

Washington Planning Board

Meeting Minutes

February 4, 2014

- 0.0 Assembly: 6:30PM
 - 0.1 Members present: Cook, Crandall, Dagesse, Marshall, Schwartz
 - 0.2 Alternates present: None
 - 0.3 Members and Alternates Absent: Kluk, Terani
 - 0.4 Visitors: Phil Barker, Gwen Gaskell, Jim Gaskell

- 1.0 **Minutes:** Minutes from January 7, 2014, Crandall had a minor change and suggested that we remove the words “at 6:30PM” when Dan Reidy came in to join the MPUC meeting. All agreed and Schwartz will make the change. Marshall motioned to approve, Crandall seconded and all voted in favor.

- 2.0 **Old Business:**
 - 2.1 **Business permits** –Snell Construction & Excavation sent in a business permit application in response to our request. Cook read through the permit application. The application is for a towing, snowplowing and construction business. Crandall asked if Snell was going to store towed vehicles on his property and Dagesse said that he said he keeps these vehicles off-site at a yard near Pat’s Peak, if they are kept overnight. The business is based at his mother’s home on Valley Road and has no employees. Schwartz read through the ordinance so we could classify his business because we were not sure he meets the “cottage business” requirements. Marshall suggested we go take an unofficial look at the property to see how many vehicles are on the lot. We planned 11AM on Thursday to drive by the property. Barker asked why Snell hasn’t had to finish the siding on the house. Marshall said it is complicated.

 - 2.2 **RV ordinance discussion** – Crandall made a motion to make the change discussed earlier; change the word “construction” to “office” in section 306.1, Dagesse seconded and all voted in favor. Schwartz will make the change and contact Premier Printing about the revised section of the ballot.

 - 2.3 **Ethical questions** – Marshall wanted to request that both Schwartz and Dagesse take minutes for this section of the meeting. He stated this is not a witch-hunt but he wants to clarify the Planning Board’s Rules of Procedure and the Ethical Principals sent out to all town employees and committee members in the past. He said that in the minutes of our August 2013 Planning Board meeting there was a discussion of Planning Board members being on committees, Schwartz and Kluk were asked to be on the Safety Complex committee and they said yes. They were not officially appointed or given permission to represent the Planning Board on this committee. Marshall brought up the issue and we discussed it saying that they couldn’t represent the PB on the committee but could bring their expertise as residents or concerned citizens. Cook asked what committee he was talking about and Marshall said the Safety Complex committee. He said the discussion at the time was whether we wanted to have a vote or whether they would represent as citizens. Schwartz said at the time that she didn’t think a vote was necessary. Marshall said he attended an earlier meeting of the Safety Complex committee and we were all introduced to John Deloia from Eckman Construction and Schwartz and Kluk both mentioned they were representatives of the Planning Board. Marshall had an issue because he didn’t

feel that they should be representing the Planning Board without a vote of the Planning Board. He said an article came out in the Villager stating that members were representing the Planning Board, Selectmen, etc. His first point is all other committees are under authorization of the Planning Board and blessed by us and the Safety Complex committee is an ad hoc committee. Cook asked who formed the Safety Complex committee? Marshall said it was formed by them. He said that the only way the Selectmen are represented to the Safety Committee is as agents to expend the money raised at Town Meeting for the committee. Schwartz commented that the Selectmen were doing more than that, the committee wanted their input. Marshall said that as Selectmen they voted to join the committee, there was no such request from the Planning Board, it just happened. He said other members of the committee are affiliated with other boards – ZBA, Parks & Rec, Conservation Commission but none of them said they were representing their other affiliations. That said the Master Plan, CIP and Task Force are not part of this phase of the project; it is conceptual. His dilemma is that the current plan that Eckman has come up with for this piece of land will require no less than three variances; frontage on both Old Marlow Road and Lempster Mountain Road and a height variance because the peak of the vehicle barn is 47 feet. As Planning Board members he doesn't feel that we should support any variances from the Land Use Ordinance (LUO). He recognizes that municipalities are exempt from needing a variance. He thinks it is a conflict of interest if it is recommending a building that needs three variances because it is a Land Use Ordinance (LUO) issue. He said that if a guy comes in with a site plan and it doesn't meet the LUO how could we turn him down. Schwartz said that the Planning Board doesn't deal with variances, the person comes in to the Selectmen for a building permit and if they turn him down because he doesn't meet the LUO they send him to the ZBA for a variance or variances. We don't deal with variances at all, people are always free to request a variance from the LUO and if they have good reason, they are granted. His point is that municipalities should not have the right to say - we can do whatever we want, he can't answer that person's question as to why he needs a variance but the town doesn't. His concern is that the Planning Board has a mandate to protect the LUO and protect the RSAs and written law. Marshall wants to make a motion to add to the Planning Board's Rules of Procedure that Planning Board members who want to represent the board on a committee or board outside of the jurisdiction of the Planning Board receive a favorable vote at a regularly scheduled meeting of the board. He feels a member at large is OK, but he wants to control what happens outside of the board. Marshall said that an example of this was at the last Safety Complex meeting a member of the Select Board said the town would pay for a mailing and he wasn't authorized to do so. Dagesse seconded the motion. Cook asked for other comments. Crandall said that at the time he thought they should have gotten permission. Cook called for the vote on Marshall motion and all voted in favor. Marshall had a second motion to make; that the board writes an article of clarification to send to the Safety Complex committee chair and the newspapers that printed their article, as a letter to the editor. This would say that the Planning Board is not officially represented, as indicated by the Safety Complex committee; our members are volunteers to the committee. Cook asked for further comments on Marshall's motion. There being none, Crandall seconded the motion and all voted in favor. Crandall asked if it was proper to add Kluk's comments to the minutes as she requested, he feels she should have to be attending the meeting to have her comments included. Dagesse said that we have done this before and

