

ORFORD PLANNING BOARD
2529 Governor Meldrim Thomson Scenic Highway
Orford, NH 03777

Minutes for July 13, 2020 (Meeting by ZOOM web service)

Meeting held by internet connection, as advertised at Orford Town Hall and on List Serve for the Town of Orford. (ZOOM VIRTUAL MEETING # 560-467-5097 or Phone 929-436-2866) Meeting was recorded on Zoom and hosted by Adam Ricker of the Upper Valley Lake Sunapee Regional Planning Commission.

NOTE: The regularly scheduled meeting of June 8, 2020 was canceled due to the Covid-19 pandemic, and the lack of any legally pressing applications, and pending alternative meeting directives, as ordered by Fred Kidder, Ex Officio Select Board Member.

Meeting was called to order by Terry Martin at 6:12 PM, waiting a quorum.
The following participating on the “on-line” Zoom service:
For the Board: Mark Marsh, Harry Osmer, Faith Knapp, Terry Martin
Absent Board Members: Roberta Gray, Fred Kidder II, Terry Straight

Also attending : Adam Ricker for the Upper Valley Lake Sunapee Regional Planning Commission (hereinafter UVLSRPC) (Host of this “zoom” meeting), Attorney C. Christine Fillmore of Drummond Woodsum, representing the Orford Planning Board, and Attorney Kevin F. Carr of Baker& Hayes, representing both Kelly Barber of Orford and J.W. Barber Investment Properties, Inc, a Florida corporation.

Public Attendance: Ann Green, Route 10, Orford, Kelly Barber, Orford

A review and Approval of the Minutes of May 11, 2020 was moved and seconded.
All in favor of approval without any additions or corrections. (See Roll Call vote #1, on roll call chart below.)

Old Business:

1. Chair accepted a motion to confirm actions taken at the May 11, 2020 as shown in the minutes of that date. Public comment was solicited with none received. Motion passed on roll call vote # 2 (see below) 4-0.

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OLD BUSINESS SUSPENDED:

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On motion by Mark Marsh and 2nd by Faith Knapp, the Board agreed to proceed to item 2 of New Business in recognition of time and cost of both Attorneys. (See Roll Call Motion # 3.) All in Favor.

NEW BUSINESS:

Chair recognized Attorney Kevin F. Carr who presented a case involving a potential request to waive a full survey for a described lot known as Map 8, Lot 108-12A, also known as 394 Route 10 or “the Veranda”. Attorney Carr referenced two letters, one to the Select Board on June 15, 2020, and a June 23rd letter to the Planning Board, both addressing the requested waiver of a Full Subdivision proceeding.

Atty. Carr suggested that the decision of this Board influenced the type of survey and who could take on the request. He represents only Kelly Barber and not the adjoining property own by the Tullar family. Mr. Carr agreed that the Tullar property was affected, but that he was not able to contact the Tullars. He also referenced a surveyor, Wayne McCutcheon who apparently holds some files which reference this property.

Attorney Carr believes that the Planning Board has wide latitude to grant waivers as he outlined in his letter of June 23, 2020 to the Board.

At this point, the Chair, Terry W. Martin, recused himself citing a request from Attorney Carr that he do so because he purchased his home from the applicant in 2004. The Chair suggested that the Board seat Ann Green at this time as an Alternate to the Board for the remainder of the current term.

On Motion by Harry Osmer and 2nd by Faith Knapp, Ann Green was seated by unanimous consent (see vote roll call #4).

Atty. Carr asked if the Board has seen the letter. Faith Knapp indicates she had not. Atty Carr was asked to restate the letter’s elements.

Atty Carr told the Board that the issue traces back to 1984, when a full survey was not done. [sic: Transaction is between Anne F. Thayer and Joel Olsen on September 5, 1984.]

Atty. Carr reminded the Board that Joel Olsen went to another subdivision which was approved by the Planning Board in September 1989, and while it was a Major Subdivision application (seeking 10 condominium units) [sic: Condominium plans were never filed or followed through upon.] Atty Carr suggested that nothing in the record indicates that the Orford Planning Board at that time questioned the original subdivision filing.

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Atty Carr pleaded that this condition represented a “unnecessary” hardship on his client, Kelly Barber, and that she has been paying taxes on the property for over 15 years. He requested that we accept a “metes and bounds” survey and waive all other requirements. The simple survey would be then signed by the board for filing (at the Recorder of Deeds.)

A motion made by Harry Osmer, with Faith Knapp as 2nd, to consider a waiver of a full subdivision, accepting a survey of only the 5.22 acres.

Discussion:

Mark Marsh asked for input from Adam Ricker, UVLSRPC, and our circuit rider. Adam asked if there was an easement involved. Atty. Carr stated that the easement would be included in the survey. Adam also asked if the Title Company that raised the original objection would accept the minor subdivision as requested. Atty Carr replied, “yes”.

