

**TOWN OF TUFTONBORO
PLANNING BOARD
January 16, 2020
MINUTES**

Members Present: Matt Young, Chairman, Bill Marcussen, Selectmen’s Representative, Kate Nesbit, Laureen Hadley, Gary Qua, Members, Carol Bush, Alternate.

Members Absent: Tony Triolo, Vice-Chairman, John Cameron, Member, George Maidof, Alternate.

Staff Present: Lee Ann Hendrickson, Administrative Secretary.

Chairman Young opened the meeting at 7:00 PM at the Town House, 247 Middle Road.
Chairman Young appointed Carol Bush, Alternate, to sit in for Tony Triolo, Member.

I. Public Comment

None.

II. Consideration of Minutes

January 2, 2020

Corrections: Page 3, add new 8th paragraph to read as follows; “Mahnaz Mahidashti stated yes, she would have a portable toilet at the dock.”
Page 4, third motion; add (A) to Section 4.3.2.

It was moved by Bill Marcussen and seconded by Laureen Hadley to approve the January 2, 2020 Tuftonboro Planning Board minutes as amended. All members voted in favor. The motion passed.

III. Scheduled Appointments/Public Hearings

Camp Belknap
Tax Map #40-2-2
Site Plan Review; Use of Tent Platforms & Overnight Parking

Carol Bush recused herself from voting on the application.

Matt Young stated the applicant received a Special Exception from the ZBA, Case #522, and referenced the Notice of Decision dated 1/8/20; noting there were no conditions of approval.

Jim Rines stated the property is located at 2 Farm Island in the Island Conservation District and consists of 7.5 acres and 1,435’ of water frontage. He noted overnight camping is a permitted use by Special Exception in said district; noting a Special Exception was received. He stated Camp Belknap purchased the property in 2010 and began using the property for overnight camping in 2012 without realizing the need for approvals or permits from the State or the Town. He stated the realization that the permits were required came to light during an application review of another proposed development on Farm Island. He stated an after-the-fact Shoreland Permit application was filed with NHDES for the tent platforms; noting approval was received for such in addition to two proposed privies and walkway paths. He distributed revised plans to reflect the location of the privies and the NHDES Shoreland approval. He stated Camp Belknap has agreed to implement a self-imposed 50’ wetlands buffer on the property. Relative to waste disposal, he stated the camp uses their property for remote overnight camping experiences for campers. He stated the campers spend one night on the island and it is a “leave no trace” experience for the campers; noting there is typically 10 campers with two counselors however, there is a capacity for up to 40 campers and six counselors up to four times per year. Referencing the “leave no trace” experience, he stated the counselors and campers handle human waste with the carry out system required by the US Park Service in canyon rafting, sometimes referred to as the “Groover” system. He noted waste disposal will take place in the proposed privies with the use of a five gallon bucket and toilet seat. He stated all trash is carried out and disposed of on the mainland. He stated

the Camp has five campfire rings and obtains approval from the Fire Department annually; noting beside each fire ring are five gallon buckets of water. He stated the applicant is requesting the following waiver from the Site Plan Regulations; Section 5.3 (which requires an engineered drainage plan to preclude adverse effect on adjacent properties). He noted the following findings relative to the waiver request;

- No detriment to public safety, health or welfare because the development impact is minimal with an impervious coverage of only 1.4% within 250' of the shoreline and, no stormwater runoff flows to abutting property owners.
- The proposed use is in keeping with the purpose of the Island Conservation District and waiving an engineered drainage plan will not vary the provision of the ordinance.
- The increase in runoff based upon the requested use is virtually immeasurable.
- Minimal lot development and geographic location (no downstream abutters).
- Minimal scale of the project.

Gary Qua confirmed there will be two tents.

Seth Kassels replied one tent.

Jim Rines stated three platforms are proposed; one platform to the west side of the property and the other two platforms adjacent to one another on the east side of the property.

Gary Qua asked how long Camp Belknap has been doing the activity.

