

TAMWORTH PLANNING BOARD

Draft Minutes

August 26, 2026

5:30 P.M.

In-person: Town Office Building, 84 Main Street or Join Zoom Meeting:

Join Zoom Meeting:

<https://us06web.zoom.us/j/85404062440?pwd=qNu0ktXSvRTkpYDVl5sMEKpADlRDbb.1>

Meeting ID: 854 0406 2440 Passcode: 292937

1). Call Meeting to Order – The meeting was called to order at 5:31 pm by Elsa Weintraub. Present are: Elsa Weintraub, Andy Fisher, Matt Dunn, Larry Nickerson, Nick Grant, Anna Paddock (5:33 pm) Lianne Prentice-Select Board Rep., and Ann Pollard are absent. Nick seated in place of Ann Pollard.

- **Subdivision Regulations Revisions Hearing** – Elsa read aloud the rules of the public hearing, which will apply to all hearings tonight.

The hearing was opened at 5:34 pm. Andy gave an overview of this topic. Clarification and simplification are the reasons for these changes.

Forrest LeTarte – questions about proposed regulations and how they would apply in certain situations. These questions are not regarding White Gates Farms. Hypothetically, a commercial entity with 3 building and shared ownership – does the existence of the three buildings mean that the land contains 3 subdivision sites? Andy believes that this would fall under the regulation. Matt clarified that this work being done is mostly for clarification of language that is already there. Town Counsel, Mike Malaguti – the Board acts on subdivision applications that are submitted for its review. It is not possible to respond to all hypothetical situations. Subdivision can be different for every situation. Mr. LeTarte explained that he is trying to figure out when an owner needs to file for subdivision or not. Three buildings owned by one owner – this would be three distinct sites. Mr. Malaguti clarified that the town looks at what is presented to them with an application. All of the facts matter for the purpose of analysis. Mr. LeTarte again asked about the three buildings, if they already existed. Mr. LeTarte asks what the defining characteristics are. Mr. Malaguti stated that the landowner can make their own determination, or they can reach out to the Town to be sure that they are not violating the Town's regulations. Ms. Weintraub feels that these questions are too far away from the changes that are being proposed tonight. Andy relayed information about filling out the building notification form. Mr. LeTarte requested that the record reflect that feels that he is trying to ask a simple hypothetical question and that he does not feel it has been answered. Mr. Malaguti noted that this is not a straightforward question, and that he views the question otherwise from a pending legal situation and that the Board should not continue this discussion. Clay Prill – wants to know why the changes are being done now. Anna explained that we were running into the same situations, and while updating the applications, there were items that were unclear to the Board. Matt explained that this was a cleanup, and to make everything easier to understand. Elsa spoke about her learning that there are other land use changes other than just subdivision. Mr. Prill is concerned about legal counsel being present tonight, and that the timing seems like "you are trying to shut the door after the horse already ran out of it." Mr. Malaguti pointed out that the Town Subdivision Regulations already apply to existing subdivisions. We have a State definition of subdivision that uses the word "site", but there is no definition of site. The Town is moving forward to move people into compliance in as simple a way as possible. The changes are around clarifying existing law, and giving people a simpler process. The changes do not affect pending litigation.

Nick spoke about how we work on these things periodically to make things easier for the public. No further comment was offered.

Public comment and hearing were closed at 5:54 pm.

Anna made a motion to approve the subdivision regulations as amended. Andy seconded.
APPROVED

2). Approval of Minutes:

July 22nd Meeting – Andy made a motion to approve both sets of minutes, Matt seconded.

APPROVED

August 12th Work Session – approved with July 22nd minutes.

3). Officer and Committee Reports:

- Secretary's Report – Andy - reported that this is a busy meeting. There are several continued hearings tonight, as well as Theodore amended application. There is also a PWSF modification application tonight. Updates on two conditional approvals will come up later in the meeting.
- Treasurer's Report – Larry – Checks have all been processed. We have expended 45% of our budget.
- Lakes Regional Planning Commission – no report, Lianne is absent
- Rep to Tamworth Conservation Commission – Larry has nothing to report from the last meeting.
- Select Board Representative – Lianne is absent
- CIP – on track for public hearing on September 16, and Nick will present to the Board on September 23. He will send the report so it can be reviewed prior to the meeting, then to Select Board and School Board in October.
- Education – Planning Lunches webinars are happening. Next one is September 17.

4). Public Hearings:

- **Ambrose Bros. Inc - Earth Excavation Regulation Permit - Map 206/38 –
Continued from July 22nd, 2026**

Darius Cesar, engineer is here to represent Ambrose Brothers. An SPCC has been submitted. A slight bit of the existing site goes into the groundwater protection district. A small portion of the new site goes into it as well. Five test pit locations are shown, showing very well drained soils. A slight change has been made. None of the excavation comes within 10 feet of the property lines of abutters. Reclamation details are shown. Loaming and seeding are proposed. There was a possible need for a conditional use permit, but since they are under the limit of storage of substances, it has been determined that this permit is not necessary. They will maintain the required distance from the high-water table. New copies of the plans were delivered to this meeting. A digital set will be submitted also. Andy asked about the AOT permit. Mr. Cesar believes that they do, but cannot say exactly where they are in the process at this point. Larry asked about the time frame – previously we were told that it would be 10-15 years, one to two weeks a year. It is unlikely that they will have to do any blasting. Andy asked about any monitoring that the town might be doing – or not doing. He spoke about the monitoring that is part of approvals at this point.

No public comment was received.

