



Planning Board

Public Hearing and Meeting Minutes

January 8, 2024

Board: Bonnie Ham, Margaret LaBarge, Lee Freeman, Kathryn Cordeiro, Jerry Miserandino
Gil Rand (BOS rep) **Absent:** Scott Rice, Christina Payne
Alternate: Igor Bily
Staff: Cathy Riley
Public: Bill Waterhouse
Zoom Public: John Kimball, Mike Donahue

Call to Order

Bonnie called the meeting to order at 5:00 pm. Because the Public Hearing was not to be scheduled to start until 5:15 pm, some regular meeting items were addressed first.

Appointment of Alternate

A vote was held to appoint Igor Bily as a voting member of the Board.
Lee made the motion; Margaret seconded the motion, and the vote was affirmative.

Approval of Minutes

October 18, 2023- Excavation Pit Visits

Lee made the motion; Jerry seconded, Gil and Igor abstained. The vote was affirmative.

November 13, 2023- Public Hearing

Lee made the motion; Jerry seconded, Gil and Igor abstained. The vote was affirmative.

Selectmen's Report- Gil Rand

Gil filled the Board in on discussion on the painting of the Bridges out by Jack O'Lantern with lane changes, other than that not a lot of other things going on.

Kevin Millar Email for meeting on Hazard Mitigation

The Board discussed being able to meet with Kevin on March 6th at 10 am and will confirm with Kevin if that date/time will work for him.

Pit Bond Continuation Certificate received from Conn Brothers Construction, Inc., valid 12/6/2023-12/6/2024.

Lee wanted to confirm with the Board that since the Pit Application expired September 9th, and that the bond could be used if they don't do their reclamation. Lee wanted to confirm that Conn Brothers have one year to complete reclamation, or if they want to establish a new pit permit, that they would have to do so at the rate of \$25,000 per acre. The Board confirmed that yes, they would.

Bonnie stated that the owner was going to renew in the spring and submit a new application. Nothing is being done at the pit currently.

Upcoming Hearings on February 12

Rutherford, minor subdivision ,105-052 85 Paradise Rd. & Gordon Pond Brook, LLC. Also, there will be a second hearing on that date for a lot line adjustment, 105-015 & 105-015-001,16 Steele Dr. & 180 Lost River Rd.

Cathy stated that Ad was going to be published in the paper next week, and that the letters for all the abutters to go out by Wednesday. Plans to be sent electronically to Board members.

Planning Board Computer

Margaret explained that the Planning Board's Computer has stopped working after 3 years, just 5 days after the warranty expired. One possibility for a service option, but starts at \$140 just to diagnose, then standard charges to fix.

The Board discussed whether it was worth it to repair, or to just replace. Data and software are 94 percent backed up, and the board also discussed getting an offsite backup, at a nominal per year charge. The Board agreed that they would look at an area where they can get the funds from to replace the computer.

Open Public Hearing

Bonnie opened the Public Hearing at 5:15pm on the proposed amendments of the Land Subdivision Regulations.

Margaret explained the new points on the changes to the Subdivision Regulations are to bring the document into alignment with the Floodplain Ordinance

Margaret added that also they need to remove the ambiguity between "major" and "minor" subdivisions by closing the loophole in "minor" subdivision. The previous definition said that a Minor Subdivision was "not more than three lots or not a new road". The change made was "not more than three lots and not a new road".

Margaret added that the other changes are mostly changes to wording for ease of reading, and consolidation of the section on application requirements to make it easier for people to follow.

Bonnie stated that the attorney looked at and approved the changes. Margaret was commended on doing a great job on the amendments.

After no inputs or questions from the public, Kathryn wanted to comment that a note on section 3.06 that she had made regarding "providing harmonious development of municipality and its environs" does not quantify and thought that it was requested to be removed.

Margaret reminded Kathryn that they had discussed it and they had decided that they would leave it until they went through the Master Plan, and then move it over at that time.

The Board proceeded to vote on accepting the amendment as written.

Kathryn made the motion, Jerry seconded the motion, and the vote was affirmative.

The new Land Subdivision Regulations which will take effect upon signatures from the Planning Board.

The Public Hearing was closed at 5:25pm.

Bonnie re-opened the remaining Planning Board Meeting at 5:25 pm

Correspondence Received

Follow-up on Information Packet from John Kimball -deferred from the last meeting

The Board agreed that it was an interesting read, and Bonnie asked John for any comments. John Kimball was on Zoom to see what the Planning Boards comments were on completing the annual review of the sites. He wanted to know if the conditions that were issued from NHDES and the Wetlands permit were part of the actual permit.

Bonnie responded that they can only enforce or regulate what is in our regulations, not the State regulations and they could always request documents filed.

Mr. Kimball wanted to bring up RSA:155e is very explicit on what documents have to be available to the Planning Board prior to having the public hearing.

Mr. Kimball stated that within those documents are everything needed in order to make a decision to issue the operating permit. Mr. Kimball feels that the Wetlands, alteration of terrain and EPA requirements were not followed. Mr. Kimball wanted to know what the condition of the silt fence was. Mr. Kimball wanted to know if anyone on the Board contacted the individual agencies to see if there were any violations or notifications on the agencies part.

