

1 **TOWN OF SUNAPEE**

2 **PLANNING BOARD**

3 **MARCH 2, 2017**

4 **PRESENT:** Peter White, Chair; Donna Davis Larrow, Vice Chair; Joseph Butler;; Randy Clark, Alternate;
5 Suzanne Gottling, ex-officio alternate member; Michael Marquise, Planner

6 **ABSENT:** Richard Osborne; Joseph Furlong; Shane Hastings, ex-officio member

7 **See attached sign in sheet**

8 Chairman White called the meeting to order at 7:00 pm.

9 Chairman White appointed Mrs. Gottling to sit in for Mr. Hastings and Mr. Clarke to sit in for Mr.
10 Osborne.

11 **PARCEL ID: 0218-0080-0000: SITE PLAN REVIEW: PROCESSING FIREWOOD IN IN AREA,**
12 **APPROXIMATELY 150' X 120' INCLUDING STORAGE. EQUIPMENT STORAGE AREA APPROXIMATELY 80'**
13 **X 120' FOR TREE SERVICE BUSINESS. MICHAEL BALL / XAN GALLUP, 24 AVERY ROAD.**

14 Chairman White explained the process of accepting the application as complete and then hearing the
15 merits of the case.

16 Mr. Marquise stated that the application was filed in advance, the fees were paid, abutters were
17 notified, and notices were posted. The Site Plan falls under Article V of the Site Plan Regulations and
18 there are a few minor requirements that were not met and some waivers that can be made. The items
19 that were not met include: the signature block for the Department Heads is not on the plan but can be
20 added on, the utility lines are not indicated on the plan but might not apply; the water and sewer
21 utilities do not apply; the fire alarms and sprinklers do not apply. Mr. Marquise said that with those
22 items he believes that the application is complete. Chairman White asked and none of the Board
23 members had any questions regarding the completeness of the application.

24 Vice Chair Larrow made a motion to accept the application as complete with the requirement to have a
25 signature block added to the map and the waiver of the water lines, electric lines, sewerage, and so
26 forth. Mr. Clarke seconded the motion. The motion passed unanimously.

27 Mr. Ball and Ms. Gallup presented the merits of the case.

28 Mr. Ball explained that they have been getting log length loads to process and be customized to length
29 and split for delivery orders of firewood. He also has a tree service and he stores the equipment on this
30 property. He does not have any plans to build any additional buildings on the lot. They began the
31 business a while ago and they have had to open up more area as they are getting more logs for their
32 firewood orders.

33 Chairman White asked and Mr. Ball said that he does not have any employees.

34 Chairman White asked and Mr. Marquise confirmed that this business is in the Mixed Use II Zone.
35 Chairman White asked if it is a contractor's yard and Mr. Marquise said that this business could also be
36 considered a home business.

37 Mr. Clarke asked and Mr. Ball said that he probably processes between 75 and 80 cords of wood on site.
38 It is a mobile processing unit and it is easier for him to take the processor to the landing of the logging
39 operations to process.

40 Vice Chair Larrow asked how much of the operation is visible from the road. Mr. Ball said that you can
41 see pretty much the whole operation from Avery Road. Chairman White asked and Mr. Ball said that it
42 is set approximately 60 ft back from the road. He has the log truck, which is designated on the plan and
43 he can go from the pile to the processor to save time.

44 Mr. Clarke asked and Mr. Ball said that he tries not to start processing before 8:00 am and is usually
45 done by 4:00 pm or 5:00 pm at the latest. Mr. Clarke asked and Mr. Ball said that he does process on
46 Saturday or Sunday mornings if someone needs firewood. Vice Chair Larrow asked and Mr. Ball said
47 that the operation is year-round, though he tries not to run the equipment when it is too cold. He also
48 does some plowing so he does not process when he is doing that. Chairman White asked and Mr. Ball
49 confirmed that the hours are 8:00 am to 5:00 pm. There was further discussion regarding the hours of
50 the operation. Vice Chair Larrow asked and Mr. Ball confirmed that the weekend hours would be 8:00
51 am to 12:00 pm on Saturdays, if needed.

52 Mr. Butler asked and Mr. Ball explained that the logs are 12 ft to 20 ft in length and they still have bark
53 on them. They go onto the carriage and are cut to a length that the customer orders, between 12 in to
54 24 in. He does not do any chipping on site. Ms. Gallup said that they do store chips on site, but usually
55 they use them in their own gardens.

