

**TOWN OF TUFTONBORO
PLANNING BOARD
February 15, 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

February 1, 2018

It was moved by Tony Triolo and seconded by Kate Nesbit to approve the February 1, 2018 Tuftonboro Planning Board minutes as submitted. All members voted in favor. The motion passed.

III. Scheduled Appointments/Public Hearings

Double J. Lodge, LLC

Tax Map #27-1-7, 40-5-18

Boundary Line Adjustment

John Cameron stated the application has been deemed complete.

It was moved by Jack Parsons and seconded by Bill Marcussen to accept the application as complete. All members voted in favor. The motion passed.

Wayne Morrill, Jones and Beach Engineering, stated the proposal includes two of the six lots of the Edgerly Estates approved subdivision, Lot 4 which consists of 11.5 acres and Lot 5 which consists of 10.5 acres. He stated one owner owns both properties and would like additional land for Lot 4 now that the location of the dwelling has been determined. He stated the lots have received State Subdivision, Septic and Shoreland approvals and both lots meet current zoning.

Tony Triolo questioned the water frontage of the lots.

Wayne Morrill replied 160' for Lot 5 and 365' for Lot 4.

Jack Parsons questioned the well radius.

Wayne Morrill stated an easement on Lot 4 was required to be recorded; noting such was a condition of NHDES because the well radius for Lot 5 encroached the property line as a result of the proposal.

Tony Triolo questioned whether the lots have adequate frontage for a dock.

Jack Parsons replied yes and noted the State requires 50' however, the Town requires 150'.

John Cameron reviewed the boundary line adjustment checklist and questioned if there is a right-of-way.

Wayne Morrill replied no.

John Cameron questioned whether there are any wetlands on the lots and whether the monuments have been set.

Wayne Morrill stated the wetlands are delineated on the plans and the monuments have not been set.

Tony Triolo questioned access.

Jack Parsons stated access is via three lots.

Chairman Cameron opened the public hearing.

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

John Cameron reviewed the following conditions of approval;

1. The applicant shall set the boundary monuments and shall submit a Certificate of Monumentation.
2. The applicant shall submit a Mylar plan for recording at the Carroll County Registry of Deeds.
3. The applicant shall pay all recording fees.

It was moved by Jack Parsons and seconded by Kate Nesbit to approve the Double J. Lodge, LLC Boundary Line Adjustment, Tax Map #27-1-7 and 40-5-8, subject to the conditions of approval. All members voted in favor. The motion passed.

Thomas Swift

Tax Map #54-2-3

Site Plan Review; Convert Residential Garage to Commercial Auto Service

John Cameron stated the application has been deemed complete.

It was moved by Tony Triolo and seconded by Kate Nesbit to accept the application as complete. All members voted in favor. The motion passed.

Tom Swift stated he proposes to convert a residential garage structure to a two-bay commercial auto service operation on the same lot as his residential home. He stated he has received State septic approval and proposes a gravel parking area to accommodate fifteen cars. He stated two flood lights are proposed at each door; noting such are motion detected.

John Cameron stated the applicant has requested the following waivers; Section 4.3.3.C., J., K., L., and M. He read each waiver; noting the applicant is requesting such due to the scale of the structure, site and proposed business activity.

Bill Marcussed confirmed the structure currently exists.

Jack Parsons questioned hours of operation.

Tom Swift replied Monday – Friday 8am-5pm and half day on Saturday.

Jack Parsons verified the holding tank is noted on the plan and questioned whether a contractor has been chosen to remove the on-site waste.

Tom Swift stated the holding tank has not been installed however, it is registered with the State. Jack Parsons noted building code is different relative to change from residential to commercial; noting compliance would be required. He questioned the number of vehicle that would be on-site.

Tom Swift stated such would fluctuate however, speculated six vehicles would be on-site.

Jack Parsons questioned whether the vehicles on-site would be registered vehicles.

Tom Swift replied yes.

John Cameron asked if cars would be sold on the site.

Tom Swift replied no.

Jack Parsons questioned the number of employees.

Tom Swift replied one possibly two.

Jack Parsons questioned whether State inspections would be performed.

Tom Swift replied yes.

Tony Triolo questioned the date of operation.

Tom Swift stated he is currently in operation and noted a lift has been installed. He stated he had originally proposed such as a home occupation however, was not able to therefore, filed a site plan application.

