Tilton Planning Board
Meeting Minutes - May 13, 2014

Agenda
6:30 PM Call to order.

PB Case 14-01 Continuation for Site Plan Review proposal to remove existing building and construct a 3400 sq ft retail/office building with parking, stormwater treatment and new sewage disposal system at 304 Laconia Road in the Resort Commercial District (R20/27)

PB Case 14-07 Conditional Use Permit within the Wetlands Buffer Zone- Proposal to conduct a logging operation through a wetland at 149 School Street in the Medium Residential District (R18/12)

Other Business:
Review the April 22, 2014 minutes
Correspondence
Other Business

Members Present:
Jane Alden (Chair), Judy Tilton (Vice Chair), Elaine Grace, Katherine Dawson (Ex-Officio Selectman), Juliet Harvey, Christine St. George and Eric Pyra

Others Present:
Harold Miner, Jeanne Miner, Dierdre McCain, Steve Swain, Don Robert, Peter Saliba, Gary Bardsley, Randall Shuey, Dave Wadleigh, Burret McBee, Rhu McBee, Gregg DeVolder, Laura DeVolder and Dari Sassan (Planning Board Staff)

Call to Order
Chairman Alden called the meeting to order at 6:34 PM.

PB Case 14-01 Continuation for Site Plan Review
Chairman Alden read a letter submitted to the Board from Steven Smith Associates requesting that the case be continued to the June 10, 2014 Planning Board meeting to allow for revision of plans.

MOVED by Mr. Pyra to continue deliberation of PB Cases 14-01 to the June 10, 2014 meeting. SECONDED by Ms. Tilton.

All in favor, none opposed: MOTION APPROVED.

PB Case 14-07 Conditional Use Permit within the Wetlands Buffer Zone
Chairman Alden introduced the case and asked Board members to review the application, specifically referencing a request for relief from the requirement that a wetlands delineation be submitted. Chairman Alden said that the application appeared complete and that the request for relief seemed appropriate. She asked if Board members had any comments or discussion. None were given. Chairman Alden asked if the public had any comments or questions.
Ms. McCain asked if all of the trees on the property would be removed. Mr. Bardsley said that he could not legally clear cut the property. He said that the site is subject to visits from DRA and DES and that anyone violating the State's timber harvest laws would be held accountable. Another member of the public asked what the landowner was planning on doing. Mr. Bardsley said that he is simply thinning his property to generate some income. When asked if there was an old road going through the property that he would use, Mr. Bardsley said that there is an old road, but that he was not sure that he would need to use it. Another member of the public said that there were rumors circulating that Mr. Bardsley was going to go into the property, strip everything out and chip it all up. Mr. Bardsley said that he would have to be a fool to do that, because he cuts by hand and only trees that can be sold by the board foot are worth him cutting.

Mr. Bardsley answered questions regarding areas where only 50% of basal area can be removed, saying that such restrictions apply along rights-of-way and alongside certain water features. Regarding cutting along property line, Mr. Bardsley said that although he could legally cut trees right up to an abutting lot line, and even fell a tree into a neighboring lot provided he drag it back across, he would not do so out of common courtesy. When asked what he would do with loose brush, Mr. Bardsley said that brush would be placed over muddy areas to prevent erosion and that remaining brush would be run through a chipper and delivered to the plant where he receives $28 per ton delivered. He said that he would not go out of his way to harvest brush, but that he always aims to totally utilize all the timber he cuts, including brush that is generated as a side effect of harvesting more valuable timber. When asked how long the operation would take, Mr. Bardsley replied that he would be there for about six to eight weeks. Someone from the public asked what would happen with the temporary driveway. Mr. Bardsley said that any temporary culverts are to be removed.

Chairman Alden asked if there were any more questions from the public. She closed the hearing and indicated that Mr. Bardsley has cooperated with a very thorough review process.

MOVED by Ms. Harvey to approve PB Case 14-07. SECONDED by Ms. Dawson.

All in favor, none opposed: MOTION APPROVED.

Other Business
Review the April 22, 2014 minutes
MOVED by Mr. Pyra to approve the minutes of the April 22, 2014 Planning Board meeting. SECONDED by Ms. Grace.

All in favor, none opposed: MOTION APPROVED. (Pyra abstained)

Planning Board Correspondence
Chairman Alden reviewed the following documents:
1. Plan-reading workshop announcement
2. Request from DES for more information on a Alteration of Terrain permit application to DES
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3. Driveway permit application to NH DOT
4. DES sourcewater newsletter
5. Septic System approval from DES

Other Business
Ms. Dawson said that the wetlands ordinance should be reviewed, and that the permitting process should be further refined. Mr. Sassan said that at this meeting the Board approved a conditional use permit within the wetlands buffer zone utilizing the "minor" review process enabled within the zoning ordinance. He said that the ordinance provides the Board with leeway in setting forth a process, and that the process can be established on an ad-hoc basis or as a standard procedure. Mr. Sassan said that, for the case deliberated at this meeting, the process was abbreviated somewhat, in that a noticed public hearing was foregone, but that future permits could be addressed through an entirely administrative process in which the applicant would not need to come before the Board.

Mr. Sassan said that another notice of intent to cut is presently before the Board of Selectman and that it appears likely that another conditional use permit would be required. He said that, in both cases, the permit requirement has proven to be an unexpected hurdle for loggers and that the Board might want to consider enabling an entirely administrative process that would be conducted by either the code enforcement officer or the land use coordinator. Chairman Alden said that she did not have a problem with such a process, as she does not doubt that environmental concerns would be appropriately addressed.

Mr. Sassan said that it appears that loggers need to move quickly in order to make a living and that to be responsive to the nature of that business, a more streamlined process needs to be developed. Mr. Sassan asked if the Board would want to make a motion that would allow for the upcoming permit application to be handled administratively. Board members expressed that they were not ready to make such a motion.

MOVED by Ms. Tilton to adjourn this meeting. SECONDED by Ms. Grace.

All in favor, none opposed: MOTION APPROVED.

The meeting adjourned at 7:30 PM.

JA/ds