

Present: Steven Neill, ex-officio, Sharon Francis, Vice Chair; Dick Lincourt; Terry Spilsbury; Rosie Smith-Hull.

Planning Board absent: Robert Frizzell; Douglas Neill.

Alternates present: Duane Wetherby

Staff present: Steven Schneider; Sarah Davis, Secretary.

Call to order and seating of alternates: Ms. Francis called the meeting to order at 7pm. Duane Wetherby was called to sit for Robert Frizzell. A quorum is present.

Ms. Francis welcomed the public to the meeting and requested a motion to approve the minutes of the meeting of August 6th, moved by Mrs. Smith-Hull, seconded by Mr. Lincourt. Mr. Steven Neill thanked the secretary for the minutes, asked that the pages be numbered, the recording secretary be noted as staff present and the secretary's name be noted at the end. Mr. Lincourt asked if the date of the meeting could be added as a header to each page. Page 1 second paragraph "my" to be corrected to may; correct the spelling of Frizzell to have 2 Zs; Miss Francis to be Ms. Francis; page 2 line 6 change application to applicant, 3 lines further down change "motion to table motion to table" to simply motion to table; page 3 correct Cobb to have 2 bs; in the paragraph beginning Mr. Lincourt, replace with "should come back for a site plan approval if required by site plan regulations". Mr. Steven Neill noted a spelling error on page 1 misspelt, to have 1 l. Ms. Francis noted on page 5 "...like for like change..." amend to when a new tenant has a similar business; page 4 beginning with "...they do not trust the applicants.." this should read all of their tenants should come before the board. Mr. Lincourt: page 5 "lighting and issues" strike which is causing issues. Ms. Francis requested confirmation of approval of minutes, all in favor, minutes approved.

Mr. Steven Neill queried if votes should be recorded with names of persons in favor and against instead of simply carried or not in the case of a split vote. Mr. Spilsbury spoke to the planning board transcript being a legal document which can be challenged in court and it is critical that it who voted for and against is recorded. In future the names of those voting for and against will be noted when there is a split vote. Votes are to be set as a separate paragraph and introduced in bold.

Mr. Lincourt confirmed that he had reviewed the audio of the meeting that was discussed at length at the meeting of 6th August and the actions that were taken were in accordance with the audio recording of the minutes. When there is a vote on a motion, the motion should be clearly restated immediately before the vote so that it is clear in everyone's mind and clearly on record what the vote is. Ms. Francis questioned if something is required by site planning regulations, who determines if it is required the applicant or the board? Seeing no answer, Steven Schneider was identified as the mediator on this.

Minor Subdivision application - Joseph Conrad - 175 Old Town Farm Road - continuation

Ms. Francis thanked Mr. Paton for returning to the meeting. The checklist has now been completed in full.

Ms. Francis suggested focusing on the waiver requests as the checklist is now complete.

Waiver requests: number 12, the requirement to show on site water disposal. On lot 1 there is an existing septic system and well. For lot 2 it is possible for placement of a well and septic system in a variety of places. Ms. Francis asked for questions from the board. No questions

Number 15: wetlands and surface waters on the site. There is one pond on the site which is shown, there may be pockets of wetlands on the site, the only reason to map these would be if they were close to a building or septic site. Ms. Francis noted that building is not part of this application. Mr. Paton confirmed that mapping would be done at the time of any construction.

Ms. Francis asked for comments from the board. No questions.

Number 17: delineation of any limiting feature again an item which would come up during construction.

Ms. Francis asked for questions from the board. No questions.

Ms. Francis commented that there are no answers for items. 20 through 28, Mr. Paton confirmed that this is because these are not applicable. Mr. Paton went through each item confirming where these items are not applicable.

Mr. Spilsbury requested confirmation that the town is maintaining the road almost up to the house, are there any other driveways and what further driveways will be added. Mr. Paton confirmed that there is a driveway to the house which comes off the road. The Y intersection is a turnaround for town trucks, further to the west there is a woods road that comes off the town road to the south but this is existing. Mr. Spilsbury asked if Mr. Paton is referring to the road marked as gravel road, Mr. Paton moved to Mr. Spilsbury to show the location on the map.

Ms. Francis thanked Mr. Paton and asked the board for questions or comments on the application as now presented and confirmed that the board is looking for completeness.

Motion by Mr. Spilsbury moved that the application of Joseph Conrad dated August 19th 2019 to subdivide the property on Old Town Farm Road into 2 lots be deemed complete, seconded by Mr. Lincourt. All being in favor the application is accepted as being complete.