It was moved by Jack Parsons and seconded by Tony Triolo to grant waivers for Section 4.3.3.C., J., K., L., and M. All members voted in favor. The motion passed.

John Cameron reviewed the Site Plan Review checklist and asked if structures such as stone walls would be constructed.

Tom Swift stated a stone wall was constructed as part of the drainage control/stormwater management; noting such is noted on the plan. He stated a grade change was created to control stormwater runoff; noting the area will be landscaped and grassed.

Jack Parsons confirmed the oil separator tank for the floor drain in noted on the plan.

John Cameron questioned signage.

Jack Parsons stated the applicant has obtained a sign permit.

John Cameron questioned whether the gravel parking area would be paved.

Tom Swift stated he has no plans for such at this time. He noted there is no external solid waste receptacle.

Chairman Cameron opened the public hearing.

Guy Pike, 107 Middle Road, stated he supports the project.

Steve Hunter stated a NHDOT Change of Use permit is required.

Rob Palmason stated the proposal appears reasonable. He confirmed the garage is located on the same property as the house and questioned whether such complies with zoning.

Jack Parsons stated the property is located in the Neighborhood Zoning District; noting the proposal is a permitted use.

Steve Hunter noted the garage sits back 200' from the road.

Rob Palmason asked if signage would be located at the road.

Tom Swift replied yes and noted the signage at the road currently exists.

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

John Cameron reviewed the following conditions of approval;

1. The approval is subject to approval of a NHDOT Driveway Permit for Change of Use
2. The applicant shall provide a copy of the signed contract with a licensed septage hauler submitted with the submitted sewage disposal application relative to the holding tank (to meet compliance with Env-Wq 1022.03).
3. The applicant shall provide NHDES Subsurface System approval for Sewage Disposal System.

It was moved by Bill Marcussen and seconded by Kate Nesbit to approve the Tom Swift Site Plan Review to convert a residential garage to commercial auto service, Tax Map #54-2-3, subject to the conditions of approval. All members voted in favor. The motion passed.

**Mary Beth Hertel and Edward & Carrie Meier
Tax Map #55-3-3, 56-4-1
Boundary Line Adjustment**

John Cameron stated the application has been deemed complete.

It was moved by Jack Parsons and seconded by Bill Marcussen to accept the application as complete. All members voted in favor. The motion passed.

Randy Tetreault, Norway Plains Associates, Inc., noted the Hertel property is a vacant lot and the Meier property is developed; noting the boundary line is being adjusted to reflect 12.08 acres being conveyed to the Meier lot. He stated the proposal increases the Meier lot from 26.17 acres to 38.25 acres and decreases the Hertel lot from 66.80 acres to 54.72 acres. He stated both lots are in excess of 400' of frontage on Federal Corner Road and site features have been noted on the plan relative to the Hertel lot. He stated the plan needs to be updated to reflect a note on the plan referencing Section 12.3.3.

John Cameron reviewed the Boundary Line Adjustment checklist and questioned if a right-of-way exists.

Randy Tetreault stated there is no access easement/right-of-way however, there is an existing PSNH above ground power line easement.

John Cameron asked if the boundary monuments have been set.

Randy Tetreault stated the existing corners and monuments were held therefore, there is no need for such.

Chairman Cameron opened the public hearing.

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

John Cameron reviewed the following conditions of approval;

1. The applicant shall submit a Mylar plan for recording at the Carroll County Registry of Deeds.
2. The applicant shall pay all recording fees.

It was moved by Jack Parsons and seconded by Tony Triolo to approve the Mary Beth Hertel and Edward & Carrie Meier Boundary Line Adjustment, Tax Map #27-1-7 and 40-5-8, subject to the conditions of approval. All members voted in favor. The motion passed.

Mary Beth Hertel

Tax Map #55-3-3

10-Lot Subdivision

Pre-application Consultation

John Cameron noted the applicant has requested a pre-application consultation; noting such is nonbinding on all parties.

Randy Tetreault, Norway Plains Associates, Inc., reviewed the status of the previously approved 19-Lot subdivision (Planning Board conditional approval received in 2009), see attached. He stated the property owner would like to reinstate the subdivision; noting vesting with the Town was not met with the previous approval. He stated the only improvement done included laying out the road 6-7 years ago however, due to the economy development of the subdivision was not further pursued. He stated the intent is to maintain the previously proposed design as much as possible.

