

**Town of Richmond**  
**Planning Board Public Meeting**  
**January 17, 2023      7:00 PM      Veterans Hall**

Members Present:

Stacie Maillet (Chairman)  
Lloyd Condon (Vice Chairman)  
Doug Smith  
(Secretary)  
Jed Butterfield  
Doug Bersaw (Selectman's Rep)  
Karen O'Brien (Alternate)

Members Absent

Kathryn McWhirk  
Eric Duda

Pubic: Lisa Traeger, Amanda Grinstead, Antoinette Cincotta.

Meeting called to order at 7:01 PM.

Karen O'Brien seated for Kathy McWhirk.

**1. Public:**

No one to speak from the public.

**2. Mail:**

SWRPC December 2022 Newsletter

**3. Proposed Zoning Changes:**

Discussion of proposed Zoning Ordinance changes for clarification for Article 6 Wetland Conservation District and Article 17 Definitions.

Chairman Maillet explained that the Planning Board will take all the suggestions and concerns from the first Public Hearing held January 3, 2023, to allow the board to discuss what if any change. it was agreed to discuss and vote on each change in order.

Article 6 Wetland Conservation District, under 601 General: To keep, Delineation must be conducted by a septic designer, soil or wetland scientist certified by the State of New Hampshire.

Motion by Bersaw to accept 601 as amended and presented. Seconded by Chairman Maillet. All in favor. None opposed. Motion carries.

Under 601.1 to Add: Functions of Wetlands 601.1, 601.2 and 601,3. It was determined that this gives both the ZBA and the Court information on why the ordinance provisions are in place.

Motion made by Bersaw to keep 601.1 Functions of Wetlands as presented. Seconded Chairman Maillet. All in favor. None opposed. Motion carries.

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Under 602 Purpose, the board jointly agreed to not change the wording of 602.1 since Municipalities can and do regulate what can occur in wetlands, Example driveway/roadway crossings; But DES may also regulate the issue.

Motion made by Bersaw to accept 602 Purpose as presented to go to the public. Seconded by Butterfield. All in favor. None opposed. Motion carries.

602.5 Nothing existing, to add: To preserve and protect native flora and fauna and maintain ecological balance.

Motion made by Bersaw to accept 602.5 Purpose as amended to go to the public. Seconded by Butterfield. No discussion. All in favor. None opposed. Motion carries.

**Under 603 Uses Permitted:** Nothing existing, to clarify for the applicant that there maybe other paperwork needed to accomplish what they are asking for at the State or Federal level.

Nothing in this section relieves the applicant of any responsibilities for meeting any applicable state or federal requirements, permit processes, etc. Proof of any necessary state and/or federal permits and/or approvals may be required as a condition of any approvals pursuant to this section.

The board discussed doing all of 603.1 through 603.10 as one motion.

**603.1** to change the word Forestry for clarity and reference to Best Management Practices put out through the State of NH for a complete guide.

Forestry and tree farming, provided that the state Forestry regulations, as described in the most recent issue of the UNH Cooperative Extension Manual title "Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire," are followed.

**603.2** Add in place of the word Agriculture for clarity.

Agriculture, provided that no fertilizers, non-composted waste from livestock, or any other substances that may enter and pollute the wetlands are used and that the normal drainage patterns are not altered.

**603.3** to add the word Construction of:

Water impoundments and construction of well water supplies.

**603.4** to add for clarity.

Maintenance of existing drainage ways, streams, creeks, or other paths of normal runoff water. Maintaining, repairing, or replacing an existing and lawfully located structure or public utility, provided that the work conforms to the general standards adopted in this section.

**603.7** To clarify Conservation area and Nature trails.

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Conservation areas and nature trails. The construction of fences, footbridges, catwalks, footpaths, or nature trails, provided that they are constructed on posts or piles where applicable to permit unobstructed flow of water and preserve the natural contour of the wetland provided there is no use of toxic material.

Discussion on 603.9 to add:

603.9 Nothing pre-existing to add:

**Emergency projects**, Emergency projects necessitated by the unforeseeable breakage of existing infrastructure, or a natural weather event, may be commenced. Only the work necessary for abatement of the emergency may be performed. Within seven days the board of Selectmen must be notified of such work.

**603.10** Nothing pre-existing to add:

Signs, fences, mailboxes, stonewalls, walks, overhangs, balconies, steps and their landings, handicap ramps, essential services, and the like.

Motion to by Bersaw to accept 603 as amended. Seconded by Smith. All in favor. None opposed. Motion carries.

#### **604 Special Exceptions**

604.1 To add the word Driveways.

Streets, roads, access ways, **driveways**, and utility rights-of-way easements, including power lines and pipelines if essential to the productive use of land not so zoned and if so located and constructed as to minimize any detrimental impact of such uses upon the wetlands.

Motion by Smith to accept 604 as presented. Seconded by Vice Chairman Condon. All in favor. None opposed. Motion carries.

#### **Article 17 Definitions.**

There are no pre-existing definitions for the following.