Ms. Francis spoke to the board considering final approval at this point and asked the public to raise questions or make comment. Joseph Conrad apologized for his absence at the last meeting, the notification was sent to a previous address and was received the day after the meeting, Mr. Conrad introduced his wife and confirmed that they are excited to be moving to town. Tom Adams asked for confirmation as to the reason for the subdivision. Mr. Conrad confirmed that the existing property was in poor shape when purchased and the only financially viable way for the Conrad's to keep the house standing and in good repair for as long as possible was to partner with St Pierre Inc and subdivide the property. Ms. Francis commented that the subdivision is the choice of the new owners and any future change of use of the property by the eventual purchaser would require the owners to present before the board as per New Hampshire community's regulations and encouraged the Conrad's to familiarize themselves with the regulations and ensure that any development is in line with regulations. Tom Adams requested a guarantee on any future impact to his property. Ms. Francis spoke to this being an issue for a future purchaser and that the planning board cannot dictate development. Ms. Francis promised that the planning board will do what they can for both the owners and the abutters. Mr. Spilsbury acknowledged Tom Adam's question as a fair question from an abutter and summarized the Conrad's motive that they have purchased a large portion of property and would like to keep a portion and sell the rest. Mr. Conrad agreed. Mr. Lincourt asked if any portion of the property is within the watershed protection district. Mr. Conrad confirmed that in the 2 separate title searches this has not come up. Mr. Lincourt advised that the eastern part of the property might be in a watershed protection district which could impact development.

Ms. Francis asked for further comments or questions. Mr. Steven Neill noted a question from Albert St Pierre. Albert St Pierre clarified the family link, Mr. Conrad is related to Jo Bacon. St Pierre Inc has worked with Mr. Conrad on the purchase and keeping the house, future plans are a distant option in around 10 years at which point regulations will need to be compiled with. Albert St Pierre spoke to his Grandson being the first person to use the land for sugaring as is currently the case on part of the land. Ms. Francis thanked Albert St Pierre for the information and advised a reference to the town zoning map on the watershed issue and Steven Schneider will be able to assist with this.

Ms. Francis asked the board for a motion:

Motion by Mr. Spilsbury: that the application of Joseph Conrad to subdivide the property at Old Town Farm Road into 2 lots be approved as described in the accompanying map, seconded by Mr. Lincourt, all voted in favor, application approved.

Ms. Francis asked when the Conrad family will move to the town, the Conrad's confirmed that they have already been in town for 2 months.

Planning and policy issues - Steven Schneider spoke to a packet of forms that had been distributed to the board, these are forms as used in Newport. The motion form is completed at the meeting and is an accurate method of recording the motion and a copy can be given to the applicant at the meeting. Mr. Lincourt spoke to needing a carbon copy; Mr. Spilsbury spoke to the difficulty of managing multiple originals. Ms. Francis asked the board if there is agreement to use this document, Mr. Spilsbury spoke to it being onerous in the meeting to labor over the words and the document being valuable as a record. A copy will be mailed to the applicant later as opposed to being distributed at the meeting. Ms. Francis asked for agreement on using this form for a trial period, general agreement was given. Ms. Francis questioned pp slide which is PowerPoint. Mr. Spilsbury spoke to the memo on the planning board meeting being a document that the board would not see but would be used by staff to manage files. Ms. Francis spoke to this being useful as we have a part time position and the administrative assistant to the Select Board would more easily be able to locate files and confirm their status.

Mr. Spilsbury asked if the board currently allocates case numbers, the process is currently to use the applicant's name which should be included in the title of the case. Mr. Lincourt asked a question on the planning board meeting date form, this is the name of the community TV person in Newport. Ms. Francis asked if the board needs to do anything with the documents. Steven Schneider confirmed that these documents will be used for the next meeting and will be used for the 3 tenants at the Cobb property and the Nickerson application. Mr. Steven Neill asked if Steven Schneider was able to locate the historical documentation relating to the Nickerson property, Steven Schneider confirmed that paperwork had been located and the application submitted.

Ms. Francis asked about the Cobb application and the revised schematic on the parking lot. Steven Schneider confirmed that this is available and will be provided at the next meeting. Ms. Francis asked about how the parking being is to be organized, a discussion ensued on this subject. Mr. Wetherby asked about handicapped parking spaces and Ms. Francis spoke to this being a question to ask at the meeting. Mr. Spilsbury spoke to it being advantageous to have all 3 prospective tenants for the Cobb property present at the same time and this would be a good opportunity to have all applications open at the same time and an open discussion with separate motions for approval of each application. Mr. Steven Neill asked about the property having 4 units, Steven Schneider spoke to their being 3 uses in the 4 spaces and that the Cobbs will be doing the presenting on behalf of the tenants

Ms. Francis spoke to the original Cobb application and the state completing the soil clean by mid-August and asked if this is a requirement before occupation. Steven Schneider confirmed that this is something to be considered. Ms. Francis asked Steven Schneider to check with DES as to their schedule for the testing and this affecting the usage. Steven Schneider spoke to this being a responsibility of the applicant, a discussion ensued on whether this has already been completed and what level of contamination there is and the volume to be removed, it is not known by the board at this point if the removal has been completed. Mr. Steven Neill confirmed that the contamination is low grade with no health hazard to the population, so there is no means for the board to prevent occupancy and business operation. Ms. Francis confirmed that she would feel better knowing from DES what the status is rather than from the applicant. Mr. Steven Neill spoke to the agent, KAS being requested to be present at the meeting to confirm how this removal is to be completed. Mr. Steven Neill spoke to his understanding

being that the Cobbs are intending this issue to be resolved before the business doors are opened. Ms. Francis asked for any other business, seeing nothing a request for a motion to adjourn was made.

Motion to adjourn proposed by Mrs. Smith-Hull, seconded by Mr. Spilsbury, all being in favor the meeting was adjourned at 8.01.

Submitted by Sarah Davis, Secretary