

**Town of Orford Planning Board
Meeting Minutes – February 8, 2022**

Board Members & Staff Present: Jennifer Carter, Chair; Harry Osmer, Vice-Chair; Terry Straight, Member; Ann Green, Member; Fred Kidder, Select Board Representative (attending by phone as in quarantine); Faith Kapp (attending virtually) Vickie Davis, UVLSRPC (attending virtually); and Attorney Christine Fillmore, Town Counsel DrummondWoodsum Attorneys at Law (attending virtually)

Board Members Absent: John Adams, Select Board Representative Alternate; and Kenny King, Member

Public Attending Virtually: Mark Miller, Renai Bodley Miller, Kenneth Miller, Greg Miller, Sabina McMahon, Ingrid Hale, and Charlotte Furstenberg *Public Attending in Person:* Attorney Bob Carey and Allison McGregor, Orr&Reno; Barry Schuster, Schuster, Buttrey and Wing, P.A.; and Chase Kling

Item 1: Review of Meeting Minutes: Jennifer called the meeting to order at 5:35 PM. The Board reviewed the minutes of the January 12, 2022 meeting. Ann made a motion to approve the minutes; Harry seconded the motion. Vickie Davis stated she had some changes from Town Counsel and Ann Green via email as follows:

Barry Schuster of Schuster, Buttrey and Wing, P.A. representing Greg Gould asked to speak and stated the Planning Board does not have jurisdiction over this request for a “street plat,” and therefore they should not deem the application as complete. He used NH RSA 674:41 to make his case that there shall be no erection of building unless it goes to a public hearing. He added, the Subdivision Regulations do not reference a “street plat.” Christine Fillmore suggested a short recess for a ~~closed session~~ **consultation** between the Planning Board and herself as Town Counsel. **The audio with telephone/virtual connections were muted, and the Board and Town Counsel convened a nonpublic session held a confidential consultation** in the Town Clerk’s office (Niles Room).

The public meeting was reconvened a few minutes later. Jennifer stated that the Planning Board believes they have jurisdiction over the application as it was a recommended action by the Town Select Board and Town Counsel. **Ann made a motion that the Planning Board has jurisdiction over this application. This was seconded by Harry, and unanimous agreement followed.** She Jennifer asked Vickie Davis if the application was complete, and the response was affirmative. Ann made a motion to accept the application as complete; Harry seconded the motion; and unanimous approval followed.

Fred made a motion to accept the minutes as amended. Harry seconded the motion, and unanimous agreement followed.

Item 2: Town Meeting Date: Harry pointed out that the next Planning Board meeting coincided with Town Meeting. Terry made a motion to change the date for March to the third Tuesday of the month, March 15. Jenn seconded the motion, and unanimous agreement followed.

Item 3: Public Meeting for Deliberations: Mountain View Hideaway, LLC, Request for “Street Plat” approval for private road over right of way from Prettyman Road; (Tax Map I-91, Lot 49):

The Board reviewed each waiver request from Section 5.13 of the Subdivision Regulations separately:

1. Minimum right of way width: 50’ (the existing right-of-way is 25’). Ann made a motion to approve the waiver request. Jenn seconded the motion, Harry abstained, and the remainder of the Board agreed to the waiver request approval.
2. Minimum travel surface width: 18’ (the existing travel surface not provided except less than 18’). Terry made a motion to approve the waiver request. Jenn seconded the motion, and unanimous agreement followed.
3. Minimum horizontal centerline curve radii: 100’. Ann made a motion to approve the waiver request. Jenn seconded the motion, and unanimous agreement followed.
4. Minimum vertical curve radii: 100’. Ann made a motion to approve the waiver request. Jenn seconded the motion, and unanimous agreement followed.
5. Maximum grade: 12% (applicant stated one short section exceeds the 12%). Terry made a motion to approve the waiver request. Fred seconded the motion, and unanimous agreement followed.
6. Minimum grade: 0.5%. Fred made a motion to approve the waiver request. Terry seconded the motion, and unanimous agreement followed.
7. Minimum sight distance: 200’. Fred made a motion to approve the waiver request. Harry seconded the motion, and unanimous agreement followed.

The Board discussed the good condition of the private road within the right-of-way and the need to review the proposal as a private road under section 12.04 of the regulations. Ann noted that section 12.02 required that any waivers from the design standards in that section must be reviewed and approved by the Town’s consulting engineer and agreement by the Select Board. Fred noted that the Select Board has a few engineers they could consult with for this application.

Fred made a motion to approve the application with a condition subsequent that the applicant obtain road design approval from the Town selected engineer as well as the Select Board. Terry seconded the motion, and unanimous agreement followed.

Barry Schuster asked if the Planning Board would be holding another hearing for this application. Christine Fillmore responded that they did not need to in this circumstance. If the road design was not approved by the Town engineer and Select Board, it would be up to the applicant whether or not to pursue further action.

The public meeting for deliberations ended at 6:10 pm.

Item 4: Other Business:

Jennifer noted that no invoices or mail were on the table and the closet doors to the Planning Board files were locked.

The Board has received their new NH Planning and Land Use Regulations books.

Chase Kling pointed out that the Planning Board as well as other Town boards should be prepared to reorganize at their next meeting following Town Meeting.

Ann asked Christine a general question about conservation easements wondering why the Board should require conservation easement documents if the easements could not be included in Board consideration. Christine responded that it is the law to notice easement holders about any public hearing related to abutting land or land where the easement runs.

Jenn made a motion to adjourn the meeting at 6:15 PM. The motion was seconded by Faith, and unanimous agreement followed.

Respectfully Submitted,
Vickie Davis, UVLSRPC

Tentative Meeting Agenda for March 15, 2022, 5:30 PM, Town Offices

- Reorganization after Town Meeting
- Possible training for engineering requirements in the Subdivision Regulations
- Review of Subdivision Regulations/Rules of Procedure (begin March)