

**PLANNING BOARD  
RINDGE, NEW HAMPSHIRE  
March 17, 2009**

**DATE: March 17, 2009      TYPE: Work Meeting      DATE APPROVED: 05/19/09**

**TIME: 7:00PM-PM      CHAIR: Kim Mc Cummings,**

**CALL TO ORDER: 7:00PM**

**ROLL CALL MEMBERS:** Kim McCummings, Hank Whitney, Tim Halliday, Rick Godin, Roberta Oeser

**ROLL CALL ALTERNATES:** Robyn Payson, Scott Brown

**EX OFFICIO:** Pat Barry

**PLANNING DIRECTOR:** Jane Pitt

**PLANNING ASSISTANT:** Robyn Payson

**APPOINTMENT OF ALTERNATES: Scott Brown for Kirk Stenersen**

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**Elections of Chair and Vice Chair**

Rick Godin made a motion to nominate Kim McCummings as chair Pat Barry seconded the motion.

Roberta said that alternates have never (in three years) been appointed to vote for Chair. Tim Halliday said that he also was not in favor of having alternates voting for the election of a chair. She also said that unless the Selectmen had met Pat Barry's term had expired and she was no longer Ex-Officio alternate.

Pat Barry disagreed

Jane asked Roberta where the RSA that demonstrated those statements.

Kim cited RSA 673:11 which reads

Designation of Alternate Members:

“Whenever a regular member of a local land use board is absent or whenever a regular member disqualifies himself or herself, the chairperson shall designate an alternate, if one is present, to act in the absent member's place; except that only the alternate designated for the city or town council, board of selectmen, or village district commission member shall serve in place of that member.”

Roberta said under:

673:8 Organization:

“Each local land use board shall elect its chairperson from the appointed or elected members and may create other offices as it deems necessary.”

She said that for three years there have been members meeting and alternates present and they didn't sit.

Tim Halliday said he agreed that alternates should not participate in the election of the Chair.

Kim said the RSA clearly states that an alternate “shall” be seated and she was following the Rules of procedure.

Roberta said that when electing the Chair Kim was only allowed to open the meeting

Jane said that 673:11 was clear and there is nothing in the RSA that this applies to a regular meeting or that it does not apply to the organizational meeting after Town Meeting. She went on to say as far as Pat Barry is concerned, the officer continues until the replacement is made. This is in accordance with RSA 41:3 and 6:69.

Roberta said two years ago the board was short two members and no one was appointed. Last year when she was absent no one was appointed. She said this board has never appointed alternates to vote for chair. The other issue she said was that term of elected or appointed land use board shall be three years but shall also coincide with their term. Roberta said that Pat Barry wasn't sworn in yet so she couldn't vote.

Pat said she was an incumbent and didn't need to be sworn in.

Rick Godin called the question.

Roberta nominated Kirk Stenersen for chair, Tim Halliday seconded the motion.

Votes for Kirk Stenersen	Votes for Kim McCummings
Roberta Oeser	Rick Godin
Tim Halliday	Pat Barry
Hank Whitney	Scott Brown
	Kim McCummings

Kim McCummings is Chairperson of the Planning Board.

Tim Halliday nominated Roberta Oeser to be Vice Chair of the Planning Board.  
Motion not seconded

Pat Barry nominated Rick Godin for Vice Chair. Scott Brown seconded the motion.

Votes for Roberta Oeser	Votes for Rick Godin
Tim Halliday	Hank Whitney
Roberta Oeser	Pat Barry
	Scott Brown
	Kim McCummings
	Rick Godin

Tim Halliday said he did not agree with the proceeding and recommended that the issue be investigated legally so the Board knew what was right.

Hank Whitney said he did not think it was above reproach to appoint an alternate to vote.

**Later in the meeting the issue of alternates was revisited**

Tim Halliday said appointing an alternate in discussion of board policy per 673:8. He said that the RSA seemed was quite clear that only elected Planning Board members should appoint the chair. He said his interpretation was that there are two types of boards, elected and appointed and that 673:8 clearly says only elected members should vote for officers.

Jane said the difficulty was not with that section but with 673:11 which requires the seating of alternates with the word “shall”, giving the alternate the rights of a member when seated.

Tim said that his reason for this when you look at the whole process in general, people are elected by their constituents you basically have a standing here in essence with his constituents that put him here as well as having an alternate appointed making policy decisions. He thought part of the problem with the Board has been not recognizing the difference between alternates and members. He said alternates should participate in anything other than public hearings and should not participate in Board policy.