Spill plan (SPCC) is in the works. This could be a condition of approval, as well as getting a contract in place for monitoring.

Nick made a motion to approve, conditional on engineer visit to the site twice a year, and approval of the SPCC plan. Matt seconded. APPROVED

An update on the status of AOT will be given to Emily Nolan, to be referred to the Planning Board.

- **Joseph & Elaine Gentile Subdivision - Map 212 Lot 18 - Plains Road-Route 41**

Continued from July 22nd, 2026 – requested continuance – Andy made a motion to continue this hearing to the September 23 meeting, Nick seconded. APPROVED

- **Nicholas Morel /944 Ossipee Mountain Highway LLC - Subdivision - Map 208 Lots 21.1 & 21.2 – 944 Ossipee Mountain Highway - Continued from July 22nd, 2026**

Lot 21.2 should have been excluded from the agenda.

The hearing was re-opened at 6:21 pm. Keith Curran is here to present. Previously it was two lots, it is now just one lot. An easement is provided, hard copy was delivered to the meeting. A conditional use permit is not needed. Access is from Ossipee Mountain Hwy. 6 units, in 3 duplexes are proposed. A gravel driveway is planned, with paving at the units. A stormwater memo is provided. Private onsite septic and well are proposed. Septic design is not submitted to State yet, approval will be needed. This will be a condo association. Landscape plan is shown.

State subdivision approval is needed. Mr. Morel stated that there is no STR aspect to this. Fuel storage is not a concern with this project. Driveway is not proposed to move or change in any way. Lot loading, density are requirements for the State, this Board will need that. Andy spoke about the need for a one sheet recordable plan. The applicant offers to copy the Board on the submittal that will be sent to the State. They are working with a surveyor at this time. They will provide the loading information. Andy would like to see a plan that shows the basic information to be recorded, a plat for recording. The applicant is comfortable moving forward with a conditional approval. Andy clarified that the regulations spell out what the Board needs to see on a plan. Fire chief approval is also something that is needed. The Board requests that the applicant seek this approval. Mr. Morel notes that the Board has set precedents on conditional approval.

Conditions – completed plat, fire chief approval, state subdivision approval. Andy reiterated that there can be nothing that is not black and white, cannot have any judgement call.

The hearing was closed at 6:44 pm.

Nick made a motion to grant conditional approval based on a correctly completed plat and mylar, fire chief approval, and state subdivision approval within 90 days. Andy seconded. APPROVED

- **Wayne Theodore – Amended Multi-lot Subdivision**

Tax Maps 206/18.1, 18.2, 18.3, 18.4 - Whittier Road

Revised plans, bank statements, bond estimate were hand delivered.

The hearing was opened at 6:47 pm.

Nick with Strongtree is here to present. The engineering review identified that lot 10 had less than 100 feet of frontage. A bonding issue was also identified. All lots have 100 feet or more of frontage. Bonding has been handled, and inspections on the road have been lined up.

The Board has no questions, and thanks the applicant for their cleanup of this. Andy notes that we do have a copy of the agreement for the road inspection.

The Board has no further questions. No public comment was received.

The hearing was closed at 6:52 pm.

Andy made a motion to approve the application, Nick seconded. APPROVED

A mylar was presented.

5) Old & New Business:

- **SBA Properties, LLC – PWSF Co-Location/Modification Application – 592 White Mountain**

Highway - Map 217/Lot 46.2 – Dulce Lara is here to present. Andy recommends accepting the application as complete. Anna seconded. APPROVED

The hearing was opened at 6:56 pm. They are adding equipment to the tower. A concrete pad and a generator are being added.

Andy asked about fuel storage. Dulce states that there are no diesel restrictions. It is not clear how much fuel storage will be on site. The added generator is a propane-based backup system.

Andy made a motion to approve the co-location/modification permit, Anna seconded. APPROVED

- **Master Plan Update** – meeting next Wednesday, September 2, 5:30 pm to discuss the survey, and our plans for gathering data. Larry spoke about ridgeline development and that it should be an item to be on the survey.
- **Review of Conditional Approvals** – discussion was held regarding the Board feelings about conditional approvals.
Conditions on Hall Trust application have not been met. Andy spoke to Paul King about this issue, they have not met the conditions and Paul indicated that there is nothing imminent. The applicant responded that they do not have an application with DES. A letter revoking the conditional approval due to time lapsed will be sent. Andy will send the letter, with a cc to Elsa.
Robie subdivision – Andy reached out the agent, items have been delivered. The mylar can be signed.
- **Earth Excavation Inspection Questions** – Ned Beecher asked if any monitoring of the existing application from White Lake Woods has been happening. The Town hires HEB and they do twice a year checks. Connect with HEB to put a new site on the radar.

Adjournment: The meeting was adjourned at 7:36 pm.

Respectfully submitted,
Melissa Donaldson
Planning Board Clerk

Application	Date Approved	Conditions
Pamela Taylor Hall Trust – Condominium Conversion – Tax Map 202/Lot 56 – 85 Main Street	8/8/25	• Receipt of the mylar. • Letter from Sewer Commission for capacity for the units – <i>Confirmed by Hillary Behr via email on 10-9-2025.</i> • Letter from the State proving exemption from State Subdivision Approval, or receipt of State Subdivision Approval. • Per RSA, Conditions must be met within one year
Application	Date Approved	Conditions
Thomas W. Robie - 2-lot Subdivision - Tax Map 202/35.1 - 274 Tamworth Road	5/27/26	• State Subdivision Approval • Fire Chief Approval • Receipt of revised Plans & Mylar • Conditions to be met within 60 days