56 Vice Chair Larrow asked about the equipment storage and Mr. Ball explained that for the tree service
57 business he has a bucket truck, a 12 in chipper, a stump grinder, a log truck, a ton truck, and a tractor
58 that is there on occasion.

59 Mr. Butler asked and Mr. Ball said that he does not have a sign on the site and he does not plan to have
60 one but he included it in case he ever decides to put one there. Chairman White explained that if they
61 decide to put out a sign it a sign permit would be required.

62 Chairman White asked if Mr. Ball ever plans to have employees. Mr. Ball said that he does not foresee
63 having employees as he can handle what he is doing. In the past he has had some sub-contractors to
64 help in the busy season; usually there is only one at a time. There is plenty of room for parking.

65 Chairman White asked if anyone in the audience has any questions or concerns.

66 Theodore Gallup said that he thinks that the number of cords should be increased so that it is not
67 limited. The Board said that they are not limiting the number of cords Mr. Ball is allowed to process.

68 Chairman White asked and Mr. Ball said that there is no lighting on the site.

69 Mrs. Gottling asked about the sounds that the equipment makes. Mr. Ball said that he wears hearing
70 protection but he understands it makes less noise than a chainsaw and the loudest noise is when the
71 logs come off the conveyor into an empty truck.

72 Chairman White asked and Mr. Ball said that he buys the logs from someone else and unloads them with
73 his log truck.

74 Mr. Butler asked if Mr. Ball sells from the yard. Mr. Ball said that everything is delivered.

75 Chairman White went over the discussion including: the hours the number of employees, Mr. Ball and
76 one possible sub-contractor; that there is no lighting; there will be possible signage in the future; etc.

77 Mr. Marquise said that the Site Plan was discussed at the peer review meeting and there were no
78 questions or comments so the Department Heads will sign off. Chairman White asked and Mr. Marquise
79 confirmed that Mr. Ball will need to add a block to the plan for the Department Heads to sign off.

80 Chairman White asked and no one had any additional questions for the applicant. Chairman White
81 closed the meeting to public input.

82 Mr. Clarke made a motion for Parcel ID: 0218-0080-0000: Site Plan review, for approval. Mr. Butler
83 seconded the motion. Mr. Clarke amended his motion that the hours will be 8:00 am to 5:00 pm and
84 8:00 am to 12:00 pm on Saturdays with no Sunday hours. Mr. Butler seconded the amendment. The
85 motion passed unanimously.

86 **MISCELLANEOUS**

87 There was a brief discussion regarding the McCarthy property but there is no new update.

88 Mr. Marquise gave a brief update about the Route 11 project and how Upper Valley Regional Planning
89 will take the lead on the project and pay for the startup of the project.

90 **MISCELLANEOUS**

91 George Neuwirt said that he has some issues he would like to discuss with the Board.

92 Mr. Neuwirt asked if he has a right to discuss issues relative to Zoning changes. Chairman White said
93 that he can, though it is too late to do anything about them this year.

94 Mr. Neuwirt said that he would like to figure out some of the reasoning behind some of the proposed
95 Zoning changes. Chairman White said that only one of the proposed Zoning changes came from the
96 Planning Board, the ADU Amendment, all the others came from the Zoning Board. The petitioned
97 Zoning Amendment did not come from either Board. Mr. Neuwirt asked and Chairman White confirmed
98 that the Planning Board are the ones who decide what goes on the Warrant for Zoning Amendments.
99 Mr. Marquise said that eight of the ten Zoning Amendments came from the Zoning Administrator, Roger
100 Landry, and the Zoning Board members were welcome to attend the Planning Board's public meeting
101 regarding the proposed Amendments. Mr. Neuwirt said that he would like to discuss the Zoning
102 Amendment changes that are on the ballot and whether or not they make any sense.

103 Mr. Neuwirt said that Article 2 is a change to the Dimensions of Controls. This sets the road setbacks to
104 the definition found in the back of the Zoning Ordinance. The definition of road says “for the purpose of
105 this ordinance, road applies to all State and Town maintained roads and also all private roads meeting
106 town specifications.” He would like clarification that if the Town is maintained by the road or meets the
107 Town’s specifications then this Zoning Amendment applies. Mr. Marquise said that under Article III,
108 Section 3.10, it talks about town and private roads on the official map, which is a different definition.
109 This is to try to get the definitions to match each other.