Kim asked Jane to review the legal opinions the office had received in previous years regarding these matters.

Pat said that no one voted for her to be on the Planning Board and you could extend that logic to alternates.

Kim said they were talking about two different things there is a difference between an alternate that is seated and an alternate that is not seated for a particular matter.

Hank Whitey said there was nothing personal, elections were one thing. He said he agreed with Tim, whether the board is appointed or elected. If Kirk were here he would possibly be Chair.

Roberta said two years ago there were two members missing and she made a motion to delay the vote and no alternates were seated. There were three alternates at that meeting and none were appointed. And she knew no alternate was appointed for her in 2008 when she was absent.

Roberta said the response from the LGC from last year addresses conduct and not elections.

Jane said it addressed whether alternates should be able to speak at meetings and hearings and sit at the table. The LGC came down on the side of section 673:11 again.

Jane was directed by the Planning Board to contact the Local Government Center to get an opinion about appointing alternates to vote in the election of Planning Board officers at the first organizational meeting.

**Announcements**

Jane announced the annual OEP Planning and Zoning conference. The Planning Board will pay for the new members.

**Budget**

Jane distributed the default budget. The proposed budget was less than the default budget. Jane reviewed the cuts previously offered and suggested that the Planning Board stand by those cuts which total about \$28,000.00.

### **Updating Ordinances**

Jane asked the Board to review the updated ordinances. Roberta and Jane will finalize the forms of the ordinance.

Roberta said that she thought the Board of Selectmen should no longer charge \$50.00 for Real Estate Signs as they are no longer advertising.

### **Comment**

Scott Brown congratulated Hank and Tim on their election. He also went on saying that he was disappointed with a Planning Board member's conduct while he was speaking on Candidate's Night.

Roberta said being a member of this Board does not give up their freedom of speech or right to campaign as a taxpayer in this town.

### **Minutes**

March 3, 2008-Rick Godin made a motion to accept Scott Brown seconded the motion. The motion carried with Pat Barry and Tim Halliday, abstaining.

### **New Business**

#### **Informal Consultation on Building Sign**

##### **The Shoppe's at Rindge**

##### **Map 6 Lot 99-3**

##### **Galaxy Development**

Jane introduced Galaxy Development and Brent Aucoin. Galaxy development his hoping to get the Planning Board's support for an area variance for a sign larger than is allowed in the sign ordinance. Todd Lornell Eliot Fierberg She handed out the package being presented to the ZBA.

Eliot Fierberg introduced Todd Lornell of Strategic Retail Advisors and Tyler Wyman of Strategic Retail Advisors. Elliot made his presentation regarding the application to the Board of Adjustment for a variance from the Sign Ordinance for size. The need for the large sign is that the building will be located set back far from the road and it will be difficult to see. There will be a pylon sign on the development as well but they will not be seeking relief to make that sign any bigger.

Jane said that she took into account the benefit to the town and the highest and best use of the site. She said was in favor of supporting the variance and the sign is tasteful for the context it is in.

Rick asked if this sign is going to impact the sizes of other signs for tenants. Mr. Lornell said that it was possible. Kim said we needed to keep in mind that there may be subsequent variances requested.

Tim Halliday said he didn't see the problem considering the size of the Market Basket sign.

Jane agreed that there are a number of signs that are over sized in that area.

Rick Godin made a motion to send a letter to the ZBA to support the variance request. Tim Halliday seconded the motion. The motion carried unanimously.

### **Work Meeting**

#### **Orientation**

Kim gave an overview of how meetings are scheduled. The first meeting of the month is generally a public hearing and the second meeting of the month being a work meeting.

There are two alternate positions open. There will be advertisement in The Rindge Connection and the Planning Board will participate in the group ad that will be going in the Monadnock Ledger Transcript.

Jane reviewed ex-parte communication and the importance of removing the appearance of inappropriate interaction and partiality.

Kim directed the board to review the rules of procedure in preparation for the next work meeting.

Rick Godin asked about reconsideration of a Subdivision or Site Plan Approval.

Scott Brown made a motion to adjourn Rick Godin seconded the motion the motion carried.

9:05pm

#### **NEXT MEETING**

**April 7, 2009**

Respectfully submitted,  
Robyn Payson