

**TOWN OF TUFTONBORO  
PLANNING BOARD  
December 20, 2018  
MINUTES**

**Members Present:** Matt Young, Chairman, Tony Triolo, Vice-Chairman, Bill Marcussen, Selectmen's Representative, Jack Parsons, Kate Nesbit, Members.

**Members Absent:** John Cameron, Laureen Hadley, Members, Russ Steensma, Alternate.

**Staff Present:** Lee Ann Hendrickson, Administrative Secretary.

*Chairman Young opened the meeting at 7:00 PM.*

**I. Public Comment**

None.

**II. Consideration of Minutes  
November 15, 2018**

**It was moved by Jack Parsons and seconded by Bill Marcussen to approve the November 15, 2018 Tuftonboro Planning Board minutes as submitted. All members voted in favor. The motion passed.**

**III. Scheduled Appointments/Public Hearings**

Matt Young stated an issue was raised about notification of the applications. He stated the notice to abutters were stamped certified by the Post Office on December 8<sup>th</sup> however, were processed on December 10<sup>th</sup>. He stated the notices were stamped 13 full days prior to the meeting and noted the Board was advised by NH Municipal Association to go by the date stamped on the certified slip.

**Merrimack Valley Development Corp.  
Consolidation of 7 Lots and Re-subdivision of 2 Lots  
Tax Map #60-1-28, 29, 30, 31, 32, 33 & 34**

David Jordan, MHF Design Consultants, Inc., reviewed the project and noted the plan was revised to depict a residential access street instead of a private drive. He stated the road is 18" wide, paved with 2' gravel shoulders. He noted the right-of-way access is located in the same exact location as previously approved and recorded on the 2006 subdivision plan. He stated the access easement would be reinstated and the deed is being formalized.

Matt Young reviewed Attorney Roger Murray's email; noting Attorney Murray feels the quitclaim deed for the Snyder lot is unnecessary because a right-of-way already exists.

David Jordan stated the subdivision would be subject to the original covenants; noting such would be added to the plan.

*Chairman Young continued the public hearing.*

Steve Hunter asked if there would be a stop sign on the private road.

Jack Parsons replied it would be at the end of the private road. He questioned the slope of the roadway and whether a guardrail would be necessary.

David Jordan stated it is a 3:1 slope therefore, a guardrail may be necessary or, a larger slope could be provided.

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

The Board discussed conditions of approval and agreed to the following;

1. The applicant shall set the boundary monuments and 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 submit documentation of the release of the drainage/slope easement on the Ford property.
4. The applicant shall add a note to the plan stating the approval is subject to the original covenants per the 2006 Subdivision approval.
5. The applicant shall revise the plan to reflect a street sign and stop sign on Shaw View Road.
6. The easement for the Snyder property shall be removed.
7. A guardrail shall be installed or a larger slope be constructed.
8. The Right-of-Way accessing Town of Ossipee Tax Map #240-4 shall remain in the location as originally shown and approved on the 2006 Subdivision plan.

**It was moved by Tony Triolo and seconded by Kate Nesbit to approve the Merrimack Valley Development Corporation Lot Consolidation and Subdivision subject to the conditions of approval. All members voted in favor. The motion passed.**

**Stephen Hunter  
Site Plan Review; Excavation Operation  
Tax Map #67-1-3**

Stephen Hunter stated he prepared a site plan to permit an existing gravel pit.

Matt Young provided an explanation of RSA 155:E to the abutters and public present.

Stephen Hunter stated he took aerial photographs, topography and developed a plan/map from such.

Matt Young stated the application is complete and opened the public hearing.

**It was moved by Jack Parsons and seconded by Kate Nesbit to accept jurisdiction of the application. All members voted in favor. The motion passed.**

Ed Meier, 51 Federal Corner Road, confirmed that nothing is changing with the land and the pit is not expanding. He asked if it would be a one-time approval.

Jack Parsons stated the permit is valid for 25 years however, the Board would review the approval in five years.

William Ela asked if there is a possibility of expanding the pit.

Matt Young stated the area that is grubbed (stumped and open) is the area the excavation will stay within.

William Ela asked if the area could be expanded in the future.

Matt Young replied not outside the existing area.

Jack Parsons stated the applicant would have to go to the ZBA and Planning Board for approval if the area is expanded.

Matt Young stated the approval would allow him to operate and doesn't remove his responsibility to reclaim the area.

Mary Beth Hertel, 35 Federal Corner Road, asked when the reclamation would begin.

Jack Parsons replied when an area is finished being excavated the area will be retained and sloped.

Mary Beth Hertel asked who determines when an area is finished.

Jack Parsons replied the owner, Assessor and Code Officer.

Mary Beth Hertel asked how deep Mr. Hunter can go; expressing concern because the area of excavation is against her property line.

Matt Young replied within a certain distance of the water table.

Stephen Hunter noted an elevation of 785 on the power line and 815 along the property line.

Mary Beth Hertel asked who calculates the water table.

Jack Parsons stated the test pits and manuals dictate the water table.

Stephen Hunter stated the intent is to get to an elevation of 790; noting he wants to maintain such.

Jack Parsons stated there is no calculation written as to what the slope will be.

Matt Young stated that due to the depth and the 1:1 slope, he would like an engineer to sign off on it.

Bill Marcussen stated the existing grade is 1:1.

Matt Young stated then he has no objection. He recommended he and Jack Parsons walk the perimeter and blaze/flag the grubbed area so there is no question of the area that is approved for operation.

Bill Marcussen recommended a photographic inventory of the site.

Mary Beth Hertel asked when it would go to a 2:1 slope along her property and when the property would be reclaimed.

