

**TOWN OF TUFTONBORO
PLANNING BOARD
December 15, 2016
MINUTES**

Members Present: Chris Sawyer, Chairman, Bill Marcussen, Selectmen's Representative, John Lapolla, Tony Triolo, Fenton Varney, Members.

Members Absent: Jack Parsons, Vice-Chairman, John Cameron, Matt Young, Members.

Staff Present: Lee Ann Keathley, Administrative Secretary.

Chairman Sawyer opened the meeting at 7:05 PM.

**I. Consideration of Minutes
December 1, 2016**

It was moved by Tony Triolo and seconded by Fenton Varney to approve the December 1, 2016 Tuftonboro Planning Board minutes as submitted. Chris Sawyer, Fenton Varney, Tony Triolo voted in favor. Bill Marcussen, John Lapolla abstained. The motion passed.

II. Discussion Items

a. 2017 Zoning Changes Public Hearing

Chairman Sawyer opened the public hearing.

Chris Sawyer reviewed the following proposed change to Section 1.1 DEFINITIONS of the Tuftonboro Zoning Ordinance;

Add **Residence: The place in which a person lives or resides; dwelling place; a structure serving as a dwelling or home.** (definition of Residence to become Section 1.1.43 and all following numbering to change accordingly).

Chris Sawyer reviewed the following proposed change to Section 10.4 of the Tuftonboro Zoning Ordinance;

~~Residential tenting and recreational vehicles will be allowed provided that the following requirements are met.~~ **In order to protect the health, safety, and general welfare of the community, occupancy of residential tents and recreational vehicles will be allowed provided that the following requirements are met. The Code Enforcement Officer is designated as the authority for enforcement of this ordinance.**

10.4.1 Limitations: ~~Such occupancy of either tents or recreational vehicles at any residence shall not exceed a total of four contiguous weeks per year. No more than one such unit may be occupied in connection with any residence.~~ **Such occupancy of either tents or recreational vehicles on any lot requires one of the following conditions to be met:**

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

10.4.2 Location: ~~Any tent or recreational vehicle temporarily placed upon a residential Lot shall be located as inconspicuously as possible so as to minimize to the greatest degree possible the unit's visibility from public roads or neighboring lands. Children's tents, used by the minor children of the occupants of the residence, are exempt from this paragraph.~~ **Any tent or recreational vehicle temporarily located upon a lot shall be located as inconspicuously as possible so as to minimize to the greatest extent possible the unit's visibility from public roads or neighboring lands. Children's tents, used by the minor children of the occupants of a residence, are exempt from this paragraph.**

Chris Sawyer reviewed the following proposed change to Sections 5.4.2 and 5.4.3 of the Tuftonboro Zoning Ordinance;

5.4.2 Any Conversion of an existing Building or Structure shall require a permit from the Codes Enforcement officer. Before a Building permit may be issued, one of the following conditions must be met:

~~A. The application shall supply a certificate of inspection from a qualified professional (e.g., Registered Civil or Sanitary Engineer or licensed Septic System Designer) certifying that the existing septic system is adequate for the proposed use, or~~

~~B.~~ **A.** The applicant must demonstrate that site conditions and land area are suitable and adequate for the installation of a septic system approved by Water Supply and Pollution Control Division (WSPCD) **for the proposed use in accordance with Env-Wq 1004.18.**

5.4.3 No building permit for Expansion of an existing Structure or construction of an accessory building on a lot one acre in size or less shall be granted without proof that the lot can accommodate a sewage disposal system built to current standards of NH Dept. of Environmental Services Water Supply & Pollution Control Division **for the proposed use in accordance with Env-Wq 1004.18.**

Chris Sawyer reviewed the following proposed change to Section 7.8.3 of the Tuftonboro Zoning Ordinance;

17.8.3 Variances: The Board of Adjustment shall hear and decide requests to vary the terms of this Ordinance. At the hearing on the application, the applicant shall present testimony and other evidence to establish that all five conditions for a Variance have been met. The decision of the Board shall be based on the evidence presented at the hearing, not on allegations contained in the application. Abutters and residents shall be entitled to present testimony and other evidence to establish that the applicant either has or has not met all five of the listed conditions below.