Scott Lawler, Norway Plains Associates, Inc., stated following the previous conditional approval, the State's Alteration of Terrain (AOT) criteria and regulations changed therefore, a new AOT application and Town Subdivision application would be submitted.

John Cameron asked if there would be changes to the lot sizes.

Scott Lawler replied no, the sizes remain valid. He stated he doesn't believe the lot loading requirements have changed however, would review such for compliance. He stated he would be working with the Fire Department regarding the fire suppression system; noting the proposal is to eliminate the cistern and install individual sprinkler systems in each home.

John Cameron asked if a holding tank is required for such.

Jack Parsons stated such is dependent upon the size of the well.

Scott Lawler stated he would also address the dead-end road limitations relative to the proposed cul-de-sac. He asked whether the Board feels another preliminary consultation is needed or whether a formal application could be submitted as a result of this consultation. He questioned whether the Board would require a third party review.

Bill Marcussen questioned whether the same number of lots is being proposed.

Scott Lawler stated such will be determined once the engineering component is reviewed.

The Board agreed the applicant could submit a formal application and that a third party review would be required for review of the drainage analysis.

IV. Action Items

N/A

V. Discussion Items

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

The Board reviewed such and agreed to the following change;

- Page 1, Article III.A., 1st sentence; strike “regular”, strike “of the Board” and insert (six (6) regular members and one (1) Board of Selectmen Representative) following “members”
- Page 1, Article III.A., 2nd sentence; insert “regular” prior to “members”
- Page 1, Article III.A., 2nd sentence; insert “ and the term of the Board of Selectmen Representative shall be for a period of one (1) year.” Following “yearly.”
- Page 1, Article III.A., 3rd sentence; strike “Yearly” and begin sentence with “Terms”

VI. Informational Items

N/A

VII. Other Business

Steve Hunter; Questions re: Gravel Pits & Site Plan Review Approval for his Storage Facility

Referencing his storage facility site plan approval, he questioned whether installing a fence instead of the berm would require another site plan application/approval. He stated that he found different materials on the site than he expected; noting his original intent was to have the buildings visible from the road so there would be no need for signage.

Tony Triolo questioned the type of fence proposed.

Steve Hunter showed photographs of the fence; noting a 6’ stockade fence should block most of the building. He stated he proposes to plant shrubs in front of the fence. He asked whether he needs to submit a formal application or whether the approval could be amended.

Staff read the conditions of approval.

Following such, Jack Parsons noted the placement of the berm is not a condition of approval therefore, no additional site plan application would be necessary.

Steve Hunter stated the berm was recommended by NHDOT to direct water to the swale.

Tony Triolo asked when the berm will be removed.

Steve Hunter replied 2018. Referencing the excavation letter received by the Board, he stated he brought such to White Mountain Survey & Engineering to retrieve a cost estimate to bring his gravel pit into compliance with Town regulations. He stated it is going to cost \$50,000 to remove 2-5,000 yards of materials. He the regulations is going to eliminate everyone in the Town and it is not a good thing for the consumer to haul materials from Ossipee Aggregates. He asked who the excavation letter was sent to.

Jack Parsons stated the Town’s regulations are based on State regulations.

Bill Marcussen explained that in the early 1990’s the State changed the regulations; noting the then operating gravel pits would be grandfathered by submitting a letter informing the Town of the operation.

Steve Hunter asked if a bond would be required if he were to move forward with permitting his gravel pit.

Jack Parsons replied yes, at the time of reclamation.

Steve Hunter stated he feels that conforming to the regulations is a penalty because if a person chooses not to comply then the land is never reclaimed.

Jack Parsons stated the Town isn't singling him out.

Steve Hunter confirmed he can use his pit until March 2019 without a permit.

Staff reviewed the list of people the excavation letter was sent to; noting the letter was sent to those property owners who filed an Intent to Excavate with the Town.

The Board discussed the issue further and agreed to request Mary Pinkham Langer attend a Planning Board meeting with the local excavation operators.

Planning Board Schedule

Due to scheduling conflicts, the Board agreed to cancel the March 1, 2018 Planning Board meeting and reschedule such to March 8, 2018.

VIII. Public Comment

No comment from public present.

It was moved by Kate Nesbit and seconded by Bill Marcussen to adjourn the February 15, 2018 Tuftonboro Planning Board meeting. All members voted in favor.

There being no further business before the Board, the meeting adjourned at 8:55 PM.

Respectfully Submitted,

Lee Ann Hendrickson

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