

Minutes for the Planning Board (PB) Meeting of 04/24/2024

Call To Order 7:05 P.M.

Roll Call: Members Present: Deb Johnson, Ray Blake, David Madden, Dave LaBar, John Rescigno

Absent: Russ Carruth

Alternates: Eric Jones -not present

Listing of Residents & others speaking during meeting: Robert Ellis

Robert Ellis commented on McCarty issue

Quorum

If a quorum is lacking the Chair will appoint an Alternate if present to sit as a voting member.
PB vote _____

Minutes

Deb moves to waive reading the minutes aloud and set-aside review following public business. Dave Madden seconded the motion with unanimous agreement by the PB.

Public Business - Applications/Building Permits, Inquiries, Informational session
(Interested residents or others should request to see the meeting file to read all materials reviewed by the PB)

Jon Beliveau considered for appointment as alternate or to fill the 1-year vacant position. PB members review RSA 673:7 the state statute controlling Appointment and Terms of Local Land Use Board Members (put another way multiple memberships on Land Use Boards)

PB continued their review of statutory requirements to fill vacancies (673:11 and 673:12) and for eligibility.

Discussion with Mr. Beliveau and deliberations by PB

Deb moves and Ray Blake seconds to appoint Mr. Beliveau to the 1-year vacant position, PB voted Unanimous approval by members present

Email Inquiries

1. Tim McCarty, M 6 L 40 – purpose of the inquiry is to clarify status of the land as a buildable lot
Chair discusses with PB all materials researched – Plot Plan, 1988 minutes of PB, Declaration of Restrictions, Deed, Legal advice of NHMA, Town Attorney letter dated Sept. 30 2008.

Deb motions and Dave Madden seconds to request advise from the PB Attorneys.

Motion: If the Attorneys find the lot label of Conservation Area and the filing of the Subdivision Plan didn't give raise to an enforceable conservation easement the PB recommends to the Select Board to issue a building Permit, provided:

- The Select Board consider appropriate construction measures necessary to gain entry to the land and build on steep slopes with soils type of the nature on this lot,

- The Select Board confirms a Release of Municipal Liability pursuant to RSA 674:41 is signed and recorded.

However, the Select Board should withhold issuance of a building permit if they determine:

- a valid recorded Covenant of Conservation Area or other conservation restrictive document is recorded , or
- there is evidence of disputed fact or law,

Following deliberations, the PB voted Unanimous approval by members present.

PB reviewed the following.

2. Marissa Berti - purpose of the inquiry is to understand the laws to navigate building a campsite for an Airbnb, property owner has not provided Map and Lot or Zoning District.
PB Chair answered her email
3. John Polizotti , purpose of the inquiry is use and zoning of land (Map 5-158), Hardy Country Rd
PB Chair answered his email
4. Gary Eastman – purpose of his email is to understand frontage requirements
5. Heather Delsart, 878 N Dorchester Rd, Route 118, Map 1 Lot# 2 Wants to know if she can subdivide her 3.8 Acres
PB Chair answered her email

Minutes

Reviewed minutes dated: 2023-11-15 , 2023-12-27, 2024-01-31,

Following deliberations, Deb moves to :

- Approve the following minutes as presented, 2024-01-31

Motion seconded by Ray Blake - PB Vote - John R. and Dave LaBar abstain (they were absent for this meeting) Approval by Deb J, Ray B, and Dave M.

Following deliberations, Dave M. moves to :

- Amend these minutes: 2023-11-15 , 2023-12-27

Motion seconded by Ray B.. - PB Vote - Unanimous approval by members present except John R abstains (absent for the Nov 2023 meeting).

The discussion to amend and approve the above referenced minutes are documented here:

2023-11-15 – correction to PB members present. John R was absent, and Alternate Eric Jones was present and appointed by Chair to serve as voting PB member.

2023-12-2023 - concern was expressed that Hilary Coles did not capture the reason why the PB approved a zoning line adjustment. Page 2, paragraph 2 and 3 are amended to read: ... He is requesting that the zoning district lines be shifted to accommodate the 12-acre withdrawal window that exists in the Conservation Easement. The PB needs to place the 12 acres within the Residential and Forestry/Agriculture zoning district, which has a 2 – acre lot minimum.

Deb makes a motion to accept these zoning line adjustments because the PB was not aware when zoning districts were created in 2023 that the window existed lawfully as part of the easement. Deb asks ...

Announcements and Communications:

BEA Planning & Zoning Conference – May 11

Planning Board Work session - Planning Board Procedures-Minutes

Meeting minutes must include:

- (1) The names of the members present;
- (2) The names of persons appearing before the body;
- (3) A brief description of each subject discussed;
- (4) The names of members making and seconding motions;
- (5) A description of all final decisions made

“Final decisions” include actions on all motions made, and a clear description of the motion.

The PB discussed the template proposed for meeting minutes and what, if any, mandatory attachments should be part of and incorporated within the minutes.

Deb moves and Dave M seconds that the PB adopt the Template presented as the uniform character for its minutes. Voted unanimously by members present

There being no other business on the Agenda, Deb motions and Dave M seconds to adjourn.
Adjournment 8:46 P.M.

Minutes submitted by Planning Board