~~A. No Variance shall be granted unless all of the following conditions are met:~~

- ~~1. A hardship must exist which is inherent in the land in question and which is not shared in common with other parcels of land in the District.~~
- ~~2. The spirit and intent of the Ordinance will not be broken by granting the Variance.~~
- ~~3. The granting of the Variance will not adversely affect other property in the District.~~
- ~~4. Not to grant the Variance would result in injustice.~~
- ~~5. Granting the Variance would not be contrary to the public interest.~~

A. No Variance shall be granted unless all of the following conditions are met:

- 1. Granting the Variance would not be contrary to the public interest.**
- 2. If the Variance were granted, the spirit of the Ordinance would be observed.**
- 3. Granting the Variance would do substantial justice.**
- 4. If the Variance were granted, the values of the surrounding properties would not be diminished.**

5. Unnecessary Hardship

A. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship.

1. There is not a fair and substantial relationship between the general public purpose of the ordinance provision and the specific application of that provision to the property.

2. The proposed use is a reasonable one.

B. If the criteria in subparagraph A has not been established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a Variance is therefore necessary to enable a reasonable use of it.

Chris Sawyer reviewed the following proposed change to Section 7.8.3 of the Tuftonboro Zoning Ordinance;

Any person, firm or corporation violating any of the provisions of this Ordinance shall for each violation, upon conviction thereof, ~~pay a fine of not more than One Hundred (\$100.00) dollars~~ **pay a designated fine as stipulated in RSA 676:17 for each day such violation shall exist.**

There being no questions or comments, Chairman Sawyer closed the public hearing for Sections 1.1, 10.4, 5.4.2, 5.4.3, 17.8.3 and 7.8.3.

It was moved by John Lapolla and seconded by Fenton Varney to move Sections 1.1, 10.4, 5.4.2, 5.4.3, 17.8.3 and 7.8.3 of the Tuftonboro Zoning Ordinance to Town Warrant. All members voted in favor. The motion passed.

Referencing Section XI Local Regulation of Excavation, Chris Sawyer stated Town Counsel provided recommendations to incorporate into the zoning changes relative to such. She requested the Board review said recommendations (per Town Counsel's letter, dated 12/15/16) for discussion at the Board's work session on 1/5/17. She reviewed the proposed changes to Section XI; noting the public hearing would be continued to 1/19/17.

Chairman Sawyer opened the public hearing.

It was moved by John Lapolla and seconded by Fenton Varney to continue the public hearing on proposed changes to Section XI of the Tuftonboro Zoning Ordinance to January 19, 2017. All members voted in favor. The motion passed.

III. Informational Items
None.

IV. Public Comment

Steve Hunter asked when the Board would change zoning from MDR to commercial. He stated he purchased a property in the MDR District however, since the purchase the following projects have been approved by the Town within the District; Fire Department, multipurpose hen coop, apartment with heavy equipment and contractors yard. He stated that things evolve and change therefore, the Town needs to change.

Chris Sawyer stated the Master Plan survey results show that people want businesses in the Town; noting that when the Board holds its public hearings for the Master Plan, they are open to change.

Tony Triolo stated the Board believes in sustainable growth.

Fenton Varney stated the areas that commercial use is permitted needs to be defined.

V. Other Business

Member Appointments

The Board agreed to seek additional members and/or alternates to the Planning Board.

It was moved by John Lapolla and seconded by Fenton Varney to adjourn the December 15, 2016 Tuftonboro Planning Board meeting. All members voted in favor.

There being no further business before the Board, the meeting adjourned at 7:59 PM.

Respectfully Submitted,

Lee Ann Keathley

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