

COÖS COUNTY PLANNING BOARD
Lancaster, NH
August 26, 2014

Present from the Board: John Scarinza – Chair; Fred King – Vice Chair; Jennifer Fish – Clerk; Ed Mellett, Scott Rineer, Rick Tillotson, Mike Waddell; alternates Mark Frank, Thomas McCue; and Board Secretary Suzanne Collins.

Present from the Public: Tara Bamford, North Country Council; County Commissioner Rick Samson.

John Scarinza, Chair, called the meeting to order at 6 PM.

MINUTES OF APRIL 8, 2014:

Rick Tillotson made a motion to approve the minutes of April 8, 2014 as distributed. Fred King seconded the motion. There was no discussion. All members, except Mike Waddell who had not attended the April 8th meeting, voted in favor of approval.

LETTERS/CORRESPONDENCE TO THE BOARD:

Jennifer Fish reported that no correspondence had been received.

NEW BUSINESS:

1. Election of Officers: Chairman, Vice Chairman and Clerk.

Mike Waddell nominated the current slate of officers: John Scarina, Chair; Fred King, Vice-Chair and Jennifer Fish, Clerk. Rick Tillotson seconded the motion. No other nominations forthcoming, the Chairman called for a vote. All voted in favor.

2. Subdivision Regulations: Review to ensure the subdivision regulations are consistent with current Best Management Practices and are current with State Requirements and changes in the laws of the State of New Hampshire.

Chairman Scarinza welcomed back Tara Bamford, Planning Director, North Country Council. John explained that in the last 20 years some state planning statutes have changed, planning theories have changed and as a result, the County contracted with North Country Council to review the Board's documents and bring them into compliance with current laws and practices.

Tara Bamford noted that after she had completed the review of the Subdivision Regulations, Jennifer had provided her with amendments to Sections 8.03 and 8.05 that had previously been approved by the Planning Board, Commissioners and County Delegation. She distributed copies of the amended sections.

It was agreed to conduct a thorough review of Tara's recommendations page by page. She noted that she had added a Table of Contents.

Page 4 SUMMARY STEPS FOR SUBDIVISION REVIEW. Tara stated that she did not like the flow chart and thought it should be simplified as a last step in the review process.

Page 6 Definition Minor Subdivision. Tara made revisions to the current language which she stated was misleading. Rick Tillotson asked, "What constitutes a utility?" Tara replied that it includes shared sidewalks, septic systems, etc. Rick Tillotson stated that the new language was also confusing and suggested breaking the one sentence definition into two sentences. It was agreed that "Minor lot line adjustments or boundary agreements which do not create buildable lots" would be a separate phrase.

Page 7 Definition Subdivision. Mark Frank pointed out that the current definition of subdivision is taken directly from the NH Statute; however, the current statute contains an additional paragraph. He wondered why the Board had not included Section IV of the statute. Sue Collins noted that Section IV had been approved by the Legislature in 1998 and the Subdivision Regulations had been adopted in 1988. Tara agreed that she would take the language from the current statute RSA 672:14 and paste it verbatim into the definition of subdivision.

Page 7 Section 4.01. It was agreed to strike the reference to Appendix 1. This refers to the subdivision checklist which can be administratively changed from time to time and does not need to be formally adopted as part of the subdivision regulations.

Page 8 Section 4.05 b.1. Tara noted that the language pertaining to notification has been updated to be in compliance with state law. She noted that in addition to abutters, notification must be provided to any conservation, preservation or agricultural preservation easement holders, as well as all professionals whose seals may appear on the plans.

Page 8 Section 4.05 d. Tara stated she had merely clarified the wording.

Page 9 Section 4.06 c. Mark Frank inquired why there exists a regulation that there will be only one minor subdivision allowed from a given parcel every 3 years. Tara replied that this language prevents applicants from doing an end run around the requirements for a major subdivision and stated that in many towns, the time restriction is longer than 3 years.

Page 9 Section 4.07 b. The wording, "The completeness of the application shall be determined by the Clerk..." was changed to "The completeness of the application shall be reviewed by the Clerk..." as only the Planning Board can determine completeness. Rick Tillotson noted that references in the regulations to "regularly scheduled meetings" should be changed to reflect current practice whereby "next

scheduled meeting” more accurately reflects the way this Board operates on an as-needed basis. The rest of the language changes in Section 4.07 b. bring this section into compliance with current statutes.

