

**Town of Richmond**  
**Planning Board Public Hearing**  
**November 7, 2023, 7:00 PM Taylor Van Brocklin Building**  
**FINAL REVISED**

Members Present:

Doug Smith (Chairman)  
Jed Butterfield (Vice Chairman)  
Lisa Traeger  
Kim DeMasco  
Doug Bersaw (Selectman's Rep)  
Joe Norman (Alternate)

Members Absent

Kathryn McWhirk (Secretary)  
Stacie Maillet  
Karen O'Brien (Alternate)  
Lloyd Condon (Alternate)  
William Daniels (Alt. Selectman's Rep)

Public: Antoinette Cincotta.

Meeting called to order at 7:00 PM

Norman seated for McWhirk

**1. Public:**

No one from the public.

**2. Mail:**

Southwest Region Planning Commission October Newsletter.

**3. New Business:**

**a. Presentation about the Land Used Conference 10.14.23:**

Vice Butterfield wanted to give a quick report on the Land Use Conference he attended held at the New Hampshire Municipal Association located at Triangle Square in Concord, NH.

Vice Butterfield felt that after listening to three keynote speakers that Richmond is in a good shape with their Planning Board. He noted that a lot of towns were asking questions regarding the 65 days to act on applications, looking at what the attorneys were saying and reviewing their documents.

There was discussion on training and currently it is voluntary not mandatory. They referenced the Business and Economic Affairs (BEA) under Planning and Zoning Training which is conducted and facilitated by the Office of Planning and Development (OPD). The OPD offers training for both boards and at the end of each session there is a self-test to take. Training could be mandatory in the future.

They stressed the importance of the Master Plan. There was a lot of conversation on social media and expressing opinions. The legislative role of the Planning Board member is at the table where you can express yourself. They were straight forward that impartiality is important, and the board should listen, deliberate, and share what they think at the table only.

Discussion at the Land Use Conference on layman's opinion vs. expert and the need to use both but the board must rely on the expert.

The board cannot extend past the 65 days only the applicant can request an extension. The Board can explain to the applicant the need for more time and ask the applicant to request an extension.

It was noted that the State of NH will be creating a division of the Supreme Court just to deal with land issues. This is being done to bring consistency to land disagreements.

It was suggested that the applicant file the application and it's reviewed by the board before acceptance. This allows some time for the conditions to be met prior to accepting the application as complete. Vice Butterfield added that the method we now use helps to be more impartial he's not suggesting changing but wanted to present a different philosophy.

Detailed minutes do not suffice as a notice of decision. A notice of decision must be written and given to the applicant. Conditions on the Notice of Decision can go beyond the end of the project. Items to consider is no noise after 10:00. This is not enforceable for agriculture/agrotourism. Overall, it was a good day, and a lot of information was shared.

#### **b. Land Use Position:**

It was publicly announced that the Land Use Assistant had given her resignation due to personal family issues. Vice Butterfield worked on an ad securing 2 business card size ads in the Richmond Rooster, December issue. Deadline is November 10<sup>th</sup> and he wanted to share what he put together. It was suggested that the Keene Shopper News and the Keene Sentinel would be contacted as well.

#### **4. Old Business:**

##### **b. Definition of Structure:** Requested by Zoning Compliance Officer

Chairman Smith moved b. **Definition of Structure:** Requested by Zoning Compliance Officer to the beginning of 4. Old Business.

Chairman Smith stated that there are two definitions of structures mentioned multiple places in the Zoning Ordinances. Dwelling was mentioned multiple times. It seemed like they were intertwined, and it was clear the differences between building, structure, and dwelling separated them by their use. Agriculture seemed to be covered well by the Ordinances at this time.

Discussion on trailers used for storage and what would have to happen to separate a storage area from temporary to permanent. It was decided that registered and road worthy would be the deciding factor. This would be like an RV that has to be registered. It was discussed that having a tractor trailer unregistered would deem it permanent and be considered a structure that would adhere to all the same setbacks. A storage area like My Box would not be considered permanent storage as it does not need to be registered due to no VIN number.

Bersaw added that 90% of the cases when people wanted to do something normal and expected it turned out to be wetland or abutters setbacks. Narrowing the setback to the Wetland Conservation District would help. Eliminating the setback or limiting the Wetland Conservation Setback would help as well.

It was decided to start with the definition from Swanzey.

Structure: Anything constructed with a fixed location on the ground or attached to something having a fixed location on the ground. Items such as buildings, manufactured housing, **(inground)** swimming pools, sheds, gazebos, garages, docks, and boathouses are included in the definition whether prefabricated or site built. Items such as underground waste disposal systems, driveways, water wells, fences, retaining walls, gates, signs, lampposts, mailboxes, flagpoles, well coverings, stairs, walkways, **(above ground swimming pools, benches, playgrounds,)** and uncovered patios are excluded from this definition.

After looking over the definition it was decided to try and separate inground and above ground pools. The Board would like to come up with a determining size either by depth or by gallons. At this time underground waste disposal systems are considered structures in Richmond Zoning Ordinances.

Bersaw suggested that a definition is created and be sent around to all the members of the board for their input. The board can take the suggestions and bring them to the next meeting to work on.

Motion made by Bersaw to have Bersaw write a definition to clarify structure. Seconded by Norman. All In favor. None opposed. Motion carries.

It was suggested under the definition of building to add trailers and storage container.

**a. Minutes of September 19, 2023:** Final Revision

Motion made by Chairman Smith to accept the final minutes of September 19, 2023. There were some changes made to the September 19, 2023, final minutes. Chairman Smith withdrew his motion.

Motion made by Chairman Smith to accept the minutes of September 19, 2023, as amended. Seconded by Vice Butterfield. All in favor. None opposed. Motion carries.

**Minutes of October 3, 2023:** Draft

Motion made by Chairman Smith to change the minutes for the next meeting. Seconded by Vice Butterfield. All in favor. None opposed. Motion carries.

**Minutes of October 17, 2023: Non meeting**

The board decided to eliminate the minutes of October 17, 2023, there was not a quorum the meeting was not called to order. No motions were made, and no votes were taken. This was strictly a discussion held by two board members.

Motion made by Vice Smith to adjourn the meeting.

**c. Master Plan:** Copies for review by the board.

Discussion on having the next meeting on November 21, 2023 start at 6:30 PM to include ½ hr. to work on the Master Plan. After a brief discussion it was decided to hold 3 meetings in January to work on the Master Plan and how best to tackle the project.

**5. Other:**

Motion to adjourn was seconded by Norman. All in favor. None opposed. Motion carries.

Meeting adjourned at 8:57 PM.

Respectfully submitted,

Kandace Mattson