Discussion on access way and to add: Such Access Ways are subject to State and Town regulations.

**ACCESS WAY:** Primarily used for service or maintenance entrance such as agricultural field entrance, oil delivery, woodlot or forestry entrance and the like. Such Access Ways are subject to State and Town regulations.

Motion made by Chairman Maillet to accept access way as amended. Seconded by Smith. No discussion. All in favor. None opposed. Motion carries.

**DRIVEWAY** -- A public or private roadway providing primary access from either a public or private road for vehicles to a dwelling, business, parking area, or other structure or facility that is currently used on a regular

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basis but does not include an access that is primarily used for service or maintenance (such as fuel oil delivery) or for agricultural purposes.

Motion made by Bersaw to keep Driveways as presented. Seconded by O'Brien. No discussion. All in favor. None opposed. Motion carries.

POLLUTION/POLLUTANTS - Any substance that could cause an adverse change in biological, chemical, radiological, or physical properties of the environment.

Discussion on adding the word radiological to conform with the State of NH DES definition.

Motion made by Bersaw to accept definition with addition of Radiological after chemical as amended. Seconded by Smith. All in favor None opposed. Motion carries.

STRUCTURE: Any temporary or permanently constructed, erected, or placed material or combination of materials in or upon the ground, including, but not limited to subsurface waste disposal facilities, buildings, manufactured housing, towers, sheds and storage bins/ storage tanks/trailers (whether or not on wheels), portable carports, swimming pools and tennis courts.

Motion by Bersaw to drop any changes to structure for this year and work on it for next year. Seconded by Vice Condon. Five in favor. One opposed. Motion carries.

EMERGENCY PROJECT – A project which requires that work must be undertaken and substantially completed within thirty (30) days to avert an imminent danger to the public.

Motion made by Chairman Maillet to accept Emergency Project as amended. Seconded by Smith. All in favor. None opposed. Motion carries.

APPLICANT – Any individual, group of individuals, company, corporation, trust or any other legal entity, and its heirs, agents or assigns.

Motion made by Smith to accept applicant as presented. Seconded by Vice Chairman Condon. All in favor. None opposed. Motion carries.

Article 3, under 306 Driveways.

Motion made by Bersaw to delete the new section and leave the rest intact. Seconded by Smith. Four in favor. Two opposed. Motion carries.

Motion made by Chairman Maillet to hold the second public hearing on proposed Zoning Ordinances for Tuesday January 31, 2023 @ 7:00 PM located at the Richmond Veterans Hall. Seconded by Smith. All in favor. None opposed. Motion carries.

**4. Minutes December 13, 2022:**

**Page 1, Under 4. Proposed Zoning changes, more specifically second section.** First line change the words, all three boards to the ZBA and Planning Board Chairmen and Conservation Commission. Should read: the ZBA and Planning Board Chairmen and Conservation Commission jointly approved of the changes for clarity. Same section at end add: No motions were made no votes were taken.

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Motion made by Bersaw to accept the minutes of December 13, 2023 as amended. Seconded by Butterfield. All in favor. None opposed. Motion carries.

**Minutes January 3, 2023:**

**Page 1, under Public: First line change:** Alan Coklin to Alan Conklin. Last line change: Debra Koutsivos to Debra Rios. Add Hugh Van Brocklin.

**Page 2, third section down, second line:** change the word too. Same line change the word “no limited to” should read not limited to.

**Nineth section down first line:** change the name Smith to Bersaw. Third line down change the word their to there.

**Page 4, First line,** change the word towards to regarding the role of.

Motion made by Smith to accept the January 3, 2023, minutes as amended. Seconded by Vice Condon. All in favor. None opposed. Motion carries.

**5. Other:**

**Response from Town Attorney regarding joint meetings and staff speaking at hearings or meetings.**

**1. Attendance at joint discussions:**

The Planning Board or Zoning Board of Adjustment Chairmen do not need to have their perspective board vote to allow them to attend a joint discussion. After the worthwhile discussion is finish the Chairmen of the Planning board should relay the information gathered to the rest of the board.

**2. Discussion on Land Use Assistant and contribution to hearings/meetings:**

The Land Use Assistant is a staff member but not a voting member. As staff she can speak and does not have to step down or leave the table. Staff members usually do all the research and presented that information to the board. Suggestion was made to have all members of the board introduce themselves to the public before the meeting/hearing begins.

**3. Map 405 Lot 24-1 Subdivision:**

After a brief discussion on Map 405 Lot 24.1 it was decided to set a hearing.

Motion made by Maillet to hold the public hearing for Map 401 Lot 24.1 proposed subdivision for Tuesday February 7, 2023, at 7:00 PM located at the Richmond Veterans Hall. Seconded by Smith. All in favor. None opposed. Motion carries.

Motion made by Vice Condon to adjourn. Seconded by Smith. All in favor. None opposed. Motion carries.

Meeting adjourned at 9:40 PM.

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Respectfully Submitted,

Kandace Mattson