Page 10 Section 4.07 f. Sue Collins asked why Tara had changed statutory language in the first sentence from “application for development” to “application for subdivision”. Tara stated that she tweaked the language to reflect the fact that this document deals with applications for subdivisions.

Sue Collins stated that the new section on Regional Impact had not appeared in the previous document as the legislature had adopted regional impact statutes after the adoption of the Subdivision Regulations; however, the Planning Board had followed the law relative to regional impact in the ensuing years.

Tara stated that all references in the document to the Wetlands Board and the Water Supply and Pollution Control Division have been changed to the Department of Environmental Services. The Department did not exist at the time of the initial adoption of the regulations.

Page 12 Section 4.11 Fees. Tara stated that she recommended deleting the fee amounts as they might change from time to time. Sue Collins added that the regulations state that the completed application shall be accompanied by the required filing fees and costs of notification but that has not been the practice. Newspapers of general circulation in the county oftentimes change their advertising costs and the size of ads may vary based on the subdivisions being considered, so the practice has been to bill the applicant after all advertising costs have been received by the County. Tara agreed that the language should be changed to, “Before final approval on the plat, all fees will be paid”.

Page 13 Section 5.01 d. Tara inquired if the County had tax maps and lot numbers. She was assured that all parcels have tax maps and lot numbers. She stated that she was unsure if zoning maps existed. Jennifer Fish informed her that the zoning maps for all of the unincorporated places are available on the County’s website.

Page 15 Section 5.02 Performance Guarantees. It was agreed that irrevocable letters of credit will be added to the list of acceptable forms of guarantee. Discussion followed about when and under what circumstance these funds can be used if the developer does not abide by the approved plans.

Page 16 Section 6.01 Streets. John Scarinza stated that minimum standards should be what NH Department of Transportation (DOT) requires. It was noted that the current language refers to “Suggested Minimum Standard Design for Rural Subdivision Streets” in the subsections on *Subgrades* and *Base Course* but not on *Embankments* and *Shoulders*. Tara noted that there is no reference to an applicant following DOT standards for culverts.

She stated that NH DOT has a 2-page document that summarizes its minimum standards in general. She will provide members of the Board with that document to see if members want to incorporate that document in its regulations.

Fred King cautioned that some of these so-called streets are just roads that lead to camps in the woods and questioned why the Board would impose all these DOT standards on camp owners. Tara replied that the Board has the power to waive the requirement that the applicant must comply the DOT standards.

John Scarinza stated that perhaps the language regarding streets should clarify that it relates to streets accessing house lots to separate it from roads that go in to camps.

Fred King asked if DOT or DES has standards for forest roads. Scott Rineer replied in the affirmative. He stated that there are already many camps in the unincorporated places and he is concerned that they might have to comply with state DOT standards.

Page 17 Section 6.02 c. Erosion Protection Ditches. Rick Tillotson noted that Tara had removed *Paving or Stone* and replaced it with *Stone*. He stated that stone is too limiting and should include other options such as geotextile and grass. Tara will revisit this language.

Page 18 Section 6.04. Water and Sewer Facilities. Tara had added language relative to future phases of subdivisions and there was discussion about what site plans should show relative to common systems. Tara asked if the Board wants a whole list of what the plan will show. John Scarinza replied that all the items in the current language are required for the plans submitted to the state for a DES permit. He suggested that the Board just require the applicant to show the DES permit. Tara stated that the Board should require the applicant to provide a copy of the approved application submitted to DES.

Tara stated she would work on the language under this section. John added that the Board does need to make sure that plans submitted show lots, contours, etc. and suggested that in Section 6.04 a. that items 1. And 8. are retained in the language.

Mike Waddell stated that one thing we have to look at in a major subdivision is adequate water supply for fire protection. John suggested that the Board should consider language to address this concern.

Page 20 Section 7.04. Open Spaces. Tara stated she deleted the sentence, *“The park or parks shall contain a sufficient amount of buildable land in a continual parcel acceptable to the Board in a major subdivision plan and shall be designated for recreational purposes as provided in NH RSA 674:36 and may be appropriately deeded to the County”*. She stated that you cannot ask that the applicant give you land. The legislature has changed this language in the statute years after the initial adoption of the County’s subdivision regulations.

