

Orford Planning Board

January 16, 2017

Board Minutes

Approved February 20, 2017

Present

- *Committee Members:* Andy Schwaegler (chair), Paul Carreiro, Dave Smith (Select Board representative), Tom Steketee, Jim McGoff, Kelley Monahan, P. Chase Kling, Mark Burger (alternate), Sam Hanford (alternate)
- *Upper Valley Lake Sunapee Regional Planning Commission:* Jonathan Edwards
- *Public:* Brad McCormack, Harry Burgess, Jim Hook, Stacey Thomson, Kevin Follensbee, Stacie Marshall

7:03 PM: Meeting called to order.

1. Review minutes from December 19, 2016

Chase moved and Paul seconded that the minutes of the December 19, 2016 meeting be approved with the following corrections:

- On page 1, add notation that Paul was seated as acting chair at the start of the meeting.
- In item 3b on page 3, Tom asked that the reference to timing of the master plan change from “will take several years” to “may take several years.”

2. Review minutes from special meeting January 3, 2017

Copies of the minutes were not provided to Board members; this item will be discussed at the next meeting.

3. Subdivision Application Hearing for George Schwarz, NH Route 25A, tax map/lot 8-29-4, contains 750± acres and will be subdivided into three lots

Andy recused himself given that his family owns land abutting this property. **Chase moved/Dave seconded to seat Paul as acting chair; motion passed. Mark was seated.**

The Board reviewed all submitted materials, including documentation submitted to the Board through the mail.

Harry Burgess, representing George Schwarz, presented the application for a minor subdivision of the approximately 750 acres into three lots (lot 4: 322.41 acres; lot 4E: 14.56 acres; lot 4F: 414.97 acres). All three lots have existing road frontage on 25A.

Harry asked the Board for a relaxation of four subdivision plan requirements:

- Given the size of the parcel, reduce the scale to 1 in. = 400 ft. to make the map reasonably-sized
- Use approximate topography and wetlands location data from the United States Geological Survey (USGS) and Google Maps
- While perc testing was satisfactorily completed on lot 4E, not require testing on the two larger lots because of their sizes
- Not require soils mapping from the Natural Resources Conservation Service (NRCS) on the plan

Responding to questions from the Board, Harry confirmed that the two gravel pits on lot 4F were used only for roads interior to the property, and that neither of the two larger lots would pose issues for septic systems. He also confirmed that driveway permit applications were submitted to the DOT. The engineer in charge confirmed on Friday that the applications would be approved, and Stacey provided a copy of email documentation to be included in the subdivision application. Once the applications are approved, permit numbers will be added to the final Mylar map.

Chase raised concerns about the timber harvesting currently ongoing on the property, specifically around wetland protection. He wondered whether a buffer zone would be maintained around the wetlands. After Stacey questioned the relevance of the inquiry to the Board's decision regarding the subdivision, Paul highlighted relevant Planning Board procedures regarding considering wetlands and topography. Jonathan conveyed that logging and clearing a property is subject to the "intent to log" permit and that the appropriate governing bodies enforce logging laws, while the splitting of a parcel of land through subdivision concerns the same land but is unrelated. Jonathan continued to explain that the purpose of the logging is what is important – if the logging is in pursuit of development related to the subdivision, the issue then warrants consideration by the Board.

The group considered the requested four waivers, and found all to be reasonable. Jonathan confirmed that the application appeared to be complete, with the exception of the approved driveway permits. Given feedback from the DOT engineer, he had no concerns.

Chase moved to accept the application for the minor subdivision as complete, with requested waivers. Jim seconded; the motion passed.

As part of the discussion around this application, the Board briefly discussed more generally a process for working through this type of application, and Amber's role as circuit writer. The Board expressed a desire to schedule an off-cycle meeting with Amber to work through an application, including defining responsibilities and how best to use the application checklist.