110 Mr. Neuwirt said that Article 3 is good because it clarifies the Zoning Ordinance.

111 Mr. Neuwirt said that he understands Article 4.

112 Mr. Neuwirt said that he does not understand Article 5 and he is trying to figure out the problem that
113 the Board is trying to solve. Mrs. Gottling explained that people were coming in at the end of December
114 to cut five trees and then would cut five trees in January so they were cutting ten trees in a short period
115 of time. Chairman White said that it is meant to have the clearing be gradual. Mr. Neuwirt said that it
116 seems like a lot of effort for nothing, he does not know what difference it makes if someone cuts 10
117 trees in a calendar year or 10 trees over a 12 month period. Vice Chair Larrow said that if you are the
118 neighbor you do not want to see land clearing. Mr. Neuwirt said that one year does not make a
119 difference in the growth of trees and the Amendment is pointless. Mr. Neuwirt asked why they do not
120 have an application for someone who wants to cut trees. Chairman White said that Mr. Neuwirt should
121 ask the Zoning Administrator. There was further discussion regarding the matter.

122 Mr. Neuwirt said that he does not understand Article 6 and as it says that it is recommended by the
123 Planning Board so people will vote for it but he does not think the average homeowner can understand
124 it. Vice Chair Larrow said that people do not vote for things just because it says it is recommended
125 because if that were the case last year they would have added to the definition of structure but it was
126 voted down. Mr. Neuwirt asked and the Board explained that the language comes from the DES
127 Shoreland Protection.

128 Mr. Neuwirt said that Article 7 is State mandated and makes sense.

129 Mr. Neuwirt said that Article 8 amends Restoration and Reconstruction to include alterations. Mr.
130 Marquise said that Mr. Landry did not feel as just the word “replacement” was enough. Mr. Neuwirt
131 asked what alteration means. Chairman White said that it is up to the Zoning Administrator. Mr.
132 Neuwirt said that there is no definition for alternation in the Zoning Ordinance. There is also no
133 definition of restoration or reconstruction in the Zoning Ordinance. He is asking if the Board is doing
134 their homework to see if the change is fixing the issues of the Zoning Ordinance or if they are only
135 layering the confusion that is already there. He is not sure how the Zoning Board is supposed to
136 administrate the Amendment because there are no definitions. Mr. Neuwirt said that his concern is that
137 it feels as though the wheel is spinning and they are just throwing darts at it. His objective is to get to
138 the root of the issues, which is if the Boards are trying to simplify the confusion or layer on the
139 confusion. Mr. Marquise said that this has to be asked of Mr. Landry as he has issues interpreting the
140 Ordinance as it is written.

141 Mr. Marquise said that the Zoning Board has to help out and to make the process work and they did not
142 get the back and forth communication with them and Mr. Landry this year. Mr. Neuwirt said that if the
143 Board decided something was worthy of being changed, it should be worthy enough to have a definition
144 of what it means. Mr. Marquise said that there are many words in the Zoning Ordinance that do not
145 have definitions so most administrators and attorneys would go back to a dictionary definition. There
146 was further discussion regarding this matter.

147 Vice Chair Larrow said that it would have been helpful if the Zoning Board members had participated in
148 the meetings regarding the proposed Amendments. Mr. Platt did attend one of the meetings and they
149 had a lot of discussion and she believes that he felt as though he was heard. Vice Chair Larrow
150 continued that she has a problem feeling as though this is after the fact. Mr. Neuwirt said that he has a
151 problem with it as well as he is a taxpayer and is allowed to come before the Board and comment on its'
152 performance. There was further discussion regarding this matter and Zoning Amendments the meetings
153 regarding Zoning Amendments. There was also a discussion regarding the Planning Board hearings on
154 the Zoning Amendments and if more definitions are needed or not.