she is OK with it. Cook said that she doesn't want any meetings held by email and when emails start circulating it becomes a problem.

Kluk's emailed comments are as follows:

Tom (and all), although I do not know what your specific concerns are regarding this requested agenda item for the PB meeting, I can only speculate that it is directed at some of us who are serving on committees such as the Master Plan, the Meeting House and/or the Safety Complex.

If indeed this is your concern (which it may not be), I would like to comment that none of these committees have any authority to enact ordinances, sign contracts or spend money that has not already been approved by either the voters, the Planning Board or the Selectmen. Thus I feel there is no personal gain that occurs by Planning Board members serving on committees.

On the other hand, the knowledge that PB members may bring to some committees can be beneficial.

Finding folks to volunteer these days is no easy task, thus I struggle to understand your possible concerns that would prevent folks from being involved.

I just wanted to share these comments prior to the meeting since I will not be able to attend.

Thanks,
Jean

3.0 **New Business:**

3.1 Sign Permit application from Dale Moser for Lemon Tree Pastries and Desserts on Rte. 31. Schwartz said that at this point we have her as a cottage business and we need to look at whether we need to bump her up to home business at this point. She is hoping to now have customer's visit her home to buy her pastries and desserts. Dagesse said she wants to get this done soon. Schwartz said she is requesting a sign for the building and two directional signs, that all conform to the LUO. Cook asked if we need to table the sign application until Moser applies for a home business and goes through a site plan review? Schwartz read through the qualifications for exemption to the site plan review and Moser didn't meet the exemption. Dagesse will send Moser the Site Plan review application and regulations and we will table the sign application until we receive her paperwork.

Barker said that he wanted to speak as a concerned citizen, a few years ago the Planning Board had a list of people that didn't have a business permit but were doing business in town. He said that Robbie Ostertag said he wasn't doing business in town but he still is. He feels we need to send him a letter. Dagesse will draft a letter to Ostertag.

Schwartz asked Dagesse about Cullen (Thunder Mountain Construction), she had sent him a letter requesting his paperwork long ago and he hasn't replied as yet. Dagesse will send him a certified letter requesting that he show up at our March meeting to speak with us.

4.0 **Driveway permits:** None

4.0 **Mergers:** None

6.0 **Communications:**

6.1 Intent to Cut - Cranston, Kingsbury Hill Rd., TM 17-28

- 6.2 Intent to Cut – DiCaprio, Halfmoon Pond Road, TM 12-38
 - 6.3 Intent to Cut – Sagalyn, Rt. 31, TM 1-1
 - 6.4 Copy of Dredge and Fill application for NH DOT for E. Washington Pond project
 - 6.5 Copy of plan for George Cook, Bailey Road, from Peter Mellen, given to Cook for Assessor's files.
- 7.0 Date for next Planning Board meeting, March 4, 2014, at 6:30PM.
- 8.0 Adjournment: Time 8:21PM
Motioned by Dagesse, seconded by Crandall, all voted in favor.

Respectfully Submitted,
Nan Schwartz