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*Orford Planning Board*

*November 12th, 2024 Meeting*

*Minutes*

## **Town of Orford Planning Board**

### **Meeting Minutes – November 12<sup>th</sup>, 2024, Meeting**

*Board members & staff present:* Mark Adamczyk-Chair; Martha Rose-Secretary; Caleb Day-Member; Ruth Hook-member; Tom Thomson-member; Ann Green-alternate; Chase Kling-Selectboard Member; Renee Theall, UVLSRPC;

*Board members absent:* Paul Goundrey-Vice Chair.

*Public attending in-person:* Andy Schwaegler, Peak Properties & Development Corp. and Tom Hahn, Foreco. Nick Weinberg, Nick Castel, 48 LR Property LLC; Anna White, UVLSRPC; Emily Bryant-Orford Conservation Commission; John Miller.

*Public attending virtually:* David McNaughton

Mark Adamczyk called the meeting to order at 5:30PM. We have a quorum. Chase K. made a motion to seat Ann Green in for Paul Goundrey. Seconded by Tom T. All in favor.

Renee Theall, UVLSRPC introduced Anna White, UVLSRPC, and Resilience Coordinator. She is assigned to work with 9 towns in New Hampshire to help towns become more resilient to flooding. The goals that she has outlined for Orford are increasing culvert capacity, increasing grant capacity and increasing other collaborations within the town. Her grant is for 3 years. Tom T. asked how did she come up with increasing the culvert size, and has she gone around and checked the culverts? She replied that she has not herself looked at the culverts, but added it's been an issue that culverts have not been the correct size and caused road wash outs and damage. She also added that she has been working with Esther M. This will all be done by looking at the infrastructure to identify areas where upgrades might be needed and to apply for grants to do that work.

Chase K. said that the town has been working with NH DES and they have been difficult to work with and are not helping us replace known problematic bridges and culverts. Tom T. pointed out that the town is not doing everything to help because there are a lot of culverts in town that need cleaning out. Chase K. and Tom T. both agreed that the town crew has been working on this but there are still a lot of culverts that need to be cleaned out.

**Item 2: Nick Weinberg, informal discussion regarding lot line adjustments:** Regarding 571 NH Route 10, Orford, NH. He is looking to do a lot line adjustment with Ronnie Patterson who has agreed to sell him a small strip of land to continue his property line. Renee T. reviewed the application for lot line adjustment, where to find the application and went through the items on the list of what he needs to provide with the application. He asked a few questions about the order of things and Renee T. answered him and clarified what constitutes an abutter. Chase K. asked him if he was going to build anything on that added property, he replied that he was only going to build a patio and a hot tub. Tom T. suggested that he ask Esther M. to look at the flood plain map to see where the flood plain ended. Renee T. reminded him that the deadline for the application to be reviewed at the December 10<sup>th</sup> meeting is November 19th. Tom T. asked what the tax map lot numbers were, and they are not on the survey map he brought with him. Tom T. reminded Nick that it is very important to have all of the items on the application complete before the public application hearing.

**Item 3: Andy Schwaegler, informal discussion regarding Lots 7-34-3A & 7-32-27C subdivision and lot line adjustment with 7-32-21:**

**#1 Lot 7-34-3A Subdivision:** Subdivision, 137.6-acre existing lot. 2533 feet road frontage on Class V Indian Pond Rd. One existing driveway. Create one new lot (7-34-3E), approx. 12 acres, Approx 365 feet road frontage with existing

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driveway. Remaining lot 7-34-3A, 125.6 acres, approx. 2168 feet road frontage, Due to wet or steep slopes along Indian Pond Road, driveway will be shared with new lot 7-34-3E. See documents attached.

Chase K. asked if any of this land was in conservation and Andy S. said no, it is in current use. Andy S. also mentioned they would be asking for waivers for the shared driveway.