Ed Meier asked if there is any limit to what can be taken out in a year and asked if there is a risk of it being a 7 day/week operation; expressing concern for noise.

Jack Parsons stated reclamation occurs when an area can no longer be excavated.

Mary Beth Hertel requested Mr. Hunter finish the area along her property line and reclaim that area.

Matt Young stated Mr. Hunter must take one load per year to remain an active operation.

Mary Beth Hertel asked if Alteration of Terrain is involved.

Jack Parsons replied no because the pit is already grandfathered however, if excavation occurs beyond the existing excavated area then an Alteration of Terrain (AOT) permit would be required. He stated if the existing area of excavation is expanded then a variance from the ZBA and NHDOT AOT permit would be required.

Matt Young stated that if the area of excavation is over 100,000 SF then an AOT permit is required.

William Ela asked what would happen if there is a change in ownership.

Jack Parsons stated the approval goes with the property however, the new owner would need a new permit. He stated the use transfers but, not the permit.

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

The Board reviewed the following conditions of approval;

1. The Site Plan shall include a note that this approval does not provide for an alleviation of any required State permits for purposes of sand and gravel operation or grandfather any gravel pit activities that are not of the norm.
2. Hours of operation shall be Monday through Friday 7AM-5PM and Saturday 7AM-12PM.
3. The area of excavation shall be identified and blazed by the owner, Code Officer and Planning Board Chairman and a note on the plan will be added depicting such.
4. The applicant shall submit a photographic inventory of the excavation area.
5. Elevations shall be marked and depicted on the plan.

**It was moved by Kate Nesbit and seconded by Tony Triolo to approve the Stephen Hunter Site Plan Review application for an excavation operation, Tax Map #67-1-3, subject to the conditions of approval. All members voted in favor. The motion passed.**

**Little Cricket Realty, LLC  
Site Plan Review; Change of Use  
Tax Map #55-3-12**

Matt Young stated the applicant did not include one of the abutters therefore, the abutter was not notified. The Planning Board advised the applicant the application could not be heard this evening and to correct the issue by providing an updated abutters list.

#### **IV. Action Items**

**Michael R. Kennedy & Jacqueline Hughes  
Lot Merger  
Tax Map #25-2-114 & 115**

Jack Parsons reviewed the lot merger application; noting there are no issues with such.

**It was moved by Tony Triolo and seconded by Kate Nesbit to approve the Michael R. Kennedy and Jacqueline Hughes Lot Merger. All members voted in favor. The motion passed.**

#### **V. Discussion Items**

##### **a. 2019 Zoning Amendments**

##### **Section 10.4.1**

The Board reviewed the following proposed change;

**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 15<sup>th</sup>-October 30<sup>th</sup>**

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.

Stephen Hunter asked when the last time there was an issue regarding such.

Jack Parsons replied spring 2017 and expressed concern for creating a private campground. He noted he issues six permits annually.

Bill Marcussen asked if tents are the issue or RV's.

Jack Parsons replied both. He stated he has reviewed regulations from other towns and noted he is not trying to restrict property owners but, regulate.

Following further discussion, the Board agreed to the following;

- A.; add a period after "time" and add the following new sentence "Additional tents or RV's may be available by permit.

**It was moved by Tony Triolo and seconded by Kate Nesbit to move the changes to Section 10.4.1 to public hearing. Matt Young, Bill Marcussen, Tony Triolo, Kate Nesbit voted in favor. Jack Parsons abstained. The motion passed.**

#### **Section 17.8.5**

Matt Young reviewed the following proposed change submitted by the ZBA; noting the changes are to mirror the State statute.

**17.8.5 Lifetimes:** If after a permit has been authorized by the Board, such permit is not lifted from the office of the Codes Enforcement Officer within a period of ~~six (6) months~~ **two (2) years** from the date of authorization, then such authorization shall be null and void ~~and no permit shall be issued thereunder~~ **unless further extended by local ordinance or by the Zoning Board of Adjustment for good cause.**

Jack Parsons provided an example of how such is an issue as it is currently written.

**It was moved by Tony Triolo and seconded by Kate Nesbit to move the changes to Section 17.8.5 to public hearing. All members voted in favor. The motion passed.**

#### **b. Discussion of Availability of Planning Board Records**

Matt Young stated he spoke to the staff at the Towns of Ossipee and Moultonborough regarding placing Planning Board applications online; noting both staff had very strong reaction against such. He stated there are a number of last minute changes and information submitted, sometimes two hours before the meetings.

Bill Marcussen stated the approach to put applications online is destined to fail; noting things will get missed. He stated the Town does not have the staff or infrastructure to support such. He stated requiring an applicant to submit the information as a PDF becomes burdensome to the applicant.

Matt Young stated such would expose the Town to liability.

Tony Triolo stated he does not recommend placing the applications online.

The Board agreed to discuss the issue further when Laureen Hadley is present.

#### **VI. Informational Items**

N/A

#### **VII. Other Business**

##### **Clark House Family Trust**

Matt Young informed the Board the ZBA upheld the Planning Board's approval of such; noting Bob McWhirter appealed the Planning Board's decision.

**Planning Board Meeting Schedule**

The Board agreed to cancel the January 3, 2019 Planning Board meeting.

**Master Plan**

Joe Kowalski asked if the Board is all set with Master Plan costs and the budget.

Bill Marcussen replied yes, the Board would be encumbering funds.

**VIII. Public Comment**

N/A

**It was moved by Kate Nesbit and seconded by Tony Triolo to adjourn the December 20, 2018 Tuftonboro Planning Board meeting. All members voted in favor.**

*There being no further business before the Board, the meeting adjourned at 8:28 PM.*

Respectfully Submitted,

*Lee Ann Hendrickson*

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