

TOWN OF TUFTONBORO PLANNING BOARD

January 19, 2023

7:00 PM

Town Hall, 240 Middle Road

MINUTES

Members Present: Gary Qua, Chair; Carol Bush, Vice Chair; Kate Nesbit, Member; Tony Triolo, Member; George Maidhof, Member; Bob Murray, Selectmen's Representative

Members Absent: Laureen Hadley, Member; Matt Young, Alt. Member

Staff: Susan Burnside

Members of the Public: David Ladd for D& I.L. Realty Boundary Line Adjustment; Tony Mirando, Farm Pond, Tuftonboro; Sean MacDonald, Lake View Developments, LLC. for Ridge Field Corner Boundary Line Adjustment; Kent and Jill Cromwell, Abutters to Chill Time Designs; Linda and Gil MacDonald, Abutters to Chill Time Designs; James and Janet Chambers, Abutters to Chill Time Designs; Gerry Holmberg, Preliminary Consult for Subdivision on Sandy Knoll Road; Randy Tetreault, Norway Plains Associates, surveyor for Chill Time Designs and Preliminary Consult

7:01 PM Call to order

- I. **Public Comment** - Gary introduced Planning Board members, described the meeting process and asked the public if they had any questions. There were no questions from the public.

II. Approval of Minutes –December 15, 2022 Planning Board Meeting

The draft minutes from the December 15, 2022 Planning Board Meeting were reviewed.

Tony motioned to accept the minutes as written and Kate seconded. All were in favor and the motion passed.

III. Public Hearings

a. D. & I.L. Realty Boundary Line Adjustment

David Ladd, the owner of the lots under review presented the application for the Boundary Line Adjustment. The adjustment moves the common lot line between two existing lots of record so that one of the buildings falls wholly within the boundary line and complies with the sideline setbacks.

Presently the lots are being incorrectly taxed as one parcel of land. Tax Map 14-3-11, but they are 2 separate lots of record being conveyed at separate times and conveyances. The northerly parcel was originally conveyed to Harold and Blanche Wiggins on October 2, 1945, at CCRD Bk 239, Pg 300. The southerly parcel was conveyed to Donald and Dorothy Thomas on October 11, 1963, at CCRD Bk 374, Pg 24. These parcels have never been merged by any of the owners.

On November 1, 2022, the owners were granted a variance by the Tuftonboro Zoning Board of Adjustment to adjust the common boundary line as depicted on the submitted plan. The variance allowed the adjustment of the common boundary line between two existing nonconforming lots that do not comply with the minimum lot sizes and recognition that the newly adjusted lots will also not comply with minimum lot sizes.

This adjustment will improve the exiting situation by adjusting the common boundary line so that the common boundary line no longer passes through one of the buildings and complying with the sideline setback for this building making it more conforming with the intent of the regulations.

Gary noted that this is a very straight-forward boundary line adjustment and that this lot adjustment is an improvement over the current boundary line, since it allows the building to exist entirely within the one lot. Gary asked for a motion to approve the application with the following conditions:

1. The applicant must supply a mylar to be submitted to the Carroll County Registry of Deeds by Feb. 28, 2023

Tony so motioned, Kate seconded and all agreed. The motion passed.

b. Ridge Field Corner Boundary Line Adjustment

Sean MacDonald of Lake View Developments presented the Boundary Line Adjustment for Lot 14 in the Ridge Field Corner Subdivision. The Tuftonboro Fire Chief requested that the retention/fire pond be increased in size to ensure adequate coverage for the subdivision. When the pond was enlarged, the pond and grading extended out of the open community area into the privately owned Lot 14. The boundary line is being adjusted to enable the entire pond and grading to be located in the open space and out of Lot 14. This BLA reduced the size of Lot 14 slightly.

George noted that the application states that the Tax Map is 4-1-26 & 11 and should be corrected to 45-1-26 & 11. This correction will be noted on the application.

Gary read the requested waivers for 3.3.1.a, b, e, f and h and noted that these waivers were approved during the initial review of the subdivision and no changes to the approval of these waivers is required at this time. Gary asked the Board members if they had any questions. There were none.

Gary asked for a motion to open the public session. Tony so motioned and Kate seconded. All were in favor and the motion passed.

Jim Chambers of Tuftonboro asked about the outflow from the retention/fire pond. Sean explained that there was no discharge to any waterway. Gary explained that the subdivision is being monitored by an engineer from Norway Plains at the request of the town and that the inspections are ongoing to ensure compliance with code.

There were no further questions from the public. Gary asked for a motion to close the public session. Tony so motioned and Kate seconded. All were in favor and the motion passed.

Gary asked for a motion to accept jurisdiction of the application. Kate so motioned and Carol seconded. All were in favor to accept jurisdiction as the application is complete. The motion passed.

Gary again read the waivers and asked for a motion to accept the waivers. Carol so motioned and Kate seconded. All were in favor and the motion passed. The waivers which were previously accepted were again accepted.

