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Orford Planning Board

August 13th, 2024 Meeting

Minutes

Town of Orford Planning Board

Meeting Minutes – August 13th, 2024, Meeting

Board members & staff present: Paul Goundrey-Vice Chair; Martha Rose-Secretary; Caleb Day-Member; Ruth Hook-member; Tom Thomson-member; Ann Green-alternate; Chase Kling-Selectboard Member; Vickie Davis, UVLSRPC;

Board members absent: Mark Adamczyk-Chair

Public attending in-person: Robert S. Carey, from Orr & Reno and Mark Miller, Mountain View Hideaway LLC.

Public attending virtually: none

Paul G. called the meeting to order at 5:30PM

Paul G. made a motion to seat Ann G. in for Mark A. Chair. Seconded by Tom T. all in favor. Ann G. said she is not getting the agenda. Martha A. asked her to check her OPB email. Chase K. mentioned that the board is barely at a quorum, which is concerning. Ruth H. did arrive at 5:40 PM.

Item 1: Review minutes from the previous meeting: Chase K. stated that at the July 9th, 2024 meeting both the Chair and Vice Chair were absent. Those that are unable to attend must let the board know in time to set up a replacement. He would like this to be entered into the record. Vickie D. suggested that the titles after “Item #” in the minutes should have the address or tax map number so it’s easier to see. She also suggested item 3 should read, “boundary line adjustment”. Vickie D. also questioned the sentence, “...the town corrected the deed”, which should read, “...the deed was corrected”. Also remove reference twice to the need for only one application per item. She also asked, since there are two different properties that need to be addressed, that there be one item number per request, rather than both requests be the same item number. Chase K. made a motion to accept with amendments, seconded by Martha R., all in favor.

Paul G. suggested moving Item 3 at this time.

Item 3: Informal discussion regarding Mountain View Hideaway. Paul G. opened the informal discussion by setting the expectation that this is a new application with history. He asked that they keep history at a minimum for this informal discussion. Introductions of all board members were made to Bob Carey and Mark Miller. Bob stated this is a new application. He said that Mark Miller and his family run Camp Merriwood. He purchased 105 acres that he would like to build an off the grid home on. The way you get to that property is Upper Baker Pond Road that becomes Prettyman Road. Then through a gate that leads to a “right of way”. This right of way is in very good shape and is better than most of Prettyman Road. In NH the law says your access road must be a class 5 or better and Prettyman Road is a class 6 near the end where it meets the right of way. The law has a fix that a lot of rural communities’ use called a street plat application. This is a plan for a road. What they will come to the OPB next month is a plan to have the right of way deemed a road. The steps to take to do this is to have a surveyor prepare that plan have an engineer look at the plan and because it will be looked at as a road, even though it’s a private road there is a question if the subdivision rules for a new road would apply. They will be asking for waivers. The engineer looked at the proposed private road for the intended use and that the road could handle the traffic that would be coming from 2 single family homes. Rob C. said it is a unique thing in the law to use a street plat and the planning boards have power to do this. He said this is the way the legislature in NH has come up with to help people who live off class 6 roads and have some sort of access to the lot they want to build on. This is the application they are coming to the OPB with. What’s different from the last time they made an application for this proposal is the last time the proposal was one single family home, and the right of way goes through land owned by Greg Gould and he opposed any building on Mark M. property at all. This ended up back and forth in

