

Town of Richmond
Planning Board Public Hearing
January 3, 2023 7:00 PM Veterans Hall

Members Present:

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

Members Absent

Public: Greg Butko, Kim Gold, David Gold, Alan Coklin, Antoinette Cincotta, Amanda Grinstead, Brad Grinstead, Kimberly Demasco, Fran Heap, Bridgett Murphy, Robert Murphy, Jeff Taylor, Jerald Merrifield, Susan Lanen, Mark Lanen, Richard Drew, Lisa Traeger, Christine Wroblewski, William Wroblewski, Andrew Wallace, Daniel Connell, Abigail Connell, David Berman, Bertha Nelson, Debra Koutsivos, Yasmine Koutsivos.

1. Public:

No one from the public.

2. Mail:

No Mail.

3. Minutes December 13, 2022:

Tabled to January 17, 2023.

4. Proposed Zoning Changes:

Public hearing called to order at 7:04.

Chairman Maillet explained the guidelines for the Public Hearing. The Chairman explained the hand-out showing changes made by the Board were bold and additional suggestions from the Attorney were in red.

Chairman Maillet started with the first proposed zoning change. Cincotta a member of the public had questions about the meeting minutes from December 13, 2022. Under 4. Proposed Changes: Second paragraph first line. "The joint discussion produced a few changes but overall, all three boards jointly approved of the changes for clarity. "

Cincotta's concern was the reference to the word "board" the entire board was not present. The Chairman of both boards attended the Conservation Commission meeting not the full boards. Cincotta is a Zoning Board

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member and felt the Chairman who lacked the authority to attend without being granted full board permission.

It was determined that there were no motions made or votes taken. This was strictly advisory and the suggested changes from the Conservation Commission to the proposed zoning were presented to the entire Planning board on December 13, 2022 to discuss.

At this time the Planning Board had not proofed the rough draft from December 13, 2022. The draft was on the agenda for the January 3, 2023 meeting. It was noted that when the draft minutes are finalized the change will be made to reflect that the Planning Board and Zoning Board Chairman attended and that no motions were made and no vote was taken, it was strictly advisory.

The public immediately went into Article 17 Definitions under Structure. The overall concern was that the suggested definition was too open ended by adding "but not limited to". Leaving it open ended could make dog houses, sand boxes or cord wood piles illegal.

Some suggestions were to base the definition on weight, if it can be removed with mechanical equipment, or if it's in a permanent/fixed location. Function was an important factor if located within the wetland setback.

Public suggested a complete list of what can and cannot be placed in wetlands. The board commented that the list would be almost impossible to create.

A member of the public said that the power is with the people who vote. He gave some background on the fuel spill which cost the town their store and many residents with undrinkable water for years.

Several definitions were read to the public from different towns, but none seemed to work at the time of the meeting. It was noted that maybe two definitions one for structures within the wetland setback and one for residential use.

After an hour and twenty minutes on Structure a motion was made.

Motion made by Smith to cease discussion on a different definition for the next public meeting of the Planning Board. Seconded by Vice Condon.

Chairman Maillet asked for a vote but was reminded that their needs to be a discussion.

Butterfield would be open to the motion and would like to work toward a resolution and not just put it off.

The suggestion was made not to pursue the changes this year as it was getting too close to the deadline.

Call for a vote to the motion: All in favor. None opposed. Motion carries.

Chairman Maillet explained that this definition was a joint effort between the Zoning Compliance Office, Conservation Commission, Planning Board, and the Town Attorney. The board noted the concern of the public and will work on a different definition if the board votes that it is needed.

Next Public Meeting will be held Tuesday January 17, 2023, located at the Veterans Hall at 7:00 PM.

The board set a tentative date of Tuesday January 31, 2023, at 7:00 PM located at the Veterans Hall at 7:00 PM for the second and final public hearing regarding the proposed Zoning changes.

The board started at the beginning of the proposed changes to the Zoning Ordinances.

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601 General: It was questioned why pull the septic designer out as they would need to delineate to design a system. It was decided to ask the Town Attorney.

601.1 Functions of Wetlands: it was asked why this was in the zoning as it's not a rule. It was put in place by the board for the public to have the description of wetlands and to aid the Zoning Board of Adjustment in their decision-making process.

The public expressed that this was covered under 602 Purpose.

Under 602 Purpose.

Under 602 Purpose, more specifically 602.1: The public recommended that we change the wording of 602.1.

“602.1. Control near naturally occurring wetlands and prevent in naturally occurring the development of structures and land uses, which could contribute to pollution of surface and ground water. By pollutants, or cause damage to abutter's property.”

Reasons for Suggested Wording: 602.1

- a. Do not believe NH allows municipalities to issue permits for controlled development in the wetlands.
- b. Misplaced modifier grammar error in clause starting with “which” mistakenly leads the reader to believe it is the wetlands which could contribute to pollution or cause damage to an abutter's property.

603 Uses Permitted:

Question was asked why the board was adding this as it was all in bold. The public was directed to the beginning of the table to show the Present Ordinance on the left and the Proposed Zoning Change on the right. The proposed zoning changes were strictly for clarification.

604 Special Exception: The only addition was driveways. No public feedback.

Under Article 17 Definitions:

Access Way: The question from the public why it must be maintained. It was suggested that sometimes ditches on the side of the road are diminished from use allowing for flooding of town roads, culvert may have to be installed to prevent washouts on the neighbor's driveway.

Page 6, under Article 3 General Provisions, more specifically 306 Driveways. It was expressed by the public that having a second driveway should be allowed without the permit process if a resident wanted a second driveway.

With no further questions.

Motion made by Smith to close the public hearing. Seconded by Butterfield. All in favor. None opposed.

Motion carries. Public Hearing adjourned at 9:12 PM.

5. Other:

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Brief discussion on Point of Order made from a board member towards the Land Use Assistant. After a brief discussion it was determined to discuss at the next meeting as the Public Hearing had been adjourned and this happened during the public hearing. It was suggested to ask the Town Attorney what the procedure would be.

Due to time the minutes of December 13, 2022 will be tabled until the January 17, 2023, Planning Board scheduled meeting located at the Veterans Hall at 7:00 PM.

Brief discussion on the Planning Boards December 17, 2023, regular scheduled working meeting. Land Use Assistant will forward the working definitions from Richard Drew, Zoning Compliance Officer, research done by the Land Use Assistant and definitions presented at tonight meeting from Bersaw.

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

Public meeting adjourned at 9:27 PM.

Respectfully submitted.

Kandace Mattson