



BARRINGTON PLANNING BOARD MEETING
Barrington Annex (next to the Elementary School)
572 Calef Highway
Barrington, NH 03825
Tuesday April 21, 2015
6:30 p.m.

DRAFT MINUTES

NOTE: THESE ARE SUMMARY ACTION MINUTES ONLY. A COMPLETE COPY OF THE MEETING AUDIO IS AVAILABLE THROUGH THE LAND USE DEPARTMENT

Members Present

Anthony Gaudiello-Chair
George Calef
Fred Bussiere

Members Absent

Joshua Bouchard
Jason Pohopek
Bob Williams

Alternate Members Present

Daniel Ayer
Fred Nichols
Richard Spinale

Town Planner: Marcia Gasses

D. Ayer sat for B. Williams
F. Nichols sat for J. Bouchard
R. Spinale sat for the vacancy

MINUTES REVIEW AND APPROVAL

1. Approval of the March 17, 2015 Meeting Minutes

G. Calef presented an amendment which had been provided to the Board.

G. Calef made a motion that the board accepts his amendment as presented in total.

G. Calef stated as a Planning Board member he was not or for against tearing down the existing building and building a New Town Hall. He did not believe the minutes of March 17th accurately portrayed what went on at the meeting.

A. Gaudiello expressed we do not accept minutes in parts as suggested by G. Calef, which was the first part of G. Calef's written motion.

G. Calef expressed that the board had just received A. Gaudiello's comments regarding the proposed changes to the minutes and did not feel there was sufficient time for the board to review them.

A. Gaudiello expressed they would go through G. Calef's amendments one at a time and he would insert his comments which would be part of the April 21st meeting minutes.

F. Nichols made a motion to amend G. Calef's motion to delete the motion to accept lines 1-56. A. Gaudiello seconded the motion for discussion.

R. Spinale expressed that the Board only needed motions on the items that needed to be changed.

R. Spinale expressed that board members needed to wait to be acknowledged and express who was speaking for the record.

G. Calef expressed that the Board had been presented an application for a conditional use permit to conditionally approve; no vote was ever taken nor was a vote asked to be taken.

A. Gaudiello expressed that the Board had not been presented with an application to conditionally approve, but rather to comment on a proposal for governmental use of land. The Board's obligation was to comment on the proposals conformance with the Town's regulations and ordinances. Reference 674:54 Gaudiello expressed that the Board of Selectmen recognized under normal circumstances a conditional use permit would be needed in the HCO and were expressing why they believed they were in conformance with the regulations for the proposed use. The confusion was in calling the proposal an application.

G. Calef expressed that no consensus had been asked for.

A. Gaudiello expressed that the minutes reflect the fact that no suggestion or comment was offered to indicate the use of the site as proposed did not conform to applicable land use regulations.

G. Calef expressed the digital minutes of the meeting could not be located.

A. Gaudiello expressed that there had been a technical error with the recorder and the minutes were not recorded.

A motion was made by A. Gaudiello and seconded by G. Calef to amend part one that suggests the lines be accepted as unnecessary and will appear as they are.

F. Nichols withdrew his original motion which had been seconded for discussion.

The motion on the amendment carried 5-1.

A. Gaudiello commented on G. Calef's comment regarding adding the following language to line 57: "The official copy of the electronic minutes is unable to be located. The minutes of item 2 as presented in lines 50-55 are a compilation of the recollections of Planner Gasses, G. Calef, Chair Anthony Gaudiello, and comments of the Planning Board".

A. Gaudiello commented that the first part of the amendment was not a valid change or amendment to the minutes of March 17, 2015 as no comment was made (or could have been made) regarding an event only revealed after the meeting occurred. However this is valid commentary and may be included in the minutes of the current meeting. The member is simply recognized and states that he or she would like to comment for the record. If such a comment were to be made for the record I suggest it would be fairer and more correct to have the commentary say the electronic minutes could not be consulted for clarification of the meeting discussions of March 17, 2015 as the recording device did not record the meeting. Stated in this way it more accurately reflects the facts and more clearly expresses why the recording was sought in the first place.

G. Calef expressed that he could accept what was just said.

A. Gaudiello made a motion and G. Calef seconded to amend G. Calef's global amendment to read it would be fairer and more accurate to read "the electronic minutes could not be consulted for clarification of the meeting discussions of March 17, 2015 as the recording device did not record the meeting."