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court and they have come to a solution. The packet they will submit next month will also contain a letter from Greg Gould that he does not oppose the project now. They have come to terms on what can be built there and where it can be built. What can be built is two single family homes with other structures. The first one can be built now, and the next one can be built after 25 years. Chase K. stated that the one right of way accesses three parcels. Bob C. said there is only 2 now as they were merged in 2002. Chase K. noted that the OPB is being asked to approve access as appropriate and functional for a single-family dwelling and eventually another home, and they are not creating a sub-division. At this time Bob C. went to the board to draw a visual for the OPB of what the lots look like and the right of way. One of the waivers they will be asking for is since this is not a subdivision and these cases are so rare they have to use the subdivision application there is no street plat only application. Bob C. said the law allows us to do it, but it happens so infrequently they had to modify the application. He also let us know that as part of the agreement Mark M. has put a caboose on wheels on the property. They will also have a letter from Mr. Gould saying they have resolved the dispute and that he does not oppose this. Tom T. asked them to clarify the property on which the right of way sits, and it is a conservation easement. Chase K. asked if it was clear in the deed that there are no restrictions, Bob C. said correct, no restrictions. Mark M. added the only note is that it can't be more than 25 feet rather than the usual minimum of 50 feet. Paul G. asked why the owner of the property that the right of way is on is not also on the application. Bob C. said the deeded interest is now to Mark M. Chase K. noted that there is another party here, and they have not made any statement and that is the organization that controls the conservation easement which is the Society for the Protection of New Hampshire Forests. As far as he knows they have been notified and have not made any statement one way or the other. He also asked Mark M. if the Society for the Protection of NH Forest has any part in this. Mark M. answered that it is very clear in the right of way that the only restriction is 25 feet, and you can't run any utility poles over the right of way. Martha R. asked if the road was still classified as a Class 6 road and if they were planning on getting an upgrade to a class 5 road. Bob C. said that Prettyman Road is a Class 6 road and there are houses on it and pointed out that they have a written document releasing the town from any liability for emergency services. This document was done 4 years ago and Martha R. asked if it had to be done again, Mark M. said he'd be happy to if we requested it. There was then a discussion about Prettyman Road, and that Piermont used this road for logging, and it was the only access to the Piermont land and if the timber companies want to use that they would have to upgrade the road at their expense. Bob C. then finished with a description of the application packet with engineer report, survey, the list of waivers they are requesting, and settlement agreement with Mr. Gould.

Chase K. then read the last correspondence from the town attorney that was sent to Esther. He firmly believes the OPB will need the advice of the counsel of the town of Orford to guide us and make sure that all the challenges and problems that happened in the last 3 ½ years are not repeated. He said Mark is here tonight with his attorney and we will use town attorney to make sure the town is protected, and we do due diligence, justice and fairness to the applicant so there is a successful resolution. Speaking on the behalf of the Planning Board and the Board of Selectman, that it is disappointed that this has been the way things have been but very committed to finding a pathway to a success. Tom T. thanked them for coming in to informally discuss the plan.

At this time, Tom T. said the next meeting date Sept 10th is primary voting day and the Niles room is occupied. After discussion it was decided that the next meeting dates will be Sept. 5th at 5:00 and there will be another meeting on Sept. 12th since we have an additional application to review. Paul G. would talk to Esther about the dates and get back to us. A discussion about how the application gets sent to us, Vickie D. said they filter through her and Esther. She asked to see the email from the town attorney. Chase K. also had a copy of the court order and asked if anyone needed a copy. Paul G. made copies after the meeting. Ann G. asked if the court order should be part of the current application documents and Chase K. said yes it should.

Item 2: Telecommunications Ordinance update: Martha R. handed out a copy of the proposed mailer. A few changes were suggested. Martha R. will take care of it and send it out to everyone for one last review. A discussion about not using "reply all" when communicating on email. Ann G. asked about specifics of the towers, Chase K. said this is just the first step to measure the public input. Then we will have public hearings before anything on the ordinance is amended or changed in any form. Changes to the mailer were reviewed. We want this returned 2

Approved

weeks from the date of the mailer. Changes made as amended. Paul G. made a motion to approve as amended, seconded by Ruth H., all in favor.

Other Business:

Vickie said she is considering retiring and the person that would like to take the position could not do Tuesdays due to other commitments. It was discussed that we could not change the date due to many other uses of Niles room.

Martha R. will talk to Mark A. about putting out the agenda. Vickie D. said she would combine the agenda with the public notice and this needs to be out at least 10 days before the meeting. The agenda without public notice should be out at least a few days before the meeting.

-Review any invoices/mail: No new invoices or mail.

-New Applications: Vickie D. no new applications.

Respectfully submitted, Martha Rose, Orford Planning Board Secretary

Tentative Meeting Agenda for September 5th, 2024, 5:30 PM Town Offices'

-Gravel Pit discussion

-Telecommunications Ordinance mailing

-UVLSRPC 2023-2024 Planning and Land Use Handbook Orders

-Invoices and mail

Paul G. made a motion to adjourn the meeting at 7:00 PM. The motion was seconded by Caleb D. and unanimous agreement followed.