

**TOWN OF TUFTONBORO
PLANNING BOARD
March 5, 2020
MINUTES**

Members Present: Matt Young, Chairman, Tony Triolo, Vice-Chairman, Gary Qua, Kate Nesbit, Members, Laureen Hadley, George Maidof, Alternate.

Members Absent: Bill Marcussen, Selectmen's Representative, John Cameron, Member, Carol Bush, Alternate.

Staff Present: Lee Ann Hendrickson, Administrative Secretary.

Vice-Chairman Tony Triolo opened the meeting at 7:00 PM at the Town House, 247 Middle Road.

Tony Triolo noted that Matt Young has recused himself and appointed George Maidof, Alternate, to sit in for Matt Young, Member.

I. Public Comment

None.

**II. Consideration of Minutes
February 20, 2020**

Corrections: Page 2, 10th paragraph; change to read as follows; "Matt Young stated that a 20' greenspace is required where nonresidential properties abut residential properties and to please reflect on the plan."
Page 3, 3rd paragraph; change "nesting" to "hatching"
Page 4, 3rd paragraph, 2nd line; insert "no" prior to "depreciation"
Page 5, 6th paragraph; change "system" to "island"
Page 6, 4th paragraph; change "illegal use" to "appeal"
Page 6, 9th paragraph; strike "the" & insert "Camp Belknap's" prior to "population"
Pages 7 & 8; change "wreak" & "wreaked" to "reek" & "reeked"

It was moved by Gary Qua and seconded by Tony Triolo to approve the February 20, 2020 Tuftonboro Planning Board minutes as amended. All members voted in favor. The motion passed.

III. Scheduled Appointments/Public Hearings

Matthew C. Young Revocable Trust

Tax Map #14-2-22, 14-2-23 & 14-2-55

Site Plan Review; Convert Portions of NHB District from Residential to Retail Sales/Consumer Services

Matt Young recused himself.

Tony Triolo stated the application has been deemed complete.

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

Matt Young stated the plan he is presenting is an existing survey of the properties prepared by White Mountain Surveying & Engineering; noting he has received permission from them to use the site plan. Referencing the site plan he oriented the public to the location of the properties. He stated the Neighborhood Business District lies approximately 300' in from Route 109 (the District runs inward); noting zoning allows for the District to be moved an additional 20' in any direction. He stated the fence between the showroom property and the abutting property (Tax Map #14-2-23) will be removed and the house located on

Tax Map #14-2-23 will be rented to an employee. He noted there would not be any material changes to the property and no additional parking. He stated the property (Tax Map #14-2-23) would be used to store pontoon boats. He noted that within 1.5 years he would be developing a bluestone parking lot; noting such would require fully engineered plans and additional site plan review by the Planning Board. He stated he applied for and was approved by NHDOT for a Change of Use permit for the driveway.

Member of the public asked if Mr. Young intends to display boats on the dirt ground.

Matt Young replied yes. He noted he has requested a number of waivers because there are no proposed changes to the property/site; noting he does not propose signage or outdoor lighting. He reviewed the waiver requests.

Vice-Chairman Triolo opened the public hearing.

Mary Hunter, 3 New Road, stated she was the former owner of the property (Tax Map #14-2-55). She stated a survey was done on the property because she merged three lots into two lots; noting the septic system was located on two of the properties (rationale for the merger). She stated a second driveway on the property was installed for safety reasons. She expressed concern regarding environmental issues; noting the septic system failed (previous owner) and the property is on the river which draws into Lake Winnepesaukee. She stated the septic system needs to be addressed.

Karen Granger, Mill Pond Drive, confirmed the district is zoned residential and the proposal is to change the use of the property to consumer retail sales.

Matt Young stated the corner of the lot is located in the Neighborhood Business District (NBD) and because of such he has to include the property in the proposal.

Karen Granger stated her concern is for the future use of the property.

Judy White asked if the lot lines could be redrawn so that Tax Map #14-2-55 would remain residential.

Matt Young stated the entire lot is not being rezoned. He stated the zoning district runs through the properties.

Judy White confirmed that Tax Map #14-2-55 is not being rezoned.

Matt Young stated only the corner of the lot is impacted.

Judy White asked why the lot line couldn't be redrawn.

Matt Young stated a boundary line adjustment would cost \$6,000; noting he is not proposing a rezoning of the property but rather, a change from one permitted use to another.

Bennett White stated he is confused as to what is being requested if consumer and retail sales is already an approved use.

Matt Young stated a residential house and any number of types of businesses are permitted in the NHB however, if the use is changed from residential to commercial then site plan review is required for the change of use. He stated there is no proposed changes to the property; noting only boats will be parked on the lot.