**#2 Lot 7-32-27C Subdivision and Lot Line Adjustment with 7-32-21:**

- a. 802-acre existing lot
- b. Subdivide a 50-acre lot (72-32-27D): on the north side of the private Bear Tree Road extension. With road frontage on private Country Lane Bear Tree Road and cul-de-sac with right of way shared driveway easement over private Bear Tree Road extension.
- c. Subdivide a 47-acre lot (7-32-27E): On the south side of the private Bear Tree Road extension with road frontage on private Country Lane Bear Tree Road and cul-de-sac with right of way shared driveway easement over private Bear Tree Road extension. The western boundaries would follow the previous lot lines that existed prior to a lot line adjustment in 2015.
- d. Subdivide a 36-acre lot (7-32-27B): Lot would be landlocked with no road frontage. Planning Board approval and deed restriction that the lot must be conveyed with new lot R3-20B in Piermont which has frontage on Class V Piermont Heights Road. A non-binding lot restriction could also be considered. Lot design is based on topography where forest management access has historically been from Piermont Heights Road in Piermont. Other towns have approved landlocked lots that are restricted to be conveyed with a lot in an adjacent town.
- e. Lot Line Adjustment between 7-32-27C and 7-32-21: New lot line would better follow topography for future management of both parcels and follow the "height of land" for the conservation easement objective of protecting the Indian Pond Watershed. 7-32-21 would increase from 71 acres to 178 acres. 7-32-27C would have road frontage on private Country Lane Bear Tree Road. 7-32-21 would continue existing road frontage on Class VI Grimes Hill Road off 25A
- f. The remaining lot 7-32-27C: Approximately 559 acres. It would have road frontage on the private Country Lane Bear Tree Road cul-de-sac and contain the private Bear Tree Road extension. New lots 7-32-27D and 7-32-27F described above would have right of way easements on the shared driveway on the private Bear Tree Road extension.

Andy S. said the idea is to create buildable lots that are outside the Indian Pond watershed. He then explained each of the lots (all listed above). Andy S. provided maps before and after to each board member with the lot numbers described above and the changes they will be applying for. He also added that all the new lots will be 50 acres or more so being able to find septic, house site and a water well should not be an issue.

Chase K. asked if this would be applied for in phases or a whole package. Andy S. said they are presenting the proposed changes to the board in terms of phases, but they would make applications mostly together.

There was a discussion about what constitutes a minor or major subdivision, what is a Country Lane vs. a driveway. Andy S. said he would be coming to the December 10<sup>th</sup>, 2024, Planning Board meeting for another informal discussion on a few other lots they wish to create off Indian Pond Road.

Chase K. said the first one, 7-34-3E, is the simple one and can get done more quickly. He also said it would be much easier for the Planning Board to work in terms of phases rather than all at once.

Emily Bryant-Orford Conservation Commission asked if they had worked with places that might be involved with conservation on the property? Andy S. replied that is what they are working towards. This is not a Planning Board issue so he tried to not involve that with the Planning Board.

**Item 4: Nick Castel, informal discussion regarding 485 Rt 10 Tax Map 8-108R-58:** Nick C. said they did a deeper dive into the title and found another lot within the property that was never on record in the town. This preceded the Orford Planning Board. Given this new information, Nick C. said they have reconsidered their original plan to build 14

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condominiums and move that idea to three single family lots. This requires only one subdivision of the current building and one lot line adjustment as well as one new lot. He also let us know that he secured a permit from the water district for the 14-2-bedroom apartments for 4300 gallons per day.

Tom T. asked if when he purchased the property, did they do a title search? Nick C. said yes, and it was not picked up. These tracts were recorded in 1960 and 1966 all under one deed. The firm Downs Rachlin Martin "DRM" researched the Grafton County records to find this.

Chase K. had done some research prior to this meeting and found a deed prepared by Shuster, Buttrey & Wing, PA when Nick C. purchased the property in February 2024, and this shows two tracts. Nick C. replied that this does not mean they were subdivided lots. Chase K. asked him to clarify that they will be asking for two new lots and one lot line adjustment, Nick C. said yes.

