

Planning Board Meeting
December 13, 2016
7PM

In attendance: David Studer, Mitch Garnett, Bob Temple, Steve Ocean, Jesse Casas, David Williams, Jim Bowers Public: Brian Rhea

Mitch Garnett called the meeting to order at 7:00PM, Jesse Casas will sit in for Hank Aho.

David Williams moved to accept the July 12, 2016 summary as written, Jesse Casas seconded, all in favor.

Bob Temple gave an updated permit report for the year. **David Williams moved to accept the report as presented, Mitch Garnett seconded, all in favor.**

Old Business

Jesse Casas and Jim Bowers went to a workshop for Planning and Appeals Board Members. Jim stated they received a lot of good information. The key was when making a finding of fact to really address every standard and address exactly why you are addressing that standard and what a third-party source of information is too not just what someone say's (for instance there was a appeals hearing earlier this year and they just took the applicant's word for they couldn't find another rock like this anywhere else in the area but they didn't provide any evidence that they actually looked). They said, something simple like that make sure you get the evidence and have a copy for the file. Jesse stated that Freedom of Information was talked about a lot, basically ere on the side of being transparent and disclosing everything. Even as something as simple as making notes, as a member, if the public asks for it we need to provide it. Don't write anything down you don't want to be seen. **Jesse Casas moved to ask the Selectmen for the Planning Board Members to receive an up to date manual, David Williams seconded, all in favor.** Mary Anderson will ask the Selectmen at the next Selectmen's Meeting.

New Business

The Board received a request by Tina Hall for a non-conforming lot for a family member. David Studer stated they could create a conforming lot but didn't, they have seven acres. This request does not meet the standards. Jim Bowers asked Bob Temple if Tina Hall has made an official application. Bob said there is no official application for this request. David Williams stated it is straight forward and doesn't meet the criteria. Jim Bowers said the Board can accept their letter as an application, look at the standards and give an answer. There was some discussion after Jesse Casas read a portion of the standards. **David Studer moved to accept the request as written as an application to the Planning Board, at this time we do not have another form for them to fill out, Jim Bowers seconded, all in favor.** Bob Temple will send the applicant an advisory letter stating after looking at their request the Board feels it does not meet the standards and ask them to attend the January meeting.

The Board received a request by Rick Rea for a pre-application meeting for a proposed subdivision on Mountain Road. Brian Rea is in attendance for Rick Rea. Bob Temple stated regarding the issue of the brook there will be a setback provision put on the plan. Bob has already started putting together a finding of fact for this request. Mitch Garnett asked Brian if he had any questions for the Board, he did not. David Studer suggested using Google Earth with an overlay of the town to measure setbacks. Bob Temple will make sure all the submissions are in before scheduling a public hearing. **Jim Bowers moved to accept this as the pre-application meeting for the proposed subdivision request by Rick Rea, David Studer seconded, all in favor.**

The Board received a request by Northrup LLC for a pit transfer of ownership. Bob Temple stated that a public hearing should be scheduled for the public to have their input. It is stated in the ordinance when there is a transfer of ownership it needs to go to the Planning Board. Bob has inspected this pit and found it is in compliance. This pit was grandfathered in because it was pre-Mining Ordinance. Bob stated he has the history of the pit which he will give to the Planning Board (all the pits licensed by the State did not need a Certificate of Legal Operation). The State still has this listed under Merton Moore and transferred it to Sitework Stone. Jim Bowers asked if there is a permit from the town. Jesse Casas stated we do not have a Mineral Extraction Activity Permit, how can we transfer it? There is no town permit on file. David Studer suggested the applicant show the Board what they transferred. David Williams stated there is a deed for what they are transferring but no permit. Bob Temple stated that the State transfers the ownership from Sitework Stone to Northrup, is that sufficient. Jim Bowers stated the State permit does not supplant the Town permit. Mitch Garnett stated that Merton Moore may have a permit from the town that is not on file. David Studer said we may have to ask the Selectmen to call their lawyer and ask 'what should we do'. **David Williams moved to table the request to transfer ownership of the pit from Sitework Stone to Northrup LLC until the applicant brings in the permit, maybe from the previous owner, Jim Bowers seconded, all in favor.** Dave Studer asked if we should ask for a reclamation plan when they come in with the permit. Bob Temple said they could ask for a reclamation plan. Bob will check with the Selectmen before he touches base with the applicant. Dave Studer said Bob should make up a form so applicants know what to submit when a transfer comes through (prior permits and reclamation plan, bond, etc).

The Board received the State Mandated Shoreland Zoning Ordinance. Bob Temple stated that the Planning Board needs to determine whether they want a 'stand-alone' Shoreland Zoning Ordinance or incorporate it into the Land Use Ordinance the way it is. The advantage to keeping it as a separate ordinance is that we can take out the Shoreland references and put in referencing the Shoreland Zoning Ordinance. The number of cases the Planning Board looks at in terms of Shoreland Zoning is minimal. If the Board decides to incorporate the Shoreland Zoning Ordinance into the Land Use Ordinance, it would need to be done by the Land Use Ordinance Committee. David Williams asked when the State Mandate goes into effect and what the process is. Bob stated we have a choice whether to adopt it or not. At some point in time the State will say we have not adopted it and therefore we need to accept it without any changes. Bob suggested that at this time, we can make changes which he highlighted those he thought should be made. Mitch Garnett reiterated what Bob Temple is asking how the Board recommends how to push this forward as an individual ordinance or incorporate it in the Land Use, if incorporated then it should go before the ordinance review committee. Jim Bowers stated it would be easier to keep them separate; to reference the Shoreland Zoning Ordinance in the Land Use Ordinance. The Board requested seeing the letter from the State mandating that we adopt this Shoreland Zoning Ordinance. Steve Ocean asked if someone from DEP would be willing to attend a meeting to explain this mandated process. David Studer said the State 'prefer' people do it this way, a preference on their part. Bob Temple will contact the State and email the letter to the Board.

David Williams moved to adjourn the meeting at 8:26pm.

Respectfully submitted,

Mary Anderson

