

TOWN OF TUFTONBORO
PLANNING BOARD
November 16, 2023
7:00 PM
Tuftonboro Town Hall, 240 Middle Road

MINUTES

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

Absent: Jeff Reisner, Alternate Member; Matt Young, Alternate Member, Anthony Mirando, Alternate Member; Kate Nesbit, Member

Staff: Susan Burnside

Public: Gregg Hershenson and John Rossi, Equanimity Builders; Paul Blanc, Norway Plains Associates

7:00 PM Call to Order

1. Public Comment – none
2. Approval of Minutes from November 2, 2023 Meeting – Gary asked for comments or concerns with the draft minutes. There were none. Gary asked for a motion to approve the minutes as written. Bob so motioned and Tony seconded. All approved and the motion passed.
3. Continuation of Review of Equanimity Builders 5-lot subdivision at Tax Map 14-2-39.

Reviews of this application took place over 6 Planning Board meetings: August 3, 2023 (Design Phase review), September 21, 2023 (1st Public session), October 5, 2023 (Continuation Review), October 19, 2023 (Continuation Review), November 2, 2023 (Continuation Review) and November 16, 2023 (Continuation Review and Final Review and approval). At each of these meetings, the Planning Board asked the applicant to revise plans to better conform to the Subdivision Regulations. The final review and approval were made to a much-improved plan.

Paul Blanc presented updated plans for the subdivision changing the grade of the road. At the previous Planning Board meeting, the applicant was asked to re-grade the road to ensure there would be less than 100,00 square feet of terrain disturbance. The maximum grade is now 11% and terrain disturbance is less than 100,000 square feet, which eliminates the need for an Alteration of Terrain permit from the State. The 11% grade extends approximately 200 feet. The rest of the 700 feet of road is under 10% as required by the Town subdivision regulations. A waiver request for Regulation 4.4.4.K for the greater than 10% requirement was submitted. Paul also noted that this subdivision is being conducted in 2 phases – the first phase involves the completion and stabilization of the road before the construction of driveways and structures to maintain terrain disturbance under 100,000 square feet.

Gary read the 2 waiver requests that were submitted:

3.3.3.E: Grading of entire subdivision. As agreed upon by the Planning Board, the road and driveway grading will be considered separately from the currently submitted subdivision plans to allow for stabilization of the road. A new submission and review by the Planning Board will occur once this phase is completed.

Gary asked each member of the Planning Board if they agreed to this waiver: Carol voted yes, George Voted yes, Bob voted yes and Tony voted yes. Gary asked for a motion to accept this waiver request. George so motioned and Carol seconded. All were in favor and the motion passed.

4.4.4.K – Grade of street: The applicant asked for a waiver to allow an 11% grade on a 200-foot section of the street in order to conform to the site terrain and all roadbuilding specifications.

Gary asked each member of the Planning Board if they agreed to this waiver: Carol voted yes, George voted yes, Bob voted yes and Tony voted yes. Gary asked for a motion to accept this waiver request. George so motioned and Carol seconded. All were in favor and the motion passed.

Gary received a copy of an email from Tim Galvin that was originally sent to Bob Murray. Tim had attended a Planning Board meeting when this subdivision application was being reviewed. Tim raised a concern that the Planning Board was not aware of the State requirements for an Alteration of Terrain permit for areas of disturbance greater than 100,000 square feet. Gary asked each member if they read the email. All members answered yes. Gary noted that the Planning Board was fully aware of this requirement and this was discussed with the applicant who is also aware of the requirement. This discussion took place at a meeting that Tim did not attend. The issue over the Alteration of Terrain permit was resolved with the State who provided the applicant with an email stating that the plans did not require an Alteration of Terrain permit. Tim was not present during these discussions so he did not know that this had already been discussed and resolved.

Gary asked for a motion to open the public session. Bob so motioned and Tony seconded. All agreed and the motion passed. There were no comments from the public. Gary asked for a motion to close the public session. Bob so motioned, Tony seconded. All agreed and the motion passed.

Gary read the conditions that will appear on the Notice of Decision as follows:

1. All State of New Hampshire and Town of Tuftonboro Permits required which may not be limited to:
 - a. NHDOT Driveway Permit for Equanimity Builders, 421 Governor Wentworth Highway.
 - b. NHDES Subdivision Permit
 - c. NHDES Subsurface Permit
 - d. NPDES - required 21 days before start of construction
 - e. Town of Tuftonboro Driveway Permit for all drives of the Residential Access Street (RAS) for lots 1 thru 5. This permit will be required after the issuance of approval from the Planning Board as to the location of the driveways and updated Plans. (After Road Construction)
 - f. NHDES Wetlands Permit. This will be required after the Tuftonboro Planning Board approves the plans that demonstrate the locations of Driveways (lots 3,4 and 5). (After road construction)
2. The RAS will be built to the Town of Tuftonboro Subdivision Regulation (Amended May 2023) 4.5.4 Street Cross Section Addendum B., Private Street. It shall be paved according to Tuftonboro Subdivision Regulation 4.5.1 E - Construction Standards. The wearing course must be applied to the road prior to the issuance of any Certificate of Occupancy permit.
3. Fire Department - The Applicant will install a Cistern Fire Water Supply Source approved by the Tuftonboro Fire Department (see Addendum D 4.4.11 Fire Protection Subdivision Regulations Amended May 2023). The Applicant must comply with the Tuftonboro Fire Department regarding inspection points required during construction to the final operation of the system with copies of the final, Fire Department approved inspection submitted to the Planning Board.
4. Structures being built on lots 1-5 must stay as designated on the final, Planning Board-approved Subdivision Plans and must conform to Zoning Ordinance (March 2021) 3.7.4
5. Applicant shall have a 5-year Exemption of change to Subdivision Regulation 2.3.9 A. Active and substantial development or building has begun. Active shall be Road Completion, Wells, Septic and Clearing. Town of Tuftonboro Zoning Ordinance March 2021, Town of Tuftonboro Subdivision Regulations Amended May 2023, Site Plan Review Regulations Amended May 2023.
6. Applicant is required to produce Protective Covenants for all Road Maintenance, including but not limited to Road Repairs, Snow Plowing, Sanding/Salt application for winter safety and submit copies of the covenants to the Planning Board.

7. Applicant will work with the owner of abutting lot 014-002-040-000, 415 Governor Wentworth Highway at applicant cost to create a privacy area along the boundary line of the 5-lot subdivision near the Cul-de-sac that is agreeable to both the applicant and the abutter.
8. A Certificate of Monumentation is required and copy submitted to the Planning Board.
9. Applicant agrees to pay for all Horizons Engineering (formally White Mountain Survey Co.) to act as Town Engineer during the Tuftonboro Planning Board's reviews and final acceptance of Application and all Plans and exhibits.
10. Applicant agrees to pay for the execution of a Construction Observation Agreement with the Town Engineer prior to RAS construction.

Gary asked each Board member for their vote on accepting the application with the above conditions: Carol – yes, Goerge – yes, Bob – yes, Tony – yes, Gary – yes. Gary asked for a motion to accept the applicant's plan with the above conditions. Carol so motioned and George seconded. All were in favor and the motion passed.

4. Gary give a brief review of the application for Ember Escape, which will come to the Planning Board on December 21, 2023.
5. Gary gave a brief review of the potential application for the Whitten Brook Cluster development. A formal application has not been submitted.

Gary asked for a motion to adjourn the meeting at 8:00. Bob so motioned and Carol seconded. All were in favor and the motion passed.

Respectfully submitted by Susan Burnside