A. Gaudiello expressed as part 2, replace "recollections" with contemporaneous notes of Planner Gasses and omit mention of specific members unless the member has made a specific amendment which was incorporated into the minutes.

A. Gaudiello expressed that several individuals had spoken and been included in the minutes and that the proposed written amendment by G. Calef was not accurate.

G. Calef expressed that from 109 on; there were several lines that he believed should be accepted as written by Planner Gasses.

A. Gaudiello expressed that he was suggesting his amendment because what was proposed by G. Calef could be slightly misleading.

G. Calef clarified that all the minutes of item 2, were what was a compilation or recollections of the people in the room and not a recording.

A. Gaudiello expressed that what G. Calef described is what minutes are, a compilation of the recollection of the people at the meeting.

A. Gaudiello made a motion to amend G. Calef's amendment to remove "The minutes of item 2 as presented in lines 50-55 are a compilation of the recollections of Planner Gasses, G. Calef, Chair Gaudiello, and comments of the Planning Board.

R. Spinale expressed that he believed that the point G. Calef was trying to make was that the minutes were prepared without the benefit of the recording and that fact should be noted on the meeting minutes.

A. Gaudiello proposed to amend the heading at line 20 by omitting "an audio recording of the meeting is available at the Land Use Office and have the heading read "These are summary meeting minutes".

A. Gaudiello asked if there were any changes in the minutes that need to come forward.

G. Calef asked if the Board was up to line 109, he had expressed that line 138 should be stricken and replaced with "no consensus of the Board was officially taken on whether a conditional use permit would be granted".

A. Gaudiello expressed he did not believe it was appropriate to strike line 138.

A. Gaudiello expressed that G. Calef meant some official voting process did not occur, to which G. Calef would be correct.

G. Calef expressed he needed to be convinced the board approved of something.

A. Gaudiello expressed that the Board had approved of nothing.

G. Calef asked how the conclusion was reached that a consensus of the Board was that the use was appropriate for the site.

A. Gaudiello expressed the minutes reflect the fact that no suggestion or comment was offered to indicate the use of the site as proposed did not conform to applicable land use regulations. (RSA 674:54II) The consensus of the Board seems to be that the proposed use was appropriate for the location given the complete absence of negative comment on the use or any suggestion that the use was inappropriate to the site.

G. Calef expressed they were not asked.

A. Gaudiello suggested striking line 138 and replacing it with, "there was no negative comment offered as to the appropriateness of this site"

A. Gaudiello expressed that the amendment proposed by G. Calef served no purpose and he would move that the amendment in total be defeated. The motion was seconded by F. Nichols for purposes of discussion.

F. Nichols suggested replace lines 57-139 which read, "The Town requested the Planning Board regarding the proposed site X for appropriateness for the future location of a Town Hall. Marcia Gasses read the nine conditions for a conditional use permit. The Board noted that this site met the nine conditions.

G. Calef expressed that the Town came to the Board for advice and the Board had been told to stick to the plan.

F. Bussiere read from 674:54

G. Calef agreed, and expressed there were other areas, 674:1 II. The Planning Board may from time to time report and recommend to the appropriate public officials and public agencies programs for the development of the municipality, programs for the erection of public structures, and programs for municipal improvements.

A. Gaudiello expressed the reference was to the Capital Improvements Program. He expressed the current proposal was being reviewed under 674:54.

A. Gaudiello asked if there was anything that G. Calef wished to add to the minutes that was said at the meeting that had not been included.

G. Calef expressed if line 138 was stricken and replaced with what he had suggested and the same was done for item 3 and item 4, it would accomplish what he sought.

F. Nichols reread his amendment to replace lines 57-139 with; the Town requested the Planning Board comment regarding the site X appropriateness for the future location of a Town Hall. Marcia Gasses read the 9 conditions for a conditional use permit. The Board noted that this site met the 9 conditions.

G. Calef expressed that Mr. Scruton stated there were no plans to come before the Town with this proposal at this time. He had asked Mr. Scruton three times. So there was no specific proposal in front of the Board as stated in the motion.

A. Gaudiello expressed there were nine conditions presented to the board for a conditional use permit and the Board reviewed those 9 conditions and agreed they were in conformity with the regulations.

