

MINUTES
Workshop Meeting
Sanbornton Planning Board

Meeting Date and Time: Thursday, September 5th, 2019 at 7:00 PM

Meeting Place: Town Offices, 573 Sanborn Rd

The meeting was called to order by Chair Deb Schneckloth at 7:00 PM

Roll Call

Regular Members present: Will Ellis, Selectman John Olmstead, Don Bormes, Jody Slack, Chair Deb Schneckloth

Alternate Members present: Andy Sanborn, Kalena Graham

Absent: Justin Barriault, alternate

Others Present: Town Planning Assistant, Stephen Laurin

Minutes of 8/15 – Jody Slack made a motion to approve the draft minutes of 8/15 with corrections. Selectman Olmstead seconded the motion and the motion passed unanimously.

New Business

a. Discussion of agritourism RSA – ZBA Chair and State Representative Tim Lang was not able to attend this meeting to discuss the RSA.

b. LRPC Representative – Steve Laurin explained that the Board can appoint a new representative from Sanbornton for the Lakes Region Planning Commission, as Karen Ober has resigned. Chair Schneckloth stated that she has not received any correspondence from the previous rep nor has she been at a single Planning Board meeting. Andy Sanborn suggested the next rep provide quarterly updates to the Planning Board. Selectman Olmstead noted that this does not have to be a Planning Board member, but must be a Sanbornton resident. Chair Schneckloth recommended Audry Barriault as the new representative; Audry Barriault will look into this but also draft an ad for the position for posting on the website, at the Town Offices and post office.

c. Discussion of lot line adjustment application deadline – Steve Laurin explained that Scott Auger could not find the Planning Board application deadlines on the Town website; he has a simple lot line adjustment application but the State statute requires that applications be received no less than 21 days in advance of a Planning Board meeting. Chair Schneckloth stated that she does not want to waive the 21-day period and hear the case at this month's business meeting, but it could be discussed at the October 3rd workshop meeting. She stated that an exception would be made in this case to discuss business at a workshop meeting because the application deadline cannot be found anywhere on the website. Steve noted that this was listed on the old website and he will update the new website with the info. Don Bormes made a motion to hear the case at the workshop meeting given these circumstances. Will Ellis seconded the motion and the motion passed unanimously.

Old Business

a. Discussion of amendments to Site Plan Review Regulations and checklists – Chair Schneckloth explained that she and Steve have worked on drafts of a revised Site Plan Review application and checklist but suggested that she and Steve continue refining these and then present to the Board at a later date. Board members were in agreement. Don Bormes suggested checking with LRPC and seeing if they have samples or guidelines for these kinds of documents. Kalena Graham will also provide them with the Conditional Use Permits that Laconia uses. Chair Schneckloth noted that she will also work on a cell tower checklist which does not currently exist, so there will be a revised site plan application and checklist, solar checklist, and cell tower checklist. Steve Laurin stated that the current site plan checklist states that waivers are acted on in a "Public Hearing" but he feels that this means the public can provide comment, which he doesn't think the Board currently does. Chair Schneckloth

stated that the Board normally opens the Public Hearing, discusses and votes on accepting the waivers and the application as complete, before moving on to the site plan portion in which she does ask for any comments or questions from the public. Andy Sanborn stated that he does feel the public should be asked for their input during the waiver section, and Chair Schneckloth agreed, as some items in the checklist could affect abutters. Don Bormes stated that he does not think the public should have input on the checklist as this is in the Planning Board's control.

Other Business

a. Correspondence from NHMA regarding lot line adjustment – Steve Laurin asked NHMA about a lot line adjustment that was mentioned at the 8/15 business meeting as part of the latest revised Solar Farm application. He stated that there was no separate application received for the lot line adjustment and didn't know if this would be required, or if this would require re-noticing abutters. He needs more clarity on this and will report back to the Board after he talks to NHMA again.

b. Discussion on ZBA appeal period regarding agritourism application – Chair Schneckloth read a letter she wrote regarding the agritourism application that was denied by the Planning Board and then overturned by the ZBA. In this letter, she explained that she was disappointed that the Planning Board did not read a previous letter from her when she was absent at the 8/1 meeting. This was important because there is a 30-day period for someone to appeal a ZBA decision. At the 8/15 meeting, she made a motion to ask the BOS for approval to get legal advice regarding an appeal from the Planning Board's attorney, Christine Fillmore, which was voted Yes unanimously by the PB. When this was brought to the BOS, they tabled the decision. She, Steve and interim Town Administrator Jim O'Mara talked with Attorney Fillmore who stated that the Planning Board has the right to ask for a rehearing given the fact that Don Bormes, member on both boards, did not recuse himself when the ZBA heard the case. Chair Schneckloth stated that she would request Don recuse himself during the site plan review of this case; Don stated that he voted the same way at the ZBA meeting as he did at the PB meeting and that if he was asked to recuse himself he would not.

By the time Chair Schneckloth received this information from Attorney Fillmore and attempted to make an appeal, she found that it had been 31 days since the ZBA's decision so there is no chance for an appeal now. She stated that the Planning Board needs to be more knowledgeable about these type of procedures in the future so that things do not slip through the cracks. She also noted that if someone submits a letter to the Planning Board, this needs to be read into the record immediately. Andy Sanborn noted that he didn't think the PB knew there was urgency in discussing the ZBA's decision and a possible appeal. Will Ellis asked Selectman Olmstead why it takes so long for the BOS to approve the PB using their own attorney; Selectman Olmstead responded that the PB wanted their attorney fees to come from the general legal fund in FY19 which must be approved by the BOS, and recommended that the PB build in funds for this in their own budget (which is due end of September) if they don't want to ask the BOS for permission to use an attorney in the future.

Meeting adjourned at 9:50. The next meeting is scheduled for Thursday, September 19th at 7:00pm.

Respectfully Submitted,

Audry Barriault