

**TOWN OF TUFTONBORO
PLANNING BOARD
August 1, 2019
MINUTES**

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

Member Absent: John Cameron, Member.

Staff Present: Lee Ann Hendrickson, Administrative Secretary.

Other Present: Brendan O'Donnell, DTC, Planning Board Counsel.

Chairman Young opened the meeting at 7:00 PM at the Tuftonboro Elementary School.

I. Public Comment

None.

**II. Consideration of Minutes
July 18, 2019**

It was moved by Tony Triolo and seconded by Gary Qua to approve the July 18, 2019 Tuftonboro Planning Board minutes as submitted. All members voted in favor. The motion passed.

III. Scheduled Appointments/Public Hearings

**David Winchester, Donald Winchester and John Winchester and C&R NH Realty Trust, LLC
Tax Map #40-2-1
12-Lot Subdivision**

Matt Young stated the Board received an anonymous letter regarding the application and two additional signatures to the petition. He noted the public hearing had been continued at the 7/18/19 Planning Board meeting.

Cindy Pratt stated she appreciates everyone's concern for the island and accepts the request for a third party review of the application. She requested a continuance of the application to September 5th.

Randy Owen read the following email he received from Mark Taylor, NH Electric Co-Op; "I was informed this morning that the water crossing cable passed inspection from NHEC crews. This was both a visual and mechanical, meaning the crew "energized" the cable with no issues, the crew of course has left the cable "de-energized" due to the current conditions on the island."

Matt Young stated the Board wants to ensure who the responsible party is with regard to utilities and who is liable if there is an issue. Relative to the third party engineer request, he stated the amount of data presented to the Board was massive therefore, the Board will engage in a third party review with the cost to be borne by the applicant.

It was moved by Tony Triolo and seconded by Laureen Hadley to contract a third party engineering review of the application, cost to be borne by the applicant; noting the applicant has agreed to such. All members voted in favor. The motion passed.

Ron Albert, 19 Winnishores Road, asked if the third party engineer would review all data presented to the Board and determine if further studies are necessary. He asked if the third party engineer's review would address the issues raised.

Matt Young replied yes. He noted a NH Fish & Game biologist performed a site visit and confirmed there is no new eagle or loon nesting sites on the island.

Cindy Davis, 19 Haverhill Acres Road, expressed concern regarding power to twelve houses and questioned how the lots would access high speed internet and cable. She expressed concern regarding safety of boaters and swimmers and the proximity of the conduit to such. She stated there is a risk of the line being hit by a boat when the water is low. She questioned dredging and impact to the shoreline and water quality, the impact of twelve septic systems; noting the latter would devastate the island. She requested an environmental impact study.

Tommy Blanchard stated he is a camper at Camp Belknap and noted the island is a beautiful place and loves to go there. He stated there is a lot of wildlife; noting he saw an eagle, loon and hawk. He expressed concern for the safety of campers and sailors of Camp Belknap and impact to 19-Mile Bay. He stated there are a lot of white pines on the island and noted Camp Belknap has done a lot to conserve white pines.

Dennis Gauvin, 237 Governor Wentworth Highway, stated he is the President of the Pier19 Condominium Association and noted there are no boat slips available at Pier 19. He stated there are boat slips reserved for the NH Fish & Game Department and Fire Department for swing room onto the Town Docks. He stated all motions at the previous meeting need to be discarded because Tony Triolo's real estate firm represents the seller and such violates the State's conflict of interest laws and Matt Young because someone could rent something from him.

Barry Ennis, stated the applicant should be entitled to develop the property if all the regulations are met. He stated the development would create job opportunities and add additional taxpayer revenue to help pay for the services provided by the Town. He stated twelve more houses are not going to make a difference on the lake and noted that Camp Idlewood closed and 100 houses were built yet no one had an issue with that. He stated 6 new houses were just built between 19-Mile Bay and 20-Mile Bay and again there were no issues. He stated boat valet is available.