155 Mr. Neuwirt said that Article 10 is in regards to the definition of a minor structure and said that the
156 Board does not have a definition as to what "constructed" means. He said that additional parts are
157 being layered on without fixing the root of the problem, which is there is not a clear definition as to
158 what a structure is. The dictionary definition of a structure is "to make or form using parts or elements;
159 you can construct a bridge, you can construct a plan, you can construct a sentence". Mr. Neuwirt
160 continued that he has asked numerous people for a definition of a structure and they have said: a
161 house; an addition; something made of wood; or a deck. It seems like the definition of a structure
162 should be better defined as there are issues that come up in the next Amendment as patios are being
163 added to the list of structures regarding a permit. Mr. Neuwirt asked if the patio is pervious and drains
164 water if it is considered a structure. Mr. Neuwirt said that the Town started with the basic layout of the
165 Ordinances and then started layering and kept layering for years until they created the current
166 Ordinances. Mr. Neuwirt asked if a driveway is considered a structure. Mr. Marquise said that there is
167 administrative gloss. Mr. Neuwirt said that the public does not understand administrative gloss and
168 attorneys can tear it apart. Mr. Marquise said that when he was the Zoning Administrator a driveway
169 was not a structure and he does not believe it is considered to be a structure now. If there was a case
170 and it became a big issue it would be added to the Ordinance. Mr. Neuwirt said that something that
171 cuts that argument to pieces is the Ordinance regarding slope as it isn't well defined as it doesn't say if it
172 is for the lay of the land or the building envelope and if a flat area is eligible for a dwelling unit if the
173 slope of the whole lot is more than allowed. There was further discussion regarding this matter.

174 Vice Chair Larrow asked Mr. Neuwirt what he recommends the Board do. Mr. Neuwirt said that he is
175 trying to give feedback to explain how disturbing it is for a person such as himself to read the
176 Amendments and see how confusion is created. There are six different determinations for roof height
177 depending on the circumstance. The Ordinances are impossible to follow. Vice Chair Larrow said that
178 they cannot make any changes to the Ordinances for this year and asked what Mr. Neuwirt would like
179 done. Mr. Neuwirt said that he is not speaking on behalf of any Board, he is a landowner in Town. What
180 is lacking is a sensible approach to the decision making process that goes on when finalizing
181 Amendments to be added to the ballot. The cooperation between the Zoning Board and Planning Board

182 is virtually non-existent and he has been trying to make a change to that dynamic. There was further
183 discussion regarding the regulations and how they affect builders.

184 Vice Chair Larrow asked Mr. Neuwirt what he would like the Board to do as a voter in the community.
185 Mr. Butler said that it sounds as though Mr. Neuwirt would like more definitions. Mr. Neuwirt said that
186 one point is that definitions seem to be a big issue as people need things spelled out in black and white;
187 there are at least 100 definitions that are needed. New London has 170, so there are definitions from
188 other Towns that can be used. The Planning Board and Zoning Board need to work closer together;
189 awareness needs to be raised on both parts. He is asking for the Board to reach out and work with the
190 Zoning Board. The Planning Board is the creation Board and the Zoning Board is the enforcement Board
191 and they should be hand in hand. Vice Chair Larrow said that she agrees and the Planning Board agreed
192 to meet with the Zoning Board. There was further discussion regarding the two Boards meeting and
193 cooperating and the creation of the Zoning Ordinances.

194 Mr. Neuwirt asked if people understand the rezoning proposed in Article 12 and asked if there should be
195 a map on the ballot that shows it. Chairman White said that there was a discuss with the Town's
196 attorney where he asked what the Board can do to tell people what it means and State law does not
197 allow them to do a lot. Many people do not understand it and so there is a lot of misinformation. Mr.
198 Neuwirt said that Chairman White is in a critical position because of his vocal opposition to the change.
199 Chairman White said that he stood up at the Zoning Board hearing for one applicant asking for a
200 Variance. This proposal is to create an entire Zone that happens to have this property in it. There was a
201 meeting where they discussed the proposed Amendment and people were still acting as if it was a case
202 about Ablee's vs the Town of Sunapee but it is more than that. This allows dollar stores, mobile homes,
203 drive-in restaurants, manufacturing, and any other use that is a commercial use along Route 11. Mr.
204 Neuwirt asked who decided this Zone would go from Jobs Creek Rd to Brown Hill Rd. Vice Chair Larrow
205 said that it was not the Planning Board. Chairman White explained that the petitioners were the ones
206 who determined that. All the Board can do is have a public hearing to take public input, a petition
207 cannot be altered or denied going onto the ballot. Mr. Neuwirt said that because of Chairman White's
208 vocal opposition to what spearheaded this movement, Chairman White is in a very delicate position.
209 Chairman White said that this is why he has not said anything, made a public statement, etc. There was
210 further discussion regarding this matter and if the Albee's need to come before the Board for a Site Plan
211 Review.

