

Planning Board Workshop

July 18, 2006

Members Present: Chair Bob Craycraft, Vice Chair Don Voltz, Member David Lindberg, Alternates George Gale and Cathy Orlowicz.

Members Absent: Mike Clarke and Selectman's Representative Ron Gehl had excused absences while Christopher LaPierre had an unexcused absence.

Others Present: none

Chair Craycraft called the meeting to order at 7:02PM and the planning board members proceeded to introduce themselves.

The public input line item was curtailed until the end of the meeting since no members of the public were currently in attendance.

1. Review of the Planning Board Rules of Procedure.

The planning board proceeded to review the latest version of the rules of procedure that included both minor editorial revisions and a more thorough discussion of certain subsections of the document. The following section highlights the discussion items that received the greatest discussion and that included differing points of view. The planning board generally came to consensus on the different sections with the exception of language included in the subsection titled "Code of Conduct":

- "Authority" subsection: the board added a definition of the term Board for clarity and made minor editorial changes.
- "Members" subsection: The board members added more specific references to state statutes for clarity while language was also added to ensure planning board alternates were held to the same standards as the elected members.
- "Members and Their Duties" subsection: A section was added to strongly encourage planning board members to attend supplemental training opportunities.
- "Sitewalks" subsection: A minor editorial edit was made.
- "Code of Conduct" subsection: Chair Craycraft gave an overview of the comments provided by himself, Selectman's representative Ron Gehl and Alternate George Gale. Vice Chair Voltz suggested adding the language suggested by Selectman representative Gehl (that pertains to basic ethical principals) to the introductory paragraph and the board members agreed. A

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lengthy discussion ensued with differing opinions being expressed related to the desired ethical standards of planning board members and compliance with state statutes:

- Vice Chair Voltz questioned the section that discusses “interest” as being too vague.
- Chair Craycraft felt there was language in subsequent sections that defined different types of interests that would provide clarity on the matter.
- Vice Chair Voltz questioned whether Chair Craycraft felt the language should pertain to the legislative or the quasi-judicial efforts of the planning board.
- Chair Craycraft felt the language should apply to both.
- Vice Chair Voltz indicated Chair Craycraft’s view was a direct contradiction to the spirit of a planning board and that the planning board should represent all interests. Vice Chair Voltz indicated that actions undertaken in a quasi-judicial capacity to a different standard and that the elimination of a certain segment of the population was “cherry picking”.
- Chair Craycraft did not feel this was cherry picking but rather a situation where you either serve the Town or serve ones personal interests.
- Vice Chair Voltz questioned whether a Board member who wanted to subdivide his/her land would also have a conflict of interest and also suggested the proposed language would eliminate engineers and lawyers who represent clients.
- Chair Craycraft pointed out that former planning board member and attorney, Art Hoover, resigned from the planning board due to a conflict with the legal code of ethics to which attorneys must adhere. Chair Craycraft also indicated that the Planning Board could establish a higher standard as was stated at a law lecture series workshop.
- Dave Lindberg indicated the proposed language would eliminate himself, Dave Lindberg and Mike Clarke.
- George Gale had no problem with a higher standard that could be applied to the planning board.
- Chair Craycraft felt that members who stepped down to represent applicants who came before the planning board was not in the best interests of the town.
- Vice Chair Voltz suggested that such language was not in the best interests of the people who elected him, Dave Lindberg and Mike Clarke.
- George Gale commented that Vice Chair Voltz had not disclosed his business endeavors, in the Town of New Durham, to the electorate.
- Vice Chair Voltz replied that he certainly did.