Nick C. described these three building lots as each being a little over an acre, a little over 85 feet in width, with 93 feet not in the flood plain. He said they are still weighing both options; one is to continue with the 14-2-bedroom condos or make three single family home lots. He also said he talked to the fire chief and confirmed that the fire department does not have a ladder that will be able to be used on a three-story building. Anne G. asked him to make sure the water district will still give him a permit for three single family homes even though the water usage should be less than the condos.

Chase K. discussed the septic regulations that might be required if they have to build the septic systems into the flood plain. He would need to contract with a licensed septic designer and apply to the Select Board for a building permit to build a septic in the flood plain.

Ruth H. asked if he'd met with the state for the driveways and he said he has not yet talked to the state road agent. There is still the issue that the fire department is right across route 10 from this project. Tom T. suggested he meet with the State DOT.

Nick C. said they are not forming an association but would put some covenants for what type and look of the buildings that can be built there so there would be some uniformity. He will provide us with this information.

Renee T. told us how to get to the Grafton County deeds on file through AVA Grafton County Registry.

**Item 5: Gravel Pit Discussion:** Caleb D. presented the board with the gravel pit inspection he and Paul G. conducted. He has pictures of tree debris piles that Stacey said he was going to grind up. There is no construction debris at the site. Caleb D. also said that Stacey could not remember the last time he took gravel from the pit, but thought it was 2017. He wrote out a letter of inspection and asked Mark A. to sign it and they would put a copy in the file.

**Item 6: Telecom Ordinance Results Discussion:** Mark A. asked if everyone received the email he sent last week regarding the telecommunications surveys. Mark A. also made a pie chart of the responses. Anne G. said she is still not getting the planning board emails so Mark A. gave her a copy. There was also discussion about an email the board received from Kelley Monahan regarding the RTK request from Jo-Ann Fratus.

Chase K. said from the Selectman's office, if we have any intent to put a warrant article on the March 2025 town meeting then we must have that to them by the end of February 2025. Renee T. added that it is the Planning Boards role that makes recommendations to amend, change or get rid of the telecommunications ordinance. The Planning Board is responsible for drafting and writing ordinances. She also added that we must hold a public hearing and if anything of substance is changed after that hearing then we must hold another public hearing. Renee T. explained that process.

It was decided by the board that the timing was too short to work on getting (if wanted) a warrant article on the March 2025 meeting. The board wants to make sure we get the proper information and input from the community before any changes to the Orford Telecommunications Ordinance is discussed. Renee T. suggested we let the community know during the town meeting that we would be holding public workshops next summer regarding the telecommunications ordinance.

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**Item 7: Recording and filing of meetings discussion:** It was decided to table this for the next meeting in December 10<sup>th</sup>, 2024 meeting.

**Item 1: Review minutes from the previous meeting, October 8<sup>th</sup>, 2024:** A few grammar changes were noted for corrections. Ann G. said the time the public hearing was opened was not noted in the minutes. Martha R. will note the time the public hearing was opened as 5:40PM. Chase K. made a motion to accept the minutes as corrected. Seconded by Tom T. All in favor.

Minutes from the October 3, 2024, Non-Public meeting: Martha R. asked if we could talk about these minutes in a public setting. Chase K. said there was no information in the minutes that we could not approve in a public session. Martha R. made a motion to approve, and Caleb D. seconded. All in favor.

**Other Business:**

**-Final Plat Decision for Mountain View Hideaway:** Chase K. asked about the state of this plat decision. Mark A. has been working on this with Christine J. Today, it has only one update to make, then Mark A. can sign. It was noted that the Planning Board must complete this document within 65 days of the decision.

**-Review any invoices/mail:** Mark A. showed us a letter from Piper Lounsbury that contained a study on 5G cell phone towers. Martha R. will collect, scan and send a copy to all board members.

**-New Applications:** No new applications

Respectfully submitted, Martha Rose, Orford Planning Board Secretary

**Tentative Meeting Agenda for December 10th, 2024, 5:30 PM Town Offices'**

Ruth Hook made a motion to adjourn the meeting at 7:45 PM. The motion was seconded by Tom T. and unanimous agreement followed.