Gary asked for a motion to approve the application with the condition that the applicant supply a mylar to be submitted to the Carroll Country Registry of Deeds. Kate so motioned and Carol seconded. All were in favor and the motion passed.

c. Update on Ridge Field Corner Subdivision

Sean MacDonald presented an update on the status of Ridge Field Corner. Sean explained that the entire subdivision is not being phased; however, the sale of homes is phased. Sean described the status of construction of the roads and noted that Lisden Drive has been reconstructed and base paved. Sean gave a synopsis of work completed over the past summer and the plans for the upcoming summer, which include quality control and geotechnical testing of the gravel. Sean also explained that Norway Plains conducts ongoing inspections to ensure

road construction meets town code. Sean explained the status of electrification, cable, and fiber installation, which is mostly complete and will be completed this coming summer. Sean explained that all paving should be completed this coming summer, with the possible exception of a 100' section of Ridge Field Drive to Dame Road. Bob asked about the status of Goldthread Drive. Sean explained that it is not being developed and it is being merged into Lot 5 as it only services one house.

Gary asked for a motion to open the public session. Tony so motioned and Kate seconded. All were in favor and the motion passed. Gary asked the public for questions. There were none, so Gary asked for a motion to close the public session. Carol so motioned and Kate seconded. All were in favor and the motion passed.

Gary asked Sean about the surety and Sean passed out a line item listing of expense and noted that they have sufficient funds to complete the project. Gary asked about home sales. Sean explained that sales have slowed slightly in the past few months, but they are doing well.

There was no further discussion and the presentation was complete.

d. Chill Time Designs Subdivision – Tax Map 2-2-19 in Melvin Village

Randy Tetreault, surveyor from Norway Plains, presented the subdivision application as the representative for Mark Lewis of Chill Time Designs, LLC. The plan is to subdivide a 6.65-acre lot into 3 lots of 1.11 acres, 1.55 acres, and 3.99 acres. There is an existing driveway for Lot 1 and the State has issued an access permit for a shared driveway for Lots 2 & 3, which will also involve a maintenance agreement between the parties who purchase the lots. No waivers are requested. Lot 2 currently has septic approval. Lots 2-3 have areas delineated for septic. The State approval for a 3-division subdivision has been submitted to the Planning Board.

Gary read the staff report from the Planning Consultant, which noted that the application and subdivision complies with all zoning regulations. This report is also color coded to delineate wetlands and buildable areas.

Gary noted that the total frontage for Lot 3 is not on the plan. Randy will add the total frontage to the plan. Randy also noted that the corners of the lots still need to be staked. The Board had no other questions about the plan.

Gary asked for a motion to accept jurisdiction of the application. George so motioned and Kate seconded. All were in favor and the motion passed.

Gary asked for a motion to open the public session. Tony so motioned and Kate seconded. All were in favor and the motion passed.

Abutter Jill Cromwell asked about the well radius from septic systems and whether a house can be built in that area. Gary clarified that it is 75 feet and a house can be built in that area. Abutter Janet Chambers asked about building near wetlands. Gary explained that Tuftonboro does not have a setback requirement from wetlands and the only requirement is not to disturb the wetlands. Randy explained that all setbacks in the plan meet the subdivision regulations and all setback requirement are met and are compliant with town zoning. Several abutters asked about where the houses will be built. Gary, Randy and Bob explained that the subdivision is currently being considered for approval and the Planning Board has not knowledge about the sale of the lots or the location of any dwellings as this is not part of Planning Board review. Randy pointed to areas where possible building could take place, but that is not part of this review. One abutter asked about the location of the boundary pin with respect to his lot. Randy said he will make sure the lot boundary is marked. An abutter asked about storm water management and the location of culverts. Randy explained that culverts have to go through State approval, which is not part of this review. He also explained there is no requirement in the Planning Board Subdivision regulations for storm water management. Several abutters asked further questions about the location of buildings. Gary and Randy again stated that this is not part of the Planning Board review. Bob explained that when it comes time for septic design, the state is responsible for approving septic designs and with respect to buildings, the Tuftonboro Code Officer will conduct inspections to ensure compliance with code. Mr. Chambers asked if there would be a meeting with the owner of the property. Gary clarified that Randy is the owner's legal representative for the subdivision portion, which is what is currently under review and that building is not part of

Planning Board review. Gary explained that Randy is licensed by the State and must comply with the conditions of his license.

Gary asked for further questions from the public. There were none. Gary asked for a motion to close the public session. Tony so motioned and Kate seconded. All were in favor and the motion passed.

Gary stated that everything in the application meets the Town's Subdivision Regulations and could be approved with conditions. The conditions are to supply a mylar with total frontage and submit a Certification of Monumentation. Gary asked for a motion to approve the application with the above conditions. Tony so motioned and Kate seconded. All were in favor and the motion passed.

Bob and Gary explained that if anyone wishes to appeal decisions made by the Planning Board, they can do so within 30 days starting the day after the decision is made.

e. Preliminary Consultation – Subdivision of Tax Map 66-2-69

Gary read from the Subdivision Regulations the portion that describes the process and purpose of a Preliminary Consultation. He also explained that what is discussed in a Preliminary Consultation is non-binding and cannot be used for Planning Board decisions or any future actions of the lot owners. Randy explained that he surveyed the property with respect to the Subdivision Regulation only and his presentation will be within the limits of what he was asked to do.

Randy described the potential plan for a subdivision of this lot into 2 lots. He explained the size of the 2 lots and discussed the frontage requirements and how the requirements could be met given this property is located on a Class VI road. Gary asked Randy if he is representing the owner of the lot. Randy said that he is representing both owners. Randy described potential methods for obtaining sufficient frontage. He explained that this is just a flat plan and has few details as the discussion is preliminary. The discussion ended.

Adjournment – Tony motioned to adjourn the meeting, Bob seconded and all were in favor. The meeting was adjourned at 9:30 PM.

Respectfully submitted by Susan Burnside