Bonnie explained that at the annual inspections, they just look at the site to see if it conforms to the Town's permit. Kathryn questioned if the permit noted other agencies, should we have approval on the other permits before we grant approval.

Lee added that in the last permit, that Caulder had to excavate no more than 10 acres and it must be east of the wetlands, and there were no other conditions listed on the permit that was accepted back in 2020.

According to the Board, the applicant comes in, Board approves, and the applicant can excavate up to the stipulations in the permit for 5 years. If phased there may be new requirements on the permit for future phases, and needs a new evaluation.

Mr. Kimball stated that the original permit from 2015-2020 was for 2.2 acres, and the new permit is for the entire 32 acres.

Margaret stated that the permit was for no more than 10 acres and East of the wetlands. Mr. Kimball believes that the application was for the entire 32 acres. Bonnie says they will look at the application, but believe that Margaret is correct.

Mr. Kimball next case presented was on the number of cubic yards removed and the difference of what was actually excavated, and stated that no one looked at the paperwork to check the reports and reconciling them at the end of the year. Mr. Kimball felt that the Select Board sends it to the Planning Board to check.

Bonnie stated that the Board does not hire an engineer to check to see if more than reported was taken, and that they just walk the site with the owner and ask questions.

After more discussion of past permits, it was agreed that going forward, that the Board agreed to take a look at the two reports when looking at the permits.

Lee asked John to remind the Board to do this before the next inspection, as it would be helpful going forward.

Bonnie stated that when they did go to the site, they didn't notice any evidence of extreme amounts taken out and talked to the owner.

Kathryn asked if we can make a checklist to bring with us on the site visit so they can see what was on the permit and reports to address issues to keep us in compliance going forward.

Bonnie noted that they have in the past made comments and recommendations on anything of notice, but they can put some things in place to improve the process. If the current permit is not sufficient and changes need to be changed that the owner come before the board for an approval or denial of an amended permit application.

John wanted to recommend that the Board look at the documents again that he had submitted. Bonnie ended the discussion reinforcing that there is always room for improvements to make their visits more productive, and thanked Mr. Kimball.

Email from Judy Welch & Katie Paight/ FEMA Flood Map Adoption – new FIRM and FIS

Margaret explained to the attendees that documents needed to be prepared in advance of the Select Board meeting in December, so they could take a vote to approve the Floodplain Map changes. That was necessary so that the Planning Board members could make a vote to approve the new maps adoption into the Floodplain Ordinance. It will then need to be voted on by the public at Town Meeting.

Vote to accept the Ordinance with the correct dates of February 8, 2024 with the new Floodplain maps to be put forward at Town Meeting for a vote.

Jerry made that motion, Kathryn seconded and the roll vote was affirmative.

Bonnie stated that now all steps for the Planning Board had been taken.

Margaret added that now a certified copy of this ordinance along with the Master Plan and the Subdivision Regulations in a packet that goes to FEMA for February 8th so they have all the documentation to stay in the National Flood Insurance Program.

Sub-Committee Updates

Rules of Procedures- Kathryn stated that she and Jerry have been working on and came up with some suggested edits and modifications. Margaret to provide Kathryn with an e-copy before the next meeting that she can edit and send out to the Board to go through.

Floodplain-Margaret explained that the next steps for the committee is to work on getting into the Community Rating System on the understanding that the Floodplain Ordinance will likely be approve at Town Meeting.

Masterplan- Need to have a meeting soon including Kevin Millar and others that have been interested. A work session was suggested prior to the meeting at 4:00pm. Other interested parties will be notified.

Mike Donahue Question-

Mike Donahue wants to know if he needs to continue his bond that expires soon on an expired permit since he will no longer be using the pit.

Mike stated from Zoom that his bonds had never lapsed for record, and that the site was all the way back to existing ledge, so there is no reclamation. Lee suggested that we can get pictures and add to the records to close the file, and Margaret stated that she would do that.

Mike needs the Planning Board to sign off on it so that the Bond can be cancelled.

Planning Board Vote to have the bond released for Mike Donahue's excavation site, with picture of the ledge to finalize the removal

Lee made the motion, Jerry seconded and the roll call vote was affirmative.

Proposed 2024 Planning Board Schedule

The schedule was approved with the year on the dates to be corrected. Meetings to remain on the second Monday of each month unless otherwise noted.

Update on the status of the Planning Board Budget -\$4000 was approved and added by the Select Board.

Gil Rand commented to the Board that Woodstock #10 in the entire country for Air BnB's list of desirable places to go or invest.

Annual Report- was given to Judy

Next Meeting will be February 12th - Public Hearings for Rutherford minor subdivision and Gordon Pond Brook Lot Line adjustment.

Public Participation- None

Non-Public Session

Adjournment

Motion to adjourn at 6:15pm was made by Lee, seconded by Jerry and the vote was affirmative.
