

Draft Minutes of the Planning Board Meeting

Monday December 14, 2020 - 6pm

Roll call: Present Mike Donahue, Bonnie Ham, Scott Rice, Margaret LaBarge, Robert McAfee
Hanna Kinne joined at 6:04

Absent: Patrick Griffin

Minutes of the Nov 9th Meeting

Draft minutes of the meeting held on Nov 9, 2020 were presented. No comments nor changes were brought forward. Mike made a motion to accept the minutes as written, Robert seconded. Mike, Margaret, Robert, and Bonnie voted to approve. Scott abstained. The minutes were approved and will be sent to the Town Clerk to be published on the website.

Selectmen's Report – Scott Rice

The Town had our wells tested and learned that we have always had the capability to run both pumps simultaneously, although this is not currently being done. The advantage of running both pumps at once is that it will not stress either pump as much, and will provide the same capacity with less wear and tear on mechanics. The inspectors are now looking at infrastructure downtown to make sure it can handle the current and expected capacity. Looking at sewer infrastructure will be the next step.

The inspectors found no issue with well flow. Scott does not have details on gallons per minute at this time, but comparative to previous inspections everything appears good. Scott has preliminary information only at this time. A full report is forthcoming and will be sent on to all Planning Board members when available. Mike noted that a flow of 450 gal/minute was expected at testing pressure.

Master Plan Review Subcommittee

Work has begun on the Master Plan review. The subcommittee has had one meeting and has had the opportunity to begin work on revising the objectives of the Master Plan, but did not complete sufficient revision to be ready to present a draft to the Board as a whole yet. We realized that a significant part of the work was related to intent to deliver water and sewer services throughout the town and that the results of the Selectmen's work in testing capacity was directly relevant to determining the starting point and next steps for this work, so we elected to hold further revisions pending the outcome of these surveys.

Robert further noted that we are considering options for building redundancy into our infrastructure such that in extending services to all residents as much as possible we can also ensure that services will remain operational in the event of an emergency or other significant event that impacts the main service.

Planning Board Secretary

Bonnie noted that we had a lead for the Secretary position, but that did not materialize into an actual applicant. Since that time, Bonnie has posted the job opening on the Town website and

Margaret has connected with the Chamber of Commerce and posted it on their website, and we have received a very qualified applicant. This is good news. We will need to refer candidates to the town for appropriate background checks. Bonnie, Margaret, Robert will review & interview candidates and confirm the hiring procedure such that a new hire will be identified and brought into service as soon as possible.

6:15 – Informational hearing Michael Conklin, on behalf of George Spanos.

Back in 1986, an agreement was drawn up with respect to the Gallant-Nelson property at Grandview Development, stating that each of two families has an undivided interest in one half of the property and the house situated on that portion. Underwriting standards have changed since the time this agreement was drawn up and it is now not possible to sell the one-half interest because buyers are not able to get a loan underwritten. As the plot of land is too small to subdivide into two separate entities, the request is to form a two-unit “conversion condominium” consisting of the two homes on a single plot of land. Mr. Conklin referred to RSA 356-B:5 indicating that this is a non-standard situation where an exception may apply. This is not quite the same as a standard condominium as it is not rental units, but it is similar because it is a pre-existing property and the change will not affect the parking or use of land nor housing unit allocation.

Hanna made a motion stating that we do not have jurisdiction over this type of land use. Mike seconded.

Mike, Margaret, Hanna, Scott, Robert, Bonnie, - unanimously agree that this is not a Planning Board matter.

Earth Excavation Ordinance Revisions

Hanna presented proposed changes to the Earth Excavation Ordinance as presented by the EEO revision subcommittee. Robert asked about raising the bond fee from \$10k to \$25k per acre whether this is a direct linear cost increase for the bond. Mike stated that different agents charge different rates, but that this is not an expensive increase overall for the pit owners.

Scott asked about the 1-acre pit distinction as the determining limit at which point outside consultation may be needed, and Mike and Bonnie clarified that up to 1 acre the pit is contained enough that it is clear to see whether it is in compliance or not. Larger pits may have more grey area and in these cases outside consultation may be more important to ensure that all relevant factors have been identified and clearly understood.

Margaret asked about the vague language related to noise and the phrase “hours and terms may vary.” She noted the importance of the Planning Board having criteria for fair and unbiased treatment of all who come before the Board. Bonnie clarified that we do not currently have a noise ordinance and that we cannot therefore propose specific language related to how noise is handled, but that at the same time we would like to recommend that pit owners take a “good neighbor” approach. This language is intended to raise awareness rather than to define limits.

Scott brought a motion, Margaret seconded that we bring the regulation forward for a vote at our meeting in January.

Mike, Margaret, Scott, Hanna, Bonnie – yes, Robert – no. The regulation will be reviewed again during the next meeting.

Excavation Pit Reviews

R&E Leasing (Conn) submitted their bond.

Donohue bond has been renewed and should have been received – to confirm.

Devine has not yet been received – was due earlier this year. This site as well as the Caulder site on the West side of Rt 3 are in non-compliance and are working on a variety of issues to restore the sites to compliance. Steve LaFrance has been hired to work on the sites over the winter and to present information to us in the spring. The Selectmen did give Rex permission for one blast in the pit and he had received a permit from the fire department to burn some brush in the pit as well. Rex has filed a permit application, which is the one he had with him at the site inspection, to show good faith. The application is not complete – it remains pending until the information from Steve LaFrance is included.

Steve LaFrance will also prepare plans for the Devine pit restoration to compliance.

Budget Amendment

A suggestion was made that the budget should perhaps be amended to include funds for legal and consulting fees. Robert mentioned that in the past information was requested from Selectmen and incomplete information was given until the state became involved and then suddenly more information was available that had not previously been given. He clarified that he is not accusing the current select board, but that this is based on historical incidents. Hanna asked whether the town had an attorney on staff. Robert stated that we would not want to use the town attorney if we were in conflict with the select board. Hanna also asked Bonnie about whether there was a lawyer we had access to for informational purposes, and Bonnie clarified that we do have access to get answers to legal questions and they are a wonderful source of information but would not be available to represent us as legal counsel.

Robert proposed \$10,000 for legal and consulting fees. Mike mentioned that we may want to have some reserve fund in the event that we could not use the town attorney, if we were in a disagreement with the selectmen, or building inspector, for example. One would hope that we would not ever need to bring suit from one arm of the government to another, but having arbitration may be helpful to resolve a dispute. Mike seconded Robert's motion.

After further discussion, Robert amended his motion to include some of this budget for secretarial service and remove the \$1500 separate budget for Secretarial service. Mike seconded this amended motion.

1st vote Mike, Margaret, Scott, Robert, Bonnie - yes Hanna – no

2nd vote Mike, Margaret, Scott, Hanna, Robert, Bonnie. The amended motion was unanimously approved. The Planning Board will request a budget of \$10,000 to be used as needed for Consulting fees, Secretarial services, and/or Legal fees.

Review Rules of Procedure

We need to add some clarification about Zoom, and how we communicate.

Bonnie noted that we must remember that all email messages are public record. Margaret pointed out the need to be careful with use of email, that we cannot have material discussion of issues nor make any decisions over email as these would exclude the public and our rules of procedure clearly state that the public must be able to contemporaneously witness all Planning Board activity. Board members were asked to read through the Rules of Procedure and be prepared to discuss any needed changes during our January meeting.

Public participation

Dan Trinkle approves of our plan to have access to our own legal counsel.

Meeting was adjourned at 7:27pm