Page 21 Section 7.05. Unsuitable Land. John asked if we could do a better job of defining unsuitable land. Tara replied, “no”, that the current language is appropriate. Any concerns about slopes, etc. is covered in the zoning ordinance. She added that something might comply with the zoning but still not be okay. This document is about subdivision and not about zoning.

Page 21 Section 7.07. Environmental Control – Erosion and Sedimentation. Tara stated that at the last meeting the Board had agreed that it needed to strengthen its stormwater control language. Fred King asked if stormwater management and erosion control is a statutory requirement. Tara replied “no”. Sue Collins suggested that on Page 22, subsection 2. the language should be modified to state that the applicant “may be required to” submit a stormwater and erosion control plan instead of “shall be required to”. Based on the conditions in Tara’s new language, Sue thought the cost of engineering could be burdensome to some applicants depending on the subdivision proposed. Thomas McCue noted that these regulations use the word “shall” throughout and we should not deviate in this case. Tara reminded the Board that it has the ability to waive the requirement. A Stormwater Management and Erosion Control Plan item will be added to the checklist and like some other items, applicants will have the opportunity to ask that the Board waive the requirement.

Tara emphasized that this stormwater plan needs to include a mechanism for ensuring ongoing maintenance in the future. She added that DES cannot enforce ongoing maintenance but the Board can require it in advance as part of the approval process.

Tara stated that based on the discussion, she will edit the stormwater plan section.

John Scarinza spoke about the subdivision checklist and Tara agreed that the next step after Board agreement on the revisions to the subdivision regulations is the development of a new subdivision checklist.

Page 22 Section 8.03 Enforcement and Section 8.05 Penalties. Tara noted that these sections had been amended by the Planning Board/Commissioners/Delegation and she did not necessarily like the adopted language. She questioned why a Planning Board would ever hold a hearing if there is an alleged violation of a subdivision plan. Sue Collins informed her that Attorney Jonathan Frizzell had recommended the language to the Board during discussions in 2008 about enforcement and penalties. Perhaps a review of the minutes would provide more insight on why the language was amended.

Tara noted that her schedule was rather tight during the next few months but she would work on language revisions discussed tonight and hoped to schedule the next meeting in October. She agreed to send Jennifer Fish a list of dates when she is available for the next meeting on this project.

Tara distributed copies of a North Country Council invitation to one of its scheduled open houses to obtain feedback on “A Plan for New Hampshire’s North Country.” She urged Board members to attend one of the sessions as the unincorporated places cover much of the region.

RATIFICATION OF BUILDING PERMITS:

Rick Tillotson made a motion to ratify the building permits included on the list provided to the Board in advance of the meeting. Fred King seconded the motion. Mark Frank asked what a fabric salt storage shed is and an explanation was provided. The following list was approved unanimously:

Permit	Applicant	Date	Unincorporated Place	Permit Issued For:
415	Trustees Dartmouth College	05/20/14	Second College Grant	Solar Panel, Post, Footer
416	Trustees Dartmouth College	05/20/14	Second College Grant	Outbuilding
417	Dawn and John Guerin	06/12/14	Success	“L”Shaped Deck on Camp
418	Stewart White	06/12/14	Wentworth Location	Lift/Reset Camp on Foundation
419	Lise Gelinas	06/12/14	Wentworth Location	Previously Approved Permit #380
420	Raymond Cyr	06/20/14	Wentworth Location	Jack and Move Camp
421	Androscoggin Valley Regional Refuse and Disposal District (AVRRDD)	07/01/14	Success	Fabric Salt Storage Shed
422	AVRRDD	07/01/14	Success	Convert Former Salt Storage Shed to Office
423	Bruce Plummer/Sheila Beaulieu	07/14/14	Dix Grant	16’x 22’Camp Addition

HEARING OF THE PUBLIC:

There were no comments from the public.

OLD BUSINESS:

None.

TIME AND DATE OF NEXT MEETING:

It was agreed that the Chairman would call the next meeting when needed.

ADJOURNMENT:

Rick Tillotson made a motion to adjourn. Fred King seconded the motion and all voted yes.

Respectfully submitted,

Suzanne L. Collins,
Secretary to the Planning Board