

**PLANNING BOARD
RINDGE, NEW HAMPSHIRE
April 21, 2009**

DATE: April 21, 2009 **TYPE:** Work Meeting **DATE APPROVED:** 05/19/09

TIME: 7:00PM-9:00 PM **CHAIR:** Kim McCummings

CALL TO ORDER: 7:00PM

ROLL CALL MEMBERS: Kim McCummings, Roberta Oeser, Rick Godin, Kirk Stenersen, Tim Halliday

ROLL CALL ALTERNATES: Art Fiorelli, Robyn Payson

EX OFFICIO: Pat Barry for Burt Goodrich

PLANNING DIRECTOR: Jane Pitt

PLANNING ASSISTANT: Robyn Payson

APPOINTMENT OF ALTERNATES Art Fiorelli for Hank Whitney

Announcements

Jane distributed the updated Sign ordinance and updated Definitions section of the Zoning Ordinance.

Possible Reconsideration of Decision-Atlas Lakeview LLC. Map 3 Lot 1

Kim said after leaving the hearing she had some questions regarding what was going to be on the property regarding trucks and equipment. Also looking back on the documentation there was a lack of consistent clarification of the use on the property.

Kim McCummings mad a motion to reconsider the decision Rick Godin seconded the motion.

Kirk Stenersen said he looking for clarification on the reasoning for reconsideration.

Jane said major concern was how to write the decision because not sure how to describe what Mr. Pelkey wants to do on this site. She said she was thrilled when Mr. Pelkey took the phosphate issue off the table. Jane said this is a question of fairness and of process. These are uses allowed by right, and the Site Plan Review process. Her concern is getting specificity and a complete description of all of the uses.

The Road Committee voted to see the project back again. In fairness to the community and the applicant, the process cannot be irregular. There has not been another situation like this; other applicants have been playing by the rules. To write a decision that will follow the land there needs to be a clear picture of what uses will go on there.

Roberta said that the Planning Office was anti business and road committee should have addressed this issue before.

Kim said it is not anti business to expect an applicant to be clear and the decision should clearly state what the uses are.

Roberta said she was having difficulty understanding that people don't know what a landscape business entails.

Art said previously, it was stated equipment would be stored inside the building and he doesn't know how the Road Committee could have anticipated the use if it was just mentioned last Tuesday.

Kim pointed out that we are within the 30 day appeal period.

Steve Pelkey said he was confused because he has not tried to hide his landscaping business. Landscaping is not a retail business it is a contract business. There have been mailings sent out listing everything they do. He said the sweeper is stored inside, and there are two one ton dump trucks and a tree truck.

Jane said she was under the impression that the Marina was going to be a showcase site. Even if she had seen the flyers she wouldn't have know the full scope of the uses.

Tim Halliday said he had been sitting back listening and he heard Mr. Pelkey say he would be running landscaping business. Although he sees the confusion, he thought it was understood vehicles would be in plan. And you can't hide vehicles on the lot. He doesn't see any surprise.

Art agreed with Tim, can't hide equipment. This is an additional use. That part of the business

Pat said Burt's only question was additional uses. The Board is not saying there is any problem with the uses on the site. It is in applicant's best interest to have a complete description of the uses in the decision.

Tim said the Board is afraid of the esthetics. He said he was sure Steve would keep the site well. He said he would feel safer with a professional driver driving out of the parking lot with a truck that he would with people trying to move boats in and out of the parking lot like in the past. He said he remembered at the first meeting Mr. Pelkey said that his "Property Management Division" was going to be located at the site and that was all encompassing to him, whether it's a sod cutter or a street sweeper.

Jane said when this project first came up, she asked Mr. Pelkey to put the proposal in writing and she operated off of that. Up until the previous meeting, everything was consistent except for the trees which were removed. It would be helpful to receive a supplemental written description of what is going to happen so we have a sense of the intensity and the frequency of the use. It will be helpful to the Fire Department so they know where these vehicles will be parked.

Pat Barry said there was no concern about aesthetics the point is not that the Board has a problem with information that was not specifically included. There is no fear that he is not going to do it well.

There were several amendments to the motion to reconsider proposed.

Kim made a motion to clear the table of all motions and amendments.

Kirk Stenersen seconded the motion.

The motion carried unanimously.

Kim McCummings made a motion to reconsider the plan in the following areas:

1. Snow removal operation
2. Equipment stored outside and the placement of that equipment
3. Frequency movement of equipment

Pat Barry seconded the motion.

Vote

Kim McCummings-Yes, Rick Godin-Yes, Pat Barry-Yes, Art Fiorelli-Yes, Kirk Stenersen-No, Tim Halliday-No, Roberta Oeser-No, The motion carried.

This matter will be addressed at the May 5, 2009

Appointment of Alternates

Three candidates applied for the two available positions.

Chris Asaff-worked for Navian Development and Boss Contractors, he said he did not have any allegiance to any developers and doesn't own any commercial property in town. He said he had some ideas about how things can be done a lot cleaner and less expensive for the town.

Philip Simeone-Lives on Marina way and is a retired blue print reading teacher, small business owner and salesman.

