Town of Richmond
Planning Board Non-Public Session
February 1, 2024, 6:30 PM Richmond Veterans Hall
Final as Revised

Members Present	Members Absent
Doug Smith (Chairman)	Kathryn McWhirk (Secretary)
Lisa Traeger	Jed Butterfield (Vice Chairman)
Kim DeMasco	Stacie Maillet
Doug Bersaw (Selectman's Rep.)	Karen O'Brien (Alternate)
Lloyd Condon (Alternate)	Joe Norman (Alternate)
William Daniels (Alt. Selectman's Rep)	William Daniels (Alt Selectman Rep)

Public meeting was called to order at 6:30 PM.
Condon seated for Karen O'Brien.

Discussion on Town Attorney's letter. Chairman Smith invited Joan Wolfe to attend to experience a nonpublic session Technically, the public is not allowed, Joan is public until she is officially on the books. She is the incoming Land Use Assistant. Chairman Smith asked if under the circumstances the board minds that Wolfe is present.

Motion made by Traeger to allow Wolfe to attend the nonpublic session. Seconded by DeMasco.
No Discussion.
Traeger yes, Bersaw yes, DeMasco yes, Condon no, Smith yes.

Condon was asked by Chairman Smith why he was opposed. Condon explained that presently she's' not an employee of the town and not a member of the Planning Board. This is a nonpublic meeting and you declared that it is.

Chairman asked if Condon knew of a law that would be broken if she sat in on the meeting. Condon explained that other than the fact that nobody from the public should be at a nonpublic meeting. Bersaw asked for clarity as to what the board voted on, was it Wolfe to stay for the nonpublic? Answer: yes. Bersaw misunderstood and retracted his yes vote.
It was determined that Wolfe should not be present.
Motion and second were retracted.

Motion made by Bersaw to enter nonpublic session 6:33 PM, under RSA 91-A:3 (II) (l).
Second by DeMasco, Traeger yes, Bersaw yes, DeMasco yes, Condon yes, Smith yes. Motion Carries.

Nonpublic session is regarding the 2024 proposed Zoning Amendments and the response from the Town Attorney. The proposed ballot was sent to the Attorney and the Attorney's input was sent to all board members ahead of time to review.

It was decided to go one step at a time on the Attorney's 10 points.

1. The stricken language showing the deletions should be shown in the Amendment by a strike out. The strike outs should have stayed in the Amendment.
Traeger suggested since it was not a substantive change that the board put the strike outs back in.
Motion made by Traeger to accept the non-substantive changes and put the deleted words placed back into the proposed

ordinances with strike outs as it does not change it at all. Seconded by DeMasco.
No discussion
Traeger yes, Bersaw yes, DeMasco yes, Condon no, Chairman Smith yes. Motion carries.
This was a response from the Attorney that this is what he was talking about changes that are substantive and non-substantive. These actions don't change the wording, spirit, or intent of the Amendment.

2. Amendment 2, Article 17 Definition of building. The question: why above-ground pools where not also included? It was discussed by the board and the majority vote was not to add this to the Amendment. It is a nonevent.
Motion made by Traeger to not do any changes by adding the above ground pool in the definition of building. Seconded by DeMasco.
Further Discussion.
Chairman Smith said it can't be added anyways if we do, we need to pull the Amendment, it would be a substantive change. It was determined that the board really didn't need a motion. DeMasco retracted her second. Traeger retracted her motion.

3. Due to the use of Normal Landscaping in Amendment 3, the Attorney suggested moving Amendment 6, Article 17 Definition, Normal Landscaping to become the new Amendment 3 ahead of the actual proposed Amendment its address's. This is not substantial. Traeger asked if this should be moved with a motion or just leave it where it is?
Motion made by Traeger to move Amendment 6 to Amendment 3 on the ballot. Just as far as an order change for the rest of the ballot numbering as well. All amendments from 3 will be renumbered. Seconded by DeMasco.
Brief discussion just to clarify the change that was motioned.
Traeger yes, Bersaw yes, DeMasco yes, Condon yes, Chairman Smith yes. Motion carries.