Seth Kassels stated summer 2014 was when the first platform was placed on the site.

Matt Young confirmed seasonal use from July – August.

Seth Kassels replied primarily June – September with sporadic use at the end of May.

Matt Young questioned the number of days/week and number of campers during peak use.

Seth Kassels stated there are daily swims and hikes with overnight camping on Wednesday, Friday or Saturday nights, sometimes Thursday nights. He stated there are four nights/year with heavy use; noting overnight camping is weather dependent.

Matt Young stated that a 20' greenspace is required where nonresidential properties abut residential properties and to please reflect on the plan.

Jim Rines stated such could be added to the plan; noting the surveyor stamp isn't complete therefore the plans need to be updated regardless.

Referencing the fire pits, Matt Young stated the Fire Department has reviewed such and has no objection. He questioned the procedure in case of an emergency.

Seth Kassels stated there is an Emergency Action Plan and the counselors have radios that are monitored by the Director and medical staff 24/7. He stated the Emergency Action Plan is provided to the Fire and Police Departments annually.

Matt Young questioned the calculations for the number of privies and maximum number of campers on site.

Jim Rines reviewed such; noting it was determined that two privies would be sufficient.

Lauren Hadley confirmed each privy would have one five gallon bucket each.

Seth Kassels replied yes, with individual bags for the buckets.

Gary Qua asked if the Groover system has been being used.

Seth Kassels replied yes.

Gary Qua asked if chemicals have been used.

Seth Kassels stated the bags includes a premanufactured system of chemicals (natural enzymes). He stated the bags are administered by trained staff and the Director.

Matt Young confirmed the privy includes three walls and a door.

Gary Qua confirmed the chemicals are safe for the kids.

Don McWhirter stated the waste can go in the dumpster.

Matt Young verified NHDES has approved such for waste treatment.

Seth Kassels showed a photograph of the system from his cell phone.

Matt Young confirmed the existing canoe landing would be abandoned due to the proximity to the potential loon hatching site.

Seth Kassels stated he would install signage relative to the loon hatching site.

Matt Young asked Mr. Kassels if he would have any objection to placing wood chips and a small berm in the location of the abandoned landing.

Seth Kassels agreed to such.

Gary Qua asked when the campers go to bed and when campers start their day.

Seth Kassels stated Taps is played at 9 pm and noted staff may be at the campfire until after 10 pm and the campers start their day at 6:30 am.

Carol Bush asked if the campers have meals on the island.

Seth Kassels replied yes.

Matt Young stated that if the use is intensified in the future that such would trigger another site plan review. He asked if there would be an objection to limiting the number of campers and staff to a maximum of 45 people four times per year.

Seth Kassels stated he would struggle with being limited to four times per year and questioned the Board's concern.

Matt Young stated he is concerned for the infrastructure for additional capacity for the overnight camping; noting he has no objection to the daily use of the island. He stated a number should be agreed upon due to the limited infrastructure.

Seth Kassels asked if additional privies would be acceptable.

Matt Young stated the testimony provided at the ZBA hearing was 45 kids on an overnight 4-5 times per year. He stated if there is an intent to go beyond that number then safety and infrastructure should be reviewed. Seth Kassels stated the leaders decide when the kids will go out to the island and petition the Director 3-4 days in advance.

Lauren Hadley expressed concern for the potential island residential abutters.

Seth Kassels recommended one overnight per week with a maximum of 45 people.

Matt Young noted that Camp Belknap existing prior to zoning and stated that if the intensification of the proposed use is going to change then such would require further review. He recommended a maximum of 25 for other visits to the island.

Carol Bush asked if 45 people would fit on three platforms.

Seth Kassels replied no, the staff sleep on sleeping pads.

Carol Bush verified that all campers (kids) sleep on the platforms.

Kate Nesbit questioned the size of the privies.

Jim Rines replied 4'x4'.

Kate Nesbit asked if it is possible to make the area larger in case additional privies are wanted.