Craig Starble, 15 & 25 Winnishores Road, stated NH Electric Co-Op came on his property unannounced and requested prior notice if additional access is needed.

Suzanne Brunnell, Devine Millimet, stated she is legal counsel for Camp Belknap and stated that if all the regulations and laws are met the Planning Board has to approve it. She stated 12 houses on 13 acres is a lot for an island to sustain and recommended the Board contact their regional planning commission. She reviewed the criteria that triggers regional impact.

Matt Young noted RSA 36:55 addresses regional impact and stated the Board would seek legal opinion regarding such and make a determination whether the application qualifies as a regional impact.

Suzanne Brunnell recommended the Board consider the following; traffic study, electric/power, dredging, State permits, stormwater management, shoreland, septic, water supply, erosion control, drainage, fire protection, tree cutting, bonding, wetland buffers, flood zone, additional public services needed, scenic view and potential runoff into the lake. She stated there is no proposal for open space and noted per the Subdivision Regulations the Board has the authority to engage other parties that address the issues noted.

Seth Kassels read a letter from Lenore Clark, see attached.

Mr. Bailey asked if the third party engineer will take into consideration pest control and fertilizers.

Maureen Forbes, 1 Currier Lane, expressed concern for development on one acre lots and noted that septic, water quality is a huge issue.

Bruce Blumberg, 7 Chase Island, asked everyone to be thoughtful about the decision that get made; noting he understands the complicated issue the Board faces.

Paul Johnson, 19-Mile Bay, stated precedent has been set by the Town with approvals for Red Gate and Edgerly Estates. He stated an alternative is a smaller amount of homes.

Greg Lorr stated the prevailing wind blows toward the end of the Bay and if anything happens on Farm Island it will stay at the end of 19-Mile Bay. He stated his opinion is that anyone who has the money to buy \$250,000 of property and spend additional money for septic systems, house and a boat, doesn't want to live on an island.

Ron Albert stated the owner and buyers have rights however the Community has rights too. He stated the property was on the market a long time and not until there is a Purchase and Sales Agreement did the community awake. He stated there is a lot of business risk to invest in island property. He stated it was suggested at the last meeting the community would make the buyers whole; noting the property is the last undeveloped and unprotected island and is worth saving and putting into a conservation easement. He stated the community would raise the money.

Barry Ennis asked where were all the people for the last ten years; noting that everyone had the opportunity to buy it.

Joanne Brown questioned the next steps of the process.

Matt Young stated all zoning districts have a minimum acreage requirement; noting the minimum acreage for the Farm Island property is one acre. He stated NHDES also has requirements that include septic and well radius; noting the applicant has to work with topography, soils and shoreline to meet local and State requirements. He stated once the Board receives revised plans the Board will forward such to a third party engineer for review and comment.

Joanne Brown asked how a third party engineer would be chosen.

Matt Young stated the Board typically works with White Mountain Survey & Engineering and Norway Plains however, Norway Plains deferred review of the application therefore, the Board will choose another engineer.

Joanne Brown asked if the revised plans would be available to the public.

Matt Young replied yes.

Bob Bahr, 88 Chase Point Road, stated the road to get to the island is the lake therefore, a dock is needed. He stated the east side of the island is shallow and recommended the engineering plan include consideration of a dock.

Matt Young stated a dock permit is not required for subdivision approval.

Ellen Laase, 5 Bay Road, encouraged the Board to review the Master Plan.

Kermit Cross, Cow Island, asked if the Town has a way to determine impervious runoff.

Matt Young stated infiltration and drainage trenches are within the pervue of the Board to request information for a subdivision on land however, subdivision on an island is different.

Ron Albert reviewed the Board’s Mission Statement and asked how such is factored into the Board’s decision or, is it all facts and figures. He stated the community doesn’t want to see the development happen.

Matt Young stated the job of the Board is to look at the zoning and laws of the State of NH and ensure that they are applied and applied fairly.