4. In Amendment 3, Article 6 Wetland Conservation District, section 602.1 the Attorney suggested rewording Amendment 3. His opinion: it seemed confusing to him.

Traeger added that the Board decided not to change 602.1 so as not to confuse people. Traeger suggested that nothing gets changed in Amendment 3 due to it being done on purpose and the board talked about no change. She felt the whole ordinance would have to be dropped. Bersaw explained it is discussed in the purpose and wasn't the regulation. No change was made.

5. In Amendment 3, Article 6 Wetland Conservation District, section 603. This was a text problem that showed on the Attorney's copy but no on the Board/Town copy. Some of the postings on the website are missing some of the spaces and so on. It was determined it's a copy and paste problem and didn't appear on the original actual document that was sent out.

6. Amendment 4, Article 6 Wetland Conservation District section 601. Attorney suggested that the present wording is correct but will be changed in the future and to avoid another change next year to change "State Board of Natural Science Certified" to New Hampshire Certified.
Chairman Smith suggested that his could be a substantial change and not to make the change. When State Law changes the Certification, the Town can change theirs as well.

7. Amendment 5, Article 12, section 1203. It was determined this was another text problem that showed up on the Attorneys copy but not on the actual final document due to copy and paste.

8. Amendment 5, Article 12, section 1204. Another text problem from copy and paste.

9. Amendment 5, Article 12, Enforcement and Administration. Attorney suggested breaking this Amendment into 4 separate Amendments, one for the sections 1203 and 1204, one for section 404: one for sections of 317: and one for the definition of Ruins. This would allow the public to accept some and not others.
Suggestion to come back to number 9 as it could take a while to separate Amendment 5.

Chairman Smith made the point that in 10, it would be a substantial change so this is not something the board could do

anyway.

10. Amendment 5, Article 317, under 404.3.4 to consider adding "attached to" or "in an addition" to cover those instances where someone wanted to convert space in an attached barn which space was not technically "in" the dwelling?
Traeger made the point that the ordinance as it reads says: "or in addition to" the primary. It was determined that the board felt it was covered.

9. Discussion on number 9. Amendment 5, to break up the Amendment into 4 separate Amendments. Basically, what he's saying is that break each one of the sections up. This would create individual articles to be voted on by the public instead of one Amendment. This was a gray area and Chairman Smith went to the email for further clarification. The Attorney's response this was a gray area it would be hopeful that a reviewing Court would not find error.
Chairman suggested a vote.
Motion made by Condon to leave Amendment 5 as one and not to break it up into 4 separate amendments. Seconded by Bersaw.
Further discussion.
Traeger added that she did break Amendment 5 into 4 separate Amendments and there would not be any change in wording or punctuation.
Chairman Smith had a concern that if one passes and another does not the ordinances would not match. He suggested to just keep the ordinance as written to remain. Traeger answered no, so even with changing the definition of the word building and still having the ordinances pass isn't' going to change the written language.
Traeger explained regarding number 9. Amendment 5, that she had taken all the Attorneys suggestions and split them by substantives and input them. Traeger had two different sections, one showing splitting number 5 and one not splitting number 5. This document is complete either way. Traeger had reworked the Amendment if anyone would like to see it with the updates that were just discussed.
Chairman Smith move on with the motion to leave everything the way it is
Condon explained that the board has been cautioned about keeping the ordinances squeaky clean and if this is a gray area it should be left alone.
No further discussion.
Roll call vote: Trager yes, Bersaw yes, DeMasco yes, Condon yes, Smith yes. Motion carries.

Chairman Smith closed the nonpublic session.
Motion made by Bersaw not to seal the minutes. Second by Traeger.
No further discussion.
Traeger yes, Bersaw yes, DeMasco yes, Condon yes, Smith yes. Motion carries.

Respectfully Submitted,

Kandace Mattson.