Bennett White stated there are several uses under commercial such as a storage shed; noting a storage shed would require a Special Exception. He stated consumer retail is not at all permitted in a residential zone area.

Matt Young stated it is permitted as a home occupation.

Bennett White asked if a storage unit is being built for commercial purposes wouldn't consumer services apply to the storage structure because it's a more stringent application.

Matt Young stated that if he was proposing to build a storage building then he would need a Special Exception.

Karen Granger stated that it would be easier if the property was already zoned commercial retail instead of residential.

Bennett White asked if a storage shed could be built on Tax Map #14-2-55.

Matt Young replied maybe however noted he is not asking for such. He stated it would be exceedingly unlikely however, noted it could happen if he received a Special Exception.

Mary Hunter asked if the Board could grant a change to commercial use to the front of the lot.

Gary Qua stated the Board is dealing with the proposed commercial use, retail sales and consumer services not including motor vehicle and motor home sales not exceeding 5,000 SF of gross area per lot. He stated the Board is only addressing the 300' within the NHB District.

Judy White stated the abutter letter doesn't make that clear and that is why there is some confusion.

Matt Young reviewed the site plan and proposed changes with Judy and Bennett White.

Richard Swain stated he hears that boat storage is needed and foresees development in the rear of the lot for boat storage. He stated such is his concern.

Matt Young stated he is not asking for or proposing anything beyond the 300'.

Jill Cromwell, 8 Lanes End, confirmed that the applicant is only asking for a change of use to commercial within the first 300' of the property.

Jack Parsons stated it is already zoned commercial.

Jill Cromwell confirmed the applicant is not requesting a change of designation to the other lot. She expressed concern regarding waiving a traffic study; noting she is concerned for safety and congestion and the impact of such is unknown.

Matt Young stated the Planning Board does not have the authority when it relates to a State Highway; noting such is solely the domain of NHDOT unless a Memorandum of Understanding has been issued between the NHDOT and the Town.

Tony Triolo asked how long the marina has been in existence.

Matt Young replied 1954.

Tony Triolo confirmed the applicant has received a NHDOT permit.

Matt Young stated NHDOT approved a driveway change of use; noting safety is one of the things that is reviewed. He stated NHDOT conducted a site visit.

Mary Hunter asked if customers would be restricted from accessing the lot to look at the boats.

Matt Young stated he had not planned to do such. He stated most people will park at the showroom and walk over to the boats.

Mary Hunter confirmed the driveway entrance will be open.

Joe Cavallaro, High Street, asked if the request for the additional 20' would change the classification of the entire lot.

Matt Young replied no, only the 20'.

Joe Cavallaro confirmed the boats will be parked on Tax Map 14-2-23 and asked if additional boats would be parked on the showroom property.

Matt Young replied no and stated the coverage area on the showroom property is maxed out.

Joe Cavallaro confirmed the applicant is looking to grow his business. He stated the application is about growth for one individual and not the people in the neighborhood.

Matt Young agreed that it is about growth on a property in which the use is permitted within that zone.

Richard Swain expressed concern that they (abutters) would be risking family legacies for the sake of a \$6,000 lot line adjustment. He stated it feels unbalanced. He expressed concern that a storage building will be constructed.

Jack Parsons reviewed the boundaries of the NHB and Medium Density Residential (MDR) Districts; noting the portion of the MDR District is not changing.

Bennett White asked how the showroom was constructed if the property (Tax Map #14-2-24) is located in the MDR District.

Matt Young stated storage buildings is a separate use in the Town of Tuftonboro and are permitted through Special Exception only; noting an application to the ZBA is required and five criteria has to be proven. In addition, he stated he would have to then go to the Planning Board and meet all zoning requirements such as drainage, setbacks, etc. He noted he is not asking for a storage building and is not planning for such in the future.

Referencing Tax Map #14-2-55, Judy White asked if vehicles and trailers are allowed to be stored on the residentially zoned property.

Matt Young stated registered motor vehicles are permitted.

Judy White asked if, moving forward, trailers and shrink wrapped boats are allowed to be store on Tax Map #14-2-55.

Matt Young stated boats cannot be stored on a residential lot.

Judy White asked if empty trailers are allowed to be stored on Tax Map #14-2-55.

Matt Young stated he hasn't figured that out yet.

Judy White stated other people are concerned about the traffic flow from the property to their neighborhood (to the rear of the lot).

Matt Young stated after the ground thaws he intends to move the gate that is currently on the property to the rear of the lot along the property line to close off the property. He noted access has to be maintained for the Fire Department however, there is no intent to have trucks and trailers drive through the neighborhood.

Jill Cromwell asked what is allowed without having to get the next permit and without having another hearing (cutting of grade, signage, lighting).