Tommy Blanchard stated it is not just about the past or the present but, the preservation of the island for future generations.

Jacqueline Freese, 43 Rocky Point Road, stated that ten years ago Camp Belknap held a fundraiser and raised money to purchase one third of the property. She stated the intent was to preserve the land and expressed concern for the safety of the kids of Camp Belknap, lights, large houses and tree removal. She stated she’d like to keep the island the way it is now.

Barry Ennis stated he has been constructing homes on the lake for 25 years and noted that island property owners don’t care how much it costs to develop island properties.

Will Laase, stated he is voting member of Tuftonboro for twenty years and is the son of Ellen & Fran Laase, 5 Bay Road. He questioned whether the Board should approve the application and requested the Board to seriously consider environmental studies and review the past decisions of the Board that continue to impact the bay. He stated what is done now will impact the future.

Fran Laase, 5 Bay Road, expressed concern regarding further disruption of the shoreline with regard to power line access. He stated the Master Plan that was voted on included the wishes of the people and asked the Board to follow the desires of those people who passed the Master Plan and keep those desires intact.

Matt Young asked the applicants if they would be willing to waive the 65 day

Randy Owen stated he discussed such with the engineer and may need to reserve the right to waive such at the next meeting.

Matt Young stated the request could be submitted in writing.

It was moved by Tony Triolo and seconded by Kate Nesbit to continue the David Winchester, Donald Winchester and John Winchester and C&R NH Realty Trust, LLC application and public hearing to September 5, 2019. All members voted in favor. The motion passed.

Chairman Young stated the location of the September 5, 2019 meeting has yet to be determined.

IV. Action Items

N/A

V. Discussion Items

N/A

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 August 1, 2019 Tuftonboro Planning Board meeting. All members voted in favor.

There being no further business before the Board, the meeting adjourned at 8:35 PM.

Respectfully Submitted,
Lee Ann Hendrickson
Lee Ann Hendrickson

July 31, 2019

To The Town of Tuftonboro Planning Board:

Watersheds do not recognize municipal boundaries. Although I reside in Wolfeboro where I have served on the Conservation Commission for 14 years, I believe the proposed subdivision on Farm Island has the potential for regional impacts, and therefore feel the need to speak up. To be clear, I am not speaking for the Town of Wolfeboro, or even for the whole of the Commission, but no less importantly, as the concerned parent of a 12 year old boy who has been a camper at Camp Belknap every summer for the past 5 years. I have concerns about the increase in boat traffic that the proposed subdivision will cause, concerns about water quality should any of the septic systems fail as they age, and concerns for the local wildlife that will be affected by increased habitation of the island.

This is one of the last undeveloped islands of its size on the Big Lake. I don't argue that the Winchesters have a right to sell their property, but I do question whether it's really in the best interest of Tuftonboro residents, and everyone who loves and uses the lake, to allow this subdivision to proceed without conducting some sort of environmental assessment. Given what we know about the negative effects of increased impervious surfaces in a watershed (for example, rooftops and dug-in boathouses), and subsequent increase in stormwater runoff, how will building twelve 3000 square foot homes impact 19 Mile Bay? Perhaps it won't, but figuring that out ahead of time is a far better alternative than trying to fix something after-the-fact if it goes south. For almost a year now I've been serving with Wolfeboro and Tuftonboro residents alike on the Cyanobacteria Task Force, which was formed in answer to a bloom of *Gleotrichia* "blue-green algae" that occurred in Winter Harbor over Labor Day weekend last year. I have learned quite a lot about just how much scientists DON'T know about the cause of these blooms and what triggers them to become toxic. It is probable that developing the uplands, which increases nutrient runoff into downstream waterbodies, is a contributing factor. It is my hope that this potential subdivision at a minimum be reviewed by the regional planning board and ideally identify a way to protect our waters and allow for the resource to remain intact. Isn't that a better option?

Respectfully,
Lenore J. Clark