Jim Rines stated the permit allows for two 4'x4' privies therefore, an amended permit would be required for anything larger.

Seth Kassels stated on average the campers and staff are on the island for 18 hours; ten of which they are sleeping.

Carol Bush questioned the past practice for waste management.

Seth Kassels replied the same system (Groover) without the privies.

Matt Young stated loon hatching occurs early July and recommended a procedure for addressing such.

Seth Kassels stated the area has been blocked off in the past and he coordinates such with the Loon Preservation Society annually and follows their recommendations.

Gary Qua asked if a seasonal fire permit is received from the Fire Department.

Seth Kassels stated he applies for the permit annually.

Gary Qua asked if there are any restrictions.

Seth Kassels replied no. He noted the Fire Department spot inspects the property.

Gary Qua questioned the location of the new canoe landing.

Seth Kassels replied the west side of the property.

Matt Young requested wood chips be placed in the area of the former canoe landing.

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

Chairman Young opened the public hearing.

Matt Young read the following email from Kathryn Aitken to Don McWhirter, dated 1/8/20; "To Donnie and Stephanie, as you and I have discussed, there are many variables when assessing the valuation of one's property. In discussing your plans for 10 North Chase Point I felt I would be amiss if we didn't address salability. As you are well aware, Camp Belknap houses around 300 campers a week which with the attendant noise will significantly affect the valuation of your property. Last summer when I dropped off paperwork on the sale of your Moultonborough property, I was stopped in bumper to bumper traffic on Chase Point as campers were waiting to check-in. The view from your property was lovely, but the multitudes of watercraft in the lake out front from the camp was a major deterrent for one's "quiet enjoyment". Most waterfront buyers willing to spend a sizeable sum of money for a home will not be willing to purchase next to a large, summer camp. This will further decrease the salability significantly of any home you build, thus affecting the value. It is my understanding that the camp's board is seeking to expand over to Farm Island with overnight camping. Will there be an increase in the number of campers per week? If so, would there be a limit to any future increases on the Farm Island land with additional tents? What about the Shoreland Protection Act in reference to waste/septic disposal? Currently, your property at 10 Chase Point is assessed at \$855,000 by the Town of Tuftonboro, NH. This includes an old, seasonal cottage which you have subsequently removed from the .75 acre parcel. In my opinion there would be a downward 10-15% difference in the town assessment and an arms-length sales transaction due to the impacts of Camp Belknap abutting you."

Don McWhirter, 10 North Chase Point Road, stated he has no objection to the camping and feels the Board was correct to focus on the existing infrastructure. He stated he spoke to the Commissioner of the NHDES Subsurface Bureau who confirmed there are no requirements regarding the use of the privies and distributed the email from said commissioner. He stated such is a gray area. He stated he has installed two privies; noting the potential for pollution in the lake. He stated that two seats for 45-50 kids doesn't seem adequate and feels such should be reviewed more carefully before approval. He stated it is not a septic or construction approval. He noted there are two types of privies – one that goes into the ground (an outhouse) and requires NHDES approval. He stated the proposal is not an approved effluent disposal system; noting the kids camp on the beach next to his property and there are no facilities. He stated the kids go to the bathroom in the woods between his and the Camp's property; noting he has found underwear on his property. He stated he wants to see better infrastructure to adequately protect the lake from pollution. He noted the down gradient abutter is the lake and the infrastructure needs more study. Referencing Statute 435, he noted such governs camps and feels an independent person should look at the issue.