Tony Triolo stated any changes that are made to the site has to come before the Planning Board.

Matt Young stated other than general routine maintenance.

Steve Hunter, No. 9 Road, stated he doesn't care what the applicant does on the property. He stated when an applicant comes before the Board Matt Young does a diligent job crossing the t's and dotting the I's. He stated the transparency is bewildering. He reviewed a couple of applications that had gone before the Board over the past year and questioned whether the Board would remain consistent. He questions whether the pontoon boats will be put away every night (a condition that was placed on another applicant). Referencing the traffic study and comment that such isn't needed, he noted a tractor trailer truck will be necessary to deliver the boats and doesn't feel the truck will be able to access the property. He questioned whether the Board has a real quorum given that Tony Triolo's wife has always worked for Mr. Young and Laureen Hadley and Gary Qua are clients of Mr. Young.

Tony Triolo stated his wife has been retired for two years.

Fran Laase, 5 Bay Road, asked what would prevent Mr. Young from washing boats on the property and runoff from such into the river and wetland area.

Matt Young stated such is not permitted without a NHDES Groundwater and Wastewater Discharge permit.

Fran Laase questioned the impact to the wetland area.

Matt Young stated he is not allowed to wash boats on the property.

Tony Triolo asked the public if there were any more questions. There being no response, he closed the public hearing. He confirmed there would be no changes to lighting, exterior of the building or right-of-way easements.

Gary Qua confirmed a gate would be placed at the back of the driveway to stop traffic from entering the neighborhood, keep the house residential, store pontoon boats to show and sell, use of garage/barn to store equipment to maintain the property and receipt of a NHDOT permit. He also confirmed the Fire Department has looked at the property.

Matt Young stated he did a walk through with the Tuftonboro Fire Department and a letter is in the file. He stated he also spoke with the Chief of Police who did not express any concern.

Gary Qua questioned the hours of operation.

Matt Young replied the hours of operation for the showroom is 9 am-5 pm during the summer and 8am -6pm during the winter, seven days/week. During the busy season there may be activity until 7 pm.

Bennett White questioned the state of the septic system.

Matt Young stated he has no idea of the state of the system however, once it is used and if there is a problem he will replace the system.

Judy White asked how the issue would be identified and asked if the system will be inspected.

Matt Young stated he did not intend to perform an inspection.

Member of the public asked how much it would cost to replace a septic system.

Matt Young replied probably \$20,000.

Member of the public asked how much the boundary line adjustment would cost.

Matt Young replied \$6,000.

Member of the public stated that if Mr. Young would sign off saying he wouldn't build any buildings higher than the line (district) then it would make some of them feel better. He stated Mr. Young is going to get a Special Exception in the future and build a storage building. He asked Mr. Young to change the boundary line.

Jack Parsons stated the public hearing is closed.

Laureen Hadley asked Tony Triolo to reopen the public hearing.

Vice-Chairman Triolo re-opened the public hearing.

Paula Littleton asked what the abutter's recourse would be if the application is approved. She asked why the lot line can't be changed.

Matt Young stated a boundary line adjustment would change nothing. He stated the abutters could appeal the decision to the ZBA or Superior Court depending upon the structure of the appeal; noting the abutters have thirty days after the decision.

Gary Qua stated the decision can be appealed to the ZBA if the appeal is based on a zoning issue.

Matt Young stated he is asking to use the first 320' of the zoning district to park boats and not to build a boat storage building.

Robert Cram, 2&3 High Street, confirmed the Board will be considering boat storage on residential property in the future and asked that the Board review such with a critical eye.

Kate Nesbit asked if there is a maximum number of boats anticipated to be at the site.

Matt Young stated he estimates that 30 boats could be parked within the area.

Joanne Cavallaro, 10 High Street, asked how many of the boats would be seen from the dam.

Matt Young stated the Cavallaro house is 575 feet away from the area where the boats will be displayed therefore, the Cavallaro property would probably be looking at the backside of ten boats.

Joanne Cavallaro asked if the property is viewed from the other side of the property would they be looking at 30 boats.

Matt Young replied yes.

Joanne Cavallaro asked if there could be screening that could be done to maintain the natural beauty of the area.

Matt Young stated he has no intention of cutting the existing tree line; noting the land slopes down toward the dam and there is 30 yards of trees.

Joanne Cavallaro questioned lighting; expressing concern for light pollution.

Matt Young stated the lights placed on the property by the previous owner have been removed.

Joanne Cavallaro asked where the trailers would be parked.

Matt Young stated the trailers are currently located across the street under the trees along the property line; he located such on the plan.

