

1 Planning Board Meeting and Hearing

2 April 23, 2024, Meeting House, Draft Minutes

3 Members Present

4 Greg Meeh (Chair), John Schneider (Vice Chair), Joshua Gordon, Rich Marcou,
5 Logan Snyder, Megan Portnoy, Kent Ruesswick (BOS rep): Alternates Brendan
6 O'Donnell and Ben Stonebraker.

7 Members Absent

8 Alternates Hillary Nelson and Jonas Sanborn

9 Others Present

10 Michael Courtney, (town attorney): Kal McCay (Administrative Assistant): Cathy
11 Viau and Al Nash (applicants); Webster Stout, (surveyor); Attorney Ruth Hall
12 (applicant attorney); Calvin Todd; Aaron Portnoy; Clifton Mathieu; Scott Doherty
13 (Chair Select Board); Beth Blair, (Selectman); Ken Folsom (Town Administrator);
14 Sam Papps (Town Clerk); Tom Andrew; Ruth Heath; Jen Jackson-Baro; Denise
15 Luneau.

16 1. Call to Order

17 Greg Meeh called the meeting to order at 7.32 pm. He indicated that typically
18 the Board will conduct hearings before dealing with previous Minutes.

19 Greg recused himself from the hearing and handed it over to John Schneider,
20 Vice Chair.

21 2. Alfred Nash – proposed subdivision application on Wyven Road -
22 continuation of hearing

23 John introduced the continuation of the Nash application which had been tabled
24 at the hearing on September 26, 2024. Since then, the Board has become
25 aware of RSA 674.41. The application had been found complete. John invited
26 the applicants to speak first, then the abutters present and then the Board
27 would begin discussion.

28 Megan Portnoy asked if item 2 was moved. John confirmed that it was and
29 would be after the hearing.

30 Logan Snyder moved to seat Alternate Brendan O'Donnell. Joshua Gordon
31 seconded. All members were in favor.

32 Web Stout handed out 2 plats to the Board members. One was an overview
33 and the other was in more detail. The property was 85 acres in all. They had
34 reconfigured the lots since the last meeting. The land covers 2 zones, Rural and
35 Agricultural. The wetlands were indicated.

36 John thanked Web. He invited abutters present who might like to speak, asking
37 them to not repeat testimony already submitted to the Board.

38 Tom Andrew asked why he had heard from Attorney Hall when he had not been
39 notified as an abutter. Attorney Hall stated they had sent letters out as widely
40 as possible, to people they thought might be interested in attending, not strictly
41 as abutters.

42 Ruth Heath (on behalf of Soft Path Association), Denise Luneau and Jennifer
43 Jackson Buro spoke in similar terms. They were not opposed to the subdivision
44 but were opposed to the use of their road for access to that subdivision as
45 there is another way out onto Nash's property. They do not want to see
46 increased traffic and maintenance on the road.

47 The applicant's response was that they propose access at either end of the
48 Wyven Road as they believe it is a Class VI Road. Brendan asked if the applicant
49 would be prepared to agree that they come from the north end only and not
50 the south end. Attorney Hall said no.

51 Ruth Heath asked if the Board had considered that the road has been marked
52 a private road on the north end. How can it be considered private at one end
53 but not the other. The town maps say it is private. John thanked her and noted
54 that comment.

55 Board members then discussed issues:

- 56 • Joshua had concerns about Note # 7 on the plat which stated that Wyven
57 Road was a Class VI Road and there had been several forms of evidence
58 to show this was debatable
- 59 • It was acknowledged that the Planning Board does not decide road status

- The Select Board is the authority to grant road waivers and the Superior Court would be the authority in an appeal
- Attorney Hall pointed to a Select Board decision in November 2019 stating that any discontinued road would revert back to Class VI status

In response to the applicants request for a vote, positive or negative, Board members worked towards finding conditions to accompany approving the subdivision. It was established that access to the southern end of Wyven Road could be important for those who purchased the subdivision lots.

There was further discussion about the merits of the application in terms of the subdivision regulations. It was noted that previously the Board had discussed the application for completion and now they could discuss what to approve in the plat. The road status issue did not matter in terms of RSA 674:41 because the Planning Board would not decide that. The earlier standards were the minimum and now other issues could be considered, such as disturbance to the environment and wetlands protection.

It was further acknowledged in discussion that the issue of the 'dirty dirt' or 'recycled material' was not part of the application. It was raised in discussion during a request for an extension. It was not something for the Board to consider in the application. As an Obnoxious Use it would be an issue for the Select Board. They would decide how to certify that material.

Members looked through the subdivision check list in the regulations. Most of the criteria had been met. It was noted that for item 4, state and municipal approvals, the DES requirement could be added for that. It was also agreed there was no need for a traffic impact study. The lot sizes and shapes had been amended since last time.