Adam Ricker asked our attorney, Christine Fillmore Esq. if we will need a letter of authorization from the adjoining landowner, believed to be Rendell Tullar. Atty Fillmore affirmed that we would indeed need “something in writing” from the Tullars, or an authorization from the Tullars for Atty. Carr to act on their behalf.

Ann Green asked for a motion to amend Motion 5 to include the requirement of the Tullar’s authorization for this subdivision without the full survey to include land they owned.

Motion # 6 to amend Motion #5 was made such that “We are considering the waiver of full survey of the larger lot when considering the 5.22 acre subdivision, with the express permission of the larger land owner at the time of the waiver.

Motion #6 passed with Terry Martin abstaining.

Motion # 5 was then voted with Terry Martin abstaining, all in favor (see Roll call voting record, below.)

Mark Marsh asked Atty Fillmore if the town was OK on this question and she responded that “it was not ideal” but the other property owner or owners must sign off on this.

Atty Fillmore was excused as we had not further pending legal questions.

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BACK TO OLD BUSINESS

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Terry Martin returned to chair the meeting, Ann Green continued to be seated in the stead of either Terry Straight or Roberta Gray. The Chair accepted a motion From Faith with Mark 2nd, to table the co-chair question. All in Favor. (see Roll Call vote # 7).

Discussion of the Recording Secretary position.

Ann Green felt it was too bad we had to hire someone; a volunteer would be good. She feels that the fee of \$60 is sufficient.

Adam Ricker contributed area experience. Communities within the Upper Valley are paying \$20/hour and experiencing a cost of between \$60 and \$100.

We all agreed to be on the look-out for a local candidate and Ann Green said she would do some exploratory work in that regard.

Further work was reported on the Application Packages. Ann Green received confirmation that we had only changed the fee structure and the number of copies necessary upon filing.

NEW BUSINESS—CONTINUED

Chair reported that we are required to inspect Stacy Thomson's excavation pit off Route 10. Notice to be sent to Mr. Thomson after referencing the files.

Motion to meet at 5 PM on August 10th at the site, followed by the full Board meeting was moved by Mark and 2nd by Faith. All in Favor. (see roll call vote #8)

With # 2 of New Business completed earlier, Public Comment was requested.

Terry Martin as a member of the public indicated that he is concerned that we may not meet the requirements of the Recorder of Deeds in the Kelly Barber mini-survey request.

Adam Ricker suggested that we reach out to the Tullars.

Faith Knapp is concerned that the solution requested (by Atty Carr above) would create "gray areas" and the matter needs to be done right.

Chair presented an invoice from the Upper Valley Lake Sunapee Regional Planning Commission for \$90 of Adam Ricker's earlier service. Faith Knapp moved and Mark Marsh 2nd to pay.

Approximately 43 minutes into the meeting the Chair called for adjournment given no further business before the Board. Adjourned by declaration.

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Respectfully submitted,

Terry W. Martin

Chair

Roll Call Voting Results: Meeting of July 10, 2020 Attached below:

Next Regular Meeting of the Orford Planning Board is September 14, 2020 at **6:00PM** at the Town Offices, or by Zoom as necessary

DEADLINE FOR NEW APPLICATIONS: August 28, 2020.

<u>Roll Call Votes for July 13, 2020</u>			Present	Vote 1	Vote 2	Vote 3	Vote 4	Vote 5	Vote 6	Vote 7	Vote 8
1	Roberta	Gray	NO	***	***	***	***	***	***	***	***
2	Fred	Kidder II	NO	***	***	***	***	***	***	***	***
3	Faith	Knapp	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
4	Mark	Marsh	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
5	Terry	Martin	Yes	Yes	Yes	Yes	Yes	Abstained	Abstained	Yes	Yes
6	Harry	Osmer	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
7	Terry	Straight	No	***	***	***	***	***	***	Yes	Yes
8	Ann	Green (Alternate)	Yes	***	***	***	***	Yes	Yes	Yes	Yes
Planning Assi			Adam Ricker	UVLSRPC	Yes						
Vote 1:			Motion to approve Minutes of May 11								
Vote 2:			Confirming minutes of May meeting in reorganizing the board, Moved by Faith, 2nd Mark, no discussion								
Vote 3:			Motion to move to new business item #2 -Requesting waiver for full subdivision survey Map 8 Lot 108-12A aka 394 Route 10 , moved by Mark, 2nd Faith								
Vote 4:			Motion by Harry Osmer, seconded by Faith Knapp to seat Ann Green as an Alternate								
Vote 5:			Motion to conditionally indicate the Orford Planning Board may accept a partial survey of 5.22 acres of a property owned by J.W. Barber Investment Properties, Inc. with the written acquiescence of the owner of the larger portion of property.								
Vote 6:			Motion to amend original motion on Vote 5								
Vote 7:			Motion to table Co-Chair discussion.								
Vote 8:			Motion to inspect Stacy Thomson's Excavation Pit August 10 at 5 PM								
Vote 9:			Motion to pay UVLSRPC bill								