

Planning Board Meeting Minutes

March 24, 2022

Board Members:

Mackenzie Brisson
Roxanne Tufts-Keegan
Jill Brown
Roland Simino
Janet Kalar

Public:

Jonathan Purrington
Tracey Donovan-Laviolette

Meeting called to order 6:30 pm
Pledge of Allegiance

Roll Call:

Mackenzie Brisson-Chair
Roxanne Tufts-Keegan-Ex Officio
Roland Simino-Vice Chair
Jill Brown-Alternate Member
Janet Kalar-Member

Mackenzie appoints Jill Brown as a full voting member for tonight's meeting, due to a vacancy on the board.

Acceptance of minutes November 18, 2021, tabled.

Roxanne makes a motion to accept the Minutes from March 10, 2022, with a grammar correction on page 2 6 rows down from "wee" to "we" and in the last paragraph under internal Board Elections from "al" to "all"

Mackenzie has a correction as well for the minutes on March 10, 2022. She wishes to clarify the statement that Janet had made regarding walking the property and would like it to include "when it was for sale." That was word for word what she said so she just wanted to clarify that.

Roland 2nds the motion all are in favor.

Janelle, Planning Board secretary will make the corrections and have the updated minutes signed at the next meeting.

New Business:

-None

Old Business:

-Public hearing for 231 New Durham Road subdivision

Mackenzie: For the 231 New Durham Road continuance, we did reach out to legal regarding this application. Legal said that they would not recommend the Planning Board granting conditional

approvals at this point for any subdivision. This is because the moratorium prohibits any approval. Given the current moratorium the subdivision the subdivision proposal is not approvable. Therefore I recommend that you wait for any applications until after the moratorium has expired and that is from our Town Attorney.

Jonathan Purrington: Alright, I understand where this is coming from on that, unfortunately though you used RSA code 674;22 and RSA code 674;23, title 5 and title 6. 674;23 specifically in our case that we are exempt from said moratorium because we do not impact your study control over the school. We will not be contributing to adding any students to your school whatsoever. Our child is in eighth grade now and attends Governor Wentworth in Wolfeboro. So according to RSA 674;22 in your moratorium, section 5 & 6 we will not contribute to the school system. We should be exempt according to both RSA's and both title sections under title 2 you have completed your master plan which would allow you to do title 1 under 674;22. Title 2 states that your CIP must be, and your study done you are currently working on. Your CIP and your study are completed which means the exemption process should proceed as normal under RSA 674;22 title 3. You do not have the ability to delay anything that is above normal that is exempt. So according to title 3 in RSA 674;22 you kind of have to give us the exemption. I got to go further into it, and we are also exempt under 674;32-v for existing agricultural use and activities which the board was informed of at our original consultation with you, we do have a rabbitry we have been using it for agricultural uses for over 6 months. We lease the land from the homeowner. So, with that being said, also puts us into the realm of 674;44 title 3-E. at which point the board has the right according to the RSA to grant us all the waivers and the exemptions that we are requesting on your moratorium that you instituted. We started this long before your moratorium came in. We started this in July 2021. Because we started doing this prior and because of the violations of RSA's if you are denying us a continuation, we will be allowable under the RSAs to recourse. We can get our money back from the town for everything we have put in. That is a lot of money. We do not want to go this route this is why we have been here with you and gone through every step. I had the consultation. You have also given out exemptions to other people including the same night, Mr. Lovejoy, you exempted him to build on a lot that was already subdivided which is an exemption under the towns moratorium except for twenty-two as listed on the warrant article and signed into law. According to the RSAs I understand why your lawyer is coming at it. But as I have mentioned I do my due diligence that is why I was here as soon as the moratorium went in to make sure we were exempt from it, so I was not spending \$30,000.00 into a piece of property. That would hold up our claims as we are expanding our agricultural use on that property to do so we need the subdivision to get our driveway permits get our power poles put in and drop boxes for everything. According the RSAs that is stagnating normal growth above and beyond what you are allowed to do. So, please He asks that we reconsider what the lawyer has sent you and allow the continue forward in a public forum. We have followed all the...crossed all our T's and dotted all out l's and checked with NHDES while this was going on and he has information from Rich Dumont who is at the Alteration of Terrian Department. According to him our plans do not have anything to do with his department whatsoever. He also has a call into Kristen Duclose who is in the Wetlands Department because she may have something different. As far as he was concerned, she should not. Also, on the NHDES website directly on their FAQ page it stated NHDES State approval is only needed on lots of five acres or smaller. It does not meet wetlands, sub surface or alteration of terrain. The state does not need any information or any application or any waivers for the completion of this subdivision. This falls directly on the Planning Board to grant said waivers. Also, according to the waivers that we requested, not outlining the wetland delineation on the rear 7/8 acres on my parcel and on the rear thirteen acres on the main 231 parcel as we showed you in the plans, requesting us to so that would put us into special financial hardship circumstances as explained during the last meeting. That would bring the price, as asked in the last meeting, up to \$40,000.00 to do wetland delineation on