G. Calef expressed there was no discussion of the conditions.

A. Gaudiello expressed that B. Williams commented that he believed the Town met the conditions.

M. Gasses reread F. Nichols amendment to replace lines 57-139 with; the Town requested the Planning Board comment regarding the site X appropriateness for the future location of a Town Hall. Marcia Gasses read the 9 conditions for a conditional use permit. The Board noted that this site met the 9 conditions.

Roll Call

F. Nichols	aye
D. Ayer	nay
R. Spinale	aye
A. Gaudiello	aye
G. Calef	nay
F. Bussiere	aye

Motion carried 4-2

A. Gaudiello acknowledged Alan Kelley's presence at the meeting.

G. Calef asked that on item 3 the line "No vote or consensus was taken on whether the site plan should be approved" be added.

M. Gasses believed that no consensus was made on items 3 and 4 that the Board simply made comments on what was missing and concerns with traffic flow etc.

G. Calef asked that on item 4 the line "No vote or consensus was taken of whether the demolition plan be approved" be added.

A. Gaudiello expressed the Board was not in a position to approve or disapprove and the word approve should not be included.

R. Spinale clarified that if the word approved was included it would give the impression the Board had the ability to approve or disapprove.

M. Gasses expressed there was no consensus taken on items 3 & 4. The only motion was to send the comments from the Board along with the minutes to the Selectmen.

A. Gaudiello expressed the next proposed amendment by G. Calef was at line 210; which stated "No vote or consensus was taken on whether the site review plan should be approved by the Planning Board.

F. Nichols expressed concern with inserting into the minutes actions that did not occur.

F. Nichols expressed that he would be open to a note that stated a vote was not taken because the Board did not have the power to approve or disapprove the proposal.

G. Calef expressed did not feel we were informing the public adequately under 91: a. The public interest that the right to know law was intended to serve concerns informing the citizenry about the activities of their government. He expressed that this was what he was trying to do and he believed that was what the minutes should do.

F. Bussiere expressed that what was being asked did not happen and a lot of things do not happen and are not included.

A motion was made b A. Gaudiello and seconded by F. Nichols to amend G. Calef's global amendment by deleting the insertion at line 210.

G. Calef read from the preamble of 91: A: "The purpose of this chapter is to ensure both the greatest possible public access to the actions, discussions and records of all public bodies, and their accountability to the people.

A. Gaudiello expressed that nothing they were doing could be considered contrary to what G. Calef read.

A. Gaudiello expressed he had made a motion for the deletion of the line because it was inappropriate and unnecessary; under the RSA for Governmental Land Use no votes are to be taken.

F. Nichols expressed that it did not happen and should not have been in the minutes; he called for the vote.

Roll Call

F. Bussiere aye
G. Calef nay
A. Gaudiello aye
R. Spinale aye
D. Ayer present
F. Nichols aye

The motion carried 4aye 1 nay and 1 present

G. Calef expressed he was apologetic for dragging the meeting out, but it could have been avoided if he had the information sooner in time to read it.

A. Gaudiello explained that the next global amendment by G. Calef was to add a line, “No vote or consensus was taken on whether the Planning Board approved of the demolition.”

A. Gaudiello expressed that again the task of the Board was to advise and/or comment upon whether the proposals presented were in conformity with the regulations not to approve.

A motion was made by A. Gaudiello and seconded by F. Bussiere to amend G. Calef’s global amendment to delete line 291.

F. Bussiere made a comment to add to the minutes that reflected on the review process of the Board in regard to Governmental Land Use, “Seeing the Planning Board does not have the authority to approve or disapprove municipal use of land, no recommendation was given.

Roll Call

F. Nichols aye
D. Ayer present
R. Spinale aye
A. Gaudiello aye
G. Calef nay
F. Bussiere aye

The motion carried with 4 ayes, 1nay, and 1 present

A motion was made by R. Spinale and seconded by F. Nichols to approve the meeting minutes of March 17, 2015 as amended.

Roll Call

F. Bussiere aye
G. Calef aye
A. Gaudiello aye
R. Spinale aye
D. Ayer present
F. Nichols aye

The motion carried with 5 ayes 1 present

A. Gaudiello discussed how the Board could address Governmental Land Use reviews in the future. Items mentioned were making it clear the Board does not have the authority to approve or disapprove a proposal and also changing the wording of the posting and agenda to be a more accurate reflection of the type of review the Board would be doing.

