

DRAFT

Planning Board Meeting Minutes Thursday July 15, 2021

Board Member Attendance:

Mackenzie Brisson (Chair)
Roland Simino (Vice Chair)
Steve Digiovanni (Member)
Roxanne Tufts-Keegan (Member)
Jim Knapp (Ex-officio)
Roger Mains (Alternate Member)
Janet Kalar (Alternate Member)

Public Attendance:

John Mullen
Jill Brown
Kevin Bowdridge
Joe Bailey
Tammy Bailey

Meeting called to order by Mackenzie Thursday July 15, 2021 at 6:30 p.m.

Pledge of Allegiance

Mackenzie makes a motion to accept meeting minutes from June 10, 2021 Roxanne motions to accept, Roger 2nd, all in favor.

New Business:

Town Property Merger: Map 11 Lot 1 Sublot 15 to be merged with Map 11 Lot 1 Sublot 1

Lot 1 Sublot 15 is located on Drew Drive. Lot 1 subplot 1 is the 247 acres that is owned by the town. The reason for the merger is to keep the 247 acres from being landlocked. The Drew Drive lot is the only lot (which is owned by the town) that has access to the 247 acres. This will give access to that lot. The Board reviewed the Merger Application.

John Mullen spoke as he wanted to applaud the BOS for merging these properties. This will give access to a jewel of a property. The Conservation Committee will have some recommendations to the board of what could be done with the lot.

Janet asked if this will be put into conservation and if it could be sold off and Roxanne replied no, it will not be put into conservation and Jim stated that there are no future plans to sell in place.

Mackenzie feels as this is the first time she is seeing this application she would like to review this at the next Planning Board Meeting if there are no objections from the other board members. It was agreed to table and make a vote on this at the August 12, 2021 meeting.

Joe asked if there are any past due taxes or liens on the property on Drew Drive. It was explained that it was deeded by the town for non-payment of taxes, when the Tax Collector does the deeding the Tax Collector Deed takes off the Liens.

Invitations to bid on town owned property are listed on the front page of the town website.

Town owned property up for bid

Mackenzie explained that as a Planning Board it is incorrect that we need to approve property up for bid. Reference RSA 80:24. The only time a planning Board needs to approve anything in this manner is if the property is donated to the town or the conservation committee.

Old Business:

Timbernook Signage:

Mackenzie explained when Timbernook was approved back in December 2020, it was stated that there would be no sign other than an address sign. That they were not going to have a business sign. Janelle pulled the meeting minutes from November and December of 2020 for the Board to review. On November 12, 2020 it does state in the meeting minutes per Chuck Therriault that there will be no business sign for Timbernook, just an address sign.

Roxanne asked if they can have that sign if it meets the criteria. Mackenzie says yes they can have the sign if it fits the criteria. The town has a very strict sign ordinance. Roxanne will go look at the sign and follow up at the next meeting in August.

Jill asks if they have a sign out or if they now want a sign and will they have to present again to the planning board for a sign. Mackenzie tells her they have a sign out there, if it follows the sign ordinance they do not have to present again.

Merger Application:

Mackenzie explains to the public audience that the board is in the process of updating all the Planning Board Applications. The merger application now includes the clause of NH requiring consent by the Mortgage Holder in order to do a merger.

Janet reviewed the voluntary merger application, made any changes necessary and the board reviewed. Janelle will update anything that is needed. Mainly punctuation/spelling. (Completed by Janelle, new application is ready and to be uploaded on the website.)

Roland reviewed the other applications; a couple of typos (Janelle will look into this and fix, will be done before next meeting) other than that they all looked good.

CIP Letter:

Mackenzie apologized that she did not have time to do her task with the CIP letter.

John has a copy of the original letter that was sent out to all the departments and will provide this to Mackenzie.

Jill asked if it was public knowledge of how many applications the Planning Board has and as they come in what the notification process is.

Mackenzie explains that these applications are on the Agenda for discussion and approval and are in the meeting minutes, it is public knowledge.

Master Plan copies were given to all the Board Members.

OSI Survey:

Janet did the survey, there are no changes. Janelle to forward the no changes to OSI. (Emailed 7/20/2021 by Janelle.)

Roger and Steve will be working on the Impact Fees with John Mammone and present them to the Board when ready.

Public Comments:

Jill Brown started with stating that this Planning Board meeting is a great meeting, contained and very well organized.

The Board is very appreciative of this comment.

Jill asks how we make our meeting minutes public. They are available in the Town Clerks office (draft and approved minutes.) Approved minutes have been uploaded to the website, but moving forward draft minutes will be uploaded as well.

She is also wondering if the board has researched workforce housing and if the board is aware that there is an application into the state for Tax credit/Workforce housing.