property that you cannot even get to. The state only requires it on five acres. We have completed wetland delineation, all your measurements we have gone by the Town of Middleton's requirements. We have shown those and we have outlined those by spending the money and getting a wetlands surveyor to re do the wetlands up there so that the state and Middleton's maps are updated as well we have put forth all of this so under the RSAs and I really do not want to say its an ultimatum because its not an ultimatum but your lawyer's explanation should be reconsidered and the board should reconsider and think above approving our project to go forward as it will bring in more income, more business tax in and also it does not impact which is what your RSA is based off of. Any person who wishes to get an exemption that is not impacting your school directly must be exempt under the RSA 974;22 which is within the board's ability, and I believe the RSA on your ability to do stuff and grant the waivers that we have requested is under RSA 674;44 Title 3-E. Right now, I am still waiting to hear back from Kristen just to triple check and close that loop.

Mackenzie states at this point she would like to open the board up for discussion, questions, and comments regarding this.

Jill thinks that many points are valid that Jonathan brings up. However, we have a statement from our attorney, so she feels that we need to go back to the attorney and discuss these things. She is not opposed to holding another meeting. We need clarification from the attorney on this and she also believes we got additional information on the wetlands as well.

Mackenzie says that she did reach out to Natalie Moles at Strafford, and she sent over kind of the scenario of what happened, and she said granting the delineation waiver that Strafford Planning Board required all buildable land be delineated. They required wetlands engineer approval on the plans.

Jonathan says this is the exact same situation if you go to our plans, they do have them from the wetland's specialist John Hayes. Joe did point that out at the last meeting as well.

Jill asks when the first date was that they approached the Planning Board. Jonathan states it was before the November 4, 2021, Planning Board Meeting. He had come in to see Janelle and have her put them on the meeting agenda for the next meeting. Jill states she just wanted to be in contact on that, and it may or may not be relevant to the RSA that we have and the points that you put out the moratorium was in place before you put in an application. Jonathan yes, the moratorium was in place before I put in the Application but that does not automatically mean we are denied, because of the exemptions in the moratorium. Jill states she was not getting to that, but you had mentioned you started the project earlier. Jonathan says we started the project before because of agriculture. Jill but if you put the application in after the moratorium the other question is the Master Plan is not completed. Jonathan the Master Plan is not completed but it is registered with Strafford which means you have already followed 674;22.

Roxanne agrees with Jill that we need to circle back with the attorney and give a little bit more information, provide information on what we have, what we know and then have a discussion.

Jill ultimately if you go through an attorney and then something is in error that falls on the Planning Board we do need to circle back. Roxanne says given the information that you have provided is especially useful. Jonathan states it will help you with others as well. Jill so the first step is the driveway permit what is your timeline date wise. Jonathan says he will be doing all this work himself and by hand so that is why they would not be getting a building permit until after the moratorium. Roxanne adds right now the roads are posted so no heavy equipment could get in there anyway. The postings will not

be coming down until sometime in April. Jill states that she was getting at a timeline for us too, so we can jump on this and get the clarification you so deserve.