212 There was a discussion in regards to the petitioned Amendment as Mr. Neuwirt feels as though
213 Chairman White should have recused himself but Chairman White feels as though it was not a case for
214 the Albee's it was a public hearing for the petitioned Amendment. There was also a discussion regarding
215 the Master Plan and the library location being in the Village District. There was a discussion about the
216 potential for the shift of desires from the Master Plan if people vote for the petitioned Amendment.
217 The Board said that they looked at the Master Plan and said that the petitioned Amendment does not
218 meet the Master Plan.

219 Mr. Butler said that the Albee's should have gone back to the Zoning Board regarding their case. Mr.
220 Clarke said that the Albee's had a few choices and one was to petition for the Zoning change.

221 Chairman White said that he did not vote to deny the Albee's, Mr. Neuwirt and the Zoning Board did.
222 Mr. Neuwirt said that he did vote to deny it. Chairman White said that he has not voted on an Albee
223 case. Mr. Clarke said that Chairman White was there and is taking the heat for the Albee's denial.

224 Mr. Butler said that the Planning Board is following the Master Plan. Vice Chair Larrow said that the
225 Board chose to say that they do not agree with the petitioned Amendment as it does not meet the
226 Master Plan, whether or not there are any personal opinions involved, they made the decision based on
227 the Master Plan. Mr. Clarke said that the Board cannot make any suggestions if they like it or don't like
228 it under State law, they can only advocate for the Master Plan.

229 Mr. Butler said that he agrees with Mr. Neuwirt regarding the Zoning Ordinances and that it starts with
230 definitions. He did a lot of development in Massachusetts and the definitions in many of those towns
231 are even greater than the 170 of New London. He thinks that establishing better definitions in the
232 Zoning Ordinances would be the first thing that needs to be done. Mr. Neuwirt said that the Boards
233 need to make sure that they get Zoning Ordinances that are clear and easier to understand. They layers
234 need to get undone and it needs to be improved upon. Chairman White said that the Planning Board
235 would be thrilled to look at suggestions. There was further discussion regarding the Zoning Ordinances
236 and how they should be clearer for people. There was another discussion regarding the definition of a
237 structure and the change of adding a patio as a structure.

238 There was a discussion of the timeline of proposed Zoning Amendments, which starts in September.
239 When the process starts they can be changed but during the public hearing part of the process the
240 intent cannot be changed. Mr. Marquise said that up until two or three years ago they used to have
241 joint meetings to discuss the proposed Zoning Amendments but it has changed to be just Mr. Landry
242 giving the Zoning Board a list of changes. Vice Chair Larrow said that what was good about the joint
243 meetings was that a lot could be hashed out and the reasons behind the proposed changes could be
244 discussed.

245 Mrs. Gottling asked and Mr. Marquise said that he thought that the proposed Zoning Amendments had
246 been discussed by the Zoning Board before going to the Planning Board. Mr. Neuwirt said that they
247 were never put in front of him. Chairman White said that the Planning Board had no reason to believe
248 that they did not come from the Zoning Board. Mr. Butler asked and Mr. Marquise said that Mr. Landry
249 gave them to him. Mr. Neuwirt asked and Mr. Marquise confirmed that 8 out of the 10 proposed
250 Amendments came from Mr. Landry.

251 Mr. Neuwirt said that he has had a half a dozen people approach him about Chairman White building a
252 deck on his house without a permit. Chairman White said that it is not a deck, it is a patio, and patios
253 were not considered structures. Chairman White continued that Mr. Landry is spreading it around. Mr.
254 Neuwirt said that it is a small town and word gets around and he wants to know what to say to people
255 when they say that the Chairman of the Planning Board has built something without a permit. Chairman
256 White said that it is a patio that they started building it six months ago. At the time, patios were not a
257 structure. The Amendment makes the change that a patio is a structure. He heard in New London that
258 he was building something without a building permit. Mr. Neuwirt asked if it is pervious or impervious
259 and Chairman White said that it is a little of both. Mr. Neuwirt asked if it is stamped concrete and
260 Chairman White said that it is not. Mr. Neuwirt asked and Chairman White confirmed that it drains
261 water. Chairman White said that he did not know that Mr. Landry was making a determination that