A. Gaudiello made the following procedural suggestion:

Action items that are “hearings” on Government Land Use should not use the standard “Request by applicant” form. He suggested the illustration below:

Pursuant to RSA:54 a written notification to the Planning Board from the Town of Barrington proposing a government use of property has been received on _____. The property subject of this notice is [Map & Lot numbers] and is comprised of 5.48 acres owned by the Town of Barrington. The site is located at 137 Ramsdell Lane, Barrington and is in the NR Zone and the HCO District. The Town proposes to use this site as a _____.

RSA 674:54 provides that the Planning Board may provide comment to the Town regarding the compliance or lack thereof with the applicable land use documents of the Town of Barrington.

Immediately following the description of the item should come Staff Recommendations for the Board’s general and specific review items. For instance a review item, as in the sample case, might be Board review of compliance with Section 3.4 of the Zoning Ordinance, Conditional Use Permit.

Further to this suggestion: The minutes of the Government Land Use hearing should conclude with a statement of the non-binding comments will be submitted within 30 days. As a matter of routine a copy of the minutes should serve that purpose.

A. Gaudiello discussed that the preparation of the minutes was not a transcription and that not everything that members say was recorded. If a member felt during the meeting a comment they were about to make was so important that it should be included they should state that they have a comment for the record.

2. Approval of the April 7, 2015 Meeting Minutes

G. Calef expressed he believed he had brought up his relationship to the Svenson’s.

M. Gasses expressed that G. Calef had brought up his relationship with the Svenson’s at conceptual review not at design review.

G. Calef expressed his reason had been that Mrs. Svenson was a cousin and he was also a vendor at Christmas Dove, but he did not have anything to gain or lose from this and he had polled the Board. He expressed they had also asked the applicant who did not have an issue. He believed he still did not have anything to gain or lose from it.

A. Gaudiello explained that the thing to think about was if the application went elsewhere and the issue of his family or work relationship was brought forward there could be an issue and it was something for G. Calef to consider.

D. Ayer expressed that the applicant did not have an issue with G. Calef sitting.

M. Gasses expressed that her concern was with G. Calef meeting the juror standard, when he was related to the applicant. She expressed that at conceptual it was not a big concern, but if the application moved forward to a full application there was concern.

F. Bussiere expressed it should be added that he recused himself at line 135.

A motion was made by F. Bussiere and seconded by D. Ayer to accept the minutes as amended. The motion carried unanimously.

3. Work Shop Items
 - a. Review and purpose of Minutes
 - b. Review of role of the Planning Board and its members

A. Gaudiello went through the duties of the Planning Board under RSA 674. In addition he discussed the rules of procedure.

- c. Amending the Ordinance and Regulations and Rules of Procedure

COMMUNICATIONS RECEIVED

REPORTS FROM OTHER COMMITTEES

UNFINISHED BUSINESS

OTHER BUSINESS THAT MAY PROPERLY COME BEFORE THE BOARD

3. Presentation of certification of Johnathon Brasseur & Stephen & Michelle Halla Lot Line.

M. Gasses expressed this item would be on May 5th Agenda because the owners had not signed the plans as was required.

4. Presentation of certification of Kevin D. Roy & Carrie Vaich Lot Line.

A motion was made by D. Ayer and seconded by G. Calef to allow the chair to sign the plan. The motion carried unanimously.

A. Gaudiello read a proposed future addition to the language of the rules of procedure to deal with the certification process.

5. Report of Applications received in the Land Use office for the Public Hearing on May 5, 2015.

M. Gasses expressed the three site plans associated with the gas station were in the Boards packets. The Town attorney had changed her mind and instructed staff that the Board could now hear the applications.

M. Gasses explained the Economic Revitalization Zone Applications.

F. Bussiere expressed the ERZ Zones were a win win for the Town.

M. Gasses explained that R. Spinale and John Huckins and she had met with Strafford Regional Planning on working with them on an update of the Master Plan. A proposal was given that outlined a scope of work to update the Master Plan.

SETTING OF DATE, TIME AND PLACE OF NEXT MEETING AND ADJOURNMENT

May 5th 2015 at 6:30 p.m.

M. Gasses explained that for those who would not be recusing themselves from review of the site plan applications the Board would meet with legal counsel at 5:45 p.m.

Without objection the meeting was adjourned.

Respectfully Submitted,

Marcia J. Gasses
Town Planner and Land Use Administrator