Jonathan if you want to know exactly all he must do is pull the permit he has already been in contact with the road agent Dan. When they get the approval/permit he just needs to pull the rocks away from the road because as soon as he does that it becomes a driveway. He has been working on this property for 9 months now hand clearing everything, and the driveway is already cut in. The land is being cleared as we speak this is our forever home that we chose so the timeline is kind of, he works full time in Farmington the timeline is when he has time and they are going as fast as they can but the driveway would be as soon as he pulled the permit it would instantly be a driveway it would take less than a day to pull the rocks it would not be to code it would not finish the permit but it would be enough to start bringing in equipment.

Mackenzie just wants to say she appreciated Jonathan's due diligence with this. The goal of the Planning Board is not to hinder you whatsoever. It is just to make sure we are following everything that we need to follow. Open for discussion she is available Thursday night if necessary but in terms of the attorney getting back to us do we want to wait and see when she is able to get back to us?

Jill asks how much notice do we need to give for a meeting? It is 24 hours' notice; Jill says so technically we could send her an email and we can be in contact with Jonathan if we can get answers and clarification by next Thursday, she will change her schedule to be available. If she cannot provide us with an answer, then we need to see what her deadline would be to get an answer on that so that he is not lingering. She proposed we reach out to the attorney, and we contact Jonathan and if we do a 24-hour notice if we can get an answer, we contact Johnathan. We need to do our due diligence on this.

Jonathan says anytime works for him; he can be available. Jill we will do sooner than next month if we get the clarification soon. If not, it would be our next meeting on April 14th. Jonathan says it is not ideal, but he can live with it. Roxanne adds she may have more questions and we can reach out to Jonathan. Our goal was to have a final answer on April 14th.

Board agrees with all of this.

Mackenzie will work on this tonight and get the email sent off to Laura at the attorney's office.

Jonathan excuses himself from the meeting with the agreement we will be back in touch with him after the board hears back from the lawyer.

-Work Schedule Sessions:

Mackenzie states we need to get things ready for scanning. We can have buckets/bins to separate things The dates are April 19-May 3.

The board has a discussion and decides the work session date will be Saturday April 9, 2022, at 10:00am.

Janelle will look online to scan and see what meeting minutes are missing from the website and will post the work session notice.

-November 18, 2021, meeting minutes

Mackenzie has not been able to find anything in terms of an RSA or guidelines on what to do with meeting minutes that need to be approved but the board has changed. Roxanne recommends running it by Laura at legal Mackenzie will do that.

-MRI Update:

Mackenzie: the contract will be presented to the BOS again at the next Monday night meeting. Roxanne states it is now just a formality. Jill asks if MRI has been updated on the status of this and if not, she recommends that we do that. Mackenzie will shoot off an email to MRI letting them know the status.

Public Comments: None

Board Comments:

Jill was glad that the warrant article passed the town needs to get this in order. It is a valuable thing, and she is excited to move forward with that.

Mackenzie wants to thank the board for being a good board.

Roxanne just so everyone knows she is trying to reach Civic Plus who are the ones who manage our town website. We do not have anyone that she is aware of that has access to the front page. We need to get that situated so we can get the information out that we are looking for Board Members.

Mackenzie will write up a blurb and have Janelle put it on the Planning Board page.

Mackenzie encourages everyone to look at the Town of Strafford's Planning Board page on their website. They have their terms on there, their timeline for applications, all meetings and it has a couple of elements that we do not have. I just wanted to give the board thoughts on adding some new elements to our Planning Board page just to keep things fresh and updated and knowledgeable as possible.

Janet suggests putting forward an article to make the Planning Board members elected. No more Friends and Family.

Jill says that is something to ponder and Roxanne agrees with Jill that the recommendations come from the Planning Board itself. Mackenzie says it is something to consider. It would be easier to keep track of terms. Jill has no issue with the Selectmen appointing. Janet says warrants are due at the end of the year think about it and do research on other towns. Jill says it is limiting a lot of brainpower and limits the board. The easiest way to keep track of terms is on the website.

Roxanne makes a motion to adjourn at 7:31 Pm Roland 2nds all in favor. Meeting adjourned.

Respectfully submitted by:

Janelle Guarino

Planning Board Secretary