Randy Owen stated he is speaking on behalf of his family on Cow Island and noted he is very angry because Camp Belknap spent \$100,000 of his money. He stated at the ZBA hearing he heard 40 kids for four nights would be camping overnight on the island and now that has changed this evening; noting their testimony is inconsistent. He stated the land wreaks of urine and Seth Kassels joked about it at the ZBA hearing. He stated Mr. Kassels hasn't answered the daytime population at the island. He stated in the words of the Planning Board "have to hold standards," his application took five meetings to approve and the Planning Board talked about septic systems, loons and the environment. He stated the Camp has been breaking the law and is killing the value of the land and wants them to be held to the same standard that he was held to. He stated all the studies that were triggered by the Camp during his application exposed the Camp's violations. He noted that Mr. Young stated several times that a person or developer cannot be held to a different standard; noting that what was discussed tonight is a completely different standard. He stated he wants to get an appraisal on his property as does Don McWhirter. He stated the standards that were held for him should be held for Camp Belknap.

Matt Young confirmed Mr. Owen is requesting additional time to conduct an appraisal.

Randy Owen replied yes.

Matt Young stated a criteria that is reviewed by the ZBA is no depreciation of property value; noting it is not the burden of the Planning Board to prove such. He noted that Mr. Owen is within the period of appeal of the ZBA decision and can appeal the decision based on that criteria.

Randy Owen stated Camp Belknap is a huge detriment to the value of his property.

Jacqueline Freese, 43 Rocky Point Road, stated the facts are being misconstrued and feels the proposed waste disposal is sufficient.

Jim Rines stated the reasons there were issues with the septic relative to the Farm Island subdivision proposal was because homes have running water and when such is introduced there is more of a potential for pollution. He stated a privy is only allowed when there is no running water. He stated Camp Belknap recently invested in a \$2 million sewage treatment plant; noting the Camp is not turning a blind eye.

Seth Kassels stated kids are sent over to the island during the day for an activity period which is one hour and ten minutes however, sometimes they stay for a double activity period which would then be two hours and twenty minutes.

Matt Young questioned the number of people on the island during its heaviest use.

Seth Kassels replied 46 and 10-20 for a nature activity period.

Matt Young confirmed the maximum number of people during the day would be 25 with a maximum of two hours and thirty minutes.

Seth Kassels stated he feels the 50+ abutters appreciates the Camp; noting the Camp communicates with the abutters the activities of the Camp.

Matt Young confirmed there is no proposed impervious surface and no impact of construction for septic. He stated the issues are the disposal of waste and whether the proposed waste disposal is adequate and acceptable in addition to the level of use with regard to capacity that is reasonable to the Camp and neighbors. He stated he doesn't feel pollution is an issue if the waste is in a bag and the bag is properly disposed of.

Gary Qua stated according to data Camp Belknap's population hasn't increased for a number of years.

Seth Kassels agreed.

Bill Marcussen confirmed the Camp has been using this method of waste disposal for a period of time. He noted that compliance is what makes the system work and asked if it was out in the open in the past.

Seth Kassels replied not fully. He stated there was a sign stating "privacy rock".

Bill Marcussen confirmed there is no proposed screening of the privy; noting compliance is dependent upon education and supervision of the kids.

Seth Kassels agreed with Mr. Marcussen.

Randy Owen asked why the property reeks of urine.

Seth Kassels stated he doesn't smell it and is confused as to why Mr. Owen is on the site. He stated the Camp will do its best; noting that they are not a perfect entity because they are dealing with kids. He stated they would direct as best they could.

Jim Rines reminded the Board that the use is not an intense use and is only for a few weeks of the year.

Bill Marcussen noted the most intensive use of the property is during the time of year when the abutters are present.

Lauren Hadley stated it is not for a few weeks rather, eight weeks.

Seth Kassels stated nine weeks.

Matt Young stated that if done right, the waste is not staying there. He stated the question is whether it will be done consistently in compliance; noting he is confident Camp Belknap will comply.

Randy Owen stated there are 46 people camping on the property. He stated the Fish & Game official walked the property 6-8 weeks after the camp closed for the season and the property reeked of urine. He noted there are manifests to track waste.

Matt Young stated the Board needs to discuss capacity of the island.

Bill Marcussen questioned such.

Jim Rines replied ten campers and two counselors however, there is a capacity for up to 40 campers and six counselors up to four times per year.