Helene Rogers-lives on Goddard Rd. and is interested getting involved in volunteering on the Board.

There was an extended discussion about seated alternates voting to appoint alternates to the Planning Board.

Further correspondence from the Local Government Center was distributed to the Board.

Tim Halliday made a motion to appoint Chris Asaff to be an alternate. Kirk Stenersen seconded the motion.

Art said he was concerned that Chris had some axes to grind and would not be able to be impartial. He also said that there would now be 4 people in the construction and related sales of businesses. He thinks Chris is very smart and has a great background but is concerned he will come to the Board with an agenda.

Tim Halliday said he would say the same about lake residents who are not business minded. They don't know what it takes to make a living and get up every day and have to feed their family. An individual who has to live by rules and sits on the other side of the table has a totally different idea as to why they don't want to see more rules. The votes show that the Board's obviously polarized. You want to pass rules and we want to eliminate them. It's that simple.

Art said that if Tim looked at his voting record he would see that Art has been very supportive of business development in town.

Tim said he didn't think Chris has an ax to grind, he prefers his expertise and knowledge.

Kim said there are different perceptions depending on where we are coming from.

Tim said a friend of his said that any board member should be self employed for a period of time so they have to live by the rules they make.

Chris said when he was before the Board he was an employee. He saw a lot of wasted time, energy and a runaround. It could have been handled more clearly if there weren't holes in the regulations if it was cleaner and more concise. He has worked with Planning Boards all over New England as well as Connecticut New York and New Jersey. He went on to praise the Keene Planning Board for having such tight regulations and hearing process.

Pat asked if Chris thought he could sit on the Board with the rules that are in place, and objectively look at each case.

Chris said he would have no problem with that.

Vote:

Kim McCummings-Yes, Roberta Oeser-Yes, Rick Godin-No, Kirk Stenersen-Yes, Tim Halliday-Yes, Pat Barry-Yes, Art Fiorelli-No

Chris Asaff was appointed to the Planning Board as an Alternate.

Phil Simeone was asked if he wanted to say anything.

Phil said, he moved to Rindge two years ago, ran his own business for ten years, is interested in planning and would like to participate in what is going on in Rindge.

Kirk Stenersen asked if he could look at things objectively and understand when a uses is allowed by ordinance, you can regulate it but not deny it?

Phil said he would have no problem with that. He had to be objective as a teacher.

Rick Godin made a motion to appoint Phil Simeone as an alternate, Pat Barry seconded the motion.

Rick said that Phil's background and ability to read plans would make him an asset to the Board.

Kirk said his only reservation was the length of time he has been in town. It was in no way personal.

Kim Mc Cummings said that it was good to let new people in for a fresh viewpoint.

Pat Barry said that there has been a sense in town that there needs to be new blood on boards in town and it would be good to have Phil on the Board

Vote:

Kim McCummings-Yes, Roberta Oeser-No, Rick Godin-Yes, Kirk Stenersen-No, Tim Halliday-Yes, Pat Barry-Yes, Art Fiorelli-Yes, Rick Godin-Yes

Real Estate Sign Fee Schedule

Art recused himself, Robyn Payson in Art's Place for Hank Whitney

Roberta said the Selectmen may charge a fee; Roberta would like the Board to consider sending a letter to Board of Selectmen to rescind the fee because other contractors are not charged to put signs in front of people's houses.

This will be put on the agenda of May 5th meeting.

Adjourn 9:05

NEXT MEETING

May 5, 2009

Respectfully submitted,

Robyn Payson



March 31, 2009

Robyn L. Payson
Planning Assistant
Town of Rindge, NH

Dear Robyn,

This letter will deal with the following inquiry:

"Can the Planning Board adopt as part of their Rules of Procedure, a rule stipulating that only elected members of the Planning Board are allowed to vote for Chairman and Vice Chairman, prohibiting the appointment of alternates for absent elected members for the purposes of voting for Chairman and Vice Chairman?"

In answering this question, I refer you back to my letter of March 19, 2009 and the issues discussed in that letter. Consistent with that opinion, there is nothing in RSA 676:1 which would prohibit the adoption of such a rule of procedure if that is the will of the majority of the planning board. However, should such a rule be adopted at a regular meeting, it could be changed at any time, including later in the same regular meeting, that a majority of the planning board thought it should be changed.

Also, I must repeat that there is nothing in RSA 673:11 that restricts the ability of an alternate member to participate in any of the various types of business that may come before a planning board. In addition to adjudication of applications, the planning board organizes itself, conducts its communications with other boards in the municipality and with other municipalities, and performs other duties as required by RSA 674:1. To the extent that a planning board seeks to restrict alternates from participation in the full range of activities that may come before the board, it may create not only the perception that the elected members feel the alternates are less than equal members, it will make it far less likely that anyone will agree to serve as an alternate member. Will the argument soon come forward that alternates should not participate in creation of the master plan or drafting of proposed ordinances because they were not elected by the people? Thus, while the proposed rule may be adopted, there are strong policy considerations that argue against taking such an action.

Sincerely,

Paul G. Sanderson
Staff Attorney

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