After further discussion among members, Brendan and Joshua worked on the language for conditional approval that was acceptable to the applicants.

Brendan O'Donnell made a motion to approve the subdivision application subject to 3 conditions precedent:

Condition 1. That the applicant obtains all required approvals from the Select Board to provide access to lots 16-1 and 16-2 including pursuant to RSA 674:41.

Condition 2. That the applicant amends the plan to strike current plan note # 7 and all other references to Wyven Road being a Class VI Road.

Condition 3. That the applicant obtains all required state and local approvals.

Rich Marcou seconded.

There was further deliberative discussion. The motion did not resolve the question of access nor what this could mean for the abutters. It did not promote harmonious and coordinated development. It was acknowledged that the issues between the applicants and the abutters, as issues between neighbors, were not for the Planning Board to resolve.

The Chair called for a vote. All members present voted in favor of the motion to approve the subdivision with conditions.

3. Previous Minutes from April 9, 2024

Megan had printed out and distributed two documents. One was a packet showing edits to Minutes and the other was a letter of April 21 to the Chair of the Select Board and Town Administrator with itemized notes concerning mistakes and alterations in the Planning Board draft April 9 Minutes.

Logan abstained from discussion of those Minutes since they were not present at that meeting.

Greg noted that Megan had a number of issues with the Minutes and how the Board does minutes. There is no secret how the Board does it. The minutes have been done that way as long as he was aware. However, if the Board wanted to change them, that would be fine. It has been always an executive summary. Some boards in town are more sparse and some do transcriptions. Members had talked about minutes over the last 2 boards, trying to do them more efficiently and faster. In the interests of time that they had started the process of sending them out and getting a response from board members via email. That is not legal and responses must be in the meeting and in person. Greg added the town attorney had said he had no problem with the secretary and Chair working together to create a first draft of minutes.

Megan read her letter of April 21 as a statement regarding improper handling of public meeting minutes. The secretary had given Megan previous drafts of

the April 9 draft Minutes. Megan found 19 corrections required for accuracy. She had used Microsoft 'Compare Documents'. There were two main areas of concern. One was the handling of minutes, and the other was changing things that are inaccurate. Megan stated how the draft got sent around violated the Right To Know law. The original draft should be available within 5 days but what was issued had been twice edited. Greg said that is how we have done it since he has been Chair.

Megan said things were changed from the original draft and made inaccurate. Rich asked if there were examples. Megan said she could send digitally the first round of the drafts and also the edits made. She had annotated comments. Greg suggested they go through her changes. Joshua said board secretaries send drafts to their chair and that results in a second draft that is then distributed.

Megan said Kal sends things to Ken Folsom for the Select Board minutes but for specific things, not the entire changing of sections and changing of names.

Megan began going through the list of places where corrections were needed. The first 3 or 4 edits were agreed upon. Members were concerned about the lateness of the hour at that point. Rich suggested that Megan might come to the next meeting with revised minutes and maybe bold the words to change. It was agreed to table the April 9 draft Minutes until the May 14 meeting.

Megan suggested that the secretary should send the draft minutes in a Word document so people can add their edits and bring them in. That is the law.

Brendan suggested perhaps members could send their list of edits and the secretary collects the edits and print that out in hard copy for members to see at the following meeting.

Joshua moved to table the April 9 Draft Minutes. Logan seconded and all voted in favor.

4. Rules and Procedures

Logan suggested it was too late to embark on that discussion and members were too tired.

5. New Board Email Addresses

Kal had attended a recent Right to Know Law training and was going to work with all the boards and committees in town to have .gov email addresses for their committee work. They should not be using personal email addresses. Kal distributed a handout and the new email addresses and passwords to members. Kal will help get these into their computers. Further discussion of this process was tabled, for May 14. Members were asked to read the document, Right to Know Email Changes, that Kal distributed.

6. Master Plan and May 14 meeting

Greg laid out some of the items for the May 14 meeting. For the Master Plan, the draft chapters to be presented will be Land Use and Housing and he asked for volunteers to help present these to the public. Rich volunteered Megan for land use. She does not have the time. Rich volunteered and also John will help.

Greg expected that CNHRPC would do what they did last time, bring the draft chapters.

Among other items for May 14 will be the tabled Rules and Procedures and the draft Minutes from April 9.

The Site Plan and Subdivision Regs (Land Use) Subcommittee is meeting on Tuesday May 7 at 6 pm in the Meeting House.

7. Adjournment

Logan made a motion to adjourn. Johsua seconded. All voted in favor. It was 10pm.

Respectfully submitted,

Lois Scribner, secretary