Joanne Cavallaro asked the applicant to continue business in such a way that doesn't impact the neighbors.

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

Tony Triolo read the waiver requests submitted by the applicant.

It was moved by Gary Qua and seconded by Kate Nesbit to grant a waiver for Section 4.3.2. All members voted in favor. The motion passed.

It was moved by Gary Qua and seconded by Laureen Hadley to grant a waiver for Section 4.3.2(B). All members voted in favor. The motion passed.

It was moved by Laureen Hadley and seconded by Gary Qua to grant a waiver for Section 4.3.2(C). All members voted in favor. The motion passed.

It was moved by Gary Qua and seconded by Laureen Hadley to grant a waiver for Section 4.3.2(D). All members voted in favor. The motion passed.

It was moved by Gary Qua and seconded by Kate Nesbit to grant a waiver for Section 4.3.2(F). All members voted in favor. The motion passed.

It was moved by Kate Nesbit and seconded by Laureen Hadley to grant a waiver for Section 4.3.2(G). All members voted in favor. The motion passed.

It was moved by Laureen Hadley and seconded by Kate Nesbit to grant a waiver for Section 4.3.2(H). All members voted in favor. The motion passed.

It was moved by Kate Nesbit and seconded by Gary Qua to grant a waiver for Section 4.3.2(J). All members voted in favor. The motion passed.

It was moved by Kate Nesbit and seconded by Laureen Hadley to grant a waiver for Section 4.3.3. All members voted in favor. The motion passed.

It was moved by Laureen Hadley and seconded by Kate Nesbit to grant a waiver for Section 4.3.3(A). All members voted in favor. The motion passed.

It was moved by Kate Nesbit and seconded by George Maidof to grant a waiver for Section 4.3.3(B). All members voted in favor. The motion passed.

It was moved by Gary Qua and seconded by George Maidof to grant a waiver for Section 4.3.3(C). All members voted in favor. The motion passed.

It was moved by George Maidof and seconded by Kate Nesbit to grant a waiver for Section 4.3.3(D). All members voted in favor. The motion passed.

It was moved by George Maidof and seconded by Laureen Hadley to grant a waiver for Section 4.3.3(E). All members voted in favor. The motion passed.

It was moved by Gary Qua and seconded by Kate Nesbit to grant a waiver for Section 4.3.3(F). All members voted in favor. The motion passed.

It was moved by Laureen Hadley and seconded by Gary Qua to grant a waiver for Section 4.3.3(G). All members voted in favor. The motion passed.

It was moved by Gary Qua and seconded by Laureen Hadley to grant a waiver for Section 4.3.3(H). All members voted in favor. The motion passed.

It was moved by Kate Nesbit and seconded by Laureen Hadley to grant a waiver for Section 4.3.3(I). All members voted in favor. The motion passed.

It was moved by Kate Nesbit and seconded by Laureen Hadley to grant a waiver for Section 4.3.3(K). All members voted in favor. The motion passed.

It was moved by Kate Nesbit and seconded by Gary Qua to grant a waiver for Section 4.3.3(L). All members voted in favor. The motion passed.

It was moved by George Maidof and seconded by Gary Qua to grant a waiver for Section 4.3.3(M). All members voted in favor. The motion passed.

Tony Triolo reviewed the following recommended conditions of approval;

1. The applicant shall comply with all local, state and federal permits and any conditions attached thereto.
2. Any changes to the approved site plan as proposed will require additional site plan review and approval from the Planning Board.
3. The gate located on Tax Map 14-2-55 shall be relocated to the rear of the lot to prohibit traffic from entering and exiting the property.
4. The applicant shall maintain the existing tree line on Tax Map #14-2-55.
5. The applicant shall plant an additional buffer on Tax Map 14-2-55 to include fir type trees along the tree line.
6. Hours of operation shall be 7 AM to 6PM, Sunday through Saturday.

It was moved by Gary Qua and seconded by George Maidof to approve the Matthew C. Young Revocable Trust Site Plan Review application, Tax Maps #14-2-22, 14-2-23 and 14-2-55, subject to the recommended conditions of approval. All members voted in favor. The motion passed.

IV. Action Item

N/A

V. Discussion Item

Short Term Rentals/Airbnb Workshop

Workshop has been rescheduled for May 7, 2020 at 7 PM.

VI. Informational Items

N/A

VII. Other Business

N/A

VIII. Public Comment

None.

It was moved by Kate Nesbit and seconded by Gary Qua to adjourn the March 5, 2020 Tuftonboro Planning Board meeting. All members voted in favor. The motion passed.

There being no further business before the Board, the meeting adjourned at 8:48 PM.

Respectfully Submitted,

Lee Ann Hendrickson

Lee Ann Hendrickson