262 impervious patios were not structures and that pervious patios were structures. Mr. Neuwirt said that if
263 you apply Mr. Marquise's gloss statement the Zoning Board have voted that pervious patios are not
264 structures and impervious structures are structures. Chairman White said that he does not think that
265 the Zoning Board has the right to make that determination. Mr. Neuwirt said that it is not clear.
266 Chairman White agreed that it is not clear and said that the minute he heard that they were building
267 something without a permit he went in to see Mr. Landry and Donna Nashawaty. It was Mr. Landry who
268 was going around Town saying that he was building something without a permit. Mr. Neuwirt said that
269 he built a patio years ago that was considered a structure so this is not new. Chairman White said that
270 patio was poured concrete, his patio is slate laid on sand, and there is no concrete involved. Mr.
271 Neuwirt asked if Chairman White still does not believe that he needs a building permit. Chairman White
272 said that he understands from Mr. Landry that he needs a building permit and an after the fact permit
273 and he is in the process of filling out the paperwork. Vice Chair Larrow asked and Chairman White
274 explained that Mr. Landry sees the patio as a structure now and believes that a building permit is
275 needed. Mr. Neuwirt asked and Chairman White explained that it is all the same project, he's taken six
276 months to do it. He dug a hole and put in some blue stone. It is his understanding that Mr. Landry is
277 interpreting this as a structure and he is going to comply with what Mr. Landry is asking for. There was
278 further discussion regarding the Zoning Board's decisions on patios as well as the definition of structure
279 and how it relates to a patio. There was further discussion regarding the patio Chairman White built.
280 Mr. Neuwirt said that if the definitions were clearer they would not be having a discussion about
281 Chairman White's patio. There was further discussion about Chairman White getting a patio and his
282 need for a permit due to the proposed Amendment.

283 Mr. Neuwirt thanked the Board for their time and said that he thinks it is a start of a needed change. He
284 thinks that it is about being able to follow an Ordinance that is more clearly defined and being able to
285 administrate an Ordinance that is more clearly defined.

286 Mr. Butler asked and Mr. Marquise explained that the Zoning Board proposes the Zoning Amendments
287 to the Planning Board. Vice Chair Larrow said that the disconnect is not between the two Boards, it is
288 between the administration. Mr. Marquise asked for clarification because in August the Zoning Board
289 was invited to the Planning Board meeting. The downfall is if the Boards are not talking to each other
290 than the information comes from the Zoning Board to Mr. Landry to himself to the Planning Board. The
291 Zoning Board had every opportunity to come to the Planning Board meeting. Vice Chair Larrow said that
292 what she saw happen is that the Chairman of the Zoning Board, who has moved, came to the meeting
293 last year along with Dan Schneider and they said that the Zoning Board did not know all of the
294 Amendments. Mr. Landry does not attend all the Zoning Board meetings and she thinks that what
295 happens is that the amendments haven't been discussed. Vice Chair Larrow said she does not believe it
296 is Mr. Landry's responsibility to attend the meetings. Mr. Marquise said that he thinks that the Zoning
297 Board likes Mr. Landry to attend the meetings. Mrs. Gottling said that Mr. Landry is gone a lot. Vice
298 Chair Larrow said that she thinks part of the communication problem is from the Zoning Board to Mr.
299 Landry and then Mr. Landry to Mr. Marquise.

300 Mrs. Gottling said that she speaks with Mr. Landry a lot and she thinks that most of what was presented
301 to the Planning Board was the result of people not following the regulations or the regulations not being
302 clear enough. There was a brief discussion regarding a case which caused one of the proposed
303 Amendments.

304 Vice Chair Larrow said that she thinks that one of the responsibilities that the Chair of the Zoning Board
305 has had in the past and has since lost was recording issues that came up at meetings. Mrs. Gottling said
306 that there are things that come up when Mr. Landry goes out and sees violations. Mr. Marquise said
307 that the structure of town government matches the structure of federal government. The Planning
308 Board acts as the legislative side and the Zoning Board does not enforce, they judge. The Board of
309 Selectmen are the enforcers and Mr. Landry works for them as the enforcer and is a liaison. There was
310 further discussion regarding this matter and how the Planning Board needs to get feedback so they
311 know what needs to be changed.