Paul made a motion to go to a public hearing; Kelley seconded. Motion passed at 7:51 PM.

Andy pointed out that some of the lot line notations on the map provided to the Board have changed; Harry confirmed that the latest version of the map had been corrected. Brad agreed with Chase's earlier points regarding the detrimental effects of logging on the site, but also agreed that the point was irrelevant to the subdivision discussion.

After ascertaining that there were no further comments from the public, **Mark made a motion to close the public session; Tom seconded. Motion passed at 8:00 PM.**

Chase moved to approve the minor subdivision, conditional on documentation of driveway permit approvals; Jim seconded. Motion passed. The Board confirmed that Harry will update the map with permit numbers once approved, and will get the final Mylar map to Sheri for Paul's signature. Paul produced the Notice of Action for the decision.

Andy was reseated as chair; Mark was unseated.

4. Informal: Discussion of parcel configuration for the approved Minor Subdivision of Gerald D. & Jeannine A. Groff, located at 135 Mud Turtle Pond Road, tax map lot 8-0089-044

Jonathan relayed a note from Amber stating that this agenda item would not be discussed this evening.

5. Other Business

5.a. Follow up on Kevin Follensbee's curb cut application on Archertown Road

Chase recused himself from discussion given his friendship with a number of individuals involved in this application. **Sam was seated** in his place.

The Board reviewed Kevin's curb cut application. Paul reminded the Board that he had promised to look into the question of whether Roger Hadlock's status as an abutter created a conflict of interest given that the Road Agent's signature is required for application approval. Paul had reviewed regulations, and suggested that unless the Board is concerned, or an individual has specific concerns, there is no need to change established regulations. The Board agreed.

The Board discussed [curb cut regulations](#), specifically number 7, stating that "curb cuts that abut paved streets shall be constructed with paved aprons..." Archertown was paved this past summer. However, given the pre-existing culvert of sufficient size to handle runoff which has been functioning without issue for many years, the Board suggested that a fabric and compacted gravel apron would be sufficient.

Tom moved to approve Kevin's curb cut application contingent on the Road Agent accepting the use of fabric and gravel as opposed to a professionally paved apron. Jim seconded; motion passed.

Chase was reseated; Sam was unseated.

5.b. Invoicing from UVLSRPC

The Board reviewed an invoice from Upper Valley Lake Sunapee Regional Planning Commission for work completed in the month of November. The invoice was mistakenly calculated according to the retention billing model that the Board modified in November. Jonathan adjusted the invoice to total \$216 (4.5 hours at \$48 per hour).

Paul moved to accept the invoice for the month of November as amended; Jim seconded. Motion passed. The invoice was signed, and will be submitted to the Select Board.

Andy notified the group that he received an email from Amber with notification that she was close to her allotted six hours in December, requesting permission to work additional hours. The Board agreed that the chair should have the latitude to approve reasonable overage requests for expediency, but that he should update the Board at the next meeting.

5.c. Master Plan funding

David notified the group that the Select Board was unable to encumber \$1,500 from the Planning Board's current year budget to support the master plan process because an established contract is required for an encumbrance. Instead, the Select Board drafted a warrant article to fund these efforts. Paul stated that this was not what the Orford Planning Board had voted (agreed) to do, and that the Orford Select Board was out of its scope of responsibilities in making a decision for the warrant without first consulting the Planning Board with a suggested change. After debating several options and whether the amount requested was appropriate, **Paul moved that the Planning Board ask the Select Board to amend the amount requested in the warrant article from \$1,500 to \$750. Jim seconded.** The Board discussed likely costs around an input survey, postage and data entry, as well as the fact that the amount could be amended on the floor at town meeting. The group also reiterated that should the warrant article pass, unused money would remain in the town's general fund. After calling the vote, **Paul and Jim voted in favor, all others voted against. Motion failed.**

Andy moved to adjourn, and Jim seconded. Motion passed at 9:37 PM.