**Town of Orford Planning Board**

**Meeting Minutes – July 21, 2014**

*Board Members & Staff Present:* Ann Green, Chair;Andy Schwaegler, Vice-Chair; Lawrence Hibbard, Member; Harry Osmer, Member; Jim McGoff, Member; Chase Kling, Member; Tom Steketee, Selectboard Representative Member; Edward (Skip) Gould, Alternate; Sam Hanford, Alternate; and Victoria Davis, Planning Assistant

*Board Members Absent:* Rob O’Donnell, Alternate

*Public Present:* Peter Dooley, ZBA; Emily Bryant, ZBA; Anne Duncan Cooley, Selectman; John Adams, Selectman; Ray & Tina Clark

**Item 1: Review of Meeting Minutes:** Ann Green called the meeting to order at 7:00 pm. She appointed Skip to sit in for Andy. Minor changes were suggested to the minutes. The notation that a motion was made to be review the minutes of the May 19 meeting was changed to approve. On page 2, the next to last sentence was rewritten to say, the main concern is to let anyone who considers buying the lot know the restrictions “that they must remain within the building envelope which is outside the floodplain.” On page 3 in the 5th paragraph, Ann changed the sentence to read, “Ann G. noted that the conditions for Stacey Thomson’s application have been met and the “permit issued.” She also added to the section on the UVLSRPC contract renewal to the next to last sentence: “to be submitted to the Selectboard for approval and signature.” Harry made a motion to approve the minutes of June 16, 2014 as amended; Jim seconded the motion; and unanimous agreement followed.

Andy arrived and Ann thanked Skip for filling in, and Skip stepped down as a voting member.

**Item 2: Discussion of Excavation Regulations:** Ann reported that she had reviewed both the town’s draft of the regulations as well as the model provided by Mary Pinkham-Langer from the NH Department of Revenue. Ann would like to work with Vickie to combine the best of these two drafts and present it to the Board for discussion at the next Planning Board meeting. When the Board is satisfied with the draft regulations, they will vote it to a public hearing for adoption. Jim stated the original gravel committee should be included in review. There was discussion if the committee had been originated for review of Subdivision Regulations road design or the Excavation Regulations. The Board determined there could be input at their meetings as well as the public hearing.

**Item 3: Review Country Lane Agreement and Subdivision Application Forms:** Ann reported that she will contact town counsel to see if they can remove the antiquated language from the form (whereas, wherefore…). Vickie distributed the revised applications for minor and major subdivisions. She reviewed the changes since the last meeting which included adding a request for the protected Shoreland to be shown on the map; changed the name for State septic review to the State’s name of Approval for Subdivision; and added a requirement for a permit from the Selectboard if any development within floodplain. Andy made a motion to approve the application for minor subdivision application. Tom seconded the motion, and unanimous agreement followed. Andy made a motion to approve the major subdivision application. Harry seconded the motion, and unanimous agreement followed.

Vickie reported that she contacted legal counsel at the NH Municipal Association about the 50’ road frontage requirement for lot line adjustments. She was advised that the Planning Board may wish to retain the requirement as they can waive this on a case by case basis. The attorney pointed out that there could be future municipal expenses if the Board approved lots with no frontage. The Board had adopted this application at the last meeting, and they decided to leave it as it is with the requirement listed.

**Item 4: Discussion of Floodplain Ordinance and Procedures:** The Selectboard had publicly noticed their attendance at the Planning Board meeting since there would be a quorum and the Town boards need to determine a protocol for handling applications in the floodplain. The Floodplain Ordinance requires that the Selectboard or their designee review any proposed development within the floodplain. There had been procedural confusion regarding a recent application from the Clarks. The Planning Board had requested the Selectboard to arrange a public hearing with the ZBA which occurred though it was inappropriate. The Planning Board made apologies to the Clarks.

There was discussion if the country lane, potential well, or septic system required a permit at all or if it would only be required at the point of construction. Chase made a motion to rescind the condition to require the Clarks to obtain a permit to build in the floodplain as it is unfair and unreasonable. Jim seconded the motion. The floodplain ordinance seemed ambiguous on this point, but it did state all development in the floodplain requires a permit. John stated the application should definitely come before the Selectboard, and the ordinance states that all proposed development come before the Selectboard. Emily expressed concern that the proposal should be evaluated for floodplain impacts. The motion went to a vote, Chase voted in favor and everyone else voted against the motion.

Attendees discussed a future procedure which would include an application to build in the floodplain to be submitted by the applicant to the Selectboard or their designee. (Jennifer Gilbert has provided an example of an application from the Town of Tamworth which Vickie modified and returned to Jennifer for review.) If the Selectboard reviews the application and believes it will not detrimentally impact the floodplain, they will issue a permit. If they believe the proposed development will detrimentally impact the floodplain, they can deny the application. The applicant could then appeal to the ZBA. Ray Clark asked that they not require him to complete an application for his proposal after the fact.

There was a discussion if the NH Department of Environmental Services permits for septic systems and wells would include an evaluation of floodplain impact. Vickie stated she believed they only review these applications for structural viability and ensuring against pollution--they do not assess impact on the floodplain.

**Item 5: Other Business:** Ann reported that the Balch subdivision would be coming back to the Planning Board as the Balches were not able to obtain a written right of way to their proposed lot from their abutter. They will have to put in another driveway.

Vickie showed the Board the wetlands and floodplain maps she brought for the Town of Orford.

The meeting adjourned at 8:30 pm.

Submitted by,

Victoria Davis, Planner

Upper Valley Lake Sunapee Regional Planning Commission

**Tentative Meeting Agenda for August 18, 2014**

* Excavation Regulations review
* Public Hearing for Balch minor subdivision revision for driveway