Town of Tuftonboro's process however, will do what it wants.

Matt Young stated the goal is to develop a system that works and it would be best if the Towns work together.

Tony Triolo stated there are 1,000 people on the Town's sewer system in Wolfeboro and noted that Linda Murray stated the system will not be expanded. He stated the system was originally designed for 625,000 gallons/day and currently the system is down to 325,000 gallons per day. He stated he feels the Town of Wolfeboro should go to the ZBA for a change of use prior to Planning Board review. He stated he understands Wolfeboro does not want to participate in the environmental study of Nineteen Mile Brook.

Matt Young noted the Town of Wolfeboro is required to perform testing by NHDES.

Bill Marcussen stated Wolfeboro is doing testing and noted the Town of Tuftonboro will be re-establishing a baseline and testing in different locations than the locations that Wolfeboro is testing.

Matt Young asked how the testing that Tuftonboro is different than the testing being done by Wolfeboro.

Bill Marcussen stated the sampling Wolfeboro is doing is at sites located in Wolfeboro and Tuftonboro is sampling from sites located downstream in Tuftonboro in order to compare the past ten years.

Jack Parsons stated it is hard to prove where contaminants come from.

Gary Qua asked if the 5.2 acres that Wolfeboro acquired suffices for what they plan to do.

Matt Young stated he received referrals for a third party engineer for a personal matter and noted that the referral he was provided is the same engineer that Wolfeboro uses. He stated it would be best to avoid a lawsuit and suggested that Mitch Locker, NHDES, could be invited to a meeting.

Bill Marcussen stated the intent is to remediate the breakouts on that five acres.

Matt Young noted surface water discharge is governed by the EPA. He stated he feels the Town of Wolfeboro is willing to work with the Town of Tuftonboro.

Tony Triolo stated that Dave Ford noted the system would not be expanded. He stated whether Wolfeboro is exempt needs to be determined.

Bill Marcussen stated Mr. Ford stated the Town of Wolfeboro would come before the Tuftonboro Planning Board.

Matt Young recommended forwarding the Site Plan Review application to DTC once it is submitted to determine whether Wolfeboro is exempt.

Bill Marcussen stated Mr. Ford stated he wants to draw down the lagoon to allow for the RIB to dry up so that the work can be done.

Educational Workshop on Municipal Wastewater Systems

Matt Young stated he requested Tyler Phillips, Horizons Engineering Inc., to speak at an educational workshop sponsored by the Board. He noted Mr. Phillips was a former (certified) wastewater operator and now designs wastewater systems. He stated the Board and other Town officials should have a working knowledge of such and strongly encouraged the attendance of the BOS and Conservation Commission at the workshop; noting such is scheduled for Tuesday, July 9, 2019 at 7 PM at the Town House.

Cow Island Easements

Matt Young stated the Town of Tuftonboro owns the center of Cow Island and currently grants easements to property owners to place septic systems on the Town's property. He stated he asked Gary Qua to research the value of the easement.

Gary Qua stated he spoke with Jack Parsons and in addition, reviewed several factors; size of existing easements and the highest and best use of the property. He stated that if a property can receive approval from the State for a septic system then the system should be on that owner's property and not the Town's property. He reviewed the formula used to determine the value of the easement.

Bill Marcussen stated that as long as the easement is included in the assessment, the Town can tax the property owner.

Matt Young stated that every time an easement is placed on the Town's property, the property value decreases.

Bill Marcussen stated that if the value of the property increases because of the septic easement then it should be reflected in the assessment of the property and taxed on the assessed value.

Matt Young asked if the Town is including the value of the septic easements in the property assessments.

Bill Marcussen stated such is a question for the assessor.

Matt Young stated the value of the easement needs to be determined.

Laureen Hadley asked if any of the property owners have a septic system without an easement.

Jack Parsons replied yes; noting there are approximately five properties that have a septic easement.

Steve Hunter questioned the number of lots on Cow Island.

Matt Young replied 300. He stated that when the Town approves a septic easement they are devaluing their own property.

Laureen Hadley asked who would determine the value of the easement.

Bill Marcussen stated a study will be done that will be followed up with a proposal from the Planning Board to the BOS. He noted it is in the best interest to have a working septic.

Jack Parsons stated only 2/3 of the properties are affected.

Gary Qua stated some of the properties cannot access the Town's property.

Matt Young asked why the Town keeps the property.

Bill Marcussen stated he did not know; noting there hasn't been any real focus put into getting rid of the property. He stated he doesn't know if there is a restriction on the deed.

Matt Young stated that if the Town is going to keep the property then the Town should use the property and develop it as a resource.

Jack Parsons noted there are two legal rights-of-way that access the property.

Bill Marcussen stated there is a plan and initiative to develop trails on the property.

Jack Parsons noted the property was surveyed two years ago.

Laureen Hadley questioned the acreage.

Jack Parsons replied 100 acres.

Bill Marcussen stated there is a group interested in trail building; noting the group is now focusing on trail building at the Great Meadow property.

The Board discussed a proposal for those property owners on Cow Island that currently have septic easements to get approval for a private septic system in the next three years or, those properties will then be assessed the fair market value of the easement.

VI. Informational Items
N/A

VII. Other Business
N/A

VIII. Public Comment
None.

It was moved by Tony Triolo and seconded by Laureen Hadley to adjourn the June 6, 2019 Tuftonboro Planning Board meeting. All members voted in favor.

There being no further business before the Board, the meeting adjourned at 7:51 PM.

Respectfully Submitted,
Lee Ann Hendrickson
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