

**TOWN OF TUFTONBORO
PLANNING BOARD
February 1, 2018
MINUTES**

Members Present: John Cameron, Chairman, Bill Marcussen, Selectmen's Representative, Jack Parsons, Tony Triolo, Kate Nesbit, Members.

Members Absent: Matt Young, Vice-Chairman, Russ Steensma, Member, Laureen Hadley, Sue Wingate, Alternates.

Staff Present: Lee Ann Hendrickson, Administrative Secretary.

Chairman Cameron opened the meeting at 7:00 PM.

I. Public Comment

No comment from public present.

II. Consideration of Minutes

January 18, 2018

It was moved by Tony Triolo and seconded by Kate Nesbit to approve the January 18, 2018 Tuftonboro Planning Board minutes as submitted. All members voted in favor. The motion passed.

III. Scheduled Appointments/Public Hearings

Zoning Amendment Public Hearings

John Cameron reviewed the following proposed zoning amendments;

Section 10.4.1

10.4 RESIDENTIAL TENTING/RECREATIONAL VEHICLES

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 on any lot requires one of the following conditions to be met:

A. Limit to one (1) recreational vehicle and two (2) tents at a time

B. Use permitted April 15th-October 30th

C. The lot has toilet facilities connected to an onsite operational subsurface septic waste system.

D. Temporary maintained toilet facilities are provided on the lot at all times there is occupancy in either a tent or recreational vehicle.

E. 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.

Section 12.5.3

12.5.3 Special Provisions:

A. No septic tank or leach field may be constructed or enlarged closer than seventy-five (75) feet laterally to any Very Poorly Drained Soils or surface water, nor any closer than fifty (50) feet laterally to any Poorly Drained Soils, **unless the individual disposal system is in failure and the replacement is in the same location.** Poorly Drained Soils and Very Poorly Drained Soils are as defined by New Hampshire Department of Environmental Services.

- B. No part of a wetland may be considered as part of the minimum size requirement of any Lot, nor may any wetland or part of a wetland divide a Lot in such a manner that its minimum Lot size is not Contiguous unless the Lot can be proved to support on-site water supply and sewage disposal without a Variance or waiver from Town or State regulations.
- C. All land included in the Wetlands Conservation District shall be appraised for tax purposes at its full and true value in money, based on its market value as undevelopable land required to remain in Open Space.
- D. No person shall disturb areas occupied by wetlands, swamps, streams, ponds or lakes except as provided by New Hampshire Statutes.

Chairman Cameron opened the public hearing.

Steve Hunter expressed concern regarding the proposed changes to Section 10.4.1; noting such calls for a restriction on every lot. He stated he owns a 100-acre parcel and the restriction would be the same for his lot and a smaller lot; noting such is not fair.

Fenton Varney asked what issue brought about the change.

Jack Parsons stated the ordinance originally included language that was limiting to one unit however, the language was removed. He stated most of the units are not winterized.

Fenton Varney stated the revision limits the use of such during the fishing derby, winter activities or the Boy Scouts jamboree. He recommended the Board review the proposed change further; noting such should be carefully written.

Steve Hunter stated every year new regulations are passed and as a property owner feels that the Board is taking away his opportunities; noting the changes impact his land. Referencing Section 12.5.3.A., he recommended inserting "existing" prior to "individual".

Jack Parsons questioned whether such would require a second public hearing.

Staff stated she would seek guidance from NH Municipal Association counsel; noting that if the revision is considered a substantial change then such would require a second public hearing. She noted a second public hearing would not be possible due to statutory requirements and deadlines relative to holding and posting the public hearing.

Jack Parsons stated the intent of the proposed change to Section 12.5.3 is to allow for the repair of a failed system without having to seek a variance for a replacement system; noting there have been four instances of such in the past six months.

Tony Triolo verified the change would apply to all lots.

Fenton Varney noted the Planning Board has not put forward a lot of zoning amendments in the past several years and the changes that have been proposed have been well thought out.

There being no further questions or comments, Chairman Cameron closed the public hearing.

It was moved by Bill Marcussen and seconded by Tony Triolo to table Section 10.4.1 for further consideration. All members voted in favor. The motion passed.

It was moved by Tony Triolo and seconded by Bill Marcussen to recommend the amendment to Section 12.5.3.A to Town Warrant, as proposed and written, unless NH Municipal Association counsel opines that inserting "existing" prior to "individual" would not constitute a substantial change and would not require a second public hearing. All members voted in favor. The motion passed.

IV. Action Items

N/A

V. Discussion Items

a. LRPC ~ Master Plan

Susan Slack stated Mike Izard retired from LRPC and she wanted to touch base with the Board regarding the status of the Master Plan.

Jack Parsons asked what information will be used to determine soil based mapping/zoning, impact and density.

Susan Slack stated she would show concepts for future land use maps. She requested clarification regarding cottage colonies.

Jack Parsons replied individually owned seasonal units on one property.

Susan Slack verified such are grandfathered pre-zoning and tourist based.

Bill Marcussen asked what Ms. Slack has seen in other communities.

Susan Slack stated most are grandfathered pre-zoning and would further research such.

Jack Parsons stated the Town's zoning includes cluster developments.

Susan Slack requested clarification regarding conditional use and asked if the Board is considering such.

Jack Parsons replied yes.

The Board and Ms. Slack discussed form based code addressing mass, scale and setbacks).

b. Planning Board Rules of Procedure, Mission Statement and Policy Statement

Staff noted she developed the Rules of Procedure from examples of other towns and the template provided by OEP. She stated she included the Mission Statement and Policy Statement into the Rules of Procedure.

The Board reviewed such and did not propose any revisions. Second reading of the Rules of Procedure on 3/1/18.

c. Upcoming Planning Board Applications

Staff informed the Board there will be three formal applications before the Board on 2/15/18; noting the applications include two boundary line adjustments and one site plan review. She also noted there would be a preliminary consultation for a subdivision proposal.

VI. Informational Items

- 2017 Annual Report

VII. Other Business

N/A

VIII. Public Comment

No comment from public present.

It was moved by Bill Marcussen and seconded by Kate Nesbit to adjourn the February 1, 2018 Tuftonboro Planning Board meeting. All members voted in favor.

There being no further business before the Board, the meeting adjourned at 7:46 PM.

Respectfully Submitted,

Lee Ann Hendrickson

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