312 Mr. Butler said that it should be mandatory for Mr. Landry to come with the Zoning Board to the
313 Planning Board with proposed Amendments. Mr. Marquise said that he thinks that it is the decision of
314 the Planning Board that they do not consider anything without the Zoning Board there to present the
315 proposed Amendments.

316 There was a discussion about adding more definitions to the Zoning Ordinances and how things evolve
317 and the loopholes.

318 Mr. Clarke said that he thinks that Mr. Neuwirt was inappropriate and that he was sorry that Chairman
319 White had to deal with it. Chairman White said that it is what it is and the issue is that people cannot
320 separate Albee's from what is being petitioned and to him it is two separate things. If the Albee's do
321 happen to come before the Planning Board he will recuse himself.

322 Mrs. Gottling asked if there was an attempt to explain at the Deliberative Session the stretch of land
323 being affected by the petitioned Amendment. Mr. Marquise said that he was told that it had to be
324 straight facts, which is what he explained. Mrs. Gottling said that she wanted to tell Mr. Neuwirt to
325 write a letter to the editor if he has concerns that people do not know what the petitioned Amendment
326 means. Chairman White said that he does not believe that people know what it means and they might
327 not be getting the right information and it is frustrating not to be able to do anything about it.

328 Mr. Butler asked and Mrs. Gottling said that the petition determined the length along Route 11 for the
329 petitioned Zone. Chairman White said that the petitioners said that had some assistance from their
330 attorney as well as an individual. Mr. Butler said that he thinks that the petitioners should have gone to
331 the Town and asked first. Vice Chair Larrow said that anyone has the right to petition for a Zoning
332 Amendment and they only need 25 signatures.

333 Mr. Butler said that he knows that there are procedures in other towns where people have to talk to the
334 Zoning Board or Building Inspector and say what they want to do and then be approved or denied.
335 Chairman White said that the Albee's did go to the Zoning Board and were denied and the rehearing
336 wasn't granted. Mr. Butler asked what gives them the right to pick 8 miles of Route 11. Mr. Marquise
337 said that anyone has the right and he supports the democracy of it because it gives people the power to
338 make changes.

339 Vice Chair Larrow explained that when an appeal is made to Zoning there has to be evidence presented
340 that the case should be reheard, such as new information. Mr. Butler said that an appeal can be taken
341 up to the Supreme Court. Vice Chair Larrow said that the Albee's chose not to do that. Mr. Clarke said
342 that 99% of the time the courts go with the Planning and Zoning Boards. Chairman White said that part

343 of the Albee's request for a rehearing was that he got up and spoke against the case and the Town's
344 attorney advised that it was not grounds for a rehearing.

345 Mrs. Gottling asked if the Planning Board has to say whether or not they recommend a proposed
346 Amendment. Mr. Marquise explained that they legally have to and the good thing about it is if someone
347 does petition for an Amendment at least the Board can say whether or not they recommend it as they
348 cannot do much else.

349 Mr. Clarke said that he is a little irked because he was under the impression that the Amendments they
350 voted on were vetted. Mr. Marquise said that the Planning Board discussed the Amendments, they held
351 public hearings on them, they were posted in the newspaper, and they were discussed at the
352 Deliberative Session. The Amendments came from Mr. Landry and came extensively from concerns
353 from the Zoning Board or from what he did over the course of the year. Mr. Marquise continued that he
354 does not see any of them as a big problem. The Board did have some that they did not consider,
355 however, the ones that they put on the ballot he thinks the Board felt were reasonable. He does not
356 think that these were done in the dark. Mrs. Gottling asked and Vice Chair Larrow said that the Zoning
357 Board did not have any input on the proposed Amendments.

358 Mr. Butler said that it is concerning that they are relying on Mr. Landry to make changes as he should be
359 involved with the Zoning Board. Mr. Marquise said that in the past there was always Zoning Board input
360 though he doesn't think it has happened for the past two years. He told Mr. Landry in August that
361 changes were going to be discussed and they needed to have a special meeting with the Zoning Board
362 on September 15th. They had the meeting and the Zoning Board members chose not to come but Mr.
363 Landry gave him a list of things that had been discussed. He had to take it on face value and it obviously
364 wasn't true but it should not happen again. However, 90% of what was given to him seemed
365 reasonable. Mr. Clarke said that he is not trying to attack Mr. Marquise. Mr. Marquise said that he
366 knows but his point is that everyone has had opportunities and the Amendments should not be a big
367 surprise. Mr. Butler asked if the Zoning Board should sign off on the Zoning Amendments in the future.
368 Mr. Marquise said that in the future the Zoning Board will have to meet with the Planning Board to
369 explain the Amendments and why they want them.