Mackenzie makes a statement that until we receive an application form the developer we cannot speak as a board on this matter.

A discussion ensued regarding the workforce housing issue as follows:

Jill Brown explained to the planning board the information she has with her research into this project: There is an application on file with the State of New Hampshire for Middleton that is not specified as workforce housing but as a tax credit. She has pulled the application and is wondering where the Planning Board is on this with research.

Mackenzie states that without an application the board cannot speak on anything or have an opinion.

Jill continues that she has a contact at the state that she has been in contact with in general/general terms so she can be educated on how this process works.

Kevin Bowdridge added that the statute states that the applicant can go straight to the state and can bypass the Planning Board completely. Jill explains that this can happen. If they do wish to bypass the Planning Board they will not be protected under RSA 674; 58-61. The verbiage from the State regarding this is as follows " A developer is not required to go to the Planning Board in the municipality if they do not wish to use the protections under the RSA or (inaudible*) that a town may offer in its workforce housing ordinance.

This means that if it gets denied the developer could technically have an appeal but may not be granted because he/she did not go to the Planning Board.

RSA 674;58-61 they are not protected, although there is an RSA out there (that Jill unfortunately did not have with her) that talks about the appeal process. If denied they would be allowed to have an appeal process but would not be able to be granted. Jill also expressed that there is a lot of information online regarding a tax credit application.

A developer seeking tax credits works with (inaudible*) New Hampshire State program that administers NH tax credit program after the preliminary application period has ended. NH housing will put on their website the number of units the developer proposed and the developer's name. At a recent meeting the developer held, he stated that all this information was accessible online this is the reason she reached out to the state. She was in turn, told this information will not be available to the public until sometime in early September and that is all the public information that is made available. The rest of the information provided is not public as the developer had said. The time frame for the project is October. She has no other information other than there is a proposal in the states hands for Middleton.

John Mullen asked the developer does not need to go to the Planning Board whatsoever? Jill explained there is the potential for that, as they would not be covered under the protection of the developer chooses not to go to the Planning Board.

First Variance's need to be approved. If the Zoning Board denies them, he/she can take it to court. Janet believes there is a Town Ordinance that requires a developer to go the Planning Board. Mackenzie reminds the board that we are not making any comments on this and that we are taking everything under advisement.

John Mullenspeaks and encourages the board to utilize all resources available. The OSI book will be handy. Get your knowledge down because if the developer and anyone comes in with a big site plan you are going to need to understand that. Do not be intimidated by the developer, engineers or lawyers. If you are unsure of how to proceed, do not be afraid to seek advice. Do not be afraid to impose on anybody or the lawyers. The developer will need to pay those fees. When he himself was on the planning board they did need help because there is a lot that is not known. He highly encourages the board to do this.

Board Comments:

Roger recommended White Mountain Survey as a source to review a site plan if the developer decides to come to the Planning Board.

TFM has consulting Engineers

Strafford regional Planning can also help

Town Attorney as well

Mackenzie again states as a board we have no say right now on anything. There is no application so we cannot speak on this.

Janet brings up that there need to be changes made in the ordinance book. There is an ordinance dated for May 12, 2016. That is clearly the wrong date and it should be date4d for March.

Mackenzie makes the board aware that we will be looking into this. Roxanne is wondering how we will know which ones need to be fixed. Janet explains in the book it will list when it was originally updated and when it was adopted. Mackenzie says we can follow up and research this. We will need to find out what is correct and what needs to be updated.

Roxanne is wondering on the number of permits this year, and who decides on a moratorium.

It is the Planning Board who decides. Roger states you have to have a reason for going with a moratorium.

Jim, Steve and Roland have no Board comments.

Mackenzie starts by thanking the planning board members for all their hard work. This is a volunteer position and is non paid. She also thanks the public for the work they are putting in as well.

Second, the town website is a great tool to have now that it is up and running. However, as a Planning Board she would like to talk with the Ex-officio and the Board of Selectmen for the Planning Board to have the ability to have access to the Planning Board site. She wishes to maximize this brilliant tool to its maximum.

Lastly, she has brought this up many times and this is not new. NH law states outside of regularly scheduled Planning Board meetings, no one can speak on behalf or for the Planning Board. Do not speak for the Planning Board. This can cause Lawsuits, promising of things that cannot be done and especially on applications that have not yet come to the Planning Board.

Joe Bailey added that any conversation outside a meeting is going to be interpreted as coming from the Planning Board so keep quiet.

Roxanne makes a motion to adjourn the meeting at 7:25 pm, Roland 2nd, all in favor.

Meeting adjourned 7:25 pm.

Respectfully submitted by:
Janelle Guarino Planning Board Secretary