Seth Kassels stated the activity time is not during the same time when the 45 campers are on the island.

Matt Young stated the capacity equals the number of people on the island at one time.

Don McWhirter confirmed the maximum use would be 40 campers and six counselors at one given time.

Seth Kassels stated there could be 25 people on 8 acres at one time.

Jim Rines added that such is exclusive of the 46 overnight campers therefore, the maximum capacity has to be 46.

Matt Young stated the use (number of day time campers and night time campers) differ. He questioned the daytime capacity.

Seth Kassels requested that 30 be permitted because they have 15 canoes.

Matt Young stated the applicant presented to the ZBA there would be 25 people during the day and 46 people overnight four times per year.

Kate Nesbit asked if Mr. Kassels request would be an expansion of the ZBA approval.

Matt Young stated it would be an expansion of the presentation to the ZBA.

Kate Nesbit asked if it is acceptable if the Planning Board changes such.

Matt Young replied yes because the ZBA did not make such a condition of approval.

Jim Rines stated requested language be used that is consistent with the ZBA discussion.

Matt Young stated the ZBA decision didn't provide any language.

Jim Rines stated the ZBA discussion is part of the record and noted the application states "typically".

Matt Young stated "typically" provides wiggle room.

Jim Rines stated it provides flexibility; noting the use has been going on for 6-7 years.

Randy Owen stated the use has been going on illegally.

Jim Rines stated there is no apparent issue however, now it is being scrutinized because people are more aware of it.

Don McWhirter questioned enforcement.

Bill Marcussen stated Jim Rines and Seth Kassels both spoke to usage however, the Board is trying to establish some parameters so that once the application is approved there won't be 100 kids every night of the week on the island. He stated the level of current usage is what is continued to be expected.

Laureen Hadley asked if the Board could make a decision if there is currently an appeal occurring.

Matt Young stated he doesn't feel an appeal should restrict the Board to a decision; noting the Board can't stop zoning.

Gary Qua stated the use is permitted by the ZBA.

Randy Owen stated the boundaries are constantly being violated.

Matt Young stated such is a civil matter and outside the jurisdiction of the Board.

The Board further discussed capacity.

Matt Young asked the Board's opinion on the Groover system.

Gary Qua stated there is not a lot of impact with such a system to the island and no waste pollution left on the island. He stated the privy system will make it more personalized. He questioned whether two privies are enough for forty kids; noting there is a measurement for waste.

Bill Marcussen asked if there would be food waste.

Seth Kassels replied yes and noted such would be packed up and taken off the island. He stated the Camp is stringent with the "leave no trace" principle.

Matt Young asked if location and acreage was discussed when the applicant spoke with NHDES about the system.

Jim Rines replied that NHDES stated it is acceptable to place the waste in dumpsters and a permit is not required.

Don McWhirter stated the State actually does not have jurisdiction and the issue is addressed in 485:A.

Jim Rines agreed with Mr. McWhirter; noting the State has no authority for approval and defers to the local health officer.

Matt Young asked if the applicant has spoken to Jack Parsons, Codes Officer.

Jim Rines replied no.

Seth Kassels stated the overarching goal is to create minimal impact.

Don McWhirter asked how the number of gallons per day were calculated on the mainland.

Seth Kassels stated the maximum capacity of the entire system and occupancy; noting Underwood Engineers were hired to determine such. He stated there are 290 boys and 100 staff however, the system was designed for maximum flow.

Bill Marcussen stated he has no objection as long as the system is used properly and prevents waste from being left on the island; noting education and supervision will ensure compliance.

Laureen Hadley asked who changes the bags.

Seth Kassels stated staff oversees the activity.

Carol Bush verified that every time a kids goes to the bathroom a staff member cleans it.

Randy Owen questioned the age of the counselors.

Seth Kassels replied ages 17-25.

Matt Young stated if the applicant goes beyond capacity then such will need to be addressed. He stated the Codes Officer will have to sign off as well and feels that the Codes Officer should go out to the site annually for a couple of years to inspect and ensure compliance.