370 Mrs. Gottling asked what Mr. Platt had to say and if he represented himself or the Board. Mr. Marquise
371 explained that Mr. Platt discussed a number of things, some of them administrative things such as the
372 certified mail fees and doing pdf for applications. Mr. Marquise continued that he thinks that Mr. Platt
373 was in favor of one of the Amendments and Mr. Clarke added that he thinks Mr. Platt answered some of
374 the Boards questions. Mr. Marquise said that the Planning Board had the whole list that night and Mr.
375 Platt did not say that they did not come from the Zoning Board.

376 Vice Chair Larrow said that the Zoning Board has had a meeting and are trying to be proactive. She
377 listened to what they were saying and feels that a lot of what they were talking about was based on
378 cases that was not properly carried forward. She does not know if the Zoning Board did not give the
379 information to Mr. Landry to bring forward and she does not know how it got so out of control. She
380 thinks that the Zoning Board will be coming to the Planning Board on their own as they are putting a list
381 of things together.

382 There was further discussion regarding patios and structures and uses of patios.

383 There was a discussion about the two Boards meeting in the future as well as some issues that the
384 Zoning Board has had, such as the slope issue, and that they need to bring resolutions to the Planning
385 Board, not just their problems.

386 Mr. Butler asked and Mr. Marquise said that he does not believe that Mr. Landry goes to all the Zoning
387 Board meetings. Mr. Butler said that he thinks that Mr. Landry should go to all the meetings.

388 Mrs. Gottling asked and Mr. Marquise said that there is nothing in the RSA's that says that the Planning
389 Board has to accept the list of proposed Amendments from the Zoning Board. Mr. Marquise said that
390 this has been a friendly and courteous process for the past 27 years. Mrs. Gottling asked if there should
391 be an RSA that says that the Zoning Board writes the Zoning changes. Mr. Marquise said that the Zoning
392 Board is meant to make decisions as the court does. There was further discussion regarding this matter
393 and how cases tend to influence decisions or problems that need to be discussed.

394 There was a discussion about having a class to educate the Boards after the new members are voted in
395 as well as classes that are available for members to take.

396 Changes to the Planning Board meeting minutes of February 2, 2017: Change Line 120 to read "...get
397 complaints from residents at Granliden about noise."

398 Mr. Clarke made a motion to accept the minutes with the correction. Mr. Butler seconded the motion.
399 The motion passed with three in favor and two abstentions.

400 **MEMBER APPOINTMENT**

401 Mr. Marquise explained that the Board has to formally appoint Mr. Clarke to the Board and then can be
402 signed in at the next meeting and will be good for the year.

403 Vice Chair Larrow made a motion to appoint Randy Clarke as a permanent Board member to fill the
404 space vacated by Kurt Markarian. Mr. Butler seconded the motion. The motion passed unanimously.

405 **MISCELLANEOUS**

406 Mr. Marquise explained that he will be getting a Planning Board handbook for the Board members and
407 showed the Board the sample that he received.

408 Mr. Clarke asked and Mrs. Gottling said that the person interested in creating the ERZ will be before the
409 Zoning Board on Monday, March 6th.

410 Vice Chair Larrow made a motion to adjourn the meeting at 9:23 pm. Mr. Butler seconded the motion.
411 The motion passed unanimously.

412 Respectfully submitted,

413 Melissa Pollari

414

415 Planning Board

| | | |
|-----|-----------------------------------|---|
| 416 | _____ | _____ |
| 417 | Peter White, Chairman | Donna Davis Larrow, Vice Chair |
| 418 | _____ | _____ |
| 419 | Richard Osborne | Joseph Butler |
| 420 | _____ | _____ |
| 421 | Joseph Furlong | Randy Clark |
| 422 | _____ | _____ |
| 423 | Shane Hastings, ex-officio member | Suzanne Gottling, ex-officio alternate member |