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- Dave Lindberg indicated it was pretty bad when the board starts dictating who can run for office.
- Chair Craycraft indicated he didn't think this was dictating who could run for office but rather it was a choice.
- Dave Lindberg indicated that the planning board was a volunteer board and he didn't see anybody coming out to volunteer.
- Chair Craycraft pointed out that Dennis Gagne had approached the board and Vice Chair Voltz and Don Voltz said those who ran for a planning board seat and were not elected by the electorate should not be appointed to the board.
- George felt there should be five willing citizens to serve on the board in town.
- Dave Lindberg indicated that he had tried to get people who had previously served on planning boards in other states and cities.
- Chair Craycraft indicated there is a need to look beyond friends and colleagues and proceeded to indicate the current planning board is a close nit and cozy group.
- Dave Lindberg indicated he had gone to great lengths to avoid a conflict of interest. Dave felt the code of conduct language was proposed to get rid of the building inspector and Vice Chair Voltz
- Vice Chair Voltz said the proposed language would also get rid of Mike Clarke
- George Gale felt the language was not intended to get rid of anybody but was rather proposed to ensure the planning board members serve the Town rather than the applicants who appear before the planning board.
- Don and Dave felt citizens could perform a dual role in a small town.
- Chair Craycraft pointed out that the Town was getting bigger.
- Vice Chair Voltz indicated that at least half of the cities require a mixture of people including surveyors, engineers, architects and other professionals.
- George Gale indicated his problem was with the musical chairs during which one represents a client and then sits as a Board member.
- Vice Chair Voltz reiterated that New Durham is a small town.
- George Gale indicated the towns of Belmont, Hampton, Dover, Pittsburgh, Raymond and Hudson specifically have language that prohibits town officials from representing applicants who come before the Town.
- Vice Chair Voltz indicated the towns of Farmington, Alton, Wolfeboro and Ossipee all encourage and have land surveyors on the respective planning boards.

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- George Gale indicated Vice Chair Voltz was missing the point. It is great to have surveyors on the Board. The issue is that those who serve on the Board should not do business before the board.
- Vice Chair Voltz reiterated that New Durham is a small town.
- Chair Craycraft indicated that if he represented an applicant who came before the board that he would have no business serving on the board.
- Vice Chair Voltz indicated he was against language that would exclude a planning board member who represented applicants, who came before the planning board, from serving on the Board. Vice chair Voltz indicated that New Durham is a small town and it was unfair to make an assumption that a person could not represent applicants before the board as well as serve the best interests of the town. Vice Chair Voltz indicated he had served on the board for 10 years and had served the town over that span.
- Chair Craycraft pointed out that Vice Chair Voltz was against the Interim Growth Management Ordinance. Chair Craycraft was concerned that financial interests can override the public good.
- George Gale was skeptical of Vice Chair Voltz's accomplishments as planning board chairman.
- Vice Chair Voltz indicated that he had previously voted to work on a cluster ordinance and commercial zones.

The discussion returned to the statements (#2 and # 4 below). Chair Craycraft and Alternate George Gale favored the language while Vice Chair Voltz, David Lindberg and Alternate Orlowicz were opposed; the language was removed.

Further discussion revolved around the board's authority to include the following language in the rules of procedure.

No planning board member or alternate shall:

1. Appear on behalf of a client before the planning board.
2. Accept anything of value from any person or organization when the planning board member or alternate knows or reasonably should know that the offer is for the purpose of influencing the public official's actions or decisions.
3. Use his or her official position to influence or to attempt to influence the planning board to act in favor of the public official or the public official's clients or clients of the organization with which the public official is associated.

Chair Craycraft appointed George Gale to site for Mike Clarke.

Motion made by Dave Lindberg to seek Town Counsel's opinion on the planning board's authority to insert items 2 through 4 (above) into the Planning Board Rules of procedure. Seconded by George Gale. Vote: Unanimous.

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2 . Subdivision Regulation Amendments:

The board discussed the current status of the Subdivision amendments and the need to develop a timetable over which the regulations would be reviewed. Chair Craycraft informed the Board that David Allen was revising the subdivision regulations to incorporate suggestions that were made at the June planning board workshop. The revised subdivision regulations would then be distributed to the board members for review. The following timetable was devised to review and edit the subdivision regulations:

- David Allen will distribute the amended subdivision regulations by Saturday, July 29, for planning board review.
- Planning Board members will return their comments to David Allen by August 15 for consolidation into a master document.
- David Allen will send the master copy to all Board members for review within the next week.
- The Board will hold a workshop on September 19 to discuss the subdivision regulations.

The Planning Board also discussed the work plan over the next several months to identify the Board's workload and there are four primary items that will require attention:

- Subdivision Regulation amendments (discussed above)
- Buffer Ordinance (first workshop on August 8, 2006)
- Capital Improvement Plan (to be distributed shortly for review)
- Land Use Ordinance Changes (Dave Lindberg will bring forth some proposals including some affordable housing language)

3. Public Input: No members of the public were present; the public input agenda item was opened for public comment and closed.

4. New/Old Business.

Chair Craycraft distributed the 2006 Local Government Center law lecture series brochure to the board members for review.

5. Adjourn: Vice Chair Voltz motioned to adjourn at 9:01. Seconded by Dave Lindberg. Vote: unanimous.

Respectfully Submitted,
Robert Craycraft
New Durham Planning Board Chair

Minutes Approved August 8, 2006