The Board agreed with Mr. Young.

It was moved by Gary Qua and seconded by Kate Nesbit to close the public hearing. All members voted in favor. The motion passed.

Matt Young stated the applicant has requested the following waiver; Section 5.3 of the Site Plan Review Regulations.

It was moved by Gary Qua and seconded by Kate Nesbit to grant a waiver for Section 5.3. All members voted in favor. The motion passed.

Matt Young reviewed the following conditions of approval;

1. Hours of use/activity on Farm Island shall be 6 am – 10 pm.
2. Twenty-five people permitted overnight on Farm Island.
3. Thirty people permitted during the day on Farm Island with common sense to be applied to the transition period.
4. Forty-six people permitted on Farm Island one overnight per week.
5. The applicant shall post signage on Farm Island relative to the waste disposal system and rules related to such.
6. The applicant shall provide confirmation from NHDES that the proposed Groover system is acceptable as a waste disposal system.
7. The Codes Officer shall sign off on the Groover system and inspect said system annually for a period of three years.
8. The applicant shall place wood chips on all exposed soils except those around the fire pits.
9. The applicant shall provide a structural drawing of the privies.
10. The applicant shall submit a copy of the Emergency Action Plan.
11. This approval is subject to all Federal, State and local permits and any conditions attached thereto including ZBA approval.

Matt Young noted that anything over capacity will require additional review of the infrastructure.

It was moved by Kate Nesbit and seconded by Gary Qua to approve the YMCA Camp Belknap Site Plan Review application, Tax Map 40-2-2, subject to the recommended conditions of approval. All members voted in favor. The motion passed.

IV. Action Item

N/A

V. Discussion Items

Potential Lot Merger for Tax Map #44-1-53 and #45-1-14 (LFT Property Holdings, LLC/Albee)

Jim Rines reviewed the subdivision plan and oriented the Board to the location of the lots. She stated Alana Albee is willing to merge her lot with the two lots she would like to purchase from the subdivision and therefore, recommends a boundary line adjustment. He stated the boundary markers were never set for the approved subdivision. With regard to the question of density, he stated in 1989 test pits were dug on each lot of the subdivision and it was determined that each lot could stand on their own by NHDES standards. Therefore, the removal of the two lots from the subdivision wouldn't impact the density negatively. He noted the lots have been taxed as individual lots since 1989. He stated the lots could be conveyed and a voluntary lot merger be done on the three lots. He noted there are no easements.

Matt Young stated the subdivision was approved by the Planning Board in 1990 and in this case the lots were recorded without bonding and the infrastructure was never completed.

Jim Rines stated the applicant had received wetlands and Alteration of Terrain permits and had built the roads which were inspected by HE Bergeron. He stated the roads only needed crushed gravel and pavement however, such was never completed.

Matt Young questioned the green space requirement per the subdivision approval.

Jim Rines stated such relates to building setback for cluster development. He stated he reviewed the covenant and restrictions which speak to the six areas of common space; noting such were not recorded.

Matt Young expressed concern regarding precedent that would be set however, noted there is no need for concern regarding road frontage if the lots are being merged. He recommended review by Counsel to ensure the Board is not creating any additional issues.

The Board agreed to request review by Planning Board Counsel.

Zoning Amendment; Section 3.6.F.13

Gary Qua distributed an opinion from Planning Board Counsel, Justin Pasay, regarding such and requested the Board review such at a future meeting. He recommended including Mark Howard in the discussion.

VI. Informational Items

N/A

VII. Other Business

N/A

VIII. Public Comment

None.

It was moved by Kate Nesbit and seconded by Laureen Hadley to adjourn the January 16, 2020 Tuftonboro Planning Board meeting. All members voted in favor. The motion passed.

There being no further business before the Board, the meeting adjourned at 9:30 PM.

Respectfully Submitted,

Lee Ann Hendrickson

Lee Ann Hendrickson